TOWN OF 1901 BASALT

101 Midland Avenue, Basalt, CO 81621

Meeting Date: October 18, 2016 **Location: Town Council Chambers**

TOWN COUNCIL MEETING AGENDA

6:00pm1. Call to Order (Mayor Whitsitt)

6:01 2. Roll Call (Pam Schilling)

6:02 3. Consent Agenda (Mayor Whitsitt)

3A. Approve Resolution No. 43, Series of 2016: Authorizing an Intergovernmental Agreement Concerning Authorization for Law Enforcement Services within Unincorporated Eagle County, The Town of Gypsum and the Town of Minturn.

3B. Continue to October 25, 2016 Public Hearing and Second Reading of Ordinance No. 27, Series 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Repealing and Re-Adopting Section 18-41, Adoption of the IECC by References in Chapter 18, Building Regulations, of the Municipal Code of the Town of Basalt, Colorado, and Adopting by Reference the 2015 Edition of the International Energy Conservation Code

3C. Ratify Appointment: Karen Barch to the Basalt Regional Library as the Town of Basalt Representative as recommended by the committee made of a representative each of Pitkin County, Eagle County and Town of Basalt.

Motion to Consider:
Mayor, I move that the Town Council approve the Consent Agenda as published Items 3A - 3C.

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

4A. Janice Vos Caudill, Pitkin County Clerk and Recorder – Elections Information

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

6:30 6. FIRST READINGS OF ORDINANCES:

6A. Public Hearing First Reading of Ordinance No. 26, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Reinstating and Amending the 2009 Stott's Mill Development Approvals for the Single-Family Portion of the Stott's Mill Development, Including up to 61 Dwelling Units, A Public Facility/Daycare, and the Dedication and Improvements of Rights-of-Way and Parks on the Single-Family Portion of the Stott's Mill Property and Granting Sketch Site Plan Approval for the Multi-Family Portion of the Development Up to 96 Additional Dwelling Units, Together with Extending and Increasing the Corporate Limits of the Town of Basalt and Providing Initial Town Zoning for the Single-Family Portion of the Stott's Mill Development (James Lindt)

Motion to Consider:
Mayor, I move that the Town Council Approve Ordinance No. 26, Series of 2016, on first reading, and continue and set the second reading and public hearing for October 25, 2016

7:30 7. ORDINANCES TO BE CONSIDERED TOGETHER:

7A. Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores (James Lindt)

Motion to Consider:
Mayor, I move that the Town Council Approve Ordinance No. 24, Series of 2016 on second reading

7B. Public Hearing and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities (James Lindt)

Motion to Consider:
Mayor, I move that the Town Council Approve Ordinance No. 25. Series of 2016 on first reading and set the second reading and public hearing for October 25, 2016.

8:10 8. SECOND READING OF ORDINANCE:

8A. Public Hearing and Second Reading of Ordinance No. 28, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Approving Amendments to the Municipal Code of the Town Basalt, Colorado, Amending Chapter 7, Health, Sanitation, and Animals by Creating a New Article Entitled Recycling and Waste Reduction; and Amending the Town's Fee Schedule (James Lindt)

Motion to Consider:
Mayor, I move that the Town Council Approve Ordinance No. 28, Series of 2016, on second reading

8:15 9. EXECUTIVE SESSIONS:

Motion to Consider:
Mayor, I move that the Town Council enter Executive Session for:

- A conference with our attorneys for the purpose of privileged attorney client communications and receiving legal advice on specific legal questions in accordance with C.R.S. 24-6-402(4)(b) specifically the Eagle County District Court Case Guy v. Whitsitt

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

a. Advanced Agendas

11. ADJOURNMENT

TOWN OF BASALT ACTION ITEM SUMMARY	Item Number: Date: October 18, 2016 From: Greg Knott, Chief of Police

SUBJECT: Resolution to approve an Intergovernmental Agreement (IGA) between the Town of Basalt and the Eagle County Sheriff's Office authorizing law enforcement services within unincorporated Eagle County.

RECOMMENDATION: Staff recommends the Town Council approve the attached Resolution

DETAILS:

In November, 2014, James Van Beek was elected as the Eagle County Sheriff. At the time of his appointment, Municipal law enforcement agencies provided aid to each other through a Mutual Aid Agreement that was implemented in June of 2010.

Prior to Sheriff Van Beek being elected, there was not an Intergovernmental Agreement between the Sheriff's Office and individual Eagle County law enforcement agencies to provide law enforcement services in unincorporated portions of Eagle County. Sheriff Van Beek expressed a desire to have a working IGA between the Town of Basalt, Town of Gypsum, Town of Eagle, Town of Avon, Town of Minturn and Town of Vail which authorized officers, in these municipal agencies, to perform law enforcement functions within unincorporated portions of Eagle County. Over the course of the past year, Sheriff Van Beek and Chiefs of Police in these municipalities have drafted the attached IGA to ensure the efficient and cooperative provision of law enforcement services within unincorporated Eagle County.

I am before you tonight to present a resolution authorizing the IGA "Concerning Authorization for Law Enforcement Services within Unincorporated Eagle County".

Related State Statute and/or Town Actions: C.R.S. 16-3-110(2)
Amount Requested: $0.00
Line Item Code & Description: N/A
Available 2016Budget:

TOWN OF BASALT, COLORDO
RESOLUTION NO. ___
SERIES OF 2016

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF BASALT, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT CONCERNING AUTHORIZATION FOR LAW ENFORCEMENT SERVICES WITHIN UNINCORPORATED EAGLE COUNTY, THE TOWN OF GYPSUM AND THE TOWN OF MINTURN

THIS INTERGOVERNMENTAL AGREEMENT ("IGA") is made and entered into by and between the Town of Avon Police Department and the Town of Avon (hereinafter referred to as "Avon"); the Town of Vail Police Department and the Town of Vail (hereinafter referred to as "Vail"); the Town of Eagle Police Department and the Town of Eagle (hereinafter referred to as "Eagle"); the Town of Basalt Police Department and the Town of Basalt (hereinafter referred to as "Basalt"); and the Eagle County Sheriff's Office and the County of Eagle, State of Colorado (hereinafter referred to as the "County"). Collectively, Avon, Vail, Eagle and Basalt are referred to hereinafter as the "Towns" and each individually may be referred to singularly as a "Town." The County and the Towns shall collectively be referred to herein as the "Parties."

RECITALS

WHEREAS, pursuant to C.R.S. § 16-3-110(2), Town peace officers as defined by C.R.S. § 16-3-110 (1)(a) ("Town Officers") shall have the authority to act when a felony or misdemeanor is committed in a Town Officer's presence regardless of whether that Town Officer is within the Town's boundaries or whether that Town Officer is on duty, when such Town Officer has been authorized by the local jurisdiction having jurisdiction to so act; and

WHEREAS, it is the Sheriff's duty to preserve the peace within Eagle County, including the unincorporated areas of Eagle County, some of which unincorporated areas are adjacent to Town boundaries; and

WHEREAS, the Town of Gypsum and the Town of Minturn have contracted with the Eagle County Sheriff to provide all law enforcement services within their respective corporate boundaries of each town; and

WHEREAS, to ensure the efficient and cooperative provision of law enforcement services in his jurisdiction, which includes the Town of Gypsum and the Town of Minturn, the Eagle County Sheriff wishes to set forth the circumstances under which the Towns' Officers may perform law enforcement functions and enforce the state's statutes within unincorporated Eagle County, the corporate boundaries of the Town of Gypsum and the corporate boundaries of the Town of Minturn; and

WHEREAS, while the Parties acknowledge that the Sheriff has jurisdiction throughout Eagle County, the Parties concur that open communication and cooperation between Sheriff deputies and Town Officers within their respective jurisdictions will best serve the community and ensure safety of all law enforcement officers throughout Eagle County; and

WHEREAS, County and the Towns enter into this Agreement under the specific authority to contract for the provision of law enforcement services pursuant to C.R.S. §30-11-410 (2) and under general authority of local governments of the State of Colorado to contract with one another for the provision of services pursuant to C.R.S. §29-1-201, et seq., Article XIV, Section 18 of the Colorado Constitution; and in accordance with C.R.S. § 16-3-110(2); and

WHEREAS, the County and Towns intend this Agreement to supersede and replace any and all previous Intergovernmental Agreement between the County and an individual Town for provision of law enforcement services within unincorporated Eagle County.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and promises contained herein, the adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Grant of Authority.** The Towns, through their respective Police Departments, will be hereby authorized, to the extent hereinafter set forth in this Agreement, to provide law enforcement services outside the respective Town's municipal boundaries as follows:

a. Pursuant to C.R.S. § 16-3-106, in a situation in which a Town Officer is in fresh pursuit of an alleged offender, having a warrant for his arrest or having knowledge that such warrant has been issued, or, in the absence of an arrest warrant, when the offense was committed in the officer's presence or the officer has reasonable grounds to believe that the alleged offender has committed a criminal offense, and the alleged offender crosses the boundary line marking the territorial limit of his authority;

b. When a Town Officer is in unincorporated Eagle County on official police duty and a felony or misdemeanor has been or is being committed in such Town Officer's presence, or where the Town Officer witnesses an act within unincorporated Eagle County that presents an immediate risk to the public or to the Town Officer;

c. In unincorporated Eagle County, within the corporate limits of the Town of Gypsum, or within the corporate limits of the Town of Minturn, where the Town's Officer is acting in capacity to assist the Sheriff after providing proper notification to Dispatch, after which the Sheriff or his deputies may discontinue the need for back-up at any time;

d. Where the boundary between the Town and any unincorporated-area of the County is ambiguous, up to a quarter mile from the Town boundary, or in areas specifically identified and authorized by the Sheriff, which authorization can be verbally revoked by the Sheriff or his designee at any time. The Parties agree that this provision is intended to account for inadvertent patrol or law enforcement activities within a reasonable distance outside of a Town's boundaries. Town Officers that have questions about boundaries should seek clarification through their superiors, the Computer Aided Dispatch Administrator, the Sheriff or his designee. Notwithstanding the foregoing, the Sheriff specifically authorizes Town of Avon Officers to provide law enforcement services within the stretch of 1-70 between Post Boulevard and Avon Road in unincorporated Eagle County.

e. In unincorporated Eagle County, as well as the corporate limits of the Town of Gypsum and the Town of Minturn, if the Town Officer is working in a joint-operational capacity with the Sheriff, including but not limited to, a special operations unit task force, a multi-agency DUI task force, a multi-agency drug task force, or for temporary assistance for ski-related operations, or under another specific agreement granting such authority;

f. In accordance with any specific agreement between the Sheriff and an individual Town; or

g. In accordance with any specific request for mutual aid between the Sheriff and an individual Town.

2. **Jurisdiction.** Other than related to a specific agreement for a joint-operation, any Town Officer shall, immediately notify the Sheriff's Office whenever involved in an incident arising out of a situation identified in Section 1above within the unincorporated areas of Eagle County, the corporate limits of the Town of Gypsum or the Town of Minturn. The Sheriff shall be given the option to retain primary jurisdiction in any incident arising out of a situation identified in Section 1 (b) through (g) herein. If the Sheriff decides to retain primary jurisdiction in such an instance, any person arrested shall be released to the custody of the Sheriff. Nothing in this Agreement shall be construed to limit or otherwise affect the law enforcement authority of the County or of any Town.

3. **Responsibility for Personnel.** As for Town Officers, management of the rendering of services, leadership and supervision, the standards of performance, the discipline of officers and all other matters incident to the performance of law enforcement services and the review of personnel so employed, shall remain with the respective Towns employing such Town Officers.

4. **Venue for Prosecution**. Other than related to a specific agreement granting authority otherwise, all citations written by a Town Officer in unincorporated Eagle County, within the corporate limits of the Town of Gypsum or within the corporate limits of the Town of Minturn, for violations of any Colorado State Statute or other law shall command the alleged violator to appear before the appropriate court within Eagle County. Town Officers shall be available to appear before the court, as needed to prosecute each violation.

5. **Equipment.** The Towns and County shall furnish and supply all necessary labor, equipment, and all supplies necessary to maintain the services to be rendered herein by their respective Officers.

6. **Cooperation.** Each Party shall give prompt and due consideration to requests directed to them by another Party to this Agreement, or their designee, regarding delivery of law enforcement services and the Towns and the County shall work cooperatively to achieve the services called for herein. Such request may be transmitted in person, by phone, radio, electronic medium, or by a third party. Any reasonable transmittal shall be sufficient to invoke this Agreement.

7. **Status of and Responsibility for Employees.**

a. The Towns and the County enter into this Agreement as separate, independent governmental entities and their respective officials and employees shall maintain such status throughout. Employees assigned under this Agreement shall remain employees of their respective law enforcement agencies at all times and for all purposes under this Agreement. No employee of any Town shall be deemed an employee of the County, even if a Town Officer acts on the County's behalf under this Agreement.

b. No Party shall be called upon to pay or assume any liability for the direct payment of any salaries, wages or other compensation to any other Party's Officers performing services hereunder. Additionally, no Party shall be liable for compensation or indemnity to any other Party's Officers for injury or sickness arising out of his/her performance under this Agreement.

8. **Governmental Immunity.** The Parties to this Agreement do not intend to waive the limitations on liability which are provided to the Parties under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et. seq. The provisions of C.R.S. § 29-5-108 shall not apply to the activities conducted pursuant to this Agreement.

9. **Insurance.** Each Party shall provide its own public liability and property damage insurance coverage as it may deem necessary for any potential liability arising from the services to be provided under this Agreement.

10. **Term and Termination.** Unless sooner terminated as provided hereunder, this Agreement shall be effective from January 1, 2016 through December 31, 2016. Notwithstanding the foregoing provisions, any Party, with or without cause, may terminate their participation in Agreement upon the giving of ten (10) days prior written notice of such termination to the other respective Party. It is the intent of the Parties that this Agreement shall be renewed for additional one (1) year periods following the end of the initial period, and unless one of the Parties gives notice to the County at least ten (10) days prior to the end of the initial period, or then current additional period, that such Party desires to terminate this Agreement, this Agreement shall be automatically extended for additional periods of twelve (12) months. After the initial period, this Agreement shall run from January 1st to December 31st of each respective year.

11. **Funding.** The Parties agree that this Agreement is contingent upon all funds necessary for the performance of this Agreement being budgeted, appropriated and otherwise made available. It is expressly understood that any financial obligations that may arise hereunder, whether direct or contingent, shall only extend to payment of monies duly and lawfully appropriated by the governing body of any Party. Should any of the Parties fail to undertake the project because necessary funds have not been budgeted or duly appropriated, that Party may terminate participation in this Agreement by providing the County with written notice of termination as set forth herein.

12. **Notice.** Any notices or other communications required or permitted to be given hereunder shall be given in writing, delivered personally or sent by first class mail, postage prepaid, addressed to the Parties at the addresses set forth below or at such other address as either Party may hereafter designate by written notice to the other Party given in accordance herewith.

Notice will be deemed given on the date of delivery or three business days after deposit in a U.S. Postal Service depository.

County:	Eagle County Sheriff P.O. Box 359 885 East Chambers Avenue Eagle, Colorado 81631 (970) 328-8500 (telephone) (970) 328-1448 (fax)
Avon:	Town of Avon Chief of Police P.O. Box 975 Avon, Colorado 81620 (970) 748-4040 (telephone) (970) 845-7098 (fax)
Basalt:	Town of Basalt Chief of Police 100 Elk Run Drive, Suite 115 Basalt, CO 81621 (970) 927-4316 (telephone) (970) 927-4300 (fax)
Eagle:	Town of Eagle Chief of Police P.O. Box 609 Eagle, CO 81631 (970) 328-9659 (telephone) (970) 328-9659 (fax)
Vail	Town of Vail Police Chief 75 S. Frontage Road W. Vail, CO 81657 (970) 479-2218 (telephone)

14. **No Assignment.** This Agreement and the rights and obligations created hereby shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, and may not be assigned by any Party without the prior written consent of the other Party.

15. **No Unintended Beneficiaries.** The Parties agree that this Agreement creates no obligation or relationship between the Towns, but is intended to govern each Town's provision of law enforcement services in unincorporated Eagle County, the Town of Gypsum and the Town of Minturn only. Nothing herein expressed or implied is intended or should be construed to confer or give to any person or corporation or governmental entity other than the Towns and County any right, remedy or claim under or by reason hereof or by reason of any covenant or condition herein contained.

16. **Severability.** If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction as to any Party, such portion shall be deemed severable and its invalidity or its unenforceability shall not affect the remaining provisions; such remaining provisions shall be fully severable and this Agreement shall be construed and enforced as if such invalid provisions had never been inserted into this Agreement.

17. **Modification or Amendment in Writing.** This Agreement may be amended, modified, or changed in whole or in part only by written agreement duly authorized and executed by the Parties hereto.

18. **Jurisdiction and Venue.** The law of the State of Colorado shall be applied in the interpretation, execution and enforcement of this Agreement. Venue for any action arising out of any dispute pertaining to this Agreement shall be exclusive in Eagle County, Colorado

19. **Entire Agreement.** This Agreement represents the full and complete understanding of the Parties, and supersedes any prior agreements, discussions, negotiations, representations or understandings of Parties with respect to the subject matter contained herein.

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IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed and be effective as of the day and year first above written.

COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS

By: _____
Jeanne McQueeney, Chair

Attest:

By: _____
Teak J. Simonton, Clerk to the Board

Date: _____

EAGLE COUNTY SHERIFF

By: _____
Sheriff James Van Beek

Date: _____

TOWN OF AVON, COLORADO
BY AND THROUGH ITS MAYOR

BY: _____
Jennie Fancher, Mayor

ATTEST:

BY: _____
Debbie Hoppe, Town Clerk

Date: _____

TOWN OF AVON POLICE DEPARTMENT
BY AND THROUGH ITS POLICE CHIEF

BY: _____
Greg Daly, Chief of Police

Date: _____

TOWN OF EAGLE, COLORADO
BY AND THROUGH ITS MAYOR

BY: _____
Anne McKibbin, Mayor

ATTEST:

BY: _____
Jenny Rakow, Town Clerk

Date:_____

TOWN OF EAGLE POLICE DEPARTMENT
BY AND THROUGH ITS POLICE CHIEF

BY: _____
Joseph Stauffer, Chief of Police

Date: _____

TOWN OF VAIL, COLORADO
BY AND THROUGH ITS MAYOR

BY: _____
Dave Chapin, Mayor

ATTEST:

BY: _____
Patty McKenny, Town Clerk

Date: _____

TOWN OF VAIL POLICE DEPARTMENT
BY AND THROUGH ITS POLICE CHIEF

BY: _____
Dwight Henninger, Police Chief

Date: _____

TOWN OF BASALT, COLORADO
BY AND THROUGH ITS MAYOR

BY: _____
Jacque Whitsitt, Mayor

ATTEST:

BY: _____
Pam Schilling, Town Clerk

Date: _____

TOWN OF BASALT POLICE DEPARTMENT
BY AND THROUGH ITS POLICE CHIEF

BY: _____
Gregory M. Knott, Chief of Police

Date: _____

Motion to ratify appointment of Karen Barch to the Basalt Regional Library as the Town of Basalt Representative as recommended by the committee made of a representative each of Pitkin County, Eagle County and the Town of Basalt

3C

From: Barbara Milnor <bmilnor@basaltlibrary.org>
Sent: Monday, October 10, 2016 3:39:26 PM
To: charlotte.anderson@pitkincounty.com; aric.otzelberger@eaglecounty.us; Pam Schilling
Subject: Basalt Regional Library Board of Trustees

Please excuse the lateness of this email. Last month The Eagle County Commissioner, Pitkin County Commissioner, and Basalt Town Council representative voted to place Karen Barch on the Basalt Regional Library Board to hold the open Town of Basalt position. Could you please place it on your respective Board agendas to ratify this vote? Barbara Milnor

Barbara Milnor
Director
Basalt Regional Library
14 Midland Ave
Basalt, CO 81621
(970) 927-4311 ext. 1008
bmilnor@basaltlibrary.org

TOWN OF BASALT **Action Item**	**Date:** October 18, 2016 **From:** James Lindt, Assistant Planning Director

SUBJECT: Consideration of the following items:

First Reading of Ordinance No. 26, Series of 2016- Stott's Mill Reinstatement of 2009 Approvals for the Single-Family Portion of the Development and Sketch Plan for the Multi-Family Portion of the Development

Land Use Actions Requested this meeting: Reinstatement of 2009 Approvals for Single-Family Portion of Development, Sketch Plan for Multi-family Portion of Development

Associated Land Use Actions: PUD Amendment and Reinstatement, Subdivision, Sketch and Final Site Plan Review, and Zoning

Proposal: To Construct 156 (Could be up to 157 if Daycare changed to residential in future) Dwelling Units, of which 96 are proposed as Multi-Family Apartment Units and 60 are proposed as Single-Family Units

Related Town Statutes and or Town Actions: Town Code Chapter 15, *Annexation,* Article VI, Chapter 16, *Site Plan Review,* Section 16-31, *Supplemental Requirements for R-4 MD Zone District,* Section 16-267, *Official Zoning Map Amendments*, Chapter 17, *Subdivision*

Last Review by Town Council: The Council held a worksession on September 13th to get an introduction to the proposal.

TOWN OF BASALT Action Item	Date: October 18, 2016 From: James Lindt AICP, Assistant Planning Director

SUBJECT: First Reading of Ordinance No. 26, Series of 2016, Approving of the Stott's Mill Reinstatement for the Single-Family Section of the Development Plan and Sketch Site Plan Review and Associated Reviews for Multi-Family Residential Section

DETAILS: MSP1 LLC. ("Applicant") is requesting approval for the following actions on the 18-acre Stott's Mill Property directly north of Basalt High School and east of Southside Drive: 1) Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development, and 2) Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units (could be up to 157 units if daycare changes to residential in the future) on the Stott's Mill Property.

More specifically, the Applicant has applied to annex the property into the Town and construct 60 single-family dwelling units and 96 multi-family dwelling units and two (2) parks in the same configuration as the parks that were included in the 2009 approvals. The Applicant has also agreed to provide a core and shell daycare space to be leased to a daycare provider at the average lease rate for the other daycares in the mid-valley. Also, an indoor tennis group has requested consent from the Applicant to construct an indoor tennis center in the South Park portion of the proposed development.

During the P&Z's review, Staff identified the following discussion items that are more specifically analyzed in the P&Z Memos attached in the 9/13/16 Council Packet:

1. Density
2. Childcare Contribution
3. Traffic Mitigation (Revised Traffic Report incorporating the Daycare and Tennis Center is attached)
4. Southside Drive Cross-Section
5. Sufficiency of Parks and Open Space
6. Indoor Tennis Center
7. Southside Drive Traffic Calming
8. Allison Lane Connection/Traffic-Calming
9. Vested Rights

The Council conducted a worksession at the September 13th meeting to introduce the project to the Council. At the conclusion of the introduction to the proposal, the Council provided direction on what types of additional information the Council needed to conduct the review of the project. Council members expressed that there was a need to demonstrate how the necessary traffic mitigation was going to work and for the Applicant to provide financial information for review by the Town's consulting financial analyst. Updates on those items are addressed below:

Traffic Report and Traffic Mitigation: The Town's Consulting Engineer, SGM, has provided the revised traffic study to incorporate the daycare and the tennis center use. The traffic study will be presented to the Council by Lee Barger of SGM and

discussion of the potential traffic mitigation solutions will occur. The draft condition included in ordinance requires the Applicant to pay their fair share of the Basalt Avenue laneage improvements (listed as Improvement Alternative 1 in the revised Traffic Study) or the Cody Lane Mini-Roundabout (listed as Improvement Alternative 2 in the revised Traffic Study), which ever improvement is selected by the Town Council to pursue at the time of building permit submittal on each of the residential units, with the caveat that the Applicant would have to pay the remainder of their fair share if the Town determined the need to institute either of these traffic improvement alternatives earlier than expected and before the Stott's Mill project is built out. Additionally, there is a requirement that the Applicant pay a transportation improvement fee that could be used on engineering design for the Midland Avenue/Southside Drive Underpass.

Financial Analysis: The Applicant is working on providing the necessary financial information that will go to Bruce Kimmel of Ehlers Public Finance. The Applicant has executed a confidentiality agreement with Ehlers. The results of Kimmel's review are anticipated before second reading to allow a more informed discussion at second reading.

Multi-Family Design Detail: After the September 13th worksession, Council members commented about the need for additional design detail on the multi-family portion of the project in order to get a better sense of scale and massing and the relationship of the development to streetscape. The Applicant has supplied Staff with the Sketch-Up Video that was not able to be played at the worksession due to technical issues. The Sketch-Up Video will be played at the Council meeting. Additionally, the Applicant has indicated they are working on more detail on the multi-family design and have provided an additional sketch with concept floor plans (attached).

RECOMMENDATION: Staff recommends that the Council hear a presentation from Staff and the Applicant, ask questions, take public comments, and then provide discussion. If the Council is comfortable, the Council could approve the Ordinance on first reading with the understanding that additional information is to be provided at second reading on the items identified in this memo.

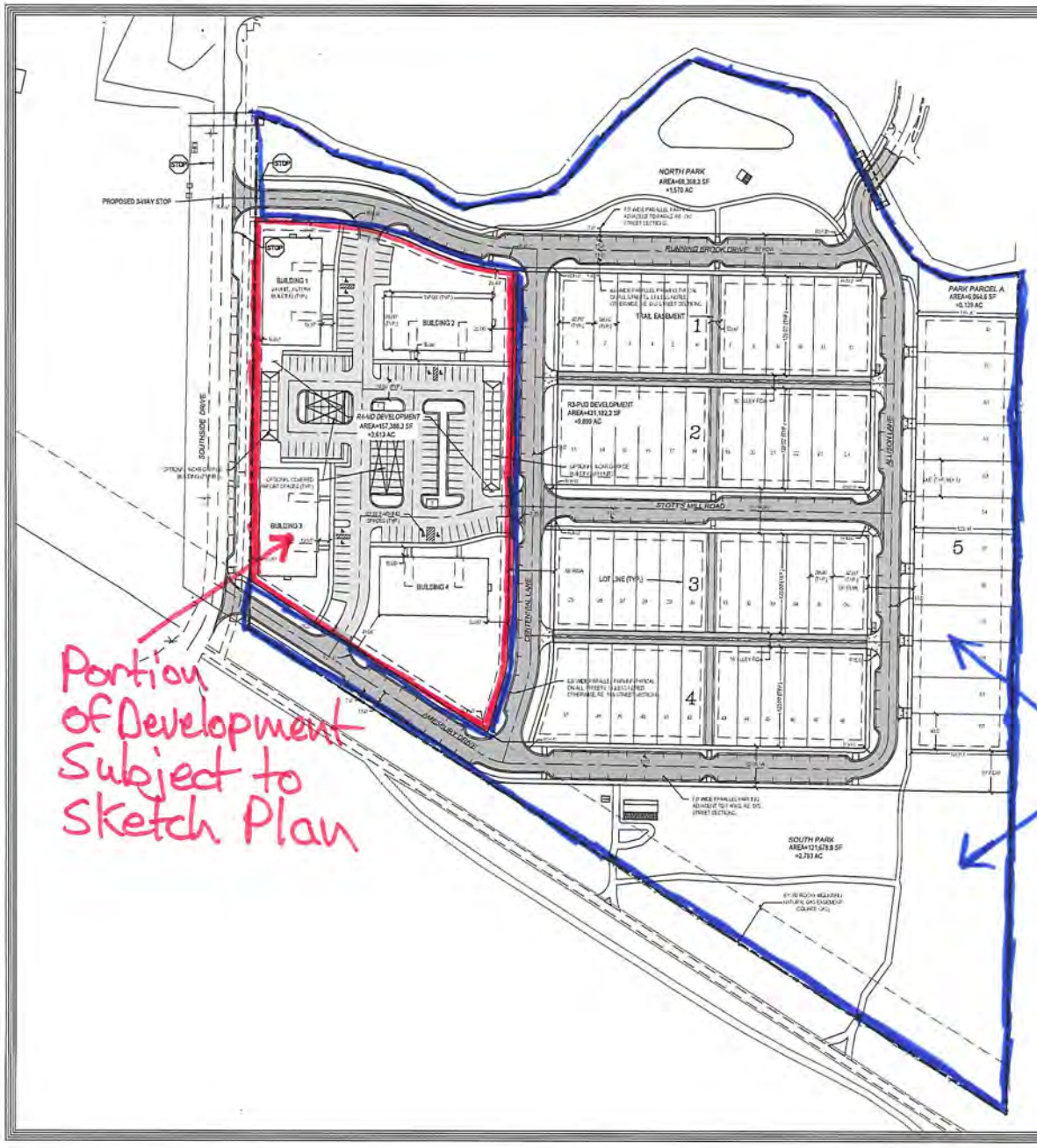
RECOMMENDATION FROM OTHER BOARDS: The P&Z recommended approval of the reinstatement of the approvals for the single-family portion of the development and the sketch plan for the multi-family portion of the development with conditions.

The POST Committee also recommended allowing for the tennis center and in the event that a tennis center. In the event that the tennis center cannot obtain the necessary funding, the POST Committee supported the installation of an active park in the South Park.

RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Chapter 15, *Annexation,* Town Code Section 16-267, *Amendment Procedure*; Town Code Chapter 16, Article VI, *Site Plan Review Requirements and Standards;* Chapter 16, Article XIX, *Housing Mitigation;* Town Code Section 16-65, *Approval Procedures for PUD Amendment*; Town Code Section 16-31, *Supplemental Requirements for the R-4 Mixed Density Residential District.*

ATTACHMENTS: A) Site Plan Showing the Portion of the Development Subject to Final Plan Approval and the Portion Subject to Sketch Plan, B) Comparison Between 2009 Approval and Current Proposal, C) Draft Ordinance, D) Additional Correspondence from Tennis Center Group, E) Applicant Addendum Letter, F) Excerpts from the Revised Traffic Study, G) P&Z Memos

Items Provided in September 13th Council Packet: Excerpts from Application, P&Z Minutes, Excerpts from Traffic Report, Public Correspondence



Portion of Development Subject to Sketch Plan

Portion of Development Subject to 2009 Approval Reinstatement

STOTT'S MILL DENSITY SUMMARY TABLE

STOTT'S MILL	DESCRIPTION	AREA (SF)	AREA (AC)	UNITS	UNIT TYPE	DENSITY (UNITS/ACRE)
PHASE 1	BLOCK 1	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 2	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 3	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 4	46,109	1.06	12	SINGLE FAMILY	11.34
	BLOCK 5	62,839	1.44	12	SF/DUPLEX	8.32
	ROW	185,874	4.29	N/A		
	TOTAL =	431,182	9.90	60		6.06
PHASE 1 PARKS	DESCRIPTION	AREA (SF)	AREA (AC)	USE		
	NORTH PARK	68,368	1.57	PASSIVE/UTILITIES		
	PARCEL A	6,065	0.14	PASSIVE/UTILITIES		
	SOUTH PARK	121,679	2.79	ACTIVE		
PHASE 2	DESCRIPTION	AREA (SF)	AREA (AC)	UNITS	UNIT TYPE	DENSITY (UNITS/ACRE)
	MULTI FAMILY	157,388	3.61	96	APARTMENTS	26.57
TOTAL AREA =		784,683	18.01			

STOTT'S MILL PARKING TABLE

STOTT'S MILL: PARKING SUMMARY						
PHASE 1	UNITS	PARKING REQUIRED	PARKING PROVIDED			+/-
			LOT	STREET	TOTAL	
BLOCK 1	12	38	24	13	37	1
BLOCK 2	12	38	24	13	37	1
BLOCK 3	12	38	24	13	37	1
BLOCK 4	12	38	24	15	38	3
BLOCK 5	12	38	38	0	38	0
PH1 SUB TOTAL	60	180	132	54	186	6
PHASE 2	96	192	149	44	193	1
NORTH PARK	N/A	N/A	N/A	16	16	16
SOUTH PARK	N/A	N/A	N/A	23	23	23
TOTAL =	156	372	281	137	418	46

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

811 Know what's below. Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

SOPRIS ENGINEERING, LLC.
CIVIL CONSULTANTS
502 MAIN STREET
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NO.	REVISION	BY	DATE
1	REVISED PER FIRE DISTRICT COMMENTS	JPP	06-12-2016

INITIALS	DATE
DESIGNED BY	
DRAWN BY	
CHECKED BY	

STOTT'S MILL PUD
BASALT, COLORADO
SITE PLAN - LAND USE & PARKING TABLES
PRELIMINARY - FOR REVIEW

DATE 05/05/2016
JOB NO. 15115
SHEET C21

A) Site Plan Sketch Final

B) Comparison between 2009 Approval + 2016 Proposal

DEVIATIONS BETWEEN CURRENT PLAN AND 2009 DEVELOPMENT PLAN AND APPROVAL

The development, zoning and site plan for the 2016 Stott's Mill project is very similar to the 2009 Plan approval. Many of the changes are small details and often times center around specific obligations of the previously approved Affordable Housing Plan. We have provided a "strikethrough" version of the 2009 approval ordinance (Ordinance No. 19 - series of 2009) in the application so one can see point by point changes and comments on virtually each condition of approval (in Section 4 – Miscellaneous documents).

Similarities with 2009 Plan Approval

In the big picture, the project has the following similarities:

- Parks and Open Space Plan that is nearly identical – Open Space is virtually the same acreage and there are only minor deviations.
- A street and alley system running for the single-family area in an east-west orientation. This assists with provision of solar access.
- The single-family area has relatively narrow, long lots with the average widths being 28 feet and 42 feet with the exception of the east most row of lots (Block 5).
- The alley system allows access from the rear of the lot so street frontage is not interrupted by street cuts, and dominated by garages.
- The majority of the street frontage will have front porches as the defining element in a New-Urbanism format.
- Allowance for a right-of-way connection with the parcel to the east which is currently undeveloped.
- Design of a three-way stop with Southside Drive which will allow construction of a mini-roundabout in the future.
- Request to provide housing to the RE-1 School District in lieu of dedicating land.
- HOA will maintain the irrigation systems in North Park and South Park and maintain the alleys.
- Complies with Open Space conditions including those concerning the Home Supply Ditch ~~with the exception of the "active play area" in the southeast corner of South Park which was characterized by tennis courts and basketball courts.~~ -Condition in draft Ord. requires Tennis Center on Active Park in South Park

Differences with 2009 Plan Approval

- Affordable Housing will comply with 2015 changes to the Town of Basalt Affordable Housing Guidelines. One option is that the majority of Affordable units will be rental units within the multifamily area which is now designed for buildings with a total of 96 apartment units. The Applicant is also looking at providing some "for sale" housing that would meet affordable housing guidelines in the single-family area. The final mix will need to be determined as we work through the total cost of the project including the allowed category unit sale prices and allowed rental rates. (Note: If what is listed as Phase 1 in this application proceeds to construction first and separately from Phase 2, Affordable Housing to meet code will be part of that Development Program).
- Related to specific conditions on Affordable Housing items – as the Applicant will comply with current Housing Guidelines, many of the individual conditions mentioning "owner/builders", "critical workers" and an "anti-flip device" will no longer be necessary from any future approval.
- A total of 60 single-family, narrow lots are proposed for the Phase 1 area (63 approved in 2009).
- The eastern row of lots in Phase 1 (Block 5) has been slightly modified. The lots are now approximately 43.5 in width and there are 12 of them as opposed to the former plan which had somewhat larger lots. These lots have the same depth as the other single-family lots within the Development (approximately 120 foot in length). Lot sizes average about 5,235 SF.
- The Phase 2/multifamily area is proposed now to be characterized by apartment style units. No individual ownership is being proposed. The Phase 2 plan proposes for three-story apartment buildings with each building having 24 apartment units – for a total of 96 units.
- Removal of the following conditions from the new Stott's Mill Plan:
  - A bid for installing infrastructure or vertical construction for Parcel C of the Basalt Design District.
  - ~~Day care unit. The applicant suggests that the Day care facility be put in another location that is closer to the main transportation corridors in Basalt. A day care facility should probably be relatively large with a correspondingly large recreation area (in proximity to State Highway 82 or Two Rivers Rd.)~~
  - ~~Car share program (provision of two parking spaces in right-of-way and $200 per unit~~

-Daycare Core + Shell and carshare fee required by draft conditions

c) Draft Ordinance

TOWN OF BASALT, COLORADO
ORDINANCE NO. 26
SERIES OF 2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, REINSTATING AND AMENDING THE 2009 STOTT'S MILL DEVELOPMENT APPROVALS FOR THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL DEVELOPMENT, INCLUDING UP TO 61 DWELLING UNITS, A PUBLIC FACILITY/DAYCARE, AND THE DEDICATION AND IMPROVEMENT OF RIGHTS-OF-WAY AND PARKS ON THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL PROPERTY AND GRANTING SKETCH SITE PLAN APPROVAL FOR THE MULTI-FAMILY PORTION OF THE DEVELOPMENT FOR UP TO 96 ADDITIONAL DWELLING UNITS, TOGETHER WITH EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF BASALT AND PROVIDING INITIAL TOWN ZONING FOR THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL DEVELOPMENT

RECITALS:

A. On or about February 8, 2016, a Petition for Annexation (the "Petition") and an Annexation Map were filed with the Town of Basalt by MSP 1 LLC. ("Applicant") on behalf of Alice Stott, owner ("Petitioner") of 100% of the land area described in the Petition and known as Stott's Mill. The legal description of the Property is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. The Town Council is considering the reinstatement and amendment of the approval granted in 2009 pursuant to Ordinance No. 18, Series of 2009 for the single-family portion of the development and a Sketch Site Plan review for the Multi-Family portion of the Development proposal.

C. The Planning and Zoning Commission considered the requests at a public hearing beginning on July 15, 2016, and continuing through August 16, 2016. Throughout the meetings, evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the reinstatement of the Final PUD Plan for the single-family portion of the development and approve the sketch site plan review for the multi-family portion of the development.

D. At a public hearing held on September 27, 2016, the Town Council considered the application on first reading and continued the public hearing and first

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TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

reading to October 18, 2016. At the continued public hearing and first reading on October 18, 2016, the Town Council approved the ordinance on first reading and set a public hearing and second reading for the ordinance for October 25, 2016.

E. At a continued public hearing and second reading on _____, 2016, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to approve the application. The Town Council finds and determines the annexation of the Property and approval of this ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

G. The Town Council finds that the Property is eligible for annexation in accordance with the Municipal Annexation Act and including the following findings:

1. The applicable requirements of §§ 31-12-104 and 31-12-105, C.R.S., have been met and satisfied including the following:

a. Not less than one-sixth of the perimeter of the Property is contiguous to the Town of Basalt, Colorado;

b. A community of interest exists between the Property and the Town of Basalt, Colorado;

c. The Property is urban in character or will be urbanized in the near future;

d. The area proposed for annexation is integrated with or capable of being integrated with the Town;

e. In establishing the boundaries of the area proposed for annexation, no land held in identical ownership whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate has been divided into separate tracts or parcels.

f. No tract or parcel of real estate comprising twenty (20) acres or more with an assessed valuation including buildings and improvements in excess of two hundred thousand dollars ($200,000.00) for ad valorem taxes for the previous year has been included within the area proposed for annexation without the written consent of the land owner; and

g. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of

the current municipal boundary except with respect to a parcel of property held in identical ownership at least 50% of which is within the three mile limit.

2. The Petition has been signed by the owners of more than 50% of the Property.

3. No additional terms or conditions with regard to the requested annexation are imposed except pursuant to an annexation agreement approved and agreed to by 100% of the owners.

4. An annexation election is not required and the Town is authorized pursuant to § 31-12-111, C.R.S., to annex the area described in the Petition by Ordinance.

5. Pursuant to Sections 31-12-108 & 31-12-109, C.R.S., notice and hearings were conducted.

6. The property subject to the application is located completely within the Town's Urban Growth Boundary established in the 2007 Basalt Master Plan.

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

1. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein and a determination pursuant to C.C.R. 29-20-301 that there is adequate water supply.

2. The Property described as the single-family portion of the development in the Petition and described on **Exhibit A** attached hereto is hereby annexed to and made a part of the Town of Basalt, Colorado; the Annexation Map of the Property and including other tracts annexed simultaneously herewith is approved; and the Mayor and Town Clerk are authorized to execute the Annexation Map. The multi-family portion of the development will not be approved for annexation until it receives final development approvals.

3. The annexation of the Property is expressly conditioned on the execution and recording of the Annexation Agreement between the Town and MSP 1 LLC,. If the Annexation Agreement shall not be executed and recorded within 180 days of the effective date hereof, this Ordinance shall be void and of no further effect and the Property shall not be annexed. The Annexation Agreement is incorporated herein by reference and is hereby approved with such reasonable changes and modifications as are not inconsistent herewith and as are expressly approved by the Town Planner and the Town Attorney to effectuate the intentions of the parties or to comply with applicable law. The Mayor or Mayor Pro Tem of the Town are hereby authorized and directed to

execute, and the Town Clerk or any deputy Town Clerk are authorized to authenticate and affix the seal of the Town to the Annexation Agreement, and the Town Manager is further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable in connection therewith. The execution of any instrument by said officials shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms of such instrument and this Ordinance.

4. The Town Clerk of the Town of Basalt, Colorado, on behalf of the Town shall comply with the filing and recording requirements of Section 31-12-113, C.R.S.

5. The Town hereby approves the land use approvals necessary to reinstate and amend the 2009 approvals on the Single Family portion of the development, including the parks, the daycare, and the roads. The Single Family portion of the Project is rezoned as follows and is hereby approved subject to the conditions set forth in **Exhibits B-K** attached hereto:

a. R-3 TN with a PUD overlay shall apply to all of the single-family lots.

b. P Public Zone District/R-3 TN with a site plan approval shall apply to Lots 37 and 38, Block 4 that are to accommodate the 4,000 square foot public facility and associated outdoor play area, with potential reversion to dwelling units.

c. P Public Zone District for the two public parks.

6. An approval packet comprised of the Stott's Mill Annexation Agreement; this Ordinance No. 26, Series of 2016; the Stott's Mill Master Subdivision Improvements Agreement, a copy of the Final Plat for Stott's Mill; and each of the documents approved by this Ordinance and Exhibits thereto shall be assembled by the Applicant, reviewed for completeness by the Town Planner and when determined complete, shall be noted as such in writing by the Applicant and the Town Planner and labeled "Final Development Approval" for the single-family portion of the development, which shall be available for review at the office of the Town and is incorporated herein by this reference as if set forth in full. The Applicant shall comply in all respects with the Final Development Approval.

7. The Official Zoning Map for the Town shall be and is hereby amended to show the zoning designation of the Property as described herein.

8. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

9. This Ordinance, after fully executed, shall be recorded in the office of the County Clerk and Recorder.

10. 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 TUESDAY, _____, 2016, by a vote of__ to __ on October 18, 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

Ord__-AnnexStottsMill.doc

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

EXHIBIT A

Area Included in Land Use Approvals:

A PARCEL OF LAND SITUATED IN GOVERNMENT TRACT 59, SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO LYING NORTHERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD NORTHERLY RIGHT-OF-WAY, SOUTHERLY OF THE HOME SUPPLY DITCH CENTERLINE, WESTERLY OF THE EASTERLY BOUNDARY OF SAID TRACT 59, AND EASTERLY OF THE EASTERLY BOUNDARY OF GOVERNMENT TRACT 62, ALSO LOCATED IN SAID SECTION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT ANGLE POINT NO.7 OF SAID TRACT 59, A BRASS CAP FOUND IN PLACE; THENCE N 00°48'57" E 468.71 FEET ALONG SAID TRACT 59 EASTERLY BOUNDARY TO A POINT ON SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY, THE POINT OF BEGINNING; THENCE LEAVING SAID BOUNDARY N 57°19'47"W., ALONG THE NORTHERLY BOUNDARY LINE OF SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY A DISTANCE OF 1080.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY N 00°56'41"E ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE A DISTANCE OF 617.68 FEET TO A POINT IN THE CENTERLINE OF THE HOME SUPPLY DITCH; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING TWENTY-TWO (22) COURSES ALONG THE CENTERLINE OF SAID DITCH:

1. S71°30'44"E A DISTANCE OF 56.82 FEET
2. S52°47'38"E A DISTANCE OF 45.26 FEET
3. S71°16'14"E A DISTANCE OF 45.18 FEET
4. S77°30'53"E A DISTANCE OF 51.82 FEET
5. S55°29'58"E A DISTANCE OF 42.09 FEET
6. S64°52'48"E A DISTANCE OF 35.10 FEET
7. N77°18'12"E A DISTANCE OF 44.99 FEET
8. N84°16'01"E A DISTANCE OF 47.61 FEET
9. N62°06'35"E A DISTANCE OF 31.56 FEET
10. N38°04'24"E A DISTANCE OF 78.37 FEET
11. N50°24'51"E A DISTANCE OF 50.37 FEET
12. N44°49'09"E A DISTANCE OF 50.79 FEET
13. N54°25'44"E A DISTANCE OF 33.75 FEET
14. S70°22'45"E A DISTANCE OF 50.06 FEET
15. S77°27'06"E A DISTANCE OF 60.23 FEET
16. S76°09'47"E A DISTANCE OF 44.40 FEET
17. S50°00'52"E A DISTANCE OF 30.88 FEET
18. S28°25'48"E A DISTANCE OF 51.32 FEET
19. S26°14'19"E A DISTANCE OF 98.77 FEET

20. S31°09'46"E A DISTANCE OF 51.73 FEET
21. S58°48'51"E A DISTANCE OF 51.97 FEET
22. N82°37'03"E A DISTANCE OF 82.93 FEET TO A POINT

ON THE EASTERLY BOUNDARY OF SAID TRACT 59; THENCE LEAVING THE CENTERLINE OF SAID DITCH S00°48'57"W ALONG SAID TRACT BOUNDARY A DISTANCE OF 1015.25 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 18.014 ACRES, MORE OR LESS.

Area Approved for Annexation by this Ordinance:

To be Added before Second Reading (Includes Single-family Lots, Parks and Roads within the Development)

EXHIBIT B

DEVELOPMENT PLAN AND COMMUNITY BENEFITS

1. Final approval of the Reinstatement and Amendment of the 2009 Stott's Mill approvals for the portion of the 2016 Final Development Plan which includes the 60 individual lots on Blocks 1-5 (whether used for Single family dwellings, a child care or manager's unit); the north park and south parks; and the public street network.

2. Sketch Plan approval of up to 96 multi-family units.

3. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions No 1 of Exhibit "G". A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail. This bathroom may be incorporated into the Tennis Center provided an exterior entrance is provided.

4. *Dependent on Applicant's final negotiation with the School District* - The development shall provide a community housing program that provides teacher housing in lieu of land dedication, in the form of two (2) deed-restricted Category 3 units as further described in Condition No. 8 under Attainable Housing" and Condition No. 1 under "Phasing and Approval Documents".

5. The Applicant shall construct and receive a core and shell CO on a daycare facility of at least 4,000 square foot core and shell daycare space on the first floor of the building on Lots 37 and 38, of Block 4, with the associated fenced playground space as generally shown as the Option B Preferred Layout on the Peak Architects (Anderson's) site concept plan dated 8-4-2016.

6. The Applicants shall lease the space to a daycare based on the following:

   a. The daycare use will be the priority use for the facility; and,

   b. The Applicant shall lease the space to a daycare provider at the market lease rate (considering the lease rates for Growing Years, Blue Lake, Learning Curve, and Honey Tree) for mid-valley daycare space as determined by the Town Manager; and,

   c. If a licensed and qualified daycare provider cannot be found to lease the space at the terms identified in 4(b) above within ninety (90) days of the issuance of a core and shell certificate of occupancy on daycare building, the Town

Council may choose to put another public use in the space for the lease rates described above. If the Council chooses not to put another public use in the space based on those terms, the Applicant may convert the space into two additional free-market dwelling units.

Similarly, if a daycare provider occupies the space and then vacates the space and the building sits vacant for a period of one year or greater, the Town Council may choose to put another public use in the space for the lease rates described above. If the Council chooses not to put another public use in the space based on those terms, the Applicant may convert the space into two additional free-market dwelling units.

d. The minimum lease term for a daycare shall be five (5) years, unless waived by the Town Council.

5. The development shall satisfy the annexation policy for a minimum 1% Real Estate Transfer Assessment to be used for community benefits. Dwelling units which sell for $1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2% for those dwelling units.

6. *(To be deleted once FEMA approves the changes to the floodplain map for southside and eliminated the need for river improvements.)* The Applicant, his successors and assigns shall agree to be in a special district to help fund river and flood prevention improvements. River improvements are needed to ensure better vehicle exiting for all of Southside in the event the south side flooding occurs. While the district is not established at the present time, the requirement is that all annexations contribute to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties in the floodplain or adjacent to the river which benefit to a much greater extent by the improvements. This requirement shall be documented in the PUD control document, subdivision covenants, annexation agreement, or other type of development agreement, as determined by the Town Attorney.

7. The development shall comply with the Town's Sustainable Building Regulations and all other applicable building codes in effect at the time of building permit. Each single-family residential unit shall have a minimum Home Energy Rating System (HERs) rating index of lower than 80 points (equates to a score of 90 points on the old HERs Scoring System) that will be verified at building permit by the Town's Building Official and meet any green building and energy conservation regulations adopted by the Town at the time of building permit issuance.

8. The Applicant shall identify two (2) parking spaces for use of the carshare program once initiated on the final PUD plan to be recorded. The TRC shall review and approve of the location of the spaces. The Applicant or successors shall pay $200 per

dwelling unit at the time of building permit to the Town for use in implementing a carshare program or other green initiatives at the discretion of the Town's Green Team Advisory Board.

EXHIBIT C

ATTAINABLE HOUSING

1. As represented in the application, the dwelling unit breakdown for the project shall be as follows:

Type of Units	Deed-Restricted, Price-Capped Units	Free-Market Units
	31 Dwelling Units plus 2 for dedication to the School District (Note- Applicant still in discussions with School District)	123 Dwelling Units

a. The Community Housing units developed in Stott's Mill shall meet the requirements established in the Community Housing Guidelines as in effect on the effective date of this ordinance.

b. The category-level units shall have a maximum initial sales price that does not exceed an average price that would be affordable to an individual or household making 100% of Basalt's Weighted AMI as defined by using the sales price formula established in the Basalt Community Housing Guidelines.

c. The Applicant shall identify which multi-family units are to be deed-restricted as Category-level units prior to submitting a Final Site Plan Application on the Multi-Family portion of the development. Additionally, the 10 lots within

the development may be used to meet the affordable housing mitigation requirements and shall be deed-restricted for the construction of Category units satisfying the following requirements:

i. First priority to purchase the ten (10) vacant lots shall be provided to the School District and Habitat for Humanity unless another entity is approved for priority by the Town Council.

ii. The maximum sales price for the 10 lots to be used for affordable housing mitigation shall be further discussed and defined between Staff and Applicant prior to the Council's review.

d. In the event that the Applicant only receives final approval to reinstate the single-family development portion of the project and does not receive final approval on the multi-family development, the Applicant would be required to meet the Town's affordable housing mitigation requirements of 20% of the units and 25% of the residential square footage being deed-restricted at a maximum Category 3 rate in the single-family portion of the development.

2. The Applicant shall participate with the Town's designated housing administrator or other similar entity to participate in down payment assistance programs.

3. Up to one floor of development may occur above the daycare may be used as the Multi-family's Management Office and a dwelling unit for the Applicant's Resident Manager may be located on above a daycare facility.

4. The initial HOA dues and assessments and changes to the HOA dues and assessments over time for the Category housing units shall be as required by the Community Housing Guidelines, as amended from time to time. The Applicant shall provide a revised draft initial HOA budget for review and approval by the TRC prior to recording the necessary annexation documents. The revised HOA budget shall include a sufficient capital improvement fund. The HOA dues and assessments for the category-level units are based on assessed value as discussed in the Town's Community Housing Guidelines and in no instance shall the HOA dues and assessments for the Category-level units be more than 80% of the HOA dues and assessments for the free-market units.

5. The small lots (28-foot wide and 42-foot wide) shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant. Each of the small lots includes parking on-site for two cars and the parking requirement for a three-bedroom dwelling unit is rounded up to three parking spaces for these lots. The other uses shall be code compliant in terms of parking.

6. The live/work and home occupational aspects of the Stott's Mill development are approved as represented in the Application, as further clarified herein. The inhabitants of the multi-family dwelling units shall be permitted to use up to 15% of their allowable square footage as home occupation space. The single-family lots to be zoned R-3 TN PUD shall permit home occupations that do not employ more than 1 FTE that does not live on the premises and shall be allowed to use up to 30% of their allowable square footage as home occupation. All home occupations shall also comply with the remainder of the home occupation requirements set forth in the Town Code.

7. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

8. *Dependent on Applicant's final negotiation with the School District.* The Applicant shall deed restrict two (2) units, consisting of one studio and one 1-bedroom unit, as Category 3 Units and then deed the Units to the RE-1 School District The two (2) units for School District employees shall obtain Certificates of Occupancy (CO) and be deeded to the School District before the issuance of COs prior to the completion of half of the units within the development. The School District units shall be part of the HOA and the School District will pay the HOA dues and assessments applied to comparable community housing units in the development.

9. The apartment units proposed to be category-level rental units shall be rented at no more than the maximum rental rates and pursuant to the rental provisions established in the Community Housing Guidelines, as may be amended from time to time. The Applicant shall grant 1/10th of one percent ownership interest in each such rental unit to the Town of Basalt and hold the Town harmless for any liability incurred related to the Town's ownership. The Applicant, for itself and its successors and assigns, agrees that the limitations on rent contained in this ordinance is the result of a voluntary agreement between the Applicant and the Town within the meaning of CRS 38-12-301(2), and that the Applicant, for itself and its successors and assigns, hereby waives any claim that the rental housing required by this ordinance is in violation of CRS 38-12-301.

   In the event that the Applicant wishes to sell any of the rental category units, the Town shall deed the Town's ownership interest back to the Applicant and the category-level community housing units would be required to be sold according to the provisions in the Community Housing Guidelines for sale units in affect at the time and the Applicant must record a new deed restriction to meet the

requirements in the Community Housing Guidelines for owned units. If at any time, a court of competent jurisdiction finds that the Applicant's agreement to rent the multi-family units at below market-rate rents violates a state or federal law, or if the Town determines that the rental deed restrictions are unenforceable, then the units shall be sold to qualified buyers as defined in the Town's Community Housing Guidelines at the maximum initial sales prices specified for the category of unit (Category 1, 2, 3) that they are designated, and the Applicant must execute a new deed restriction to meet the requirements of the Community Housing Guidelines for owned units.

10. One of the Category 3 units shall be first offered for rent for a 60-day period to full-time daycare employees employed within the town limits of Basalt and if the unit is ever condominiumized and sold, it shall be first offered for sale for daycare employees working in the town limits of Basalt for 60-days each time it is offered for sale. In the event that qualified employee that works within a daycare cannot be found to rent or purchase the unit, it shall be offered for rent or sale subject to the rental and sale provisions for a Category 3 unit in the Community Housing Guidelines.

11. The Applicant shall include language in the Master Declaration of Covenants generally consistent with the following:

If any Property or Unit is sold as a foreclosure sale or otherwise acquired by any person or entity in lieu of foreclosure, the Town, Pitkin County, or Eagle County, shall have the option to enter into an agreement to acquire such Property or Unit within sixty (60) days after the following:

(i) the issuance of a public trustee's deed to the purchaser, or

(ii) receipt by the Town of written notice from such person or entity of the acquisition of such Lot or unit in lieu of foreclosure, as applicable, for an option price not to exceed

(a) in the event of a foreclosure, the redemption price on the last day of all statutory redemption periods and any additional reasonable costs incurred by the holder during the option period which are directly related to the foreclosure, or

(b) in the event of a transfer in lieu of foreclosure, the amount paid, or the amount of debt forgiven, by the transferee plus the reasonable costs incurred by the transferee with respect to its acquisition of such Property or Unit.

Except for persons or entities having a lien on a Property or Unit as provided herein, only "Qualified Buyers" as that term is defined herein or the Town, Pitkin County, or Eagle County may acquire an interest in a Property or Unit at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Property or Unit is not a Qualified Buyer and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, the provisions in the Master Declaration of Covenants for non-qualified transferees shall apply. It is the Town's intent that the terms and provisions of this Agreement shall remain in full force and effect with respect to the Property and all Units until modified, amended or terminated in accordance with the terms of the applicable Master Declaration of Covenants.

In the event that the Town, Pitkin County, or Eagle County, exercise the option described above, the entity purchasing the unit, may sell the Property or Unit to Qualified Buyers as that term is defined herein, or rent the Property or Unit to qualified tenants who meet the income, occupancy and all other qualifications, established in the Basalt Community Housing Guidelines, until a sale to a Qualified Buyer is affected.

However, in the event of foreclosure by the holder of the first deed of trust on such Property or Unit, if the holder of such deed of trust is the grantee under the public trustee's deed and the Town, Pitkin County, or Eagle County does not exercise its option to purchase as provided in the applicable Master Declarations of Covenants, then the Town agrees to release the Property or Unit from the requirements of this Deed Restriction."

EXHIBIT D

SITE PLAN, DESIGN, AND DEVELOPMENT PROGRAM

1. The Applicant shall abide by the design guidelines dated August of 2008. The design guidelines shall be incorporated into the PUD approval documents and enforced by the Town in building permit review. This shall not preclude the ability of the development to have a design review board in addition to the Town's review purview over the design guidelines.

   Each building permit application submitted to the Town for a new single-family or duplex residence within the development shall have first been reviewed and approved by the subdivision's design review board for compliance with the subdivision design guidelines. In the event that there is a disagreement between a building permit applicant and the Building Official, the building permit applicant may appeal the Building Official's determination to the Town Council to be considered at a duly noticed public hearing.

   The design guidelines shall be amended prior to being included in the PUD approval documents to include the following:

   a. A requirement that front yard fences shall meet all requirements in the Town Code for front yard fences and front yard fences shall be setback at least 12 inches from the back of the sidewalk.

   b. The Applicant shall also provide a variety of designs and contract with at least four (4) different local architect firms to design the units to be constructed by the developer to ensure variety in design.

2. The dimensional requirements for the narrow lots (28-foot wide and 42-foot wide) zoned R-3 TN PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	3,360 SF
Building Height	24 Ft. to midpoint
Ridge Height	28 Ft.
# of Stories	2
Lot Width	28
Front Yard Setback	10 Ft. Porch 16 Ft. Living Area
Rear Yard Setback	7 Ft.
Side Yard Setback	5 Ft.
Floor Area	• 1,328 Total

	Square Feet for 28 Ft. wide lots • 2,000 Total Square Feet for 28 Ft. wide lots • 2,376 Total Square Feet for 42 Ft. wide lots
Max Lot Coverage	70%
Min Landscape	20%
Parking	Per Town Code. The small lots that have three-bedroom units shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant.
Maximum No. of Bedrooms in a Unit	3 Bedrooms

3. The dimensional requirements for the multi-family residential buildings zoned R-4 MD PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	NA*
Building Height	33 Ft. to midpoint
Ridge Height	35 Ft.
# of Stories	3
Lot Width	50
Front Yard Setback	10 Feet
Rear Yard Setback	20 Feet
Side Yard Setback	10 Feet
FAR of Building	.69:1
Max Lot Coverage	NA
Min Landscape	20%
Parking	Meet Code Requirements

*- A total of 96 dwelling units shall be permitted on the multi-family Property. (Note: This density is permitted for the sketch plan approval on the multi-family and is subject to change at Final Plan Review). The maximum unit sizes allowed on the parcels to be zoned R-4 MD PUD are as follows:

Unit Type	Maximum Unit Size
Studio	700 Total SF
1-Bedroom	800 Total SF
2-Bedroom	965 Total SF
3-Bedroom	1,135 Total SF

4. Multi-Family Design to be reviewed as part of the Final Site Plan Review.

EXHIBIT E

IMPACT FEES, PROJECT MITIGATION AND DEDICATIONS

1. **Southside Water Tank Surcharge:** The Applicant shall contribute on a proportional basis to the cost of implementing the new water storage tank using the methodology and timing of payment in the Town Code and adopted fee schedule (as adopted in Ordinance No. 18, Series of 2008). The Stott's Mill project is subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system.

2. **Project Transportation Fee:** The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicant shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential	
Detached	$.85 per total square foot
Attached (Includes duplexes)	$.70 per total square foot
Community Housing	
Detached	$.45 per total square foot
Attached (Includes duplexes)	$.35 per total square foot

(Note: Staff did not grow this fee from the 2009 approvals because there are significant transportation improvements required of this development application, but other Applications that are proposed are expected to have an increased fee.)

3. **Southside Drive Traffic Calming:** The plans for a Southside Traffic Roundabout or an Alternative Traffic Calming Mechanism on Southside Drive adjacent to Stott's Mill must be approved by the Town Council before or concurrent with the Final Plan approval of the multi-family portion of the development. The Applicant's responsibilities for construction of this improvement will be addressed in the Final Plan review for the multi-family housing. However, the Applicant shall also dedicate the land area necessary for the implementation of a mini-roundabout at the intersection of Southside Drive and Running Brook Drive as proposed in the Application prior to recording the final plat for the Subdivision.

4. **Basalt Avenue/Cody Lane Improvement:** The Applicant shall conduct a traffic study acceptable to the Planning Director upon the completion of the pedestrian underpass to establish new baseline conditions or pay the Town for the cost to

complete the study ("Baseline Traffic Study") as further described below. The Applicant shall pay a fee in the amount $904 for each of the multi-family units and $1,304 for each of the single-family units at the time of building permit for each unit in order to equal one-third of the construction costs, of a mini roundabout at Cody Lane and Basalt Avenue ("Mini Roundabout Improvement"). This is in addition to the impact fees included in Condition No. 2, of Exhibit "E". If before the issuance of the first building permit in the development, the Town decides that a different improvement is more appropriate such as the Basalt Avenue Laneage improvement (as identified in the revised Traffic Study performed by SGM, dated 10/11/16), the Town Council may adjust the fee amount (either higher or lower) on a per unit basis to cover the cost of such improvement.

At any time after completion of the new "Baseline Traffic Study", the Town Council may determine that the Mini Roundabout Improvement or alternative traffic improvement approved by the Town is necessary to be installed before the Stott's Mill Development is completed or the Town has the other funds to construct the improvement, the Town may provide 60 days written notice to the Applicant, at which time the Applicant shall provide the remainder of their share of the Improvement costs.

The Town is assuming a conservative $500,000 for the cost of the Mini Roundabout Improvement until final plans and cost estimates are prepared and certified by an engineer for Improvement and accepted by the Town Engineer. Therefore, until the Town Engineer certifies a lower cost, the Applicant's share of the cost of the Mini Roundabout Improvement is $165,120.

Upon completion of the pedestrian underpass and the "Baseline Traffic Study" that is acceptable to the Planning Director for adequacy of the required information, a check-in with the Town Council will be conducted. The purpose of the updated traffic study is to determine the effectiveness of the pedestrian underpass and associated laneage changes with regards to reducing the queuing time and providing an acceptable level of service at the Basalt Avenue/Highway 82 traffic signal. The updated traffic study would identify whether the improvement is needed to be constructed before additional development is permitted or define how many more units in Stott's Mill could be built without triggering the need for the improvement. This condition may be refined during final plan review of the multi-family units.

5. **CDOT Access Permit:** The Applicant shall prepare and submit for the Town an updated access permit with CDOT upon the completion of the new "Baseline Traffic Study" after installation of the pedestrian underpass. Alternatively, at the Town's sole decision, the Town may prepare and submit the access permit and be reimbursed by the Applicant or require the Applicant to prepare the access

permit earlier than specified above if determined necessary by the CDOT or the Town. In the instance that the Town would like the access permit application prepared earlier by the Applicant than after the completion of the new Baseline Traffic Study, the Applicant shall prepare the report within sixty (60) days of receiving written notice from the Town Planning Director.

6. **Reimbursement for Improvements:** The Town will use its best efforts to seek funds from other Developments in the Southside for the necessary studies and improvements needed to accommodate the pedestrian and vehicular traffic through the area. The Town will use its best efforts to reimburse the Applicant when other funds are received so that the Applicant is only paying for its fair share of the studies and infrastructure.

7. **Carshare:** The Applicant shall pay the careshare fee pursuant to Condition No. 8 of Exhibit B.

EXHIBIT F

WATER RIGHTS

1. The Stott's Mill developer shall dedicate by special warranty deed all of its 1.57 cfs, absolute, decreed in the Grace & Shehi Ditch, 0.644 cfs under Priority 142 and 0.926 cfs under Priority 302, which have been historically used to irrigate 12.29 acres of the 17.976 acres proposed for annexation into the Town as more further described in the Memorandum from Tom Kinney, Town of Basalt Water Attorney, to Susan Philp and Larry Thompson dated April 30, 2007.

2. The Town shall lease back to the Applicant, portions of these Grace & Shehi Ditch water right priorities for continuation of raw water irrigation within the Stott's Mill PUD Parcel.

3. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town's obtaining water rights sufficient to meet the full build-out municipal water service demand occurring during the non-irrigation season (currently anticipated 18.2 acre-feet).

4. As part of constructing the irrigation water storage pond on the property, the Applicant shall abide by the following requirements:

    a. The out-of-priority stream depletions resulting from pond evaporation should be incorporated by the Town into the Town's augmentation plan, which augmentation plan is and shall continue to be solely owned and maintained by the Town.

    b. The Applicant shall make a cash payment to the Town in lieu of the dedication of additional water rights and in an amount appropriate to compensate the Town for the legal and engineering costs associated with either amending the Town's augmentation plan or obtaining Water Court approval of an additional augmentation plan, to incorporate the operational pond as an augmented structure.

    c. The declaration of covenants and the subdivision improvements agreement shall contain language prohibiting the use of treated water for outdoor irrigation purposes, except between November 1st and March 31st when homeowner's may use treated water for irrigation.

    d. Applicant shall continue to use the dedicated 1.57 cfs Grace & Shehi Ditch water described herein above at Condition No. 1 of Exhibit F pursuant to

the annual lease-back agreement described herein below at Condition No. 5 of Exhibit F for the purpose of irrigating 12.29 acres of historically irrigated acreage within the Stott's Mill PUD Parcel until development construction begins and shall thereafter continue to use a portion of said 1.57 cfs Grace & Shehi Ditch water right to continuously irrigate the maximum portion of said 12.29 acres historically irrigated within the Stott's Mill PUD Parcel practicable during construction of the Stott's Mill PUD.

5. The Town's former Water Attorney has drafted a municipal water service agreement, water rights dedication deeds, and an annual lease agreement by which the Town will lease back to the developer and/or home owners' association(s) a portion of the 1.57 cfs of dedicated water rights in the Grace & Shehi Ditch for raw water irrigation. The Applicant shall execute these documents prior to or in conjunction with recording the final annexation plat and agreement.

EXHIBIT G

PARKS, TRAILS, AND OPEN SPACE

1. The Applicant shall comply with the annexation requirements for parkland dedication and park improvements by:

    a. Dedicating ownership of 4.5 acres of improved park land to the Town as shown on the Final plat and and improving the two parks as shown on the landscape plan prepared by Mt. Daley Enterprises with a revision date of 11/17/09.

    b. For South Park, the Tennis Group represented by Diana Elliot shall be able to construct an indoor tennis center comprised of three (3) tennis courts in the event that they are able to raise the necessary funding as determined by the Town Manager by ___ (*two years after the final project approval date*). If the Tennis Group has not obtained enough funds to build the tennis facility by (*two years after the final project approval date)*, the Applicant will resume control of installing an active park consistent with the park plan in the 2009 approvals to include a public bathroom in the vicinity of the Denver and Rio Grande Trail, storage space incorporated into the bathroom design for use by the Public Works Department, drinking fountain, trails, signage, bicycle parking facilities, 2 basketball courts, and 4 tennis courts, and the historic cabin in the configuration generally shown on the landscaping plan dated 6/8/09 (with the exception that no nordic storage is required to be constructed). As the Town will own the storage space, the Town will be able to use it If the Tennis Center is not built, conditions c-i below will also apply.

    c. A revised landscape plan shall be submitted for review by the TRC prior to recording the Master plat and SIA that demonstrates the ability for and the location of a 14-foot wide Nordic ski loop in South Park that is free of landscaping barriers.

    d. The Applicant shall erect the proposed pole and rail fence between the Rio Grande Trail ROW and the Stott's Mill property prior to commencing construction activities on the entire site.

    e. The Applicant shall enter into a license agreement with RFTA to construct sidewalk connections to the Rio Grande Trail prior to recording a Master Plat and SIA.

f. The trails on the Landscape Plan in the North and South Park shall be asphalt.

g. The Applicant shall relocate the historic cabin to South Park and make it structurally sound for use as a recreational feature in South Park. This shall be completed as part of the required improvements.

h. The Town will conduct the routine park maintenance on North and South Park, but the Applicant shall enter into a perpetual maintenance agreement with the Town requiring that the HOA will maintain the raw water irrigation system at its sole expense. The Town Attorney and Public Works Director shall review the maintenance agreement prior to recording it at the Pitkin County Clerk and Recorder's Office. The agreement shall be recorded in conjunction with recording final annexation plat and agreement.

i. The Applicant shall provide an irrigation plan for irrigation in the Town's right-of-ways for review and approval by the Town's Assistant Planning Director prior to issuance of any building permits for the development.

EXHIBIT H

FIRE DISTRICT CONDITIONS

1. The declaration of protective covenants shall require that fire apparatus access roads within the development shall not be obstructed in any manner, including the parking of vehicles so that the minimum widths and clearances established in the Section 503.4 of the International Fire Code are maintained. Language shall also be added to the declaration of protective covenants shall also prohibit the parking of recreational vehicles or boats in the on-street parking spaces within the development.

   The declaration of protective covenants shall provide that these requirements are enforceable by the HOA and by the Basalt and Rural Fire Protection District.

EXHIBIT I

TECHNICAL CONSIDERATIONS

1. The Applicant shall comply with all of the geo-technical recommendations provided by HP Geotech, including the basement recommendations made by HP Geotech in their letters dated October 23, 2007 and April 3, 2008, requiring that basements for the single-family lots not extend more than six (6) feet below existing grade and that basements not be provided in the multi-family buildings. This shall be a requirement of the declaration of protective covenants.

2. The Applicant shall only be required by the Town to remove a small area of willow vegetation on the westernmost extent at which the Home Supply Ditch is on the Stott's Mill property before it reaches Southside Drive and a small area of willow vegetation at the easternmost extent at which the ditch is located on the Stott's Mill property. These small areas of removal shall be revegetated with a native low-lying species approved by the Public Works Director. The Applicant shall have finalized an agreement with the Home Supply Ditch Company to enable the Applicant to construct Alexander Lane across the ditch prior to recording the Master Plat dedicating the parks to the Town.

The Applicant shall prepare a revised landscaping plan for North Park for review by the TRC and the Assistant Planning Director that includes an area of dense vegetation adjacent to the irrigation pond that may replace some bird habitat that might be lost if the ditch company or the Applicant removes all of the vegetation on the south side of the Home Supply Ditch within the ditch easement. Four water birch specimens that were identified on the site visit between representatives of the Home Supply Ditch Company and Town Staff on 11/12/09 are to be preserved on the south side of the ditch upon final approval by the Home Supply Ditch Company Board of Directors.

3. There shall be no designated parking spaces, except for handicap spaces on the public streets, spaces on the individual single-family lots, and carshare spaces. This shall be a requirement of the declaration of protective covenants.

4. The Applicant shall apply for and be annexed into the Basalt Sanitation District prior to the issuance of the first building permit in the development. Acceptance into the Basalt Sanitation District shall be contingent on obtaining final annexation approval.

5. The Town contracted with Economic and Planning Systems (EPS) to develop an economic model to study the fiscal impacts of the development on the Town. The Applicant shall reimburse the Town for the cost of having EPS conduct the study.

6. The Applicant shall dedicate the alleyways to the Town on the Master Plat, but the Applicant shall also enter into a perpetual maintenance agreement requiring the HOA to maintain the alleyways, including but not limited to snowplowing and resurfacing. This maintenance agreement shall be drafted by the Applicant and reviewed by the Town Attorney and Public Works Director and recorded prior at the County Clerk and Recorder's Office in conjunction with recording the PUD control document.

7. Development in the rights-of-way shall occur as approved in the Final PUD plan, but the Town reserves the right to make future improvements in the rights-of-way as deemed appropriate and shall not be bound by limits established in the PUD.

8. The Applicant shall install removable bollards in the Allison Lane vehicular connection with a knox box meeting the Fire District's requirements. The area between the bollards shall be maintained for a through access during the winter by the Town.

EXHIBIT J

PHASING AND APPROVAL DOCUMENTS

1. The Applicant shall enter into a PUD control document with the Town within 180 days of the effective date of the Final Plan ordinance for Phase I, adopting the terms and conditions of the development and providing security for the common public improvements associated with the development. The Applicant shall also record a Master Plat/Annexation Map and Final PUD Development Plan with the Pitkin County Clerk and Recorder's Office within 180 days of the effective date of the Final Plan ordinance. The Town Planner may extend the approvals in writing if the Applicant chooses to try and obtain a final approval on the multi-family portion of the development prior to commencing development on the single-family portion of the development. In the event that the Applicant does not execute and record the necessary documents in the allotted timeline established herein or obtain a written extension from the Town Planner, the approvals established herein shall be void.

A note shall be included on the Final Annexation Map indicating that the area of annexation has been refined from the legal description included on the original annexation petition, yet represents the development proposed in the annexation petition that was approved for annexation eligibility pursuant to Resolution No. 14, Series of 2016.

The PUD control document, Master Plat/Annexation Map, and PUD Development Plan shall be reviewed by the Town Attorney for approval of form and content prior to recording. The PUD control document, Master Plat, and PUD Development Plan shall be recorded prior to commencing the installation of infrastructure and prior to the issuance of the first building permit in the development. The Applicant shall also prepare deed restrictions for the community housing units for review and approval by the Town Attorney prior to the recording of the PUD Control Document.

An individual subdivision plat shall be submitted for each phase prior to closing on the sale of any lots or developing on any of the lots in each phase.

2. The Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, pond, irrigation piping, and adjacent sidewalk and parking) in North Park within three (3) years of final approval.

3. In the event that the Tennis Center is not built, the Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, the adjacent sidewalk and parking, the public

facilities/storage, and the courts) in South Park prior to the Applicant obtaining a building permit on half the units in the development.

4. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

5. *Dependent on Applicant's final negotiation with the School District.* The two (2) units for School District employees shall obtain COs, be deed restricted as Category 3 units, and then be deeded or prioritized (in the case of a rental unit) to the School District before the issuance of COs on half the units in the development.

6. The category level units shall be constructed at a proportional rate with the free-market units). For example, since the number of category-level equal at least 20 % of the units within the project, at least two (2) category-level units shall be constructed and obtain COs out of every ten (10) total units developed within the project.

7. The multi-family shall remain in a single ownership until such time as the last of the multi-family buildings on these blocks is completed and obtains a CO. Any future subdivision will be subject to the then-current subdivision regulations.

8. The timing and Applicant's responsibilities or proportional costs for construction of the roundabout or traffic-calming improvements determined necessary by Town Council for Southside Drive shall be determined during Final Plan review of the multi-family units.

9. The irrigation pond and irrigation piping shall be installed in the 1st phase of improvements and prior to the issuance of the first building permit within the development.

10. Up to four (4) model units that are not inhabited may be exempted from the phasing requirements by the TRC.

11. If there are any insubstantial changes to the project's phasing plan during construction, a revised phasing plan shall be submitted for review by the TRC. Any minor deviations from the requirements of the approved phasing plan require approval by the TRC and shall be documented by the issuance of a TRC Certificate. If the TRC finds that a change is not insubstantial, the change shall require approval by the Town Council.

12. The Applicant shall provide financial security in a form acceptable to the Town Attorney, in an amount sufficient to secure all of the improvements within both North

and South Parks (2009 Landscape Plan) within the development plus a ten (10%) percent contingency in conjunction with filing the master plat and PUD plan. Prior to the issuance of the first building permit or closing on the sale of any lots in an individual block, whichever is earlier, the Applicant shall prepare and record a subdivision plat for the individual block or blocks that are being developed.

In conjunction with filing the subdivision plats on the development phases-the Applicant shall be required to put up a letter of credit for the public improvements in the phase. If the Applicant is proposing to develop multiple phases at once, they shall be allowed to record multiple phase subdivision plats at once, but they would need to put up security for the public improvements on all of the phases being platted.

The Town may draw on the financial security posted for the public improvements to install any incomplete public improvements or restore the site to an acceptable condition if at any time after the commencement of construction activities the Town Engineer determines that the project or a portion of the project has been abandoned. Abandonment for the purpose of administering this condition shall mean that the Applicant has started improvements, but has stopped all construction activities on the site for a period of more than six (6) months.

No more frequently than once every quarter, Applicant shall be entitled to partial releases or reductions of the Performance Guaranty as portions of the Improvements are completed and approved. In order to obtain a partial release or reduction of the Performance Guaranty, Applicant shall submit a Certificate of Partial Completion signed by an engineer licensed in the State of Colorado or other appropriate professional acceptable to the Town describing the portion of the Improvements completed, and the cost allocation associated with such completed improvements.

EXHIBIT K

VESTED RIGHTS AND CONTRACTUAL PHASING

1. Vested property rights shall be granted for a period of three (3) years from the effective date of the ordinance approving the final annexation. The Applicant may request an extension of vested rights and an amendment to the contractual phasing requirements pursuant to the process for extending vested rights as established in the Town Code. The Town Council may consider the strength of the local housing market and construction lending environment in considering a request to extend the vested rights and contractual phasing time period.

All of the public improvements required in the development with the exception of South Park, shall be completed within the three (3) year vested rights period, Additionally, if the Applicant does not complete the Town's required improvements within the three (3) year vested rights period, the Town reserves the ability to unilaterally rezone the property or change the allowable uses within the PUD. Buildout shall occur in seven (7) years after infrastructure installation with the ability for the Applicant to come back and ask for an extension from the Town Council.

D) Additional Correspond. from Tennis Center Group

Advantage Indoor Tennis Courts

FAQ's about the Public Indoor Tennis Center

Why does the Roaring Fork Valley need a public, indoor tennis facility?
The Roaring Fork Valley currently does not have any public, indoor tennis courts. By building such a facility, the RFV can host tournaments and draw visitors to town that will help our economy grow. The Center will also make Basalt and the surrounding community a better place to live by giving its residents a year-round place to exercise, gather and play. The summer Park and Recreation leagues will be able to continue their programs during the cold weather months. The facility will also give kids the opportunity to play tennis in the winter who wouldn't otherwise have that option.

Location

Why was this location chosen?
The location of the facility will be part of the Stotts Mill Neighborhood and adjacent to the Basalt High School sports complex off of Highway 82. This creates a great opportunity for all tennis players in the Roaring Fork Valley to have a mid-valley location to play tennis year round.

Is the site on a flood plain?
No, this site is not on a flood plain.

Why should the facility be near other sports venues?
We believe that by having the indoor tennis center near the other sports fields, it will increase awareness and usage of the tennis facility. Parents may also find it less hectic to have their kids walk to practices after school for different sports because they are housed near each other. Visitors will locate the facility easier with restaurants and hotels near by that will meet their needs and make their visit to the mid-valley and Basalt more convenient.

Type of Structure

What type of structure will be built?
The plan is to build a 4 court, steel structure. Steel buildings can be insulated more effectively, providing more efficient energy utilization and lower costs. They are durable and they require little maintenance. These buildings have an indefinite useful life if properly maintained.

Project Costs

What is the total cost of the project?
The cost of the project is estimated to be $1,300,000.00

How do you plan on raising the funds for the project?
The AD-IN! group will raise funds for the facility by asking for support from individuals, businesses, foundations and other sources of revenue.

What if the the required funding in not achieved?
All donations are held in a bank account until necessary funding level is reached. If the funding is not achieved with in two years of approval from the Town of Basalt, all donations will be refunded in full.

E) Addendum Letter

October 13, 2016

James Lindt, Assistant Planning Director
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

RE: Stott's Mill – Issue Status for 10-25 Meeting

Dear James:

Thanks for helping us move forward on the issues related to Stott's Mill and some of the items brought up at the September 13 meeting. We are continuing to move forward on a number of issues and are ready to discuss the project in more detail at the First Reading scheduled for October 25th. Below is an update.

Traffic. We are reviewing the updated Study now and will talk more Friday morning. We will be prepared to present our thoughts to the Board in more detail Tuesday evening.

Financial: Financial issues were briefly discussed on September 13. We have been in contact with Mr. Kimmel and have gathered a lot of background financial data but are still waiting for his preferred format. The financial information includes estimated infrastructure costs; development related fees such as surcharges, system improvement fees, car share fees, Special Improvements and Ped/transportation fees, known exactions, etc.; revenues from sales and rents; professional fees related to development and land use entitlements etc. Job cost to date and cost history record have been provided to staff. Information should be sent to Mr. Kimmel by the middle of next week.

School District Housing. We have met with Jeff Gatlin, COO for RE-1 and the District is looking at a number of options related to housing at Stott's Mill in lieu of School District Fees.

Affordable Housing. The Stott's Mill team is working on finalizing what the "lot price" would be for offering an affordable housing lot that is construction ready – utilities available but no structures on the lot. This will allow us to finalize our final rental and Deed restricted unit percentages/mix. We are close to finalizing this lot price proposal.

Multi-Family Housing. We are at the Sketch Plan level for the R-4 MD Multi-family housing review. It is our understanding that there is interest in having more detail on the layout of the units themselves, exterior quality, nature the open space etc. Unfortunately, the "flyover" was not working properly at the September 13 meeting and

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mchain@sopris.net

we feel that provides some of the details and quality related items that people wish to see. That will be operational for the meeting of October 25.. We have also provided additional exterior concepts and sample floor plans which we hope will be useful.

Comments on Proposed Ordinance 18-Series of 2016. Provided under separate cover.

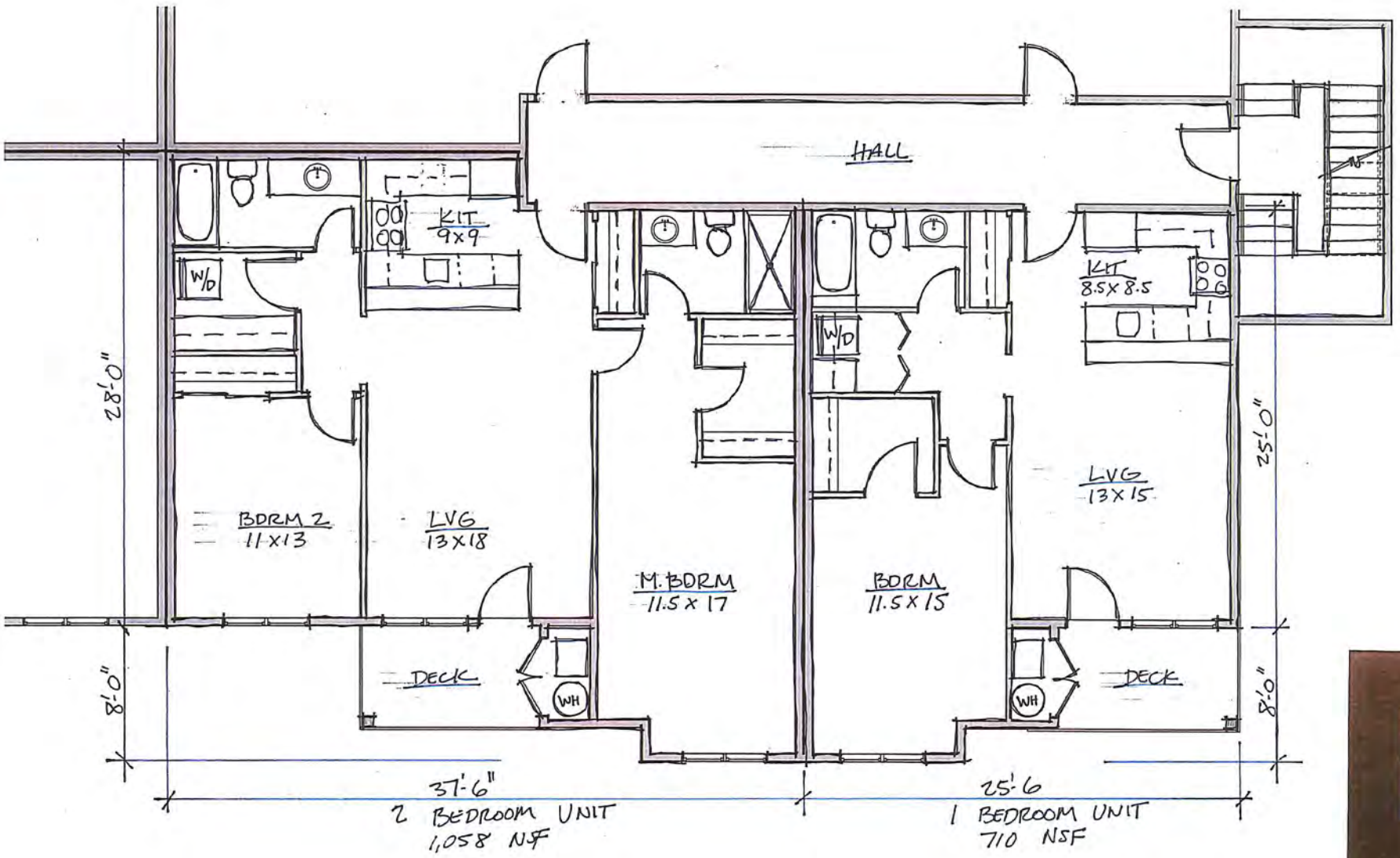
In summary, we are working at providing additional information that you feel is necessary for the continued review over the next few weeks. We hope to make steady progress from now through second hearing scheduled. Please contact us if you need additional information or wish to discuss.

Sincerely,

Mark Chain

Mark Chain, Planner

811 Garfield Avenue Carbondale, CO 81623 Ph 970.963.0385 Fax 970.963.2916
mchain@sopris.net



STOTTS MILL
CONCEPT PLANS
9/22/16

GALAMBOS
ARCHITECTS INC.
BLDG 314-D, AABC
ASPEN, CO 81611

STOTTS MILL
CONCEPT
9/22/16

GALAMBOS
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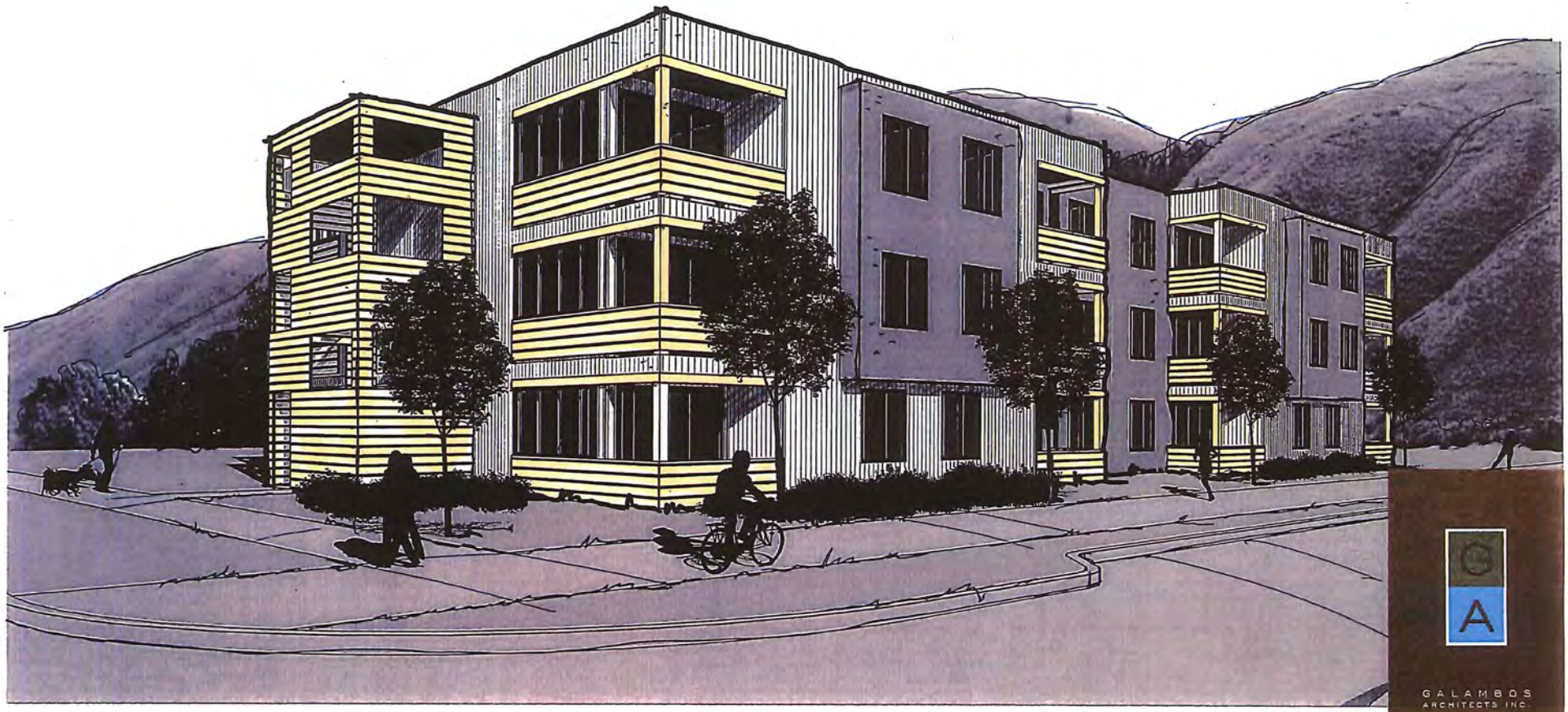

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9/22/16

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F) Excerpts from Revised Traffic Study

analyzed are those controlled by stop signs or yield signs, and the left turn movements from the uncontrolled major street. The following table represents the level of service criteria for unsignalized intersections:

LEVEL OF SERVICE CRITERIA
UNSIGNALIZED INTERSECTIONS

Level of Service	Delay (seconds)
A (Highly Desirable)	< 10.0
B (Desirable)	10.1 to 15
C (Acceptable)	15.1 to 25
D (Acceptable to CDOT)	25.1 to 35
E (Unacceptable)	35.1 to 50
F (Unacceptable)	> 50.0

Source: *Highway Capacity Manual*, 2010

The "overall" intersection level of service at unsignalized intersections corresponds with the highest delay experienced on a minor street or stop-controlled approach, in this case. In general, CDOT and the Town of Basalt consider overall intersection operations of LOS "D" or better acceptable operations during the peak hours. During peaks, CDOT understands that some minor intersection movements may operate at LOS "E" or "F", but the goal is to keep the overall intersection Level of Service at LOS "D" or better. The AM and PM baseline models are shown below:

Figure 6
2015 AM PEAK HOUR VOLUMES

Figure 7
2015 PM PEAK HOUR VOLUMES

Using the baseline volumes shown above, the capacity analysis was run in Simtraffic to determine level of service, delay, and 95th percentile queue lengths for the study intersections. The following table shows the overall results for the two study intersections. The LOS and delays reported for the unsignalized intersections at Cody/Basalt correspond with the worst or poorest performing side street approach (controlled by stop sign). The uncontrolled movements

at this intersection all operate at LOS "A" during peak hours, except when the intersection of Cody/Basalt is blocked by queues extending on the northbound approach to SH 82.

Table 1
Baseline Intersection Level of Service Summary

Intersection	AM		PM	
	LOS	DELAY [1] (s)	LOS	DELAY (s)
SH 82 & Basalt Avenue	D	39.3	D	41.0
Cody Lane & Basalt Avenue	A	6.0	E	56.5

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As the table shows, the intersections within the study area currently operate within acceptable standards, with the exception of Cody/Basalt in the PM peak. The LOS "E" results from the heavy queuing that momentarily blocks the Cody Lane/Basalt intersection during the PM peak. Detailed operational results for the signal are provided on Table A1 in the appendix that show the MOE's by movement on each approach.

Although the stop-controlled intersection south of the highway is shown to operate with generally low average delays, intersection blockage is common at Cody/Basalt during the peak hours of most weekdays. However, the northbound green phase generally allows the Cody/Basalt intersection to typically clear each cycle. The signal cycle currently operates in "split-phase" mode throughout the day, allowing southbound and northbound traffic separate green phases with the pedestrian crossing phase occurring during the lagging northbound green phase. The existing peak hour cycle length of 180 seconds is set by CDOT to maximize highway flows and minimize delays for the predominant direction during the peak hours.

The following table shows the baseline analysis 95th percentile queue lengths estimated by the Simtraffic model.

Table 2
Baseline 95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	163'	174'	180'
Eastbound Approach (Left)	331'	279'	370'
Southbound Approach	227'	160'	110'
Westbound Approach (Left)	151'	167'	370'

The 95th percentile queue length represents the maximum queue length that occurs during 95% of the hour, so there may be times when it is exceeded for a short period of time. As the baseline model results show, the 95th percentile queue lengths for the northbound approach do not exceed the available storage length (but they are close), while the southbound queue lengths exceed the available storage length of 110' and spill into the roundabout during both peaks. Eastbound and westbound left turns are estimated to be accommodated in the turn lanes provided. There is room in the median of the highway to restripe these turn lanes to allow more storage in the future, if necessary.

5.4. Baseline Capacity and Queuing Analysis with Underpass

The proposed pedestrian underpass project will improve existing operations at the signal by removing the pedestrian phase, restriping the northbound approach to allow for a shared left-through lane and an exclusive right turn lane, and adjusting the split-phase signal operations to permissive for northbound and southbound approaches. With these changes, the intersection is

estimated to operate with about 18 seconds less overall delay in the AM peak (LOS C) and about 12 seconds less overall delay in the PM peak (LOS C) than it does today. The following tables show the results of the capacity and queuing analyses using existing volumes and assuming the above laneage and phasing changes occurring with the underpass project. Although not shown in the table below, the intersection of Cody/Basalt operates at acceptable levels of service during both peaks with the underpass.

Table 3
Improved Baseline Intersection Level of Service Summary

SH 82 / Basalt Avenue Intersection - Approach Performance

2015 PERFORMANCE COMPARISON TABLE A1

				Eastbound			Westbound			Northbound			Southbound		
			OVERALL	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT
2015 AM Peak		LOS	D	F	C	A	F	C	A	E	F	E	E	E	A
Baseline		Delay	39.3	81.5	32.5	7.7	117.1	26.3	3.6	72.5	86.4	55.6	73.5	63.8	5.3
		Queue		331	526	85	151	142	30	113	163	163	**188**	**227**	62
2015 AM Peak		LOS	C	D	B	A	E	B	A	C	C	B	D	C	A
w/ Underpass		Delay	21.3	45.8	18.6	7.2	58.5	13.1	2.3	31.8	28.5	18.8	44.0	32.6	4.1
		Queue		191	965	73	84	83	16	94	94	94	**143**	**163**	25
2015 PM Peak		LOS	D	F	B	A	F	C	A	F	F	E	F	E	C
Baseline		Delay	41.0	93.0	15.4	3.2	108.4	33.1	9.5	98.3	107.6	62.9	89.4	74.7	33.8
		Queue		279	149	41	167	1309	248	146	174	174	**126**	**160**	100
2015 PM Peak		LOS	C	F	B	A	D	C	A	D	D	A	D	C	B
w/ Underpass		Delay	28.5	85.3	12.1	3.4	50.3	26.7	9.0	48.5	46.6	7.0	42.6	34.0	19.3
		Queue		223	108	46	79	406	53	152	152	63	82	86	54

Signal runs actuated-uncoordinated with protected-only phasing for mainline left turns
95th Percentile Queues exceeding available storage shown in **BOLD**
Simtraffic Results - CDOT Existing Cycle Length of 180 Seconds

7/15/2016

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As Table 3 above shows, the signal will operate with less delay when the underpass is installed and the northbound laneage is reassigned with an exclusive right turn lane. The northbound and southbound approaches show the greatest improvements in reduction of average delays when the underpass is in place. The following table shows the estimated queue lengths for the improved baseline scenario when the underpass is in place.

Table 4
Improved Baseline 95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	94'	152'	180'
Eastbound Approach (Left)	191'	223'	370'
Southbound Approach	163'	86'	110'
Westbound Approach (Left)	84'	79'	370'

As Table 4 and Table A1 of the appendix show, the queue lengths are reduced when compared to the Baseline scenario (Table 2 results). The results show the queue lengths all fall within their available lane lengths, with the exception of the southbound approach to the highway during the AM peak hour.

The underpass improvement demonstrates a first, significant step to improving access to the Southside and reducing delays for all intersection users at the SH 82 signal and adjacent intersections. Additional data collection and modeling efforts are recommended after the underpass is in place to confirm these findings and develop a new baseline condition for CDOT permitting purposes in the future.

6.0 20-Year Traffic Conditions (2035)

The Town of Basalt planning staff has developed a 20-year development plan for the Southside that reflects current land use proposals and as well as a generalized plan for the remaining known parcels slated for development in the next 20 years.

New traffic turning to and from the highway or crossing it at Basalt Avenue was increased using land use estimates and ITE trip rates for specific development proposed for the Southside. Traffic entering and leaving the Southside was assigned using the existing turning splits occurring at the SH 82 signal to estimate percentages turning up or down valley or crossing the highway during the AM and PM peak hours. Through movements along the highway at the signal (not influenced by the Southside 20-year development plan or the Roaring Fork Apartments) were increased using CDOT's 20-year factor of 1.35. The following sections detail the travel demand forecasting techniques that estimate the peak hour volumes for the 20-year development scenario.

6.1. Traffic Generation

According to the Town of Basalt Planning Department, several southside parcels are planned for development in the next twenty years. These parcels are color coded in Figure 6 below and include:

- Cathers East (Residential/Commerical mix / Orange)
- Cathers West (Industrial / Orange)
- Schlumberger (Industrial/Residential mix / Yellow-green)
- Skico Industrial/Residential parcel (Industrial/Residential mix / Blue near Hwy 82)
- Basalt Design District Housing (Residential/Office mix / Light green)
- Basalt Mini Storage (Mini warehousing / Green)
- Southside PUD (Approved Residential / Red)
- Skico Housing (Residential / Blue)

General development totals for the uses proposed on these properties were assumed for this analysis. Actual development proposals by these other projects could be lower or higher with regards to project scope.

Specific land use plans from Stott's Mill, Habitat for Humanity, and the Roaring Fork apartments were included since these represent current proposals in front of the Town. Development totals for these proposals include:

- Stott's Mill (60 Single-family units, 96 Multi-family units / Gold)
- RE-1/Habitat for Humanity (27 Multi-family units / White)
- Roaring Fork Apartments (56 Apartment units / Yellow)

Stott's Mill is also planning to construct a 4,000 square foot daycare facility and 3 ~~outdoor~~ indoor tennis courts for public use.

Figure 8
20-YEAR DEVELOPMENT PARCELS

Trip generation rates for the proposed land uses for the Town's 20-year development plan were based on average trip rates found in the nationally accepted publication, *Trip Generation* (Institute of Transportation Engineers, 9th Edition, 2012). Trip estimates shown on Table 5 summarize the total trips expected to be generated by the development during the AM and PM peak hours and on an average weekday. These estimates are based on average trip rates provided for Single-Family Homes, Apartments, Condominium/Townhomes, General Office, General Light Industrial, Specialty Retail (for commercial use), Mini-Warehousing, Tennis Courts, and Daycare Center. Below are the total trip generation results that could be produced by the 20-year development plan.

Table 5
Estimated 20-Year Total Traffic Generation

Unit Type	# of UNITS	DAILY TRIPS	AM IN	AM OUT	PM IN	PM OUT
Single-Family Detached Homes [1]	71 du	676	13	40	45	26
Multi-Family Attached Units [2]	186 du	1,081	13	69	65	32
Apartments [3]	56 du	372	6	23	22	12
General Office [4]	11.9 ksf	130	16	2	3	15
Light Industrial [5]	25 ksf	174	20	3	3	21
Mini Warehousing [6]	81.6 ksf	204	7	5	11	11
Specialty Retail [7]	0.9 ksf	40	-	-	1	1
Tennis Courts [8]	3 Courts	93	-	-	6	6
Day Care [9]	4 ksf	296	26	23	23	26
Total Traffic Generation		**3,066**	**101**	**165**	**179**	**150**
		TOTAL	***AM***	***266***	***PM***	***329***

1 – ITE Land Use Code #210 – Single-family Detached Housing, trip rate based on number of dwelling units
2 – ITE Land Use Code #230 – Condominium/Townhouse, trip rate based on number of dwelling units
3 – ITE Land Use Code #220 – Apartments, trip rate based on number of dwelling units
4 – ITE Land Use Code #710 – General Office, trip rate based on 1,000 square feet of space
5 – ITE Land Use Code #110 – Light Industrial, trip rate based on 1,000 square feet of space
6 – ITE Land Use Code #151 – Mini-Warehousing, trip rate based on 1,000 square feet of space
7 – ITE Land Use Code #726 – Specialty Retail Center, trip rate based on 1,000 square feet of space
8 – ITE Land Use Code #490 – Tennis Courts, trip rate based on number of courts
9 – ITE Land Use Code #565 – Day Care Center, trip rate based on 1,000 square feet of space

With no reductions for transit, internal trips, pass-by trips, car-pool, or other modal choices, the 20-year development plan for Basalt's Southside (and Roaring Fork Apartments) could generate approximately 3,066 daily trips on an average weekday. The 20-year buildout is expected to generate approximately 266 trips in the AM peak hour and 329 trips in the PM peak hour, based on the current development plans and nationally accepted trip rates. Table A2 in the appendix provides a trip generation breakdown by individual development parcel (for the three current development proposals) and generalized estimates for the remaining land uses.

In the trip generation table, the Roaring Fork Apartment traffic has been isolated from the rest of the proposed Southside development traffic because traffic from the north side and south side of the highway should be kept separate for the purposes of highway access permitting.

6.2. Trip Reductions

Adjustments to the total traffic generation estimates in Table 5 are necessary to more accurately predict external traffic generation for the mix of uses planned for the Southside. All proposed Southside housing units, with the exception of the RE-1 Habitat Housing, is located within one-half mile of the RFTA BRT station and residents may choose to make future work and shopping trips via bicycle or foot to and from this station. For the purpose of this study, approximately 5% of traffic generated by the residential, office, and retail uses proposed for the 20-year development plan was assumed to be made by transit. Additionally, the growing mix of uses on the Southside may increase the amount of internal trips being made between uses in the future by attracting trips from other uses (such as new restaurant/service uses near office or residential uses). In previous studies of Southside traffic for the Town of Basalt, a 15% reduction factor was applied to new traffic generated by residential, office, and retail uses to account for trip making between complementary uses on the Southside, transit, and other trips.

No internal or transit trips were assumed for the proposed industrial and warehousing units on the Southside. Overall, the traffic generation totals for residential, office, and retail uses for this study were reduced by about 15% to account for transit and internal trip making. As agreed to by the Town, traffic generated by the daycare was reduced by an additional 5% (or 20% total reduction) to account for trips made within the Southside between the daycare center and the residential or high school uses. The Town plans that the daycare will allow prioritized admissions for Southside residents, in an effort to maximize trip reductions for this use. Traffic for the tennis courts was reduced by 15%, similar to other residential, office and retail uses.

This study does not assume any trip reductions for pass-by traffic, car-pools, or other traffic demand management (TDM) measures that the Town of Basalt has begun to implement in other parts of Town to reduce traffic generation by certain land uses. The proposed uses in the Southside are generally not visible from the highway and may not create pass-by opportunities for highway users (shopping for instance). Through this study, TDM measures may be determined appropriate for proposed uses on the Southside that should reduce traffic pressure on the signal at SH 82 during the peak periods. The following table shows the total trip generation estimates that would be external to the Southside, i.e. one trip end would be located outside the Southside.

Table 6
Estimated 20-Year External Traffic Generation

Unit Type	# of UNITS	DAILY TRIPS	AM IN	AM OUT	PM IN	PM OUT
Single-Family Detached Homes	71 du	676	13	40	45	26
Multi-Family Attached Units	186 du	1,081	13	69	65	32
Apartments	56 du	372	6	23	22	12
General Office	11.9 ksf	130	16	2	3	15
Light Industrial *	25 ksf	174	20	3	3	21
Mini Warehousing *	81.6 ksf	204	7	5	11	11
Specialty Retail	0.9 ksf	40	-	-	1	1
Tennis Courts	3 Courts	93	-	-	6	6
Day Care	4 ksf	296	26	23	23	26
Total Traffic Generation		**3,066**	**101**	**165**	**179**	**150**
(Internal/Transit Reduction) **		**(418)**	**(12)**	**(25)**	**(26)**	**(19)**
Total External Traffic Generation		**2,648**	**89**	**140**	**153**	**131**
		TOTAL	***AM***	***229***	***PM***	***284***

* – No Internal or Transit Traffic Reduction
** – 5% Transit and 10% Internal Traffic reductions applied to SF, MF, Office, and Retail uses; additional 5% applied to Day Care trips

The table above estimates the 20-year development plan will generate approximately 2,648 external daily trips to/from the Southside, including 229 trips in the AM peak and 284 trips in the PM peak. This better represents the potential increase in traffic demand at the highway intersection during the morning and afternoon peak hours when considering different modal uses and internal trip making potential of the Southside developments (and the Roaring Fork Apartments).

6.3. Trip Distribution and Assignment

Traffic generated by the 20-year development plan for the Southside was assumed to follow the existing peak hour traffic patterns that were observed when counts were collected in October. Using the counts during the AM and PM peaks at the signal, left, through, and right turning

projections. All volumes generated by new Southside development were assigned as through volumes at the Cody/Basalt intersection.

Figure 11
2035 AM PEAK HOUR VOLUMES

Figure 12
2035 PM PEAK HOUR VOLUMES

The 2035 AM and PM volumes shown above will be used in the alternative improvement scenarios that are evaluated in this report.

6.5. 20-Year Buildout Capacity and Queueing Analysis

Using the 20-year buildout volumes shown on Figures 11 and 12, the capacity analysis was run in Synchro/Simtraffic to determine level of service, delay, and queuing estimates for the study intersections. The following tables show the overall results of the capacity analysis for the SH 82 signalized intersection and the 95th percentile queueing results at this intersection for the "Buildout Baseline" scenario. The Buildout Baseline scenario represents the buildout conditions for all parcels in this study and no additional improvements to the highway intersection or Cody Lane intersection beyond the underpass project.

Table 7
Buildout Baseline
Intersection Level of Service Summary

Intersection	AM		PM	
	LOS	DELAY [1] (s)	LOS	DELAY (s)
SH 82 & Basalt Avenue	D	46.8	F	83.5
Cody Lane & Basalt Avenue	A	9.1	F	253.6

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As Table 7 shows, the signalized highway intersection is forecast to operate acceptably in 20 years during the AM peak but not the PM peak (LOS "F"). Based on the applied CDOT growth rates and site specific traffic generation, this is to be expected along the highway within the mid-

valley area as SGM found in other recent studies along the SH 82 corridor (The Fields, Eagle County). The forecast 20-year increase in most areas has shown that over-saturated (LOS "F") conditions are likely to exist along the corridor during peak hours without the addition of lanes to the highway or the implementation of transportation demand measures like transit, bike commuting, and ride sharing options.

Table 8 summarizes the 95th percentile queue lengths estimated for the Buildout Baseline scenario.

Table 8
Buildout Baseline
95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	204'	184'	180'
Eastbound Approach (Left)	265'	846'	370'
Southbound Approach	360'	453'	110'
Westbound Approach (Left)	237'	475'	370'

As Table 8 shows, the additional traffic will create queue lengths at the signal that will exceed the available storage length that exists today on the northbound and southbound approaches as well as for the left turns from the highway during most peak hours. Of significance to Southside development, the westbound left turn queue increased from 79' in the Improved Baseline scenario (Table 4) to 475' in the Buildout Baseline scenario as a result of the increased traffic demand on the Southside. Additionally, the northbound queue is estimated to extend through the Cody Lane intersection in the Buildout Baseline scenario, whereas it was not shown to extend through this intersection in the Improved Baseline scenario (increases from 94' to 204' in AM peak). These increases show the effects of additional traffic demand from Southside developments on the current system and how they impact signal operations.

Improvements to the left turn lanes on the highway could be accomplished easily by restriping the proper lengths within the paved medians. There is about 700' of pavement available for the westbound left turn lane and 800' available for the eastbound left turn lane if they were extended to the existing median barrier sections on the highway. Striping these lanes longer as their demand grows is a simple improvement.

The following three improvement scenarios will address the need for additional capacity for vehicles turning to and from the highway at Basalt Avenue.

7.0 Improvement Alternatives

The layout of the intersection at SH 82 and Basalt Avenue where nearby frontage roads limit the available queue storage for the approaches to the signal is a situation that occurs in many places in the valley and the Town including the signalized intersections of SH 82/El Jebel/Valley, SH 82/Willits Lane/Tree Farm Drive, SH 82/Original Road, SH 82/Emma Road, and SH 82/Baltic Avenue at the AABC in Aspen. This layout is a function of the topographic and property constraints that exist and would not have been designed this way if designers had unlimited land to work with.

Given the level of buildout and property ownership on the Southside, there are few options to improve the intersection operations that do not impact private property or require a new access point to the highway be granted by CDOT and FHWA. SGM, with the Town of Basalt planning

staff, has developed the following three alternatives that could improve access to the Southside at Basalt Avenue. The three alternatives are:

1. Basalt Avenue Laneage Improvements
2. Cody Lane Mini Roundabout and Laneage Improvements
3. Underpass at Midland Avenue/Southside Drive

The first alternative explores a low-cost, low impact option that formalizes the laneage on the Basalt Avenue approach to better organize traffic queued at the signal. The second alternative was deliberated during the underpass design process, but the available funding did not allow the intersection and laneage improvements to be added to the underpass construction project. The third alternative is a vehicular and pedestrian underpass that was preliminarily designed by Sopris Engineering for the Town in 2012.

7.1 Alternative 1 – Basalt Avenue Laneage Improvements

The 180' spacing between the Cody/Basalt intersection and the highway signal creates difficulties in developing additional turn lanes for this approach. The challenge is transitioning from one lane on the northbound approach to Cody/Basalt to a three lane approach at the signal. This can be accomplished by transitioning to two northbound lanes south of Cody Lane in the existing roadway provided. Although this isn't striped today with the additional northbound lane, observations generally showed motorists forming two northbound lanes when traffic queuing from the signal would extend through the Cody intersection during peaks.

Alternative 1 improves the northbound approach to the signal by adding an exclusive left turn lane, creating a three-lane approach to the signal (and two lanes southbound). This can allow the intersection signal timing to be adjusted to operate on a protected-permissive timing plan rather than the current split-phase timing plan, which can be more efficient. Another improvement in Alternative 1 includes extending the eastbound and westbound left turn lanes on the highway to 600 feet in total length to account for the turn lane overflow that occurred during the 20-year buildout baseline queuing analysis. The Simtraffic models showing the intersection improvements studied for Alternative 1 are shown in Figures 13 and 14 below.

Figure 13
Alternative 1 AM Simtraffic Model

Figure 14
Alternative 1 PM Simtraffic Model

Alternative 1 may require a small Right-of-Way (ROW) purchase from the Cathers West parcel to accommodate the lane shift and additional lane on Basalt Avenue. This improvement is the simplest and cheapest alternative explored. The underpass plans were developed to include this improvement without major changes to the underpass approach south of SH 82 or the traffic signal poles and mast arms. This improvement would cost less than $250,000 to construct.

7.2 Alternative 2 – Mini Roundabout and Laneage Improvements

The 180' spacing between the Cody/Basalt intersection and the highway signal creates difficulties in developing additional turn lanes for this approach. The challenge is transitioning from one lane on the northbound approach to Cody/Basalt to a three lane approach at the signal. This transition is easier to accomplish for lanes exiting a roundabout as is evident from the laneage configuration for the southbound approach to the signal. This approach is 110' long from the roundabout at Emma Road to the stop bar, providing three approach lanes to the highway.

Alternative 2 improves the northbound approach to the signal by adding an exclusive left turn lane, creating a three-lane approach to the signal (and two lanes southbound). Similar to Alternative 1, this improvement includes extending the eastbound and westbound left turn lanes on the highway to 600 feet in total length to account for the turn lane overflow that occurred during the 5-year buildout queuing analysis. The final feature includes installing a mini roundabout at Cody Lane and Basalt Avenue and developing an additional turn lane on the northbound approach to the Cody Lane intersection. This will generally be a single-lane mini roundabout, but will allow for a second lane on the northbound approach, which is not shown in

the plan below, but shows up on the Simtraffic model figure. The improvement plan and Simtraffic model showing the intersection improvements studied for Alternative 2 are shown in Figures 15 and 16 below.

Figure 15
Alternative 2 Improvement Plan

Figure 16
Alternative 2 AM Simtraffic Model

Alternative 2 will require a Right-of-Way (ROW) purchase from the Cathers West parcel to accommodate the lane shift, additional lane, and widened intersection on Basalt Avenue. This improvement could also provide safer crossings for pedestrians at Cody Lane using the splitter islands of the roundabout. The underpass plans were developed to include this improvement without major changes to the underpass approach south of SH 82 or the traffic signal poles and mast arms. This improvement would cost less than $1M to construct.

7.3 Alternative 3 – Underpass at Midland Avenue/Southside Drive

Alternative 3 consists of a vehicular and pedestrian underpass connecting Midland Avenue with Southside Drive. This alternative provides additional access to the Southside but avoids having to be granted new access to the highway. Alternative 3 is shown in Figure 17.

Figure 17
Alternative 3 Improvement Plan

The improvement plan shown in Figure 16 includes an on- and off-ramp for eastbound SH 82, which would require amendment to the Access Control Plan. As considered for this study, no access will be provided to the highway for this alternative beyond the existing access at Basalt Avenue, so these ramps were not considered a part of this improvement. For the purpose of the traffic model, the through volumes crossing the highway at the Basalt Avenue intersection (north- and southbound traffic) were reassigned to the underpass, and removed from impacting the signalized intersection. The signal will not prohibit through movements, but it is likely that the majority of travelers will use the underpass to get across the highway rather than wait at the signal. A cost estimate of this concept was not developed for the Town, but based on the current underpass construction budget, it would be significant.

8.0 Alternative Analysis Capacity and Queuing Results

Using the 20-year buildout volumes shown on Figures 11 and 12, the capacity analysis was run in Simtraffic to determine level of service, delay, and 95th percentile queue lengths for the signalized intersection under each of the alternatives. The following tables show the overall results of the capacity analysis for the signal at SH 82 and the 95th percentile queueing results for the Buildout Baseline and the three alternative improvement scenarios.

Table 9
20-Year Buildout Alternatives Level of Service Summary

Intersection	AM		PM	
	LOS	DELAY [1] (s)	LOS	DELAY (s)
Buildout Baseline	D	46.8	**F**	**83.5**
Alternative 1	D	47.9	D	50.8
Alternative 2	D	51.0	**E**	**64.3**
Alternative 3	D	36.7	C	32.2

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As the table shows, Alternative 1 and Alternative 3 allow acceptable operations during both peak hours; whereas the Baseline Buildout scenario and Alternative 2 operate at LOS "E/F" in the PM peak hour. Alternative 3 provides the best overall benefit by removing the through traffic

crossing the highway from the analysis. This allows the signal to operate within acceptable standards (LOS "D" or better) during both peak hours.

The 95th percentile queuing results estimated by Synchro/Simtraffic are provided in Table 10 below.

Table 10
20-Year Buildout Alternatives
95th Percentile Queue Summary

SH 82 & Basalt Avenue		AM	PM	Available Length (ft)
Northbound Approach	Base	204'	184'	180'
	ALT 1	198'	195'	
	ALT 2	198'	210'	
	ALT 3	186'	200'	
Eastbound Approach (Left)	Base	265'	846'	370'
	ALT 1	235'	373'	
	ALT 2	311'	669'	
	ALT 3	234'	238'	
Southbound Approach	Base	360'	453'	110'
	ALT 1	531'	336'	
	ALT 2	547'	514'	
	ALT 3	229'	111'	
Westbound Approach (Left)	Base	237'	475'	370'
	ALT 1	217'	176'	
	ALT 2	206'	169'	
	ALT 3	135'	188'	

When focusing on the northbound approach, all alternatives estimate 95th percentile queue lengths similar to those estimated for the Buildout Baseline scenario. Alternative 3 shows that the potential still exists for queue backup through the Cody Lane/Basalt Avenue intersection during both peak hours. Alternative 3 also provides the best improvement for queuing on the southbound approach to the signal. The westbound PM peak left turn queue also improves significantly for all alternatives in the PM peak with the turn lane striping extension in place. In general, Alternative 3 provides the best benefit to the signal operations and Cody Lane intersection operations for the long-term. Alternative 1 will provide the most benefit with the lowest cost and will allow better stacking conditions south of the highway. This alternative operates acceptably based on the current 20-year buildout estimates during both peak periods.

Table A3 in the appendix shows the detailed comparative results at the Basalt/SH 82 intersection while A4 shows the detailed comparative operational results at the Cody Lane intersection.

9.0 CDOT Access Permit Analysis

CDOT requires an access permit for any new development that contributes 20% or more additional traffic to an approach to an intersection to their highway. For this study, many of the proposed developments on the Southside would likely not trigger an access permit on their own. A more detailed breakdown of traffic generation is necessary for the Town to determine the impact that each of the known proposed developments in the 20-year plan will have on the signal at the highway, since there is only one way in or out of the Southside by vehicle.

Table A2 in the Appendix shows the traffic generation breakdown by development. The percentage impact of each development on the intersection at SH 82 (AM % and PM %) is shown, as well as the AM and PM "Permit Threshold". The permit threshold is 20% of the total traffic crossing the ROW line during the AM or PM peaks. For instance, during the AM peak, 442 vehicles cross the ROW line on Basalt Avenue (20% of 442 is 88). During the PM peak, 244 vehicles cross the ROW line on Basalt Avenue (20% of 244 is 49). If the external trips generated by a site equal or exceed either of the peak hour triggers, a highway access permit will be required. The final column in the table shows the percentage impact based on the PM peak hour trip generation and the 20% threshold. Two calculations were made for Stott's Mill: the 38.3% impact results from the residential units only, while the 58.5% impact results from adding the day care and tennis court uses to the residential uses, or the impact of the entire Stott's Mill proposal.

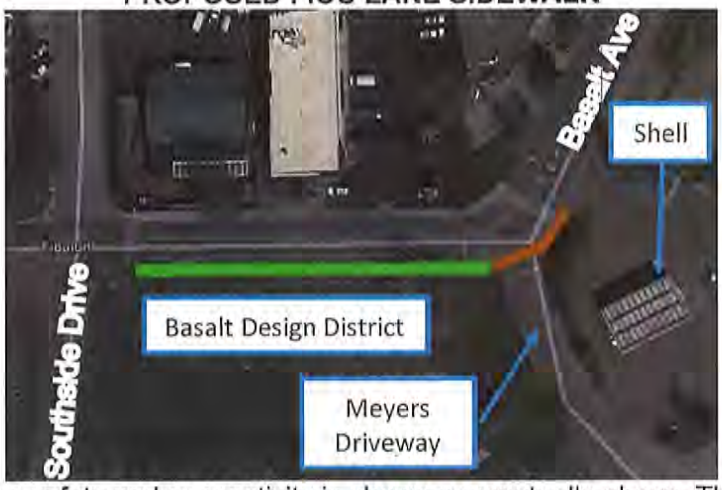
Based on each site's individual impact to the highway, the Stott's Mill development will trigger an access permit. The day care facility produces a significant volume of peak hour traffic, but the housing units alone proposed for Stott's Mill will cause this development to trigger an access permit with CDOT.

In areas experiencing congestion along the SH 82 corridor today, CDOT has recently begun to take a cumulative approach to evaluating traffic impacts from new developments. That is, the 20% calculation needs to account for recent developments that have occurred but haven't tipped the 20% threshold alone. With pressure for development in this area, this is the likely the approach that CDOT will take, given the existing morning and afternoon peak hour operations.

10.0 Trails and Sidewalk Connectivity

Trails and sidewalks create connections that allow better modal choices for area residents, employees, and visitors. A continuous pathway connects from the Rio Grande Trail (RGT) to the SH 82 intersection, but there are some existing deficiencies that could be improved upon to strengthen the connection between the Park and Ride and local trail system. The pedestrian route to the RGT requires a crossing of Fiou Lane at Southside Drive and a crossing of Basalt Avenue at Fiou Lane.

Figure 15
PROPOSED FIOU LANE SIDEWALK



An option to improve safety and connectivity is shown conceptually above. This would provide a continuous 10' sidewalk along the south side of Fiou Lane, between Southside and Basalt

(along the Basalt Design District frontage). This would allow the pedestrians to avoid the two at-grade crossings of the main access route to the Southside and the High School. Figure 14 shows this simple connection that would include a marked pedestrian crossing for the Meyers driveway and connectivity to the existing sidewalk by the Shell station. This sidewalk and trail connection would significantly improve the pedestrian experience and reduce the interaction of pedestrians, cyclists, and traffic on Fiou Lane and Basalt Ave. The construction cost of this approximate 300 trail connection is under $50,000.

11.0 Conclusions and Recommendations

The scale of proposed development for the next 20 years on the Southside will create operational deficiencies at the SH 82/Basalt Avenue intersection upon Buildout if no additional capacity improvements are made. Upon buildout and based on conservative assumptions, the proposed Southside development and Roaring Fork Apartments will generate approximately 2,546 external daily trips to/from the Southside, including 222 trips in the AM peak and 272 trips in the PM peak. This equates to a 50% increase in AM peak hour traffic and 111% increase to PM peak hour traffic over today's volumes on the northbound approach.

The Stott's Mill development will require an access permit with CDOT because it would contribute more than 20% traffic (over today's volumes) to the northbound approach to SH 82/Basalt Avenue. The State's permitting process would seek improvements from the developer to mitigate the LOS "E" that would exist if nothing were done to improve the intersection or the northbound approach in the meantime.

This report explores three potential solutions, with the Alternative 1providing the best overall and individual operations for the traffic signal and adjacent Cody Lane intersection. CDOT's acceptable standard means LOS "D" overall operations and 95th percentile queue lengths accommodated within the allowable turn lanes provided. Alternative 3 meets all of CDOT's standards with the exception of satisfying the northbound and southbound 95th percentile queue needs. Laneage options may be available for the southbound approach (exiting the Emma roundabout) that were not included in this study. With improvements to the SH 82/Basalt signal operations under Alternative 1, the Basalt Avenue/Cody Lane intersection will function acceptably during peak hours. Alternative 1 includes the additional lane on Basalt Avenue and on the northbound approach and improving the eastbound and westbound left turn pockets by striping them for 600' of storage.

Other mitigation solutions that were not explored in depth could include:

- Eastbound slip lanes to and from SH 82 to Cody Lane
- Relocation of the Basalt Avenue/Cody Lane intersection to the south

These options create major property impacts to multiple properties (similar to Alternative 3), and the slip lanes to and from the highway would require amending the Access Control Plan. Both options could improve intersection operations at SH 82/Basalt Avenue, but were not studied due to the excessive property impacts.

A final recommendation this report offers is to construct a sidewalk connection on the south side of Fiou Lane between Southside Drive and Basalt Avenue. This would create a safer connection between the highway and the Rio Grande Trail, which is used heavily by school children, residents, tourists, and others.

Scenario 2035 Totals	Initial	
RE-1 Habitat for Humanity	27 MF	
Stotts Mill Single-Family	60 SF	
Stotts Mill Multi-Family	96 MF	50% Redux (from PC Presented Numbers 8/16/16)
Southside Residential (MF)	126 MF	63
Southside Commercial	1800 sf	900
Southside Office	23700 sf	11850
Southside Industrial	50000 sf	25000
Southside Warehouse	81600 sf	81600

Roaring Fork Apartments	56 Apartments
Approved Unbuilt (Southside PUD)	11 SF
Stotts Mill Other	3 Tennis Courts
	4000 sf Daycare

SOUTHSIDE TRIP GENERATION TABLE A2 REVISED 10/14/16

Southside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates AM Entering	AM Exiting	PM Entering	PM Exiting	Average Weekday Traffic	Peak Hour Traffic AM IN	AM OUT	PM IN	PM OUT	% Impact
RE-1 Habitat For Humanity	27	230	5.81	0.07	0.37	0.35	0.17	157	2	10	9	5	4.9%
Stotts Mill Single Family	60	210	9.52	0.19	0.56	0.63	0.37	571	11	34	38	22	38.3%
Stotts Mill Multi-Family	96	230	5.81	0.07	0.37	0.35	0.17	558	7	36	34	16	
Stotts Mill Daycare	4	565	74.06	6.46	5.72	5.80	6.54	296	26	23	23	26	58.5%
Stotts Mill Tennis Center	3	490	31.04	n/a	n/a	1.94	1.94	93	-	-	6	6	
Southside Residential (MF)	63	230	5.81	0.07	0.37	0.35	0.17	366	4	23	22	11	
Southside Commercial	0.9	826	44.32	-	-	1.19	1.52	40	0	0	1	1	
Southside Office	11.85	710	11.01	1.36	0.19	0.25	1.24	130	16	2	3	15	
Southside Industrial	25	110	6.97	0.81	0.11	0.12	0.85	174	20	3	3	21	
Southside Warehouse	81.6	151	2.5	0.08	0.06	0.13	0.13	204	7	5	11	11	
Southside PUD (Approved / Unbuilt	11	210	9.52	0.19	0.56	0.63	0.37	105	2	6	7	4	
	313	Residential units											
	0.9	ksf Commercial/Retail											
	11.85	ksf Office					TOTAL TRIPS:	2,695	95	141	156	138	
	25.00	ksf Industrial											
	81.6	ksf Mini storage											
							INTERNAL TRIP REDUCTION:	362	12	21	23	17	
							TOTAL 2035 EXTERNAL TRIPS:	2,332	84	120	134	121	
								TOTALS:	204		254		
							CDOT PERMIT THRESHOLD FOR SOUTHSIDE:		442		244		

ITE Ttrip Generation Manual, 9th Edition
ITE Code 110 - General Light Industrial, Units in 1000 SF
ITE Code 151 - Mini-Warehousing, Units in 1000 SF
ITE Code 210 - Single-Family Residential, Units in # of dwelling units
ITE Code 230 - Residential Condominium/Townhome, Units in # of dewlling units
ITE Code 490 - Tennit Courts, Units in # of Courts
ITE Code 565 - Day Care Center, Units in 1000 SF
ITE Code 710 - General Office Building, Units in 1000 SF
ITE Code 826 - Specialty Retail Center, Units in 1000 SF
Assumptions:
Internal Trip Reductions: 15% Res, 15% Commercial, 15% Office, 0% Industrial, 20% Daycare
++ - 40% SF Homes; or 100% Daycare / Tennis

Northside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates AM Entering	AM Exiting	PM Entering	PM Exiting	Average Weekday Traffic	Peak Hour Traffic AM IN	AM OUT	PM IN	PM OUT
Roaring Fork Apartments	56	220	6.65	0.10	0.41	0.40	0.22	372	6	23	22	12
ITE Code 220 - Apartments, Units in # of dwelling units								56	1	3	3	2
							TOTAL NORTHSIDE EXTERNAL TRAFFIC:	317	5	20	19	10
							TOTAL REDUX	418	12	25	26	19
							TOTAL 20-YEAR EXTERNAL TRAFFIC FROM NORTH- SOUTHSIDE DEVELOPMENT:	2,649	88	140	153	131

G) P+Z Memos

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: July 5, 2016

RE: Public Hearing- Stott's Mill PUD Reinstatement for Single-Family Section and Sketch Site Plan Review and Associated Reviews for Multi-Family Residential Section Introductory Meeting

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I. Purpose:

MSP1 LLC. ("Applicant") is requesting approval for Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development and Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units on the Stott's Mill Property. Staff suggests that this initial meeting be an introductory meeting to the proposal and discussion items. Staff recommends that the P&Z hear a presentation from Staff and the Applicant, ask questions, take public comments, and then provide initial discussion. Ultimately, Staff recommends that the P&Z let Staff know if there is additional information that the P&Z needs to complete the review of the Application and continue it to July 19th.

II. Background:

The 18-acre property subject to the Application is currently vacant with the exception of a couple of agricultural buildings and is located on the east side of Southside Drive adjacent to the Rio Grande Trail. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and to reinstate the 2009 PUD approvals for the majority of the single-family family residential portion of the development and a sketch site plan review through the proposed R-4 MD Zone District for the multi-family portion of the development adjacent to Southside Drive The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Medium Density Residential (MDR) and Public Open Space (OS) on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

The Applicant received annexation and PUD approvals in 2009 for 110 dwelling units, a daycare core and shell, a south and north park, and associated infrastructure pursuant to Ordinance No. 18, Series of 2009. The new proposal includes 156 dwelling units, fifty-six (56) of which are proposed as single-family dwellings and ninety (90) of which are proposed as multi-family dwelling units. Additionally, the Applicant has proposed

two (2) parks in the same configuration as the parks that were included in the 2009 approvals. Site plan and elevation drawings are attached in the application.

III. Review Process:

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 14, Series of 2016. The Town's policy is not to annex a property until a development proposal is approved. The P&Z makes a recommendation to the Town Council on the proposed PUD reinstatement on the single-family portion of the development, and on the R-4 MD Sketch Site Plan Review.

IV. Discussion Items:

1. Consistency with Master Plan

In reviewing the proposed development plan, Staff believes that the proposed mix of uses is generally consistent with the 2007 Basalt Master Plan. The proposed development to consist of a mix of single-family and multi-family residential dwelling units is consistent with the Medium Density Residential Designation in the Master Plan. Additional discussion on the proposal's consistency with the density guides in the Master Plan are discussed below.

2. Proposed Density

The medium density designation for the property in the 2007 Basalt Master Plan prescribes a potential density range of 6 dwelling units/acre to 11.9 dwelling units/acre. The proposed development consists of 156 units, which is above the Master Plan's prescribed density range if you only include the area of the property in the Master Plan that is designated as Medium Density Residential (MDR). There is language in the Master Plan that expresses that the use designations on the Future Land Use Map are recommendations and that site-specific refinements may be acceptable if they are determined to be consistent with the goals and objectives of the Master Plan. In evaluating the 2009 Application, the density was allowed to go from 105 dwelling units in the sketch plan approvals to 110 dwelling units because the Applicant added a daycare core and shell as an additional amenity. Staff believes that there needs to be discussion at the P&Z level about whether the density increase proposed in the multi-family section of the development beyond the 2009 approvals will put too much stress on the southside infrastructure.

3. Affordable Housing Mix

The Applicant has proposed to satisfy the affordable housing requirements for the development by including 25% of the total residential floor area and 20% of the units as deed-restricted, category-level affordable housing as required by the Town Code. Additionally, Staff anticipates requiring that the Applicant provide a 1% Real Estate Transfer Assessment (RETA) and a 2% RETA on transactions of over $1 Million pursuant to the Town's Annexation Policy.

4. Childcare/Daycare
In the 2009 Stott's Mill approvals, the Applicant was required to construct a 3,000 square foot core and shell daycare space to be administered by the Town. As part of the current Application, the Applicant has proposed not to include any mitigation for the impacts that the development would have on the Mid-Valley daycare situation. Staff believes that a project of this nature will have impacts on the demand for daycare and should be required to contribute to solutions for mitigating the current daycare shortage. Staff has identified several options for consideration as follows:

a) Identify a location in the Project for the Applicant to construct a 3,000 sf core and shell space similar to what was included in the 2009 approvals; or,

b) Require the Applicant to dedicate land to the Town for daycare purposes as was required of the Continuous Care and Retirement Community (CCRC) that was approved for the site after the 2009 approvals were vacated; or,

c) Require the Applicant to pay a fee for use by the Town in enacting daycare solutions as was required of Willits Town Center in the recent PUD amendment approvals; or,

d) Reinstate the original requirement.

Staff has identified this item for additional discussion and Staff will be seeking input from the Childcare Coalition.

5. Annexation Policies
Town Code Chapter 15 and the Town's Master Plan include that the Town can receive additional community benefits through annexation. The Town has annexation policies requiring that development subject to annexation provide a 1% RETA on property transfers of less than $1 Million and a 2% RETA on property transfers of $1 Million or greater. Staff anticipates requiring compliance with this annexation policy. Additionally, the Town has an annexation policy of requiring double the parkland requirements for annexations. Staff includes analysis on the consistency of the Applicant's proposal related to the parkland annexation policy later in this memo.

6. Proposed Zoning
The multi-family development adjacent to Southside Drive is proposed to be zoned R-4 MD, the narrow lot single-family dwelling units are proposed to be R-3 TN PUD upon annexation. The dimensional requirements for the multi-family development are proposed to meet the dimensional requirements of the R-4 MD Zone District with the exception that the Applicant is requesting Special Review Approval for a .69:1 FAR, which exceeds the .5:1 allowable FAR in the R-4 MD Zone District.

The ***multi-family residential*** dimensional requirements are proposed as follows:

Dimensional Requirement	Proposed	R-4 MD Requirement
Min. Lot Area	157,388 sf	12,000 sf
Max Building Height	35 Ft.	35 Ft.
Ridge Height	33 Ft.	33 Ft.
# of Stories	3	3
Lot Width	Greater than 70 Feet	70 Feet
Front Yard Setback	10-25 Feet	10 Feet
Rear Yard Setback	10 Feet	10 Feet
Side Yard Setback	5 Feet	5 Feet
FAR	.69:1	.5:1 with up to .8:1 Allowed by Special Review
Max Lot Coverage	NA	NA
Min Landscape	10%	10%

Staff is concerned with the overall floor area of the multi-family buildings as shown in the sketches provided in the application and is concerned that the layout does not provide a desired streetscape along Southside Drive. Staff believes that these issues are partly a function of the additional density being proposed.

On the ***narrow single-family lots***, the Applicant has proposed the following dimensional requirements:

Dimensional Requirement	Proposed R-3 TN PUD	R-3 TN Requirement
Min. Lot Area	3,360 SF	6,000 SF
Max Building Height	24 Ft.	24 Ft.
Ridge Height	28 Ft.	28 Ft.
# of Stories	2	2
Lot Width	28	50
Front Yard Setback	10 Ft. Porch 16 Ft. Living Area	10 Ft. Porch 16 Ft. Living Area
Rear Yard Setback	7 Ft.	10 Ft.
Side Yard Setback	5 Ft.	7.5 Ft.
FAR	• 1,328 Square Feet for 11 of 28 Ft. wide lots • 2,000 Square Feet for 31 of 28 Ft. wide lots • 2,376 Square Feet for 42 Ft. wide lots	.35:1 up to .5:1 through Special Review
Max Lot Coverage	Proposed FAR in Lieu of Lot Coverage Maximum	30%

Min Landscape	30%	20%
Parking	2 Spaces per dwelling	Varies depending on # of bedrooms

In evaluating the proposed dimensional requirements for the narrow single-family lots, Staff supports the variations requested to the minimum lot size, minimum lot width, lot coverage, and setback requirements because the lots are designed to be very modest in size to permit a significant density of moderately priced residences as was granted in the 2009 approvals. Staff also supports the floor area in this circumstance in that residences on the 28-foot wide lots are proposed to support residences of 1,328 square feet and the 42-foot wide lots are proposed to accommodate residences of about 2,400 square feet. Considerable time was spent in 2008 and 2009 evaluating the small lot concept.

7. *Architectural Guidelines*

Staff and the Applicant had developed design guidelines for the single-family portion of Stott's Mill that were included in the 2009 approvals. As part of the 2009 approvals, Staff was concerned that there is really no assurance that there will be variety in the design of the units. To avoid a cookie-cutter scenario, Staff required the Applicant to come up with a plan to assure the Town that there will be variety in the designs developed within the subdivision. As a result of this concern, the Applicant has proposed to retain four to five different local architecture firms to design the single-family residential units that will be built by the developer within the project. The Applicant believes that the different styles of the varied architects will insure variety in design, while the design standards will provide a framework to maintain some design continuity in the development. Staff anticipates maintaining the condition from 2009 about retaining four to five local architects to design the single-family residential units.

8. *Parks and Open Space*

The Applicant has proposed 4.5 acres of open space within the development, which is mainly contained within two (2) parks, one at the southern extent of the development and one at the northern extent of the development. Pursuant to the Parkland requirements in the Town Code and the annexation policy that annexations provide double the required parkland, the total parkland dedication required would be 6.2 acres.

The park on the northern extent of the development is proposed to contain a man-made pond used for raw water irrigation storage. The pond will be drawn down at certain times of the year, but will be constructed with a shallow bench area around the outer extents of the pond so that it reduces hazards when the water is drawn down for irrigation.

The programming for the park at the southern extent of the development is proposed to be a passive park with some bathroom and storage facilities for the Town. In the 2009 approvals, the park included two (2) basketball courts and two (2) tennis courts. Staff feels that a more active park consistent with the POST Committee's recommendation as

outlined below is necessary for a family-oriented development of the scale being proposed.

A group represented by Diana Elliot would like to put a four-court tennis center in South Park, but the Applicant has indicated that they are not interested in incorporating such a facility (see attached letter). The POST Committee also weighed in on the Application and have recommended a more active park and programming that would include a 3-4 court tennis center and a children's play area in addition to the bathrooms and storage already proposed. The POST Committee thought that there was enough passive park in the southside already and that there should be additional park amenities since the development is short of the amount of parkland required to be dedicated pursuant to the Town's annexation policy and that it will attract young families. It should be noted that Pitkin County no longer needs a nordic storage area as was required in 2009 as they now have another location.

9. School Land Dedication

The Applicant has proposed to construct two (2) deed-restricted residential units that would be rented to the RE- 1 School District for no rent charge as was included in the 2009 approvals. The Applicant is in discussions with the School District on this topic.

10. Traffic

The Town's Consulting Engineer, SGM, has been preparing a traffic report for southside. Initial information from SGM identifies that the Stott's Mill proposal will likely require a CDOT access permit as it will increase traffic beyond the thresholds required by CDOT. SGM's initial information also identifies that there is a need for improvements at the intersection of Basalt Avenue and Highway 82 to mitigate the impacts of the increased traffic that would be expected by buildout of the proposed project. A next step in SGM's analysis is to identify options for potential traffic improvements that could be implemented to mitigate the additional traffic. The traffic mitigation options to be identified by SGM will be brought back at future meeting for discussion. The Applicant and others proposing to develop in Southside would be expected to pay the cost of implementing necessary traffic mitigation improvements on a fair share basis based on trip generation.

11. Round-a-bout and Traffic Calming

A round-a-bout on Southside Drive was approved in 2009 as part of the original Stott's Mill Development Application and the Sketch Plan development application for the Basalt Design District (BDD) as a mechanism for turning cars around and was also seen as a traffic-calming mechanism. The BDD application is no longer active, but Staff does believe that there is still a need for traffic-calming along Southside Drive. Staff believes that it is important to know the other traffic improvements that will be needed at the Basalt Avenue/Highway 82 intersection before it is determined whether a round-a-bout should still be required on Southside Drive. As Staff identified above, SGM is identifying options for potential traffic improvements that could be implemented to mitigate the additional traffic.

12. Southside Drive Cross-Section

In acquiring the funding for the Basalt Avenue pedestrian underpass, Pitkin County elevated the importance of improving the trail from the Rio Grande Trail to the Highway 82/Basalt Avenue underpass. Pitkin County Open Space and Trails is working with the Town Parks, Open Space and Trails (POST) Committee to determine the desired long-term road cross-section for South Side Drive and associated improvements. Additionally, POST has also expressed the need to improve the trail. The Town POST Committee reviewed options for the Southside Drive Cross-Section and recommended that Pitkin County's consultant draw a cross-section consisting of a wider trail on the west side with bike indicator in the travel lanes traveling north; and a designated bike lane with no parking on the west side of Southside Drive. Once Pitkin County's consultant amends the cross-section, Staff will provide it to the P&Z. Staff anticipates that the Applicant will be responsible for making some improvements to enact a portion of the planned cross-section adjacent to Southside Drive.

13. Green Building

The dwelling units will be required to meet the Town's sustainable building regulations. Also, in 2009 the Applicant was required to meet a minimum HERs rating score of 90 points. Staff also anticipates maintaining the condition of approval from 2009 requiring each single-family residence to meet a minimum HERs rating score of 90 points.

14. Ditch Plan

The Applicant had worked out details related to the maintenance of ditch with the Ditch Company in 2009. There are representations in the application that the Ditch Company will continue to maintain the ditch. Additionally, there is a fence detail in the application for a split-rail fence to be built along the ditch to discourage recreation in the open ditch. An easement for the ditch is also proposed to be dedicated on the plat. Staff anticipates including a condition of approval in the initial staff recommendation requiring that the Applicant continue to work with the ditch company to define the terms of maintenance for the ditch and provide a document memorializing said terms prior to the Town granting final approval for the development.

15. Water Rights Dedication

The Town had worked out water rights dedication documents in 2009 and lease back provisions. Staff recommends an updating the 2009 dedication and lease back provisions. Typically, the Town Council deals with Water Rights dedication.

16. Connection to Allison Lane

The Applicant proposes a vehicular connection to Allison Lane. The Fire District strongly supported the connection in the 2009 review and the connection was previously required. Staff has heard some concerns from Southside residents about the potential for additional traffic on Allison Lane. Staff recommends that the Applicant consider some additional traffic calming potential for the connection to limit its desirability as a throughway from the High School to Highway 82 in non-emergency situations.

17. Vested Rights and Phasing

The Applicant has proposed vested property rights of five (5) years for installation of the infrastructure and ten (10) years after the installation of infrastructure is installed for buildout of the project. North Park is proposed to be installed in the initial five (5) year period of infrastructure installation and South Park is proposed to be completed prior to half of the units in the development being constructed as was included in the 2009 approvals. Staff's understands that this is a project of significant scale, but Staff would prefer requiring that the infrastructure be installed in three (3) years (which is the Town's standard vested rights period as set forth in the Town Code) and that the build-out be limited to seven (7) years after installation of infrastructure. Staff has anticipates including draft conditions requiring infrastructure installation in three (3) years and buildout in seven (7) years after infrastructure installation.

V. Technical Issues:

Fire District Requirements:

The Basalt and Rural Fire Protection District (BRFPD) reviewed the proposed application and requested some site plan changes with regards to street widths. The Applicant has made the requested site plan changes.

RFTA Comments:

RFTA reviewed the Application and identified that RFTA is nearing capacity with existing equipment and personnel, so there is potential that the Applicant will need to contribute financially to mitigate the additional impacts that the development may impose on RFTA service. Additionally, RFTA and Pitkin County Open Space and Trails are looking at the potential for a rest station at the intersection of the Rio Grande Trail with Southside Drive. The Town POST Committee suggested that RFTA and Pitkin County go ahead and plan for installation of the rest station separate from Stott's Mill as they are hoping to begin installing some of the improvements later this fall and Stott's Mill will not have completed their land use review by that time.

VI. Recommendation:

Staff recommends that the P&Z hear a brief presentation from Staff and the Applicant, consider public comments, and provide initial discussion. Staff would recommend that the P&Z identify what additional information is required to make a final recommendation on the Application and continue the public hearing to July 19th. Staff will provide draft conditions and present them at the July 19th meeting.

Attachments:

Application
Addendum
Referral Comments

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: July 19, 2016

RE: Continued Public Hearing- Stott's Mill PUD Reinstatement for Single-Family Section and Sketch Site Plan Review and Associated Reviews for Multi-Family Residential Section

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I. Purpose:

MSP1 LLC. ("Applicant") is requesting approval for: 1) Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development, and 2) Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units on the Stott's Mill Property.

II. Background:

The 18-acre property subject to the Application is currently vacant with the exception of a couple of agricultural buildings and is located on the east side of Southside Drive adjacent to the Rio Grande Trail. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and to reinstate the 2009 PUD approvals for the majority of the single-family family residential portion of the development and a sketch site plan review through the proposed R-4 MD Zone District for the multi-family portion of the development adjacent to Southside Drive The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Medium Density Residential (MDR) and Public Open Space (OS) on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

The Applicant received annexation and PUD approvals in 2009 for 110 dwelling units, a daycare core and shell, a south and north park, and associated infrastructure pursuant to Ordinance No. 18, Series of 2009. The new proposal includes 156 dwelling units, fifty-six (56) of which are proposed as single-family dwellings and ninety (90) of which are proposed as multi-family dwelling units. Additionally, the Applicant has proposed two (2) parks in the same configuration as the parks that were included in the 2009 approvals. Site plan and elevation drawings were attached in the July 5th packet.

III. Review Process:

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 14, Series of 2016. The Town's policy is not to annex a property until a development proposal is approved. The P&Z makes a recommendation to the Town Council on the proposed PUD reinstatement on the single-family portion of the development, and on the R-4 MD Sketch Site Plan Review.

IV. July 5, 2016 P&Z Meeting:

An introductory meeting was held on July 5th, at which the Applicant presented the proposal and Staff presented the status of some of the discussion items, the P&Z considered public comments, and provided initial P&Z comments. The P&Z identified additional information needed to further evaluate the application. Staff has tried to provide as much of the additional information requested as possible. Some additional information may still need to be produced for the P&Z to make a final determination on the Application.

V. Additional Information:

Density Comparison to Southside Subdivision- P&Z asked for a comparison between the density allowed in the neighboring Southside Subdivision to the Stott's Mill proposal. The Southside Subdivision including the Southside Townhomes and Southside Phase IV, contains an approved buildout of 101 dwelling units over a total of 21.5 acres, equaling 4.7 units per acre. Stott's Mill as proposed includes 156 dwelling units on over 18.01 acres of property, equaling 8.7 units per acre. The 2009 Stott's Mill approval included 110 dwelling units over 18 acres, equaling approximately 6 units per acre.

Childcare Coalition Recommendations- At the last meeting it was discussed that there was a requirement for the Applicant to construct a 3,000 square foot core and shell space for daycare in the 2009 Stott's Mill approval. Growing Years Preschool was actively looking for a space at the time and the Town expressed that daycare was an important community benefit to include in the Final Plan Annexation proposal. The Applicant was allowed five (5) additional dwelling units in exchange for incorporating the daycare in the plan between Preliminary Plan and Final Plan Review.

As was discussed at the last meeting, the Applicant did not include a daycare contribution on the site in the Application because the Applicant believes that a more regional approach is necessary to solve the problem and that Stott's Mill is not a good site for daycare as it should be located closer to Highway 82. The Childcare Coalition reviewed the Application and expressed that they thought the Application should include a daycare component given that they expect a significant number of children to live in the proposed development. With the increase in density of the project, the Childcare Coalition thought that the 2009 requirement for a 3,000 square foot daycare core and shell to be provided by the Applicant should be increased to a 5,000 square foot core

and shell daycare space. Additionally, the Coalition felt that a good option would be to convert the ground floor of the southernmost proposed apartment building (labeled as Building 4 on the site plan) to a 5,000 square foot daycare space with a drop off and playground in the proposed open area between Building 4 and Amesbury Drive.

After hearing the Childcare Coalition's recommendation, the Applicant submitted an addendum to the Application to propose a 4,000 square foot daycare space on the first floor of the building to built on Lot 37, of Block 4, located on the corner of Amesbury Drive and Centennial Lane with a drop-off area along Centennial Lane pursuant to similar terms that were provided in the 2009 approvals for the daycare space. The Applicant has suggested that the play area could be across Amesbury Drive in the South Park area or that the daycare play area could be placed on a portion of Lot 38 pursuant to a lease with the Applicant. The Applicant has suggested that if a daycare ceases to exist in the space that it would revert to the Applicant for conversion to residential.

Consistent with the Applicant's revised proposal to provide 4,000 square feet of core and shell daycare space, Staff has included a draft condition as Option #1 that would require the Applicant to provide a 4,000 square foot core and shell daycare space. The draft condition varies slightly from the Applicant's proposal as it would require that if a daycare operator cannot be found to use the space, that the Town Council could authorize another non-daycare public use of the space consistent with the daycare provisions in the 2009 approvals. Alternatives to the Applicant's revised proposal for 4,000 square feet of daycare space that the P&Z could consider include the following:

a) Require 5,000 square feet of core and shell daycare space be provided on the first floor of Apartment Building #4, consistent with the Childcare Coalition's recommendation (shown as Condition Option #2 in the draft conditions); or,

b) Identify a location in the Project for the Applicant to construct a 3,000 sf core and shell space similar to what was included in the 2009 approvals; or,

c) Require the Applicant to dedicate land to the Town for daycare purposes as was required of the Continuous Care and Retirement Community (CCRC) that was approved for the site after the 2009 approvals were vacated; or,

d) Require the Applicant to pay a fee for use by the Town in enacting daycare solutions as was required of Willits Town Center in the recent PUD amendment approvals.

Traffic Study and Traffic Solution Options- Staff received an initial traffic report from SGM that identifies that at buildout, Stott's Mill under the current proposal would generate a 36% increase in traffic at the Basalt Avenue/Highway 82 intersection to trigger a CDOT access permit. The traffic study concludes that without additional traffic mitigation, the anticipated buildout of all of the properties remaining in Southside would

create operational deficiencies. It is identified in the traffic study that laneage changes and signal changes in connection with the Basalt Avenue pedestrian underpass will have impacts on reducing the traffic issues in the short-term, but that operational deficiencies still exist in the long-term if buildout occurs as anticipated in the study.

SGM included several improvement alternatives that could mitigate the traffic impacts of the long-term buildout anticipated in Southside. The two (2) improvements that were identified as potential solutions include: 1) a mini-roundabout and laneage improvements at Basalt Ave./Cody Lane as shown on the attached excerpt from the traffic report, or 2) a vehicular underpass at Midland Avenue. It is anticipated that the mini-roundabout and laneage improvements would cost less than $1 Million to install and the vehicular underpass at Midland Avenue could be a considerable cost. The traffic modeling showed that the Midland Avenue underpass option would sufficiently mitigate the traffic anticipated from buildout in Southside under the currently anticipated development scenarios and maintain the Basalt Avenue/Highway 82 intersection at an acceptable level of service over the next 20 years. Conversely, the modeling showed that the mini-roundabout and laneage improvements would help mitigate the traffic impacts but that the intersection would still operate at an unacceptable level at buildout in the PM Peak times unless slight reductions are made to intensity of development anticipated for Southside.

Staff anticipates scheduling a worksession with Council in August to present the traffic report and mitigation options to get the Council's feedback. In moving forward with the P&Z's analysis of this Application, Staff believes that the mini-roundabout may be a realistic improvement that could be funded given that its anticipated cost would be less than $1 Million as opposed to the potential cost of the Midland Avenue Underpass that would likely be a significant cost and require amendments to State Planning Documents to permit the improvements. As noted in the attached traffic study excerpts, the mini-roundabout and the corresponding laneage changes would only improve the operations of the intersection to an acceptable level if the overall anticipated intensity of development for Southside were reduced, which is a separate discussion topic.

Staff has included a draft condition that would require that the Applicant either: 1) complete the construction of the traffic mitigation improvement deemed necessary by the Town and be reimbursed by other developments in Southside when they build, or 2) pay the Town to construct the desired intersection improvement plus 15% prior to the issuance of the first building permit in the development and be reimbursed by other developments in Southside when they build.

Southside Drive Cross-Section- In acquiring the funding for the Basalt Avenue pedestrian underpass, Pitkin County elevated the importance of improving the trail from the Rio Grande Trail to the Highway 82/Basalt Avenue underpass. Pitkin County Open Space and Trails is working with the Town Parks, Open Space and Trails (POST) Committee to determine the desired long-term road cross-section for South Side Drive and associated improvements. Additionally, POST has also expressed the need to

improve the trail. The Town POST Committee reviewed options for the Southside Drive Cross-Section and recommended that Pitkin County's consultant draw a cross-section consisting of a wider trail on the west side with a bike indicator in the travel lanes going north; and a designated bike lane with no parking on the west side of Southside Drive.

Staff has drafted a sketch of the concept chosen by the POST Committee and it will be further refined by Pitkin County's Consultant, DHM Design. Staff has included a draft condition requiring that the Applicant implement the desired cross section adjacent to the Stott's Mill property.

Parks and Open Space- The Applicant has proposed 4.5 acres of open space within the development, which is mainly contained within two (2) parks, one at the southern extent of the development and one at the northern extent of the development. Pursuant to the Parkland requirements in the Town Code and the annexation policy that annexations provide double the required parkland, the total parkland dedication required would be 6.2 acres.

The park on the northern extent of the development is proposed to contain a man-made pond used for raw water irrigation storage. The pond will be drawn down at certain times of the year, but will be constructed with a shallow bench area around the outer extents of the pond so that it reduces hazards when the water is drawn down for irrigation.

The Applicant proposed for South Park to be a passive park as well. A group represented by Diana Elliot would like to put a four-court tennis center in South Park, but the Applicant indicated that they were not interested in incorporating such a facility. The POST Committee also weighed in on the Application and have recommended a more active park and programming that would include a 3-4 court tennis center and a children's play area in addition to the bathrooms and storage already proposed. The programming for the park at the southern extent of the development is proposed to be a passive park with some bathroom and storage facilities for the Town.

Since the last meeting, the Applicant has provided an addendum to the Application expressing that they are open to allowing a tennis center of a reduced scope of three (3) courts and giving the Tennis Group the opportunity to continue their fundraising for a period of two (2) years from the project's final approval to obtain enough funds to build the facility. The Applicant has proposed that after two (2) years from the project's final approval, if the Tennis Group has not obtained enough funds to build the tennis facility, the Applicant will resume control of installing an active park consistent with the 2009 approvals (see 2009 Approved Site Plan attached). Staff included a draft condition to memorialize this proposal.

Southside Drive Traffic Calming- A roundabout on Southside Drive was approved in 2009 as part of the original Stott's Mill Development Application and the Sketch Plan development application for the Basalt Design District (BDD) as a mechanism for

turning cars around and was also seen as a traffic-calming mechanism. The BDD application is no longer active, but Staff does believe that there is still a need for traffic-calming along Southside Drive.

Having received the results of the Traffic Study and understanding that there will need to be a significant intersection improvement at the Basalt Avenue/Highway 82 intersection, Staff does not believe that an improvement as significant as the roundabout is necessary on Southside Drive. The transportation resources to come from Applicants in the Southside should be focused on improving the traffic conditions at the Basalt Ave./Highway 82 intersection and smaller traffic-calming improvements. That said, Staff would like to preserve the ability for the construction of a mini-roundabout on Southside in the future and included a draft condition requiring that the Applicant dedicate land necessary for the installation such a mini-roundabout.

In lieu of a roundabout, Staff is studying other traffic-calming mechanisms that could be instituted and will be reviewing them with the POST Committee to ensure their compatibility with the desire to make Southside Drive more friendly for bicyclists. Options could include speed tables, speed humps, or chicanes. Staff has included a draft condition requiring that the Applicant pay the proportional share of the cost based on anticipated trip generation to install the Southside Drive traffic calming plan that is ultimately decided on by the POST Committee.

Allison Lane Traffic Calming and Discouragement- As introduced at the last meeting, the Applicant has included a vehicular connection to Allison Lane as was the case with the 2009 approved plan. Staff has heard from several residents of Southside that they would not like to have the vehicular connection between the Stott's Mill Subdivision and the Southside Subdivision, but it has been required by the Fire District in past development proposals for the property. Staff agrees with the Fire District that it is important to have the vehicular connection on Allison Lane for emergency services, but also understands the concerns of the homeowners and tenants that live in the Southside Subdivision on Allison Lane.

Staff has recommended that there be removable bollards installed in the Allison Lane connection that are spaced far enough apart so that a snowplow can get through during the winter with signage indicating that it is a pedestrian/bicycle and emergency service connection. The Fire District has not liked bollards on emergency access areas in the past primarily because they have experienced emergency service access areas that have not been maintained during the winter because of bollards. Staff has included provisions in the draft conditions requiring that the area between the bollards be maintained for a through access during the winter by the Town. Staff will have discussions with the Fire District on the concept prior to the Council's review.

VI. Additional Major Discussion Items:

In addition to the significant discussion items presented above that are influenced by new information received by Staff, Staff feels that the following discussion items are key

discussion items in determining if the Stott's Mill development is conceptually acceptable:

Proposed Density and Multi-Family Massing
Staff believes that there needs to be a discussion at the P&Z level about whether the density increase proposed in the multi-family section of the development beyond the 2009 approvals will put too much stress on the southside infrastructure and how it relates to the Southside neighborhood.

As discussed at the last meeting, the medium density designation for the property in the 2007 Basalt Master Plan prescribes a potential density range of 6 dwelling units/acre to 11.9 dwelling units/acre. The proposed development consists of 156 units, which is above the Master Plan's prescribed density range if you only include the area of the property in the Master Plan that is designated as Medium Density Residential (MDR). There is language in the Master Plan that expresses that the use designations on the Future Land Use Map are recommendations and that site-specific refinements may be acceptable if they are determined to be supportive of the goals and objectives of the Master Plan.

Additionally, as discussed above, there is a need for a reduction in the overall anticipated buildout for southside included the traffic study in order for the potential Cody Lane mini-roundabout traffic improvement to maintain the Basalt Avenue/Highway 82 Intersection operating at an acceptable level. Essentially, a reduction in density would be necessary on either the Stott's Mill Property or one of the other properties in Southside for the Cody Lane mini-roundabout to sufficiently mitigate the traffic impacts of development in Southside over the next 20 years.

Related to density, Staff also expressed concerns about not being able to completely understand the massing of the proposed multi-family portion of the development and the Southside Drive streetscape in analyzing the denser multi-family component with the Application materials received. P&Z members also indicated a need for more architectural details on the multi-family component. In response, the Applicant has expressed that they are producing a sketch-up model of the multi-family component that they will present to Staff before the P&Z meeting and present to P&Z at the meeting. Staff is reserving a recommendation on the density and massing until the sketch-up model is viewed.

Affordable Housing Mix
The Applicant has proposed to satisfy the affordable housing requirements for the development by including 25% of the total residential floor area and 20% of the units as deed-restricted, category-level affordable housing as required by the Town Code. Additionally, Staff anticipates requiring that the Applicant provide a 1% Real Estate Transfer Assessment (RETA) and a 2% RETA on transactions of over $1 Million pursuant to the Town's Annexation Policy. Staff intends on taking this development

proposal to the Basalt Affordable Community Housing (BACH) Committee before the next P&Z meeting.

Vested Rights and Phasing
As discussed at the last meeting, the Applicant has proposed vested property rights of five (5) years for installation of the infrastructure and ten (10) years after the installation of infrastructure is installed for buildout of the project. North Park is proposed to be installed in the initial five (5) year period of infrastructure installation and South Park is proposed to be completed prior to half of the units in the development being constructed as was included in the 2009 approvals. Staff's understands that this is a project of significant scale, but Staff would prefer requiring that the infrastructure be installed in three (3) years (which is the Town's standard vested rights period as set forth in the Town Code) and that the build-out be limited to seven (7) years after installation of infrastructure. Staff has included a draft condition requiring infrastructure installation in three (3) years and buildout in seven (7) years after infrastructure installation.

VII. Recommendation:

Staff recommends that the P&Z hear a brief presentation from Staff on the new information and the draft conditions. Staff then recommends considering the Applicant comments and presentation of their sketch-up model, taking public comments, and providing discussion. It is anticipated by Staff that there might be a need for one more meeting on the application before a recommendation. Staff has included initial draft conditions of approval for the P&Z's consideration. The final conditions from 2009 were used as a basis for the draft conditions. The 2009 conditions that have been updated to be applicable to this application in underline/strikethrough format are included as follows:

COMMUNITY BENEFITS

1. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions Nos. ~~No. 6 and 7 in Exhibit J~~. A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail.

2. The development shall provide a community housing program that provides teacher housing in lieu of land dedication, ~~provides eleven (11) relocation dwelling units for the river master plan implementation,~~ and provides long term "attainable" housing for a community of residents as described further in the conditions established herein, and as proposed in the Stott's Mill Final Plan application.

3. *Daycare Condition Option #1*-The Applicant shall construct and receive a core and shell CO on a daycare facility ~~of at least 3,300 square feet on Block 9 of the development prior to the Applicant obtaining a building permit on the 59th~~

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: August 16, 2016

RE: Continued Public Hearing- Stott's Mill PUD Reinstatement for Single-Family Section and Sketch Site Plan Review and Associated Reviews for Multi-Family Residential Section

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I. Purpose:

MSP1 LLC. ("Applicant") is requesting approval for: 1) Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development, and 2) Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units on the Stott's Mill Property.

II. Background:

The 18-acre property subject to the Application is currently vacant with the exception of a couple of agricultural buildings and is located on the east side of Southside Drive adjacent to the Rio Grande Trail. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and to reinstate the 2009 PUD approvals for the majority of the single-family family residential portion of the development and a sketch site plan review through the proposed R-4 MD Zone District for the multi-family portion of the development adjacent to Southside Drive The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Medium Density Residential (MDR) and Public Open Space (OS) on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

The Applicant received annexation and PUD approvals in 2009 for 110 dwelling units, a daycare core and shell, a south and north park, and associated infrastructure pursuant to Ordinance No. 18, Series of 2009. The new proposal includes 156 dwelling units, sixty (60) of which are proposed as single-family dwellings and ninety-six (96) of which are proposed as multi-family dwelling units. Additionally, the Applicant has proposed two (2) parks in the same configuration as the parks that were included in the 2009 approvals. Site plan and elevation drawings were attached in the July 5th packet.

III. Review Process:

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 14, Series of 2016. The Town's policy is not to annex a property until a development proposal is approved. The P&Z makes a recommendation to the Town Council on the proposed PUD reinstatement on the single-family portion of the development, and on the R-4 MD Sketch Site Plan Review.

IV. July 19, 2016 P&Z Meeting and Additional Information:

At the July 19th meeting, Staff and the Applicant presented the status of discussion on the significant discussion items. The Applicant also presented a sketch-up model that they prepared to give a sense of the neighborhood that would be created with Stott's Mill. Public comments were also considered and the P&Z provided comments on many of the main discussion items. Staff provides a summary of P&Z's comments on the main discussion items and a summary of the negotiations that have transpired since the last meeting below.

Daycare: The P&Z expressed a desire for the Applicant to provide an on-site daycare core and shell space. The Applicant proposed a site layout concept for an approximately 2,500 square foot daycare space with the necessary playground space on Lots 37 and 38, of Block 4 (see attached site concept plan from Applicant). Staff worked with members of the Childcare Coalition, and a local architect, Dustin Anderson of Peak Architecture, to take the Applicant's concept plan to the next level to test whether the site will be feasible for a 4-classroom daycare. Anderson reworked the site concept plan (Anderson's version is attached) provided by the Applicant to make it work as a 4-classroom facility on the first floor of the building to be built on Lots 37 and 38.

Staff has included a draft condition requiring the following:

1) The Applicant shall build the 4,000 square foot core and shell daycare space on the first floor of the building on Lots 37 and 38, of Block 4, with the associated fenced playground space as generally shown on Anderson's site concept plan of August 4, 2016; and,

2) The Applicant shall lease the space to a daycare based on the following:

    a. The daycare use will be the priority use for the facility; and,

    b. The Applicant will lease the space and associated playground to a daycare provider at the market lease rate (considering the lease rates for Growing Years, Blue Lake, Learning Curve, and Honey Tree) for mid-valley daycare space as determined by the Town Manager; and,

c. If a licensed and qualified daycare provider cannot be found to lease the space at these terms and the building sits vacant for a period of one year or greater, the Town Council may choose to put another public use in the space for the lease rates described above. If the Council chooses not to put another public use in the space based on those terms, the Applicant may convert the space into two additional free-market dwelling units. (There would then be 3 dwelling units on the 2 lots).

South Park and the Tennis Facility: The P&Z expressed that they thought the concept of allowing for the Tennis Group to continue to develop its funding for a period of two (2) years after the final approval is granted for Stott's Mill and allowing them to build the scaled down three (3) tennis court facility if they are able to compile the necessary funding was acceptable. Additionally, the P&Z agreed with the concept of requiring the Applicant to build the 2009 approved concept for South Park in the instance that the Tennis Group is not able to compile the necessary funds to construct the tennis center within two (2) years of the final approval. The 2009 South Park concept (attached) is an active park that includes outdoor tennis and basketball courts. The draft conditions reinforce the scenario described herein. It should be noted that the potential for incorporating the daycare into the tennis center was discussed at a staff level and Staff felt that it was appropriate to keep the daycare and park dedication obligations and requirements separate.

Traffic Study and Traffic Mitigation: Staff introduced the traffic study prepared by SGM on July 19th and the Applicant's engineer, Sopris Engineering provided some questions about the Study. Since the last meeting, representatives from SGM and Sopris Engineering as well as Staff and the Applicant have had considerable discussion about the traffic topic. There was basic agreement on the following:

1) Stott's Mill would require a CDOT access permit; and,
2) The Cody Lane Mini-Roundabout and lane age changes identified in the Traffic Study would likely cost at most $400,000 and $500,000 to complete based on costs for a mini-roundabout project that is currently being done in Snowmass Village and likely would be significantly less.

Staff and the Applicant worked through a concept where the Applicant would have to put up financial security for their portion of the construction costs (assuming a conservative $500,000 cost) for the mini-roundabout totaling about $165,000 at the time of the initial platting of the first phase of the development and then they could build up to sixty (60) units. Upon completion of sixty (60) units there would be a need for a check-in with the Town Council and a revised traffic study to determine the effectiveness of the pedestrian underpass and associated lane age changes once constructed in reducing the queuing time at the Basalt Avenue/Highway 82 traffic signal. The updated traffic study after the development of sixty (60) units would identify if the mini-roundabout would need to be constructed before further development is permitted or define how

many more units could be built without triggering the need for the mini-roundabout. Staff has included a draft condition representing this concept.

Staff believes that this concept related to traffic allows for the Applicant to construct a reasonable amount of development, yet requires the installation of the mini-roundabout prior to the intersection reaching an unacceptable level of service given that the construction of the pedestrian underpass will improve existing conditions. As the Applicant has indicated that he intends to try and get final approval on the multi-family portion of the development and construct a mix of the single-family and multi-family development at once, Staff believes that this concept may likely get refined as part of multi-family component's final review, but Staff believes it is satisfactory for approval of the single-family portion of the development. Lee Barger of SGM is expected to be in attendance at the P&Z meeting to discuss the traffic study and answer questions.

Affordable Housing Mix: Since the last meeting, the Basalt Affordable Community Housing (BACH) Committee reviewed the Application and made a recommendation on the mix of affordable housing that should be provided in the project. Specifically, BACH recommended that there be a mix of affordable housing product provided in Stott's Mill, including single-family units, multi-family units, and vacant AH lots.

BACH felt that the single-family lots could potentially be sold to the School District/Habitat for Humanity to help reduce the number of units to be built in the project that is contemplated behind the High School. BACH was also of the opinion that the affordable housing mix should generally be provided in the same proportion as the mix of single-family and multi-family development provided in the development. Therefore, BACH was suggesting the following breakdown on the 156-unit scenario:

19 Multi-Family Units
5 Single-Family Units
10 Single-Family Lots

The 34 AH units/lots represent 32 units to satisfy the Town's inclusionary housing requirements and 2 units to satisfy the school land dedication requirements. Staff had discussions with the Habitat for Humanity representatives and they indicated that they were interested in moving forward with their project south of the High School, but that they could reduce their density behind the High School if a partnership worked for them to acquire some lots in Stott's Mill. The Town Code and Community Housing Guidelines do not provide a maximum price for vacant lots to be used as affordable housing mitigation. Therefore, Staff came up with a suggestion that the vacant lots have a maximum price cap of $23 per square foot of lot area in the AH lots, which represents the average lot listing price per square foot in Southside, discounted by 1/3.

The mix of 19 multi-family units, 5 single-family units, and 10 single-family lots has been included in the draft conditions of approval with the caveat that if the Applicant is unable to get final approvals on the multi-family portion of the development, the Applicant would

be required to provide all of the affordable housing at a rate of 20% of the units and 25% of the overall floor area in the single-family portion of the development since the single-family portion of the development is set up to get reinstated for vested rights before the multi-family portion of the development.

Density: Staff has struggled in making a recommendation on the proposed density, but supports density within the UGB. Staff has included in the conditions that the sketch plan portion of the multi-family component is approved for the proposed ninety-six (96) units but that the allowable density in the multi-family component will be revisited in the final plan review as we get more knowledge on the traffic implications and how other projects that are contemplated in the southside are taking shape.

It was noted that the P&Z requested an update on how other potential affordable housing projects were progressing. Staff provides this update below:

1) Willits Town Center Block 7 North- 50 Rental Affordable Housing Units nearing completion of construction.
2) Willits Town Center Block 7 South- Building permit has been applied for on 27 Affordable Housing Units.
3) Roaring Fork Apartments (Foundation next to Stubbies)- Owner applied for tax credits from the State for construction financing and will be notified in late August/September whether they received the tax credits.
4) Habitat for Humanity/School District Housing- Habitat for Humanity Representatives met with Staff and are moving forward towards an application with a reduced density scenario.

Vested Rights and Phasing: As discussed at the last meeting, the Applicant has proposed vested property rights of five (5) years for installation of the infrastructure and ten (10) years after the installation of infrastructure is installed for buildout of the project. North Park is proposed to be installed in the initial five (5) year period of infrastructure installation and South Park is proposed to be completed prior to half of the units in the development being constructed as was included in the 2009 approvals. Staff's understands that this is a project of significant scale, but Staff would prefer requiring that the infrastructure be installed in three (3) years (which is the Town's standard vested rights period as set forth in the Town Code) and that the build-out be limited to seven (7) years after installation of infrastructure. Staff has included a draft condition requiring infrastructure installation in three (3) years and buildout in seven (7) years after infrastructure installation with the ability for the Applicant to come back and ask for an extension from the Council.

V. Items Agreed to by the Applicant at 7/19 Meeting:

The Applicant agreed to the following at the 7/19 P&Z Meeting:

1) Participate in instituting the POST's preferred Southside Drive Cross-Section along the Stott's Mill frontage; and,
2) Participating in providing a contribution to funding Southside Drive traffic-calming and dedicating land for the potential of a future mini-roundabout on Southside Drive if determined appropriate for construction by the Town in the future; and,
3) Allison Lane emergency access scenario suggested by Staff.

VI. Recommendation:

Staff recommends that the P&Z hear a brief presentation from Staff on the new information and the draft conditions. Staff then recommends considering the Applicants' comments, taking public comments, and providing discussion. Staff has included draft conditions of approval for the P&Z's consideration. The final conditions from 2009 were used as a basis for the draft conditions. The 2009 conditions that have been updated to be applicable to this application in underline/strikethrough format are included below.

The Planning and Zoning Commission recommended conditions below are based on:

1) Final approval of the Reinstatement and Amendment of the 2009 Stott's Mill approvals for the portion of the 2016 Final Development Plan which includes the 60 individual lots on Blocks 1-5 (whether used for Single family dwellings, a child care or manager's unit); the north park and south parks; and the public street network
2) Sketch Plan approval of up to 96 multi-family units.

COMMUNITY BENEFITS

1. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions Nos. ~~No. 6 and 7 in Exhibit J~~. A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail. This bathroom may be incorporated into the Tennis Center provided an exterior entrance is provided.

2. *Dependent on Applicant's final negotiation with the School District* - The development shall provide a community housing program that provides teacher housing in lieu of land dedication, in the form of two (2) deed-restricted Category 3 units as further described in Condition No. 14 under Attainable Housing" and Condition 9 under "Phasing and Approval Documents" ~~provides eleven (11) relocation dwelling units for the river master plan implementation, and provides long term "attainable" housing for a community of residents as described further in the conditions established herein, and as proposed in the Stott's Mill Final Plan application.~~

TOWN OF BASALT ACTION ITEM	**Date:** October 18, 2016 **From:** James Lindt, AICP, Assistant Planning Director

SUBJECT:

7A. Public Hearing and 2nd Reading on Code Amendments to Chapter 16, *Zoning*, regarding retail marijuana stores and medical marijuana centers.

7B Public Hearing and 1st Reading on Code Amendments to Chapter 6, *Business Licenses and Regulations*, regarding license provisions for marijuana facilities.

RECOMMENDATION:

7A. Staff recommends hearing a presentation from Staff, taking public comments, and providing Council discussion. Ultimately, if the Council is comfortable with the proposed ordinance the Council could make a motion to approve the Ordinance No. 24.

7B. Staff recommends hearing a presentation from Staff, taking public comments, and providing Council discussion. Ultimately, if the Council is comfortable with the proposed ordinance, the Council could make a motion to approve Ordinance No. 25 on first reading and continue and set the public hearing and second reading for October 25, 2016.

DETAIL:

The Council passed Resolution No. 27, Series of 2016 on July 12, 2016. The Resolution asked that the P&Z be directed to expand the allowable zoning districts where marijuana businesses will be allowed and that Staff be directed to rewrite the current Town Marijuana regulations to allow for four (4) licenses of any type of marijuana business. The proposed amendments attached to this memorandum were developed in response to the Town Council's direction.

Town Manager, Mike Scanlon, presented extensive backup to the Town Council on the background and history of marijuana regulations in the Town of Basalt. The packet materials for the Council's July 12th meeting were attached in the September 13th Council packet.

Currently Medical Marijuana Centers and Marijuana retail stores are permitted by the Zoning Code in areas zoned Industrial. Additionally, marijuana centers are allowed in areas zoned C-3 and P within medical centers, hospitals, or a hospice facility.

The locations where retail marijuana stores and medical marijuana centers can be located are also restricted by the buffers outlined in Chapter 6, Business Licenses and Regulations. This section of the code states that these facilities cannot be located within 1,000 feet of a school; 500 feet of day care facilities and 500 feet of major parks (the measurement now uses "direct pedestrian access") and along a designated school routes. Covenants and specific provisions in PUDs may also restrict the location of these facilities.

The P&Z recommended approval. P&Z asked Staff to prepare maps to help Council and applicants understand how the buffers affect the availability of property for retail marijuana stores or medical marijuana centers. Staff presented the buffer maps to the Council at the September 13th meeting.

Currently the C-2 downtown district does not allow for marijuana facilities. Simply allowing marijuana facilities in the C-2 zoned area does not substantially open up the area allowed for facilities because of the buffers from Lions Park and the School.

September 13th Meeting:

At the September 13th meeting, the Council approved the zoning amendment ordinance on first reading to permit marijuana stores in the C-2 and C-3 Zone Districts. Additionally, the Council decided that there was interest in further reviewing the changes to the operational characteristics for licensing proposed in Ordinance No. 25, but that there was not interest in amending the buffers or changing how the code addresses the number of licenses (2 retail and 2 medical). Staff has included a revised Ordinance No. 25 (draft attached), that does not propose to amend the buffers or the number of licenses permitted.

Regarding the buffers, Staff has received a request that the Town reconsider amending the buffers. In the event that the Council desires to consider the topic of amending the buffers further, Staff presented the following options at prior meetings related to the buffer from Parks, which impacts much of the downtown area zoned C-2:

1. Amend the buffers as provided in the Ordinance presented at the September 13th meeting (excerpt attached); or,
2. Leave Parks Buffer Unchanged; or,
3. Amend the Parks Buffer to be Consistent with Eagle County's 200-foot requirement (which is measured in a direct distance or as the "crow flies" methodology; or,
4. Amend the Parks Buffer to only prohibit sell of marijuana in properties directly adjacent to or across the street from the Parks listed in the Town Code.

October 11th Meeting:

At the October 11th meeting, Council considered a staff presentation and took public comments and then continued the public hearings on both ordinances to October 18th.

Board Recommendations: The P&Z recommended approval of the amendments on August 16, 2016. The P&Z recommended that Staff prepare a buffer map, which was presented at the September 13th Council meeting.

Related Town Statute and or Town Actions: Town Code Article V, Chapter 6, Medical Marijuana Centers and Retail Marijuana Stores; Town Code Section 16-190, Medical Marijuana Facilities and Retail Marijuana Establishments; Resolution No. 27, Series of 2016

Attachments:

A. Draft Ordinance No. 24 Series of 2016 amending Chapter 16 Zoning
B. Draft Ordinance No. 25, Series of 2016 amending Chapter 6 Business Licenses and Regulations- Per Council direction at the September 13th Meeting
C. Excerpt from Ordinance No. 25 regarding buffers from September 13th meeting
D. Public Correspondence Since September 13th Meeting

Second Reading

A) Draft Ord. 24-2016 Zoning

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING AMENDMENTS TO PORTIONS OF CHAPTER 16, ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO, PRIMARILY CONCERNING MARIJUANA STORES

Ordinance No. 24
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. At a public meeting held on August 16, 2016 the Planning and Zoning Commission considered the proposed code amendments. At the public meeting, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff. The Planning and Zoning Commission recommended approval of the code amendments.

3. At a public hearing on September 13, 2016, the Town Council approved this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for September 27, 2016, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado. At the continued public hearing and second reading on September 27, 2016, the Town Council continued the public hearing and second reading to October 11, 2016. Additionally, at the continued public hearing and second reading on October 11, 2016, the Town Council continued the public hearing and second reading to October 18, 2016.

4. At a continued public hearing and second reading on October 18, 2016, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

5. The provisions of Colorado Constitution Article XVIII § 16 and C.R.S. § 12-43.3-101 *et seq.* authorize operation of licensed retail marijuana facilities and provides municipalities with the authority to prohibit or regulate marijuana establishments within their respective jurisdictions. Marijuana is considered an illegal drug under Federal Law. The Town seeks to allow state licensed marijuana establishments to exist in the Town in accordance with applicable state laws and regulations as well as the additional requirements set

forth herein. However, the Town does not in any way endorse or take a position on the use of retail marijuana.

6. The Basalt Town Council finds, determines and concludes that it has a legitimate public purpose in regulating retail marijuana establishments to protect the health, safety, welfare and quality of life for the citizens of the Town.

7. The Town Council finds and determines 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:

1. Chapter 16, Zoning, is hereby amended as shown in **Exhibit A.**

2. 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.

3. 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 September 27, 2016 by a vote of 4 to 0 on September 13, 2016. The second reading and public hearing was continued through October 18, 2016.

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

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

_____
Pamela K. Schilling, Town Clerk

EXHIBIT A

Language underlined is being added to the current code and language ~~struck through~~ is being deleted.

Schedule of Uses in C-1 and C-3

Sec. 16-22. *Use*	*C-1 Neighborhood*	*C-3 Community*
Retail business/ commercial uses	P	P
Wholesale business commercial	X	S
Personal services	P	P
Automobile sales and services	X	S
Gas stations	X	S
Parking lots	S	P
Fast-food and drive-in restaurant	X	S
Restaurants	X	P
Commercial recreation facilities, including pool halls, bowling alleys, clubs, theaters, skating rinks	X	S
Professional and business offices	S	P
Hotels and motels	X	P
Temporary multi-family or lodge	X	S
Dental or medical clinics	X	P
Churches	X	S
School	X	S
Private education or instructional facility	X	P
Transportation facilities, terminals	X	P
Campgrounds	X	S
Public and governmental facilities	S	S
Single-family residential units or apartments in conjunction with a business	S	P
Community centers	X	S
Banking, savings and loan with drive-up window	X	S
Multi-family dwellings	X	S
Mobile home parks	X	S
Mobile home sales	X	S
Extraction, processing and transportation of natural resource materials	X	S
Park and recreation areas	P	P
Child care and day nurseries	S	P
Lumberyards	X	P
Small day care	S	X
Large day care	S	S
Small total care	X	X
Large total care	S	S
Bed & breakfast establishment	X	X
Small animal veterinary clinic	X	P
Adult entertainment establishments	X	X
Medical center (may include a medical marijuana center or marijuana store if it satisfies the definitions included in the Code and the special review approval)	X	S
Medical Marijuana Center Premises	**X**	**S6**
Retail marijuana store	**X**	**P6**

Add note 6 below to the notes under the table.

...

6. See Requirements in Section 16-190 and Article V, Chapter 6

P = Permitted use S = Permitted by special review
X = Prohibited

NOTES:
1. For C-2, see Section 16-29, C-2 Downtown Business District.

Table 1
Schedule of Uses in the C-2 Zone District

Use	Use-Specific Standards
Permitted uses	
Retail business	Community vitality use; see Subsection 16-29(c)
Restaurant	Community vitality use; see Subsection 16-29(c)
Hotel and motel	Community vitality use; see Subsection 16-29(c)
Personal services	Community vitality use; see Subsection 16-29(c)
Movie and other theaters, pool hall and game room	Community vitality use; see Subsection 16-29(c)
Professional offices	
Business offices	See Note 2, below, for real estate offices
Banking and mortgage lending	
Offices for public and nonprofit uses	See Paragraph 16-28(3)
Parking garage	See Subparagraph 16-29(e)(4)d.2.
One or two apartments in conjunction with a business	Permitted only on the upper floor(s) of the building; limited to no more than 1,400 sq. ft. per unit3. Apartments shall not be separated in ownership from the business use and may be used to satisfy community housing requirements for the business use with appropriate deed restrictions.
Single-family residential units	Permitted only where the residential unit fronts along Homestead Drive; limited to no more than 2,500 total sq. ft. per unit3
Small day care or small total care	
Parks and recreation areas	
Temporary outdoor uses and vendors	See Sections 6-14 and 16-181
Retail marijuana store	**Community vitality use; see Subsection 16-29(c); See Note 4.**
Uses permitted by special review	
Bed and breakfast establishment	Community vitality use; see Subsection 16-29(c)
Bowling alley and skating rink	
Clubs	
Gas station with or without food market	
Banking with drive-up window	
Dental or medical clinic	
Medical Marijuana Center Premises	**See Subsection 16-29(c); See Note 4.**
Temporary multi-family or lodge	
Multi-family dwellings	Permitted only on the upper floors of the building; limited to no more than 1,400 sq. ft. per unit

Mobile home park	
Church	
School, public or private	
Public and nonprofit facilities, other than those typically occurring within an office building	See Paragraph 16-28(3)
Community center	
Large day care or large total care	
Transportation facilities, terminals	
Prohibited uses	
Wholesale business	
Automobile sales and services	
Campground	
Mobile home sales	
Extraction, processing and transportation of natural resource materials	
Lumberyard	
Small animal veterinary clinic	
Adult entertainment establishment	
Drive-in restaurant	
Medical center	
~~**Medical marijuana facilities and Retail Marijuana Stores**~~	

NOTES:

1. See Subsection 16-29(b) which states that any use that is not specifically listed as permitted by right or special review shall be deemed to be a prohibited use.

2. A real estate office that exclusively markets a single real estate development is prohibited to be located in the vitality zone.

3. Total square feet is defined in Section 16-4. For the purposes herein, total square feet also includes any common storage space that is assigned to an individual unit but excludes any parking space that is assigned to the unit.

4. Subject to compliance with the requirements set forth in Section 16-190 and the licensing requirements in Article V, Chapter 6.

Sec. 16-190. Medical marijuana facilities and Retail Marijuana Establishments.

A medical marijuana facility or retail marijuana establishment is prohibited unless specifically permitted by this section and by the zoning district regulations applicable to the subject property.

The premises for a medical marijuana center operating under the provisions of Colorado Constitution Article XVIII § 14, Section 18-18-406.3, C.R.S., Section 25-1.5-106, C.R.S., the Colorado Medical Marijuana Code and 1 CCR 212-1 (Permanent Rules Related to the Colorado Medical Marijuana Code, Marijuana Enforcement Division, Colorado Department of Revenue) is permitted in the Town subject to the requirements included in this Code, including but not limited to Chapter 6 and this Chapter. In addition a premise for a retail marijuana store operating under the provisions of Colorado Constitution Article XVIII § 16, C.R.S. 12-43.4-101 *et seq.*, and 1 CCR 212-2, each as amended, is likewise permitted in the Town subject to the requirements included in this Code including but not limited to Chapter 6 and this Chapter.

(1) Location limits for medical marijuana centers and retail marijuana stores. The premises for a medical marijuana center or the premises for a retail marijuana store permitted under State Law may be approved provided they satisfy the licensing requirements outlined in Chapter 6 and are located within areas zoned for that use as outlined in subsections (a) and (b) below and the schedule of use requirements outlined in Section 16-22.

(a) Located within areas zoned C-3 and P, and within the following premises:

a. A medical center;

b. A hospital building; or

c. A hospice facility.

(b) Located in areas zoned **C-2, C-3 and** Industrial

(3) Additional limitations. Medical marijuana facilities and retail marijuana stores shall be subject to these additional requirements and restrictions:

a. The maximum signage shall be limited to the more restrictive of the otherwise applicable sign regulations for that property or the following: 1) only one (1) sign is permitted per premises, inclusive of any signage located in a window or on the exterior doors, roof and walls of the facility; and 2) no sign shall be larger than six (6) square feet. No temporary signage is permitted, including but not limited to sandwich boards, signs in or on windows and signs on cars parked in the Town limits. No off-premises signage is permitted.

b. All medical marijuana dispensing and retail products sales shall be conducted indoors within the approved premises.

c. All product storage shall be maintained indoors within the approved premises. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or way.

d. A medical marijuana dispensing facility or retail marijuana store may not include areas for testing or using the product within the facility, ~~or~~ medical center, or store and such testing or use is prohibited within such premises.

e. A medical marijuana dispensing facility cannot be colocated with a medical marijuana cultivation or infused products manufacturing facility.

f. The authorized growing of marijuana plants by a caregiver or patient and the conversion of them into medical marijuana must take place in an approved greenhouse or other structure that is enclosed on all sides, including the roof, regardless of location.

g. A medical marijuana center or retail marijuana store shall be required to meet any special venting, waste, and byproduct disposal requirements as determined to be reasonably necessary by the Town Building Official.

h. A medical marijuana center or retail marijuana store may not be colocated with food preparation facilities producing or assembling food.

i. A medical marijuana center may not sell nonmedical food products which are similar to the medical marijuana food products being sold in the center, including but not limited to brownies or lollypops. This prohibition does not include medicinal products such as tinctures.

j. A medical marijuana facility or retail marijuana store shall satisfy all licensing and permitting requirements of the State of Colorado and the Town prior to operation.

k. The Town may impose additional requirements through its land use review process as deemed necessary in order to protect the health, safety and residents of the Town and surrounding area.

First Reading

B) Draft Ord. 25-2016 Licensing

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, AMENDING ARTICLE V TO CHAPTER 6, BUSINESS LICENSES AND REGULATIONS, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO AMENDING LICENSE REQUIREMENTS FOR RETAIL MARIJUANA STORES AND AMENDING THE LICENSE REQUIREMENTS FOR MEDICAL MARIJUANA CENTERS AND FACILITIES

Town of Basalt, Colorado
Ordinance No. 25
Series of 2016

RECITALS

A. 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 Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. At a public hearing of the Basalt Town Council held on September 13, 2016 the Town Council considered the following amendments to the Town Code on first reading and continued the review of the ordinance to October 11, 2016. At a continued public hearing and first reading on October 11, 2016, the Town Council continued the public hearing and first reading to October 18, 2016. At a continued public hearing and first reading on October 18, 2016, the Town Council approved the ordinance on first reading and set the public hearing and second reading for this ordinance at a public meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado on Tuesday, October 25, 2016.

C. At a public hearing held on _____, 2016, the Town Council considered the following amendments to the Town Code on second reading and heard comments from Town Staff and the public.

D. The Town Council finds and determines the amendments contained herein are reasonable and necessary to promote the legitimate public purposes of the public health, safety and welfare.

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

A. <u>Findings</u>. The Town Council hereby conclusively finds and concludes as follows.

1. The Town is authorized and empowered to enact this Ordinance by the Town Home Rule Charter.

2. The provisions of Colorado Constitution Article XVIII § 14; C.R.S. § 18-18-406.3, and C.R.S. § 25-1.5-106 and Article XVIII § 16 and C.R.S. § 12-43.3-101 et seq. authorize the use of marijuana. Marijuana is considered an illegal drug under Federal Law. The Town is merely acknowledging medical and retail marijuana as authorized under State law and is no way endorsing or taking a position on the use of medical or retail marijuana.

3. The Basalt Town Council finds, determines and concludes that it has a legitimate public purpose in regulating licenses for marijuana establishments to protect the health, safety, welfare and quality of life for the citizens of the Town.

B. <u>Revisions to Town Code</u>.

Article V, Chapter 6 of the Basalt Municipal Code entitled Medical Marijuana Centers & Retail Marijuana Stores is hereby amended as provided in **Exhibit A**.

C. <u>Miscellaneous</u>

1. This ordinance shall be effective fourteen days after final publication.

2. 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 October 25, 2016, by a vote of __to __ on October 18, 2016.

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

TOWN OF BASALT, COLORADO

By:_____
Jacque R. Whitsitt, Mayor

ATTEST:

_____

Pamela K. Schilling, Town Clerk

First Publication on: Thursday, _____, 2016
Second Publication on: Thursday, _____, 2016
Effective on: Thursday, _____, 2016

Chapter 6, Business License and Regulations as included in the Basalt Town Code is being amended as shown on this Exhibit. Underlined language is being added to the code and ~~struck through~~ language is being deleted from the code.

Exhibit A

1. *Delete Section 6-123 as it only applied to the transition provisions in 2014 and replace it with "Reserved".*

Sec. 6-123. ~~Transition provisions~~. Reserved.

~~(1) Between June 26, 2014 and August 26, 2014, only medical marijuana center license holders that are currently licensed by the Town and under the CMMC and that are operating in good standing may apply for licensing of a retail marijuana store. Any such application must either propose to:~~

~~(a) Surrender the existing medical marijuana center license upon receipt of a retail marijuana store license, thereby entirely converting an existing medical marijuana center into a retail marijuana establishment; or~~

~~(b) Retain the existing medical marijuana license while locating a retail marijuana establishment under common ownership and exercise the option for either co-located or coterminous licensed premises, to the extent allowed by the Colorado Retail Marijuana Code and applicable state rules and regulations.~~

~~(2) Until September 30, 2014, the temporary wholesale sales and purchase limitation imposed on retail marijuana stores pursuant 1 CCR 212-2 Rule 402 shall remain in place in the Town.~~

2. *Revise Sec. 124 (c) to include Carbondale:*

(3) Residency. The applicant seeking licensure must provide the Town with the name of an owner or partial owner of the proposed medical marijuana center or retail marijuana store who shall have a primary home (as the term is defined in this Article V) within the following Colorado zip codes: 81611 – Aspen; 81615 – Snowmass Village; 81654 – Old Snowmass; 81656 – Woody Creek; 81642 – Meredith and Thomasville; 81621 – Basalt; 81623 – Basalt/Carbondale; and 81601 – Glenwood Springs.

3. *Amend Section 6-125 including:*

A. Changes from 2 medical marijuana licenses and 2 retail marijuana licenses to a total of 4 of whatever combination.

B. Adding additional limitations so that no one area, like downtown Basalt can have more than two such facilities

C. Adding Triangle Park and Basalt River Park to the list of Buffer areas.

Sec. 6-125. Requirements for obtaining licensing of medical marijuana centers and retail marijuana stores.

(1) No more than two (2) medical marijuana centers and no more than two (2) retail marijuana stores shall be licensed within the Town limits.

(2) Any person, partnership, or corporation must have a separate license for each medical marijuana center or retail marijuana store, including those that are co-located or coterminous.

(3) Neither medical marijuana centers nor retail marijuana stores shall be permitted within any of the following locations:

(a) 500 feet of the following major parks: Arbaney Park, Lions Park, Southside Park, Willis Linear Park, Willits Soccer Field;

(b) 500 feet of a licensed child care facility;

(c) 1000 feet of an elementary school, middle school or high school;

(d) in a building where the use would abut the following school routes: Two Rivers Road from Homestead Drive to Elk Run Drive; Southside Drive from the High School Property to Fiou Lane; Fiou Lane from Southside Drive to Basalt Avenue; Basalt Avenue from Fiou Lane to Two Rivers Road; or Cottonwood Drive from Two Rivers Road to Riverside Drive; or

(e) any location that is not permitted by the CMMC or the CRMC.

The distances referred to in the above subparagraphs (a), (b), and (c) are to be computed by direct measurement from the nearest property line of the land used for a school, park, or child care facility to the nearest portion of the building in which medical or retail marijuana is to be sold, using a route of direct pedestrian access. The above provisions shall not affect the renewal or reissuance of a license once granted by the Town, nor shall the provision apply to an existing licensed premises on land owned by the state or apply to a license in effect and actively doing business before said facility listed above was constructed.

4. Amend Sec. 6-128 (9) Operation of licensed medical marijuana centers and retail marijuana stores to address items requested by the Police Department regarding surveillance, security and monitoring.

(9) The licensed premises shall be monitored and secured twenty-four (24) hours a day including, at a minimum, the following security measures:

(a) Installation and use of digital security cameras, capable of recording and duplicating color video and still images that are identifiable in all lighting conditions twenty-four (24) hours per day, to monitor all areas of the licensed premises where persons my gain or attempt to gain access to marijuana, marijuana products, paraphernalia, or monies maintained by the center or store. Security surveillance cameras shall also monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts as well as nuisance activities. Security camera surveillance recordings, from all security cameras at the licensed premises, shall be preserved for at least one hundred eighty (180) days, by the business, and be made immediately available law enforcement officers upon request in a format that can be viewed and duplicated by the Basalt Police Department.

(b) Access to online web-based live monitoring of all video surveillance cameras shall be provided to the Police Department.

(~~b~~c) Exterior lighting shall illuminate all exterior windows and doors of the center or store which are accessible from the exterior of the building during non-daylight hours. All exterior lighting must be in compliance with the Town Code. This requirement may be waived upon concurrency by the Police Chief and Town Planner.

(~~c~~d) All exterior windows shall not be covered by window shades or other material and shall be of sufficient size to permit observation of the interior of the licensed premise by law enforcement officers standing outside the center or store.

(d) Installation and use of a locking burglary safe for storage of all marijuana, marijuana products, and /or monies on the licensed premises during non-business hours. The safe shall be incorporated into the building structure or securely attached thereto. Edible products must stored in a locking refrigerated container incorporated into the building structure or securely attached thereto.

(e) Written documentation of security measures, video surveillance systems, and drawings of licensed premises shall be included with the application for a medical marijuana center license or retail marijuana store.

5. Amend Sec. 6-128 Operation of licensed medical marijuana centers and retail marijuana stores to add required training as the Town currently does for liquor establishments.

(10) Every owner and manager of a medical marijuana center or retail marijuana store shall ensure that every owner and manager, and all employees responsible for the sale of the product has successfully completed an approved educational seminar.

6. Sec. 6-130. Unlawful acts. is proposed to be amended by adding a new subparagraph 8 as shown below.

(7) Operating a medical marijuana center or retail marijuana store to refuse to permit any lawful inspection of the licensed premises.

(8) Violating any of the provisions contained in this article.

C) Excerpt from Sept. 13th Packet on Buffer changes

3. *Amend Section 6-125 including:*

A. Changes from 2 medical marijuana licenses and 2 retail marijuana licenses to a total of 4 of whatever combination.

B. Adding additional limitations so that no one area, like downtown Basalt can have more than two such facilities

C. Adding Triangle Park and Basalt River Park to the list of Buffer areas.

Sec. 6-125. Requirements for obtaining licensing of medical marijuana centers and retail marijuana stores.

(1) No more than a total of ~~two (2)~~ four (4) medical marijuana centers and ~~no more than two (2)~~ retail marijuana stores of whatever combination shall be licensed within the Town limits with no more than two (2) such facilities within each of the following locations:

(a) Historic Downtown Area within that portion of Town lying west of the Frying Pan River, north of the Roaring Fork River, east of the Homestead Drive/Two Rivers Road Intersection, and south of the Sopris Drive/Midland Avenue Intersection.

(b) Willits Town Center PUD and Old Orchard Plaza; or

(c) Any area of a circumference of 1,000 feet

(2) Any person, partnership, or corporation must have a separate license for each medical marijuana center or retail marijuana store, including those that are co-located or coterminous.

(3) Neither medical marijuana centers nor retail marijuana stores shall be permitted within any of the following locations:

(a) 500 feet of the following major parks: Arbaney Park, Lions Park, Southside Park, Willis Linear Park, ~~and~~ Willits Soccer Field, Triangle Park, and Basalt River Park;

(b) 500 feet of a licensed child care facility;

(c) 1000 feet of an elementary school, middle school or high school;

(d) in a building where the use would abut the following school routes: Two Rivers Road from Homestead Drive to Elk Run Drive; Southside Drive from the High School Property to Fiou Lane; Fiou Lane from Southside Drive to Basalt Avenue; Basalt Avenue from Fiou Lane to Two

Rivers Road; or Cottonwood Drive from Two Rivers Road to Riverside Drive; or

(e) any location that is not permitted by the CMMC or the CRMC.

The distances referred to in the above subparagraphs (a), (b), and (c) are to be computed by direct measurement from the nearest property line of the land used for a school, park, or child care facility to the nearest portion of the building in which medical or retail marijuana is to be sold, using a route of direct pedestrian access. The above provisions shall not affect the renewal or reissuance of a license once granted by the Town, nor shall the provision apply to an existing licensed premises on land owned by the state or apply to a license in effect and actively doing business before said facility listed above was constructed.

4. *Amend Sec. 6-128 (9) Operation of licensed medical marijuana centers and retail marijuana stores to address items requested by the Police Department regarding surveillance, security and monitoring.*

(9) The licensed premises shall be monitored and secured twenty-four (24) hours a day including, at a minimum, the following security measures:

(a) Installation and use of digital security cameras, capable of recording and duplicating color video and still images that are identifiable in all lighting conditions twenty-four (24) hours per day, to monitor all areas of the licensed premises where persons my gain or attempt to gain access to marijuana, marijuana products, paraphernalia, or monies maintained by the center or store. Security surveillance cameras shall also monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts as well as nuisance activities. Security camera surveillance recordings, from all security cameras at the licensed premises, shall be preserved for at least one hundred eighty (180) days, by the business, and be made immediately available law enforcement officers upon request in a format that can be viewed and duplicated by the Basalt Police Department.

(b) Access to online web-based live monitoring of all video surveillance cameras shall be provided to the Police Department.

(~~b~~c) Exterior lighting shall illuminate all exterior windows and doors of the center or store which are accessible from the exterior of the building during non-daylight hours. All exterior lighting must be in compliance with the Town Code. This requirement may be waived upon concurrency by the Police Chief and Town Planner.

(~~c~~d) All exterior windows shall not be covered by window shades or other material and shall be of sufficient size to permit observation of the interior of

D) Public Correspond. rec. since 9/13 Meeting

James Lindt

From: Tim Belinski <tbelinski@indventures.com>
Sent: Monday, October 10, 2016 9:14 AM
To: Susan Philp; James Lindt
Cc: Evan Welsh (evan.welsh@mariner-re.com)
Subject: FW: Basalt Council Agenda for 10-11-16

Susan and James-
As the two marijuana related ordinances are being presented to Council in October, and as discussed with you two last week, please ensure that **Triangle Park** is a named park at the most appropriate time and when/if the ordinance is being deliberated.
Let me know if you have any questions and thanks.
-Tim

Timothy W. Belinski
President

o 970.277.1100
c 970.274.4711
e TBelinski@INDventures.com

IND Ventures | 723 E.ValleyRd,Ste 200 | WillitsTownCenter | Basalt, CO 81621

CONFIDENTIALITY NOTICE: The contents of this e-mail message, along with any attachments, are covered by state and federal law governing electronic communications and may contain confidential and legally privileged information. The information is intended solely for the use by the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action or reliance on the contents of this e-mailed information, including attachments, is strictly prohibited. If you received this e-mail in error, please immediately contact the sender and delete the e-mail and any attachments from all of your computers.

From: Pam Schilling [mailto:pams@basalt.net]
Sent: Friday, October 07, 2016 5:52 PM
To: Pam Schilling
Subject: Basalt Council Agenda for 10-11-16

The Basalt Council Agenda for 10-11-16 has posted to the web. Visit www.basalt.net, click on Agendas and Minutes, and scroll down to Town Council.

I hope you enjoy some beautiful fall weather this weekend!

Pam

Pamela Schilling, Town Clerk
Municipal Court Clerk

Town of Basalt
101 Midland Avenue
Basalt, CO 81621
970 927-4701 (Town Hall)
970 279-4381 (Direct)

Please note my new e-mail address: pam.schilling@basalt.net

James Lindt

From:	Alicia Creyts <alicia_creyts@yahoo.com>
Sent:	Wednesday, October 12, 2016 9:26 AM
To:	James Lindt
Cc:	Alicia Creyts; Jon Creyts
Subject:	Letter for Town Council regarding Proposed Recreational Marijuana Shop in Old Town Basalt

October 12, 2016

Dear Basalt Town Council Members,

We urge you to uphold Basalt's zoning regulations that permit medical and recreational marijuana businesses within industrial zoned areas only, and to keep existing buffers intact. Implicit in the current buffers is the common sense logic that marijuana commerce and children do not mix.

We understand that you are currently considering permitting a marijuana business on Midland Avenue in the 3 Bears Building. Please recognize that St. Vincent Catholic Church, directly across Midland Avenue from the proposed site, welcomes many local children to religious education and liturgies throughout the week, including our two daughters age 8 and 6. While St. Vincent Catholic Church may not be considered a school or day care, we petition that you please uphold the 800 feet buffer for St. Vincent Catholic Church as you would for any other educational institution. Many children walk from the Basalt schools to St. Vincent's Church for religious education and would be passing a marijuana business if one were permitted on Midland Avenue. While it is obvious to all that there are empty storefronts along Midland Avenue, marijuana businesses are NOT what we want or need to vitalize Basalt's Old Town.

We have elected you to represent our interests in shaping Basalt's character and supporting Basalt's communities. Please be resolute on our children's behalf, and uphold Basalt's current zoning regulations to keep marijuana businesses away from children and off Midland Avenue.

Thank you,
Alicia and Jon Creyts
601 East Sopris Drive, Basalt

Information on Marijuana Item rec. since Packet Distribution

Provided at 10/11 Meeting

October 11, 2016 Basalt Town Council

Ordinances 24 and 25

Town of Basalt Buffers Parks and Marijuana Centers

EAGLE COUNTY COLORADO AND PITKIN COUNTY COLORADO 200 FEET OR LESS ZONING PARKS TO MARIJUANA CENTERS

Currently the locations where Retail/Medical Marijuana Centers/Stores can be located are exclusively restricted by the Town of Basalt by the Buffers outlined in Chapter 6, Business Licenses and Regulations. This section of the code states that these facilities cannot be located within 1000 feet of a School; 500 feet from Licensed State Daycare Facilities; and 500 feet from Major Parks. (The measurement now uses "direct pedestrian access")

This Code for Park Designation between Parks and Marijuana Centers is not consistent with Eagle County Code or Pitkin County Code in designating the distance boundary measurements between Parks and Marijuana Centers. This provision of a 500 foot regulation is unique to the Town of Basalt.

Eagle County Colorado adopted **Resolution NO. 2013-123** on January 2, 2014 @1:42:37PM as;

Eagle County Land Use Regulation Amendment Pertaining To Retail Marijuana Regulations.
(18 pages Attached)

SECTION 3-330 REVIEW STANDARDS APPLICABLE TO PARTICULAR COMMERCIAL AND INDUSTRIAL USES

A.

1. **Location.** Medical Marijuana and Retail Marijuana Businesses shall meet the following location requirements at time of their establishment:

a. Medical Marijuana and Retail Marijuana Businesses are prohibited from locating within 200 feet of:

- **"Any public park, playground, boat ramp, or other similar amenity open to the public".**

Pitkin County Colorado Medical and Recreational Licensing Regulations
(11 pages attached)

Pitkin County Colorado Medical and Recreational Licensing Regulations have absolutely no boundary measurements between Parks and Marijuana Centers.

Article 7: Licensing Procedures and Requirements

(a) General Procedure.
(9) **evidence that the premises is not within 1000 feet of a alcohol or drug treatment center, licensed child care facilities, and educational facilities (below college age level) as measured by closest point from subject property lines.**

Eagle County, CO
Teak J Simonton
Pgs: 18
REC: $0.00
DOC: $0.00

201325502
12/31/2013
03:36:19 PM

201404329
03/19/2014
04:07:54 PM

Eagle County, CO
Teak J Simonton
Pgs: 18
REC: $0.00
DOC: $0.00

Commissioner Chandler-Henry moved adoption of the following Resolution:

BOARD OF EAGLE COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2013-123

EAGLE COUNTY FILE NO. LUR-4476

EAGLE COUNTY LAND USE REGULATION AMENDMENT PERTAINING TO RETAIL MARIJUANA BUSINESS REGULATIONS.

WHEREAS, the Board of County Commissioners of Eagle, State of Colorado (hereinafter the "Board"), is authorized, pursuant to state enabling legislation including, but not limited to, C.R.S. 30-28-101, *et seq.*, to plan for and regulate the use and development of land in the unincorporated territory of the County of Eagle, State of Colorado, for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the County of Eagle, and;

WHEREAS, Eagle County is experiencing high rates of population growth, increased population density and increased environmental pressures as a result of land development within Eagle County, and;

WHEREAS, the construction of new developments within the County is placing significant additional demands on the natural and human-made environment alike, and;

WHEREAS, the volume and pace of land development in the County threatens the natural environmental attributes of Eagle County, and;

WHEREAS, the Board finds and determines that one of the primary roles of development review is to ensure that changes in land use are awarded in such a manner that will promote and protect the convenience, order, prosperity and welfare of present and future inhabitants and visitors of Eagle County, and;

WHEREAS, approximately two thirds of registered voters in Eagle County voted in favor of Amendment 64, a state-wide ballot measure decriminalizing marijuana cultivation, storage, possession and personal use by adults over the age of twenty-one, which passed in November, 2012 and which became law on January 1, 2013, and;

WHEREAS, the Board desires to authorize and regulate the cultivation, sales, manufacturing and testing of retail marijuana, and to define "Retail Marijuana Businesses" within commercially zoned areas of unincorporated Eagle County as permitted by state law, and to establish specific standards for cultivation, manufacturing and testing of retail marijuana within certain rural and agriculturally zoned areas of unincorporated Eagle County, and;

WHEREAS, the Board finds and determines that reasonable regulations on the retail marijuana industry in Eagle county are necessary to further these roles of development review; and

This is a re-recording of the Board of Eagle County Commissioners Resolution No. 2013-123 recorded December 31, 2013 at Reception No. 201325502 and recorded January 2, 2014, at Reception No.201400011 to correct certain clerical errors. This recording fully replaces the previous recordings.

This is a re-recording of the Board of Eagle County Commissioners Resolution No. 2013-123 recorded December 31, 2013, at Reception No. 201325502 (the "Original Recording") to correct certain clerical errors. This recording fully replaces the Original Recording.

Eagle County, CO
Teak J Simonton
Pgs: 18
REC: $0.00
DOC: $0.00

201400011
01/02/2014
01:42:37 PM

WHEREAS, at public hearings held on October 2, 2013, and October 3, 2013, the Eagle County Planning Commission and the Roaring Fork Valley Regional Planning Commission (herein after the "Planning Commissions"), considered amendments to the Eagle County Land Use Regulations as contained herein and attached as Exhibit 'A' (herein after "the amendments"), for the purpose of defining and regulating Retail Marijuana Businesses and, based upon their findings, recommended approval of the amendments, with conditions, and;

WHEREAS, at public hearings held on October 29, 2013, and November 18, 2013, the Board considered the amendments; the statements and concerns of the Eagle County staff, other interested persons, and the recommendations of the Planning Commissions, and;

WHEREAS, the Board finds and determines that the amendments are necessary and designed to properly regulate the retail marijuana industry for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Eagle County and are consistent with the County's goals, policies and plans, including the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado, that File No. LUR-4476 be **APPROVED**, and that the amendments to the Eagle County Land Use Regulations be applicable to all new Retail Marijuana Businesses **EFFECTIVE** January 2, 2014;

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 31st day of December, 2013; effective January 2, 2014.

COUNTY OF EAGLE, STATE OF COLORADO, by and through its BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: _____
Teak J. Simonton
Clerk to the Board of
County Commissioners
Stamped by Regina A. O'Brien
Chief Deputy Clerk + Recorder

By: _____
Sara J. Fisher, Chairman

By: _____
Jillian H. Ryan, Commissioner

By: _____
Kathy Chandler-Henry, Commissioner

WHEREAS, at public hearings held on October 2, 2013, and October 3, 2013, the Eagle County Planning Commission and the Roaring Fork Valley Regional Planning Commission (herein after the "Planning Commissions"), considered amendments to the Eagle County Land Use Regulations as contained herein and attached as Exhibit 'A' (herein after "the amendments"), for the purpose of defining and regulating Retail Marijuana Businesses and, based upon their findings, recommended approval of the amendments, with conditions, and;

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WHEREAS, the Board finds and determines that the amendments are necessary and designed to properly regulate the retail marijuana industry for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Eagle County and are consistent with the County's goals, policies and plans, including the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado, that File No. LUR-4476 be **APPROVED**, and that the amendments to the Eagle County Land Use Regulations be applicable to all new Retail Marijuana Businesses **EFFECTIVE** January 2, 2014;

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COUNTY OF EAGLE, STATE OF COLORADO, by and through its BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: _____
Teak J. Simonton
Clerk to the Board of
County Commissioners
Stamped by Regina A. O'Brien, Chief Deputy Clerk + Recorder

By: _____
Sara J. Fisher, Chairman

By: _____
Jillian H. Ryan, Commissioner

By: _____
Kathy Chandler-Henry, Commissioner

Commissioner Ryan seconded adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Sara J. Fisher NAY
Commissioner Jillian H. Ryan Aye
Commissioner Kathy Chandler-Henry Aye

This Resolution passed by 2/1 vote of the Board of County Commissioners of the County of Eagle, State of Colorado.

EXHIBIT 'A'

EAGLE COUNTY LAND USE REGULATIONS

ARTICLE 2

DEFINITIONS

SECTION 2-100. PURPOSE

The purpose of this Article is to define words, terms and phrases contained within these Land Use Regulations.

SECTION 2-110. DEFINITIONS

The following words shall have the following meanings when used in these Regulations.

MARIJUANA SOCIAL CLUB OR LOUNGE *means any premises, or any portion thereof, not used for residential purposes, provided at a direct or indirect cost or charge to any person who brings marijuana upon such premises or is supplied marijuana on such premises for the purpose of consuming on said premises, regardless of whether the owner(s) of such premises represent(s) the premises as private or public or whether the owner(s) charge(s) an admission or membership fee.*

RETAIL MARIJUANA BUSINESS *means any Retail Marijuana Establishment as that term is defined in C.R.S. 12-43.4-103(17) and includes, but is not limited to, any business relating to retail marijuana cultivation, storage, manufacturing, sales, or testing.*

ARTICLE 3

ZONE DISTRICTS

SECTION 3-300. RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE *(am. 05/15/07)*

Table 3-300, "Residential, Agricultural and Resource Zone Districts Use Schedule", categorizes the uses that are applicable to the County's resource, agricultural and residential zone districts. The table utilizes the following symbols:

A. **Use By Right.** "R" indicates uses that are uses by right. The Planning Director shall verify that development of a use by right complies with all applicable provisions of these Land Use Regulations, pursuant to Section 5-2100, Certificate of Zoning Compliance.

B. **Special Review Uses.** "S" indicates uses that are allowed, subject to Special Review. The Planning Commission shall make a recommendation and the Board of County Commissioners shall conduct a public hearing to determine whether the special use complies with all of the standards and requirements of these Regulations, pursuant to Section 5-250, Special Uses.

C. **Limited Review Uses.** "L" indicates uses that are allowed, subject to limited review. The Planning Director shall verify that development of the use complies with all of the standards and requirements of these Land Use Regulations, pursuant to Section 5-2100, Certificate of Zoning Compliance and Section 5-300, Limited Review Use. *(am 9/27/99)*

D. **Uses Not Allowed.** "N" indicates uses that are not allowed.

E. **Standards.** The "Standards" column refers the reader to particular sub-sections of Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses, when applicable.

F. **Uses Not Listed.** Uses that are not listed in Table 3-300 shall be considered to be uses that are not allowed, unless one (1) of the following occurs:

1. **Regulations Amended.** An amendment to these Regulations is adopted, pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District Maps, that lists the use in the table and indicates in which zone districts the use is a use by right, allowed by limited review, or allowed by special review and in which zone districts it is not allowed; or

2. **Determination of Similar Use.** The Planning Director determines, pursuant to Section 5-220, Interpretations, that the proposed use is sufficiently similar to a use listed in Table 3-300, "Residential, Agricultural and Resource Zone Districts Use Schedule". A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it was determined to be similar.

TABLE 3-300
RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE *(am. 05/15/07)*

Uses: R= Use By Right ; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	FH[1]	RMF	RSM	RSL	RR	AL	AR	RL	R	RP	BC[2]	Standards
Commercial Uses/Personal Services												
Convenience Grocery Store[4]	N	S	S	S	S	S	S	S	S	N	N	
Kennel	N	N	N	N	N	N	N	S	S	N	N	
Marijuana Social Club or Lounge	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	
Studio For Arts and Crafts	S	L	L	L	L	L	L	L	L	N	N	Sec. 3-310 O
Veterinary Hospital	N	N	N	N	S	S	S	S	S	N	N	
Landscape Storage Yard	N	N	N	N	S	S	S	S	S	S	N	Sec. 3-310 Ee
Agricultural/Forestry Uses												
Agriculture and Customary Accessory Agricultural Buildings	N	N	N	N	R	R	R	R	R[7]	S	N	
Boarding Stable	N	N	N	N	S	S	S	S	R	S	N	
Farmers Market	N	N	N	N	S	S	S	S	S	N	N	
Farm or Ranch Stand/Sales of Agricultural Products	N	N	N	N	L	L	L	L	L	L	N	Sec. 3-310 R
Feedlot	N	N	N	N	N	N	N	N	S	N	N	
Forestry	N	N	N	N	N	N	N	N	R	S	S	Sec. 3-310 S
Livestock Sales Yard	N	N	N	N	N	N	N	N	S	N	N	
Sales of Commercial Firewood	N	N	N	N	N	N	N	N	S	S	N	
Tree Storage	N	N	N	N	N	L	L	L	L	N	N	Sec. 3-310 Aa
Marijuana Cultivation, Manufacturing or Testing	*N*	*N*	*N*	*N*	*N*	*N*	*S*	*S*	*S*	*N*	*N*	*Sec. 3-310 F.f*

(am. 12/31/13)

SECTION 3-310. REVIEW STANDARDS APPLICABLE TO PARTICULAR RESIDENTIAL, AGRICULTURAL AND RESOURCE USES

Certain uses are important to the County's character and functions, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district or by the standards applicable to all uses that are allowed by review. They also require individualized standards to review their location, site plan, operating characteristics, intensity and similar factors.

Those uses in the residential, agricultural and resource zone districts for which such additional standards have been identified are listed in the "Standards" column of Table 3-300 "Residential, Agricultural and Resource Zone Districts Use Schedule". The standards for each of these uses are established herein. The definitions of these uses are found in Section 2-110, Definitions. The following section addresses:

A. Accessory Dwelling Unit
B. Conservation Subdivision *(am 11/07/07)*
C. Bed and Breakfast
D. Day Care Center
E. Group Home
F. Home Business
G. Airport, Landing Strip, Utility or Air Carrier
H. Utility Transmission and Distribution Facilities
I. Water and Sewer Projects *(am 02/11/03)*
J. Park, Open Space or Greenbelt
K. Recycling Collection or Drop-Off Center
L. Reservoirs and Dams
M. Water Diversion Structures, Ditches and Pipeline Structures
N. Water Storage or Impoundment Facility, Water or Wastewater Treatment Facility
O. Studio for Arts and Crafts
P. Exploration, Extraction and Processing Operations
Q. Land Application of Sludge
R. Farm or Ranch Stand/Sales of Agricultural Products
S. Forestry
T. Mass Gatherings
U. Outfitter and Guide
V. Resort Recreational Facility
W. Temporary Building or Use
X. Temporary Housing
Y. Mobile Home and Recreational Vehicle Parks
Z. Multi-Housekeeping Dwelling Unit
Aa. Tree Storage *(orig 03/12/02)*
Bb. Solar Energy Device *(orig 09/11/07)*
Cc. Small hydro Electric Energy *(orig 09/11/07)*
Dd. Small Scale Wind Energy Systems *(orig 09/11/07)*
Ee. Landscape Storage Yard *(orig. 10/09/07)*
Ff. Marijuana Cultivation, Manufacturing or Testing (orig. 12/31/13)

A-E.e, no change

Ff. Marijuana Cultivation, Manufacturing or Testing (orig. 12/31/13)

*1. **Separation Requirements.** Marijuana cultivation, manufacturing or testing in the Resource, Resource Limited and Agricultural Residential zone districts shall meet the*

following separation requirements at time of their establishment:

a. Marijuana cultivation, manufacturing or testing are prohibited from locating within 200 feet of:

(1) Any residence located on adjacent properties, but excluding residential units that are located within the subject property;
(2) Any drug or alcohol rehabilitation facility;
(3) Any public community center or publicly owned or maintained building or facility open for use to the general public;
(4) Any public school or private school;
(5) Any public park, playground, boat ramp, or other similar recreational amenity open to the public; or
(6) Any licensed child care facility.

b. The 200 foot separation is measured in a direct line between the closest point of the agricultural building or customary accessory agricultural building within which the marijuana cultivation, manufacturing or testing use is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding agricultural building or customary accessory agricultural building is located outside of the 200 foot separation area then the entire building shall be deemed compliant with the 200 foot separation requirement.

c. Marijuana cultivation, manufacturing or testing shall not be allowed as a home occupation or home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

d. A marijuana cultivation, manufacturing or testing use lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-310.I.a., above.

*2. **Minimum Lot Size.** Each lot proposed for use in the cultivation, manufacturing or testing of marijuana products shall contain the minimum acreage required for the zone district in which the use is proposed.*

*3. **Parking and Storage.** Any application for marijuana cultivation, manufacturing or testing shall include demonstration of adequate parking for employees working from the site. Employee parking shall be effectively screened. One parking space shall be required for each employee unless the applicant successfully demonstrates that shared parking and/or other parking mitigation measures are appropriate for the site and proposed use(s). Any heavy equipment, work vehicles, or machinery stored on the property may require demonstrated storage space inside a garage, shed, or other enclosure. Additional parking may be required and shall be addressed within the special use permit on a case-by-case basis at the discretion of the Planning Director.*

*4. **Signs and Illumination.** No signs advertising the special use shall be permitted on the property. Residential property identification signs shall comply with the provisions of Division 4-3, Sign Regulations, Eagle County Land Use Regulations.*

5. ***Sales.*** *Retail sales of supplies, services, or products shall not be permitted on the premises.*

6. ***Visual Screening.*** *A fencing and/or landscaping plan may be required depending on the proximity of the proposed cultivation, manufacturing or testing uses to neighboring properties or public rights of way. Such plan shall demonstrate adequate visual screening of outdoor storage areas, cultivation, manufacturing or testing operations, from adjacent properties, applicable view corridors, and/or public roads and rights of way.*

7. ***Scale.*** *The use and layout of the subject property shall be at a scale that retains a rural character of the immediate vicinity, and which maximizes open space on the subject property. This shall be clearly reflected in the amount and size of structures proposed on the subject property, as well as the number of employees accessing the property.*

8. ***Adequate Water.*** *Demonstration that the subject property and use(s) proposed will be provided legal, physical, adequate and dependable water shall be provided at the time of application.*

9. ***Wildfire Hazard.*** *In applicable wildfire hazard areas, building materials and plans, storage of materials, and/or landscaping plans shall be in compliance with Section 4-430 Development in Areas Subject to Wildfire Hazard Areas.*

10. ***Access.*** *Legal access shall be established for the cultivation, manufacturing or testing operation pursuant to Section 4-620.9. Where required, an access permit may be necessary for the proposed special use(s). Road Impact Fees may apply pursuant to Section 4-710. A plan for employees accessing the property and delivery of any materials onto the property must be included, including maximum number of deliveries allowed per month, time of deliveries, and vehicles making such deliveries to the subject property.*

11. ***Odor Mitigation Plan.*** *The applicant shall demonstrate compliance with Eagle County Marijuana Business license, as may be amended from time to time. Specifically, the applicant may be required to provide an Odor Mitigation Plan and/or report detailing the effective mitigation of any odors of the proposed use(s) or the mitigation and rectification of any past odors reported from cultivation, manufacturing or testing activities on the subject property. Such report shall include proof that the design for the purification of air and odor shall have been either prepared or approved by a professional licensed mechanical engineer to the standards contained in the Local Regulations requiring proper ventilation systems so that odors are filtered and do not materially interfere with adjoining properties.*

12. ***Security.*** *The special use permit shall comply with any and all applicable State rules and regulations for on-site security.*

SECTION 3-320. COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SECTION 3-320. COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE

Table 3-320, "Commercial and Industrial Zone Districts Use Schedule", categorizes the uses that are applicable to the County's commercial and industrial zone districts.

A. **Symbols.** Table 3-320 utilizes the same symbols as are described in Section 3-300, Residential, Agricultural and Resource Zone Districts Use Schedule.

B. **Uses Not Listed.** Uses that are not listed in Table 3-320 shall be considered to be uses that are not allowed, unless one of the following occurs:

1. **Regulations Amended.** An amendment to these Land Use Regulations is adopted, pursuant to Section 5-230, Amendments to the Text of These Land Use Regulations or the Official Zone District Map, that lists the use in the table and indicates in which zone districts the use is a use by right, allowed by limited review, or allowed by special review and in which zone districts it is not allowed.

2. **Determination of Similar Use.** The Planning Director determines, pursuant to Section 5-220, Interpretations, that the proposed use is sufficiently similar to a use listed in Table 3-320, "Commercial and Industrial Zone Districts Use Schedule". A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it was determined to be similar.

TABLE 3-320
COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS USE SCHEDULE

Uses: R= Use By Right; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	C/L[1]	C/G[1]	I[1]	RC[2]	Standards
Retail Uses, Restaurants, Personal Services and Offices					
Medical or Dental Clinic, including acupuncture	R	R	N	R	
Medical Marijuana *and Retail Marijuana* Businesses	R	R	N	N	Sec. 3-330 I
Marijuana Social Club or Lounge	*N*	*N*	*N*	*N*	
Mortuary	R	R	N	R	
Nightclub, Bar or Tavern	L	L	R	L	
Office, Business or Professional	R	R	N	R	
Personal Adornment/Tattoo Parlor	R	R	N	R	
Pharmacy	R	R	N	R	
Photography Studio	R	R	N	R	
Print Shop or Publishing	R	R	N	R	
Private Club	R	R	N	R	
Reading Room	R	R	N	R	
Resort Recreational Facility	N	N	N	S	
Restaurant	R	R	N	R	

(am 12/17/02) (am 09/11/07) (am 07/01/2011)(12/31/13)

SECTION 3-330. REVIEW STANDARDS APPLICABLE TO PARTICULAR COMMERCIAL AND INDUSTRIAL USES

Certain uses are important to the County's character and functions, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district or by the standards applicable to all uses that are allowed by review. They also require individualized standards to review their location, site plan, operating characteristics, intensity and similar factors.

Those uses in the County's commercial or industrial zone districts that require such additional standards are identified in the "Standards" column of Table 3-320, "Commercial and Industrial Zone Districts Use Schedule". The standards for each of these uses are established herein. The definitions of these uses are found in Section 2-110, Definitions. The following uses are addressed in this section:

A. Drive-in Facility
B. Garden and Plant Materials Store
C. Studio for Arts and Crafts
D. Vehicle, Aircraft and Pleasure Boat Rental
E. Manufacture, Assembly or Preparation of Articles or Merchandise from Previously Prepared Materials
F. Manufacture, Compounding, Processing, Packaging or Treatment of Products
G. Dwelling Units
H. Adult Entertainment Use
I. Medical Marijuana *and Retail Marijuana Businesses* ~~Dispensary~~

A. through H., ***No Change.***

I. Medical Marijuana *and Retail Marijuana* Businesses. *(orig. 2/23/2010) (am 07/01/2011) (am 12/31/13)*

1. Location. Medical Marijuana *and Retail Marijuana* Businesses shall meet the following location requirements at time of their establishment:

a. Medical Marijuana *and Retail Marijuana* Businesses are prohibited from locating within 200 feet of:

(1) Any residence; excluding residential units that are located within mixed-use commercial/residential developments and free-standing residences located within the Commercial General or Commercial Limited zone districts,
(2) Any drug or alcohol rehabilitation facility;
(3) Any public community center or publicly owned or maintained building open for use to the general public;
(4) Any public school or private school;
(5) Any public park, *playground, boat ramp, or other similar recreational amenity open to the public*; or
(6) Any licensed child care facility.

b. Retail Marijuana Businesses are further prohibited from locating within 500 feet of:

(1) Any public or private high school.

c. The 200 *or 500* foot separation is measured in a direct line between the closest point of the building or unit, in the case of multi-tenant commercial or industrial buildings, within which the Medical Marijuana *and/or Retail Marijuana* Business establishment is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding commercial building *where the Medical Marijuana and/or Retail Marijuana Business is located* is outside of the 200 *or 500* foot separation area then the entire building shall be deemed compliant with the 200 *or 500* foot separation requirement.

d. Medical Marijuana *and/or Retail Marijuana* Businesses shall not be allowed as a home occupation or home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

6. **Requirements.** All Medical Marijuana *and Retail Marijuana* Businesses shall meet the following requirements at all times:

a) Have an active, up to date State of Colorado sales tax number which shall be provided to the County.

b) All products and accessories shall be stored within a completely enclosed, alarmed, and secure building at all times. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way

c) The consumption or inhalation of marijuana on or within the premises of a Medical Marijuana *and/or Retail Marijuana* Business is prohibited.

d) The sale or consumption of alcohol on the Medical Marijuana *and/or Retail Marijuana* Business premises is prohibited.

e) The premises satisfy all applicable Building Codes and Fire Codes and are equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses.

f) All transactions, including the growing, processing and/or manufacture of medical *and/or retail* marijuana products, shall occur indoors and out of view from the outside of the building in which the medical *and/or retail* marijuana products are grown, processed and sold.

g) Exterior signage on a Medical Marijuana *and/or Retail Marijuana* Business may indicate that marijuana may be in the store; however, all exterior signage shall be approved through the Sign Permit process and must comply with Chapter 2, Article 4, Division 4-3., Sign Regulations of these land use regulations.

h) A Medical Marijuana *and/or Retail Marijuana* Business lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-330.I..1.a, above.

i) Each Medical Marijuana *and/or Retail Marijuana* Business shall be operated from a fixed location. No Medical Marijuana *and/or Retail Marijuana* Business shall be permitted to operate from a moveable, mobile or transitory location. Deliveries of medical marijuana

c. The 200 *or 500* foot separation is measured in a direct line between the closest point of the building or unit, in the case of multi-tenant commercial or industrial buildings, within which the Medical Marijuana *and/or Retail Marijuana* Business establishment is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding commercial building *where the Medical Marijuana and/or Retail Marijuana Business is located* is outside of the 200 *or 500* foot separation area then the entire building shall be deemed compliant with the 200 *or 500* foot separation requirement.

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6. **Requirements.** All Medical Marijuana *and Retail Marijuana* Businesses shall meet the following requirements at all times:

a) Have an active, up to date State of Colorado sales tax number which shall be provided to the County.

b) All products and accessories shall be stored within a completely enclosed, alarmed, and secure building at all times. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way

c) The consumption or inhalation of marijuana on or within the premises of a Medical Marijuana *and/or Retail Marijuana* Business is prohibited.

d) The sale or consumption of alcohol on the Medical Marijuana *and/or Retail Marijuana* Business premises is prohibited.

e) The premises satisfy all applicable Building Codes and Fire Codes and are equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses.

f) All transactions, including the growing, processing and/or manufacture of medical *and/or retail* marijuana products, shall occur indoors and out of view from the outside of the building in which the medical *and/or retail* marijuana products are grown, processed and sold.

g) Exterior signage on a Medical Marijuana *and/or Retail Marijuana* Business may indicate that marijuana may be in the store; however, all exterior signage shall be approved through the Sign Permit process and must comply with Chapter 2, Article 4, Division 4-3., Sign Regulations of these land use regulations.

h) A Medical Marijuana *and/or Retail Marijuana* Business lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-330.L.1.a, above.

i) Each Medical Marijuana *and/or Retail Marijuana* Business shall be operated from a fixed location. No Medical Marijuana *and/or Retail Marijuana* Business shall be permitted to operate from a moveable, mobile or transitory location. Deliveries of medical marijuana

products may be delivered only by properly registered Primary Care-givers to homebound patients as that term is defined by the State of Colorado and subject to all local and State licensing requirements for such home deliveries.

j) A Medical Marijuana Business *and/or Retail Marijuana* shall not open earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A Medical Marijuana *and/or Retail Marijuana* Business may be open seven days a week.

k) There shall be posted in a conspicuous location in each Medical Marijuana *and/or Retail Marijuana* Business a legible sign containing the following warnings:

(~~1~~) ~~A warning that the diversion of marijuana for non-medical purposes is a violation of state law;~~

(~~2~~*1*) A warning that the use of medical *and/or retail* marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence or impaired by marijuana;

(~~3~~*2*) A warning that loitering in or around the Medical Marijuana *and/or Retail Marijuana* Business is prohibited by state law; and

(~~4~~*3*) A warning that possession and distribution of marijuana is a violation of federal law.

l) Prior to operating, each Medical Marijuana *and/or Retail Marijuana* Business shall obtain and comply with terms of all applicable local and State licensing.

m) Commercial cultivation and production of medical *and/or retail* marijuana is expressly prohibited as a home occupation or home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

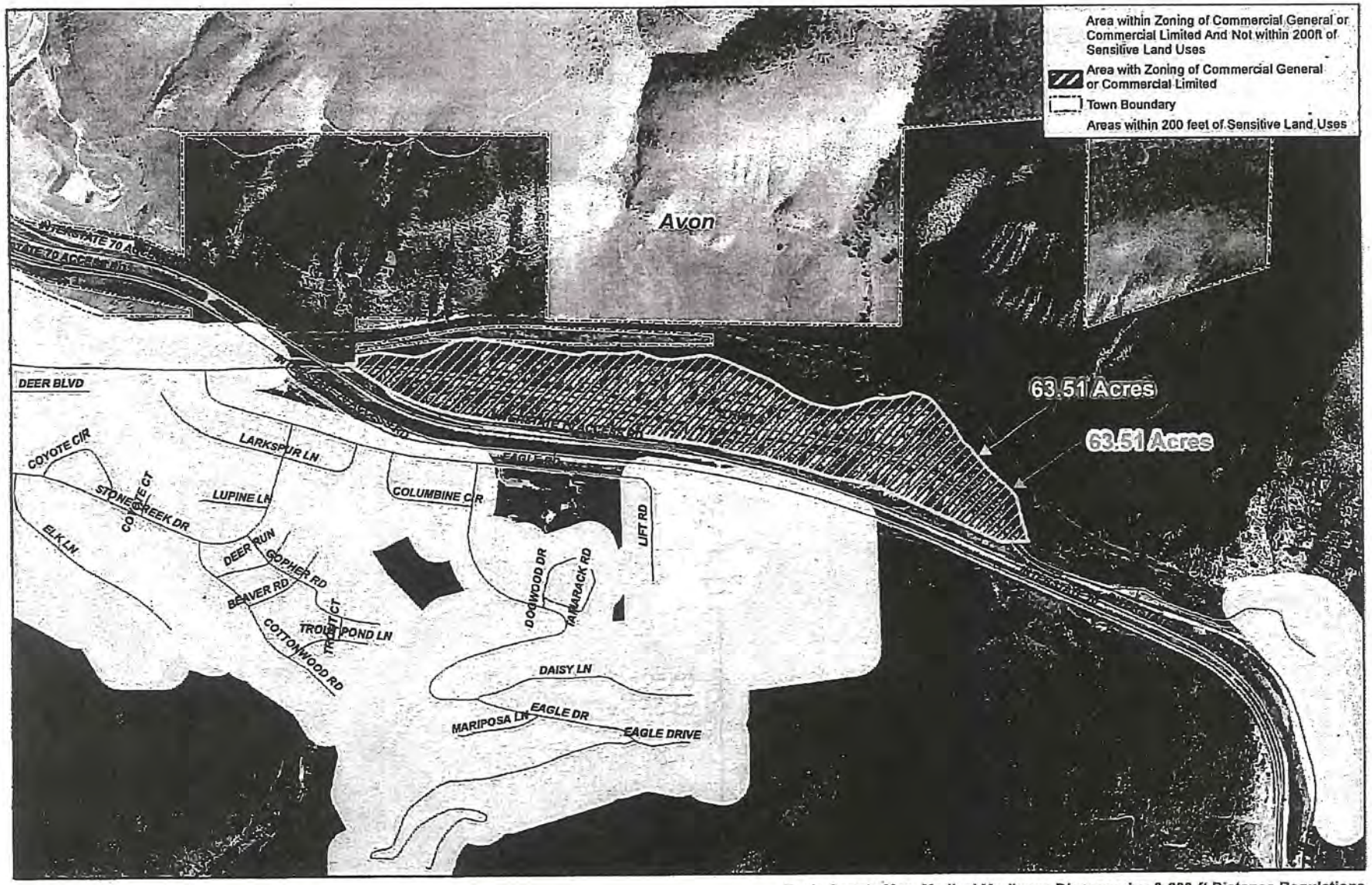
n) The maximum amount of medical marijuana that may be cultivated and produced in any residence, at any point in time, is twelve (12) ounces of a usable form of marijuana, and no more than thirty-six (36) marijuana plants, with eighteen (18) or fewer being mature, flowering plants that are producing a usable form of marijuana regardless of the number of patients or primary care-givers that may reside in such residence. Such collective limits shall in no way authorize or entitle a patient or primary care-giver to grow, maintain, or possess more than what they are legally allowed to do per Title 12, Article 43.3 of the Colorado Revised Statutes, as may be amended from time to time. All other residential growing is prohibited.

o) The maximum amount of recreational marijuana that may be cultivated and produced in any residence, at any point in time, is three (3) ounces of a usable form of marijuana, and no more than eighteen (18) marijuana plants, with nine (9) or fewer being mature, flowering plants that are producing a usable form of marijuana regardless of the number of persons of twenty-one (21) years of age residing in such residence. Such collective limits shall in no way authorize or entitle a person to grow, maintain, or possess more than what they are legally allowed to do per Title 12, Article 43.4 of the Colorado Revised Statutes, as may be amended from time to time.

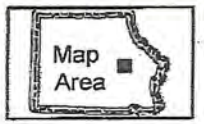
p) For the purposes of this section of the land use regulations, residence shall be defined as the entire parcel of land or lot inclusive of any accessory dwelling units, accessory buildings, agricultural buildings, and garages as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations, which are held in single ownership with the primary residence.

q) Medical Marijuana Businesses are prohibited from locating inside any Planned Unit Development unless expressly allowed within the Planned Unit Development.

3. **Severability.** If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.



Eagle County Map, Medical Marijuana Dispensaries & 200-ft Distance Regulations
MINUS MIXED USE RESIDENTIAL AND MINUS CHURCHES



0 500 1,000 Feet

1 inch = 1,000 feet

This map was created by the Eagle County GIS Department. Use of this map should be for general purposes only. Eagle County does not warrant the accuracy of the data contained herein. All measurements shown on this map are approximate and are not survey-quality measurements.

Eagle County, Colorado Govmnt GIS Dept P:\Department\Comm_Dev\Marijuana_Retail_Medicinal_030514\MXD\All_Locs_Exist_Cond_Minus_ChurchResMix_200ft_8_5x11.mxd
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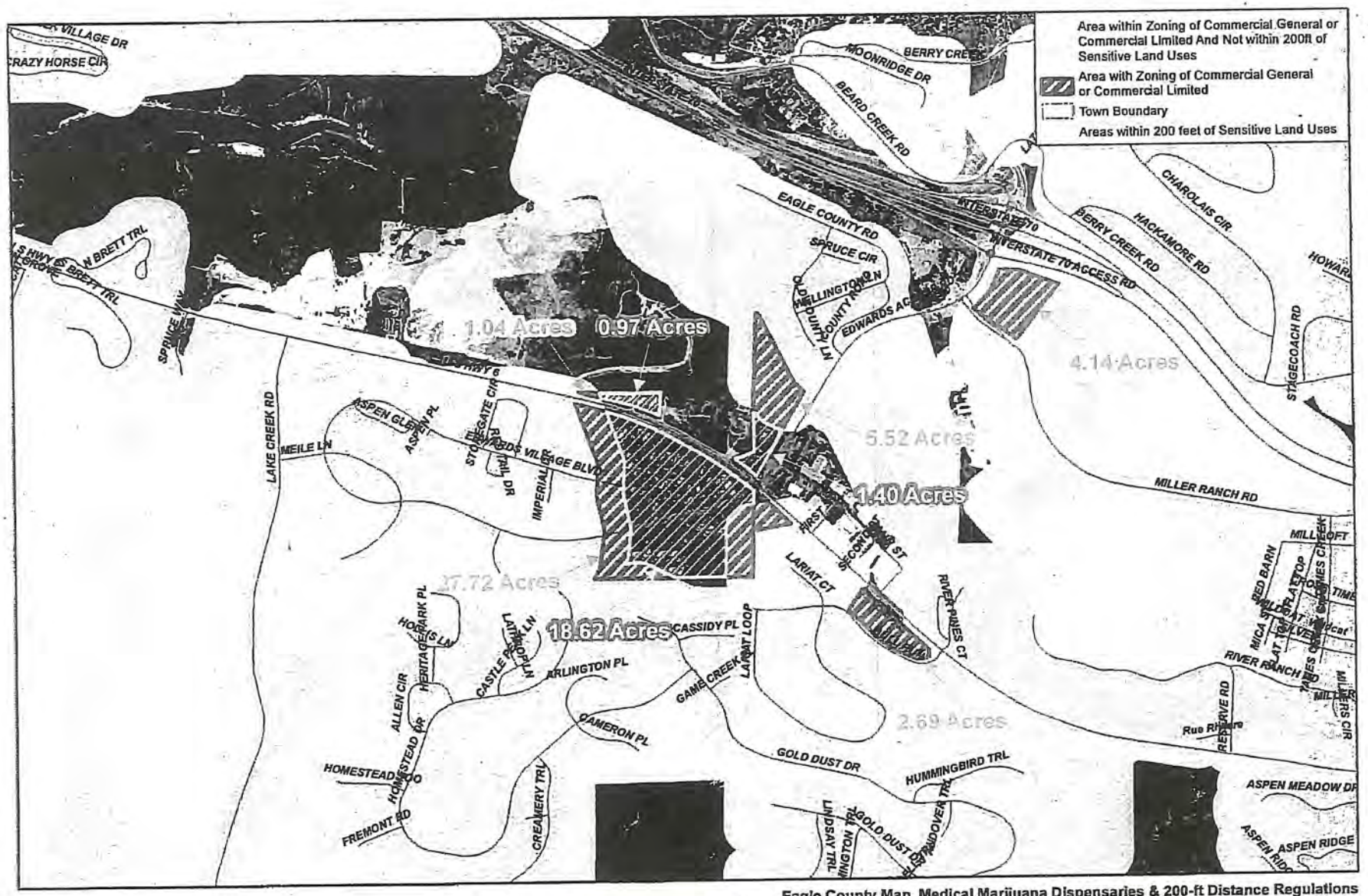

Eagle County Map, Medical Marijuana Dispensaries & 200-ft Distance Regulations
MINUS MIXED USE RESIDENTIAL AND MINUS CHURCHES

Map Area

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1 inch = 1,000 feet

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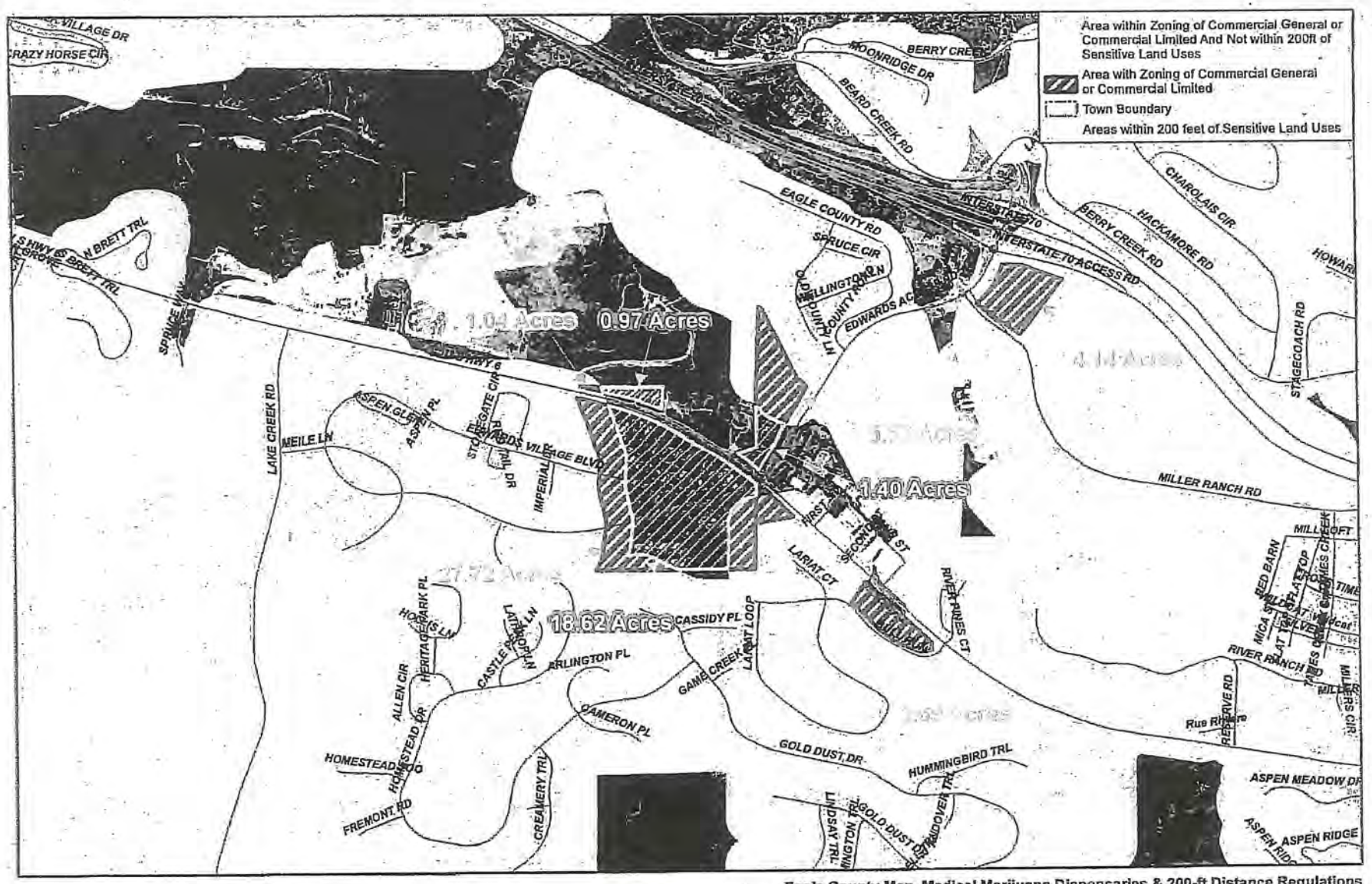

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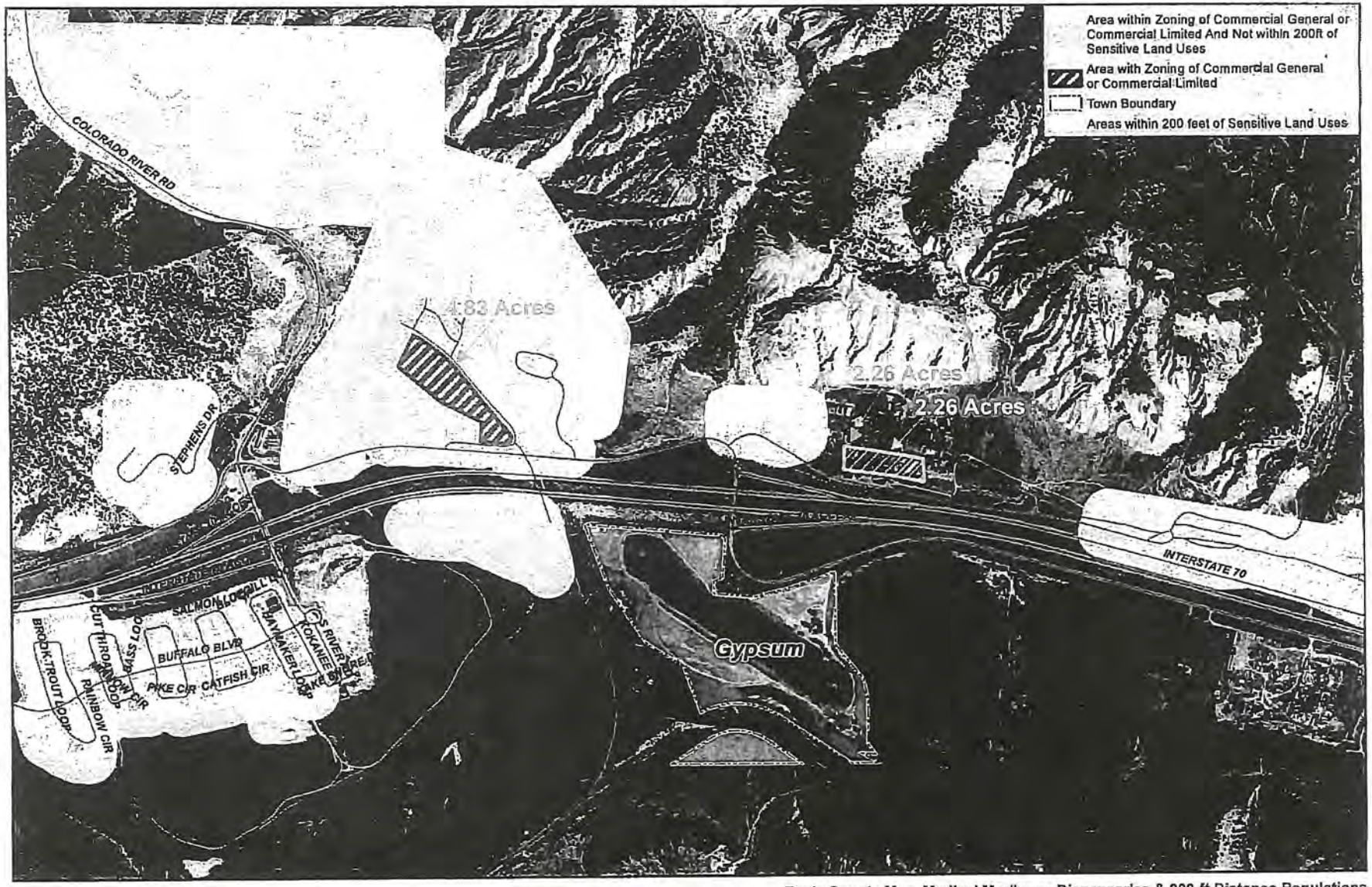

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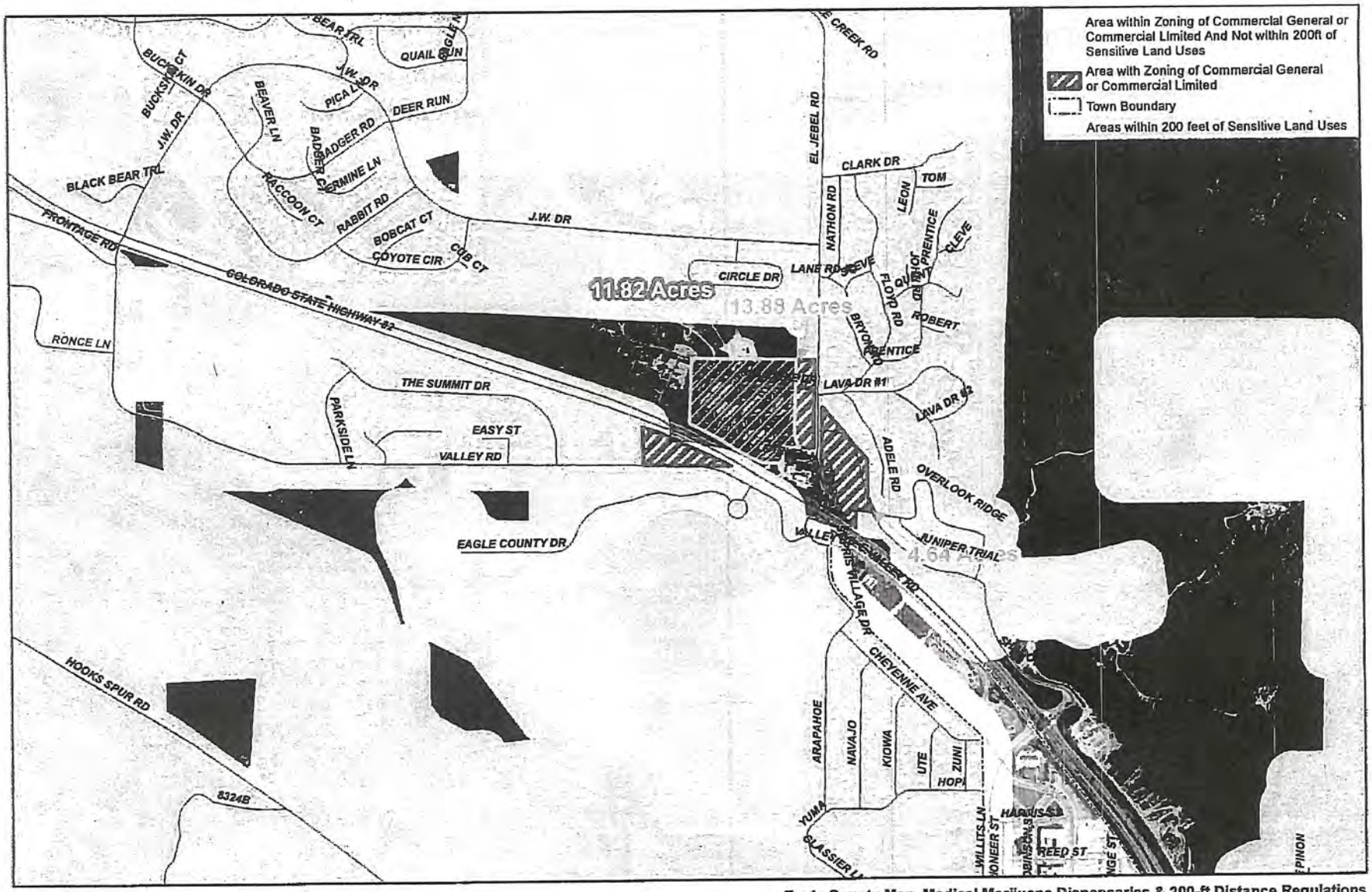

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Date: 3/6/2014 3:17:32 PM Name: aszczesny

PITKIN COUNTY MEDICAL MARIJUANA LICENSING REGULATIONS

Article 1: Purpose and Intent
Section 14 of article XVII of the Colorado Constitution permits limited medical uses of marijuana under Colorado law. To enact, restrict, and enforce the state constitution, the General Assembly enacted the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S. (the "CMMC"). The CMMC authorizes counties and municipalities to determine whether to permit, as a matter of state law, certain medical marijuana businesses within their jurisdictions.

The purpose of these regulations is to authorize licensing in unincorporated Pitkin County as provided in § 12-43.3-301(2)(a) C.R.S., as amended by establishing specific standards and procedures for local licensing of medical marijuana centers, medical marijuana infused products manufacturers, and optional premises medical marijuana cultivation operations as provided by state law; and to protect the health, safety, and welfare of the residents of Pitkin County by prescribing the manner in which medical marijuana businesses can be conducted in the county. Enacting these regulations, Pitkin County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal and civil penalties.

Article 2: Defined terms
The definitions in the CMMC, § 12-43.3-104, C.R.S. as amended, shall apply to these regulations. The term "Licensing Authority" means the Pitkin County Medical Marijuana Licensing Authority.

Article 3: Effective date and applicability
(a) Effective date. Except as provided in section (c) after the Board of County Commissioners designates the Licensing Authority as set forth in Article 5 below, it shall be unlawful to operate any business in unincorporated Pitkin County for which a license is required under the CMMC without first having obtained a local license under these regulations and a state license under state law.
(b) Applications for local licenses. After the Board of County Commissioners designates the Licensing Authority as set forth in Article 5 below; the Licensing Authority shall begin receiving and processing applications for licensing under the CMMC and these regulations.
(c) Pre-existing businesses. Any person who is lawfully engaged in the business of selling, cultivating, or manufacturing medical marijuana as permitted by the CMMC and the Pitkin County Land Use Code prior to the effective date in section (a) may continue business if, on or before July 1, 2012 an application is submitted for local licensing approval under these regulations. If an application is submitted according to this subsection, the business may continue until such time the state or local licensing application is denied or the state or local license is revoked.

(d) No entitlement of vested right. No person shall have any entitlement or vested right to licensing under these regulations, the CMMC, Pitkin County zoning approvals, or Pitkin County building permits. To lawfully engage in the business of selling, cultivating, or manufacturing medical marijuana in unincorporated Pitkin County, all persons must obtain a license under these regulations.

Article 4: Relationship to Other Laws
Pitkin County intends to follow and incorporate the requirements and procedures in the CMMC.

Article 5: Licensing Authority
The Pitkin County Board of County Commissioners (the "Board") designates, the Pitkin County Manager, to act as the Pitkin County Medical Marijuana Licensing Authority.

Article 6: Licenses
The Licensing Authority is authorized to issue the following local licenses should the applicant fulfill the requirements for such license: medical marijuana center license; optional premises cultivation license; medical marijuana-infused products manufacturing license.
The license requirements in these regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state, or local law. The license does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana. A valid license shall be required from the State of Colorado as provided by the CMMC before operation beings as except provided in Article 3 (c).

Article 7: Licensing Procedure and Requirements
(a) General Procedure. The Licensing Authority shall consider and act upon all complete local license applications as authorized by these regulations. The Licensing Authority shall defer to the state to enforce compliance with the requirements in the CMMC and any other state regulations not covered by these regulations. The Licensing Authority shall grant or deny a license based solely upon the Licensing Authority's investigation and findings, and no public hearing shall be required for initial license. The Licensing Authority shall deny any application that is not in full compliance with these regulations.
(b) Application forms. All applications for local licensing shall be made upon forms provided by Pitkin County and shall include the following supplemental materials:
(1) property owner authorization;
(2) indemnification agreement;
(3) lawful presence affidavit if applicable;
(4) a site plan of all buildings on the property where the premises is located, including a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;
(5) a list of all other uses on the property;
(6) the number of vehicle trips per day expected to be generated by the business;
(7) the expected source and level of water use for the premises;

(8) permits or other applicable documentation related to well use, septic system use, and water sanitation;
(9) evidence that the premises is not within 1000 feet of a alcohol or drug treatment facility, licensed child care facilities, and educational facilities (below college grade level) as measured from the closest point of the subject property lines;
(10) evidence that the property is not within a multi-residential structure;
(11) a license will not be issued for a medical marijuana center, for optional premises cultivation or for medical marijuana-infused products manufacturing in the Frying Pan caucus area;
(12) a license will not be issued for an optional premises cultivation in the Snowmass/Capitol caucus area;
(13) a license will not be issued for a medical marijuana center in the Village Commercial zone district (Town of Redstone);
(14) if the application is for a pre-existing business, any proof of operation prior to July 1, 2010, such as leases or sales tax receipts;
(15) the Licensing Authority has determined that the use is permitted under the Pitkin County Land Use Code and zoning regulations;
(16) the Licensing Authority may, at its discretion, require the submission of additional materials as may be useful in making a determination under these regulations.
(c) Concurrent application. As provided for under the CMMC, upon receipt of a local licensing application under these regulations, the Licensing Authority shall request that the state licensing authority conduct a concurrent review of a new license application and that the state advise the Licensing Authority of any items it finds that could result in the denial of the license. If the Licensing Authority receives such a notice from the state, the Licensing Authority shall suspend its review of the local license until it receives a notice from the state licensing authority that the noted items of concern have been satisfactorily remedied by the state licensing authority. The applicant shall be responsible for submitting any required fees and materials directly to the Licensing Authority.

Article 8: Licensing Procedure for Renewal of Existing Licenses
All procedures contained in Article 7 shall apply to this article.
Before issuing a local license or renewal for a medical marijuana center, optional premises cultivation, and/or medical marijuana-infused products manufacturing, the Licensing Authority shall determine that all of the following requirements have been met by the applicant:
(a) The appropriate application is complete and the full application and renewal fee has been paid;
(b) No criminal activity related to drug use or illegal drug sales have taken place at the location within the last five years, as reported by the Sheriff's office;
(c) No report of offensive odors has been reported to the Licensing Authority or any reported odor problem has been rectified;
(d) The Licensing Authority will hold a public hearing on the application for renewal only if the licensee has complaints filed against it, has history of violations or there are allegations against the licensee that would constitute good cause. Public hearing shall be in conformance with requirements of CMMC.

Article 9: Inspection
By signing and submitting a license application, the owner of the premises certifies that the applicant has received permission from the property owner to allow inspections as may be required under local licensing law. In addition the owner of the premises authorizes the Licensing Authority, its designee, and the Pitkin County Building Official or the official's designee, to enter upon and inspect the premises. Such inspections, if necessary shall take place at a reasonable time with prior notice to the operator and property owner, and prior to a determination on the application. This section shall not limit any inspection Licensing Authority authorized under any other provision of law or regulation.

Article 10: Decision and Appeal
(a) A denial by the local Licensing Authority shall constitute a final decision appealable to the Board of County Commissioner of Pitkin County.
All appeals before the Board of County Commissioners shall be conducted as public hearings in accordance with the Title 12 Article 43.3 C.R.S.

Article 11: Changes in License
(a) Transfer of Ownership. Any license issued under these regulations or renewal of such license is not transferable or assignable.
(b) Change of Location. Any license granted under these regulations is limited to the location(s) specified on the license application. Operation of a medical marijuana center, Optional premises cultivation, and/or medical marijuana-infused products manufacturing at a new location requires a new license.

Article 12: Term of license; renewal
Any local license issued under these regulations shall be valid for a period of one year from the date of issuance. A licensee shall submit a renewal application at least 45 days before the expiration of the license. Upon denial or revocation of a state license, any license issued under these regulations shall be revoked.

Article 13: Violations
Violations will subject any license to revocation by the Licensing Authority and the State of Colorado shall be notified of such violations.

Article 14: Public Hearing New Licenses
There shall be no public hearing on new license application.

Article 15: Fees
Application Fees

Medical Marijuana Center (Type 1*)	$ 1000.00
Medical Marijuana Center (Type 2*)	$ 1000.00
Medical Marijuana Center (Type 3*)	$ 1000.00
Optional Premises Cultivation License	$ 1000.00
Medical Marijuana-Infused Products Manufacturer	$ 1000.00

(*type 1=300 or fewer patients, all Colorado residents; *type 2=301-500 patients; type 3=501 or more patients)

Annual License fees:

New License any type	$ 1000.00
License Renewal	$ 500.00
License Renewal with public hearing	$ 2000.00

Make check payable to: Pitkin County Treasurer

All fees are nonrefundable and must be paid at time of submission of application. The Board of County Commissioners has authority to set and amend fees.

BASALT REALTY

THE PEOPLE. THE PLACES. THE PROMISE.

Info on Marijuana Item rec. since Packet was distributed

Provided at 10/11 Meeting

October 5, 2016

Town Council Members

c/o Town of Basalt

101 Midland Ave.

Basalt, CO 81621

Town Council Members:

The Town of Basalt is considering re-zoning the 3 Bears Building on Midland Avenue, owned by Norm and Laura Clasen across from St. Vincent Church for the use of a recreational marijuana shop. Right now the zoning rules states that there will not be a recreational marijuana shop within 800 yard buffer of a school or child care center.

The children and teens of Basalt come to St. Vincent Church throughout the week regularly, making it the highest concentration of children outside the school zone in Basalt. I urge the Town Council to maintain the zoning and buffer zone as it is currently written and deny this use.

Respectfully Submitted,

Darryl Grosjean,

Basalt Property Owner and Businessman

James Lindt

From: Chad Klinger <chadklinger@gmail.com>
Sent: Monday, October 10, 2016 10:24 AM
To: James Lindt
Subject: Rezoning Basalt for a recreational marijuana store

Members of the Basalt town Council:

As a resident of downtown Basalt and a parishioner at St. Vincent Church, I object to the prospect of there being a recreational marijuana store directly across the street from St. Vincent's, which serves as a school for religious education during the week for a number of children. Indeed, seeing how many schoolchildren flow through the downtown area daily, I do not feel that having such a store is appropriate anywhere in the downtown core. With so many other small businesses leaving Basalt for Willits in recent years, why must we replace them with this? Isn't Willits a more suitable location for such an enterprise?

Thank you for your consideration.

Chad Klinger
755 Gold Rivers Court
Basalt

Sent from my iPad

James Lindt

From: Patsy Teague <patsybikerbabe@cs.com>
Sent: Monday, October 10, 2016 1:25 PM
To: James Lindt
Subject: Re: Marijuana across from St. Vincent's

Dear Mr. Lindt:

I'd like to express my concern about a "pot" shop across from St. Vincent's Catholic Church in Basalt. Obviously, it's a place of worship but in addition, there are after school religious education classes for many children, including my granddaughter who will be making her confirmation this year. It is a safe, spiritual environment for kids and I think it should be kept that way.

I am not necessarily against the use of marijuana for medical purposes and perhaps other justifiable recreational uses but I strongly object to this establishment being across from our church. It is our duty as parents, grandparents, educators, government town officials and the like to protect our children. This type of business unfortunately sometimes attracts unwanted and questionable individuals.

I hope you will take these factors into consideration and find a better local for this business.

Thank you.

Sincerely,

Patsy Teague Morrison

James Lindt

From: Katie Morlind <Katie@ski.com>
Sent: Saturday, October 08, 2016 9:00 AM
To: James Lindt
Subject: pot shop Basalt

Hi Mr. Lindt,
I am writing to ask you to please not consider the 3 Bears building across from our church for a pot shop. I am a religious education teacher at St. Vincent's and the children walk over from Basalt to attend our religious education classes. Having a marijuana shop near our schools and our church and downtown will only give Basalt a less than family appeal to many of the visitors to our beautiful town.
Many studies have come out showing the danger of children smoking, vaping, eating marijuana. Do we really want that to be a part of Basalt's legacy? The consequences of a marijuana laden population is yet to be seen 30 years down the line, but I believe in my heart, it will only dumb down and addict our children. Let us give our Basalt children the best possible chance in life.

My sister killed herself in 2002 (leaving behind 6 children) and she started with marijuana and then through the years, became addicted at various times to meth. We don't know which child will like the high they get from pot and want to move on to other drugs. I just know that we don't want this in Basalt.

Please consider our plea to deny this and other applications.

Thank you, Katie Morlind

Katie Morlind
Ski specialist at Ski.com since 1991!
U.S , Europe and Canada Specialist
210 AABC, ste AA, Aspen, CO 81611
800.525.2052 ext 3335 | Fax: 970.429.2630
Katie@ski.com

All names must match exactly as they appear on passports
Passports needs at least 6 months validity after travel is completed
*** Prices and availability are not guaranteed and subject to change until paid in full***

James Lindt

From: Adriana Torres <adriana81621@gmail.com>
Sent: Saturday, October 08, 2016 12:06 AM
To: James Lindt
Subject: Recreational Marijuana Shop in Basalt

Hello, Mr. Lindt. My name is Adriana Torres, and I been part of my parish, St Vincent for more than 16 years, working as a volunteer with children and youth during all this time. One of my priorities is to be a good model to the youth, I been teaching the youth about integrity,moral,values drugs and alcohol , in the past I brought police officers to teach them you about addictions and consequences. Will be ironic and bad influence for them having a marijuana shop in Basalt, just across from the church, the place that we have activities during the week with children and youth.
Thank you for your time, if you have questions don't hesitate, you can contact me by email, text or calling after my work 4:00 pm.
Thanks,
Adriana Cabrera de Torres
Youth leader of St Vincent
970-319-9836

Sent from my iPad

P.O. Box 1442
Basalt, CO 81621
Oct. 10, 2016

Dear Mr. Lindt,

I have recently learned that the Town of Basalt is considering rezoning so that the Three Bears Building across from St. Vincent Catholic Church be used as a recreational marijuana shop!

It seems to me the members of the Council have lost their minds. What could possibly be justification for this change in zoning - for a pot shop? Very classy on the main street of our beautiful town. There are rules and regulations about trash cans, for signs, for design - often not easy to obtain variances - in fact, nearly

impossible to get variances.
I know for a fact, that
signs in front of main
street buildings are
heavily regulated regarding
size, information, height.
But a pot shop across the
street from a church that
serves families and children
and teens for religious
education sounds like the
perfect reason to change
zoning?

It is time to follow
your own standards and
not cave in to this
ridiculous change in
zoning to accomodate an
industry that has little
if no value to our town.

Respectfully,

Ramona Klinger
970-389-4756

Info. on Marijuana Item rec. since Packet was distrib. Provided at 10/11 Meeting

Enclose you will find signed letters supporting the changes necessary to allow a marijuana dispensary in the 3 Bears Building on Midland Avenue, Basalt.

23 Downtown business and property owners

Excell Property Management
The Brick Pony
The Riverside Grill, Owner
The Riverside Grill, Manager
Terrain Land Architects
Heathers Savory Pies
Faboo
Heirlooms & Scoops
Art of Hair
W.W. Frey Building(Brick Pony) owners
Develop Mentors Consulting
Toklat Gallery
Traffic
Tempranillo/Owner restaurant
Tempranillo/Building owner
Decorative Materials
Ted Borchelt, Realtor
Cottle, Carr, Yaw Architects
Basalt Firearms LLC
Brian Dillard, Realtor
Frying Pan Anglers
Two Rivers Restaurant
3 Bears Building LLC, 3 partners

11 interested citizens

Thank you for your consideration in this matter

Dear members of the Basalt Town Council, October, 10, 2016

I am writing to request that the Basalt Town Council votes to allow a medical and recreational marijuana dispensary at the 3 Bears building in downtown Basalt.

I respectfully seek the opportunity to explain my reasons for this. I do this being open and transparent that it is proposed in a building that my wife and I own with a partner and wish to sell to Mr. Jack Pease. His desire is to open one of the nicest marijuana stores of its kind anywhere in Colorado. His present stores are exceptional. They are beautifully designed, clean, well run and successful. *See: thestationdispensary.com*

Aspen presently has only a 150' buffer to parks and Glenwood Springs and Carbondale require a 200' distance from a park, Pitkin County and Eagle County have recently adopted setbacks of zero feet from a park that will go into effect in November. I hope the Town can find a compromise to our present 500' requirement, thereby allowing this resolution to be acted upon favorably. Basalt's ordinance is more than 2 to 3 times greater than our neighboring towns.

Aspen presently has 7 marijuana stores, Glenwood has 4 stores and Carbondale has 5 stores. Basalt has only 2 licenses available and one is already in place in Southside.

In your first discussion of this application, you voted 5 to 2 to move it forward to P&Z primarily stating that it would be discriminating and unfair not to do so as it was no different than any liquor store. P&Z then approved it unanimously sending it back to you for approval requesting a map overlay and a second reading.

In listening to your first discussion, almost all of you that voted to move it forward gave credence to the fact that **alcohol and marijuana could be put in the same category. I agree. It would be unrealistic to think otherwise but that is not the real issue even though both are legal substances.** Having said that, marijuana and alcohol are individual entities and should be judged independently for the purposes of this application.

However, alcohol, by its very nature, is a recreational drug that has caused far more problems, deaths, heartaches and incapacitated more people than marijuana ever has, or will. Yet, even though we know alcohol to be the problem it is, we are used to its place in society and accept it in our homes and town's all across the country. In many cases, it can be found right next to parks and in some cases within parks.

While bars and restaurants are a totally different issue than liquor stores, they are places where recreational drinking takes place (in full view and next to children) and can lead to people becoming inebriated and potentially dangerous on our roads and in our homes. While I accept bars and restaurants as being in a separate category, they are places where children are directly exposed to a substance.

Marijuana is now legal in Colorado and every school principle, administrator, police chief or sheriff in our area that I have spoken with (7 to date) agree that marijuana is much less of a problem than alcohol. Marijuana use and incidents in our area and schools is basically neutral (in some cases slightly lower) since it was made legal. The real issue is how kids find the marijuana, pharmaceuticals and alcohol they are presently using. It primarily comes from their homes, friends and illegal sources. That is a problem throughout our country and needs to be addressed. Of course, as parents, we do not want our children to use **any** drugs. That goes without saying.

Anyone entering a marijuana dispensary in Colorado must, by law, provide a valid drivers license showing they are over 21 years of age before they can even enter the room. No one under that age is allowed and smoking in public is not allowed by State Law.

It is also noteworthy, that Loretta Lynch, the Attorney General of the U.S. states that marijuana is not a "gateway drug" as some have suggested and that is supported by numerous other sources as well.

Since becoming legal, Colorado school children continue to be below the national average in marijuana use (at 21.2 vs.21.7%) with alcohol nearly triple that. See: *healthykidscolorado.gov*

There are two responsible and well run liquor stores in Downtown Basalt, both adjacent to parks. Singling out this particular business on Midland Avenue because it is too close to Lion's Park seems discriminatory. Both of our downtown liquor stores are part of the fiber of our town. This proposed business will **also** be extremely well run and managed. It will generate substantial taxes to our town and go along way toward increasing property values in downtown Basalt that have been depressed for so long.

If liquor stores had to adhere to the same set back requirements as marijuana stores, they would need to be relocated and that is totally unrealistic and unnecessary. In addition, Basalt now has a massage parlor and a well run gun shop in the downtown core. I don't know of any problems with either one. They are part of our town no matter what one's personal opinion might be.

Marijuana and alcohol are used by a wide cross section of people in our town from bankers and lawyers to doctors, professionals and every other walk of life. Maybe marijuana is used more discreetly, but used nonetheless. A highly praised part of marijuana is that it has well-recognized and amazing medical properties that will be a big emphasis in this proposed store.

Medical marijuana is presently legal in 25 states and recommended by numerous doctors. **That is not true of alcohol.**

This proposed dispensary would bring much needed vitality and income to the town. It will bring more people in the winter months when Basalt closes down to a crawl that is hurting the downtown business community tremendously.

Realistically, marijuana is now a part of our culture and is here to stay, no matter what personal bias one might have. It's now legal in 4 states and DC and on the ballot in 5 and maybe more states this November to be become legal for both recreational and medical use. Marijuana is becoming part of the mainstream of our country now and this will only continue to grow as more and more states adopt these laws.

Marijuana will be a part of our downtown at some point. That seems a given. Mr. Pease is a fine person and businessman. He has an exceptional reputation in this industry and deserves your fair and unbiased consideration for the second license.

I respectfully request the Town replace the present setback requirements to comply with all our neighboring towns so this can move forward.

Sincerely,

Norm Clasen

To the members of the Basalt Town Council,

Carbondale and Glenwood Springs have a 200 ft or less as buffer from a public park for Marijuana dispensaries and each of these towns have 4 or more, some in the downtown core. Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core. Basalt presently has a 500 ft buffer, 2 to 3 times greater than any other town in our area.

Pitkin County and Eagle County have just lowered their buffer for Marijuana from a public park to 0 ft and are scheduled to go into effect, November 2016.

Liquor stores have a **zero** set back or buffer from a public park

Marijuana and Alcohol are both legal in the State of Colorado
To disallow one in downtown is to discriminate.

According to a survey of Colorado high Schools, 59% of students say they use Alcohol and 21% say they use Marijuana.

Alcohol and prescription drugs are far more dangerous to the user and society than Marijuana. Loretta Lynch, the US Attorney General, states Marijuana is the **only one** of the 3 substances mentioned above **that is not** a gateway to stronger drugs use.

The purchaser of the 3 Bears Building, will use the street level for a dispensary for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana dispensaries are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Colorado Drivers License or they are not allowed in.

This business will bring vitality to the downtown core of Basalt that is sorely needed.

It will be one of the largest tax revenue producers in the downtown core of Basalt.

The sale of this building at the contracted price will go a long way to increasing property values in Basalt that have been depressed and stagnant since the downturn of 2008.

The owner of the building and the dispensary will convert the top floor to a private residence for his own use. This business will create no odor.

As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed Bennett A Bramson Date 10/8/2016

Business DevelopMentors Consulting, Inc. Address 741 Hearthstone Dr. Basalt, CO 81621

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Signed Lynne Plummer Race Date 10·08·16

Business Tolklat Gallery Address 255 Gold Rivers Court #150

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Signed Angie Ann Date 10-8-16

Business TRAFFIC Address 255 GOLD RIVERS CT #160
BASALT CO

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Signed [illegible] Date 10-11-16

Business Frying Pan Anglers Address 231 Midland Ave

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Signed John L. Yann Date 11 oct, 2016

Business CCY ARCHITECTS Address 313 EAST SOPRIS (HOME)
228 MIDLAND AVE (BUS.)

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Business Two Rivers Cafe Address 156 Midland

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Signed [signature] Date 10/10/16

Business OWNER 3 BEARS Bldg Address 174 MIDLAND AVE

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Signed [illegible] Date 10/10/16

Business Owner, 3 Bears Bldg Address 174 Midland Avenue

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As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed _____ Date Oct. 11, 2016

Business 3 Bears Address 174 Midland Ave.

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

In Reference to the October 11, 2016 Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities.

The Undersigned Individual agrees to the following statements and supports the Medical/Recreational Marijuana Center proposed as a result of these Ordinances and Boundary modifications on Midland Avenue, Basalt, Colorado.

It would be a great addition to have the first Medical Marijuana Center in Basalt opened. Currently, we have a Recreational Marijuana Center on Southside that sells Recreational Marijuana. This new Medical Marijuana Center will have a Recreational side to the business, but will reflect the Medicinal benefits and multitude of products that creates a medicinal composition to the overall Centers operations.

Eagle and Pitkin Counties have a 200 ft or less as a buffer from a public park to Marijuana Centers and each of these Counties have 4 or more parks, some in the downtown core.

Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core.

Basalt presently has a 500 ft buffer, 2 to 3 times greater than any other town in our area.

Liquor stores have a zero set back or buffer from a public park.

Alcohol and Marijuana are both legal in the State of Colorado. To disallow one in the downtown corridor is to discriminate.

Alcohol and prescription drugs are far more dangerous to the user and society than Marijuana. Loretta Lynch, the US Attorney General, states Marijuana is the **only one** of the 3 substances mentioned above **that is not** a gateway to stronger drugs use.

The purchaser of the 3 Bears Building, will use the street level for a Center for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana Centers are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Drivers License/ID or they are not allowed in.

This business will bring vitality to the downtown core of Basalt that is sorely needed.

It will be one of the largest tax revenue producers in the downtown core of Basalt.

The sale of this building at the contracted price will go a long way to increasing property values in Basalt that have been depressed and stagnant since the downturn of 2008.

As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed: _____ Date: 10-9-2016

Printed Name: LARRY EMERY

Address: 231 Midland AVE, 201+203 BASALT, CO 81621

Business Name: BASALT FIREARMS LLC

To the members of the Basalt Town Council,

Carbondale and Glenwood Springs have a 200 ft or less as buffer from a public park for Marijuana dispensaries and each of these towns have 4 or more, some in the downtown core. Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core. Basalt presently has a 500 ft buffer.

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TED BORCHERT

Signed Ted B Date 10/11/15

Business Realtor Address Midland Ave

To the members of the Basalt Town Council,

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Signed Laura Macie Date 10/10/16

Business Tempranillo Address 165 Midland

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Signed [signature] Date OCT 10-16

Business [illegible] Address 165 [illegible]

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Signed M Humphreys Date 10/10/16

Business DECORATIVE MATERIALS Address 150 BASALT CENTER CIRCLE

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The purchaser of the 3 Bears Building, will use the street level for a dispensary for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana dispensaries are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Colorado Drivers License or they are not allowed in.

This business will bring vitality to the downtown core of Basalt that is sorely needed.

It will be one of the largest tax revenue producers in the downtown core of Basalt.

The sale of this building at the contracted price will go a long way to increasing property values in Basalt that have been depressed and stagnant since the downturn of 2008.

The owner of the building and the dispensary will convert the top floor to a private residence for his own use. This business will create no odor.

As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed _____ Date 10/10/16

Business Excell Property Address P.O. 4738 Basalt CO 81621

To the members of the Basalt Town Council,

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Signed [signature] Date 10-9-16

Business BRICK POND Address 202 MIDLAND

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Signed [illegible] Date 10/9/16

Business Manager Riverside grill Address 181 Center Circle Dr. Basalt, CO

normanclasen@gmail.com

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Signed [illegible] Date 9.9

Business RIVERSIDE GRILL Address 181 BASALT CENTER CIRCLE

To the members of the Basalt Town Council,

Carbondale and Glenwood Springs have a 200 ft or less as buffer from a public park for Marijuana dispensaries and each of these towns have 4 or more, some in the downtown core. Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core. Basalt presently has a 500 ft buffer, 2 to 3 times greater than any other town in our area.

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Signed_____ Date 10-09-2016

Business Terrain Land Arch Address 207 Basalt Center Cir
Unit 201 A.

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Signed [illegible] Date 10-08-16

Business Heathers Savory Pies Address 166 midland Ave

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Signed E. Monika Oginski Date 10/08/2016

Business FABCO Address 132 Midland Ave
BASALT, CO

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Signed [signature] Date 10/8/16

Business Heirlooms and Scoops Address 144 Midland Ave.

To the members of the Basalt Town Council,

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Signed [illegible] Date 10-8-16

Business Art of HAIR Address 160 MIDLAND AVE

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Signed Ken Pirri Date 10/8/16

Business OWNER Address 202 MIDLAND AVE
W.W. Frey Building
(BRICK PONY BUILDING)

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Business W.W Frey Bird Address 204 Midland Av

Li

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Signed STAN GERTZBEIN Date 10/9/16

Business The Spine Institute Address 670 Frying Pan Rd.

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Signed Marianne Antoniak Date Oct 9/16

Business CONSULTANT GOVT Address 670 Freying Pan Rd

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

In Reference to the October 11, 2016 Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities.

The Undersigned Individual agrees to the following statements and supports the Medical/Recreational Marijuana Center proposed as a result of these Ordinances and Boundary modifications on Midland Avenue, Basalt, Colorado.

It would be a great addition to have the first Medical Marijuana Center in Basalt opened.

Currently, we have a Recreational Marijuana Center on Southside that sells Recreational Marijuana. This new Medical Marijuana Center will have a Recreational side to the business, but will reflect the Medicinal benefits and multitude of products that creates a medicinal composition to the overall Centers operations.

Eagle and Pitkin Counties have a 200 ft or less as a buffer from a public park to Marijuana Centers and each of these Counties have 4 or more parks, some in the downtown core.

Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core.

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The purchaser of the 3 Bears Building, will use the street level for a Center for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana Centers are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Drivers License/ID or they are not allowed in.

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As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed: _____ Date: 11/10/16

Printed Name: Stephen Chace

Address: 460 Hillcrest Drive Basalt

Business Name: _____

[redacted]

October 9, 2016

To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

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Signed: Donna A Chase Date: 10/10/16

Printed Name: Donna A. Chase

Address: 460 Hillcrest dr Basalt

Business Name: _____

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To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

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The Undersigned Individual agrees to the following statements and supports the Medical/Recreational Marijuana Center proposed as a result of these Ordinances and Boundary modifications on Midland Avenue, Basalt, Colorado.

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Eagle and Pitkin Counties have a 200 ft or less as a buffer from a public park to Marijuana Centers and each of these Counties have 4 or more parks, some in the downtown core.

Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core.

Basalt presently has a 500 ft buffer, 2 to 3 times greater than any other town in our area.

Liquor stores have a **zero** set back or buffer from a public park.

Alcohol and Marijuana are both legal in the State of Colorado. To disallow one in the downtown corridor is to discriminate.

Alcohol and prescription drugs are far more dangerous to the user and society than Marijuana. Loretta Lynch, the US Attorney General, states Marijuana is the **only one** of the 3 substances mentioned above **that is not** a gateway to stronger drugs use.

The purchaser of the 3 Bears Building, will use the street level for a Center for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana Centers are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Drivers License/ID or they are not allowed in.

This business will bring vitality to the downtown core of Basalt that is sorely needed.

It will be one of the largest tax revenue producers in the downtown core of Basalt.

The sale of this building at the contracted price will go a long way to increasing property values in Basalt that have been depressed and stagnant since the downturn of 2008.

As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed: Ella Rosenberg

Date: oct 10 2016 (970) 210 3358

Printed Name:/Business Name: Ella Rosenberg

Address: 0625 Highway 82 Rd Basalt Co 81621

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

In Reference to the October 11, 2016 Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities.

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All Marijuana Centers are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Drivers License/ID or they are not allowed in.

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As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed: _____

Date: Oct. 10 2016 970 987 1232

Printed Name:/Business Name: 571 Booth Lane Basalt Co 81621

Address: Julian Lambert

To the members of the Basalt Town Council,

Carbondale and Glenwood Springs have a 200 ft or less as buffer from a public park for Marijuana dispensaries and each of these towns have 4 or more, some in the downtown core. Aspen has a 150 ft setback with 7 stores, most of which are in the downtown core. Basalt presently has a 500 ft buffer, 2 to 3 times greater than any other town in our area.

Pitkin County and Eagle County have just lowered their buffer for Marijuana from a public park to 0 ft and are scheduled to go into effect, November 2016.

Liquor stores have a **zero** set back or buffer from a public park

Marijuana and Alcohol are both legal in the State of Colorado
To disallow one in downtown is to discriminate.

According to a survey of Colorado high Schools, 59% of students say they use Alcohol and 21% say they use Marijuana.

Alcohol and prescription drugs are far more dangerous to the user and society than Marijuana. Loretta Lynch, the US Attorney General, states Marijuana is the **only one** of the 3 substances mentioned above **that is not** a gateway to stronger drugs use.

The purchaser of the 3 Bears Building, will use the street level for a dispensary for Medical and Recreational Marijuana. The store will look like a Pharmacy.

All Marijuana dispensaries are highly regulated by the State of Colorado and no one is allowed inside the door without proof that they are over the age of 21 and must produce their Colorado Drivers License or they are not allowed in.

This business will bring vitality to the downtown core of Basalt that is sorely needed.

It will be one of the largest tax revenue producers in the downtown core of Basalt.

The sale of this building at the contracted price will go a long way to increasing property values in Basalt that have been depressed and stagnant since the downturn of 2008.

The owner of the building and the dispensary will convert the top floor to a private residence for his own use. This business will create no odor.

As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed [signature] Date 10-9-16

Business _____ Address 13 Pine Ridge / Basalt CO

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

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As a Basalt business owner or resident, I support changing whatever is necessary to allow this use of the Three Bears Building.

Signed: Jack Pease Date: october 10 2016

Printed Name: Jack Pease

Address: 174 Midland Ave. Boulder colorado / Basalt colorado 81621

Business Name: Aspen Valley station LLC

Jackspease@gmail.com.

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

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Signed: _____

Date: october 10 2016 noah Noah22@gmail.com

Printed Name:/Business Name: Noah Schoenberger

Address: PO BOX 2042 Basalt CO 81621

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

In Reference to the October 11, 2016 Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities.

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Signed: Cassandra Schoenberger

Date: october 10 2016

Printed Name:/Business Name: CASSANDRA Schoenberger

Address: PO BOX 2042 BASALT CO 81621

MYPONYGIRL514@AOL.COM

October 9, 2016
To: Basalt Town Council, Midland Avenue, Basalt, Colorado 81621

In Reference to the October 11, 2016 Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities.

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Signed: _____

Date: 10-9-2016 aspenwarmblood@gmail.com

Printed Name:/Business Name: David Schoenberger

Address: po Box 2042 Basalt CO 81621

TOWN OF BASALT Action Item	Date: October 18, 2016 From: James Lindt, Assistant Planning Director on Behalf of the Basalt Green Team

SUBJECT: Second Reading of Ordinance No. 28, Series of 2016, establishing curbside recycling regulations for the Town of Basalt and amending the Town's fee schedule to establish a fee for a waste hauler permit.

RECOMMENDATION: Staff recommends that Council approve the ordinance on second reading.

DETAILS: In October of last year, Waste Management notified Staff that they were going to have to shut down the public recycling component of their facility at the corner of Willits Lane and Park Avenue unless the Town or other entities could help them offset the cost of keeping the public recycling facility open. The Town decided to split the $3,600 per month cost of keeping the public recycling facility open with Pitkin County.

In analyzing whether to pay the costs to keep the Waste Management public recycling facility open, Staff and the Green Team thought it important to plan for the future of recycling in Basalt and require that trash haulers accept recycling at no additional charge with their trash service. Therefore, Staff worked with the Green Team to formulate the proposed language that is modeled after Carbondale's requirements with some adjustments.

The highlights of the proposed language in the draft ordinance are as follows:

1) Requires trash haulers to provide residential recycling service at no additional cost with residential trash service;
2) Requires trash haulers to accept glass, aluminum, tin, paper, cardboard, brown paper bags, and plastic containers numbered 1-7;
3) Requires haulers to obtain a trash hauler permit to be administered by the Town for a nominal fee;
4) Requires volumetric collection and billing for trash ("pay as you throw") to encourage reduction of trash going to landfill;
5) Establishes hours of operation for trash haulers in Basalt with no Sunday collection permitted.

Follow-Up from September 27th Meeting:
At the September 27th meeting, the Council approved the Ordinance on first reading. Council asked Staff to check-in with Carbondale to see how the pay as you throw (volumetric billing) scenario is working. Staff contacted the Town of Carbondale Planning Department and the City of Aspen Environmental Health Department but have not connected with representatives from either organization. Staff is hopeful of connecting with representatives from Carbondale and the City of Aspen on the topic before the Council meeting and being able to report back at the Council meeting. Staff would suggest that the Town get the trash hauling/curbside recycling ordinance adopted and active and subsequently, Staff can work with Pitkin County Staff to see if there is a way to measure the waste being diverted due to volumetric billing.

RECOMMENDATIONS FROM OTHER BOARDS: Basalt Green Team helped initiate and supports the proposed curbside recycling language.
RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Chapter 7, *Health, Sanitation, and Animals*; Town Fee Schedule
ATTACHMENTS: A) Draft Ordinance No. 28, Series of 2016

A) Draft Ordinance

Town of Basalt
Ordinance No. 28
Series of 2016

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO AMENDING CHAPTER 7, HEALTH, SANITATION, AND ANIMALS BY CREATING A NEW ARTICLE ENTITLED RECYCLING AND WASTE REDUCTION; AND AMENDING THE TOWN'S FEE SCHEDULE

RECITALS

A. 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.

B. The Basalt Green Team has held several meetings and has heard testimony on the need to institute mandatory curbside recycling in light of the financial issues that have surfaced with regards to the operation of the Willits public, drop-off recycling facility. The Green Team is recommending that the Town institute a pay as you throw, curbside recycling ordinance.

C. The Basalt Green Team has researched curbside recycling regulations from other jurisdictions and formulated this draft ordinance.

D. At a public hearing on September 27, 2016, the Town Council approved this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for October 18, 2016 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on October 18, 2016 the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code and adopted the attached regulations 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 Goal and objectives from the 2007 Basalt Master Plan:

Goal: ***Protect and enhance the natural environment, recognizing that it is the source of the community's physical and economic health. Minimize the adverse impacts associated with solid waste disposal, wastewater disposal, water and energy use, and noise and light pollution. Maintain the ecological integrity of the natural landscape, streams, surface waters and wildlife habitat areas, riparian areas, big game migration corridors and critical habitats such as critical winter range and production areas.***

4.8.1 Establish policies and programs designed to address point and non-point source pollution and support the Roaring Fork Conservancy's efforts in this area;

4.8.5 Support the Roaring Fork Conservancy, CDOW and other entities that establish public education programs that foster the value of the river and wildlife lands (from CDOW), that promote ways to prevent pollution and minimize the impacts of human activities on water quality, wildlife corridors and that address the benefits of wise product use, disposal and recycling.

4.8.7 Aggressively pursue improvements to the recycling program, including relocation of the collection bins. Examine ways to increase the participation of commercial and curbside residential pick up, with the goal to recycle 30% of the total solid waste generated in the community;

2. The Town wishes to further the implementation of the Basalt Master Plan by adopting regulations which address recycling and reducing waste anticipated by the Town of Basalt Master Plan.

B. Article IX, of Chapter 7 Health, Sanitation, and Animals of the Town Code titled *Recycling and Waste Reduction* is hereby added to the Town Code as included in Exhibit "A".

C. In accordance with Section 2-381, the Fee Schedule for the Public Works Department is amended as shown on Exhibit "B".

D. The Town Manager shall be responsible for implementing the Recycling Ordinance. The Town Manager also is granted the authority to establish administrative procedures to implement this ordinance.

E. The Town Manager shall be responsible for monitoring the effectiveness of the recycle and waste reduction measures adopted by this ordinance and shall recommend to the Town Council any changes for their consideration which the Town Manager feels would better meet the goals of the Town. The Town

Manager may obtain advice from any Town Committee, such as the Basalt Green Team, valley environmental groups, staff or consultants hired by the Town. The Town Manager could recommend possible changes for future action.

F. 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.

G. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter. Residential waste haulers shall have sixty (60) days from the effective date of this Ordinance to apply for a waste hauler permit and ninety (90) days from the effective date of this Ordinance to comply with the terms set forth in this Ordinance. The Town Manager, at his sole discretion, may extend the deadlines set forth above on a case by case basis.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON October 18, 2016 by a vote of 7 to 0 on September 27, 2016.

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

TOWN OF BASALT

By:_____
Jacque R. Whitsitt, Mayor

ATTEST:

_____
Pamela Schilling, Town Clerk

Ord28_-Recycling_Ordinance

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

The following language is proposed to be added to the Town Code

Exhibit A

Chapter 7, Article IX Recycling and Waste Reduction.

Sec 7-185. Purpose. The Town wishes to further the implementation of the Basalt Master Plan through the implementation of the Recycling and Waste Reduction regulations in this Article in order to recycle a significant percentage of the solid waste generated by the Community.

Sec 7-186. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given in this Section. Collectively, these items may be referred to as *trash* or *rubbish*.

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

Compostable material or compostables means any organic material that will naturally degrade including, but not limited to:

1. Animal or vegetable based food scraps resulting from the preparation, cooking and serving of food;

2. Organic materials including paper products and products designed to completely break down in a commercial composting facility;

3. Organic material that has been completely segregated from trash by the generator for the purpose of being composted or otherwise processed through natural degradation into soil amendment, fertilizer or mulch.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description (*litter* and *refuse* shall be used interchangeably).

Recyclables means glass, aluminum, tin, plastic containers Nos. 1 through 7, paper (including magazines and newspaper), corrugated cardboard, and brown paper bags, either separated by material or commingled according to the trash hauler's directive.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes (*refuse* and *litter* shall be used interchangeably).

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, leaves, yard clippings, tree limbs, wood, glass, bedding, crockery and similar materials. However, *rubbish* shall not include compost piles for home use that are properly maintained and contained on private property.

Wildlife-resistant means a trash enclosure that meets the requirements of Town Code Section 7-166, *Acceptable Wildlife Containers and Enclosures*.

Sec. 7-187, Operating Services, Permit- Residential Haulers

(a) Any trash hauler providing residential trash service within the Town shall also provide recycling services to its residential trash customers. Before the trash hauler may commence providing trash collection and recycling services to residential trash customers, the hauler shall apply for and obtain a permit from the Town. The application shall include a written plan for collection of residential trash on a volumetric-based billing system, a statement of the charges proposed to be made to the customer and the plan for recycling. Each hauler shall submit an annual report to the Town Manager of the weight in tons of garbage, trash, recyclable materials and compostable materials collected within the Town limits. For loads that contain garbage and recyclables originating in part from within the Town limits and in part originating outside the Town limits, the reported quantities may be estimated by the trash hauler. The report shall be submitted prior to January 31st of each new calendar year. The Public Works Director, in his or her discretion, may approve or disapprove the application. The permit fee shall be as set forth in the Town's Fee Schedule.

(b) Permits issued by the Town shall be valid for one year. Application for renewal shall be made prior to the expiration of an existing permit and shall be granted or denied by the Public Works Director.

(c) Each trash hauler that provides garbage collection shall also provide to each customer the collection of all of that customer's recyclable materials, including: glass, aluminum, tin, plastic containers Nos. 1 through 7, paper (including magazines and newspaper), corrugated cardboard, and brown paper bags, either separated by material or commingled according to the trash hauler's directive. Haulers are not required to collect hazardous materials. The collection of recyclable materials shall be offered no less frequently than once per week, and trash haulers shall make recycle

bins available to customers upon request. It is also encouraged, but not required that trash haulers collect compostable materials.

(d) Nothing in this Section shall be construed as prohibiting any trash hauler from also establishing rules regarding the safe maximum weight of containers, as well as pricing for special collection of bulky items or of individual bags of garbage, provided that the price of collection of an individual bag of garbage is not less than that of a base unit of periodic garbage collection.

Sec. 7-188, Collection by Producers and Outside Collectors

(a) *Requirements for vehicles.* Any person transporting refuse in or through the Town shall use a watertight vehicle with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle.

(b) *Disposal.* No person shall dispose of any refuse at any location within the Town without the prior written approval of the Public Works Director.

(c) *Hauler Guidelines.* The Public Works Director shall have the authority to prepare other such guidelines for the Town Council's adoption concerning individual collection and disposal and relating to the hauling of refuse over the Town streets by outside collectors as he or she shall find necessary, subject to the right of appeal as set forth in Section 7-192 of this Article.

(d) *Hours of operation.* Trash and refuse haulers shall be limited to the following hours and days:

(1) Monday through Friday: 7:00 a.m. to 7:00 p.m.

(2) Saturday: 8:00 a.m. to 5:00 p.m.

(3) Sunday: No residential collection.

Sec. 7-189 Volumetric Trash Collection and Recycling Services

Private trash haulers providing residential collection services within the Town shall provide a volumetric collection and billing program which is designed to encourage reduction of trash being placed in landfills, and shall provide recycling services to each residential customer served.

Sec. 7-190 Refuse and Recycle Containers

(a) It is the duty of the customer to keep and maintain containers in a good and sanitary condition.

(b) Garbage containers shall be made of plastic or metal, shall be equipped with suitable handles and tight-fitting covers and shall be weather-tight.

(c) Garbage containers shall be Wildlife Resistant as defined in Section 7-166.

(d) Recycling containers provided by the waste haulers shall clearly communicate what is permitted to be recycled.

Sec. 7-191 Recycled Materials

No residential trash hauler shall deposit recycled materials in a landfill unless the recycled materials have been contaminated or are otherwise not acceptable for recycling. Trash haulers shall use their best efforts to maximize the amount of material being recycled.

Sec. 7-192 Appeals

Any waste hauler aggrieved by a guideline or fee charged by the Public Works Director may appeal to the Town Council.

Exhibit B

Excerpt from Fee Schedule

Language underlined is being added to the Town Fee Schedule. Language with ~~strikethrough~~ shows language being deleted from the Town Fee Schedule.

Code Section	Subject	Fee	Deposits or Mitigation
Section 7-34	Permit for dumping and disposal	$50	
Section 7-187	**Permit for Waste Hauler**	**$100**	
Section11-53	Permit for excavation in any street, alley, or sidewalk	Permit Fee: $100 Insp. Fee: $50	Asphalt: $10/sq. ft. Concrete: $12/sq.ft. Gravel: $5/sq. ft. Grass: $5/sq. ft. Curb & Gutter: $20/lin. ft.
Section 18-13	Tree Removal Permit	$0	Per Code Section 18-13

2016 ADVANCED AGENDAS

Tuesday October 25, 2016 WORKSESSION AND LEGISLATIVE

BUDGET WORKSESSION -**4:00 PM?**

WORKSESSIONS

- Childcare – With Basalt Childcare coalition
- ArtBase – Presentation of Development Concepts

ORDINANCES

- 1st Reading 132 W. Sopris ADU (10 min)
- Continued 1st Reading on Stott's Mill Application or 2nd Reading
- 1st Reading – Lease for Red Brick & Growing Years
- 2nd Reading – Marijuana Licenses
- 2nd Reading – Amendments to Chapter 18 Building to incorporate 2015 Energy Code

OTHER ACTIONS

- BPAC update on Activities and motion to select artist and authorize contract
- Discussion on East Valley Road Intersection – Fields Land Use Application (BOCC meeting on Thursday November 10, 2016)
- Discussion and action on Agreement related to Willits affordable housing

November 8, 2016 WORKSESSION AND LEGISLATIVE

(Note – Election night- no Meeting Continue RootsRX w/o Quorum)

NOVEMBER 15, 2016

COUNCIL DISCUSSION ITEMS

- Follow-up Discussion from November 8th Election
- Council Discussion 2017 Budget

OTHER

- Aspen Skiing Company Annual Report?
- Willits Town Center items

November 22, 2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 1st Reading on 2017 Budget
- 1st Reading on Supplemental Budget if necessary
- 2nd Reading for 132 W. Sopris ADU
- 2nd Reading Lease for Red Brick and Growing Years

2016 ADVANCED AGENDAS

OTHER

- Aspen Skiing Company Report (alternate date)
- Roaring Fork River Center Final Plan - Financial

REGULAR COUNCIL

- Pre-Application for Art Base (or December 13rd)
- Continued Follow-up Discussion and Council Direction based on November 8th Election?

December 13, 2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 2nd Reading on 2017 Budget
- 2nd Reading on Supplemental Budget if necessary
- Resolution associated with Budget

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

OTHER DISCUSSION ITEMS IDENTIFIED BY STAFF

Adopting the 5 Yr. Capital Improvements Plan
Valley Rd/El Jebel Road Alignment
Traffic Calming on East Valley Rd and Throughout Town
Safe Routes to School
Code amendment Chapter 8 – Parking rules
Public Works Manual
Worksession – BDBA& Chamber
Presentation Colorado Parks and Wildlife – Bear Aware
Flood plain regulations
Two Rivers Road Master Plan
Master Plan Update
Art Base Expansion
TACAW Feasibility
Community Vitality Zone on Basalt Center Circle

2016 ADVANCED AGENDAS

LAND USE APPLICATIONS

Arbaney Kittle PUD Amendment- Pursuant to pre-development agreement
Town Park Arts Parcel – TACAW Approvals
132 W. Sopris Dr. Special Review
Habitat for Humanity School District Housing
Elice Final Plan
Roaring Fork Club Amendment to Remove Trees