

101 Midland Avenue, Basalt, CO 81621

Meeting Date: August 9, 2016
Location: Town Council Chambers

Time: 6:00 p.m.

TOWN COUNCIL MEETING AGENDA

6:00 1. Call to Order (Mayor Whitsitt)

6:01 2. Roll Call (Pam Schilling)

6:02 3. Consent Agenda (Mayor Whitsitt)

3A. Minutes: July 26, 2016

3B. Continue Public Hearing and Resolution of the Town Council of the Town of Basalt, to August 23, 2016: Approving Rezoning to R-4 MD, Minor Subdivision, and R-4 MD Sketch Plan Review for 150 W. Homestead Drive, Basalt, Colorado.

Recommended motion:

Mayor, I move that the Town Council approve the Consent Agenda as published Item 3A and 3B.

6:05 4. Council Comments, Reports, Disclosures and Other Reports

4A. Council Comments

4B. Manager's Report

6:15 5. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

6:20 6. SECOND READING OF ORDINANCES:

6A. Public Hearing and Second Reading of Ordinance No. 18, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving Rezoning to R-3 TN and Special Review for an Accessory Dwelling Unit at 309 East Sopris Drive, Lot 1B, of the Osman Subdivision, Basalt, Colorado. (Susan Philp/ Kai Peterson)

Motion to Consider:

Mayor, I move that the Town Council Approve Ordinance No.18, Series of 2016, on second reading.

6B. Public Hearing and Second Reading of Ordinance No. 19, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Authorizing the Conveyance of Real Property, Being a Portion of the Town's Property Located at 30 Shining Mountain Way, Snowmass, CO 81654 (Tom Smith)

Motion to Consider:

Mayor, I move that the Town Council Approve Ordinance No.19, Series of 2016, on second reading.

6:25 7. RESOLUTIONS

7A. Resolution No. 32, Series of 2016: A Resolution of The Town Council of Basalt, Colorado, Amending Council Policy 110 related to the Town Council Finance Committee

Recommended motion:

Mayor, I move that the Town Council Approve Resolution No.32, Series of 2016, Amending Council Policy 110 related to the Town Council Finance Committee.

7B. Resolution No. 33, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Calling a Special Election on November 8, 2016 for Authorization to Incur Debt, Issue General Obligation Bonds and Levy Property Taxes to Pay Such Bonds; Setting the Ballot Title and Content for the Ballot Issue and Providing Other Matters Relating Thereto.

Recommended motion:

Mayor, I move that the Town Council Approve Resolution No.33, Series of 2016, Calling a Special Election for Authorization to Incur Debt, Issue General Obligations Bonds and Levy Property Taxes to Pay Such Bonds; Setting the Ballot Title and Content for the Ballot Issue and Providing Other Matters Relating Thereto.

7C. Resolution No. 34, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Calling an Election on November 8, 2016 for a Ballot Question Regarding Whether the Town may Re-Establish Its Right to Provide Tele-communications Services, Advanced Services, and Cable Television Services Either Directly or Indirectly with Public or Private Sector Partners

Recommended motion:

Mayor, I move that the Town Council Approve Resolution No. 34, Series of 2016, Calling an Election on November 8, 2016 for a Ballot Question Regarding Whether the Town may Re-Establish Its Right to Provide Telecommunications Services, Advanced Services, and Cable Television Services Either Directly or Indirectly with Public or Private Sector Partners

8:00 8. FIRST READINGS OF ORDINANCES:

8A. First Reading of Ordinance No. 20, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Utilizing the Uniform Election Code of 1992 in Lieu of the Municipal Election Code of 1965 in Order to Participate in a Coordinated Election with Eagle and Pitkin Counties on November 8, 2016. (Pam Schilling)

Recommended motion:

Mayor, I move that the Town Council Approve Ordinance No. 20, Series of 2016, upon first reading and set a public hearing and second reading for August 23, 2016.

8B. Public Hearing and First Reading of Ordinance No. 21, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Amending the Community Serving Commercial (CSC) Zone District, Adding and Revising Definitions and Other Changes to Chapter 16, Zoning, In Order to Implement the Our Town Planning Master Plan Amendment (Susan Philp)

Recommended motion:

Mayor, I move that the Town Council Approve Ordinance No. 21, Series of 2016, upon first reading and continue and set the public hearing and second reading for August 23, 2016.

8C. First Reading of Ordinance No. 22, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Amending Chapter 4, Article IV of the Basalt Municipal Code, Entitled Sales Tax, to Permit not more than 25% of the Fund Generated by the 1% Sales Tax Rate Dedicated to Capital Improvements Projects for Parks, Open Space Acquisition and Trail Projects, to be used for the Maintenance of Parks, Open Space and Trails, and Submitting this Ordinance to a Referendum Election. (Mike Scanlon)

Recommended motion:

Mayor, I move that the Town Council Approve Ordinance No. 22, Series of 2016, upon first reading and set a public hearing and second reading for August 23, 2016.

9. RECOMMENDATIONS FROM THE FINANCE COMMITTEE

9A. Minutes of the Finance Committee: August 2, 2016

9:15 10. EXECUTIVE SESSION:

Motion to Consider:

Mayor, I move that the Town Council enter Executive Session for the purposes of:

- A conference with our attorney for the purpose of receiving legal advice on specific legal questions in accordance with C.R.S. 24-6-402(4)(b).
- The purchase, acquisition, lease, transfer or sale of property interests in accordance with C.R.S. 24-6-402(4)(a).
- Personnel Matters in accordance with C.R.S. 24-6-402(4)(f).

11. INFORMATION AND CORRESPONDENCE:
NO ACTION REQUIRED BY THE TOWN COUNCIL

- a. Accounts Payable
- b. Advanced Agendas
- c. Correspondence to the Town

12. ADJOURNMENT



101 Midland Avenue, Basalt, CO 81621

Meeting Date: July 26, 2016
Location: Town Council Chambers

Time: 5:00 p.m.

TOWN COUNCIL MEETING MINUTES

1. Call to Order (Pam Schilling)

The regular meeting of the Basalt Town Council was called to order at 5:03 pm on Tuesday, July 26, 2016.

2. Roll Call (Pam Schilling)

Present were Council members Auden Schendler, Katie Schwoerer, Bernie Grauer, Mark Kittle, and Jennifer Riffle. Mayor Jacque Whitsitt and Mayor Pro tem Gary Tennenbaum were absent.

Appoint Temporary Mayor Pro tem

M/S COUNCILORS RIFFLE AND GRAUER THAT THE TOWN COUNCIL APPOINT MARK KITTLE AS TEMPORARY MAYOR PRO TEM. THE MOTION CARRIED 4-0.

Worksession: With TACAW (The Arts Center At Willits) on Constructing the Performing Arts Center

Mayor Pro tem Mark Kittle opened the Worksession with TACAW.

A short recess was called at 6:00 pm.

Council reconvened at approximately 6:15 pm.

3. Consent Agenda (Mayor Pro tem Whitsitt)

3A. Minutes: July 12, 2016

3B. Tuesday, August 2, 2016 – Approve Harris Street Closure for 3 to 8 pm for National Night Out

M/S COUNCILORS GRAUER AND SCHENDLER THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA AS PUBLISHED. THE MOTION CARRIED 5-0.

4. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

Citizens speaking this evening:

- Bennett Bramson spoke regarding the installation of an accessibility ramp in Lions Park to be able to access the park area between the stage and the Art Base.
- Kerry Wirth reminded Council that, even with the new underpass, there was no direct path for pedestrians to get to Basalt High School without crossing the road in several locations. She also noted that with the re-do at the high school, the school district would appreciate any financial support for the Basalt High School Auditorium.
- Mirte Mallory spoke regarding We-Cycle with a brief update on the ridership of the new WE-Cycle bicycle sharing program in Basalt.

5. Council Comments, Reports, Disclosures

- 5A.** Citizen Acknowledgment – Basalt Emergency Management Committee Chair Bill McEnteer
- 5B.** Council Comments and Committee Reports

Bernie Grauer said that he had been approached by a number of citizens who walk up Cedar Drive off of Pinon Drive, and had felt intimidated by the residents of the area. There is a sign that simply reads the road is Eagle County's, but it is not maintained. Bernie said when he walked it he was stopped by someone who told him he was on private property. Bernie pointed out it was an Eagle County Road and he is an Eagle County taxpayer. He asked if it would be worth staff time to get a clear marking that it is a public road. Staff indicated they would look into it.

- 5C.** SGM – Engineer's Report

Louis Meyer reported on the update of the Basalt Avenue Underpass and Whitewater Park – both projects will be happening at the same time. Louis said a big part of what he has to do for the Underpass Project is to temper expectations. The underpass is a big, high profile difficult project with project variables (water table) and unknowns.

- 5D.** Town Manager's Report

Town Manager Mike Scanlon reported for Mayor Whitsitt that she had had a discussion with Chris and Stan regarding their Aspenalt Lodge.

Mike reported that starting this week, there will be a task list of projects and the progress of each one.

Mike Scanlon said that he and Judi had received word today that the project monies for the Underpass project do not have to be separated by their funding sources; CDOT will take care of that for the Town.

At the end of the last meeting, a number of council members indicated they wanted to review the Town Attorney. Mike said staff would set that up for the next meeting.

6. SECOND READING OF ORDINANCES:

6A. Public Hearing and Second Reading of Ordinance No. 15, Series of 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving Revised Plans for the Roaring Fork Conservancy's Proposed River Center and Old Pond Park.

Planning Director Susan Philp introduced this item and applicant representatives present to discuss the matter: Larry Yaw, Don Schuster, Rob Morey and Pat McMahan.

MOTION BY SCHENDLER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 15, SERIES OF 2016 CONTINGENT ON THE CONCERNS RAISED BY THE INFORMATION JENN AND KATIE BROUGHT UP.

Discussion followed concerning potential amendments to the motion.

Town Manager Mike Scanlon suggested an amendment to the motion that would insert the following text into Ordinance 15, Exhibit A, #4: "In addition, the Town Council shall grant final approval based upon submitted financial documents."

THE MOTION AS AMENDED BY STAFF WAS SECONDED BY GRAUER.

The public hearing was opened at 7:25 pm. There were no comments and the public hearing was closed.

THE MOTION CARRIED 5-0.

6B. Public Hearing and Second Reading of Ordinance No. 16, Series of 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving a Minor PUD Amendment to Add Kitchens to Ten (10) of the Roaring Fork Club Suites, Lot 2, Block 1, Roaring Fork Club PUD.

Assistant Planning Director James Lindt, Vesela Mihaylova, Director of the Cabin Corporation of the Roaring Fork Club, Teri Bruna Director of Reservations were present for this discussion.

The public hearing was opened at 7:28 pm. There were no public comments and the hearing was closed.

M/S COUNCILORS GRAUER AND SCHWOERER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 16, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 5-0.

6C. Public Hearing and Second Reading of Ordinance No. 17, Series of 2016: An Ordinance of the Town Council of Basalt, Colorado: Amending the Town's Community Housing Guidelines to Change the Composition of the Special Housing Evaluation Committee (SHEC).

Assistant Planning Director James Lindt led this discussion.

The public hearing was opened at 7:30. There were no public comments and the hearing was closed.

M/S COUNCILORS RIFFLE AND SCHWOERER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 17, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 5-0.

7. RESOLUTIONS

7A. Public Hearing and Resolution No. 29, Series of 2016: Resolution of the Town Council of Basalt, Colorado, Approving the Basalt Mini-Storage Expansion Sketch Site Plan and Sketch Subdivision Including Annexation for the Property Known as the Basalt Mini-storage Expansion Property, Basalt, Colorado

Assistant Planning Director James Lindt, applicant representatives Clay Crossland and Jeff Orsulak were present for this discussion.

M/S COUNCILORS GRAUER AND SCHENDLER TO APPROVE RESOLUTION NO. 29, SERIES OF 2016 WITH THE CONDITIONS THAT THERE BE SUBSTANTIAL IMPROVEMENT TO LANDSCAPING INCLUDING MODERATE SIZED TREES WITHIN 6 MONTHS AFTER COMPLETION OF EACH BUILDING, AND PROVIDE A PATH TO MATCH THE EXISTING PATH WITH SIZE AND MATERIALS, AND A MORE DETAILED REDESIGN OF THE BUILDING. THE MOTION CARRIED 5-0.

7B. Resolution No. 30, Series of 2016: Resolution of the Town Council of Basalt, Colorado, Amending the Policy for Administering Town-Owned Employee Housing Units.

Assistant Planning Director James Lindt led this discussion.

M/S COUNCILORS RIFFLE AND GRAUER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 30, SERIES OF 2016: AMENDING THE POLICY FOR ADMINISTERING TOWN-OWNED EMPLOYEE HOUSING UNITS TO INCLUDE THAT LANDLORD TENANT VIOLATIONS ARE ENFORCEABLE BY LANDLORD TENANT LAW; THAT ALL SUBLEASES SHALL BE APPROVED BY THE TOWN OVERSEER OF THE EMPLOYEE HOUSING UNITS INCLUDING SUB-LESSEE OR ROOMMATE - TO MEET THE STANDARDS; AND THAT THE DEFINITION OF FAMILY IS TO BE CHECKED. THE MOTION CARRIED 5-0.

8. FIRST READINGS OF ORDINANCES:

8A. First Reading of Ordinance No. 18, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving Rezoning to R-3 TN and Special Review for an Accessory Dwelling Unit at 309 East Sopris Drive, Lot 1B, of the Osman Subdivision, Basalt, Colorado.

Assistant Planning Director James Lindt introduced applicant Kai Peterson.

M/S COUNCILORS SCHWOERER AND SCHENDLER APPROVE ORDINANCE NO. 18, SERIES OF 2016, ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING DATE FOR AUGUST 9, 2016. THE MOTION CARRIED 5-0.

8B. First Reading of Ordinance No. 19, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Authorizing the Conveyance of Real Property, Being a Portion of the Town's Property Located at 30 Shining Mountain Way, Snowmass, CO 81654

Town Attorney Tom Smith led this discussion.

M/S COUNCILORS RIFFLE AND SCHWOERER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO.19, SERIES OF 2016, UPON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING DATE FOR AUGUST 9, 2016.

7:40 9. RECOMMENDATIONS FROM THE FINANCE COMMITTEE

9A. Minutes of the Finance Committee: July 11, 2016

9B. Resolution No. 31, Series of 2016: A Resolution of the Town Council of Basalt, Colorado to Increase Change Order Allowances by the Town Manager related to the Basalt Avenue Underpass Construction Project (Mike Scanlon)

Mayor Pro tem, I move that the Town Council Approve Resolution No. 31, Series of 2016: to Increase Change Order Allowances by the Town Manager for the Basalt Avenue Underpass Project.

10. EXECUTIVE SESSION:

M/S COUNCILORS SCHENDLER AND SCHWOERER THAT THE TOWN COUNCIL ENTER EXECUTIVE SESSION (AT APPROXIMATELY 8:56 PM) FOR THE PURPOSES OF:

- **A CONFERENCE WITH OUR ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(B);**
- **THE PURCHASE, ACQUISITION, LEASE, TRANSFER OR SALE OF PROPERTY INTERESTS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(A). THE MOTION CARRIED 5-0.**

11. INFORMATION AND CORRESPONDENCE:
NO ACTION REQUIRED BY THE TOWN COUNCIL

- a. Accounts Payable
- b. Advanced Agendas
- c. Correspondence to the Town
- d. We-Cycle Mid-Season Update
- e. Town Clerk Administrative Liquor Actions

12. ADJOURNMENT

COUNCIL ADJOURNED THE MEETING AT APPROXIMATELY 9:45 PM.

The minutes of the July 26, 2016 meeting were read and approved this 9th day of August, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

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| TOWN OF BASALT Action Item | Date: August 9, 2016 From: Susan Philp AICP, Planning Director James Lindt AICP, Assistant Planning Director |
| | Town Manager Review: MS Approved 8-5-16 |

SUBJECT: Second Reading of Ordinance No. 18, Series of 2016- approving a Rezoning and a Special Review for the Property at 309 E. Sopris Drive to Include an Accessory Dwelling Unit (ADU).

RECOMMENDATION: Staff recommends that the Council approve the ordinance.

DETAILS: The Applicants, Kai Peterson and Bethany Card, have requested approval to rezone their property at 309 E. Sopris Drive from R-3 to R-3 TN and obtain Special Review approval for an ADU. Specifically, the Applicants propose to add approximately 1,700 square feet to their existing single-family residence that was built around 1907 and convert the current dwelling unit into an ADU.

The property is accessed by a common access drive that currently serves four (4) residences. A majority of the discussion at the P&Z level focused around construction management and parking to ensure that impacts on the neighbors are minimized. There was also discussion about encouraging the Applicants to limit the construction time. There are several conditions of approval included in the draft ordinance geared towards these items.

Long-term parking was also a topic of discussion. Conditions were settled on by the P&Z requiring that the Applicants provide one additional off-street parking space beyond the Town Code requirements for a single-family residence and an ADU to help limit the vehicular congestion in the shared driveway.

The property meets the minimum size requirements for an ADU in the R-3 TN Zone District and there is considerable R-3 TN Zoning in the immediate area. Staff feels that the proposal is consistent with the Towns' Master Plan objectives related to "promoting policies and locations appropriate for accessory dwelling units to be integrated into existing neighborhoods".

At the last meeting, the Council approved the ordinance on first reading. Staff has added a date by which the Applicants need to bring the non-conforming shed into compliance to address neighbor concerns. Additionally, it has been identified that the pedestrian path along the driveway will be delineated from the driveway with the installation of buried landscaping timbers raised by two inches above the grade of the driveway. This is reinforced in the draft ordinance.

RECOMMENDATIONS FROM OTHER BOARDS: The P&Z recommended approval after two (2) meetings of working through the construction management and parking issues and the P&Z's recommended conditions are included in the draft ordinance.

RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Section 16-27, *Supplemental Requirements for R-3 Traditional Neighborhood/Hill District*; Town Code Article III, Chapter 16, *Special Review Application Requirements and Procedures*; Town Code Section 16-267, *Amendment Procedure*; 2007 Basalt Master Plan

ATTACHMENTS: A) Ordinance No. 18, Series of 2016

Items included in the July 28th Council Packet: Vicinity Map, Application, Application Addendum Materials, P&Z Memos, P&Z Minutes, Public Correspondence

**Town of Basalt, Colorado
Ordinance No.18
Series of 2016**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
REZONING TO R-3TN AND SPECIAL REVIEW FOR AN ACCESSORY DWELLING
UNIT (ADU) AT 309 EAST SOPRIS DRIVE, LOT 1B, OF THE OSMAN SUBDIVISION,
BASALT, COLORADO**

RECITALS

- A. Kai Peterson and Bethany Card (“Applicants”) filed an Application (“Application”) for Rezoning and Special Review to add an Accessory Dwelling Unit at 309 E. Sopris Drive.
- B. At a public hearing held on May 3, 2016, the public hearing was continued to June 21, 2016.
- C. At the continued public hearing held on June 21, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and continued the public hearing to July 5, 2016.
- D. At the continued public hearing held on July 5, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public recommended approval of the Application.
- E. At a public meeting held on July 26, 2016, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for August 9, 2016 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- F. At a public hearing and second reading on August 9, 2016, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- G. The Town Council finds that the Applicants’ request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicants adheres to the conditions identified in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt,
Colorado, as follows:**

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicants and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicants, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code, provided applicants adheres to the conditions identified in this Ordinance.

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicants and Town Staff, the Town Council hereby rezones 309 East Sopris Drive to the R-3 TN Zone District and approves of Special Review for an ADU, subject to the following conditions:

Representations:

1. The Applicants shall comply with all representations set forth in the Application.
2. The Applicants shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

Common Driveway No Parking Signage:

3. The Applicants shall install "no parking" signs in the common driveway in locations approved by the Town Police Chief prior to the issuance of a building permit on the proposed residence.

Parking:

4. Four (4) off-street parking spaces shall be provided as shown on the site plan dated 6/26/16. Additionally, the Applicant shall include in the rental lease agreement for the ADU a requirement that the individual renting the ADU and their guests cannot have more than one vehicle on the site at a time.

Pedestrian Path:

5. The Applicants shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be delineated from the driveway with buried landscaping timbers that extend approximately two (2) inches above the grade of the driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. The pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

Additionally, the Applicants shall dedicate a four (4) foot wide public pedestrian access easement along the southern lot line for the width of the property. The pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

Non-Conforming Shed:

6. The Applicants shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the earlier of:
 - a. The issuance of a building permit on the new residence; or,
 - b. Thirty (30) days from approval of this ordinance.

Construction Fence:

7. The Applicants shall install a six (6) foot tall construction fence on the 309 E. Sopris Drive property along the common driveway prior to commencing construction. The Applicants shall obtain a fence permit prior to installing the fence. The fence shall start at the northernmost wall of the new residence and run south to the southernmost property line. The final location of the fence shall be approved by the Town Planner.

Construction Management Plan:

8. The Applicants shall comply with the final construction management plan submitted on 6/26/16, including the additional on-site construction parking shown on the revised construction management plan. Additionally, the Applicants shall comply with the allowable construction hours as established in the Town Code. The Applicants shall provide a copy of the approved construction management plan to neighbors with contact information for the

general contractor prior to commencing construction. In the event that the Applicants are determined to be out of compliance with terms and conditions of the Construction Management Plan or the Town's Building Regulations, the Town shall notify the Applicants of the violation. Recurring violations will result in a citation into Municipal Court and fines.

Fire District Comments:

9. The Applicants shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated February 24, 2016, prior to the issuance of a certificate of occupancy on the new residential unit.

Basalt Sanitation District Comments:

10. The Applicants shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a building permit, including the payment of fees for an additional EQR.

Development and Building Fees:

11. The Applicants shall pay all applicable development review fees on the new residence, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.
12. The Applicants shall post a construction deposit of twice the standard construction deposit totaling \$8,000 prior to the issuance of a building permit. The construction deposit shall not be returned until the issuance of a certificate of occupancy as an encouragement to complete the construction of the project in a timely manner.

Approval Documents:

13. The Applicants shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied and that the existing house will be the ADU shall be recorded at the Eagle County Clerk and

Recorder's Office prior to the issuance of a certificate of occupancy on the new residence.

14. The Applicants shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Vested Rights:

15. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicants may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit for the new residential unit is not issued within the three (3) year vested rights period or as it may be extended, the Special Review approval for the ADU granted for this amendment shall expire.

Insubstantial Amendments:

16. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicants shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

C. MISCELLANEOUS

1. The approvals contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant.
2. The Ordinance shall be recorded in the Office of the Clerk and Recorder of Eagle County.
3. If any part, section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON August 9, 2016 by a vote of 5 to 0 on July 26, 2016.

READ ON SECOND READING AND ADOPTED by a vote of __ to __ on _____, 2016

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pamela K. Schilling, Town Clerk

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First Publication: Thursday, _____, 2016
Final Publication: Thursday, _____, 2016
Effective Date: Thursday, _____, 2016

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| TOWN OF BASALT COUNCIL AGENDA ITEM | Date: July __, 2016 |
| | From: Thomas Fenton Smith, Town Attorney Mike Scanlon, Town Manager |
| Town Manager Review: | |

SUBJECT: 30 Shining Mountain Way Lot Line Adjustment –Authorization for Conveyances

RECOMMENDATION: Approve Conveyances to Remove Clouds on Title

DETAIL:

By Ordinance No. 28, Series of 2014, the Town Council approved a contract with Rocky Mountain Institute for the conveyance of property located at 30 Shining Mountain Way in Old Snowmass to the Town in partial stipulation of RMI's affordable housing mitigation requirements, in connection with the development of RMI's Innovation Center located at 22830 Two Rivers Road in Basalt. By deed dated February 4, 2015, the Town acquired the Property.

A survey of the Snowmass property shows that a fence constructed by RMI on the property over twenty (20) years ago was located near, but not on, the property line. The effect of this fence location has been the continuous use and occupancy of small portions of the property by two neighbors, who have legitimate claims of adverse possession. None of this property is of use to the Town, as it is part of a vacant field, and it does not have development potential.

By Administrative Decision No. 69-2015, (attached) Pitkin County approved a subdivision exemption for a lot line adjustment, which authorizes the adjustment of the property boundaries consistent with the fence line. A copy of the lot line adjustment plat (attached) shows the two transfer parcels, which are 0.095 acres and 0.046 acres in size, which are proposed for conveyance to the two neighbors. Section 1.3(G) of the Home Rule Charter requires that they conveyance of Town-owned real property be done by ordinance.

Attached hereto is a proposed ordinance and the two quitclaim deeds which the ordinance would approve. Approval is recommended by the Town Attorney to remove clouds on title to the Town property and to avoid potential future litigation. The effect of the conveyances is to reduce the Town's 6.852 acre property by 0.141 acres (0.02%). There are no adverse consequences to the Town's present and future use of the 30 Shining Mountain Way property, because this action formally acknowledges the existing use of the Property.

TOWN OF BASALT
Ordinance No.
Series of 2016

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, AUTHORIZING
THE CONVEYANCE OF REAL PROPERTY, BEING A PORTION OF THE TOWN'S
PROPERTY LOCATED AT 30 SHINING MOUNTAIN WAY, SNOWMASS, CO 81654**

RECITALS

A. By Ordinance No. 28, Series of 2014, the Town Council approved a contract whereby the Town would acquire property owned by Rocky Mountain Institute ("RMI"), in order to fulfill RMI's affordable housing mitigation requirements in connection with the development of its new Innovation Center in Basalt.

B. By deed dated February 4, 2015, the Town acquired the Property, the address of which is 30 Shining Mountain Way, Snowmass, CO 81654 ("the Property").

C. A survey of the Property identifies encroachments into the Property as a result of a fence constructed by RMI on the Property over twenty (20) years ago, near, but not on, the Property line.

D. The effect of the fence location has been the continuous use and occupancy of small portions of the Property by two of its neighbors, Judith A. Byrns and Dani Mulhern-Brodsky. They have legitimate claims of adverse possession of 0.095 +/- ac. And 0.046 +/- ac. of the 6.852 +/- ac. Property, which represent clouds on the Town's title.

E. By Administrative Decision No. 69-2015, Pitkin County approved a subdivision exemption for a lot line adjustment, which authorizes the adjustment of the Property's boundaries consistent with the fence line.

F. The conveyance of these portions of the Property is in the best interests of the Town because it removes clouds on title and avoids potential litigation, and because the conveyances do not impair the Town's ownership and use of the Property.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
BASALT, COLORADO, AS FOLLOWS:**

Section 1. The Town Council hereby authorizes the Mayor to execute the quitclaim deeds, attached hereto as Exhibits A and B.

Section 2. This Ordinance and Exhibits A and B after being fully executed shall be recorded in the offices of the Eagle County and Pitkin County Clerk and Recorder.

Section 3. The effective date of this ordinance shall be two weeks after its final publication.

READ OF FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON _____ 2016, by a vote of ___ to ___ on _____, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of ___ to ___ on _____ 2016.

TOWN OF BASALT, COLORADO

By: _____
Jacque Whitsitt, Mayor

ATTEST:

By _____
Pamela K. Schilling, Town Clerk

First Publication: _____
Final Publication: _____
Effective date: _____



TRANSFER PARCEL A - TOWN OF BASALT TO BYRNS

A PARCEL OF LAND SITUATED IN TRACTS 81 AND 82, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 6 OF SAID TRACT 81, A GLO BRASS CAP IN PLACE; THENCE N03°28'53"E A DISTANCE OF 607.67 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 456 AT PAGE 611 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THE POINT OF BEGINNING; THENCE S39°25'01"E ALONG THE WESTERLY BOUNDARY OF SAID PROPERTY A DISTANCE OF 312.68 FEET TO A POINT IN AN EXISTING FENCE LINE EXTENDED; THENCE LEAVING SAID WESTERLY BOUNDARY N46°00'53"W ALONG SAID EXTENDED FENCE LINE AND EXISTING FENCE A DISTANCE OF 17.76 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°36'31"W A DISTANCE OF 134.23 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°59'42"W A DISTANCE OF 90.03 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N42°39'25"W A DISTANCE OF 29.93 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N44°28'39"W A DISTANCE OF 61.46 FEET TO AN ANGLE POINT IN SAID FENCE LINE; THENCE LEAVING SAID FENCE LINE N30°58'15"W A DISTANCE OF 1.49 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 348183 IN THE AFOREMENTIONED PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THENCE N89°48'53"E ALONG THE SOUTHERLY BOUNDARY OF THE PROPERTY DESCRIBED IN SAID RECEPTION NO. 348183 A DISTANCE OF 33.45 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.



TRANSFER PARCEL B - TOWN OF BASALT TO MULHERN, BRODSKY

A PARCEL OF LAND SITUATED IN TRACTS B1 AND B2, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 6 OF SAID TRACT B1, A GLO BRASS CAP IN PLACE; THENCE N16°58'28"W A DISTANCE OF 833.42 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 580483 OF THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THE POINT OF BEGINNING; THENCE N89°48'58"E ALONG THE SOUTHERLY BOUNDARY OF SAID PROPERTY A DISTANCE OF 188.55 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE LEAVING SAID SOUTHERLY BOUNDARY S30°58'15"E A DISTANCE OF 1.49 FEET TO AN ANGLE POINT IN AN EXISTING FENCE LINE; THENCE S84°33'26"W ALONG SAID EXISTING FENCE LINE A DISTANCE OF 59.30 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE AND SAID EXISTING FENCE EXTENDED S83°32'30"W A DISTANCE OF 128.21 FEET TO A POINT ON THE EASTERLY BOUNDARY OF GATEWAY OF SNOWMASS MESA SUBDIVISION, FIRST FILING; THENCE LEAVING SAID FENCE LINE EXTENDED N07°57'23"W ALONG SAID EASTERLY BOUNDARY A DISTANCE OF 20.92 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 2,013 SQUARE FEET OR 0.046 ACRES, MORE OR LESS.

| | |
|---|---|
| TOWN OF BASALT COUNCIL DISCUSSION ITEM | Date: August 5, 2016 From: Mike Scanlon, Town Manager Town Manager Approval: MS approved 8-05-16 |
|---|---|

SUBJECT: Revision of Town Council Policy 110 -- Town Council Finance Committee.

RECOMMENDATION: Approve revisions to Town Council Policy 110 creating two citizen member positions and changing the times of the meeting.

DETAIL:

After presenting and earlier draft of this Town Council Policy to the Town Council Finance Committee,

The following four changes have been identified,

1. Change the meeting time of the committee from 8:00 a.m. to 5:00 p.m.
2. Change the meeting date to the second Wednesday of the month.
3. Create two citizen committee member positions.
4. Define experience and education related to qualifications of citizen committee members.

History –

Originally in meeting with Town Councilmembers Schwoerer and Grauer we discussed two possible options in the establishment of a Town Finance Committee. Those options were,

1. Financial Advisory Board made up of citizens that were expert in finance.
2. A Town Council Finance Committee made up of the Mayor and two Town Council members.

In exploring the pros and cons of each we decided to recommend to the Town Council the establishment of a Town Council Finance Committee.

Currently –

It's now the direction of the Town Council that we modify the committee structure to include two citizens that have some level of financial experience to the Committee. This then reverses the original direction set by the Town Council and creates a Financial Advisory Committee. The title of the committee changes since it's no longer solely composed of Town Council members.

Questions to consider and resolve --

1. Will the committee still have the recommending authority to the Town Council if in the case of 3-2 vote -- two of the votes in the majority are that of citizen committee members. Meaning that a majority of town councilmembers on the committee were in opposition.
2. Should citizen committee member votes be equal to a Town Council members?
3. What will be the basis of selection for interviews? Financial knowledge? Local government knowledge? Local government financial knowledge? How will the Town Council write that selection criteria?
4. What Town Councilmember(s) will be in charge of vetting the resumes of potential members based on the selection criteria and scheduling the interviews of potential candidates?

Related Town Statute and or Town Actions: Town Charter Section 3.10 related to Council/Administration Relations.

TOWN OF BASALT

TOWN COUNCIL POLICY MANUAL

POLICY NO. 110

ESTABLISHMENT OF TOWN COUNCIL FINANCE FINANCIAL ADVISORY COMMITTEE

1.01 Composition, Number of Members, Appointment and Chair

The Town of Basalt shall establish a Town ~~Council Finance~~ Financial Advisory Committee (Committee). The Committee will be made up of the Mayor, ~~and two~~ (2) Town Councilmembers and two (2) citizens. The Committee shall be appointed by the Town Council following April ~~general~~ General ~~election~~ Election. Appointments to the Committee shall be for a term of two years. The Committee shall at their first meeting appoint a Committee Chair.

1.02 Citizen Appointments.

Citizen committee member interviews and appointments will be conducted by the Town Council using an established set of minimum financial experience criteria required in order to be considered. All citizen members of the Financial Advisory Board shall have education or experience in business or public finance, accounting or budgeting.

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1.032 Meetings

The Committee meetings shall be scheduled monthly. All meetings are open to the public. The ~~second~~ first ~~Wednesday~~ Tuesday of the month at ~~5:00 p.m.~~ 8:00 a.m. shall be the regular committee meeting time.

All meetings shall be held at Town Hall unless otherwise specified. Additional meetings may be held upon the call of the Chair or upon the call of a majority of committee members, provided that all members shall be notified of such meeting at least 24 hours in advance of the announced start of the meeting and is consistent with Colorado Open Meeting Laws (COML).

1.04 Quorum

The Committee shall conduct business only in the presence of a quorum. A quorum shall consist of two three members. Town staff will be responsible to ascertain in advance whether or not a quorum will be present to conduct business.

1.054 Agenda

An agenda shall be developed by the Chair and related staff before each meeting. Individual councilmembers may request the addition of specific items to the agenda by contacting the committee chairperson or Town Manager. The Town Manager and department heads will participate in the presentation of information to the committee.

1.065 Votes

Meetings shall be conducted in an orderly manner. Generally, Roberts Rules of Order will be followed and should serve as a guideline in the conduct of committee meetings. Seconds to a motion are not necessary given the size of the Committee. The Committee Chair will preside over the meetings and is responsible for maintaining orderly discussion. Passage of (recommendation of an item) shall require a majority of those present and voting, including the chair. The chair of the committee cannot make a motion.

1.076 Minutes

Minutes shall be kept of all Committee meetings by staff assigned by the Town Manager. Distribution shall be made to the Mayor and Town Council and provided on the Town's web site.

1.087 Committee Responsibilities

The Committee shall be responsible for the review of policy matters dealing with Finance. This shall include but not limit review of the annual budget, annual audit, interim financial reports, acquisition of real property, major equipment purchases, capital projects and financially related policies.

Committee members shall not be involved in daily administrative tasks This is outlined in the Town Charter, **Section 3.10 Council/Administration Relations**, which states,

“Except for informal inquiry, Councilors and the Mayor shall deal with Town administrative personnel and employees solely through the Town Manager and shall not give orders directly to Town employees.”

Committee members shall deal with Town personnel matters on a policy review basis. Policy review means such things as personnel rules, job descriptions, or salary schedules. Committee members either individually or as a committee shall not meet with an employee concerning personnel matters.

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1.098 Significance of Committee Actions

Action of the Committee shall constitute recommendations to the full Town Council. No binding decision can be made in Committee on matters that should be brought before the full Town Council.

1.09 Responsibilities of Committee Chair

1. Conduct meetings of the Committee.
2. Report on Committee action to the full Town Council at the Town Council meetings.
3. Approve agendas for regular and special committee meetings.
4. Encourage participation and attendance of committee members.
5. Serve as principal liaison between the Committee and the Staff and Town Council on issues for which the Committee is responsible.

APPROVED BY THE TOWN COUNCIL ON MAY 24, 2016

APPROVED REVISION BY THE TOWN COUNCIL ON AUGUST 9, 2016

| | |
|--|--|
| TOWN OF BASALT ACTION ITEM SUMMARY ADMINISTRATION | Item Number: Date: August 5, 2016 From: Mike Scanlon, Town Manager |
|--|--|

SUBJECT: Resolution calling for an election on November 8, 2016 for authorizing the issuance of General Obligation (GO) bonds in the amount of \$6,950,000.

RECOMMENDATION:

That the Town Council reviews the following Resolution that calls for an election to be held November 8, 2016 and sets the ballot language that the town's voters will consider. **We're asking that final action be taken at the August 23rd Town Council meeting.**

DETAILS:

The Town's Bond Counsel in consultation with the Town Attorney, Town Manager, Assistant Town Manager/Finance Director and Town's Independent Financial Advisor have been reviewing and editing the ballot language for clarity. Because Colorado law is very specific on language required some of the ballot question is very "stilted" in how it sounds and the ground it's trying to cover. We are however allowed to include bullets with additional related information to more fully inform the voter. We've attempted to do that. We will be open to Town Council suggestions on how the bullet pieces (specifically the bullet pieces) are written.

We have also attached the current Ehler's runs show with a very conservative interest rate, it's high. We're showing a 4% rate compared to current market rate of 1.5% on Colorado GO Bonds. Since it could be up to 4 months before the Town issues the Bonds, and there's a presidential election in November, we've taken a very conservative view on interest rates. National elections can have an impact on interest rates so we've tried to account for that possibility.

Attached are both the written summaries of the improvements from DHM, identifying those elements that are "large" in the Full Park Design and a Summary Page showing all the improvements with the addition of "greening" the development parcel.

In addition, we'll be writing very simple and direct information pieces that we can use to inform the citizens,

Piece 1 – The tax you're already paying mill levy calculation **(In Packet)**

Piece 2 – A Building a Park Newsletter (We will be working on next week)

Piece 3 – COPs/Bonds calculation sheet – What is the Town buying? (We will be working on next week)

Piece 4 – When building legacy parks we need to think about maintenance and the POST Sales Tax question – (We will be working on next week). There is a separate Action Item on the Agenda for this item.

Related State Statute and/or Town Actions: Town Charter Sections 2.3, 2.7, 4.1, and 10.2. Colorado Constitution Article XI, Section 6 and Article X, Section 20. Colorado Revised Statutes (CRS) Sections 1-11-203.5, 31-15-302(1)(d)(V) and 31-11-111

Amount Requested: \$ 9,030,000 (Principal & Interest) and \$6,950,000 in Principal Only – Per the Resolution.

Line Item Code & Description: N/A

Available Budget: \$ N/A

**A RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO,
CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR
AUTHORIZATION TO INCUR DEBT; SETTING THE BALLOT TITLE
AND CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER
MATTERS RELATING THERETO.**

**Town of Basalt, Colorado
Resolution No. 33
Series of 2016**

RECITALS

WHEREAS, the Town of Basalt, Colorado (the "Town") is a home rule municipality and political subdivision of the State of Colorado (the "State"), duly organized and operating under the State Constitution (the "Constitution") and The Charter of the Town of Basalt, Colorado (the "Charter"); and

WHEREAS, pursuant to Section 2.3 of the Charter special elections may be called by the Council by action taken at least 60 days in advance of the date of the election and pursuant to Section 2.7 of the Charter, Town elections are to be governed by the Colorado Municipal Election Code and the general election laws under the Colorado Revised Statutes ("C.R.S."), except as otherwise provided in the Charter or as the Town Council of the Town (the "Council") may otherwise provide by ordinance; and

WHEREAS, in order to further the goals of the Town, the Town desires to make significant improvements to the Basalt River Park; and

WHEREAS, the specific objectives of these improvements are more thoroughly described in the DHM Report filed with the Town; and

WHEREAS, pursuant to Section 10.2 of the Town Charter, as well as Article XI, Section 6 and Article X, Section 20 of the State Constitution, no bonds or other evidence of indebtedness payable in whole or in part from the proceeds of ad valorem taxes may be issued by the Town until the question of their issuance has been submitted to a vote of the electors of the Town and approved by a majority of those voting on the question; and

WHEREAS, the maximum repayment cost for the proposed bonds, and related town tax increase to pay the annual debt service for the proposed bonds, were calculated based upon a maximum net effective interest rate of 4.095%; and

WHEREAS, action of the Town Council to submit ballot issues is not required to be made by Ordinance in the Town Charter, Section 31-15-302(1)(d)(V), C.R.S., specifically permits submitting the question of contracting indebtedness by municipal resolution and, if approved by a majority of the Town electors voting on the ballot issue, the Town Council will act by ordinance to create the authorized indebtedness in accordance with Section 4.1 of the Town Charter; and

WHEREAS, the Council has determined to call a special election to be held on November 8, 2016 and to set the ballot title for the ballot issue to be submitted at the election; and

WHEREAS, pursuant to the criteria for ballot titles set forth at Section 31-11-111, C.R.S., in fixing this ballot title, the Council finds that the title set forth in Appendix A is not misleading, clearly identifies the effect of a "yes" or "no" vote, does not conflict with title of any other measure that will appear on the ballot, and correctly and fairly expresses the true intent and meaning of the measure.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO:

1. At a special election of the Town to be held on Tuesday, November 8, 2016, there shall be submitted to the eligible electors of the Town a ballot issue authorizing the issuance of general obligation bonds and the levy of property taxes to pay such bonds, which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. For purposes of Section 1-11-203.5, C.R.S. and Section 31-11-111, C.R.S., this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Pursuant to Section 1-11-203.5, C.R.S., any contest by a person of the form or content of a ballot title must be filed within five days of the Council's final action concerning the ballot title.

3. The Town Clerk, as well as the appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the Town Clerk shall certify the order of the ballot and ballot content, arrange for the required notices of election, and direct that all other appropriate actions be accomplished.

4. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the Town acting through the Council shall be authorized to proceed with the necessary action to issue bonds and levy taxes in accordance with the ballot issue which has been so approved. Such authority to issue bonds and levy taxes shall be deemed and considered a continuing authority to issue the bonds and levy the taxes so authorized at any one time, or from time to time up to ten years from the date of this election, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

5. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

6. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

8. This Resolution shall take effect immediately upon its passage

READ AND ADOPTED on a vote of __ to __ this __ day of August, 2016.

TOWN OF BASALT

By _____
Jacque R. Whitsitt, Mayor

ATTEST:

By _____
Pam Schilling, Town Clerk

APPENDIX A

BALLOT ISSUE __:

SHALL TOWN OF BASALT DEBT BE INCREASED UP TO \$6,950,000 WITH A MAXIMUM REPAYMENT COST OF UP TO \$9,030,000 FOR THE PURPOSE OF FINANCING THE COSTS OF

- IMPROVEMENTS TO, AND TRANSFORMATION OF, TWO RIVERS ROAD EAST;
- CONSTRUCTION OF TWO BUS STOP STRUCTURES ON TWO RIVERS ROAD;
- DESIGN AND CONSTRUCTION OF A NEW BASALT RIVER PARK, INCLUDING A GREAT LAWN, CHILDREN'S PLAY AREA, WATERFRONT SEATING AND GATHERING AREA AND REMOVAL OF EXISTING RAIL AND WALL IMPROVEMENTS TO MIDLAND AVENUE;
- INSTALLATION OF AN ADDITIONAL PARK FEATURE TO OLD POND;
- CONSTRUCTION OF AN ADA COMFORT STATION AT BASALT RIVER PARK;
- TRAIL IMPROVEMENTS;
- UPGRADING THE GRASS ON THE ROARING FORK COMMUNITY DEVELOPMENT CORPORATION PARCEL

BY THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS, REVENUE BONDS OR OTHER OBLIGATIONS WHICH BONDS OR OBLIGATIONS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 4.095% PER ANNUM, AND MATURE, BE SUBJECT TO REDEMPTION (WITH OR WITHOUT PREMIUM), AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE TOWN COUNCIL MAY DETERMINE AND SUCH DEBT PAYABLE FROM ALL LEGALLY AVAILABLE MONIES, INCLUDING REVENUE DERIVED FROM THE TOWN'S PARKS,

OPEN SPACE AND TRAILS (“POST”) 1% SALES TAX, AMOUNTS ON DEPOSIT IN THE TOWN’S GENERAL FUND OR OTHER AVAILABLE SOURCES?

Town of Basalt, Colorado

\$6,925,000 Sales Tax Rev Bonds, Series 2016
Parameters Sizing
10 years; 4.00% rates

Sources & Uses

Dated 12/15/2016 | Delivered 12/15/2016

Sources Of Funds

| | |
|----------------------|-----------------------|
| Par Amount of Bonds | \$6,925,000.00 |
| Total Sources | \$6,925,000.00 |

Uses Of Funds

| | |
|---------------------------------------|-----------------------|
| Deposit to Project Construction Fund | 6,750,000.00 |
| Costs of Issuance | 125,000.00 |
| Total Underwriter's Discount (0.722%) | 50,000.00 |
| Total Uses | \$6,925,000.00 |

Town of Basalt, Colorado

\$6,925,000 Sales Tax Rev Bonds, Series 2016

Parameters Sizing

10 years; 4.00% rates

Debt Service Schedule

| Date | Principal | Coupon | Interest | Total P+I |
|--------------|-----------------------|----------|-----------------------|-----------------------|
| 12/01/2017 | - | - | 266,227.78 | 266,227.78 |
| 12/01/2018 | - | - | 277,000.00 | 277,000.00 |
| 12/01/2019 | - | - | 277,000.00 | 277,000.00 |
| 12/01/2020 | - | - | 277,000.00 | 277,000.00 |
| 12/01/2021 | 750,000.00 | 4.000% | 277,000.00 | 1,027,000.00 |
| 12/01/2022 | 1,250,000.00 | 4.000% | 247,000.00 | 1,497,000.00 |
| 12/01/2023 | 1,250,000.00 | 4.000% | 197,000.00 | 1,447,000.00 |
| 12/01/2024 | 1,250,000.00 | 4.000% | 147,000.00 | 1,397,000.00 |
| 12/01/2025 | 1,350,000.00 | 4.000% | 97,000.00 | 1,447,000.00 |
| 12/01/2026 | 1,075,000.00 | 4.000% | 43,000.00 | 1,118,000.00 |
| Total | \$6,925,000.00 | - | \$2,105,227.78 | \$9,030,227.78 |

Yield Statistics

| | |
|-----------------------------------|-------------|
| Bond Year Dollars | \$52,630.69 |
| Average Life | 7.600 Years |
| Average Coupon | 4.0000000% |
| Net Interest Cost (NIC) | 4.0950016% |
| True Interest Cost (TIC) | 4.1067818% |
| Bond Yield for Arbitrage Purposes | 3.9947279% |
| All Inclusive Cost (AIC) | 4.3912728% |

IRS Form 8038

| | |
|---------------------------|-------------|
| Net Interest Cost | 4.0000000% |
| Weighted Average Maturity | 7.600 Years |

Town of Basalt, Colorado

\$6,925,000 Sales Tax Rev Bonds, Series 2016

Parameters Sizing

10 years; 4.00% rates

Debt Service Schedule

| Date | Principal | Coupon | Interest | Total P+I |
|--------------|-----------------------|----------|-----------------------|-----------------------|
| 06/01/2017 | - | - | - | - |
| 12/01/2017 | - | - | 266,227.78 | 266,227.78 |
| 06/01/2018 | - | - | 138,500.00 | 138,500.00 |
| 12/01/2018 | - | - | 138,500.00 | 138,500.00 |
| 06/01/2019 | - | - | 138,500.00 | 138,500.00 |
| 12/01/2019 | - | - | 138,500.00 | 138,500.00 |
| 06/01/2020 | - | - | 138,500.00 | 138,500.00 |
| 12/01/2020 | - | - | 138,500.00 | 138,500.00 |
| 06/01/2021 | - | - | 138,500.00 | 138,500.00 |
| 12/01/2021 | 750,000.00 | 4.000% | 138,500.00 | 888,500.00 |
| 06/01/2022 | - | - | 123,500.00 | 123,500.00 |
| 12/01/2022 | 1,250,000.00 | 4.000% | 123,500.00 | 1,373,500.00 |
| 06/01/2023 | - | - | 98,500.00 | 98,500.00 |
| 12/01/2023 | 1,250,000.00 | 4.000% | 98,500.00 | 1,348,500.00 |
| 06/01/2024 | - | - | 73,500.00 | 73,500.00 |
| 12/01/2024 | 1,250,000.00 | 4.000% | 73,500.00 | 1,323,500.00 |
| 06/01/2025 | - | - | 48,500.00 | 48,500.00 |
| 12/01/2025 | 1,350,000.00 | 4.000% | 48,500.00 | 1,398,500.00 |
| 06/01/2026 | - | - | 21,500.00 | 21,500.00 |
| 12/01/2026 | 1,075,000.00 | 4.000% | 21,500.00 | 1,096,500.00 |
| Total | \$6,925,000.00 | - | \$2,105,227.78 | \$9,030,227.78 |

Yield Statistics

| | |
|-----------------------------------|-------------|
| Bond Year Dollars | \$52,630.69 |
| Average Life | 7.600 Years |
| Average Coupon | 4.0000000% |
| Net Interest Cost (NIC) | 4.0950016% |
| True Interest Cost (TIC) | 4.1067818% |
| Bond Yield for Arbitrage Purposes | 3.9947279% |
| All Inclusive Cost (AIC) | 4.3912728% |

IRS Form 8038

| | |
|---------------------------|-------------|
| Net Interest Cost | 4.0000000% |
| Weighted Average Maturity | 7.600 Years |

For August 9 Council Meeting

Basalt River Park - Cost Estimate Summary

July 29, 2016

| | | Component \$ | Cumulative \$ |
|-----------|---|---------------------|----------------------|
| 1 | Transformation of Two Rivers Road East | \$522,602 | \$522,602 |
| 2 | Bus Stop Structures | \$307,403 | \$830,005 |
| 3A | Basalt River Park, Base Level Design | \$2,595,552 | \$3,425,557 |
| 3B | Band Shell Structure | \$572,816 | \$3,998,373 |
| 3C | Basalt River Park, Full Design | \$1,715,952 | \$5,714,325 |
| 4 | Old Pond Fishing Pier (Accessible to All) | \$187,067 | \$5,901,392 |
| 5A | Basalt River Park, Comfort Station | \$200,000 | \$6,101,392 |
| 6A | Other - Est. Costs for Items not included in DHM Cost Estimates | \$564,046 | \$6,142,836 |
| 6B | Other - West Two Rivers Road and Old Pond Park | \$435,954 | \$7,101,392 |
| 7 | CDC Parcel Upgrade - grass lot | \$300,000 | \$7,401,392 |
| | 10% for Value Engineering | -\$740,139 | |
| | Total Requested in Bond Issue | \$6,661,253 | |

Note: Totals include all design fees and an overall contingency of 15%.

DHM Design Estimates – Staff Modifications (Projects # 1 through #7)

Basalt River Park- Cost Estimate Narrative

July 29, 2016

Revised August 5, 2016

1. Transformation of Two Rivers Road East - \$ 522,602.30

- Includes improvements to road from the East side of RMI to the Midland Ave. intersection.
- Includes the narrowing of Two Rivers Road, elimination of on street parking adjacent to the Basalt River Park and Lions Park and the relocation of the bus stops and pull- outs further to the West away from the intersection.
- Assumes the sidewalk at Lions Park will remain. Includes grading and landscaping between the new back of curb and the existing sidewalk.
- Includes road improvements from curb to curb in front of the development parcel but excludes parking and sidewalks where future design will depend on type of development.
- Includes temporary gravel trail along back of curb extending from the end of the Park improvements to the sidewalk at RMI to create interim connection.

2. Bus Stop Structures - \$307,403

- 2 Bus Stops structures located west of the current Bust Stop location on Two Rivers Road
- Design and cost estimate information provided by Harry Teague Architects
- Materials and character of architecture to match pavilion structure.
- Enclosed structure includes, bench seating, glass walls and basic electrical service for signs.

3. Basalt River Park

A. Base Level Design- \$ 2,595,552

- Sod, topsoil, irrigation and scaled back planting for park including trees and shrubs in select locations and perennial planting at park entrance points.
- Includes network of pathways paved in gravel.
- Includes earthwork and civil infrastructure for future park build-out.
- Includes scaled back park lighting plan with fixtures strategically located for park safety.
- Includes water resource improvements as required by Town Water Attorney
- Excludes children's play area, water feature at pavilion, event lawn terracing and boardwalk path through wetlands.
- Excluded improvements to existing Midland Ave. sidewalk.
- Excludes all Architecture

B. Band Shell Structure -\$572,816

- Band Shell Park Structure to be located in the River Park near the Midland Ave. bridge
- Design and cost estimate information provided by Harry Teague Architects.
- Curved wood structure with concrete stage surface, enclosed back of house facility, one unisex bathroom, basic lighting, light bar with electrical power, and adequate electrical service for a medium to large production.
- Site work includes two site retaining walls and a concrete dancing floor surface in front of the stage.
- Excludes sound board, sound system and mechanical conditioning except for bathroom.

DHM Design Estimates – Staff Modifications (Projects # 1 through #7)

C. Full Design - \$ 1,715,952 in addition to base level design fee for a total cost of \$4,311,504 (without buildings) (All items include soft costs and contingency and represent the difference between the base bid and the full design)

Estimate for full park design as developed by POST

- Great lawn with stone terraces to provide built in seating for concerts and events. **(\$163,800)**
- Stream water feature extends from plaza adjacent to Midland Spur intersection down into the children's play area, leading visitors into the park. **(\$205,400)**
- Children's play area water feature built into existing stream channel with cobble and log structures that can be moved to redirect water for natural play. Includes civic style steps for seating and gathering along the north side of play area. The stream water feature from the plaza flows down the middle of the steps and into the play area. **(\$600,000)**
- Seating/ gathering areas adjacent to the Jetty's along the waterfront. **(\$50,000)**
- Includes an additional path and boardwalk connection providing access to natural wetland areas within the site. **(\$73,405)**
- Full planting plan including trees, shrubs and perennial areas within the park. **(\$60,445)**
- Park lighting per Alpenglow conceptual design. **(\$24,500)**
- Water Resource improvements as required by Town Water Attorney.
- Removal of existing rail and wall and improvements to Midland Avenue sidewalk. **(\$67,240)**
- Concrete walk. **(\$471,162)**

4. Old Pond Fishing Pier (Accessible to All) , \$187,066.78

- Additional Park feature to be added to basic landscape improvements around Old Pond in conjunction with the Roaring Fork Conservancy River Center development.
- ADA accessible fishing pier in Old Pond.
- "L" shape design allows for multiple users and decreases conflicts with back-casting.

5A. Basalt River Park, Comfort Station- \$200,000

- ADA men's and women's restrooms with 3 stalls each.

DHM Design Estimates – Staff Modifications (Projects # 1 through #7)

6A Other - Not Included in DHM Cost Estimates

| | | |
|---|-----------|----------------|
| Signage | \$ | 50,000 |
| Geo Tech Report - Fishing Pier | \$ | 25,000 |
| LOMR | \$ | 37,500 |
| Additional Public Meetings/Public Information Officer | \$ | 75,000 |
| ESA and LU Approvals | \$ | 45,000 |
| 1% for Public Art- Bond | \$ | 62,000 |
| 1% for Public Art- Other OPP and 2RR | \$ | 4,400 |
| Spillway | \$ | 70,000 |
| Attorney(s) - LU and Add Water | \$ | 50,000 |
| Wetland Maintenance Protocol, Budget or Manual | \$ | 25,000 |
| Misc. such as grant match, Additional staffing | \$ | 120,146 |
| 6A Improvements | \$ | 564,046 |

Improvements Originally not Included in POST Park Plan

6B-1. Two Rivers Road West- \$336,797.13 total (\$176,364 Town of Basalt contribution) plus \$160,427.30 Roaring Fork Conservancy contribution)

- Town's portion of the improvements to Two Rivers Road. Excludes parking and sidewalks which are the responsibility of Roaring Fork Conservancy.
- Road Improvements extend from the west side of RMI to the West side of the Old Pond Park Property.

6B-2 Old Pond Park Improvements

- **Baseline Park and ADA Trail Improvements \$ 259,590**
- Estimate for improvements on Town property have been updated based on the Land Use Application Plans for the River Center.
- RMCL has provided an updated Bid/ Proposal for the Park improvements.
- Includes an ADA accessible pathway from Two Rivers Road around the pond, planting and irrigation improvements and new park benches and trash receptacles to match existing at the redesigned Old Pond Park riverfront.
- Includes 2 footbridges along the pathway.
- Includes bollard path lighting in Old Pond trail network leading from Homestead Drive pedestrian bridge to Basalt River Park and along the new path circling the pond. (\$25,000)
- Includes construction administration.
- \$92,320 deduct if Town procured boulders can be used.

7. CDC Upgrade - Grass CDC Parcel -\$300,000

- Top soil, seeding and temporary irrigation for CDC parcel. This does not include sod. (This does not create a "lawn" but would provide a more aesthetically pleasing area)

DHM Design Estimates – Staff Modifications (Projects # 1 through #7)

Related Improvements Not Included in the Bond

Basalt River Park, Amenities Hub- \$1,873,806 (Original \$2,073,806 Amenities Hub minus \$200,000 Comfort Station)

- Park amenities and restaurant structure to be located along Two Rivers Road outside of the view plain.
- Design and cost estimate information provided by Harry Teague Architects
- Covered structure with three enclosed main level “street food” style restaurant spaces.
- Event/ rental space on second level. Open air space that can be tented for events.
- Restaurants to have plumbing/ sinks/ countertops and tenant fit out
- Concrete curved ramp leads to upper level deck which includes an enclosed bar space with refrigeration and plumbing
- Photovoltaic system
- Includes utility trenching and hook up, adequate electrical service, simple and efficient lighting.
- Finishes are basic and minimal in nature.
- (ADA men’s and women’s restrooms with 3 stalls each are included in Comfort Station as part of Bond)

Piece 1

Should we extend a portion of the Towns Property Tax levy to build the Basalt River Park?

Currently, the Town of Basalt assesses 3.677 mills of property tax to pay off existing debt. In four years the Town would no longer need to collect those dollars because our existing debt will be paid of. The Town Council wants the voters to decide if they should issue \$X,XXX,XXX in bonds to build the Basalt River Park and pay for a portion of it by extending the 3.677 mills of property tax for another 6 years?

| Tax on a Residential Property -- What does 3.677 mills cost? | | |
|--|---------------|----------------|
| Home Value | Annual Impact | Monthly Impact |
| 250,000.00 | 73.17 | 6.10 |
| 500,000.00 | 146.34 | 12.20 |
| 750,000.00 | 219.52 | 18.29 |
| 1,000,000.00 | 292.69 | 24.39 |
| 1,250,000.00 | 365.86 | 30.49 |

| Tax on a Commercial Property -- What does 3.677 mills cost? | | |
|---|---------------|----------------|
| Commercial Value | Annual Impact | Monthly Impact |
| 250,000.00 | 266.58 | 22.22 |
| 500,000.00 | 533.17 | 44.43 |
| 750,000.00 | 799.75 | 66.65 |
| 1,000,000.00 | 1,066.33 | 88.86 |
| 1,250,000.00 | 1,332.91 | 111.08 |

DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

Basalt River Park- Preliminary Schedule

July 15th, 2016

November 8th, 2016 – Bond Election

November 15th, 2016 –Work begins on construction documents

March 1st, 2017, - Plans for Two Rivers Road and civil infrastructure and grading for the park completed

Spring 2017- Construction begins

May 1st, 2017 – Construction documents for Park design completed (including bus shelters and stage)

Summer-Fall 2018 -Construction complete, ribbon cutting

Notes:

- The schedule assumes that the bond issue passes.
- This schedule has not been coordinated with other potential 2017/2018 construction projects within the Town of Basalt.
- Schedule has not included interface with potential construction on the CDC parcel.
- Schedule anticipates moving forward with design as funding is released and based on the June 2016 drawings.
- Schedule could be accelerated by a prequalification of contractors based on experience and unit costs.
- This schedule does not currently include the Amenities Hub but it could be added and given the current design, accomplished within the 2018 time frame.
- Construction sequencing and timing for the Children’s Play Area and deep utilities will want to happen during periods of low water.

LETTER FROM Shugars

August 5, 2016

To: Basalt Mayor and Council

Re: Basalt River Park Council Meeting - August 2, 2016

Dear Mayor and Council:

I attended the subject meeting and now, after reflecting on the Council discussion, I would like to offer a few comments:

- 1) At first blush, the "Full-On" Basalt River Park plan does seem to be excessive in cost. However, as was pointed out in the meeting, with no new taxes and borrowing rates possibly as low as 1.5%, it seems as though the Town should go with the whole package – provided all of the costs are properly vetted and the amenities proposed provide demonstrable value. Carpe diem!
- 2) Having said the above, I do have the following concerns about the "Full-On" park plan:
 - a. "Active Park Space". We must not lose site of the value of the uninterrupted two acre size of the Big "V" lawn space. This space is "active" park space – not "passive" park space. "Active" park space requires critical mass. (Note, for comparison purposes, Sopris Park in Carbondale has approximately four acres of "active" park space). "Active" park activities involve unbridled freedom of movement (i.e. flying a kite, frisbee, throwing a baseball/football, running, etc.) whereas a "passive" park might involve meandering through a flower garden or sitting on a bench having lunch. In view of the above, I believe the proposed subdividing of the Big "V" lawn space, using stone terraces, should be removed from the development plan. The stone terraces are not a good fit for "active" park spaces as they will merely chop up the park open space into much smaller spaces and, thus, restrict or eliminate activities that otherwise would fit in the park with no problem. They would be a much better fit, for aesthetic purposes, in a "passive" park. Furthermore, the stone terraces would also create a safety hazard (i.e. tripping and falling) for anyone not looking down while moving around in the lawn space. Can you imagine anyone installing stone terraces in the middle of a playground? Or, for that matter, in the middle of Aspen's Wagner Park? Didn't think so. In addition, eliminating the stone terraces will save money not only in development costs but also in maintenance of the park. So, scratch the stone terraces.
 - b. Bandshell. The Bandshell is a great idea – although I do have noise concerns stemming from its orientation. The Town should do a sound check to determine the noise impact from the Bandshell on the residents living up the hillside into The Wilds sub-division across from the park. Regarding the Bandshell amenities, I think the "concrete dance floor" in the park below the stage, as well as the "light bar", should be scratched from the plans. These items constitute overkill. Also, considering the average price of a home in Basalt last year was pegged at about \$575K, the Bandshell price tag of \$572K seems exorbitant. More vetting required.

- c. RFTA Bus Stops. The \$307K price tag for the two new RFTA bus stops seems excessive to me. My understanding is that two bus stops should cost about \$60K total (\$30K for each one). That would mean the Town paying \$247K for bus stop site preparation and concrete pads. That number just seems to be inflated. More vetting required.
 - d. Old Pond Park. There may be some duplicity in costs here because the Roaring Fork Conservancy sits between the Basalt River Park and the pond. Who is responsible for absorbing "pond" costs? More vetting required.
 - e. Park Lighting. How much lighting does the Town really need or want? More vetting required
- 3) On a different note, regarding the "developable" space next to RMI if the Town develops one-half acre and leaves the other half acre as "open space" that provides the Town with another opportunity to mitigate upfront costs through the application for more open space funding from Eagle and Pitkin Counties.

Thanks for listening and thanks for your continued commitment to the Town of Basalt.

Respectfully,

Greg Shugars

**TOWN OF BASALT
ACTION ITEM SUMMARY
ADMINISTRATION**

Item Number: 7C
Date: August 9, 2016
From: Tom Smith, Town Attorney

SUBJECT: Resolution of the Town council Calling an Election on November 8, 2016, for a Ballot Question to Re-Establish the Town's Right to Provide Telecommunication Services

RECOMMENDATION: Approve Resolution No. 34, Series of 2016

DETAILS: This Resolution submits a ballot question to the voters on November 8, 2016, which would give the Town the right, but not the obligation, to provide telecommunications services, advanced services, or cable television services. Called "Opting Out" of the restrictions of SB-152, This would potentially assist businesses and residents outside the Highway 82 Corridor to obtain reliable affordable broadband services.

Related Town Statute and or Town Actions: None

Budget: No Impacts

Attachments:

- Resolution with Ballot Question
- Pitkin County Memo from Council Packet 07/26/16
- Colorado Counties, Inc. (CCI) and Colorado Municipal League (CML) memo with Frequently Asked Questions related to SB-152

A RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, CALLING AN ELECTION ON NOVEMBER, 8, 2016 FOR A BALLOT QUESTION REGARDING WHETHER THE TOWN MAY RE-ESTABLISH ITS RIGHT TO PROVIDE TELECOMMUNICATIONS SERVICES, ADVANCED SERVICES, AND CABLE TELEVISION SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS

**Town of Basalt, Colorado
Resolution No. _____
Series of 2016**

RECITALS

WHEREAS, affordable, reliable, and innovative telecommunication services are essential for residents and businesses in today's economic environment and for quality of life; and

WHEREAS, until 2005, municipalities throughout Colorado enjoyed the right and authority to use municipal fiber optic infrastructure to provide high-speed Internet, advanced telecommunications, and cable television services to their residences and businesses; and

WHEREAS, in 2005, the State Legislature enacted Senate Bill 05-152 (codified in Article 27 of Title 29, C.R.S.) to revoke and deny all Colorado municipalities the right of using municipal facilities, improvements, and fiber optic infrastructure to provide directly or indirectly high-speed Internet, advanced telecommunications, and cable television services to residents and businesses; and

WHEREAS, Senate Bill 152, codified at C.R.S. 29-27-101, et seq., further provides that a local government may re-authorize the local right to provide telecommunications services, advanced services, or cable television services, provided an election is held on the question of whether the local government shall provide the services and that the electorate votes in favor thereof; and

WHEREAS, the Town Council finds that re-establishing the Town's telecommunications rights would allow the Basalt community to implement local communication solutions to provide needs based access to benefit the residents and businesses of the Town; and

WHEREAS, the ballot question must be approved by a majority vote before becoming effective; and

WHEREAS, action of the Town Council to submit ballot issues is not required to be made by Ordinance in the Town Charter; and

WHEREAS, the Council has determined to call an election to be held on November 8, 2016, and to set the ballot title for the ballot issue to be submitted at the election; and

WHEREAS, pursuant to the criteria for ballot titles set forth at Section 31-11-111, C.R.S., in fixing this ballot title, the Council finds that the title set forth in Appendix A is not misleading, clearly identifies the effect of a "yes" or "no" vote, does not conflict with title of any other measure that will appear on the ballot, and correctly and fairly expresses the true intent and meaning of the measure.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AS FOLLOWS:

1. At a special election of the Town to be held on Tuesday, November 8, 2016, there shall be submitted to the eligible electors of the Town a ballot issue concerning the Town's ability to provide directly or indirectly through private companies high-speed internet, advanced telecommunications, or cable television services, as authorized by C.R.S. 29-27-201 which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. For purposes of Section 1-11-203.5, C.R.S. and Section 31-11-111, C.R.S., this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Pursuant to Section 1-11-203.5, C.R.S., any contest by a person of the form or content of a ballot title must be filed within five days of the Council's final action concerning the ballot title.

4. The Town Clerk, as well as the appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the Town Clerk shall certify the order of the ballot and ballot content, arrange for the required notices of election, and direct that all other appropriate actions be accomplished.

5. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

6. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections,

APPENDIX A

SHALL THE TOWN OF BASALT, COLORADO, WITHOUT INCREASING TAXES, BE AUTHORIZED TO PROVIDE, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNER(S), ALL SERVICES RESTRICTED SINCE 2005 BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES DESCRIBED AS HIGH-SPEED INTERNET SERVICES (ADVANCES SERVICE), TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES, TO FOSTER THE EXPANSION OF SUCH SERVICES, INCLUDING BUT NOT LIMITED TO ANY NEW AND IMPROVED HIGH BANDWIDTH SERVICE(S) BASED ON FUTURE TECHNOLOGIES, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES WITHOUT LIMITING ITS HOME RULE AUTHORITY?



BOARD OF COUNTY COMMISSIONERS

530 E. Main Street, 3rd Floor
Aspen, Colorado 81611
phone (970) 920-5200
fax (970) 920-5198

July 15, 2016

Dear Fellow Commissioners and Council Members:

On behalf of the Pitkin BOCC, I urge you to consider asking a ballot question this November to opt-out of Senate Bill 05-152. This 2005 legislation removed local governments' ability to participate - in any way - in the provision of high-speed internet (broadband). However, local governments are able to regain local control by opting out of the legislation through a public vote. Pitkin County opted out in Nov. 2015, but SB-152 requires voter approval by each jurisdiction in order for them to participate in public-private, or public-public partnerships to improve broadband services.

In the Roaring Fork Valley, there is generally reliable and abundant high-speed broadband directly along the Hwy 82 corridor, but businesses and residents just outside the corridor suffer from unavailable, inadequate, or unreasonably expensive internet service. Current broadband options (or lack thereof) are not tied to municipal or county lines, but instead are driven by population density and physical geographic barriers. Opting-out of SB-152 by our valley's towns, cities and counties will help ensure that all our communities, businesses and residents can access reliable, competitive and abundant broadband.

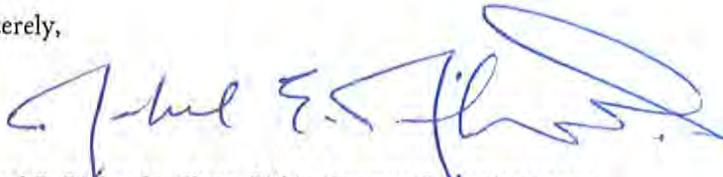
- Opting-out **does not** commit any local entity to become a broadband provider, spend taxpayer dollars, or participate in the provision of broadband services.
- Opting-out **does** remove unnecessary barriers that prevent local governments from sharing infrastructure or even pursuing state and federal grant opportunities.
- Opting-out **does** put the decision-making ability to participate in the improvement of broadband services back in the hands of local authorities.
- Opting-out **does**, regardless of currently available broadband service in some areas, give local governments the ability to partner with the private sector and/or government entities to ensure that the valley's future broadband infrastructure allows our communities to be attractive and competitive.

As of April 2016, over 60 municipalities, counties and school districts have opted out of SB-152, most with overwhelming 80-90% voter approval. As Pitkin County has heard from our constituents, and similar to concerns expressed across the state- improved broadband services is a top priority for the economic vitality, improved educational opportunities and sustainability of the region.

Improving the availability, reliability and speed of broadband service throughout the Roaring Fork Valley will rely on strong regional partnerships amongst local authorities, businesses and residents. Holding a

SB-152 opt-out vote on this November's ballot is a crucial and timely first step. Each political subdivision must notify their county clerk, in writing, by Friday, July 29th of its intent to ask an opt-out question on the November general election ballot. On behalf of Pitkin County and in the regional public interest of improved broadband service, I respectfully request that you consider placing an SB-152 opt-out question on this November's ballot.

Sincerely,



Rachel E. Richards, Chair, Pitkin County Commissioners

Enclosures. CML/CCI Joint Memo; Map of votes to exempt; Pitkin County ballot question

- cc: Eagle County
- Aspen
- Basalt
- Carbondale
- Snowmass Village



To: County Commissioners, Municipal Elected Officials, and Staff

From: Geoff Wilson, General Counsel, CML
Eric Bergman, Policy Director, CCI

Date: July 31, 2015

Re: Materials on SB 152 elections

Introduction

In order to compete in today's economy, communities across the state have become increasingly dependent on broad bandwidth Internet access ("broadband") for business development and operations. The availability of broadband also enhances the quality of life and desirability of a community by providing residents access to things like online education and distance learning opportunities, telemedicine and entertainment content (movies, music, etc.). Broadband has become so critical, in fact, that many now regard it as a basic infrastructure need - on par with roads, water systems and energy grids.

Unfortunately, numerous communities across Colorado still lack adequate broadband service. The reasons vary, but more often than not these areas are too sparsely populated, too remote or in regions where the topography (mountainous terrain, etc.) makes expanding service difficult and expensive for telecommunication providers. These communities are "upside down" from a business model standpoint, and providers are unable or unwilling to connect these areas, leaving them at an economic disadvantage from their more urbanized neighbors.

While local governments often play a direct role in economic development efforts, cities and counties historically have not been directly involved in the delivery of retail telecommunication services. However, the increasing demand for broadband service – often driven by economic development concerns - has forced many local government officials to reexamine their role in the provision of broadband services.

In the last few years, a growing number of local governments have started looking at investing public dollars in broadband infrastructure improvements (usually fiber optic cable lines or cell towers) in order to attract Internet providers and enhance economic development efforts in their region. The Department of Local Affairs has also heard these community concerns, and this year expanded its existing broadband planning grant program to include funds for local government investments in "middle mile" broadband infrastructure.

SB 152 and Statutory Prohibitions on Local Government Broadband Infrastructure

One of the biggest impediments to local governments enhancing broadband infrastructure is a law passed in 2005, which has since been commonly referred to as "Senate Bill (SB) 152" (SB05-152, attached to this memorandum and codified at sections 29-27-101-304, C.R.S.). SB 152 prohibits most uses of municipal or county money for infrastructure to improve local broadband service, without first going to a vote of the people. The hurdles put in place by this statute are not insurmountable; indeed, in the past few years ten municipalities and three counties have placed measures on the ballot to override the prohibitions in SB 152. These measures have passed handily in virtually every jurisdiction - with the support of citizens who are frustrated and want timely action on broadband service in their communities.

Continued dissatisfaction over a lack of adequate broadband is resulting in more and more jurisdictions considering going to the ballot with SB 152 questions. Late in 2014, CML and CCI began meeting with local government officials, economic development professionals and telecommunication experts from jurisdictions whose voters had approved SB 152 questions at the ballot. One outcome of these conversations is the development of this memorandum and materials designed to help interested local government officials and staff to frame the issue and consider the impacts of preparing their own ballot questions.

SB 152 Frequently Asked Questions (FAQ's)

What does a SB 152 election accomplish?

SB 152 requires that an election be held before a local government may "engage or offer to engage in providing" various telecommunication services. The term "providing" is given an expansive definition in the statute, which restricts both the direct and "indirect" provision of service ("indirect", in turn, is given its own, broadly restrictive definition). Fortunately, through a successful SB 152 election, a local community can clear away this legal impediment to a wide variety of local broadband initiatives.

It is important to point out that the vast majority of local governments who have passed SB 152 questions (or are considering going to the ballot in the near future) are **not** interested in hooking up homes and businesses and providing actual broadband services themselves. By and large, these jurisdictions are working to enhance local broadband infrastructure in order to *attract* service providers who would otherwise be unwilling or unable to serve their communities. The local broadband initiatives in the jurisdictions passing SB 152 questions to date usually involve some form of public-private partnerships between local governments, economic development agencies and the industry.

Is referring a SB 152 question to the ballot expensive?

No more so than any other referred measure. Most jurisdictions have referred their questions when the municipality or county was *already* having an election. Accordingly, the addition of the SB 152 issue did not significantly increase costs. In a coordinated election, a particular jurisdiction's costs would be affected by the terms of the IGA regarding election cost allocation between the county and participating local governments.

Are there any restrictions on referring SB-152 ballot measures in odd-numbered year coordinated elections?

Apparently not. A wide number of locally-referred questions have been submitted to voters in coordinated elections conducted in odd-numbered years in Colorado. Local governments have regularly referred TABOR questions and home rule charter amendment ballot questions to the voters in odd-numbered years, and this practice is explicitly authorized in C.R.S. § 1-41-103. Additionally, the Attorney General issued an opinion in 1999 (No. 99-8 AG Alpha No. HE CS AGAWD) which concluded that local governments may refer ballot questions on term limits in odd-numbered years as well. Odd-year ballot questions dealing with issues outside of TABOR, charter amendments and term limits are less common, but have been referred fairly regularly by local elected officials over the years without challenge. The language in SB 152 (specifically C.R.S. § 29-27-201(1)) requires that "Before a local government may engage in providing...telecommunications service, or advanced service, an election shall be called on whether or not the local government shall provide the proposed...service." This authorizing language is broad in nature, and does not appear to limit the ballot question to the general election ballot. Again, local government officials are advised to consult with legal counsel in the development of these ballot questions.

What sort of election specifics does SB 152 require?

Not many. SB 152 specifies four requirements for ballot questions in a SB 152 election. (See: C.R.S. § 29-27-201(2))

The ballot:

- (1) Shall pose the question as a "single subject",
- (2) Shall include a description of the "nature of the proposed service,"
- (3) Shall include a description of "the role that the local government will have in the provision of the service," and
- (4) Shall include a description of the "intended subscribers of such service."

How have other jurisdictions addressed these requirements?

A review of the ballot questions put forth by local governments so far (included below) shows a clear preference for broad "anything and everything" type authority. Industry representatives have complained from time to time that such local ballot language has lacked the specificity required by the statute. This notion has never been tested in court. One might also argue that a "broad authority" question that describes the nature of the service proposed, along with potential future build-outs or applications, is not fatally flawed by its inclusion of the latter. Furthermore, courts have been traditionally hesitant to reverse the will of the voters, if evident. Obviously, the development of local SB 152 ballot language should be done in close consultation with legal counsel.

What about the "single subject" requirement?

The term "single subject" is not defined in SB 152. Nonetheless, the ballot questions submitted by local governments thus far seem comfortably within the single subject standard applied to statewide *ballot initiatives*, in cases such as In the Matter Of The Ballot Title and Submission Clause for 2013-2014 #129, 333 P.3d 101 (Colo. 2014). Local government officials are urged to consult with legal counsel.

Are there any additional election requirements that distinguish a SB 152 question from other matters routinely referred to the ballot by a county or municipality?

No (but again, please confer with your legal counsel). As always, attention should be paid to the requirements of the Fair Campaign Practices Act (Section 1-45-117, C.R.S.), which forbids use of public funds for advocacy in elections. This restriction is a prudent consideration in planning any campaign for a successful SB 152 election.

Does voter approval of a county SB 152 ballot question have the effect of authorizing the provision of such services by municipalities within that county?

No. SB 152 requires voter approval by each jurisdiction participating in the provision of covered services.

Does a jurisdiction need to approve a SB 152 ballot question in order to qualify for broadband infrastructure grant funds from the Department of Local Affairs (DOLA)?

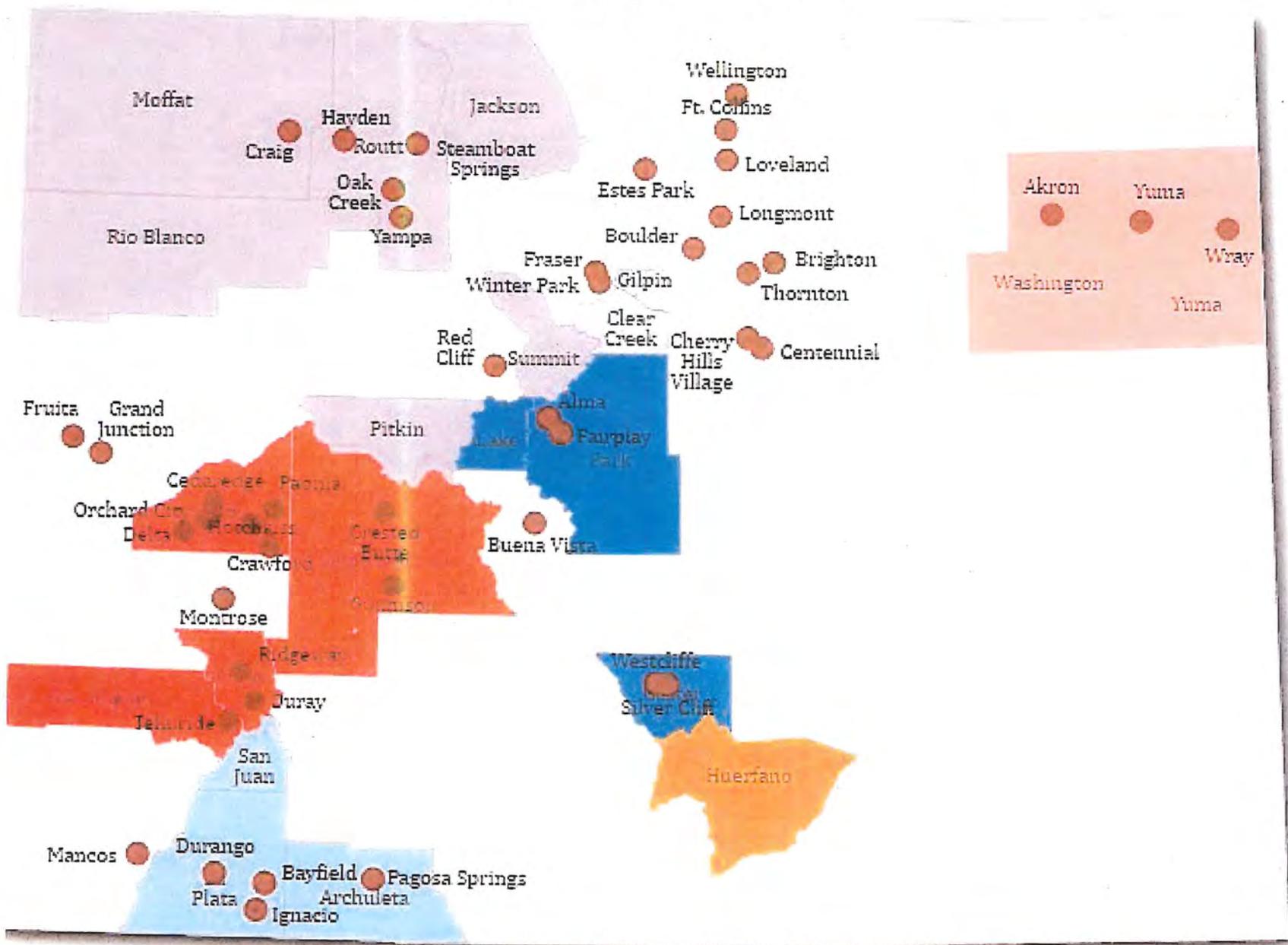
It depends. DOLA's broadband grant program provides funding for regional planning and "middle mile" infrastructure projects (i.e., projects that do not provide "last mile" connections to customers). The guidance in DOLA's broadband grant policies suggests that each jurisdiction must determine whether it is in compliance with the statutory restrictions set forth in SB 152. DOLA requires any grantee to be in compliance with any applicable laws and regulations. DOLA itself will not make that determination, nor does the awarding of a grant confer any certainty or acknowledgment of compliance on DOLA's part to the grantee. DOLA's broadband grant policy guidelines can be found at: <http://dola.colorado.gov/demog-cms/content/dola-broadband-program>.

The broadband landscape in Colorado is changing rapidly, and local government policies regarding broadband and economic development will need to evolve to keep pace with this change. CCI and CML will be providing additional research and guidance over the course of the year on this important policy issue. If your jurisdiction is moving forward on a SB 152 ballot question, please notify either CCI or CML. If you have additional questions or comments, please contact Geoff Wilson at CML at 303.831.6411 (e-mail: gwilson@cml.org) or Eric Bergman at CCI at 303.861.4076 (e-mail: ebergman@ccionline.org).

Pitkin County Ballot Measure 1A: (Fall 2015)

Shall Pitkin County, without increasing taxes, be authorized to provide, either directly or indirectly with public and/or private sector partner(s), all services restricted since 2005 by Title 29, Article 27 of the Colorado Revised Statutes described as High-Speed Internet Services (Advanced Service), Telecommunications Services, and/or Cable Television Services, to foster the expansion of such services, including but not limited to any new and improved high bandwidth service(s) based on future technologies, to residents, businesses, schools, libraries, nonprofit entities and other users of such services without limiting its Home Rule authority?

Votes to Exempt from SB05-152



Source: Department of Local Affairs

**TOWN OF BASALT
AGENDA ITEM SUMMARY**

Item Number: 8A
Date: August 9, 2016
From: Pamela Schilling, Town Clerk

SUBJECT: Ordinance No. 20, Series of 2016 to utilize the Uniform Election Code of 1992 in lieu of the Municipal Election Code of 1965

RECOMMENDATION: Staff recommends adoption

DETAILS:

The adoption of the Ordinance allows the Town to utilize the Uniform Election Code of 1992 in lieu of the Municipal Election Code for the special election to be coordinated with Pitkin and Eagle counties on November 8, 2016.

Related Town Statute and or Town Actions:

Section 2.1 of the Home Rule Charter of the Town of Basalt requires that "All Town elections shall be governed by the Municipal Election Code of 1965, ...except as otherwise provided in this Charter, or by ordinance".

Section C.R.S. 31-10-102.7, Municipal Election Code, permits that any municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., in lieu of C.R.S. 31-10, with respect to any election.

Budget: There is no budgetary impact

Attachments: No attachments

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, UTILIZING
THE UNIFORM ELECTION CODE OF 1992 IN LIEU OF THE MUNICIPAL ELECTION
CODE OF 1965 IN ORDER TO PARTICIPATE IN A COORDINATED ELECTION
WITH EAGLE AND PITKIN COUNTIES ON NOVEMBER 8, 2016**

**Town of Basalt, Colorado
Ordinance No. 20
Series of 2016**

RECITALS

1. Section 2.1 of the Home Rule Charter of the Town of Basalt requires that "All Town elections shall be governed by the Municipal Election Code of 1965, ...except as otherwise provided in this Charter, or by ordinance".

2. Section C.R.S. 31-10-102.7, Municipal Election Code, permits that any municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., in lieu of C.R.S. 31-10, with respect to any election.

3. The Town of Basalt intends to participate in the statewide election to be held on November 4, 2014, and to coordinate its special election on November 8, 2016 with the Eagle County Clerk and Recorder, and the Pitkin County Clerk and Recorder;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Basalt, Colorado, as follows:

Section 1. The Town Council of the Town of Basalt hereby incorporates the foregoing recitals as findings;

Section 2. The Town of Basalt, Colorado, hereby adopts the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 for the purpose of participating in a coordinated an election on Tuesday, November 8, 2016, in accordance with the provisions of Section 31-10-102.7, C.R.S and in accordance with the provisions of Section 2.1 of the Home Rule Charter;

Section 3. The officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate actions to effectuate the provisions of this Ordinance in accordance with Colorado law, the Basalt Municipal Code, and the Basalt Home Rule Charter.

Section 4. Pursuant to C.R.S. 31-10-102.7, the Town will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965, as amended, with respect to the special

municipal election to be held on November 8, 2016, and such election shall be conducted as part of the coordinated election with Eagle and Pitkin counties.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON August 23, 2016 by a vote of ___ to ___ on August 9, 2016.

READ AND FINALLY ADOPTED by a vote of ___ to ___ August 23, 2016.

TOWN OF BASALT

By: _____
Jacque R Whitsitt, Mayor

ATTEST:

Pamela K Schilling, Town Clerk

First Publication: Thursday,
Final Publication: Thursday,
Effective date: Thursday,

| | |
|---------------------------------------|--|
| TOWN OF BASALT ACTION ITEM | Date: August 9, 2016 From: Susan Philp, AICP, Planning Director |
| | Town Manager Review: MS approved 08-05-16 |

SUBJECT: Public Hearing and 1st Reading on Ordinance No. 21 Series of 2016, Amending the CSC Zone District and other Changes to the Zoning Code to Implement the Our Town Planning Master Plan Amendment

RECOMMENDATION: Approve Ordinance No. 21, Series of 2016 at 1st Reading and set 2nd Reading for August 23, 2016

DETAIL:

The purpose of this agenda item is for the Council to adopt an ordinance amending the Zoning Code by revising the Community Serving Commercial Zone District (CSC) Zone District, adding and revising definitions used in the Amended CSC Zone District, and changing the language which outlines the intent of the CSC Zone District.

This is an important step in implementing the Town's goals for the 4 Our Town Planning Area Parcels. The principles for the four Our Town Planning Area parcels are incorporated in the Our Town Subarea Plan: An Amendment to the 2007 Town of Basalt Master Plan ("Our Town Planning Area Master Plan Amendment").

The P&Z has developed an amended CSC Zone District as directed by the Town Council. On June 14th the Council gave the P&Z additional direction regarding the zoning code amendments. See Staff's take aways from the Council's input at that meeting summarized on in the attachment entitled "Staff's Take Aways from the Council's Input to P&Z on June 14th" (and also appear starting on page 3 of the July 5th Memorandum from Staff to the P&Z).

Questions for Council Consideration:

1. Is the Council comfortable with the anchor uses and thresholds as recommended by the P&Z?
2. Does the amended definition for "condominium hotel" provide sufficient assurances that the condominium hotel would be providing "hot beds" as compared to free-market condominium units?
3. Dimensional requirements – Does the Council agree with the P&Z's recommended standards?
4. The current regulations encourage combining and re-organizing property lines on the BCC parcel rather than significantly more intense development on current building footprints (i.e. lot ownership). Is the Council ok with this strategy?

Nothing restricts an owner from applying for a different zone district, a PUD, an amendment to this District or proposing a new District to be created as the CDC did earlier.

Board Recommendations: The P&Z recommended approval of the Zone District changes on July 5th. **The attached draft zoning code amendments reflect the P&Z's recommendations.** The P&Z minutes of the meeting are attached. The P&Z had several Worksessions on the Code Amendments leading up to its public hearing. The P&Z also provided updates and checked in with the Town Council. The amended CSC Zone District now allows the POST committee to review a specific development plan at sketch plan level and final plan to minimize conflicts and encourage vitality consistent with adjacent parks where appropriate.

Related Town Statute and or Town Actions: DAAC Report, 2014 Town of Basalt "Our Town" Planning Survey; See list of OTP Resolutions included on page 8 of the document Entitled "Our Town Planning – this is where we are: Prior Direction from Town Council; *Our Town Subarea Plan: An Amendment to the 2007 Town of Basalt Master Plan* ("Our Town Planning Master Plan Amendment)

Attachments:

- A. Staff's Takeaways from the Council's Input to P&Z on June 14th
- B. Draft Ordinance No. 21, Series of 2016
- C. July 5 Staff Memorandum to P&Z on the Amended CSC Zone District
- D. P&Z July 5th Minutes
- E. Excerpts from document entitled "Our Town Planning – This is where we are: Prior Direction from Town Council"
- F. OTP Master Plan Map
- G. Excerpts from Our Town Planning Survey
- H. Correspondence received by the P&Z;
- I. Current definition for condominium hotel;
- J. Current CSC Zone District;

Other information: Additional information can be obtained by reviewing the P&Z packet materials for its January 19, February 2, February 23 and May 3rd, June 21st and July 5th meetings found on the Basalt website <http://www.basalt.net/AgendaCenter> and on the OTP project website www.ourtownplanning.org.

Staff's Take Aways from the Council's Input to P&Z on June 14th

See excerpts from the Council Packet materials provided for the June 14th meeting for the questions posed to the Council.

Building and Park Line

- A. Council had general agreement on building line and area shown as a park. Council members recognized that the polygon area potentially could be part of the private development if that development included the vitality ideas advocated by POST's River Park Plan.

Building Heights

- B. Councilor's expressed some concern with the allowed heights, particularly for the 2 ½ story building bordering Two Rivers Road and the river park area. Concern expressed by Councilors included that buildings, if constructed to the maximum height, could potentially be out of character with downtown and adjacent development and that the 38 feet height could actually be fully 8 feet higher or 46 feet with the parapet and underground parking allowances.

Staff added language in the 5th Draft of the Amended CSC Zone District presented at the P&Z's June 21st meeting to clarify that the Council could approve lower heights than the maximum and that allowances to exceed permitted heights could only be made after certain findings.

Uses

- C. Individual Councilors expressed concern with hotels and condominium hotels being allowed on the CDC Property while other Councilors supported hotels and different methods of financing them.

Staff made minor modifications to the condominium hotel definition in the 5th Draft.

- D. Councilors, recognizing the importance of day care, seemed satisfied that day care uses were permitted as a secondary uses.

Process and Summary

- E. Council seemed supportive of the overall direction of the Amended CSC District at this stage of the review and agreed that the P&Z could hold public hearings and continue the adoption process.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING AMENDMENTS TO CHAPTER 16, ZONING, OF THE
MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO, AMENDING THE
COMMUNITY SERVING COMMERCIAL (CSC) ZONE DISTRICT, ADDING AND
REVISING DEFINITIONS AND OTHER CHANGES TO CHAPTER 16, ZONING, IN
ORDER TO IMPLEMENT THE OUR TOWN PLANNING MASTER PLAN
AMENDMENT**

Ordinance No. 21, Series of 2016

RECITALS

1. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

2. The Planning and Zoning Commission (Commission) adopted the Our Town Subarea Plan: an amendment to the 2007 Town of Basalt Master Plan ("Our Town Planning Master Plan Amendment") on October 20, 2015 and the Town Council adopted the Our Town Planning Master Plan Amendment on November 24, 2016.

3. The Basalt Town Council has directed the Planning and Zoning Commission to prepare zoning for the Our Town Planning Properties.

4. The Commission recommended using the Community Serving Commercial (CSC) Zone District as the best tool for achieving the desired goals of the Our Town Planning Master Plan Amendment. The Commission then had several Worksessions where it refined the amendments to the CSC Zone District and other supporting revisions to Chapter 16, Zoning.

5. At a public hearing on July 5, 2016, the Planning and Zoning Commission heard evidence and testimony from the Town Staff, and members of the public. The Commission recommended approval of the code amendments on July 5, 2016.

6. At a public meeting on August 9, 2016, the Town Council considered this ordinance for first reading. The Council approved the ordinance on first reading and scheduled a public hearing and second reading of this Ordinance for August 23, 2016, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

7. At a public hearing and second reading on August 23, 2016, the Town Council heard evidence and testimony from the Town Staff, and members of the public.

8. The Town Council finds and determines that it is in the best interests of the Town to amend the Town Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following core values from the Our Town Planning Master Plan Amendment as included in the Downtown Area Advisory Committee Report:

- a) Don't lose our Small Town charm
- b) Bring the Rivers to the forefront of the Town's identity
- c) Promote Vitality and Sustainability (Physical & Economic)

2. The Our Town Master Plan amendment concentrates around a set of five guiding principles:

- a) Connect the Town to the Rivers
- b) Preserve significant physical and visual access to the Rivers
- c) Improve Lions Park
- d) Allow density to drive revitalization
- e) Provide a "There-There" destination for residents and guests alike

3. The Our Town Planning Master Plan Amendment included a revised Future Land Use Map and revised Typology Map and Typology Descriptions to apply to the four Our Town Planning Area Parcels.

4. The Town Council wishes to adopt a zone district which property owners can request to apply to the four Our Town Planning Area parcels in order to further implement the Our Town Planning Master Plan Amendment.

B. **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Basalt Colorado that the following amendments are adopted to the Town Code of the Town of Basalt.

1. Section 16-30, in Article II, of Chapter 16 of the Town Code entitled CSC Zone District is hereby deleted and is replaced with the language shown in **Exhibit "A"**.

2. Section 16-4, Definitions in Article I, Chapter 16 of the Town Code is amended as shown in **Exhibit "B"** to add definitions to the Zoning Code, and to delete

the current definition for a condominium hotel and to replace it with the language included in **Exhibit "B"**.

3. Section, 16-21. The language in the section entitled, Intent of individual districts, Article II, Chapter 16, of the Town Code is amended to read as follows (language underlined is added and language ~~struck through~~ is deleted).

(10) Community Serving Commercial Zone District. The intent of the CSC zone District is to combine the social capital objectives of the Town's Master Plan with the vitality objectives of the C-2 zone district to produce tailored zoning controls for four key redevelopment parcels in downtown Basalt in order to implement the results of the Our Town Downtown planning process. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public). ~~The zone district offers certain incentives to encourage qualifying non-profit organizations to create projects that might not occur through pure free market development. These incentives include reductions in certain mitigation standards and a review process that is better tailored to non profit applicants. The goal is to foster partnerships between non-profit organizations and private entities to address important community goals.~~

C. Applicability. The regulations shall take affect according to law.

D. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

E. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON August 23, 2016 by a vote of ___ to ___ on August 9, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of ___ to ___ on August 23, 2016.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord21- Amended CSC Zone District and other changes

First Publication: Thursday, _____, _____
Final Publication: Thursday, _____, _____
Effective Date: Thursday, _____, _____

Ord21-Amended CSC Zone District_other.doc

EXHIBIT A

PROPOSED AMENDED CSC ZONE DISTRICT – 6th Draft

Sec. 16-30. CSC Zone District

(a) Intent and applicability.

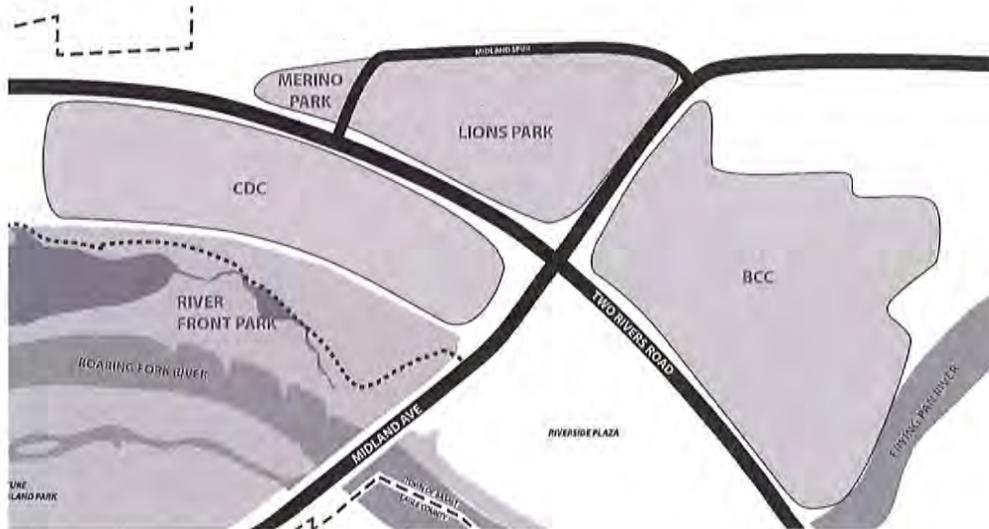
(1) Statement of intent. The intent of the CSC Zone District is to combine the social capital objectives of the Town's Master Plan with the vitality objectives of the C-2 Zone District to produce tailored zoning controls for four key redevelopment parcels in downtown Basalt in order to implement the results of the Our Town downtown planning process. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public).

(2) Applicability.

This district is intended to apply to four specific parcels of land commonly known as:

- a. The CDC parcel;
- b. The BCC parcel;
- c. The Lions Park parcel; and
- d. The Merino Park parcel.

The general boundaries of these 4 parcels are shown on the following map. The exact boundaries of each parcel shall be established at the time the CSC Zone District is applied to that parcel.



(b) Threshold Requirements

(1) Development must be community serving. Since the intent of the CSC Zone District is to encourage social entrepreneurship in the development of community serving commercial projects, new development shall only be permitted to occur in the CSC Zone District if it is determined to be community serving. New development shall be considered to be community serving if it includes an anchor use or uses listed in Subsection 16-30(c)(1) below for the specific parcel indicated, and that anchor use or uses meets the applicable minimum size standard for that use in Subsection 16-30(c)(1) below.

PROPOSED AMENDED CSC ZONE DISTRICT – 6th Draft

- (2) Qualifying organizations. In order to be eligible for rezoning to the CSC Zone District, the owner of the land to be rezoned must be a non-profit Community Development Organization, a similar non-profit organization where development activities are a stated part of its 501(c)(3) tax status, or a for-profit entity engaged in construction of a building or facility that is a community-serving anchor facility, as listed in Section (c)(1) below. A qualified Community Development Corporation is an entity which satisfies the requirements of Section 16-4 applicable to a "Public non-profit Entity, Community Development Corporation." A for-profit entity may include a group of owners which have agreed to be represented in the entity engaged in constructing the community-serving anchor facility.
- (3) Consistency with Master Plan. In reviewing whether a parcel is appropriate for CSC zoning, the Town will consider the future land use designation, neighborhood typology, and goals and objectives of the then current Master Plan, including but not limited to the Our Town Master Plan amendments.

(c) Permitted uses

(1) Permitted anchor uses.

- a. Subject to Subsections (1)b. and (1)c. below, at least one of the following anchor uses must occur on the CSC Zone District parcels indicated in the table below.

| Table 16-30-1: Anchor Use Table | | | | | |
|--|-------------------|-------------------|------------|------------|-------------|
| | CDC Parcel (West) | CDC Parcel (East) | BCC Parcel | Lions Park | Merino Park |
| Arts Center [1] | | | | ● | |
| Community Housing [2] | | | | | ● |
| Brewpub/Distillery [1] | ● | | ● | | |
| Entertainment [3] | ● | | ● | | |
| Grocery Store [3] | | | ● | | |
| Hotel or Condominium Hotel [4] | ● | | ● | | |
| Park/Open Space | | ● | | | |
| Small Business Incubator [2] | | | | | ● |
| Sports/Youth Center [1] | | | ● | ● | |
| Town Hall | | | | ● | ● |
| Community Center [1] | ● | | ● | | |
| [1] Must contain at least 6,500 sq.ft. of total floor area. [2] Must occupy at least 70% of the occupied total floor area developed on that CSC parcel. [3] Must contain at least 9,000 sq. ft. of total floor area. [4] Must contain at least 30 guest rooms. Includes condominium hotel | | | | | |

- b. The Town Council may approve an anchor use designated for one CSC parcel as an acceptable anchor use for a different CSC parcel not indicated in the table above, with the exception that no anchor use other than a park or open space shall be designated for the eastern portions of the CDC and Lions Park parcels.
- c. If an approved anchor use begins operation but later discontinues operation for a period of 3 months or more, or if the portion of the building in which the anchor use is located is destroyed by fire or any other cause, the property owner may apply to change the approved anchor use to any other anchor use that meets the minimum size requirements listed in the table above. Any change to a substitute anchor use or another use permitted in the CSC

PROPOSED AMENDED CSC ZONE DISTRICT – 6th Draft

zone district shall require review and recommendation by the Planning Commission following a public hearing, and shall require approval by the Town Council.

(2) Required Community Vitality Uses

On each CSC parcel, land uses in the designated Vitality Zone for that parcel are required to be Community Vitality Uses subject to exceptions included in Section 16-29(c) and the design guidelines for buildings included in Section 16-30(d)(7).

(3) Permitted Secondary Uses

The following secondary uses are permitted on each CSC parcel, provided that one or more of the anchor uses designated in the table above (or approved by the Town Council) has already been established on same CSC parcel, or will be established on the same CSC parcel as part of the development containing the permitted secondary use.

- a. An anchor use listed above in table 16-30-1, regardless of whether it satisfies the minimum size requirements, unless prohibited elsewhere by this section (C)(3).
- b. Uses and activities conducted by a government entity or by a public non-profit entity that meets the requirements of Sections 16-4 or 16-21(8) of this Chapter. Such uses include including but not limited to administrative offices and meeting rooms for non-profit and educational oriented organizations, transit facilities, museum, community center, educational facilities, performing arts center, and theater.
- c. A local business chamber.
- d. Community Vitality Uses as shown on Table 1 in Section 16-29 as Community Vitality Uses (in areas of the parcel other than the designated Vitality Zone).
- e. Other commercial, office and retail uses allowed in the C-2 Zone District.
- f. Fully-deed restricted community housing units meeting the requirements of this Chapter.
- g. Free-market multifamily residential uses (only on BCC and Lions Park parcels) where no unit exceeds 1,400 total square feet.
- h. Makerspace/Craft Industry.
- i. Public parking garage (on the BCC parcel only).
- j. Public or private open space and park uses.
- k. Day care that complies with state requirements regulating day care.
- l. Accessory uses approved pursuant to CSC Development Plan Review Process
- m. Temporary outdoor uses and vendors, subject to the provisions of Chapter 6, Section 6-13 of the Town of Basalt Code.

(4) Limitations on permitted uses. Through the CSC Development Plan Review process, the Town Council may place reasonable restrictions or limitations on any use or activity in the CSC Zone District. The Town Council may also determine that a specific use is not appropriate based on the intent of the zone district, consistency with the Town Master Plan and compatibility with adjoining areas. The Town Council may establish conditions allowing for subsequent review by the Town Planner or Technical Review Committee to avoid unnecessary additional meetings before the Planning and Zoning Commission and Town Council.

(d) Dimensional requirements.

- (1) The dimensional requirements applicable to developments within the CSC Zone District shall be established through the CSC Development Plan review process, and shall be subject to the limitations listed in Table 16-30-2, below.

PROPOSED AMENDED CSC ZONE DISTRICT – 6th Draft

| Table 16-30-2: Dimensional Requirements | | | | | |
|--|----------------------------|-------------------------------|-------------------|--------------------|---|
| Dimension | Standard | | | | Comments |
| | CDC Parcel | BCC Parcel | Lions Park Parcel | Merino Park Parcel | |
| Minimum Lot Area | | | | | |
| Maximum Building Height to Top of Parapet or Pitched Roof | 2.5 stories; 38ft. [1] | 4 stories; 45 ft. [2] [3] [4] | 2 stories; 25 ft. | 4 stories; 45 ft. | 2.5 stories means a third story is allowed if it is set back as required in applicable table notes. |
| Front Yard Setback (along Two Rivers) | | | | | Overhangs and other building features may encroach into the public-right of way if approved through the CSC development plan review process and a Town encroachment license is obtained |
| Min. | 0 ft. | 0 ft. | 0 ft. | 0 ft. | |
| Max. | 10 ft.[6] | 10 ft. [5] [6] | 10 ft.[6] | N/A | |
| Front Yard Setback (along Midland Avenue and Midland Spur) | | | | | |
| Min. | N/A | 0 ft. | 0 ft. | 0 ft. | |
| Max. | N/A | N/A | 10 ft.[6] | 10 ft.[6] | |
| Min. Side Yard Setback | Per Building and Fire Code | | | | |
| Min. Rear Yard Setback | Per Building and Fire Code | | | | |
| Min. Setback from Rivers and other Environmentally Sensitive Areas | See Article XXI | | | | |
| Min. Landscaped Open Space | 10% | | | N/A | Open space credit may be given for pedestrian improvements per Section 16-30(e)(5)(b) |
| <p>[1] A 2.5 story building is allowed if the third story is set back at least 10 ft. from the lower façade facing Two Rivers Road street frontage, from Riverfront Park, and from the park on the east portion of the CDC parcel.</p> <p>[2] Any portion of the building containing a grocery store may have a maximum height of 49 ft.</p> | | | | | |

| Table 16-30-2: Dimensional Requirements | | | | | |
|---|------------|------------|-------------------|--------------------|----------|
| Dimension | Standard | | | | Comments |
| | CDC Parcel | BCC Parcel | Lions Park Parcel | Merino Park Parcel | |
| <p>[3] Each building shall not exceed 2.5 stories or 38 ft. in height within 50 ft. of Two Rivers Road or Midland Avenue, or within 100 ft. of the Frying Pan River.</p> <p>[4] No new building shall exceed 2.5 stories or 38 feet in height until (a) at least 150 linear feet of the Two Rivers Road frontage is occupied by buildings meeting the minimum and maximum setbacks, or (b) the Town Council has approved a development plan showing that at least 150 linear feet of the Two Rivers Road frontage will be occupied by buildings meeting the minimum and maximum setbacks.</p> <p>[5] Maximum building setback shall not apply to the 150 ft. of the BCC parcel along the Two Rivers Road frontage closest to Midland Avenue, measured from the light pole existing on March 31, 2016 at the intersection of the Two Rivers Road and Midland Avenue.</p> <p>[6]. At least 80% of any street facing building must be built between the minimum and maximum front setbacks except for building located behind another street facing building or as provided in Note [5] above.</p> | | | | | |

- (2) Town Council can reduce or waive in its entirety the requirement for a full 10 foot third floor setback on the park sides of the CDC parcel after a recommendation of the Planning and Zoning confirming that at least one of the following findings has been made.
- a. An equivalent setback is provided on the first floor to provide a porch or deck that lessens the visual massing of the building by park users;
 - b. Requiring the setback would require the first floor of the building to be so large that it would negatively impact views required by Section 16-30(e)(1)
 - c. There is sufficient fenestration in the building to reduce the visual mass of the building so that the full top floor setback is not necessary
 - d. The third floor setback is in an area not seen by park users because of vegetation, terrain change, intervening structures, or other factors
 - e. The second floor of the building is set back from the first floor façade at least 10 feet or more on those frontages where a third floor setback is required in the table above.
- (3) A land use application must demonstrate to the satisfaction of the Town Council that the height requested is compatible with or complements the adjacent uses and heights of adjacent structures. The Town Council can allow a building height to exceed the maximum height requirements by no more than 8 feet after a recommendation of the Planning and Zoning confirming that at least one of the following additional findings has been made.
- a. Permitting the additional height allows for greater views or wider pedestrian-through connections to the river than otherwise would be achieved or the Applicant is willing to grant wider views to the river in exchange for the additional height;
 - b. The height is the minimum necessary to hide mechanical equipment that must be on the roof;
 - c. The additional height is necessary to allow underground parking. However no more than 4 feet of underground parking structure height above approved grade may be exempted from the maximum height limitations.

- d. The additional height will permit the addition of a feature improving the architectural interest of the building. However, no more than 6 feet of additional height to accommodate the feature may be approved.
- (4) The approved grade from which maximum height will be measured and first floor elevation(s) for the buildings within any CSC parcel will be proposed in the sketch plan application and established at Final Plan review based on each building's relationship to any adjacent street, sidewalk, public area or buildings, while factoring in other environmental considerations such as the water table.
- (e) Other Site Development Standards.¹
 - (1) Openings to the river.

The following openings shall be preserved for views to Roaring Fork River and for pedestrian passage by employees, occupants, or patrons of adjacent properties, and no new building shall be constructed in the areas designed as a view protection/pedestrian access zone.

- a. Required View/Pedestrian Opening 1: On the Lions Park parcel and CDC parcel, buildings shall be sited so as to preserve views and pedestrian access from the corner of Midland Avenue and the Midland Spur to the Roaring Fork River as shown on the following map.
- b. Required View Opening 2: On the CDC parcel, a view and pedestrian access from Two Rivers Road to the Roaring Fork River shall be provided along the western edge of the property, as shown on the following map.
- c. Additional View Opening: To the maximum extent practicable, at least one additional view from Two Rivers Road to the Roaring Fork River should be provided somewhere west of the intersection of Two Rivers Road and the Midland Spur. This view opening shall be located so that building frontages along Two Rivers Road comply with the building façade articulation standard in Section 16-30(f)(4) below.



- (2) Pedestrian through-connections. Development on the BCC parcel shall incorporate at least one pedestrian through-connection from the Midland Avenue frontage to the Frying Pan River

¹ Content of current CSC "Other Development Standards" have been significantly reorganized for logical flow and to better separate site and building design requirements.

frontage. The required pedestrian through-connection shall be located internal to the site (at least 50 feet from the Two Rivers Road frontage).

- (3) Vitality zone. Each CSC parcel except the Merino Park parcel shall include a designated vitality zone that shall be established by the Town in the sketch plan process. The permitted uses in the vitality zone are shown on Table 1 in Section 16-29 as Community Vitality Uses and the buildings are subject to the building design standards contained in Section 16-30(f) for buildings within the vitality zone. The Town Council will establish the vitality zone considering the following:
 - a. The pedestrian and connectivity goals of the area;
 - b. The nature of the desired streetscape;
 - c. Existing and proposed adjacent uses;
 - d. The then current Master Plan, including but not limited to the Our Town Master Plan amendments; and
 - e. The goals advocated by any non-profit applicant.
- (4) Parking. Development in the CSC Zone District shall provide parking as follows:
 - a. Minimum requirements
 1. Hotel/Condominium Hotel —1 space per hotel room, plus 2 for management and operations.
 2. Residential—1 space per bedroom to a maximum of 2 spaces per unit, where an efficiency unit is counted as 1 bedroom.
 3. All other uses—1 space per 400 square feet of floor area. With the exception of handicap spaces and car share spaces, parking spaces may not be reserved for individuals or private businesses.
 - b. Additional on-street parking constructed as part of the development will count for non-residential parking included in the calculation of parking spaces to be provided. The applicant shall be permitted to purchase non-residential parking spaces pursuant to the requirements of Section 16-94.
 - c. The Town Council may apply a reduction of the non-residential parking requirements following a recommendation of the Planning and Zoning Commission based on hours of operation, mixed-use, access to on-street parking, availability of local public transit, availability of parking spaces in a public parking lot or garage, expected use of WE-Cycle or other bicycle sharing programs, contribution to or participation in a car share program that serves the community, creation of a Transportation Demand Management (TDM) plan to reduce traffic volumes and parking demands below expected levels, or contribution to other desired public improvements, necessary infrastructure, or other basic Town service requirements. The Town Planner may require a recommendation from a parking consultant as outlined in Section 16-92 in order for the staff and Planning and Zoning Commission to make a recommendation and the Town Council to make a decision on the appropriate parking reduction for the development.
 - d. The visual impacts of off-street parking and loading areas shall be minimized. The design of parking and loading areas shall ensure that they support and do not detract from the Town's vitality goals for the CSC Zone District. This shall be accomplished by:
 1. Constructing structured parking primarily underground where such construction is feasible;
 2. Prohibiting surface parking between any building on the CDC, Lions Park, and Merino Park parcels and the right-of-ways of Two Rivers Road, Midland Avenue, or the Midland Spur;

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3. Locating parking and loading areas, or the access to such areas, along the rear facade or side of the building whenever feasible; or
 4. Wrapping the facades of any structured parking within other permitted uses that have a minimum depth of 18 feet or wrapping the facades with building material, grading or landscaping to break up the view of the parking and parking structure lighting from public open spaces and other activity areas. When this design option is employed the access to the structured parking shall be designed with the same attention to detail and materials as the primary façade and the access shall be integrated into the building's design and wrapping.
 5. Designating 1 or more loading zones on the site plan and regulations to govern loading.
- e. Except as described in subsections (a) through (d) above, parking areas and structures in the CSC Zone District shall comply with the requirements of Article V, Off-street Parking and Loading.
- (5) Open spaces.
- a. To the extent possible the areas between each building with a ground floor nonresidential primary use and the adjacent street shall be visible space that is useable by customers of on-site business uses or pedestrians. These areas, and the required open space areas on the site shall:
 1. Abut and be level with the public sidewalk;
 2. Be open to the sky (except for awnings, covered walkways, areas under a porch and covered outdoor seating);
 3. Be directly accessible to the public; and
 4. Be provided with appropriate ground cover treatment and landscaping.
 - b. Placement of street furniture and public art in required open space is encouraged, as long as a 5 foot minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretive displays, small play features and public art that are attractive and appropriate for use by young children are encouraged. The Town may give credits towards minimum open space requirements for street furniture, fountains and similar improvements in a public right of way or other public spaces in the downtown.
 - c. At least 50 square feet of private usable open space shall be provided for each dwelling unit. Private open space may include balconies above ground and lawn areas and patios behind the building. Private open space areas shall not be located in front of or adjacent to any portion of a building's vitality zone. The Town may reduce or waive a private open space requirement if the Town determines that the private open space area would interfere with the intent of the CSC Zone District.
 - d. Building design and landscape features for the CSC development must take into consideration adjacent public park uses. CSC development shall complement but not detract from public park activities. Development outside of any designated vitality zone adjacent to a public park shall be designed to minimize the intrusion of the CSC development activities or impacts from private lands onto public parks and trails. Development within any designated vitality zone should be designed to optimize integrated public and private uses and activities.
- (6) Signage. The sign restrictions of the C-2 District will apply to non-residential uses unless modifications to those standards are approved through the CSC Development Plan Review process. However, nothing shall prevent the Town Council from adding conditions and restrictions on signage to protect adjacent properties and to further the goals of the adopted Town's Master Plan, including without limitation the Our Town Master Plan amendments.

- (7) Lighting. The lighting requirements of Section 16-431 shall apply to development within the CSC Zone District unless modified through the Exemption process outlined in Section 16-438 of the Town Code, Article XX, Exterior Lighting.
 - (8) Utility and trash facilities. Utility boxes and trash/recycling facilities servicing the building shall be located outside of the public right-of-way, along the rear or side façade of the building. To the extent possible, these facilities shall be located to avoid or minimize any negative impacts on residential uses on the parcel and on adjacent parcels and to avoid interfering with pedestrian movement and experience. This requirement shall not be construed to prohibit the placement of street furniture, such as public trash containers, within the public right-of-way.
 - (9) Environmentally sensitive areas. Development within the CSC Zone District shall comply with Article XXI (rivers, wetlands and environmentally sensitive areas), provided that the environmentally sensitive area review shall be conducted simultaneously with the CSC Development Plan Review if the Town Planner makes a finding that the development is within the development line established by the River Master Plan.
 - (10) Community Priority Scoring System. Development within the CSC Zone District shall be exempt from the requirements of Article XXII.
 - (11) Land dedications. The land and improvements, or fees in lieu, required to be provided under the provisions of Section 17-15 (Parkland Dedication) shall be calculated at one-half (½) the requirement for any deed restricted community housing units; and the provisions of Section 17-16 (School Land Dedication) shall apply at the same discounted rate for deed restricted community housing units. The Town Council may exempt or further reduce such fees for free-market and community housing during the CSC Development Plan review process pursuant to Section 16-419. Any reduction or elimination of school impact fees will require approval by the school district.
 - (12) Development in the CSC Zone District shall meet or exceed the accessibility requirements of the Americans with Disabilities Act.
 - (13) Landscaping in the public right-of-way. Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the Public Works Manual.
 - (14) Curb Cuts. Development in the CSC Zone must satisfy the design criteria of the C-2 Zone District in Section 16-29(e)(4)c. regarding curb cuts.
 - (15) Street and Streetscape Improvements. All street and streetscape improvements shall comply with the Town of Basalt Complete Streets Design Manual.
 - (16) Community Housing. Development within the CSC Zone District shall comply with Article XIX (Housing Mitigation)
- (f) Building design. All buildings shall comply with the following requirements, if applicable:
- (1) Building Typologies and Guiding Principles. The typologies from the Our Town amendments to the Town of Basalt Master Plan that the Town determines are most applicable to the type of development proposed in the project, as well as other building design standards and guidelines contained in the Our Town Master Plan amendments. Those guiding principles include:
 - Building scale compatible with historic downtown;
 - Variety of western roof forms;
 - Street level interest; and
 - Contemporary reinterpretations.
 - (2) Buildings within the portion of the site designated as the vitality zone (as that term is defined in Section 16-29 of this Code) shall incorporate a store-front design at the street level, with windows suitable for retail goods display that are designed to attract pedestrian interest at the street level. The storefront windows along the façade of the vitality zone shall be transparent so

as to permit the activities within the building to be visible to pedestrians along the adjacent street. Commercial spaces at street level should have a ceiling height consistent with those within the historic downtown.

- (3) Any new buildings constructed at prominent corners shall contain both ground floor and upper floor elements that reflect timeless design and visually emphasize the importance of the corner through vertical elements, changes in materials or color, changes in articulation patterns, or entryways, or similar features.
 - (4) Building facades along streets shall be designed to reflect the general 20-30 ft. width of street facing building facades in older areas of downtown Basalt. Building facades wider than 30 ft. shall include vertical projections or insets from grade level to the eave of a pitched roof or the top of a flat roof or parapet at a linear spacing of no less than 20 feet and no greater than 30 ft. unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission. This standard shall not prohibit the extension of an awning across the vertical projection or inset.
 - (5) Building facades along pathways that connect buildings to public spaces, and along alleys or other frontages with pedestrian traffic shall contain projections from or insets into the wall plane, windows, doors, or changes in material to ensure that no section of building wall longer than 30 feet is of uniform materials, color, and appearance unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission.
 - (6) The ground floor of any new structure in the vitality zone shall be at grade with adjacent sidewalks or passageways, and there shall be no steps between the sidewalk and the primary building entry. However, in order to satisfy grade issues, steps may be included between the sidewalk and the street if the applicant demonstrates that providing steps is the best way to address grades on the site.
- (g) Zone District review procedures and submission requirements.
- (1) CSC Development Plan review procedures. No new development shall occur in the CSC Zone District without CSC Development Plan review and approval. CSC Development Plan review shall be conducted in 2 stages, these being Sketch Plan review and Final Plan review.
 - a. Sketch Plan review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Sketch Plan review shall involve the following procedural steps:
 1. The initial step in Sketch Plan review shall be a determination of whether the proposed project is community serving and is eligible for rezoning to the CSC Zone District. This determination may be made administratively by the Town Planner or the Town Planner may refer this matter to the Planning Commission and Town Council. If the determination is referred, then the Planning Commission and Town Council consideration may occur at a jointly held public hearing. Any project that is determined to be community serving and eligible for rezoning to the CSC Zone District may then proceed through Sketch Plan review.
 2. With the exception of proposals for the Merino Park parcel, Sketch Plan review shall require a review by the Town's Parks, Open Space and Trails Committee. The Committee shall make recommendations on how the project satisfies Section 16-30 (e)(1)(2) and (5) along with the Committee's findings of the project's consistency with the parks, open space and trails sections of the Town's master plan and the project's impact on any other adopted park plans.
 - a Sketch plan review will then require review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Sketch Plan application following a duly noticed public hearing. The Planning Commission review shall be followed by a review by the Town Council at a duly

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noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.

- b. Final Plan review. Final Plan review is intended to provide the Town with a more detailed description of the proposed development program, to respond to issues raised in the sketch plan review and to present additional information required in the Sketch Plan review. With the exception of proposals for the Merino Park Parcel, the initial step in the Final Plan review will be a review by the Parks, Open Space and Trails Committee. The Committee shall make recommendations on how the project satisfies Section 16-30 (e)(1)(2) and (5) along with the Committee's findings of the project's consistency with the parks, open space and trails sections of the Town's master plan and the project's impact on any other adopted park plans. Final Plan review shall require a review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Final Plan application following a duly noticed public hearing. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application. The Town Planner may schedule a joint meeting of the Planning Commission and Town Council prior to the initial Final Plan review by the Commission.
 - c. Community Serving Subdivision. A property which is zoned CSC is eligible to be subdivided as a Community Serving Subdivision pursuant to the provisions of Section 17-84.5 of this Code provided no more than four initial lots are created by the Owner. The Community Serving Subdivision shall be processed concurrently with the CSC Development Plan. However, nothing herein requires the qualifying non-profit organization to use the Community Serving Subdivision process if the owner would rather utilize another eligible subdivision process in the Code at the time of the subdivision.
- (2) Sketch Plan submission contents. The application for the Sketch Plan stage of CSC Development Plan review shall include the following:
- a. Completion of standard application forms and authorization from the owner for the filing and processing of the application and fees.
 - b. Description of existing conditions.
 - c. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.
 - d. A list with addresses of all property owners within 300 feet of the property.
 - e. A description of the development program including: major objectives of the development; proposed mix of uses with approximate square footages of each use and number of any free-market and community housing units and allowed locations; parking capacity, location and types; access locations and vehicle and pedestrian circulation; proposed phasing and timing; and plan for satisfying the goals of the development plan. Numbers can be provided in a range.
 - f. Schematic development plan (at a scale of at least 1 inch per 100 feet) showing horizontal relationships of the proposed development with property boundary, setbacks and proposed uses.
 - g. Information and drawings providing a schematic level description and illustration of the height, scale and mass of proposed structures from important perspectives, as well as proposed open spaces narrative and graphic descriptions of the character and style of architecture by the end of Sketch Plan review.
 - h. Narrative addressing relationship of the project to neighboring properties and consistency with the Town's Master Plan, the River Master Plan; Streetscape Plan and any other long range planning documents as deemed appropriate by the Town.

- i. Narrative description of how utilities are to be provided to and through the site by a licensed professional engineer along with an assessment as to the feasibility of the applicant's proposal. Describe whether any existing utilities or easements will need to be relocated or vacated, and generally the plan for accomplishing this. The engineer's assessment at a minimum must address potable water, sanitary sewer, drainage and storm sewer, electrical power, natural gas power, and flood protection where applicable. Describe whether the power lines will be below ground or overhead. The applicant may include maps depicting the alignment of utilities but it is not required at Sketch Plan. The engineer's assessment shall outline any known engineering and utility issues and generally describe how they will be addressed in the final site plan review.
 - j. Proof of ability to apply the CSC Zone District.
 - k. General statements describing how the elements of the development will satisfy the criteria required for the CSC Zone and explanation for any reductions in requirements allowed through the site plan process.
 - l. Statements addressing how the development intends to satisfy requirements that apply to the development found in other sections of the Code applicable to the type of development being proposed, including but not limited to: any annexation requirements; school and parkland dedication; floodplain development permit and regulations, and community housing, including any need for relocation housing.
 - m. Description of how the development addresses the Town's goals toward sustainable building, energy efficiency and waste reduction.
 - n. A study of the shading or shadow impacts that the proposed buildings may cause on public or private rights-of-way or other public spaces within or surrounding the project.
 - o. Additional information. Any additional information reasonably required by the Town to review the application and to verify compliance with the provisions of this Code.
- (3) Final Plan submission contents. The application for the Final Plan stage of CSC Development Plan review shall include the following
- a. Same as above along with such additional or refined information and analysis as may be required by the Town Council in order to address issues raised in the Sketch Plan review or to verify compliance with the provisions of this Code.
 - b. Off street parking and loading areas, including the location, type and capacity of proposed parking areas, and written justification for any proposed reductions or fee-in-lieu of parking proposals
 - c. The location of all ways for ingress and egress to all buildings and parking areas.
 - d. Service and loading areas and refuse and recycling collection areas.
 - e. Site/building program.
 - f. Development plan which meets the requirements of Section 16-66(3)b. Following Final Plan approval the applicant shall record a development plan containing the elements of the Town Council's approval.
 - g. Reserved.
 - h. Proposed schedule and phasing.
 - i. Identification of potential construction and maintenance easements needed for zero-lot line development and plan for obtaining such easements.
 - j. Draft Master Development Agreement which generally describes the public improvements to be constructed in connection with the project, the timing of such construction, the parties responsible for completion of the public improvements and the financial security to be provided.

- (4) Building, engineering and site design review. Building, engineering and site design review is intended to provide the Town with the final architectural, engineering, landscaping and other technical documents that are a precursor to the actual construction of the project. Following approval of the final CSC Development Plan and any other associated land use actions and prior to issuance of a building permit for each lot or development site, the then-owner of a lot or development site shall comply with the following submission requirements and review procedures:
- a. The owner shall prepare and submit architectural drawings, elevations and perspective drawings of all proposed structures and improvements intended to show the relationship of the proposed structures to the surroundings. Such drawings shall depict proposed building materials, fenestration, mechanical equipment (and screening of such equipment) and similar architectural details but need not be the result of final architectural design.
 - b. The owner shall submit final engineering documents, including plans and specifications for streets, water, sewer and drainage and the engineers' cost estimates for all public improvements to be installed on the lot or building site within dedicated land areas, rights-of-way or easements.
 - c. Following construction, the owner shall provide as-built mapping and diagrams for utility installations in an electronic computerized format of a type approved by the Town Engineer or Public Works Director.
 - d. The owner shall describe the character and type of landscaping, lighting and signage to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on a site plan. The lighting description shall describe how the lighting complies with the final site plan approval and any exemptions that will be necessary pursuant to Section 16-438 of the Town Code, Article XX, Exterior Lighting. The signage plan shall provide detailed information sufficient to determine whether the location, size, number and character of the proposed signs comply with the requirements of the Town Code, Article VII, Signs.
 - e. The owner shall provide an anticipated time table for completion of development including the anticipated dates for completion of any phase.
 - f. The owner shall provide a title insurance policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all owners and lien-holders have approved the final subdivision plat.
 - g. The owner shall demonstrate compliance with Article II, Chapter 17, Design Standards and Requirements for Subdivisions.
 - h. The owner shall demonstrate compliance with Article V, Chapter 17, Public Improvements Acceptance and Guarantees.
 1. The owner shall provide a Subdivision Improvement Agreement for public or quasi-public improvements to be constructed by the owner and other draft agreements and conveyances that apply to the development as whole or to community housing or other restrictions or requirements.
 2. The owner shall provide a Construction Management Plan and shall submit a request for the use of any of the Town's property for construction or construction management purposes.
 3. The owner shall demonstrate compliance with the Final CSC Development Plan approval applicable to the application and any other Town approval.
 - i. The owner shall submit the information necessary to satisfy the foregoing requirements for review by the Technical Review Committee. TRC review shall take into consideration the project's compliance with the approval documents applicable to the development, relevant

standards applicable to buildings, final subdivision plats and other Town code requirements for approval before building permit. The TRC may refer any portion of its review to the Planning Commission or Town Council for final action. In addition, in its final approval the Town Council may require that the Planning Commission or Council review specific items of the approval.

- (5) Amendments to a Sketch Plan or Final CSC Development Plan. Amendments to a Sketch Plan approval or Final Plan shall be processed as follows:
- a. Sketch Plan approval. After Sketch Plan approval an applicant may make insubstantial amendments to the approved sketch plan before submitting a Final CSC Development Plan for review. Substantial amendments shall be processed under the same procedures as used for the original adoption. "Substantial" shall have the same meaning as in Section 16-65(d)(2). The initial determination of whether an amendment is insubstantial or substantial shall be made by the Town Planner.
 - b. Final CSC Development Plan approval. After Final Development Plan approval, the TRC may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the Final Plan Approval. The applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which 15 days written notice of the public meeting has been provided to the appellants.
 - c. Substantial amendments and amendments which the Town Planner determines are not minor amendments but are consistent with the Sketch Plan approval shall processed pursuant to the Final Plan submission and review procedures. Substantial amendments and any amendments which the Town Planner determines are not minor amendments and are not consistent with the Sketch Plan approval shall be processed pursuant to the Sketch Plan and Final Plan submission and review procedures.
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EXHIBIT B

PROPOSED AMENDED CSC ZONE DISTRICT

Sec 16-4 Definitions – *the following definitions are added to the Town Code except for the definition of condominium hotel, which is revised by deleting the current definition and replacing it with the definition for condominium hotel as shown below.*

Brewpub/Distillery – A facility licensed as a brewpub or distillery by the state that annually manufactures and sells in the facility not more than 5,000 barrels of beer, or not more than 25,000 gallons of distilled spirits, only for consumption on the premises. .

Community Center – A facility available for public activities, including but not limited to events, performances, entertainment, celebrations, meeting rooms, public classrooms and indoor gardens. The space is intended to be available for use by the public. However, the space may be rented by one or more parties at any time.

Condominium Hotel (or condotel or condo-hotel) -- A hotel or motel operated under a condominium form of ownership. A condominium hotel must satisfy the following requirements:

- a. Be advertised and marked with signage as a hotel or motel and be subject to the complete control and management of a single hotel or motel operator for operation as a hotel or motel.
- b. Be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures and pre-construction agreements, in form and content approved by the Town Attorney that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a hotel or motel and will not be occupied as a dwelling.
- c. Except for dwelling units to be used by a manager or employees or any deed-restricted affordable housing, condominium hotels shall contain only individual sleeping units that are sold as a condominium hotel unit and are permanently dedicated to rental to the public for transient occupancy. Individual sleeping units may contain small kitchen facilities.
- d. Be managed to ensure that:
 - (i) At least fifty (50) percent of the units are available for rental to the general public at all times; and
 - (ii) That no unit owner may occupy their unit for more than sixty (60) days out of a calendar year; and
 - (iii) That no owner may occupy their unit more than twenty-nine (29) consecutive days; and
 - (iv) That no owner may store an automobile on site when they are not occupying a unit.
- e. Contain and maintain standardized furniture, furnishings and decor in all individual sleeping units.

If a proposed development does not meet requirements a through e above, the Town Council may determine that a proposed development nevertheless qualifies as a Condominium Hotel if it finds that the proposed development, together with any related covenants, conditions, restrictions, or agreements between the developer and the Town, will ensure that at least the same number or a greater number of the condominium hotel units will be occupied for the same or a greater number of days each year as a Condominium Hotel that meets all of the requirements in subsections a through e above.

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Entertainment -- A facility providing entertainment or recreation activities, including but not limited to theaters, bowling alleys, nightclubs, game centers, gymnasiums, health clubs, and climbing wall centers or rooms that can be rented for parties or events, where all activities take place within enclosed structures. This use does not include a conference center, adult arcade, adult bookstore, adult video store, adult novelty store, adult cabaret, adult entertainment establishment, sexually oriented business, adult motel, adult motion picture theater, or adult theater.

Makerspace/Craft Industry – a facility that contains one or more artists or craft industries. A makerspace is a community center that includes manufacturing equipment, community and education for the purposes of enabling individuals to design, prototype and create manufactured works. A craft industry encompasses goods that are handmade by artisans or those skilled in a particular trade, including but not limited to art galleries, handmade textiles, food, beverages, and culinary products. Products made on site may also be sold on site. No such individual facility shall be larger than 6,500 total square feet.

Small Business Incubator -- A facility operated to encourage and support the growth and success of entrepreneurial companies by providing a variety business support resources and services, including but not limited to physical space, coaching and mentoring services, access to financing, networking connections, shared supply purchasing, or shared data systems and resources.

Memorandum

To: Chair and Planning and Zoning Commission
From: Susan Philp AICP, Planning Director
Date: July 5, 2016
Re: Public Hearing: Zoning for Our Town Planning Parcels – Amended CSC Zone District and other changes to the Zoning Code

I. Purpose

The purpose of this agenda item is for the P&Z to hold the public hearing and receive public comments before the P&Z makes its recommendation to the Town Council on the zoning changes.

II. Background of Our Town Planning Process

The Council has taken several actions on the Our Town Planning Area starting in February of 2014 when the Council began the Our Town Planning process after the successful voter approval of the bond allowing for the removal of the mobile homes and the construction of the river and park improvements. The P&Z was charged with adopting an amendment to the master plan and to prepare zoning for the Our Town Planning properties. The Town Council has taken several actions directing the P&Z to move forward with zoning for the Our Town Planning Area, which have been summarized in prior P&Z memorandums and most recently in the packet materials for the Council's June 14th Worksession.

In 2015 and early 2016 the P&Z evaluated various alternative ways of zoning the four parcels in the Our Town Planning area with Don Elliott from Clarion Associates. Ultimately the P&Z recommended using the Community Serving Commercial (CSC) Zone District as the best tool for achieving the desired goals of the *Our Town Subarea Plan: An Amendment to the 2007 Town of Basalt Master Plan* ("Our Town Planning Master Plan Amendment"). The P&Z has continued to hold worksessions to refine the proposed revisions to the zoning code.

Town Staff had a model prepared by Vision Design Inc. to show options for development for the Our Town Planning parcels. The model was helpful to the Council, P&Z and the public in understanding the massing that could be built under the regulations and by the citizen's petition. The P&Z subsequently made some changes to

the proposed regulations (for example further limitations on the 3rd story adjacent to the River Park).

On June 14th the Council had a Worksession discussion with P&Z members and provided input on the zoning changes. (See Section V.) Subsequently on June 21st, the P&Z had a site visit and Worksession and made additional changes to the Amended CSC Zone District. (See Section VI.)

III. Key Ideas of the Amended CSC Zone District

There are some key ideas behind the P&Z's Amended CSC Zone District.

First, it was established to further the goals, typologies and vision statements and future land use map included in the Our Town Planning Master Plan Amendment which was adopted by the P&Z and Town Council in late 2015 based on a report created by the Downtown Area Advisory Committee (DAAC).

Second, by requiring anchor uses on these parcels the Town will see the vitality and uses it desires in the downtown area.

Third, the Town currently does not plan on rezoning property it does not own to CSC. Nothing restricts an owner from applying for a different zone district, a PUD, an amendment to this District or creating another District.

Fourth, the Amended CSC Zone District is aimed at giving direction to owners, developers, and citizens about what the Town would like to see in the Our Town Area and what would be successful in the development review process. It encourages an owner to apply for this District by having a 2-step land use process and by allowing more density than permitted for other areas of the downtown.

Fifth, the District allows for a wide variety of uses. For-profit uses are permitted as well as non-for-profit uses.

Sixth, the Amended CSC Zone District does not include a specific floor area limitation. It contains volumetric limitations and other restrictions to arrive at the level of development that could be permitted.

IV. Highlights of the P&Z's Amended (CSC) Zone District

Highlights of the P&Z's Amended Community Serving Commercial (CSC) Zone District are provided below:

1. The CSC Zone District is proposed to be modified to apply to all 4 OTP parcels: CDC, Lions Park, Merino Park and Basalt Center Circle (BCC).

The original district was prepared by the CDC for the CDC parcel although it could be used by other "Public non-profit Entity, Community Development Corporations."

2. The definition of what is considered to be Community Serving is proposed for modification. The P&Z determined that Community Serving meant that each of the properties would include an "**anchor use**". An anchor use is a use or activity that the Town desires which was supported by the OTP Master Plan Amendment.
3. Anchor uses for each of the 4 parcels were identified by the P&Z. Anchor uses include such uses as a grocery store, hotel, brewpub/distillery, and also include a community center (to address the uses desired by the Petition Committee on the CDC parcel).
4. **Secondary uses** are identified for each of the parcels. Secondary uses are other uses which could occur once the anchor use was guaranteed for the parcel.
5. Buildings adjacent to Two Rivers Road may only be **2 ½ Stores**. 2 ½ stories means the third floor is pulled back from the front building façade by at least 10 feet.
6. **4 stories are allowed on the BCC** parcel but only in the interior of the parcel, away from the Fryingpan River, and after buildings are confirmed along Two Rivers Road.
7. Buildings adjacent to the Basalt River Park may also be only 2 ½ stories although the Council may grant relief based on findings.
8. **View openings as shown on the OTP Master Plan Amendment must be protected.**
9. Pedestrian through connections to the rivers as defined in the code language must be preserved.
10. **Definitions** are added (for example, what is a "Community Center"?) or amended (for example "**condominium hotel**").

V. **Council Discussion following P&Z's June 14th Discussion**

Staff's take aways from the Council's input following P&Z's June 14th Discussion are provided below.

*
Council
Direction

Building and Park Line

- A. Council had general agreement on building line and area shown as a park. Council members recognized that the polygon area potentially could be part of the private development if that development included the vitality ideas advocated by POST's River Park Plan.

Building Heights

- B. Councilor's expressed some concern with the allowed heights, particularly for the 2 ½ story building bordering Two Rivers Road and the river park area. Concern expressed by Councilors included that buildings, if constructed to the maximum height, could potentially be out of character with downtown and adjacent development and that the 38 feet height could actually be fully 8 feet higher or 46 feet with the parapet and underground parking allowances.

Staff added language in the 5th Draft of the Amended CSC Zone District presented at the P&Z's June 21st meeting to clarify that the Council could approve lower heights than the maximum and that allowances to exceed permitted heights could only be made after certain findings.

Uses

- C. Individual Councilors expressed concern with hotels and condominium hotels being allowed on the CDC Property while other Councilors supported hotels and different methods of financing them.

Staff made minor modifications to the condominium hotel definition in the 5th Draft.

- D. Councilors, recognizing the importance of day care, seemed satisfied that day care uses were permitted as a secondary uses.

Process and Summary

- E. Council seemed supportive of the overall direction of the Amended CSC District at this stage of the review and agreed that the P&Z could hold public hearings and continue the adoption process.

VI. Additional P&Z Changes from June 21st meeting.

The P&Z had a site visit before its June 21st meeting on the BCC property for the purpose of checking in on some of the dimensional requirements included in the current draft. Later in the regular meeting the P&Z suggested additional changes to the 5th Draft of the Amended CSC Zone District as presented for that meeting. These changes included:

- Increasing the area where 4 stories on the BCC parcel can be located by reducing the buffer which restricts 4 stories from the Frying Pan River from 150 to 100 feet.
- Allowing 2 ½ stories and 38 feet in height (in place of 2 stories and 35 feet of height) in the center of the BCC property unless buildings are to be built adjacent to Two Rivers Road.

- Stating that that providing wider pedestrian walkways could be a reason for allowing a higher building.
- Revisions to clarify POST's role in the review process.
- Establishing the location of where height is to be measured from and the first floor elevation in relation to adjacent streets and what is around the building must be part of the development approval process.

VII. P&Z Discussion and Recommendation for the Meeting

At this meeting, Planning Staff and Don Elliott, Clarion Associates, will give a presentation and the P&Z will take comments from the public. The P&Z will then discuss the Amended CSC District and other changes being proposed to the Zoning Code. Depending on public comment and the P&Z's discussion, the P&Z may either continue the public hearing or make a motion and forward the code amendments on for Council consideration.

Attachments

6th Draft of amended Zoning Regulations - Note: not attached
as 6th Draft is incorporated into the
Draft Ordinance

TOWN OF BASALT
PLANNING AND ZONING COMMISSION
PUBLIC HEARING and WORK SESSION
JULY 5, 2016

SITE VISIT

At 5:15 p.m. members of the Planning and Zoning Commission met with Town Staff at 309 Sopris Drive for a site visit.

APPOINT TEMPORARY CHAIR

Town Planner, Susan Philp, noted that the Chair had not yet arrived but the meeting needed to get underway. She suggested that the Commissioners appoint a temporary Chair to serve in that position until Dylan Johns arrived.

M/S GARY WHEELER AND PATRICK MCALLISTER TO APPOINT ERIC VOZICK AS TEMPORARY CHAIR. THE MOTION CARRIED BY A VOTE OF 5-0.

CALL TO ORDER

At 5:37 p.m. the Planning and Zoning Commission was called to order. Commissioners answering roll call were Gary Wheeler, Gino Rossetti, Patrick McAllister, Eric Vozick and Alternate, Tracy Bennett. Staff present was Basalt Town Planner, Susan Philp; Assistant Planning Director, James Lindt; and Recorder, Denise Tomaskovic.

APPROVAL

Minutes of June 21, 2016

M/S WHEELER AND BENNETT TO APPROVE THE MINUTES OF JUNE 21, 2016 AS READ. THE MOTION CARRIED BY A VOTE OF 5-0.

CONTINUATION

Consent Agenda - Continue Public Hearing to August 2, 2016 on the Application submitted by "The Arts Campus at Willits" (TACAW) for Sketch Site Plan Review for the proposed Arts Campus at Willits. The proposal sets the site plan limitations at the sketch plan level for construction of the Arts Campus at Willits in two (2) phases.

M/S ROSSETTI AND MCALLISTER TO CONTINUE THIS ITEM TO AUGUST 2, 2016. THE MOTION CARRIED BY A VOTE OF 5-0.

At this time Dylan Johns arrived and assumed his role as Chair.

AGENDA ITEMS

Public Hearing on Code Amendments for the purpose of considering amendments to the Basalt Municipal Code to implement the Our Town Subarea Plan: an Amendment to the 2007 Town of Basalt Master Plan. Includes but is not limited to: Amended Community Serving Commercial (CSC) Zone District; new definitions and amended definitions.

Philp stated that zoning consultant, Don Elliott, was on the conference telephone for this agenda item. She reviewed the history of this code amendment and then, referring to a Staff Memo dated July 5, 2016 explained the changes that have been made to the draft language since the previous discussion.

Philp asked Elliott if he had any additional comments. He said that this zone district offers property owners a variety of redevelopment options while providing convergence of the community's goals for downtown Basalt. The main challenge has been to establish zoning regulations that still allow flexibility in both use and design. He thought this zoning language had turned out well and was interested to hear what the public had to say.

Commissioner Rossetti asked for clarification regarding the Town Council's concerns about building heights. Philp responded that her understanding of the comments made by the Council at the June 14th meeting were about the proposed 2.5 story allowable height limits on the CDC parcel only, not the other parcels included in the Our Town Planning Area.

Public Hearing

The public hearing was opened at 5:57 p.m.

Chris Sczelina, owner of the Aspenalt Hotel, said that he felt an arbitrary number had been chosen to establish the setback from the Fryingpan River. His property is one of three along the Fryingpan River. The 100' setback lands in the commonly held portion of the Basalt Center Circle (BCC) parcel and doesn't include his hotel, essentially preventing him from any further development above two stories. He wondered why that setback had to be established and why a project couldn't be judged on its own merits rather than running the risk of not even being considered unless it's this many feet back from the river, regardless of its worthiness and necessity. Chair Johns said that questions will be addressed after all the public comments are made.

Tim Belinski, Independence Ventures, expressed his appreciation for all the work done by the Commissioners and Staff in getting to this point, with an end product that's supportable, noting that this is the sixth draft of the CSC Zone District language. Referring specifically to the BCC parcel and its complex ownership issues, he asked the Commissioners to reconsider the area 150 feet from the light pole, currently held in common ownership (along Two Rivers Road), that establishes where the first building would be located. However, nobody owns that part of the parcel and that begs the question of who would want to develop anything that's located on commonly-held property. That's his major concern and he would like this issue addressed, if not now, then at a later level of review.

Cathy Click thanked the Commissioners for including the citizen's petition group in this process and for all their work on a zone district that is entirely optional. She reiterated that the citizen's petition group's proposal doesn't include a hotel or condotel on the CDC parcel and that is still their preference.

Patrice Becker stated that she would rather see building height limits start at a lower elevation because developers are most likely going to ask for higher limits anyway. She also expressed concern about the notification of this meeting being limited to the Town's website and maybe the in the newspaper – she wasn't sure which media had been used. Perhaps the meetings should be noticed more.

Seeing as there were no further public comments, the public hearing was closed at 6:03 p.m.

Discussion

Referring to a PowerPoint presentation, Philp addressed the questions/comments made by those who spoke up during this public hearing. She noted that there is already a requisite 50' river setback in the Town Code. She reviewed the setback requirements included in these zone district amendments.

Don Elliott noted that it's very unusual to try to align proposed building height limits to existing property lines. Regarding the setback from the Fryingpan River, he said that the purpose of zoning is to set

numbers which are based on planning principles and they aren't arbitrary. He didn't know whether this proposed 100 foot setback was the right number but whatever that number ends up being, a number does need to be stated.

Commissioner Comments

Commissioner Rossetti said that there has been a lot of discussion about how the public will access the Roaring Fork River through the CDC parcel but the same amount of attention hasn't been given to public access to the Fryingpan River on the BCC parcel. He would be more comfortable knowing that there are mechanisms that can be used to provide that public access, perhaps via a land swap or some other type of transaction.

Philp pointed out in the draft language where the CSC Zone District includes a pedestrian link on the BCC parcel between Midland Avenue and the Fryingpan River frontage, said connection being set back from Two Rivers Road by a distance of 50 feet. Also, the DAAC Plan shows an area along the Frying Pan River as future open space.

Commissioner Wheeler asked if the current language would suffice in a development review process. In reply, Chair Johns said that the current language is "should" but perhaps it needs to say "shall." Philp asked the Commissioners if they would like to add language ensuring another access point on the Frying Pan River. Johns said that the purpose of this entire endeavor is to celebrate our rivers.

Commissioner Rossetti was of the opinion that a redeveloped BCC parcel would be a retail success and providing access and open space along the Frying Pan River would be an added attraction for everyone. He didn't know what mechanism would be the most appropriate to use to make this happen, but he would like to have a way for the Town to obtain even a small park along the river in exchange for some development concessions to a future developer/property owner.

Commissioner Vozick pointed out that item 5b includes verbiage saying that the Town may give credit to a developer for providing open space and/or other community amenities in public downtown space.

Commissioner McAllister pointed out that, first of all, the public right of way needs to be established. Philp then offered some alternative language suggestion on how to phrase this.

Commissioner McAllister said that having a master plan for this parcel that shows trails and other public amenities along the river could be helpful for the Town and developers. He wasn't comfortable relying on a zoning document to accomplish this. Philp said that the master plan map does show part of the area along the [Frying Pan] river as open space.

Philp asked Elliott for his opinion on this issue. She explained that even though the adopted DAAC Plan map depicts the area as containing open space, there seems to be some question about mandating that to happen in the zoning. Elliott replied that the proposed zone district language acknowledges and requires a variety of open space types, adding that even though a plan indicates an area of open space, it's difficult to always mandate a certain amount that must be open to the public, due to Federal court cases. The current proposed language covers this issue to the extent possible.

Chair Johns questioned whether or not the language was clear enough in stating that open space is a requirement versus a suggestion. Elliott replied that the P&Z and BTC will have ample opportunity to examine any redevelopment proposals during the review process. The documents that will be referred to in that process, both the plan and the proposed zoning language, include requirements for pedestrian access and open space. Johns said he felt reassured by the fact that there will be many levels of

review before development is finally approved. He thinks that the building heights and setbacks are necessary because we don't want to create canyons around the streets and rivers.

Commissioner McAllister said he's ready to move this item along to the Town Council for review.

Chair Johns acknowledged that the Commissioners aren't able to foresee every eventuality for this zone district and he anticipated that the Town Council would probably make some changes.

M/S VOZICK AND ROSSETTI TO APPROVE THE CSC ZONE DISTRICT LANGUAGE AS WRITTEN AND REFER THE AMENDMENT TO THE TOWN COUNCIL FOR REVIEW. THE MOTION CARRIED BY A VOTE OF 6-0.

At this time the conference call with Don Elliott was ended.

Public Hearing on Roaring Fork Conservancy River Center and Old Pond Park Application - for the purpose of considering a land use Application submitted by the Roaring Fork Conservancy (Conservancy) and the Town of Basalt for the construction of the Conservancy's River Center and improvements to Old Pond Park and Two Rivers Road. The Application is for a Site Plan Review Approval and Environmentally Sensitive Area (ESA) Environmental and Floodplain Review in Reach II of the Roaring Fork River and includes several amendments to various Town approvals for the River Center and Old Pond Park and related infrastructure.

Philp noted that some members of the Roaring Fork Conservancy staff and board were present. Referring to a Staff Memo dated July 5, 2016 she briefly reviewed the history of this application, adding that the Town is very interested in seeing that the River Center gets built. The Town entered into a predevelopment agreement with the Conservancy to buy back the property it had previously sold to the Conservancy, thus freeing up funds for the structure to be built and allowing RFC to lease that land.

Philp explained that the Town and the Conservancy are co-applicants on this project with the Conservancy obligated to build the River Center and the parking while the Town is responsible for making the Old Pond Park and the Two Rivers Road ROW improvements. Philp referred to a posted site plan while making her explanatory remarks, adding that it's also included in the packet materials.

Philp said that the RFC application is consistent with both the Town Master Plan and the Two Rivers Road Greenway Master Plan. She explained the revisions to the parking plan that have been made since the original approvals. A wetland garden is planned but until it's built that area will be grass. The accessible fishing pier on the pond will be a major improvement. The zoning for this parcel is Public (P) and parking in publicly zoned areas usually includes a reduction in parking and what is shown on this plan is similar to what was used for RMI and the library. Staff has calculated 13 parking spaces for this first phase and if/when the second phase is built additional parking will be considered.

Philp noted that Police Chief Greg Knott submitted referral comments and a drawing asking for more parking spaces but the Town's traffic engineers determined that the area is very tight due to the flood plain and the adjacent wetlands so trying to fit in more parking spots is not feasible.

Rick Lofaro, Executive Director of the Roaring Fork Conservancy, introduced Don Schuster from the Conservancy's Board, Rob Morey who is the project manager and owner's rep, and Matt Armentrout, architect. Lofaro noted that the River Center's size has been reduced in order to create more outdoor area to provide interaction opportunities and outdoor classroom activities.

Our Town Planning – This is where we are

Prior Direction from Town Council

1. How much of the Pan and Fork Property is Park and how much is left for Building Development?

Building Line and Park

| | |
|---|--|
| <p>LEGEND: - CDC OWNED Potential Building Area - TOWN OWNED Potential Building Area - PROPOSED PARK</p> <p>Town of Basalt COLORADO SCALE: 1"=200' 2015.01.24</p> <p>Proposed Downtown Planning Map</p> | <p>BASALT RIVER PARCEL AREAS</p> <p>CDC OWNED 2.33 ACRES TOTAL BUILDING PARCEL 1.68 ACRES POLYGON / EVENT AREA .34 ACRES FUTURE PARK .31 ACRES (1.14 ACRES +/- .78 ACRES)</p> <p>CURRENT TOWN OWNED 3.96 ACRES TOTAL LAND 3.07 ACRES WATER .89 ACRES</p> |
| <p>1A. Source: Council voted that Proposed Downtown Planning Map is a potential building and park plan [1]* on April 28, 2015.</p> | <p>1B. Source: Council directed POST to continue preparing Park plans and construction documents and the Developer to prepare development plans for the areas shown on the map on November 24, 2015 [2]; February 9, 2016 [3]; and February 23, 2016 [4]</p> |

2. Direction to Owner and Developer - How much development on the “Building Parcel” should they submit an application for?

55,000 square feet of Building Space

Source: On February 23, 2016, The Council voted to encourage Lowe Enterprises (Developer), which has the option to purchase the property from the CDC (Owner), to prepare and submit a land use application that includes up to 55,000 total square feet of building space (not including parking) on the area shown as building the Exhibit shown as 1 B above. [4]

[#] * Refers to a Council resolution approved on that date. See Page 8 of this portion of the packet.

3. What does the adopted Master Plan show for the 4 Our Town Planning Parcels?

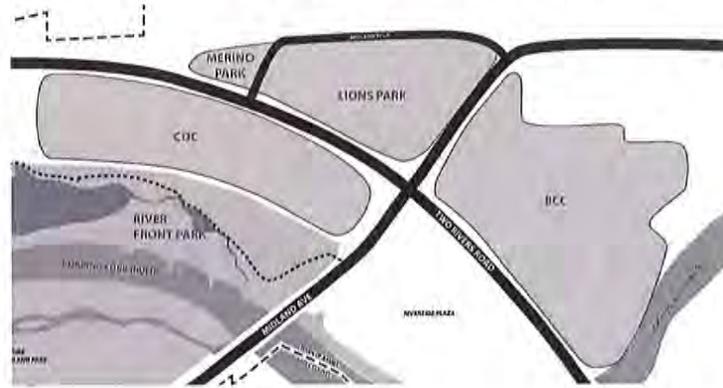
| | |
|---|--|
|  | <p>Major Components of OTP Master Plan Amendment</p> <ol style="list-style-type: none"> 1. Future Land Use Map shows DAAC Concept Map with Some Changes 3. Big “V” is expanded to reflect Council Building Line 4. Incorporates DAAC Report 5. New Land Use Typologies and Vision Boards 6. Eliminated the significant mixed-use development shown by the 2007 Master Plan on the “Big V” and area shown as Park on the Building and Park Plan |
| <p>Source: The P&Z adopted the OTP Master Plan Amendment on October 20, 2015 and the Council adopted it on November 24, 2015 [5]</p> | <p>Note: State Law and the Town's Home Rule Charter govern the procedures for adoption and amendment of the Town's Master Plan. Development has to be generally consistent with the Master Plan</p> |

4. What zoning is being proposed for the Our Town Planning Properties?

Amended Community Serving Commercial District (CSC) Zone District

Source: Council accepted the P&Z recommendation to modify the Community Serving Commercial (CSC) Zone District for application to all four Our Town Planning (OTP) Parcels generally as described by the P&Z and presented in the packet materials for the February 9, 2016 Council meeting. [4]

5. What are the Highlights of the CSC Zone District?



Highlights of the P&Z's Amended Community Serving Commercial (CSC) Zone District are provided below

1. The CSC Zone District is proposed to be modified to apply to all 4 OTP parcels: CDC, Lions Park, Merino Park and Basalt Center Circle (BCC).

The original district was prepared by the CDC for the CDC parcel although it could be used by other "Public non-profit Entity, Community Development Corporations."

2. The definition of what is considered to be Community Serving is proposed for modification. The P&Z determined that Community Serving meant that each of the properties would include an "**anchor use**". An anchor use is a use or activity that the Town desires which was supported by the OTP Master Plan Amendment.
3. Anchor uses for each of the 4 parcels were identified by the P&Z. Anchor uses include such uses as a grocery store, hotel, brewpub/distillery, and also include a community center (to address the uses desired by the Petition Committee on the CDC parcel).
4. **Secondary uses** are identified for each of the parcels. Secondary uses are other uses which could occur once the anchor use was guaranteed for the parcel.
5. Buildings adjacent to Two Rivers Road may only be **2 ½ Stores**. 2 ½ stories means the third floor is pulled back from the front building façade by at least 10 feet.
6. **4 stories are allowed on the BCC** parcel but only in the interior of the parcel, away from the Fryingspan River, and after buildings are confirmed along Two Rivers Road.
7. Buildings adjacent to the Basalt River Park may also be only 2 ½ stories although the Council may grant relief based on findings.
8. **View openings as shown on the OTP Master Plan Amendment must be protected.**
9. Pedestrian through connections to the rivers as defined in the code language must be preserved.
10. **Definitions** are added (for example, what is a "Community Center"?) or amended (for example "**condominium hotel**").

Questions to Council

P&Z and POST:

1. Does the Council generally agree at this stage with proposed park boundaries and area shown for development as represented in the OTP Master Plan Amendment and by several votes of the Town Council. (See Question 1 on page 1.)

P&Z:

2. Does Council agree at this stage with the number of stories and height that are recommended for the 4 Our Town planning parcels?
3. Does the Council agree at this stage with the uses that are recommended for the 4 Our Town Planning Parcels?
4. Given the direction heard on Items No. 1, 2 and 3 can the P&Z precede to public hearing with the P&Z has presented?
5. If the answer is no on No. 4 above, what is the Council direction to Staff and the P&Z?

POST:

6. Is the Council supportive of the major elements that are currently identified in the POST planning efforts
7. Assume yes on No. 6 is the July 12th presentation deadline still appropriate?

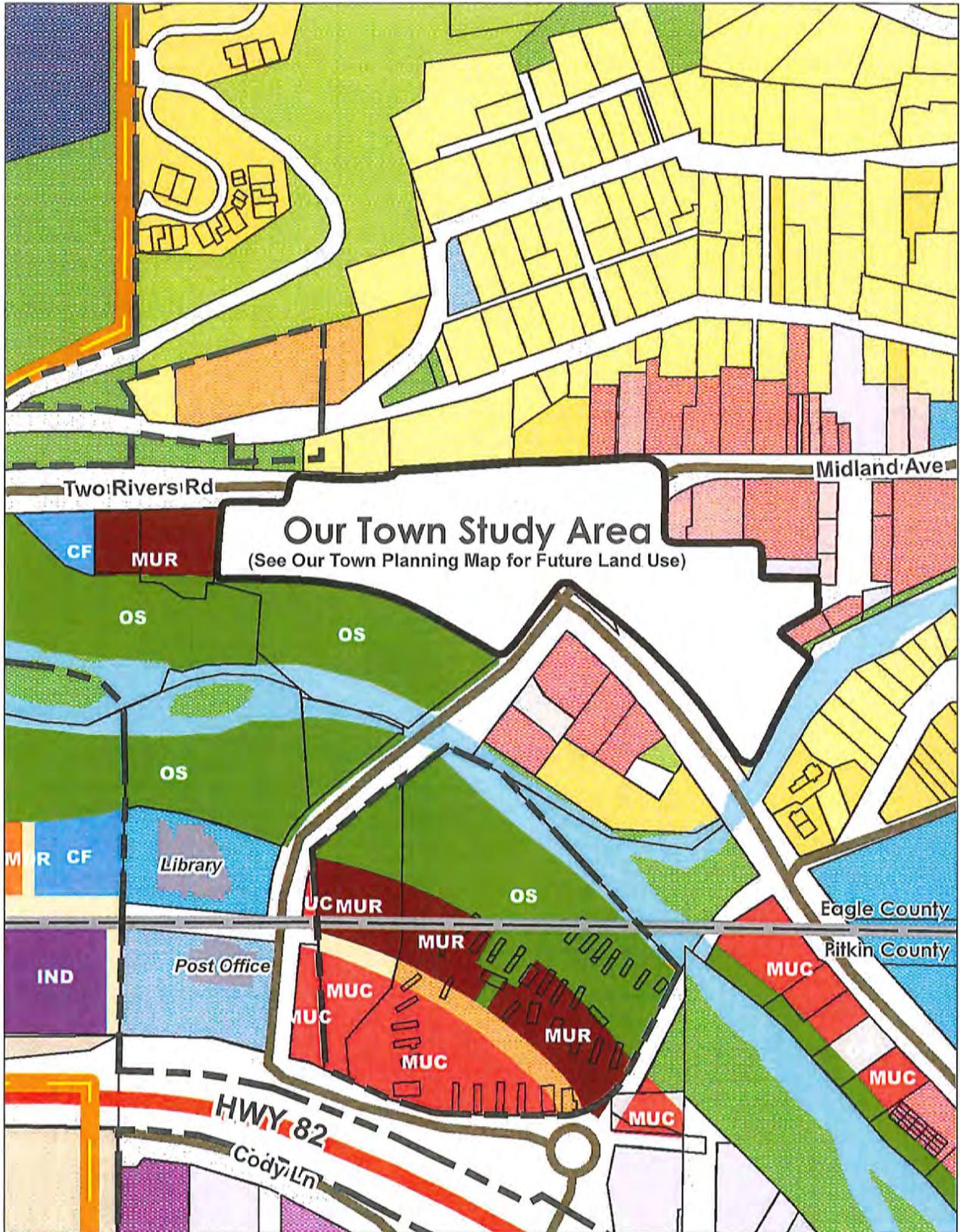
OTP Resolutions Referred to in this Document

| | |
|-----|---|
| [1] | Resolution No. 19, Series of 2015 adopted on April 28, 2016 after the Council discussed various options for the Building and Park Line at a Breakfast Meeting on Friday, April 24 th . |
| [2] | Resolution No. 55, Series of 2015 adopted on November 24, 2015 provided additional direction to P&Z, POST, Staff and CDC |
| [3] | Resolution No. 04, Series of 2016 adopted on February 9, 2016 Responded to the Citizen Petition Reviewed by the Council at its January 26, 2016 Council Meeting Concerning Purchase of the CDC Property |
| [4] | Resolution No. 09, Series of 2016 adopted on February 23, 2016 Providing Direction to P&Z, LOWE, and the CDC |
| [5] | Resolution No. 54, Series of 2015 approved on November 24, 2015 Adopted the Our Town Subarea Plan: An Amendment to the 2007 Town of Basalt Master Plan (OTP Master Plan Amendment) |

Other important OTP Resolutions

| | |
|-------------|--|
| 2014 | Resolution No 05, Series of 2014 adopted on February 11, 2015 approved a framework and budget calendar for the Our Town Planning Process |
| | Resolution No. 32, Series of 2014 adopted on June 24, 2015 directed Staff to continue the Community Survey Work with the Our Town Planning Process |
| | Resolution No. 37, series of 2014 Directed Staff to develop and implement the necessary steps for the creation and adoption of an Urban Renewal Authority to Financially Aid in the Redevelopment of the Basalt Downtown District |
| | Resolution No. 54, Series of 2014 adopted on August 26, 2014 established DAAC It also directed Staff to continue the community survey work to obtain scientific responses to how the community would like the downtown developed. |
| 2015 | Resolution No. 03, Series of 2015 adopted on January 27, 2015 accepted the DAAC report and identified the next steps in the "Our Town Planning Process – Included Exhibit A which assigned tasks to P&Z, POST, Financial advisor and Staff |
| | Resolution No. 34, Series of 2015 adopted on July 28, 2015 made additional findings and directed additional activities for the OTP Planning effort |
| | Resolution No. 43, Series of 2015 adopted on August 25, 2015 as a reconsideration of an earlier tied voted, approved a Pre-development agreement with LOWE and the Roaring Fork CDC (unsigned) |
| | Resolution No. 49, Series of 2015 adopted on September 29, 2015 clarified the status of the Council's decision on development intensity for the potential building area identified in Resolution No. 19, Series of 2015 |

F

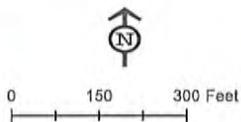


Mapping by Denise Tomaskovic & TGMalloy Consulting

| | | |
|--------------------------|------------------------|--------------------------------|
| Town Boundary | BERV Service | LDR Low Density Residential |
| Urban Growth Boundary | CF Community Facility | MDR Medium Density Residential |
| MUC Mixed Use Commercial | POS Private Open Space | HDR High Density Residential |
| IND Light Industrial | OS Public Open Space | MUR Mixed Use Residential |

Notes:

- 1) Bold colors and white labels indicate future land use and stippled colors show existing or committed land use (see Figure 5 and Table 2.7.1).
- 2) See typologies and text for additional guidance on desired land uses.
- 3) Affordable housing to be included throughout all land use categories.

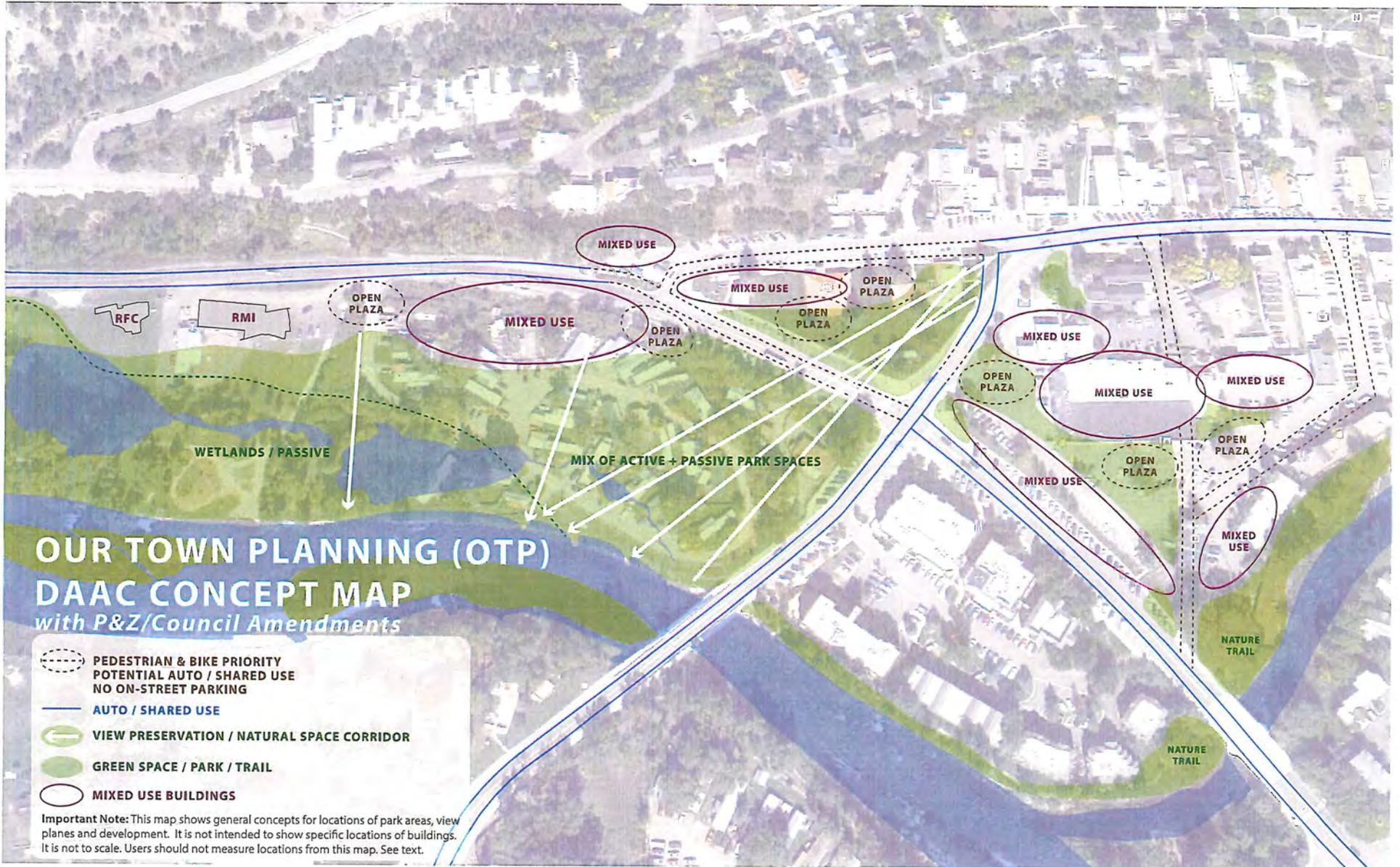


Our Town Master Plan Amendment



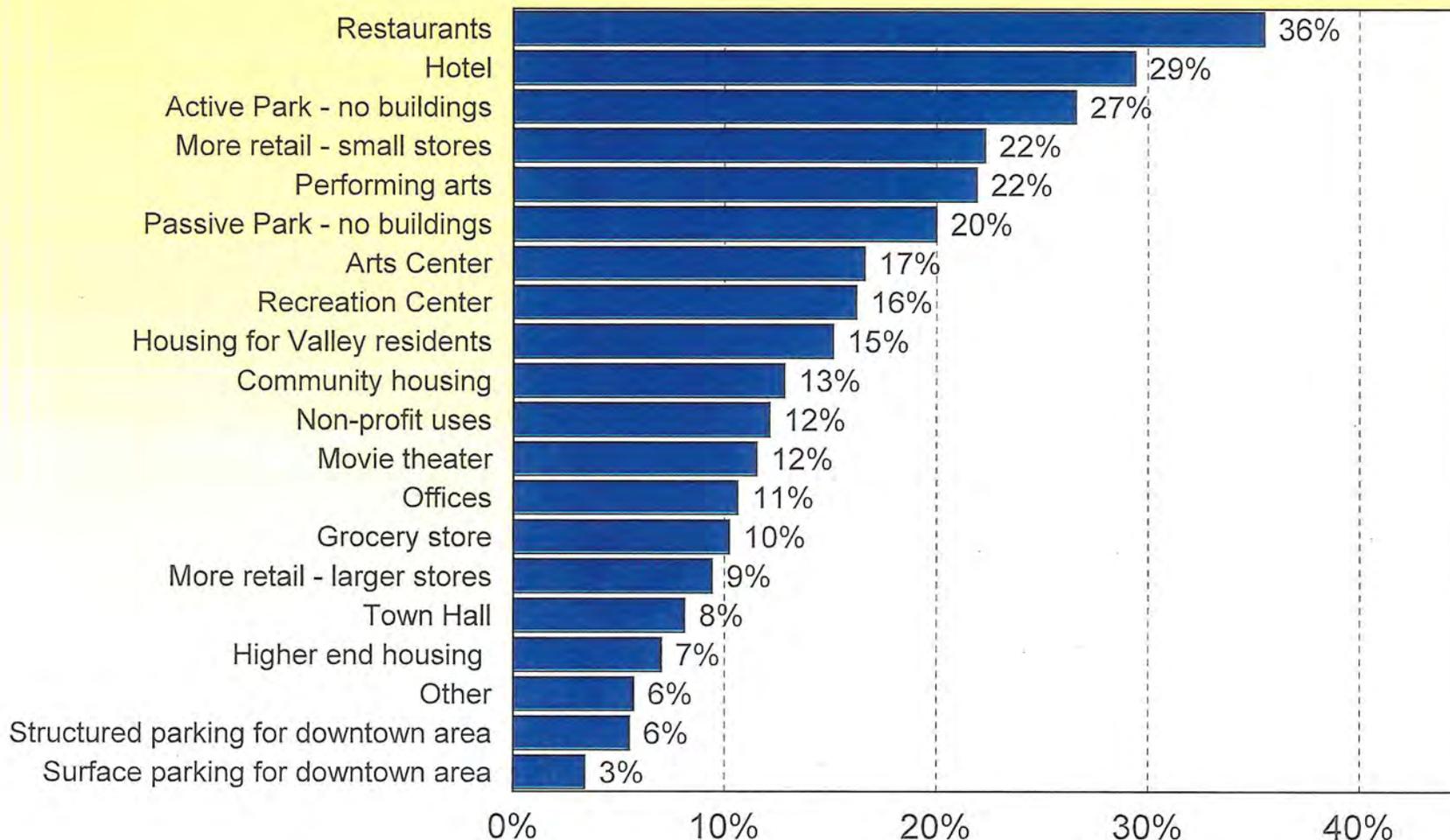
Figure 2 Page 100 of 143
Amended Future Land Use Map

OTP Master Plan MAP



Q4. Which of the following would you like to see on the developable portion of the Pan and Fork Property?

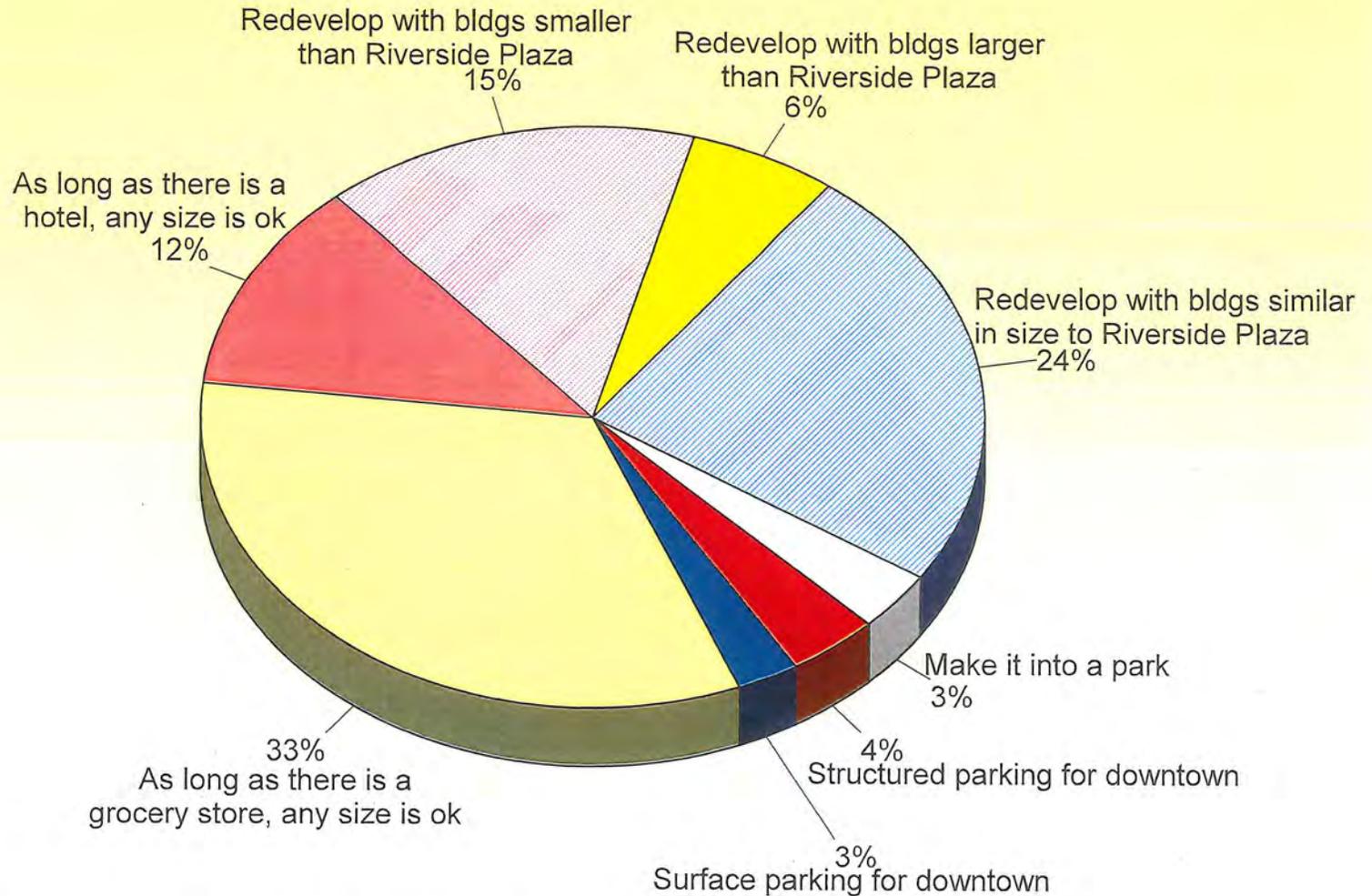
by percentage of respondents (excluding "none chosen" - multiple selections could be made)



Source: ETC Institute (2014 - Basalt, CO "Our Town" Planning Survey)

Q2. Which one of the following best describes how you would like to see the Clark's Market Property developed?

by percentage of respondents (excluding "don't know")

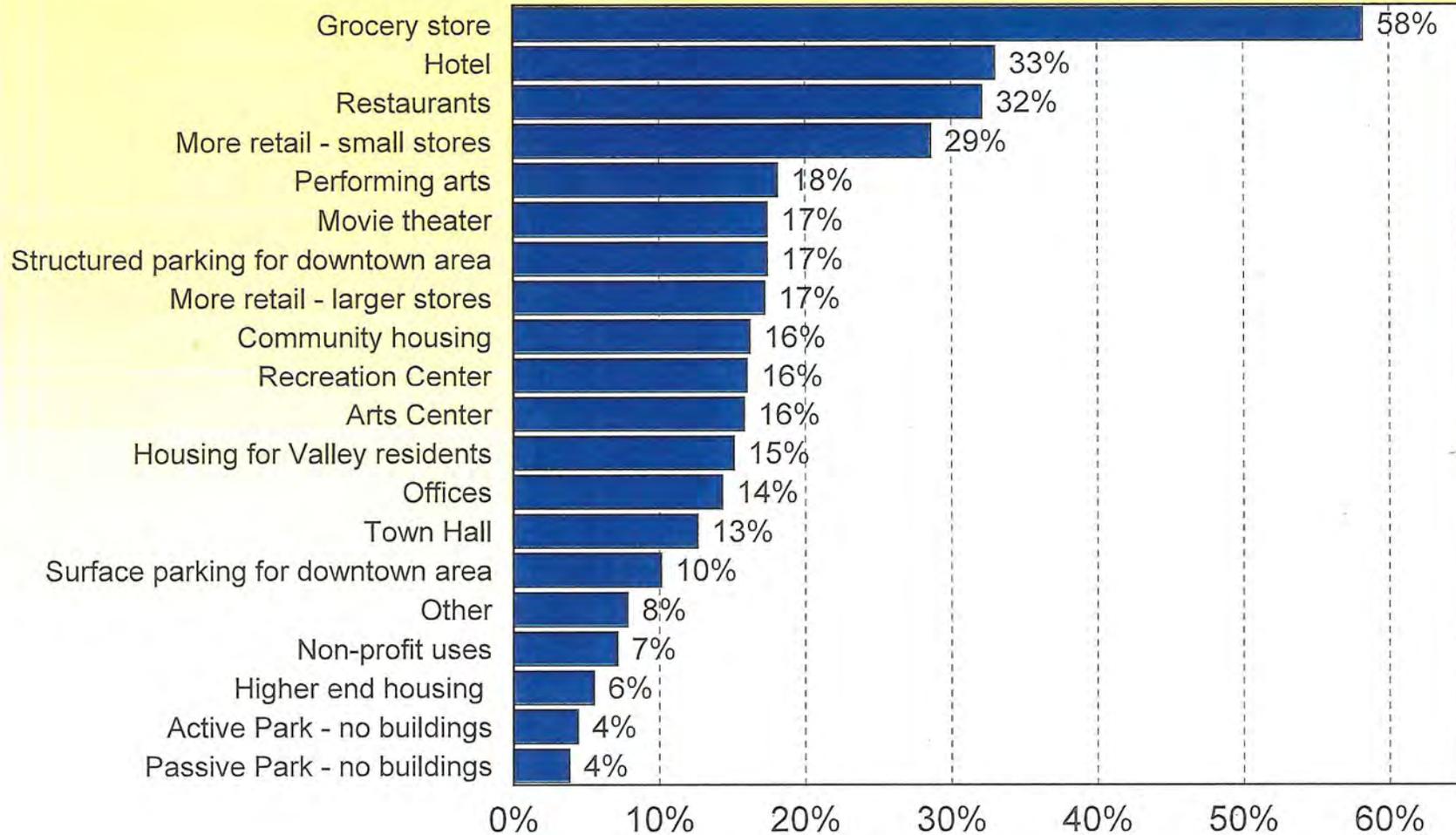


Source: ETC Institute (2014 - Basalt, CO "Our Town" Planning Survey)

ETC Institute (2014)

Q5. Which of the following would you like to see on the developable portion of the Clark's Market Property?

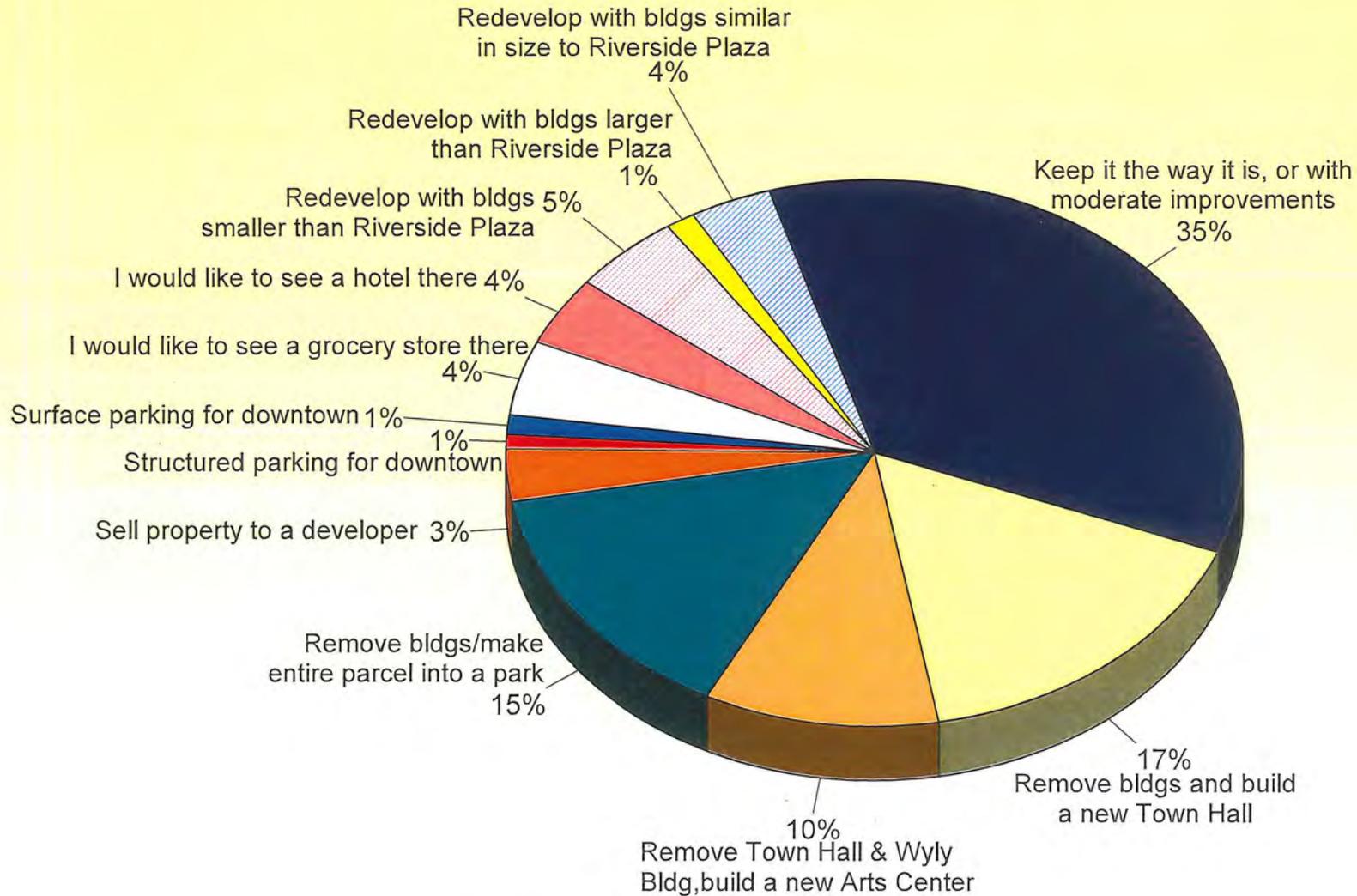
by percentage of respondents (excluding "none chosen" - multiple selections could be made)



Source: ETC Institute (2014 - Basalt, CO "Our Town" Planning Survey)

Q3. Which one of the following best describes what you think the Town should do with the Lions Park Property?

by percentage of respondents (excluding "none chosen")



Source: ETC Institute (2014 - Basalt, CO "Our Town" Planning Survey)

Handed out at mtg. 5/3/16

For P+Z mtg - Some changes were made
Subsequent to this meeting

H

Basalt Center Partnership
1042 Main St.
Carbondale, Co. 81623
970-963-2800

May 2, 2016

Town of Basalt
Susan Philp Planning Director
101 Midland Ave.
Basalt, CO 81615

Dear Susan,

Thank you for your updates on the new zoning for the Our Town Planning Parcels which includes my property as shown as part of the "BCC Parcel".

Needless to say, a tremendous amount of planning by the Town Staff and citizens has gone into the CDC parcel and the BCC parcels starting with the "Our Town" efforts in 2014.

The "BCC Parcels" represent an opportunity for the Town and property owners to redevelop these sites into something reflective of the needs of the Town of Basalt and its citizens and will bring some vitality to downtown Basalt through the new "Community Serving Commercial" zoning goals. Part of that zoning intent is to encourage certain anchor uses such as grocery store, hotel, brewpub, community center, sports/youth center and other uses. The BCC area is an integral part of revitalizing downtown Basalt, including the accommodation and appropriate location for uses that would otherwise be inappropriate uses if were they developed alongside the Roaring Fork River and a possible future park as proposed for the CDC parcel.

One item that caught my eye, which was not included in previous drafts, was the setbacks mentioned from Two Rivers Road and the Frying Pan River. The 150 foot setback, with varying height limitations, severely limits any future development on the BCC parcels. I see it as a handicap and too restrictive. The BCC parcels are all under separate ownership

and this proposed setback requirement severely challenges an owner's flexibility in a re-development design. Other commercial properties, including the Willits Development, do not have these restrictions. And certain existing buildings in downtown Basalt do not have these limitations.

I hope you will reconsider this requirement.

Very truly yours,

Frank X. Taverna

cc: Mike Scanlon

For P&Z MTO - Some changes were made
Subsequent to this meeting
Susan Philp

Handed out at mtg. 5/3/16

From: Chris Szczelina <chrisszczelina@aol.com>
Sent: Tuesday, May 03, 2016 4:55 PM
To: Susan Philp
Cc: Mike Scanlon
Subject: CSC zoning revisions

Susan,

I appreciate you meeting with me personally a few weeks ago to bring me up to speed with all the work that you and the P&Z committee have been doing with the new CSC zoning and thank you for continuing to keep me in the loop and trying to get my input as well since this all has such a great impact on our business and our family. After being a part of this community for twenty years now, it is nice to know that we are able to begin to work together to come up with something that would be mutually beneficial for the town and our family. My hope is that together we can create a redevelopment plan that can offer a clear path that we as small business owners can work through what seems to be an otherwise complex process. As far as our needs go, we have to first and foremost consider what would make a new hotel viable and successful. Most important in that regard, is the hotel's riverside location, the visibility to potential guests, and a sufficient enough room count to be able to operate efficiently.

After reviewing the P & Z agenda packet you forwarded onto me, I wanted to express my very real concerns with some of the language in the proposed amended CSC Zone District. There are several key restrictions that I am strongly opposed to that will have a severe impact on our property.

Firstly, in the requirements in Table 16-30-2, I am strongly opposed to the footnote #3 that states that no building shall exceed 2.5 stories or 38 ft. in height within 150 ft. of the Fryng Pan River. This severely limits our options on this very crucial piece of our property and can preclude any future redevelopment of the hotel. While the Town has clearly had positive intentions in the zoning overlay work to use the BCC area as a revitalization area for downtown, the complexities of the BCC site absolutely warrant a more flexible process if redevelopment is ever going to occur. And the 150 foot setback issue simply ignores the inherent complexities of the site, and is perceived by my family as a complete deterrent to any enthusiasm and creative planning than what the underlying zoning provided, which as you know, was already a non-starter. I do not think that such wording should be included in any zoning ordinance as it would immediately prevent any exploration of many redevelopment ideas for this parcel.

Secondly, I have a concern with footnotes #4 and #5. As I understand this, four story buildings would only be allowed along the first 150 linear feet frontage of Two Rivers Road starting from the light post at the Midland Avenue intersection. This limitation would also disqualify many potential redevelopment scenarios of our property. Any limitation such as this should also not be included in this new zoning. If four stories are acceptable within that 150 feet, then why not along the whole street frontage?

In regards to the other notes:

The most efficient way for Sopris Engineering to reach me is to call me on my cell phone which is 618-5044. Then we can arrange a time to meet and do a walk through for the locations of the wells.

Also, I am sure I can meet with the members of P & Z for a site visit any time this month that works for them. Just let me know.

Thank you for taking the time to consider my perspective,

Chris Szczelina
Aspenalt Lodge

Current Definition of Condominium hotel

I

Zoning — General Provisions

§16-4



Condominium hotel (or condotel or condo-hotel) means a hotel or motel operated under a condominium form of ownership. As used in this definition, the term *unit* or *sleeping unit* means the sleeping unit to be sold as a condominium hotel unit. A condominium hotel must satisfy the following requirements:

a. Be subject to the complete control and management of a single hotel or motel operator for operation as a hotel or motel.

b. Except for dwelling units to be used by a manager or employees or any deed-restricted affordable housing, condominium hotels shall contain no dwelling units and contain only individual sleeping units that are permanently dedicated to rental to the public for transient occupancy on a full-time basis by the hotel operator. A unit owner(s) may not occupy their unit for more than sixty (60) days out of a calendar year and may not occupy their unit more than twenty-nine (29) consecutive days.

c. Contain and maintain standardized furniture, furnishings and decor in all individual sleeping units.

d. Be advertised and appropriately marked with signage as a *hotel* or *motel*.

e. Be served by singly metered utility services, and with a central telephone system and central cable television system installed in all individual sleeping units.

f. Contain no individual sleeping unit that contains washer/dryer equipment or connections.

g. Be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures and pre-construction agreements, in form and content approved by the Town Attorney that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a hotel or motel and will not be occupied as a multi-family dwelling.

h. Fifty percent (50%) of the units in a condominium hotel development shall be available for rent or occupancy to the general public at all times.

i. A unit owner(s) shall notify the operator or management company at least sixty (60) days in advance of an intent to occupy their unit. Availability shall not be guaranteed for a unit owner(s) in the absence of such a reservation and in that event the unit shall remain available to the public. Until fifty percent (50%) of the units are reserved by unit owners, a unit owner may reserve his or her unit for occupancy as long as the unit owner notifies the operator at least sixty (60) days in advance of occupancy. After the sixty-day advance period, a unit owner may reserve his or her unit if it is available and the fifty percent (50%) requirement outlined in Subsection h. above is not exceeded.

j. Upon commencing operations as a condominium hotel, the operator or management company shall submit a quarterly report to the Finance Department containing information reasonably necessary to indicate compliance with the Town's lodging tax provisions.

k. A unit owner(s) shall not store automobiles on the site when they are not occupying a unit.

Construction waste compacting facility means any business involved in the separation and compaction of construction waste materials including sheet rock/dry wall, concrete, wood products, metal products (including nails, fittings and plumbing elements), carpet, tile, insulation material, roofing material and plastic fittings. *Construction waste* shall not include organic material, hazardous or chemical materials, medical waste, liquid petroleum products or any material which ferments or which biodegrades over a short period of time. Such facilities are prohibited from stockpiling materials for longer than two (2) business days. These facilities are to comply with all applicable code sections for the IN zone, including Section 16-24, Supplemental requirements for the Industrial Zone District, along with all other applicable state and federal regulations.

Day care means a facility which is maintained for a whole or part of a day for the care of two (2) or more persons not related to the owners, operator or manager thereof, which facility is operated with compensation for such care. Care provided by the caretaker is for more than two (2) consecutive days on a regular basis. A *small day care home* is for less than seven (7) individuals. A *large day care home* is for seven (7) or more individuals.

Dental clinic means a professional business providing general or special dental services employing three (3) or more dentists.

Dental office means a professional office providing general or special dental services employing fewer than three (3) dentists.

Developable area means the number of square feet included within a lot as measured within the boundaries of the lot measured on a horizontal plane upon which the boundaries have been vertically projected. Calculation of the *developable area* shall exclude the entire width of the right-of-way or easements for streets and alleys to be dedicated for public use and the entire width of the right-of-way or easements for private road easements other than a private drive serving a single residential dwelling unit. The *developable area* of lots adjacent to the river shall be calculated excluding that portion of the lot lying below the line highest in elevation on the shore established by the fluctuations of the water indicated by physical characteristics, such as a clear natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas. Calculation of the *developable area* shall also exclude thirty percent (30%) or greater slopes or natural hazards unless development is permitted pursuant to Section 17-32.

District means a section of the Town for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of the use are uniform, as outlined on the adopted Zoning Map of the Town.

Dwelling means a permanent building or portion thereof which is used as a private residence or sleeping place of one (1) or more human beings, but not including temporary structures such as tents, railroad cars, streetcars or similar structures. A dwelling is to include mobile homes or trailer homes that are located in accordance with the provisions of Article XVI of this Chapter. Dwellings are intended to be occupied for long-term

CURRENT CODE BEFORE RECOMMENDED CHANGES**J**

Sec. 16-30. - CSC Zone District.

(a) Intent and applicability.

(1) Statement of intent. The intent of the CSC Zone District is to combine the social capital objectives of the Town's Master Plan with the vitality objectives of the C-2 Zone District. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public). The zone district offers certain incentives to encourage qualifying non-profit organizations to create projects that might not occur through pure free market development. These incentives include reductions in certain mitigation standards and a review process that is better tailored to non-profit applicants. The goal is to foster partnerships between non-profit organizations and private entities to address important community goals.

(2) Applicability.

- a. Minimum land area. Any parcel of land that is at least one (1) acre in size, or any parcel of land that is less than one (1) acre but is immediately adjacent to an area zoned CSC and that is appropriate for community serving uses under the parameters of this section may be zoned to the CSC Zone District.
- b. Development must be community serving. Since the intent of the CSC Zone District is to encourage social entrepreneurship in the development of community serving commercial projects, new development shall only be permitted to occur in the CSC Zone District if it is determined to be community serving. New development shall be considered to be community serving if at least seventy percent (70%) of the total permitted square footage is devoted to a use or uses listed in Subsections 16-30(b)(1) a., b. and c. below and if at least thirty percent (30%) of the total permitted square footage is devoted to governmental or non-profit uses as described in Section 16-30(b)(1)a. Nothing herein shall preclude a use from satisfying both the seventy percent (70%) and thirty percent (30%) requirements. The Council may reduce or eliminate the requirement that at least thirty percent (30%) is devoted to governmental or non-profit uses through the CSC Development Plan approval process if it would result in more than seventy percent (70%) of the total square footage being devoted to deed restricted community housing units including replacement housing units.
- c. Qualifying non-profit organizations. In order to be eligible for rezoning to the CSC Zone District, the owner of the land to be rezoned must be a non-profit Community Development Organization or a similar non-profit organization where development

CURRENT CSC ZONE DISTRICT - PROPOSED TO BE DELETED AND REPLACED WITH EXHIBIT A OF ORDINANCE

activities are a stated part of its 501(c)(3) tax status. A qualified Community Development Corporation is an entity which satisfies the requirements of Section 16-4 applicable to a "Public non-profit Entity, Community Development Corporation." Provided that the new development satisfies the criteria of Section 16-30(a)(2)b. above, a qualifying non-profit organization shall not be disqualified if portions of the new development proposed in the CSC Zone District are to be sold to and used by for-profit businesses in accordance with these regulations and any adopted conditions of approval.

- d. Master Plan. In reviewing whether a parcel is appropriate for CSC zoning, the Town will consider the future land use designation and neighborhood typology in its then current Master Plan, the goals and objectives of the Master Plan, and whether the designation will help the Town to implement specific goals, such as economic development, or plans, such as the Town's adopted 2002 River Master Plan.

(b) Schedule of uses.

- (1) Permitted uses. The following mixture of public, non-profit, quasi-public and private uses is permitted in the CSC Zone District:

- a. Uses and activities conducted by a government entity or by a public non-profit entity that meets the requirements of Sections 16-4 or 16-21(8) of this Chapter. Such uses include administrative offices and meeting rooms for non-profit and educational oriented organizations, transit facilities, museum, community center, educational facilities, performing arts center, and theater.
- b. Fully-deed restricted community housing units meeting the requirements of this Chapter.
- c. Community Vitality Uses as shown on Table 1 in Section 16-29 as Community Vitality Uses. In addition, uses in the designated Vitality Zone are required to be Community Vitality Use subject to exceptions included in Section 16-29(c) and the design guidelines for buildings included in Section 16-30(d)(7).
- d. Temporary outdoor uses and vendors, subject to the provisions of Chapter 6, Section 6-13 of the Town of Basalt Code except that uses and vendors are not subject to the limitation on number of days placed on these activities on public property.
- e. Free-market multifamily uses.
- f. Other commercial, office and retail uses allowed in the C-2 Zone District or approved through the site plan approval process.
- g. Day care if approved in the site plan review and in conformance with State

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- Requirements regulating day care.
 - h. Accessory uses as approved pursuant to site plan review.
 - i. Public open space and park uses.
 - j. Private open space and park uses.
 - k. Parking for the allowed uses within the development.
- (2) Limitations on permitted uses. Through the CSC Development Plan Review process, the Town Council may place reasonable restrictions or limitations on any use or activity in the CSC Zone District. The Town Council may also determine that a specific use is not appropriate based on the intent of the zone district, consistency with the Town Master Plan and compatibility with adjoining areas. The Town Council may establish conditions allowing for subsequent review by the Town Planner or Technical Review Committee to avoid unnecessary additional meetings before the Planning and Zoning Commission and Town Council.
- (c) Dimensional requirements. The dimensional requirements applicable to developments within the CSC Zone District shall be established through the CSC Development Plan review process, and shall be subject to the limitations listed in Table 1, below.

TABLE 1
SCHEDULE OF DIMENSIONAL REQUIREMENTS IN THE CSC ZONE DISTRICT

| Standard | Dimensional Requirement | Notes |
|---|---|---|
| Minimum lot area | No requirement | Town Council may approve a greater number of stories or a greater height through the CSC Development Plan review process if the Council finds that: |
| Maximum building height or height to the highest point of a pitched roof. | 45 feet for a hotel. 38 feet for all other uses. | Town Council may approve a greater number of stories or a greater height through the CSC Development Plan review process if the Council finds that: |

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| | | |
|------------------------------------|---|--|
| Maximum height to top of parapet | 45 feet for a hotel. 38 feet for all other uses. | 1. The addition is reasonably necessary for the use allowed in the CSC zone district; and 2. The addition would not injure the value or use of, or prevent the proper access of, light and air to adjacent properties, nor be out of harmony with the intent and purpose of the Master Plan and this Chapter; and 3. The addition satisfies the special review standards included in <u>Section 16-44(e)</u> . |
| Maximum number of building stories | 4 stories for a hotel. 3 stories for all other uses. | |
| Maximum floor area ratio | <u>1.5</u> times the gross lot area of the master parcel. | See also note 1 below. The maximum floor area ratio shall be applied to the master parcel only. Individual parcels within the master parcel shall receive their floor area allocations from the total floor area authorized for the master parcel during the CSC Development Plan review process. See also note 2 below |
| Minimum front yard setback | 0 feet | See note 3 below |
| Minimum side yard setback | 0 feet | See note 3 below. |
| Minimum rear yard setback | 25 feet | If adjoining property is zoned residential; or; |

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| | | |
|---|--|---|
| | 0 feet | In all other cases. See also note 3 below. |
| Minimum setback from rivers and other ESA's | See Article XXI concerning development in and around rivers, wetlands and environmentally sensitive areas. | |
| Minimum percent landscaped open space | 10% | Open space credits may be given for pedestrian improvements, street furniture, etc., in a public right-of-way. See <u>Section 16-29(e)(4)(g)</u> . |
| <p>Note 1: Structured parking which is located primarily underground and is below other permitted uses shall not be counted towards maximum height and story measurements.</p> <p>Note 2: Structured parking which is located primarily underground and mechanical or non-residential storage located in said structured parking shall not count towards maximum floor area calculations.</p> <p>Note 3: Parts of the structure, such as overhangs, may encroach into the public right-of-way if approved to do so through the CSC Development Plan Review process, provided the applicant obtains an encroachment license from the Town.</p> | | |

(d) Other Development Standards.

(1) Vitality zone. All areas zoned CSC shall include a designated vitality zone which shall be established by the Town in the sketch plan process. The permitted uses in the vitality zone are shown on Table 1 in Section 16-29 as Community Vitality Uses and the buildings are subject to the building design standards contained in Section 16-30(d)(7) for buildings within the vitality zone. The Town Council will establish the vitality zone considering the following:

- a. The pedestrian and connectivity goals of the area;

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- b. The nature of the desired streetscape;
 - c. Existing and proposed adjacent uses;
 - d. The then current Master Plan; and
 - e. The goals advocated by the non-profit applicant.
- (2) Parking. Development in the CSC Zone District shall provide parking as follows:

Hotel—One (1) space per hotel room, plus two (2) for management and operations.

Residential—One (1) space per bedroom to a maximum of two (2) spaces per unit, where an efficiency unit is counted as one (1) bedroom.

All other uses—One (1) space per four hundred (400) square feet of floor area. With the exception of handicap spaces and car share spaces, parking spaces may not be reserved for individuals or private businesses.

Additional on-street parking constructed as part of the development will count for non-residential parking included in the calculation of parking spaces to be provided. The applicant shall be permitted to purchase non-residential parking spaces pursuant to the requirements of Section 16-94.

The Town Council may apply a reduction of the non-residential parking requirements following a recommendation of the Planning and Zoning Commission based on hours of operation, mixed-use, access to on-street parking, availability of local mass transit, contribution to a car share program that serves the community or contribution to other desired public improvements, necessary infrastructure, or other basic Town service requirements. The Town Planner may require a recommendation from a parking consultant as outlined in Section 16-92 in order for the staff and Planning and Zoning Commission to make a recommendation and the Town Council to make a decision on the appropriate parking reduction for the development.

The visual impacts of off-street parking and loading areas shall be minimized. Special attention shall be given to the design of parking and loading areas to ensure that they support and do not detract from the Town's vitality goals for the CSC Zone District. This shall be accomplished by:

- a. Constructing structured parking primarily underground where such construction is feasible;
- b.

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- Locating such areas, or the access to such areas, along the rear facade or side of the building whenever feasible (off-street parking shall not be permitted between the front facade of the building and the abutting street); or
- c. Wrapping the facades of any structured parking within other permitted uses that have a minimum depth of eighteen (18) feet or wrapping the facades with building material, grading or landscaping to break up the view of the parking and lighting contained therein from public open spaces and other activity areas. When this design option is employed the access to the structured parking shall be designed with the same attention to detail and materials as the primary façade and the access shall be integrated into the building's design and wrapping.
 - d. Designating one (1) or more loading zones on the site plan and regulations to govern loading. Except for the foregoing, including parking rates, parking areas in the CSC Zone District shall comply with the requirements of Article V, Off-street Parking and Loading.
- (3) Signage. The sign restrictions of the C-2 district will typically apply to non-residential uses zoned CSC with modifications permitted through the CSC Development Plan Review process. However, nothing shall prevent the Town Council from adding conditions and restrictions on signage to protect adjacent properties and to further the goals of the Town's Master Plan.
- (4) Lighting. The lighting requirements of Section 16-431 shall apply to development within the CSC Zone District unless modified through the Exemption process outlined in Section 16-438 of the Town Code, Article XX, Exterior Lighting.
- (5) Community housing. New development within the CSC Zone District shall satisfy the requirements of Article XIX (Housing Mitigation), except as follows:
- a. The community housing requirements for the commercial mitigation requirements for public/non-profit uses shall be reduced by fifty percent (50%). However nothing shall prevent the applicant from requesting a further reduction as permitted by Section 16-412.
 - b. No housing mitigation shall be required in connection with commercial spaces which are deed restricted such that they can only be sold in commercial units of two thousand five hundred (2,500) net square feet or less which cannot be combined with adjacent units and that occupancy is limited to uses identified as "community vitality" uses in the C-2 Zone District; and
 - c.

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Three (3) or fewer new attached residential units located on the second or third story of the project to be built and owned in separate ownership from other property in the CSC District and containing one thousand four hundred (1,400) total square feet or less per unit shall be exempt from the housing mitigation requirements or the attached residential units qualify for some other exception in Article XIX of this Chapter.

- (6) Environmentally sensitive areas. Development within the CSC Zone District shall comply with Article XXI (rivers, wetlands and environmentally sensitive areas), provided that the environmentally sensitive area review shall be conducted simultaneously with the CSC Development Plan Review if the Town Planner makes the finding that the development is within the development line established by the River Master Plan.
- (7) Building design. All buildings shall comply with the following requirements, if applicable:
 - a. The Town of Basalt Complete Streets Design Manual and the typologies from the Town of Basalt Master Plan that the Town determines are most applicable to the type of development proposed in the project.
 - b. To the extent possible the areas between a building and the adjacent street shall be visible space that is useable by customers of on-site business uses or pedestrians. These areas, and the required open space areas on the site shall: (a) abut and be level with the public sidewalk; (b) be open to the sky (except for awnings, covered walkways, areas under a porch and covered outdoor seating); (c) be directly accessible to the public; and (d) be provided with appropriate ground cover treatment and landscaping. Placement of street furniture and public art in required open space is encouraged, as long as the four-foot minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretive displays, small play features and public art that is attractive and appropriate for use by young children are encouraged.
 - c. Buildings within the portion of the site designated as the vitality zone (as that term is defined in Section 16-29 of this Code) shall incorporate a store-front design at the street level, with windows suitable for retail goods display that are designed to attract pedestrian interest at the street level. The storefront windows along the façade of the vitality zone shall be transparent so as to permit the activities within the building to be visible to pedestrians along the adjacent street. Commercial spaces at street level should have a ceiling height consistent with those within the historic downtown.

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- d. Special attention shall be given to any new building at a prominent corner in the CSC Zone District, including but not limited to, the corner of Two Rivers Road and Midland Avenue, which is a prominent corner at the entryway to the Midland downtown business district. Although it is not the intention of these provisions to require that the building be of a historic or period architecture, it should present a timeless design that makes a statement while maintaining an appropriate scale and mass to the Town. Special attention shall be given not only at the street level but also to the upper floors of the building.
 - e. Attention shall also be given to the design of building facades within the development to ensure that there are not blank walls or empty facades along pathways that connect buildings to public spaces or along alleys or other frontages where pedestrian traffic might be anticipated.
 - f. Development in the CSC Zone must satisfy the design criteria of the C-2 Zone District in Section 16-29(e)(4)c. regarding curb cuts.
 - g. The ground floor of any new structure in the vitality zone should be at grade with adjacent sidewalks or passageways, and there shall be no steps between the sidewalk and the primary building entry. However, in order to satisfy grade issues, steps may be included in the portion of the sidewalk closest to the street if the applicant demonstrates that providing steps is the best way to address grades on the site.
 - h. The Town desires to have development in the CSC Zone not just meet, but exceed the accessibility requirements of the ADA Code.
 - i. Utility boxes and trash/recycling facilities servicing the building shall be located outside of the public right-of-way, along the rear or side façade of the building. To the extent possible, these facilities shall be located in a way that avoids or minimizes any negative impacts on residential uses on the parcel and on adjacent parcels and does not interfere with pedestrian movement and experience. This requirement shall not be construed to prohibit the placement of street furniture, such as public trash containers, within the public right-of-way.
 - j. Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the Public Works Manual.
- (8) Community Priority Scoring System. Development within the CSC Zone District shall be exempt from the requirements of Article XXII.

(9)

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Land dedications. The land and improvements, or fees in lieu, required to be provided under the provisions of Section 17-15 (Parkland Dedication) shall be calculated at one-half (½) the requirement for any deed restricted community housing units; and the provisions of Section 17-16 (School Land Dedication) shall apply at the same discounted rate for deed restricted community housing units. The Town Council may exempt or further reduce such fees for free-market and community housing during the CSC Development Plan review process pursuant to Section 16-419. Any reduction or elimination of school impact fees will require approval by the school district.

- (10) Master Plan consistency. Development within the CSC Zone District shall be determined to be generally in conformance with the Town Master Plan and consistent with the Town's River Master Plan where that plan applies.
- (e) Zone District review procedures and submission requirements.
- (1) CSC Development Plan review procedures. No new development shall occur in the CSC Zone District without CSC Development Plan review and approval. CSC Development Plan review shall be conducted in two (2) stages, these being Sketch Plan review and Final Plan review.
- a. Sketch Plan review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Sketch Plan review shall involve the following procedural steps:
1. The initial step in Sketch Plan review shall be a determination of whether the proposed project is community serving and is eligible for rezoning to the CSC Zone District. This determination may be made administratively by the Town Planner or the Town Planner may refer this matter to the Planning Commission and Town Council. If the determination is referred, then the Planning Commission and Town Council consideration shall occur at a jointly held public hearing.
 2. Any project that is determined to be community serving and eligible for rezoning to the CSC Zone District may then proceed through Sketch Plan review. Sketch Plan review shall require a review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Sketch Plan application following a duly noticed public hearing. The Planning

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Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.

- b. Final Plan review. Final Plan review is intended to provide the Town with a more detailed description of the proposed development program, to respond to issues raised in the sketch plan review and to present additional information required in the Sketch Plan review. Final Plan review shall require a review by the Planning Commission at a regular meeting. The Commission is authorized to recommend approval, approval with conditions, or denial of the Final Plan application. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application. The Town Planner may schedule a joint meeting of the Planning Commission and Town Council prior to the initial Final Plan review by the Commission.
 - c. Community Serving Subdivision. A property which is zoned CSC is eligible to be subdivided as a Community Serving Subdivision pursuant to the provisions of Section 17-84.5 of this Code provided no more than four initial lots are created by the Owner. The Community Serving Subdivision shall be processed concurrently with the CSC Development Plan. However, nothing herein requires the qualifying non-profit organization to use the Community Serving Subdivision process if the owner would rather utilize another eligible subdivision process in the Code at the time of the subdivision.
- (2) Sketch Plan submission contents. The application for the Sketch Plan stage of CSC Development Plan review shall include the following:
- a. Completion of standard application forms and authorization from the owner for the filing and processing of the application and fees.
 - b. Description of existing conditions.
 - c. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.
 - d. A list with addresses of all property owners within three hundred (300) feet of the property.
 - e. A description of the development program including: major objectives of the development; proposed mix of uses with approximate square footages of each use and number of any free-market and community housing units and allowed locations;

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- parking capacity, location and types; access locations and vehicle and pedestrian circulation; proposed phasing and timing; and plan for satisfying the goals of the development plan. Numbers can be provided in a range.
- f. Schematic development plan (at a scale of at least one (1) inch per one hundred (100) feet) showing horizontal relationships of the proposed development with property boundary, setbacks and proposed uses.
 - g. Information and drawings providing a schematic level description and illustration of the height, scale and mass of proposed structures from important perspectives, as well as proposed open spaces narrative and graphic descriptions of the character and style of architecture by the end of Sketch Plan review.
 - h. Narrative addressing relationship of the project to neighboring properties and consistency with the Town's Master Plan, the River Master Plan; Streetscape Plan and any other long range planning documents as deemed appropriate by the Town.
 - i. Narrative description of how utilities are to be provided to and through the site by a licensed professional engineer along with an assessment as to the feasibility of the applicant's proposal. Describe whether any existing utilities or easements will need to be relocated or vacated, and generally the plan for accomplishing this. The engineer's assessment at a minimum must address potable water, sanitary sewer, drainage and storm sewer, electrical power, natural gas power, and flood protection where applicable. Describe whether the power lines will be below ground or overhead. The applicant may include maps depicting the alignment of utilities but it is not required at Sketch Plan. The engineer's assessment shall outline any known engineering and utility issues and generally describe how they will be addressed in the final site plan review.
 - j. Proof of ability to apply the CSC Zone District.
 - k. General statements describing how the elements of the development will satisfy the criteria required for the CSC Zone and explanation for any reductions in requirements allowed through the site plan process.
 - l. Statements addressing how the development intends to satisfy requirements that apply to the development found in other sections of the Code applicable to the type of development being proposed, including but not limited to: any annexation requirements; school and parkland dedication; floodplain development permit and regulations, and community housing, including any need for relocation housing.
 - m. Description of how the development addresses the Town's goals toward sustainable

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- building, energy efficiency and waste reduction.
- n. A study of the shading or shadow impacts that the proposed buildings may cause on public or private rights-of-way or other public spaces within or surrounding the project.
 - o. Additional information. Any additional information reasonably required by the Town to review the application and to verify compliance with the provisions of this Code.
- (3) Final Plan submission contents. The application for the Final Plan stage of CSC Development Plan review shall include the following
- a. Same as above along with such additional or refined information and analysis as may be required by the Town Council in order to address issues raised in the Sketch Plan review or to verify compliance with the provisions of this Code.
 - b. Off street parking and loading areas, including the location, type and capacity of proposed parking areas, and written justification for any proposed reductions or fee-in-lieu of parking proposals
 - c. The location of all ways for ingress and egress to all buildings and parking areas.
 - d. Service and loading areas and refuse and recycling collection areas.
 - e. Site/building program.
 - f. Development plan which meets the requirements of Section 16-66(3)b. Following Final Plan approval the applicant shall record a development plan containing the elements of the Town Council's approval.
 - g. **Reserved.**
 - h. Proposed schedule and phasing.
 - i. Identification of potential construction and maintenance easements needed for zero-lot line development and plan for obtaining such easements.
 - j. Draft Master Development Agreement which generally describes the public improvements to be constructed in connection with the project, the timing of such construction, the parties responsible for completion of the public improvements and the financial security to be provided.
- (4) Building, engineering and site design review. Building, engineering and site design review is intended to provide the Town with the final architectural, engineering, landscaping and other technical documents that are a precursor to the actual construction of the project. Following approval of the final CSC Development Plan and any other associated land use

actions and prior to issuance of a building permit for each lot or development site, the then-owner of a lot or development site shall comply with the following submission requirements and review procedures:

- a. The owner shall prepare and submit architectural drawings, elevations and perspective drawings of all proposed structures and improvements intended to show the relationship of the proposed structures to the surroundings. Such drawings shall depict proposed building materials, fenestration, mechanical equipment (and screening of such equipment) and similar architectural details but need not be the result of final architectural design.
- b. The owner shall submit final engineering documents, including plans and specifications for streets, water, sewer and drainage and the engineers' cost estimates for all public improvements to be installed on the lot or building site within dedicated land areas, rights-of-way or easements.
- c. Following construction, the owner shall provide as-built mapping and diagrams for utility installations in an electronic computerized format of a type approved by the Town Engineer or Public Works Director.
- d. The owner shall describe the character and type of landscaping, lighting and signage to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on a site plan. The lighting description shall describe how the lighting complies with the final site plan approval and any exemptions that will be necessary pursuant to Section 16-438 of the Town Code, Article XX, Exterior Lighting. The signage plan shall provide detailed information sufficient to determine whether the location, size, number and character of the proposed signs comply with the requirements of Section 16-131 et seq. of the Town Code, Article VII, Signs.
- e. The owner shall provide an anticipated time table for completion of development including the anticipated dates for completion of any phase.
- f. The owner shall provide a title insurance policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all owners and lien-holders have approved the final subdivision plat.
- g. The owner shall demonstrate compliance with Article II, Chapter 17, Design Standards and Requirements for Subdivisions.
- h. The owner shall demonstrate compliance with Article V, Chapter 17, Public

CURRENT CSC ZONE DISTRICT - PROPOSED TO BE DELETED AND REPLACED WITH EXHIBIT A OF ORDINANCE

Improvements Acceptance and Guarantees.

1. The owner shall provide a Subdivision Improvement Agreement for public or quasi-public improvements to be constructed by the owner and other draft agreements and conveyances that apply to the development as whole or to community housing or other restrictions or requirements.
 2. The owner shall provide a Construction Management Plan and shall submit a request for the use of any of the Town's property for construction or construction management purposes.
 3. The owner shall demonstrate compliance with the Final CSC Development Plan approval applicable to the application and any other Town approval.
- i. The owner shall submit the information necessary to satisfy the foregoing requirements for review by the Technical Review Committee. TRC review shall be limited to a consideration and review of the project's compliance with the approval documents applicable to the development, relevant standards applicable to buildings and final subdivision plats. Following such review and after all necessary additions or corrections are made, the building, engineering and site design information shall be forwarded to the Town Council along with the recommendation of the Technical Review Committee. In its final development plan review approval the Council can delegate this review to the Planning and Zoning Commission.
 - j. The building, engineering and site design information submitted by the owner, together with the recommendation of the Technical Review Committee, shall be considered by the Town Council (or the Planning and Zoning Commission if the Council refers the approval to the Planning and Zoning Commission in the final approval) at a noticed public hearing. The board's review shall be limited to a consideration and review of the project's compliance with the applicable approval documents and relevant standards applicable to buildings and final subdivision plats. The Town Council shall make a final decision to approve the building, engineering and site design proposal subject to modifications or conditions, or to deny such proposal. Nothing eliminates the requirement to comply with the Building Code. The Town's approval shall be considered the Site Specific Development Plan.
- (5) Amendments to a Sketch Plan or Final CSC Development Plan. Amendments to a Sketch Plan approval or Final Plan shall be processed as follows:
- a.

CURRENT CSC ZONE DISTRICT - PROPOSED TO BE DELETED AND REPLACED WITH EXHIBIT A OF ORDINANCE

Sketch Plan approval. After Sketch Plan approval an applicant may make insubstantial amendments to the approved sketch plan before submitting a Final CSC Development Plan for review. Substantial amendments shall be processed under the same procedures as used for the original adoption. "Substantial" shall have the same meaning as in Section 16-65(d)(2). The initial determination of whether an amendment is insubstantial or substantial shall be made by the Town Planner.

- b. Final CSC Development Plan approval. After Final Development Plan approval, the TRC may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the Final Plan Approval. The applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which fifteen (15) days written notice of the public meeting has been provided to the appellants.
- c. Substantial amendments and amendments which the Town Planner determines are not minor amendments but are consistent with the Sketch Plan approval shall be processed pursuant to the Final Plan submission and review procedures. Substantial amendments and any amendments which the Town Planner determines are not minor amendments and are not consistent with the Sketch Plan approval shall be processed pursuant to the Sketch Plan and Final Plan submission and review procedures.

(Ord. 10 §B.3(Exh. B), 2012)

TOWN OF BASALT
Action Item

Date: August 9, 2016
From: Mike Scanlon, Manager

SUBJECT: Ordinance to amend Chapter 4, Finance, to allow up to 25% of the Open Space Sales Tax to be used for maintenance and to submit the Ordinance to a referendum election (instead of the current \$10% cap).

RECOMMENDATION: Staff recommends Council approve the ordinance on 1st reading, set the second reading and public hearing for August 23, 2016.

DETAILS/BACKGROUND:

In 2006, The Town Council, with the approval of the electorate of the Town, amended its retail sales tax as included in the Town Code to increase the sales tax rate from two percent (2%) to three percent (3%). That language required that the revenues generated by the one percent (1%) increase were to be used exclusively to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects.

In 2013 the voters approved a ballot question which allowed up to 10% of the 1% Open Space Sales Tax to be used for maintenance.

I am now recommending that the Town approve increasing the upset amount that can be used for maintenance to 25%. The Town Council would decide on an annual basis during the budget process how much of the permitted amount (if any) would be used for maintenance based on Town goals and needs. The Town Council wouldn't have to use all of the revenues for maintenance but it would give us the flexibility that I think that we need. One of major goals is of the Town's adopted Open Space and Trails Master Plan is to, "Take Care of What We Have." As we add more park improvements to our system, we need to make sure that we satisfy the public's desire that these areas are adequately maintained.

Related Town Statute and or Town Actions: Town Charter Articles IX and XI.

Line Item Code & Description: na

Available Budget: In future years this would allow for up to \$406,250± per year to be used for maintenance of our parks, open space and trails.

Attachments: Proposed Ordinance.

**TOWN OF BASALT, COLORADO
ORDINANCE NO. 22
SERIES OF 2016**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING CHAPTER 4, ARTICLE IV OF THE BASALT MUNICIPAL CODE, ENTITLED SALES TAX, TO PERMIT NOT MORE THAN 25% OF THE FUNDS GENERATED BY THE 1% SALES TAX RATE DEDICATED TO CAPITAL IMPROVEMENTS PROJECTS FOR PARKS, OPEN SPACE ACQUISITION AND TRAIL PROJECTS, TO BE USED FOR THE MAINTENANCE OF PARKS, OPEN SPACE, AND TRAILS, AND SUBMITTING THIS ORDINANCE TO A REFERENDUM ELECTION.

RECITALS

1. The Town of Basalt (the "Town") has in place a retail sales tax ordinance at Chapter 4, Article IV, of the Basalt Municipal Code governing the imposition and collection of sales tax in the Town.
2. In 2006, the Town Council, with the approval of the electorate of the Town, amended its retail sales tax ordinance to increase the sales tax rate from two percent (2%) to three percent (3%).
3. In accordance with the 2006 amendment, the revenues generated by the one percent (1%) increase are to be used exclusively to fund capital projects to be approved by the Town Council for parks, open space acquisition, and trail projects.
4. In 2013, the Town Council, with the approval of the electorate of the Town, amended its retail sales tax ordinance dedicated to parks, opens space and trail projects to include not more than ten (10%) of the one percent (1%) sales tax to be used for the maintenance of parks, open space and trails.
5. The Town Council desires to amend Section 4-65(a) of the Basalt Municipal Code to permit not more than twenty-five percent (25%) of the one percent (1%) sales tax increase to be used for the maintenance of parks, open space and trails.
6. The Colorado Constitution, state statutes, and the Home Rule Charter of the Town of Basalt, authorize the amendment subject to voter approval in a municipal election.
7. NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, that the following amendments to Chapter 4, Article IV of the Basalt Municipal Code entitled "Sales Tax" are hereby approved and adopted:

Section 1. Schedule of Tax. Section 4-65(a0, Schedule of Tax is hereby to read in its entirety as follows:

(a) There is hereby imposed upon all sales of commodities and services specified in Subsection (b) below, a tax at the rate of three percent (3%) of the amount of the sale, to be computed in accordance with schedules or systems approved by the Executive Director of the State Department of Revenue or by separate ordinance of the Town. The funds generated by the one percent (1%) increase in the sales tax rate approved in 2006, shall be used to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects, except that not more than twenty-five percent (25%) of that amount may be used to fund the maintenance of parks, open space, and trails.

Section 2. Collection of Administration. Section 4-66 (d), Collection, Administration and Enforcement," is hereby amended to read in its entirety as follows:

(d) The funds generated by the one percent (1%) increase in the sales tax rate approved in 2006, shall be used to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects, except that not more than twenty-five percent (25%) of that amount (.083% of the total revenues generated) may be used to fund the maintenance of parks, open space and trails.

Section 3. Referendum. Pursuant to C.R.S. 29-2-102 (1), and Section 5.6 of the Home Rule Charter, this ordinance is hereby submitted to an election by the registered electors of the Town of Basalt for their approval or rejection at the regular municipal election scheduled for November 8, 2016. The election shall be conducted as a coordinated election in Eagle and Pitkin Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code") and an Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and the Eagle and Pitkin County Clerk and Recorders (the "County Clerks"). The form of the ballot question is attached hereto as Exhibit A.

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision

shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON AUGUST 23, 2016, by a vote of ___ to ___ , on August 9, 2016.

READ ON SECOND READING AND PUBLIC HEARING, AND ADOPTED by a vote of ___ to ___ , on August 23, 2016.

TOWN OF BASALT, COLORADO

By _____
Jacque Whitsitt, Mayor

ATTEST:

By _____
Pamela K. Schilling, Town Clerk

First Publication: August ___, 2016
Final Publication: September ___, 2016
Effective Date: September ___, 2016

EXHIBIT A

FORM OF BALLOT QUESTION

BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, ACTING THROUGH ITS TOWN COUNCIL, BE AUTHORIZED TO AMEND SECTION 4-65(a) and SECTION 4-66(d) OF THE BASALT MUNICIPAL CODE TO PERMIT NOT MORE THAN TWENTY-FIVE (25%) OF THE FUNDS GENERATED BY THE ONE PERCENT (1%) SALES TAX RATE DEDICATED TO CAPITAL IMPROVEMENTS PROJECTS FOR PARKS, OPEN SPACE ACQUISITION, AND TRAIL PROJECTS TO BE USED FOR THE MAINTENANCE OF PARKS, OPEN SPACE, AND TRAILS?

9A. The August 2, 2016 Minutes of the Finance Committee are not included in this packet.

**Town of Basalt
Accounts Payable
August 9, 2016**

GENERAL FUND**Reimbursable**

| | |
|---------------------------|-----------------|
| Total Reimbursable | 5,524.70 |
|---------------------------|-----------------|

Non-reimbursable

| | |
|--|------------|
| Payroll 7/29/16, Health and Disability Insurance | 157,410.46 |
|--|------------|

| | |
|--------------------|------------|
| Other Expenditures | 170,368.39 |
|--------------------|------------|

| | |
|--|-------------------|
| Sub Total General Fund Non-reimbursable | 327,778.85 |
|--|-------------------|

| | |
|---------------------------|-------------------|
| TOTAL GENERAL FUND | 333,303.55 |
|---------------------------|-------------------|

| | |
|-------------------|-----------------|
| Bond Fund: | 4,937.40 |
|-------------------|-----------------|

| | |
|------------------------|-----------------|
| Total Bond Fund | 4,937.50 |
|------------------------|-----------------|

| | |
|---------------------------------|-------------|
| Conservation Trust Fund: | 0.00 |
|---------------------------------|-------------|

| | |
|--------------------------------------|-------------|
| Total Conservation Trust Fund | 0.00 |
|--------------------------------------|-------------|

| | |
|--------------------|------------------|
| Water Fund: | 14,259.84 |
|--------------------|------------------|

| | |
|-------------------------|------------------|
| Total Water Fund | 14,259.84 |
|-------------------------|------------------|

| | |
|------------------------|-------------------|
| TOTAL ALL FUNDS | 352,500.89 |
|------------------------|-------------------|

Report Criteria:
 Report type: GL detail
 Check Detail Amount = (<>) 0

| GL Period | Check Issue Date | Check Number | Payee | Invoice Number | Invoice GL Account | Check Amount |
|-----------|------------------|--------------|----------------------------|----------------|--------------------|--------------|
| 08/16 | 08/09/2016 | 38419 | AJAX POOL & SPA INC | 361106 | 10-75-700 | 40.00 |
| 08/16 | 08/09/2016 | 38420 | ALPINE BANK | HSA/WI | 10-22775 | 250.00 |
| 08/16 | 08/09/2016 | 38421 | ASPEN TREE SERVICE | 30621 | 10-70-710 | 1,740.00 |
| 08/16 | 08/09/2016 | 38422 | AUDRA PICKETT | SEC D | 10-32-239 | 1,200.00 |
| 08/16 | 08/09/2016 | 38423 | B&H SPORTS--GJ | ABE00 | 10-64-610 | 866.50 |
| 08/16 | 08/09/2016 | 38424 | B&R SEPTIC & ROOTER SERVI | 14629 | 10-60-432 | 725.00 |
| 08/16 | 08/09/2016 | 38425 | BASALT CHAMBER OF COMME | LODGI | 10-41-682 | 18,778.42 |
| 08/16 | 08/09/2016 | 38426 | TRACY BENNETT | FLOWE | 10-41-670 | 1,000.00 |
| 08/16 | 08/09/2016 | 38427 | BSN SPORTS, LLC | 979194 | 10-64-665 | 100.61 |
| 08/16 | 08/09/2016 | 38428 | CARROT-TOP INDUSTRIES, INC | 314200 | 10-50-430 | 144.60 |
| 08/16 | 08/09/2016 | 38429 | CASELLE | 74638 | 10-42-325 | 89.37 |
| 08/16 | 08/09/2016 | 38429 | CASELLE | 74638 | 10-45-325 | 466.71 |
| 08/16 | 08/09/2016 | 38429 | CASELLE | 74638 | 51-45-325 | 436.92 |
| 08/16 | 08/09/2016 | 38430 | CAUSEY & HOWARD LLC | 3841 | 10-42-310 | 818.75 |
| 08/16 | 08/09/2016 | 38431 | CENTURY LINK | 970927 | 51-45-530 | 269.90 |
| 08/16 | 08/09/2016 | 38431 | CENTURY LINK | 970927 | 10-66-530 | 61.74 |
| 08/16 | 08/09/2016 | 38432 | JOHN COLLINS, ESQ. | AUGUS | 10-42-310 | 800.00 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-45-230 | 3,737.95 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-47-230 | 3,249.95 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-50-230 | 3,288.90 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-54-231 | 14,113.65 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-58-230 | 1,745.95 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-61-230 | 24.70 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-60-230 | 1,405.30 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-62-230 | 2,126.95 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-64-230 | 1,428.95 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 10-70-230 | 528.00 |
| 08/16 | 08/09/2016 | 38433 | COLO. EMPLOYER BENEFIT TR | AUGUS | 51-45-230 | 2,227.30 |
| 08/16 | 08/09/2016 | 38434 | COLORADO ACTIVITY CENTER | 21169 | 10-41-670 | 1,364.24 |
| 08/16 | 08/09/2016 | 38435 | COLORADO ANALYTICAL LABO | 160707 | 51-72-405 | 1,177.00 |
| 08/16 | 08/09/2016 | 38435 | COLORADO ANALYTICAL LABO | 160712 | 51-72-405 | 1,177.00 |
| 08/16 | 08/09/2016 | 38436 | COMCAST | 849750 | 10-70-530 | 189.46 |
| 08/16 | 08/09/2016 | 38437 | CROWN TROPHY | 11240 | 10-64-665 | 452.08 |
| 08/16 | 08/09/2016 | 38438 | DHM DESIGN CORPORATION | 16178 | 10-75-700 | 754.56 |
| 08/16 | 08/09/2016 | 38438 | DHM DESIGN CORPORATION | 32417 | 31-40-315 | 669.45 |
| 08/16 | 08/09/2016 | 38438 | DHM DESIGN CORPORATION | 32574 | 10-75-700 | 2,692.50 |
| 08/16 | 08/09/2016 | 38438 | DHM DESIGN CORPORATION | 32574 | 31-40-315 | 2,692.50 |
| 08/16 | 08/09/2016 | 38438 | DHM DESIGN CORPORATION | 32575 | 10-75-700 | 18,161.34 |
| 08/16 | 08/09/2016 | 38439 | EHLERS | 70932 | 10-75-700 | 2,012.50 |
| 08/16 | 08/09/2016 | 38439 | EHLERS | 70933 | 10-41-670 | 1,322.50 |
| 08/16 | 08/09/2016 | 38440 | ERNIE MACK | REIMB | 10-54-590 | 250.00 |
| 08/16 | 08/09/2016 | 38441 | FAMILY SUPPORT REGISTRY | BLEVI | 10-22770 | 240.00 |
| 08/16 | 08/09/2016 | 38441 | FAMILY SUPPORT REGISTRY | MARTI | 10-22770 | 200.00 |
| 08/16 | 08/09/2016 | 38441 | FAMILY SUPPORT REGISTRY | SANTI | 10-22770 | 54.16 |
| 08/16 | 08/09/2016 | 38442 | FLORIDA DEPARTMENT OF RE | SANTI | 10-22770 | 271.20 |
| 08/16 | 08/09/2016 | 38443 | FOUR SEASONS PROPERTY M | 16MT0 | 10-70-350 | 26,108.33 |
| 08/16 | 08/09/2016 | 38444 | GATEWAY METROPOLITAN DIS | 6/30/20 | 10-50-435 | 3,495.90 |
| 08/16 | 08/09/2016 | 38445 | GEORGE T SANDERS CO | 136742 | 10-66-430 | 1.47 |
| 08/16 | 08/09/2016 | 38446 | HIGH RISE TREE CARE SERVIC | 676 | 10-75-700 | 3,750.00 |
| 08/16 | 08/09/2016 | 38447 | HOLY CROSS ENERGY ASSOC. | AUGUS | 10-50-410 | 525.61 |
| 08/16 | 08/09/2016 | 38447 | HOLY CROSS ENERGY ASSOC. | AUGUS | 10-60-412 | 1,632.47 |
| 08/16 | 08/09/2016 | 38447 | HOLY CROSS ENERGY ASSOC. | AUGUS | 10-70-410 | 39.17 |

M = Manual Check, V = Void Check

| GL Period | Check Issue Date | Check Number | Payee | Invoice Number | Invoice GL Account | Check Amount |
|--------------|---------------------|-----------------|----------------------------|-------------------|-----------------------|-----------------|
| 08/16 | 08/09/2016 | 38447 | HOLY CROSS ENERGY ASSOC. | AUGUS | 51-71-410 | 547.69 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 230881 | 10-70-710 | 144.00 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 339508 | 10-70-430 | 263.39 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340017 | 10-70-430 | 121.50 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340163 | 10-70-430 | 177.40 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340164 | 10-70-430 | 8.71 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340164 | 10-70-430 | 9.16 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340454 | 10-70-430 | 60.91 |
| 08/16 | 08/09/2016 | 38448 | KILGORE COMPANIES | 340496 | 51-73-430 | 44.71 |
| 08/16 | 08/09/2016 | 38449 | LESLIE T. GRAY | CONS | 10-45-390 | 500.00 |
| 08/16 | 08/09/2016 | 38450 | MICHAEL J. KINSLEY | BASAL | 10-41-670 | 2,300.00 |
| 08/16 | 08/09/2016 | 38451 | MID VALLEY METRO | AUGUS | 10-50-410 | 154.70 |
| 08/16 | 08/09/2016 | 38451 | MID VALLEY METRO | AUGUS | 10-70-410 | 1,233.54 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106219 | 10-70-608 | 135.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106246 | 10-70-420 | 135.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106254 | 10-70-420 | 175.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106255 | 10-70-420 | 135.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106256 | 10-70-420 | 135.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 106288 | 10-70-420 | 135.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 97923 | 10-64-420 | 130.00 |
| 08/16 | 08/09/2016 | 38452 | MOUNTAIN WASTE & RECYCLI | 99043 | 10-50-435 | 79.33 |
| 08/16 | 08/09/2016 | 38453 | NAPA AUTO PARTS | 171517 | 10-61-580 | 719.88 |
| 08/16 | 08/09/2016 | 38453 | NAPA AUTO PARTS | 173368 | 10-61-580 | 50.56 |
| 08/16 | 08/09/2016 | 38453 | NAPA AUTO PARTS | 173369 | 10-61-580 | 15.77 |
| 08/16 | 08/09/2016 | 38453 | NAPA AUTO PARTS | 173369 | 10-61-650 | 3.99 |
| 08/16 | 08/09/2016 | 38454 | NEIL-GARING AGENCY, INC | 50158 | 51-45-310 | 5,989.00 |
| 08/16 | 08/09/2016 | 38455 | PECK FEIGENBAUM PC | 1820 | 10-50-435 | 250.00 |
| 08/16 | 08/09/2016 | 38456 | PETTY CASH | PD PE | 10-64-590 | 113.70 |
| 08/16 | 08/09/2016 | 38457 | PINNACOL ASSURANCE | 181616 | 10-45-520 | 6,003.00 |
| 08/16 | 08/09/2016 | 38458 | RIVENDELL SOD FARM | 63344 | 10-70-600 | 43.94 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20353 | 10-50-435 | 685.83 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20354 | 10-50-435 | 914.09 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20355 | 10-50-435 | 914.09 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20356 | 10-50-435 | 685.83 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20357 | 10-50-435 | 685.83 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20358 | 10-50-435 | 914.09 |
| 08/16 | 08/09/2016 | 38459 | RIVERSIDE PLAZA(LOTBC) CO | 20359 | 10-50-435 | 685.83 |
| 08/16 | 08/09/2016 | 38460 | ROARING FORK RENTALS | 230881 | 10-60-600 | 72.00 |
| 08/16 | 08/09/2016 | 38460 | ROARING FORK RENTALS | 230881 | 10-70-710 | 72.00 |
| 08/16 | 08/09/2016 | 38461 | ROARING FORK VALLEY CO-OP | 70291 | 10-70-600 | 398.00 |
| 08/16 | 08/09/2016 | 38462 | ROBERT GEORGI | POOL | 10-68-590 | 1,845.00 |
| 08/16 | 08/09/2016 | 38463 | SAN JUAN SWEEPING & STRIPI | 4785 | 10-60-432 | 5,363.44 |
| 08/16 | 08/09/2016 | 38464 | Sandy's Office Supply | 181427 | 10-54-600 | 18.00 |
| 08/16 | 08/09/2016 | 38464 | Sandy's Office Supply | 181777 | 10-54-600 | 7.42 |
| 08/16 | 08/09/2016 | 38464 | Sandy's Office Supply | 184346 | 10-54-600 | 28.64 |
| 08/16 | 08/09/2016 | 38465 | SCHMUESER GORDON MEYER | 03125A | 10-45-390 | 436.95 |
| 08/16 | 08/09/2016 | 38465 | SCHMUESER GORDON MEYER | 03125A | 10-24209 | 207.00 |
| 08/16 | 08/09/2016 | 38465 | SCHMUESER GORDON MEYER | 03125A | 10-24205 | 621.00 |
| 08/16 | 08/09/2016 | 38465 | SCHMUESER GORDON MEYER | 03125A | 31-40-315 | 1,575.45 |
| 08/16 | 08/09/2016 | 38466 | Screenvision | LOC 00 | 10-64-540 | 192.00 |
| 08/16 | 08/09/2016 | 38467 | STAPLES BUSINESS ADVANTA | 804014 | 10-45-600 | 83.12 |
| 08/16 | 08/09/2016 | 38467 | STAPLES BUSINESS ADVANTA | 804024 | 10-45-600 | 58.99 |
| 08/16 | 08/03/2016 | 38418 | STEWART TITLE | SCANL | 10-41-670 | 35,000.00 |
| 08/16 | 08/09/2016 | 38468 | STRESSED SKIN DESIGN, INC. | 001112 | 51-72-430 | 637.50 |
| 08/16 | 08/09/2016 | 38469 | SUMMIT PAINT & DECORATING | AP641 | 10-60-600 | 23.67 |
| 08/16 | 08/09/2016 | 38470 | JUDITH TIPPETTS | 3 HOL | 10-45-600 | 36.99 |

| GL Period | Check Issue Date | Check Number | Payee | Invoice Number | Invoice GL Account | Check Amount |
|-----------|------------------|--------------|---------------------------|----------------|--------------------|--------------|
| 08/16 | 08/09/2016 | 38470 | JUDITH TIPPETTS | ICMA C | 10-45-590 | 2,124.97 |
| 08/16 | 08/09/2016 | 38471 | TOREY GREENWOOD | SECUR | 10-32-239 | 2,400.00 |
| 08/16 | 08/09/2016 | 38472 | TRI COUNTY FIRE PROTECTIO | 141676 | 10-54-350 | 191.00 |
| 08/16 | 08/09/2016 | 38473 | UMBRELLA ROOFING, INC. | 8193 | 10-50-435 | 6,445.25 |
| 08/16 | 08/09/2016 | 38474 | UNCC | 216070 | 51-73-390 | 40.04 |
| 08/16 | 08/09/2016 | 38475 | UNILINK | 100064 | 10-45-740 | 626.89 |
| 08/16 | 08/09/2016 | 38475 | UNILINK | 100065 | 10-45-740 | 35.61 |
| 08/16 | 08/09/2016 | 38475 | UNILINK | 100202 | 10-45-740 | 79.72 |
| 08/16 | 08/09/2016 | 38475 | UNILINK | 100203 | 10-45-740 | 37.93 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-45-230 | 300.54 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-47-230 | 226.58 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-54-231 | 48.08 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-58-230 | 78.46 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-61-230 | 32.50 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-60-230 | 16.25 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-50-230 | 76.73 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-62-230 | 194.68 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-70-230 | 41.56 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 10-64-230 | 51.83 |
| 08/16 | 08/09/2016 | 38476 | UNION SECURITY INSURANCE | AUGUS | 51-45-230 | 105.98 |
| 08/16 | 08/09/2016 | 38477 | US Bank | 309495 | 10-45-740 | 235.54 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 26011 | 10-70-430 | 12.32 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 69962 | 10-60-600 | 91.00 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 70915 | 51-45-600 | 15.97 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 71238 | 10-60-435 | 48.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 71652 | 51-45-600 | 14.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72052 | 51-71-420 | 46.92 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72066 | 10-70-600 | 13.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72189 | 51-73-600 | 43.14 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72204 | 10-50-600 | 2.98 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72220 | 51-71-420 | 36.46 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72230 | 10-70-430 | 11.94 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72524 | 10-70-430 | 13.98 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72574 | 10-70-600 | 5.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72592 | 10-50-600 | 9.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72819 | 10-66-600 | 7.98 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72838 | 10-50-435 | 9.56 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72851 | 10-70-430 | 1.98 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72943 | 10-75-700 | 492.76 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72978 | 51-45-600 | 2.29 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 72994 | 10-75-700 | 41.42 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73129 | 10-75-700 | 157.92 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73306 | 10-75-700 | 21.29 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73352 | 10-75-700 | 9.98 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73426 | 10-75-700 | 70.01 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73496 | 10-75-700 | 139.47 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73517 | 51-72-430 | 9.35 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73665 | 10-60-600 | 24.99 |
| 08/16 | 08/09/2016 | 38478 | VALLEY LUMBER COMPANY | 73966 | 10-75-700 | 24.45 |
| 08/16 | 08/09/2016 | 38479 | VERIZON WIRELESS | 976874 | 10-36-650 | 81.34 |
| 08/16 | 08/09/2016 | 38479 | VERIZON WIRELESS | 976874 | 51-45-530 | 62.68 |
| 08/16 | 08/09/2016 | 38479 | VERIZON WIRELESS | 976874 | 10-45-530 | 49.66 |
| 08/16 | 08/09/2016 | 38479 | VERIZON WIRELESS | 976874 | 10-58-530 | 80.02 |
| 08/16 | 08/09/2016 | 38479 | VERIZON WIRELESS | 976876 | 10-54-530 | 475.22 |
| 08/16 | 08/09/2016 | 38480 | WASTE MANAGEMENT | 090530 | 10-45-395 | 3,888.83 |
| 08/16 | 08/09/2016 | 38480 | WASTE MANAGEMENT | 090531 | 10-50-415 | 52.00 |

| GL Period | Check Issue Date | Check Number | Payee | Invoice Number | Invoice GL Account | Check Amount |
|---------------|------------------|--------------|----------------------|----------------|--------------------|--------------|
| 08/16 | 08/09/2016 | 38481 | WESTERN COLO. ELECT. | 5456 | 51-71-420 | 1,375.00 |
| Grand Totals: | | | | | | 223,695.88 |

Summary by General Ledger Account Number

| GL Account | Debit | Credit | Proof |
|------------|-----------|-------------|-------------|
| 1020200 | 9.18 | 223,705.04- | 223,695.88- |
| 10-22770 | 765.36 | .00 | 765.36 |
| 10-22775 | 250.00 | .00 | 250.00 |
| 10-24205 | 621.00 | .00 | 621.00 |
| 10-24209 | 207.00 | .00 | 207.00 |
| 10-32-239 | 3,600.00 | .00 | 3,600.00 |
| 10-36-650 | 81.34 | .00 | 81.34 |
| 10-41-670 | 40,986.74 | .00 | 40,986.74 |
| 10-41-682 | 18,778.42 | .00 | 18,778.42 |
| 10-42-310 | 1,618.75 | .00 | 1,618.75 |
| 10-42-325 | 89.37 | .00 | 89.37 |
| 10-45-230 | 4,038.49 | .00 | 4,038.49 |
| 10-45-325 | 466.71 | .00 | 466.71 |
| 10-45-390 | 936.95 | .00 | 936.95 |
| 10-45-395 | 3,888.83 | .00 | 3,888.83 |
| 10-45-520 | 6,003.00 | .00 | 6,003.00 |
| 10-45-530 | 49.66 | .00 | 49.66 |
| 10-45-590 | 2,124.97 | .00 | 2,124.97 |
| 10-45-600 | 179.10 | .00 | 179.10 |
| 10-45-740 | 1,015.69 | .00 | 1,015.69 |
| 10-47-230 | 3,476.53 | .00 | 3,476.53 |
| 10-50-230 | 3,365.63 | .00 | 3,365.63 |
| 10-50-410 | 680.31 | .00 | 680.31 |
| 10-50-415 | 52.00 | .00 | 52.00 |
| 10-50-430 | 144.60 | .00 | 144.60 |
| 10-50-435 | 22,210.88 | .00 | 22,210.88 |
| 10-50-600 | 12.97 | .00 | 12.97 |
| 10-54-231 | 14,161.73 | .00 | 14,161.73 |
| 10-54-350 | 191.00 | .00 | 191.00 |
| 10-54-530 | 475.22 | .00 | 475.22 |
| 10-54-590 | 363.70 | .00 | 363.70 |
| 10-54-600 | 54.06 | .00 | 54.06 |
| 10-58-230 | 1,824.41 | .00 | 1,824.41 |
| 10-58-530 | 80.02 | .00 | 80.02 |
| 10-60-230 | 1,421.55 | .00 | 1,421.55 |
| 10-60-412 | 1,632.47 | .00 | 1,632.47 |
| 10-60-432 | 6,088.44 | .00 | 6,088.44 |
| 10-60-435 | 48.99 | .00 | 48.99 |
| 10-60-600 | 211.66 | .00 | 211.66 |
| 10-61-230 | 57.20 | .00 | 57.20 |
| 10-61-580 | 786.21 | .00 | 786.21 |
| 10-61-650 | 3.99 | .00 | 3.99 |
| 10-62-230 | 2,321.63 | .00 | 2,321.63 |
| 10-64-230 | 1,480.78 | .00 | 1,480.78 |
| 10-64-420 | 130.00 | .00 | 130.00 |
| 10-64-540 | 192.00 | .00 | 192.00 |

| GL Account | Debit | Credit | Proof |
|---------------|-------------------|--------------------|-----------------|
| 10-64-610 | 866.50 | .00 | 866.50 |
| 10-64-665 | 552.69 | .00 | 552.69 |
| 10-66-430 | 1.47 | .00 | 1.47 |
| 10-66-530 | 61.74 | .00 | 61.74 |
| 10-66-590 | 1,845.00 | .00 | 1,845.00 |
| 10-66-600 | 7.98 | .00 | 7.98 |
| 10-70-230 | 569.56 | .00 | 569.56 |
| 10-70-350 | 26,108.33 | .00 | 26,108.33 |
| 10-70-410 | 1,272.71 | .00 | 1,272.71 |
| 10-70-420 | 715.00 | .00 | 715.00 |
| 10-70-430 | 672.13 | 9.16- | 662.97 |
| 10-70-530 | 189.46 | .00 | 189.46 |
| 10-70-600 | 461.92 | .00 | 461.92 |
| 10-70-608 | 135.00 | .00 | 135.00 |
| 10-70-710 | 1,956.00 | .00 | 1,956.00 |
| 10-75-700 | 28,368.20 | .00 | 28,368.20 |
| 31-40-315 | 4,937.40 | .00 | 4,937.40 |
| 51-45-230 | 2,333.28 | .00 | 2,333.28 |
| 51-45-310 | 5,989.00 | .00 | 5,989.00 |
| 51-45-325 | 436.92 | .00 | 436.92 |
| 51-45-530 | 332.58 | .00 | 332.58 |
| 51-45-600 | 33.25 | .00 | 33.25 |
| 51-71-410 | 547.69 | .00 | 547.69 |
| 51-71-420 | 1,458.38 | .00 | 1,458.38 |
| 51-72-405 | 2,354.00 | .00 | 2,354.00 |
| 51-72-430 | 646.85 | .00 | 646.85 |
| 51-73-390 | 40.04 | .00 | 40.04 |
| 51-73-430 | 44.71 | .00 | 44.71 |
| 51-73-600 | 43.14 | .00 | 43.14 |
| Grand Totals: | <u>230,159.45</u> | <u>223,714.20-</u> | <u>6,445.25</u> |

Report Criteria:

Report type: GL detail
 Check Detail.Amount = {<>} 0

2016 ADVANCED AGENDAS

Tuesday August 23, 2016 WORKSESSION AND LEGISLATIVE

WORKSESSION

- Traffic Report on Southside

ORDINANCES

- 2nd Reading addressing utilizing the uniform election code of 1992
- 2nd Reading on Amendments to the CSC Zone District & other Zoning Changes
- 2nd Reading on Ballot language concerning 25% maintenance

RESOLUTION

- Sketch Plan Approval - 150 Homestead Rezoning and subdivision
- Bond Resolution (if Continued from August 9 meeting)
- Commercial Use Permits on Public Parks

Tuesday August 30, 2016

Note: Another date where Council could take action on bond language

Tuesday September 13, 2016 WORKSESSION AND LEGISLATIVE

WORKSESSION

- TACAW

ORDINANCES

- 1st Reading on Stott's Mill PUD Reinstatement, Sketch Plan on MF
- 1st Reading on Marijuana Ordinance- Land Use and License

Tuesday September 27, 2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 1st Reading Recycle Ordinance
- Cont. 1st Reading on Stott's Mill
- 2nd Reading on Marijuana Ordinances – Land Use and License

Tuesday October 11, 2016 WORKSESSION AND LEGISLATIVE

WORKSESSION

- 2017 Budget Worksession

ORDINANCES

- 2nd Reading Recycle Ordinance
- 2nd Reading on Stott's Mill

*** Note: Schedule could change to allow for consideration of the proposed bond resolution based on the November Election Calendar.**

2016 ADVANCED AGENDAS

PARTIAL LIST OF COUNCIL PRIORITIES TO BE SCHEDULED

- 1 Child Care and Regional Child care
- 2, 1 Community Survey
- 3 Economics of Special events
- 1, 2 Regional healthcare
- 2 Arts and performing arts related to the economy
- 2 Presentations to Council from these committees:
BPAC, POST, CHAMBER, Etc./Council Members to sit on
- 2 Urban renewal at Clarks-updates from Tim B
- 3 Willits intersection
- 3, 3 Way finding –urban trails and connections (part of POST update)
- 3 Changing big boxes to small businesses at Willits
- 1, 1 Single Track trails on public lands connected to Town of Basalt
Zero waste/compost effort in Basalt/Willits
2017 Budget Discussions

OTHER DISCUSSION ITEMS IDENTIFIED BY STAFF

- Adopting the 5 Yr. Capital Improvements Plan
- Valley Rd/El Jebel Road Alignment
- Code amendment Chapter 8 – Parking rules
- Public Works Manual
- Worksession – BDBA& Chamber
- Presentation Colorado Parks and Wildlife – Bear Aware
- Traffic Calming throughout Town
- Green Team Update
- Flood plain regulations
- Southside Traffic Study

LAND USE APPLICATIONS

- Arbaney Kittle PUD Amendment- Pursuant to pre-development agreement
- Town Park Arts Parcel – TACAW Approvals
- Stott's Mill PUD Amend and Reinstate & Sketch Plan
- 150 W. Homestead Rezoning and Sketch Plan (Elice)



USTA COLORADO

Joan Birkland Pavilion at Gates Tennis Center
 3300 East Bayaud Avenue, Suite 201
 Denver, CO 80209
 ph: 303.695.4116
 fx1: 303.695.6302 fx2: 303.695.7631
<http://www.coloradotennis.com>
 @USTAColorado

July 11, 2016

Dear Mayor Whitsitt, Basalt Town Council members and the Planning & Zoning commissioners,

As the governing body for the sport of tennis in Colorado and a District of the United States Tennis Association (USTA), we are in full support of the project to build an indoor tennis center at Stotts Mill to compliment the existing sports complex next to Basalt High School.

USTA and USTA Colorado have been working closely with the Roaring Fork Valley and AD-IN! Tennis Group to provide in-kind technical consultation concerning the proposed project. Indoor public tennis courts in this mountain valley provide an important recreational activity for residents and its visitors and offer a healthy activity for people of all ages year round. The USTA provides free program resources and technical expertise, as well as access to training support, marketing materials and grants for programming and facilities to USTA-affiliated agencies such as the Town of Basalt.

The potential to engage many more people from this community in the lifetime sport of tennis is evident, especially in light of the fact that tennis participation is continuing to increase across the state. Tennis maintains the top spot as the fastest growing traditional sport in America, according to data from the Physical Activity Council. Colorado is no exception to this trend, with phenomenal USTA adult league program growth of 27% since 2010 and 23% in USTA junior team tennis since 2010. The emergence of 10 and Under Tennis and the QuickStart Tennis play format puts communities in an even better position to engage and develop young players through the parks and schools more effectively.

Adult league participation at Crown Mountain and Basalt mirror the national and state figures showing 13.5% growth between 2014 and 2015 with 126 adults ages 18 and over competing in recreational leagues last summer. Adult tennis participation at the public facilities in Aspen, Basalt and Breckenridge is growing faster than other areas of the Colorado mountain region. Additionally, the Roaring Fork Valley's youth are getting more opportunities to play through the organize junior tennis play days and camps and even family nights coordinated by Diana Elliot, president of the AD-IN! Tennis Group.

The citizens' efforts to plan and fundraise through the "AD-IN!" campaign shows a local commitment to the sport of tennis and all of its benefits for the Roaring Fork Valley. The investment in making year round public tennis available directly impacts our efforts to make tennis more accessible and more inclusive in communities of all sizes, especially those in rural and mountain communities that may lack access to the lifetime sport of tennis. USTA Colorado anticipates being a consultant in the process and fully supports this recreational project.

Sincerely,

Kristy Harris

Kristy Harris
 Community Development Director

August 5, 2016

To: Basalt Mayor and Council

Re: Basalt River Park Council Meeting - August 2, 2016

Dear Mayor and Council:

I attended the subject meeting and now, after reflecting on the Council discussion, I would like to offer a few comments:

- 1) At first blush, the "Full-On" Basalt River Park plan does seem to be excessive in cost. However, as was pointed out in the meeting, with no new taxes and borrowing rates possibly as low as 1.5%, it seems as though the Town should go with the whole package – provided all of the costs are properly vetted and the amenities proposed provide demonstrable value. Carpe diem!
- 2) Having said the above, I do have the following concerns about the "Full-On" park plan:
 - a. "Active Park Space". We must not lose site of the value of the uninterrupted two acre size of the Big "V" lawn space. This space is "active" park space – not "passive" park space. "Active" park space requires critical mass. (Note, for comparison purposes, Sopris Park in Carbondale has approximately four acres of "active" park space). "Active" park activities involve unbridled freedom of movement (i.e. flying a kite, frisbee, throwing a baseball/football, running, etc.) whereas a "passive" park might involve meandering through a flower garden or sitting on a bench having lunch. In view of the above, I believe the proposed subdividing of the Big "V" lawn space, using stone terraces, should be removed from the development plan. The stone terraces are not a good fit for "active" park spaces as they will merely chop up the park open space into much smaller spaces and, thus, restrict or eliminate activities that otherwise would fit in the park with no problem. They would be a much better fit, for aesthetic purposes, in a "passive" park. Furthermore, the stone terraces would also create a safety hazard (i.e. tripping and falling) for anyone not looking down while moving around in the lawn space. Can you imagine anyone installing stone terraces in the middle of a playground? Or, for that matter, in the middle of Aspen's Wagner Park? Didn't think so. In addition, eliminating the stone terraces will save money not only in development costs but also in maintenance of the park. So, scratch the stone terraces.
 - b. Bandshell. The Bandshell is a great idea – although I do have noise concerns stemming from its orientation. The Town should do a sound check to determine the noise impact from the Bandshell on the residents living up the hillside into The Wilds sub-division across from the park. Regarding the Bandshell amenities, I think the "concrete dance floor" in the park below the stage, as well as the "light bar", should be scratched from the plans. These items constitute overkill. Also, considering the average price of a home in Basalt last year was pegged at about \$575K, the Bandshell price tag of \$572K seems exorbitant. More vetting required.

- c. RFTA Bus Stops. The \$307K price tag for the two new RFTA bus stops seems excessive to me. My understanding is that two bus stops should cost about \$60K total (\$30K for each one). That would mean the Town paying \$247K for bus stop site preparation and concrete pads. That number just seems to be inflated. More vetting required.
 - d. Old Pond Park. There may be some duplicity in costs here because the Roaring Fork Conservancy sits between the Basalt River Park and the pond. Who is responsible for absorbing “pond” costs? More vetting required.
 - e. Park Lighting. How much lighting does the Town really need or want? More vetting required
- 3) On a different note, regarding the “developable” space next to RMI if the Town develops one-half acre and leaves the other half acre as “open space” that provides the Town with another opportunity to mitigate upfront costs through the application for more open space funding from Eagle and Pitkin Counties.

Thanks for listening and thanks for your continued commitment to the Town of Basalt.

Respectfully,

Greg Shugars