

AMENDED AGENDA



101 Midland Avenue, Basalt, CO 81621

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

Time: 5:00 p.m.

5:00 1. Call to Order (Pam Schilling)

5:01 2. Roll Call (Pam Schilling)

5:02 Appoint Temporary Mayor Pro tem

Motion to Consider:

I move that the Town Council appoint _____ as temporary Mayor Pro tem.

5:03 Worksession: with TACAW on Constructing the Performing Arts Center

5:45 Council Break

TOWN COUNCIL MEETING AGENDA

6:00 3. Consent Agenda (Mayor Pro tem Whitsitt)

3A. Minutes: June 12, 2016

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council approve the Consent Agenda as published.

6:01 4. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

6:08 5. Council Comments, Reports, Disclosures

- 5A.** Citizen Acknowledgment – BEMC Chair Bill McEnteer
- 5B.** Council Comments and Committee Reports
- 5C.** SGM – Engineer's Report
- 5D.** Town Manager's Report

6:20 6. SECOND READING OF ORDINANCES:

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Ordinance No.15, Series of 2016 on second reading.

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Ordinance No.16, Series of 2016 on second reading.

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Ordinance No. 17, Series of 2016 on second reading.

6:40 7. RESOLUTIONS

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Resolution No. 29, Series of 2016: Approving the Basalt Mini-Storage Expansion Sketch Plan.

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Resolution No. 30, Series of 2016: Amending the Policy for Administering Town-Owned Employee Housing Units.

7:10 8. FIRST READINGS OF ORDINANCES:

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

8A. Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Ordinance No.18, Series of 2016, upon first reading, and set the public hearing and second reading date for August 9, 2016.

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

Motion to Consider:

Mayor Pro tem, I move that the Town Council Approve Ordinance No.19, Series of 2016, upon first reading, and set the public hearing and second reading date for August 9, 2016.

7:40 9. RECOMMENDATIONS FROM THE FINANCE COMMITTEE

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

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

Motion to Consider:

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

10. EXECUTIVE SESSION:

Motion to Consider:

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

- A conference with our attorney for the purpose of receiving legal advice on specific legal questions in accordance with C.R.S. 24-6-402(4)(b).
- The purchase, acquisition, lease, transfer or sale of property interests in accordance with C.R.S. 24-6-402(4)(a).
- Determining positions relative to matters that are or may become subject to negotiations in accordance with C.R.S. 24-6-402(4)(e).

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

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

12. ADJOURNMENT

Motion to Consider:

Mayor Pro tem, I move that the Town Council adjourn the meeting.



101 Midland Avenue, Basalt, CO 81621

Meeting Date: July 12, 2016
Location: Town Council Chambers

Time: 6:00 p.m.

5:00 Worksession: TOB Council and POST to review estimated costs for Basalt Riverfront Park and Discuss next steps

TOWN COUNCIL MEETING MINUTES

6:30 1. Call to Order (Mayor Whitsitt)

Mayor Jacque Whitsitt called the meeting to order at 6:35 pm.

6:31 2. Roll Call (Pam Schilling)

Council members present were Auden Schendler, Katie Schwoerer, Bernie Grauer, Gary Tennenbaum, Jennifer Riffle and Mark Kittle.

6:32 3. Consent Agenda (Mayor Whitsitt)

3A. Minutes: June 28, 2016

M/S COUNCILORS KITTLE AND SCHENDLER THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA AS PUBLISHED. THE MOTION CARRIED 7-0.

3 4. Council Comments, Reports, Disclosures

4A. Council Comments

Jacque Whitsitt noted she meets with Charlie Spickert, Chair of the Basalt Chamber every week for an update on what each is working on. Charlie and Jacque also met with Genna Moe of the Art Base and Cathy Click of the Basalt Downtown Business Association to discuss partnership opportunities.

Jennifer Riffle noted the Aspen Valley Marathon and Lemonade Day were coming up on July 16 from 9 am to 1 pm. The Eagle County Down Payment Loan Assistance Program would make a presentation to mortgage lenders, home buyers, and the general public at Town Hall on Wednesday, July 13 from 8:30 to 9:30 am. Jenn offered kudos to Bernie Grauer for manning the Basalt booth at the Sunday market and encouraged other council members to sign up. Jenn gave a shout out to Robin Waters and the Basalt Chamber for their Movie in the Park night which was a big success. Jenn noted that accessibility to Lions Park was needed with a ramp

and boardwalk down to the grassy area, not just the sidewalk periphery. Jenn said Fire Chief Scott Thompson had replied to an email she sent to him requesting information on Fire Department staffing and the joint nature of the Wildcat Fire and Basalt Fire departments. Jennifer said she met with Genna Moe on the future of the Art Base where they discussed possible expansion of the Art Base building, and a possible phased approach to achieving mutual goals. Jenna thanked Susan Philp, James Lindt and Market Manager Jimmy Dula for their help and set up for the Sunday Market of July 3, and to Susan for standing in at the booth for an hour.

Katie Schwoerer said she had met in late June with Eagle Commissioner Jill Ryan to discuss mutual interests of the Roaring Fork portion of Eagle County.

Bernie said he was at the recent Sunday Market and wanted to commend Shae Singer who brought in a bunch of new vendors for the Basalt Goes Bazaar event adding more vitality and people to the market. Bernie said he would ask the chainsaw carver to leave his power tools in the shop next time. Bernie suggested that Committee reports be added as a regular item to the agenda.

Bernie Grauer gave a brief Finance Committee report to the Council. He noted that the August 2 meeting of the Committee would be held at 5 pm and they would discuss the financial history and how we got here and how we can increase the cash reserves. The Finance Committee also wanted to advertise to add one or two citizen members with financial experience or background to the Committee.

Gary Tennenbaum said Brian Buell came in and asked us to do a bike park over by south side. Brian took a lot of initiative and worked with Pitkin Open Space and trails and the bike park looks awesome right now. There is a shade structure out there, and the bike park was revamped by a citizen driven initiative. Gary gave a shout out to Brian who made that happen.

4B. Town Manager's Report

Mike Scanlon reported that the most significant thing was the Letter of Map Revision (LOMR) that had been completed. If there are no protests or complaints, the LOMR becomes effective 90 days November 25, 2016. This is good news for southside businesses as it will lower their flood insurance premium.

4C. Gnome Village

Auden Schendler reported that one goal of council was to get some things done quickly. One thing he wanted to do was to create a Fairy and Gnome Home Zoning District. Auden introduced Elias Schendler and Zealand Lane who were present to discuss the matter with Council. Town Manager Mike Scanlon introduced Chief Gnome Boyd Bierbaum and explained the concept of Fairy and Gnome Home Zoning. Three sites have been identified as possible zoning locations where kids can go to develop gnome and fairy homes using only natural items found in the vicinity.

Elias Schendler and Zealand Lane discussed their interest in gnomes, and the importance of gnomes to nature and the community.

A motion was made that the Fairy and Gnome Home Zoning project go forward; the motion passed unanimously.

5. Citizen Comments:

- Mark Kwiecienski discussed the holiday/Christmas tree lighting and menorah celebrations.
- Bill Maron asked that the discussion for the potential expansion of the zones in which marijuana could be sold include discussion of mental health issues .

6. ITEMS FOR COUNCIL CONSIDERATION**6A. Basalt Mini-Storage Expansion:** Application Introduction (James Lindt)

Assistant Planning Director James Lindt introduced applicant representatives Clay Crossland and Jeff Orsulak who made in presentation in favor of expanding the Basalt Mini Storage facility to 820,000 sf. There was no council action on this item at this time.

7. RESOLUTIONS

7A. Resolution No. 27, Series of 2016: Direction to Staff related to expansion of zoning districts where marijuana could be sold and to consider the Town's four license locations to be either retail or medical

Town Manager Mike Scanlon offered a history of marijuana in Basalt.

M/S COUNCILOR GRAUER AND KITTLE THAT THE TOWN COUNCIL APPROVE RESOLUTION NO 27, SERIES OF 2016. THE MOTION CARRIED 5-2 WITH COUNCILORS RIFFLE AND SCHWOERER OPPOSED

8. FIRST READINGS OF ORDINANCES:

8A. First Reading of Ordinance No. 15, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving Revised Plans for the Roaring Fork Conservancy's Proposed River Center and Old Pond Park (Susan Philp)

Planning Director Susan Philp introduced the project and noted that the Roaring Fork Conservancy and the Town of Basalt are co-applicants on the project.

Applicant representatives who were present were introduced: Don Schuster, Rick Lofaro, Jim Light, Larry Yaw of the Conservancy, Matt Armentrout of Harry Teague Architects, Rob Morey owners rep and project manager.

M/S COUNCILORS TENNENBAUM AND KITTLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 15, SERIES OF 2016 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016. THE MOTION CARRIED 7-0.

8B. First Reading of Ordinance No. 16, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving a Minor PUD Amendment to Add Kitchens to Ten (10) of the Roaring Fork Club Suites, Lot 2, Block 1, Roaring Fork Club PUD (James Lindt)

Assistant Planning Director James Lindt led the discussion and introduced Vesela Mihaylova, Director of the Cabin Corporation of the Roaring Fork Club.

M/S COUNCILORS TENNENBAUM AND RIFFLE TO APPROVE ORDINANCE NO. 16, SERIES OF 2016, WITH AN AMENDMENT TO REQUIRE THE FULL PARKLAND DEDICATION FEE, AND TO SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016. THE MOTION CARRIED 7-0.

8C. First Reading of Ordinance No. 17, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Amending the Town’s Community Housing Guidelines to Change the Composition of the Special Housing Evaluation Committee (SHEC) (James Lindt)

M/S COUNCILORS KITTLE AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 17, SERIES OF 2016 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016.

9. EXECUTIVE SESSION:

The Executive Session was deemed unnecessary. Town Manager Mike Scanlon discussed where the Town was in terms of the park, costs for park improvements, methodology to calculate costs on a square foot basis, and next steps. Council will meet to discuss the park further on Monday, July 18, at 6 pm.

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

- a. Accounts Payable
- b. Advanced Agendas

11. ADJOURNMENT

M/S COUNCILORS KITTLE AND SCHENDLER THAT THE TOWN COUNCIL ADJOURN THE MEETING AT 9:04 PM. THE MOTION CARRIED 7-0.

The minutes of the July 12, 2016 meeting were read and approved this 26th day of July, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

TOWN OF BASALT WORKSESSION	Date: July 26, 2016
	From: Susan Philp, AICP Planning Director
	Town Manager Review: MS approved 07-22-16

SUBJECT: Worksession with TACAW on constructing The Arts Campus at Willits

RECOMMENDATION: Council discussion and direction

DETAILS: The attached reports from Ryan Honey, Managing Director of TACAW, provide the history and goals of TACAW.

On June 23, 2015 the Town Council entered into a Pre-development agreement with TACAW outlining the use of Town-owned property and funds to construct a performing arts center. The Pre-development Agreement designated TACAW as the exclusive developer of the .74± acre Town-owed "Town Park-Arts Center Tract", and set out a number of actions that are necessary to identify the necessary improvements, costs and financing needed to be satisfactorily addressed in order to execute a Final Development Agreement and Lease with the Town. TACAW now stands for The Arts Campus at Willits (instead of Arts Center).

Paragraph 4(c) required TACAW to have a Final Development Agreement by March 30th of this year and allowed the Town Manager to grant an extension for 3 months. The Town Manager extended the deadline to June 30th but noted that any further extension required Town Council approval. In May the Council extended the deadline that TACAW had for coming up with a final development agreement to September 30, 2016. TACAW submitted a land use application which is ready for P&Z review. The Town Council is currently scheduled to consider ordinances approving the site plan, development agreement and lease on September 13th at 1st Reading and September 27th at 2nd Reading.

Staff identified in May that the Town Council would benefit from a Worksession with TACAW sooner than later to discuss the Town's support for the Performing Arts Center. This is the first Council meeting possible to schedule a Worksession.

Here are check in questions identified by Staff:

1. Is the Council comfortable continuing to support TACAW's efforts to build a performing arts facility in Willits Town Center on the "Town Park-Arts Center" parcel the Town owns?
2. Is there any additional information that the Council wants before considering the development agreement. (See Kimmel's July 21st memorandum on TACAW).
3. Is the Council comfortable with the current use and rate of the RETA 1 expenditures for TACAW.
4. Broader question – How can Council and Town citizens best support all of the arts activities in the Town so they complement and do not compete with each other

Related Town Statute and or Town Actions: Town Master Plan; Town involvement in School Facility Planning; Willits and Sopris Meadows PUD approvals

Budget: The Town budgeted \$100,000 for TACAW for 2016 using the restricted RETA funds.

Attachments: Location Map, TACAW's proposed Schematic Site Plan; Information on the TACAW Proposal; Bruce Kimmel, Ehlers memorandum of July 21, 2016; June 14 and May 19, 2016 memorandums from Ryan Honey, Managing Director of TACAW; Pre-Development Agreement; Resolution Extending Deadline; RETA and land use language

Willits Town Center

* See Schematic
Site Plan for
TACAW'S CURRENT
PROPOSAL



"Town
Park -
Arts
Parcel"

NOTES:

ESTIMATED OPEN SPACE*

COVERED:	3,920 SF
NON PERMEABLE:	2,689 SF
PERMEABLE:	3,297 SF
TOTAL PERMANENT:	9,906 SF
TEMPORARY:	7,756 SF
TOTAL OPEN SPACE:	17,662 SF

LOT AREA:

PHASE 1:	21,137 SF
PHASE 2:	11,007 SF
TOTAL:	32,144 SF

CONCEPTUAL BUILDING AREA

PHASE 1:	15,000 SF ABOVE GRADE (15,000 SF BELOW GRADE POTENTIAL)
PHASE 2:	30,000 SF
TOTAL:	60,000 SF

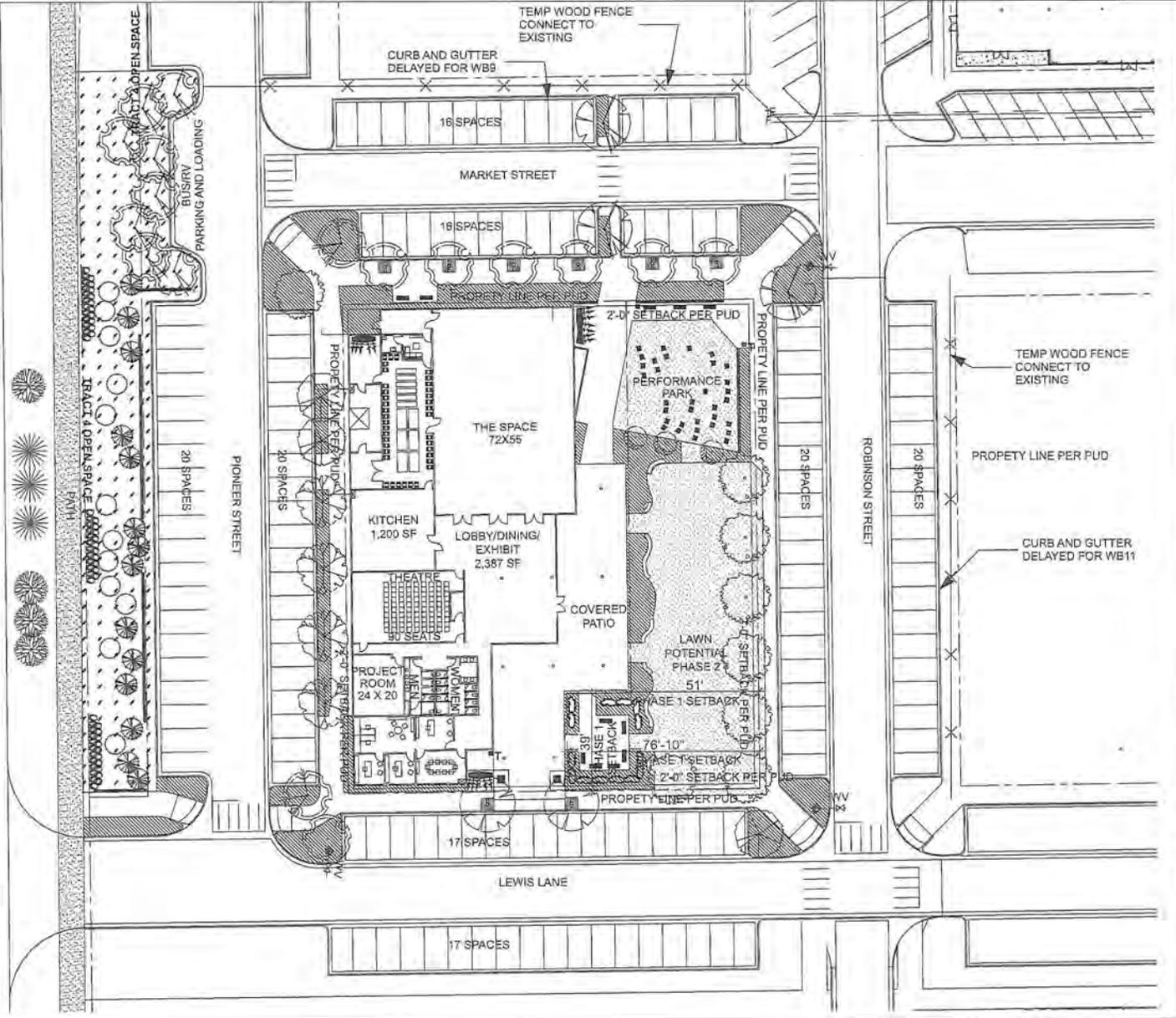
STORIES:

PHASE 1: 2 STORIES

SETBACKS: SEE DRAWING

MAXIMUM PROPOSED
BUILDING HEIGHT: 35 FEET
PROPOSED PARKING: 146 SPACES

*OPEN SPACE ESTIMATE BASED ON
SCHEMATIC DESIGN SUBJECT TO
CHANGE AS THE DESIGN EVOLVES.



L	W	D	P

LIPPIN WARRER DESIGN & PLANNING
12700 S. VALLEY BLVD. SUITE 200
PHOENIX, AZ 85026
F: 480-944-9445
WWW.LWDP.COM

THE ARTS CENTER AT WILLITS

DATE	DESCRIPTION
01.15.18	SKETCH PLAN

**SCHEMATIC
SITE PLAN**

A-100

Information on the TACAW Proposal

RETA Funds

All project costs, both from TACAW and the Town's outside consultant fees, are currently being funded by the portion of the Willits RETA 1 for an art/cultural center.

There is roughly \$750,000 in the Willits RETA restricted fund balance for the "arts" portion of the Willits RETA at the end of the 2nd quarter of 2016. (Note: not all revenues and expenditures have been accounted for.)

The Town budgeted \$100,000 for TACAW expenditures in 2016. In June, TACAW estimated \$138,000 of 2016 expenditures. At the current rate of TACAW disbursements and allowing for future Town Attorney and Town financial analysis, Staff estimates a higher amount of 2016 expenditures (\$175,000 ±). Therefore, Staff anticipates processing a supplemental budget request using the Willits Restricted funds; the monies would not come from the Town's general fund.

TACAW relies on using the current fund balance and future revenues as part of their funding.

The Art Base also has expressed interest in using the Willits RETA funds.

Willits Approvals

The Town Park – Arts Center Tract ("TPAC") is owed by the Town of Basalt. It was dedicated to the Town by the original Willits Developers in 2001. Section 2.6 of the Willits Town Center PUD Document outlines the permitted uses (see attached). In 2007, the Town also required the developer to agree to allow affordable housing on the parcel.

Other Developer Commitments

The Willits Developer is required to make certain improvements to the Town Park-Arts Center Tract and associated street improvements upon request by the Town. This is factored into TACAW's pro forma. Staff needs to work with TACAW in refining the costs that are attributable to the Willits Developer to ensure that correspond to the requirements outlined in the Willits Town Center approvals.



Memo

To: Town of Basalt, Colorado
From: Bruce Kimmel, Senior Financial Advisor
Date: July 22, 2016
Subject: **The Arts Campus at Willits – Overview of Fiscal Topics**

Over the past 13 months, Ehlers, in its capacity as the Town of Basalt's development finance advisor, has reviewed a succession of project budgets and operating projections prepared by The Arts Campus at Willits (TACAW) for its proposed performing arts and events center of the same name. Most recently, we met with TACAW representatives on July 13 to discuss their current financial estimates and supporting materials on the regional marketplace for performing arts and other special events.

TACAW's estimated operating revenues are based on a series of inputs regarding the film, lecture, culinary, dance, comedy, theater, music, and private events that TACAW proposes to present, including the number of each type of event per year, attendees per event, and average ticket price. Ehlers is not qualified to evaluate each of these inputs individually, but we note that TACAW expects to reach 200 ticketed events annually – opening 2019, stabilizing in 2021 – and 17 private events (weddings, galas) per year. We expect the Town will wish to discuss TACAW's programming estimates and how possible activity adjustments may influence the Center's overall fiscal performance.

From a more global perspective, we note that this concept for a performing arts and events center is untested in the Roaring Fork Valley, which is relatively sparsely populated on a year-round basis. TACAW would face enormous competition for expendable entertainment dollars, especially during the 4+ months of shoulder seasons in which both tourists and residents are less present. This unique market situation suggests to us that more detailed, and mid-Valley-specific, analysis is required.

Another area of attention will be TACAW's projected development cost of \$7.7 million, and assumptions about donations (amounts, timing) and other capital funding sources. TACAW indicated that it intends to obtain construction financing and begin construction after it secures donations equal to roughly 50% of the project budget. It expects to take 18 months (Fall 2016 – Spring 2018) to reach this threshold, to start building in Summer 2018, and to open the Campus in Summer 2019 – with "phase two" donations then received sufficient to pay off the construction / permanent debt in full, at a date to be determined. This funding plan seems reasonable, but we note that TACAW has not yet factored interest or other financing expenses into its budget or operating proforma.

www.ehlers-inc.com

Finally, we understand the Town and TACAW are working to negotiate and enter into a development agreement this fall, to guide their public – nonprofit partnership regarding the proposed Campus. Our analysis of the project indicates six major issues that will need to be evaluated, discussed, and settled between the Town and TACAW:

1. Terms for the parcel lease to TACAW, including milestones / deadlines for reaching land use approvals, building permits, and certificate of occupancy.
2. Funding and installation of public infrastructure. TACAW estimates \$1.3 million in street, sidewalk, utility, drainage, and landscaping improvements on adjacent streets (Lewis, Pioneer, Robinson, and Market), and believes the Willits Town Center (WTC) developer is obligated to fund these costs in full. Town Staff is researching this issue and its prospective ability to engage the WTC developer.
3. Forecasted future collections and use of the WTC “arts purpose”-designated Real Estate Transfer Assessment (RETA). TACAW wants continued access to the full Arts RETA fund balance and to all such future revenues, to offset losses during ramp-up and then fund an ongoing TACAW endowment. We suggest that the Town will want to negotiate specific authorized uses of the RETA funds and tie future funding phases to TACAW meeting certain project milestones.
4. Capital funding. Town Staff has suggested the tax-exempt conduit bonding vehicle that the Town provided to RMI and has offered to the Roaring Fork Conservancy. TACAW indicated that it is not seeking any additional capital funding support from the Town.
5. Town support for TACAW programming. TACAW indicated that it may ask the Town to fund certain community event costs, to be determined.
6. Overall project feasibility, including in ongoing Campus operations and maintenance, and prospects for long-term community benefit.

Ehlers looks forward to helping the Town in the next, more detailed phase of analysis and discussion with TACAW, and in seeking innovative ways to permit the project pre-development process to continue moving forward, while also mitigating the Town's risk of future financial exposure. Please contact me at bkimmel@ehlers-inc.com with any questions about this brief overview and thank you for the opportunity to be of assistance to the Town of Basalt.



Memo

To: Town of Basalt, Colorado
From: Bruce Kimmel, Senior Financial Advisor
Date: July 22, 2016
Subject: **The Arts Campus at Willits – Overview of Fiscal Topics**

Over the past 13 months, Ehlers, in its capacity as the Town of Basalt's development finance advisor, has reviewed a succession of project budgets and operating projections prepared by The Arts Campus at Willits (TACAW) for its proposed performing arts and events center of the same name. Most recently, we met with TACAW representatives on July 13 to discuss their current financial estimates and supporting materials on the regional marketplace for performing arts and other special events.

TACAW's estimated operating revenues are based on a series of inputs regarding the film, lecture, culinary, dance, comedy, theater, music, and private events that TACAW proposes to present, including the number of each type of event per year, attendees per event, and average ticket price. Ehlers is not qualified to evaluate each of these inputs individually, but we note that TACAW expects to reach 200 ticketed events annually – opening 2019, stabilizing in 2021 – and 17 private events (weddings, galas) per year. We expect the Town will wish to discuss TACAW's programming estimates and how possible activity adjustments may influence the Center's overall fiscal performance.

From a more global perspective, we note that this concept for a performing arts and events center is untested in the Roaring Fork Valley, which is relatively sparsely populated on a year-round basis. TACAW would face enormous competition for expendable entertainment dollars, especially during the 4+ months of shoulder seasons in which both tourists and residents are less present. This unique market situation suggests to us that more detailed, and mid-Valley-specific, analysis is required.

Another area of attention will be TACAW's projected development cost of \$7.7 million, and assumptions about donations (amounts, timing) and other capital funding sources. TACAW indicated that it intends to obtain construction financing and begin construction after it secures donations equal to roughly 50% of the project budget. It expects to take 18 months (Fall 2016 – Spring 2018) to reach this threshold, to start building in Summer 2018, and to open the Campus in Summer 2019 – with "phase two" donations then received sufficient to pay off the construction / permanent debt in full, at a date to be determined. This funding plan seems reasonable, but we note that TACAW has not yet factored interest or other financing expenses into its budget or operating proforma.

www.ehlers-inc.com

Finally, we understand the Town and TACAW are working to negotiate and enter into a development agreement this fall, to guide their public – nonprofit partnership regarding the proposed Campus. Our analysis of the project indicates six major issues that will need to be evaluated, discussed, and settled between the Town and TACAW:

1. Terms for the parcel lease to TACAW, including milestones / deadlines for reaching land use approvals, building permits, and certificate of occupancy.
2. Funding and installation of public infrastructure. TACAW estimates \$1.3 million in street, sidewalk, utility, drainage, and landscaping improvements on adjacent streets (Lewis, Pioneer, Robinson, and Market), and believes the Willits Town Center (WTC) developer is obligated to fund these costs in full. Town Staff is researching this issue and its prospective ability to engage the WTC developer.
3. Forecasted future collections and use of the WTC “arts purpose”-designated Real Estate Transfer Assessment (RETA). TACAW wants continued access to the full Arts RETA fund balance and to all such future revenues, to offset losses during ramp-up and then fund an ongoing TACAW endowment. We suggest that the Town will want to negotiate specific authorized uses of the RETA funds and tie future funding phases to TACAW meeting certain project milestones.
4. Capital funding. Town Staff has suggested the tax-exempt conduit bonding vehicle that the Town provided to RMI and has offered to the Roaring Fork Conservancy. TACAW indicated that it is not seeking any additional capital funding support from the Town.
5. Town support for TACAW programming. TACAW indicated that it may ask the Town to fund certain community event costs, to be determined.
6. Overall project feasibility, including in ongoing Campus operations and maintenance, and prospects for long-term community benefit.

Ehlers looks forward to helping the Town in the next, more detailed phase of analysis and discussion with TACAW, and in seeking innovative ways to permit the project pre-development process to continue moving forward, while also mitigating the Town's risk of future financial exposure. Please contact me at bkimmel@ehlers-inc.com with any questions about this brief overview and thank you for the opportunity to be of assistance to the Town of Basalt.

TACAW

THE ARTS CAMPUS AT WILLITS

MEMORANDUM

To: Basalt Town Council

From: Ryan Honey, Managing Director

Date: July 14, 2016

Re: Status Report on TACAW

The purpose of this memorandum is to provide the Town Council with a status report on TACAW along with documentation about our expenditures and accounting.

TACAW Organizational Update

During the past month, staff and the Board of Directors created and implemented fundamental governance policies for the organization. This included the formation of the following Board Committees: Executive, Finance, Governance & Board Development, Events & Programming, Education, Facilities, and Marketing & Communications. These Committees are tasked with detailed oversight in their respective areas as well as the planning and implementation of coherent strategies that will further the mission and impact of TACAW. The Committees will report regularly to the full Board. In addition, the Board approved a Board Responsibilities Policy and a New Board Directors On-Boarding Policy. Together, these documents will allow TACAW to begin to recruit additional members to the Board of Directors.

The Board of Directors also held a retreat on June 21. The retreat was a high-level discussion to assess the current state of the organization and articulate its short and long-term goals. The outcomes from the retreat will serve as the basis for the work of the Committees.

Finally, a 5-year budget was completed and is being reviewed and vetted by the Finance Committee. It is our intention to submit the budget to Bruce Kimmel to aid in his assessment of the financial outlook for TACAW.

TACAW Building Project Update

On June 16, TACAW staff and Directors met with Town of Basalt staff to outline Sketch Plan Approval and Development Agreement calendars. A preliminary calendar was put in place for the Sketch Plan Approval and Town of Basalt staff have confirmed that it is feasible given the demands of the Council. In keeping with this approval calendar, notification about our planned development was sent to residents within 300 feet of the site prior to the June 20 deadline. In addition, a contract for a property assessment was entered into with Les Gray who will provide the assessment requested by the Town of Basalt. On July 26, I will join members of our Board in a presentation to the Town Council about the vision for TACAW, the history of the project, and how we will intend to achieve success. We are looking forward to this presentation. Please let me know if you have any additional questions

Sincerely,

Ryan Honey
Managing Director

TACAW

THE ARTS CENTER AT WILLITS			
June 2016 Purchase Order #5 - July 13, 2016			
P.O. NO.	VENDOR	SERVICE	AMOUNT
#1	Basalt Printing	Office supplies	48.95
#2	Eagle County GIS	Mailing list	30.00
#3	Harland	Check order	18.95
#4	Moo.com	Business cards	62.46
#5	Roaring Fork Bookkeeping	June bookkeeping	416.25
#6	Thunder River Properties	July rent	566.50
#7	Ryan Honey	Managing Director Salary - July	8,333.34
#8	Ryan Honey	Managing Director Benefit Stipend- July	1,500.00
#9	US Treasury	May federal payroll taxes	478.13
#10	US Treasury	June federal payroll taxes	637.50
#11	US Treasury	July federal payroll taxes	637.51
#12	Ryan Honey	Reimb expenses	241.82
		Total July 13, 2016 P.O. #5	12,971.41

BASALT Office & Art Supplies PRINTING

23252 Two Rivers Road
Basalt, CO 81621
Phone: (970) 927-4705 Fax: (970) 927-3467

INVOICE
Page 1 of 1

INVOICE NO. 0015995 ✓

SOLD TO: Tacaw The Arts Center at Willits
701 East Valley Road
Basalt CO 81621

SHIP TO: Tacaw The Arts Center at Willits
701 East Valley Road
Basalt CO 81621

Phone: (970) 927-8473

Phone: (970) 927-8473

SALES ASSOC	PURCHASE ORDER NO.	SHIP VIA	SALE TYPE	DATE SHIPPED	TERMS	INVOICE DATE
MG1			Charge	06/14/2016	Net 30 Days	06/30/2016
QTY	ITEM NO.	DESCRIPTION			UNIT PRICE	EXTENDED PRICE
1	01	lamination 3 mil			\$13.00	\$13.00
1	MMM559	ordered by Eileen "p+z notice" 6/14/16 -pb PAD,EASEL,25X30,WE pu 06/21/16 by Ryan -cg			\$31.79	\$31.79
Tender Types					SALES AMOUNT	\$44.79
Cash	\$0.00	Debit Card	\$0.00	TAXABLE TOTAL	\$44.78	
Check	\$0.00	Alternate Tender	\$0.00	SALES TAX	\$4.16	
AR Charge	\$48.95	Gift Card	\$0.00	FREIGHT	\$0.00	
Credit Card	\$0.00	Foreign Currencies	\$0.00	TOTAL	\$48.95	
THANK YOU!						



Account: BUS DDA 0001 Current Time: 07/13/16 10:26:01 AM Current Balance: \$14,165.48 Available Balance: \$14,146.53

Date	Ref/Check No	Description	Debit	Credit	Balance
07/13/2016		Pending: HARLAND CLARKE CHK ORDERS ACH Entry Memo Posted Today	-18.95		\$14,146.53
07/12/2016	1000241	1000241 Payee: THUNDER RIVER PROPERTIES, LLC	-566.50		\$14,165.48
07/08/2016	1000217	1000217 Payee: MT. DALY ENTERPRISES, LLC	-5,170.00		\$14,731.98
07/08/2016	1014	1014	-705.00		\$19,901.98
07/07/2016		DBT CRD 2031 07/06/16 26091380 MOO.COM www.moo.com RI Card # 2753	-362.46		\$20,666.98
07/07/2016		Bill Paid - MORGAN CHASE BANK, NA Gen #5	-1,500.00		\$20,729.44
07/07/2016		Bill Paid-Ryan Cking Conf #7	-574.19		\$22,229.44
07/06/2016		USATAXPYMT IRS CCD 270858805582530	-2,139.00		\$22,803.63
07/06/2016		Tax Paymnt Dept. of Revenue CCD COLTAX005088285 TXP*EFT*011*160630*T*01	-376.00		\$24,942.63
07/01/2016	View Image	Deposit		\$24,167.76	\$25,318.63
Totals:		Transactions: 10	Debits: -\$11,172.10	Credits: \$24,167.76	

Email: rfbkbp@comcast.net

ROARING FORK BOOKKEEPING
BARBARA HANRAHAN

703 HOLLAND HILLS ROAD
BASALT, CO 81621
970-927-4370 (H) 970-618-1131 (C)



July 5, 2016

The Art Campus at Willits (TACAW)
701 E. Valley Road, Ste. 200A
Basalt, CO 81621

<u>JUNE 2016 BOOKKEEPING</u>		<u>AMOUNT</u>
6/2/2016	0.50 Setup online access with Alpine Bank	22.50
6/6/2016	2.50 Preparation of May TOB 2016 expense spreadsheet and invoice with copies	112.50
	0.75 Complete online setup for CDR payroll withholding and online payments after receiving necessary backup from CDR; online payment of May State withholding	33.75
6/8/2016	0.50 Ongoing attempt to complete setup for online access to Alpine Bank checking account and bill pay with multiple emails and phone calls to Kristin Anthony and calls to tech support	22.50
	0.75 Online payment of bills & email correspondence with Ryan	33.75
	2.25 Post past and current payments to Quickbooks and reconcile account; organize and file bills and communication; review PO #4 and email Ryan re: discrepancies	101.25
6/9/2016	0.50 Revise PO #4 and TOB spreadsheet, email to Ryan	22.50
	0.25 Preparation of 6/15/16 payroll; email paystubs to Ryan and banker	11.25
6/20/2016	0.75 Review April outstanding balance (\$158.25) on PO #4 and explain source to Susan Philp	33.75
6/27/2016	0.50 Preparation of 6/30/16 payroll, calculate and pay taxes (7/5)	22.50
	Total Bookkeeping Services	416.25
	<u>Reimbursable Expenses</u>	
	Total Reimbursable Expenses	-
	Balance Due	\$ <u>416.25</u>

Thunder River Properties, LLC

PO Box 710
Basalt, CO 81621

✓
Invoice

Date	Invoice #
7/1/2016	1054

Bill To
The Art Center at Willits 701 East Valley Road Suite 200A Basalt, Colorado 81621

Terms	Due Date
	7/1/2016

Description	Amount
Monthly Rent	566.50

Total	\$566.50
Payments/Credits	\$0.00
Balance Due	\$566.50

pd 7/13/16 #8

TACAW
The Arts Campus at Willits

INVOICE

7/13/16

FOR: Monthly Salary

TO:

Town of Basalt

C/O Susan Philp
101 Midland Avenue
Basalt, CO 81621 Eagle County

DESCRIPTION	AMOUNT
Salary for Managing Director - July	\$8,333.34
Benefits for Managing Director - July	\$1,500.00
Federal Payroll Taxes - May	\$ 478.13
June	\$ 637.50
July	\$ 637.51
Pay to the Order of: Ryan Honey	
TOTAL	\$11,586.48

Stamps for
notice mailing

0.00 *+
28.20 +
158.22 +
17.40 +
38.00 +
241.82 *+

BASALT
12 MIDLAND AVE
BASALT
CO

81621-9996
0706120530

06/18/2016 (800)275-8777 11:26 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

Mail Pickup	1	
(Label #:4208162192612999966431581 007862144)		

US Flag Bklt/2	3	\$28.20
----------------	---	---------

(Unit Price:\$9.40)

Total	\$28.20
-------	---------

Credit Card Remitd	\$28.20
--------------------	---------

(Card Name:MasterCard)
(Account #:XXXXXXXXXXXX3490)
(Approval #:28735B)
(Transaction #:534)

BRIGHTEN SOMEONE'S MAILBOX. Greeting
cards available for purchase at select
Post Offices



Smoke Modern BBQ
241 Harris St.
Basalt
(970) 927-5158

*Board
Reheat*

*1 ACAW
Board
Reheat*

Server: Valeria
Table 123/1
Guests: 1

06/21/2016
4:52 PM
30034

R HONEY 97.25
DELIVERY 25.00

Subtotal 122.25
Tax 7.97

Total 130.22

M/C #XXXXXXXXXXXX3490 130.22
Auth:92463B

+ Tip: 28.00

= Total: 158.22

Balance Due 0.00

Let us cater your next event!
Thank you!!!!

WILLITS GENERAL STOR
701 E VALLEY RD
BASALT CO
10145969

06/21/2016 3:33:08 PM
Register: 1 Trans #: 5179 Op ID: 4
Your cashier: Jesus

GLACEAU SQUEEZED \$1.69 103
GLAC XXX \$1.69 103
VIT WTR ENERGY \$1.69 103
PURE LEAF UNSW.LEM \$1.79 103
PURE LEAF UNSW GT \$1.79 103
PURE LEAF RASPBRY \$1.79 103
Pkg Beverages \$5.99 103

Subtotal = \$16.43
C = \$0.49
ST = \$0.48

Total = \$17.40

Change Due = \$0.00

Credit \$17.40

XXXX XXXX XXXX 3490 MASTERCARD
INVOICE: 153308
AUTH 00-17956B REF 200350621161533
SALE

Batch: 20 Seq Num: 35

Term ID: 1

Workstation ID: 1

WANT FREE GAS?

REGISTER TO WIN AT WWW.GASVISIT.COM
Learn how to earn 30 cents/gallon in
fuel statement credits. Go to
drivesavvy.com or see credit
application. Restrictions apply.
Offer expires 6/30/16.

1439

ASK CASHIER FOR A

Receipt

THE ASPEN BUSINESS LUNCHEON

Location: Mountain Chalet Aspen

Program: Paige Price, Theatre Aspen

\$38

Date: June 22, 2016

Feb. 2015		Beginning Balance	Jan. 2016		Beginning Balance
		-			(9,544.89)
Ken Ransford	2,850.00		Mavenlink	90.00	
Total Expenses	2,850.00		12/28/15 MB Productions VOID	(7,500.0	
			Total Expenses	(7,410.0	
Town Reimbursement		-	Town Reimbursement		-
Ending Balance/Funds on Hand		(2,850.00)	Ending Balance/Funds on Hand		(2,134.89)
Mar. 2015		Beginning Balance	Feb. 2016		Beginning Balance
		(2,850.00)			(2,134.89)
Google	12.00		Aspen Leadership	5,000.00	
Alpine Bank	3.72		Kissane Viola Design	1,475.00	
Total Expenses	15.72		Roaring Fork Bookkeeping	247.50	
Town Reimbursement		-	Town of Basalt	2,000.00	
Ending Balance/Funds on Hand		(2,865.72)	Google	12.00	
			Mavenlink	29.00	
Apr. 2015		Beginning Balance	Basalt Printing	28.25	
		(2,865.72)	Total Expenses	8,791.75	
			Town Reimbursement		-
Alpine Bank	3.73		Ending Balance/Funds on Hand		(10,926.64)
Total Expenses	3.73				
Town Reimbursement		2,850.00	Mar. 2016		Beginning Balance
Ending Balance/Funds on Hand		(19.45)			(10,926.64)
May. 2015		Beginning Balance	Aspen Leadership	590.00	
		(19.45)	Kissane Viola Design	637.93	
Alpine Bank	3.04		Kissane Viola Design	960.00	
Total Expenses	3.04		Mt. Daly Enterprises	5,170.00	
Town Reimbursement		-	TACA - reimb	60.02	
Ending Balance/Funds on Hand		(22.49)	Ken Ransford	410.00	
			Smoke - 3.29.2016 Invoice	320.00	
Jun. 2015		Beginning Balance	Smoke - 3.31.2016 Invoice	320.00	
		(22.49)	Roaring Fork Bookkeeping	90.00	
Alpine Bank	2.90		Total Expenses	8,557.95	
Total Expenses	2.90		Town Reimbursement		1,222.50
			Ending Balance/Funds on Hand		9,545.89
					(8,716.20)

			Apr. 2016		Beginning Balance
Town Reimbursement		-			(8,716.20)
Ending Balance/Funds on Hand		(25.39)	Aspen Leadership	10,000.0	
			Smoke	128.00	
Jul. 2015		Beginning Balance	Thunder River Properties, LLC	1,133.00	
		(25.39)	Ryan Honey - salary & benefits	7,295.83	
Blot	1,000.00		Ryan Honey	1,388.89	
Total Expenses	1,000.00		Google	5.00	
			SquareSpace	12.00	
Town Reimbursement		45,000.00	Roaring Fork Bookkeeping	101.25	
			Total Expenses	20,063.9	
Ending Balance/Funds on Hand		43,974.61	Town Reimbursement		-
			Ending Balance/Funds on Hand		(28,780.17)
Aug. 2015		Beginning Balance	May. 2016		Beginning Balance
		43,974.61			(28,780.17)
Sopris Engineering	690.00		Thunder River Properties	292.48	
Total Expenses	690.00		Google	5.00	
			SquareSpace	12.00	
Town Reimbursement		-	Ken Ransford	1,695.00	
			Ryan Honey - June salary	8,333.34	
Ending Balance/Funds on Hand		43,284.61	Ryan Honey - June Benefits	1,500.00	
			Ryan Honey	574.19	
Sep. 2015		Beginning Balance	Roaring Fork Bookkeeping	348.75	
		43,284.61	7% Operating Balance Continge	11,407.0	
Ken Ransford	468.75		Total Expenses	24,167.7	
Total Expenses	468.75				
Town Reimbursement		-	Town Reimbursement		28,621.92
Ending Balance/Funds on Hand		42,815.86	Ending Balance/Funds on Hand		(24,326.01)
Oct. 2015		Beginning Balance	June. 2016		Beginning Balance
		42,815.86			(24,326.01)
Space Monkey Design	252.90		Prior year adjustment		158.25
Independence Press	354.63		Basalt Printing	48.95	
Kissane Viola Desigbn	3,375.00		Eagle County GIS	30.00	
Sopris Engineering	125.00		Harland, Checks	18.95	
Total Expenses	4,107.53		Moo.com	62.46	
			Roaring Fork Bookkeeping	416.25	
Town Reimbursement		-	Thunder River Properties	566.50	
			Ryan Honey - July salary	8,333.34	

Ending Balance/Funds on Hand		38,708.33	Ryan Honey - July Benefits	1,500.00	
			Federal Payroll taxes-May	478.13	
Nov. 2015		Beginning Balance	Federal Payroll taxes-June	637.50	
		38,708.33	Federal Payroll taxes-July	637.51	
Aspen Leadership	9,000.00		Ryan Honey-exp reimb	241.82	
Amazon	90.00				
Total Expenses	9,090.00		Total Expenses	12,971.4	
Town Reimbursement		-	Town Reimbursement	24,167.76	
Ending Balance/Funds on Hand		29,618.33	Ending Balance/Funds on Hand	(12,971.41)	
Dec. 2015		Beginning Balance			
		29,618.33			
LWDP for Amazon	90.00				
Mavenlink	29.00				
Ken Ransford	50.00				
Eileen Seeley	2,239.00				
Mt. Daly	4,920.00				
Aspen Leadership	3,500.00				
MB Productions	7,500.00				
Sopris Engineering	17,200.00				
Kissane Viola Design	3,375.00				
Roaring Fork Bookkeeping	260.22				
Total Expenses	39,163.22				
Town Reimbursement		-			
Ending Balance/Funds on Hand		(9,544.89)			

TACAW

THE ARTS CAMPUS AT WILLITS

MEMORANDUM

To: Basalt Town Council

From: Ryan Honey, Managing Director

Date: May 18, 2016

Re: Overview and Status Report on TACAW

The purpose of this memorandum is to provide the Town Council with a status report on TACAW. For the benefit of the recently added Council members who are, like me, getting up-to-speed on the endeavor, I have also provided a brief history of TACAW.

Project Origin and History

When Willits was conceived in the late 1990s, a performing arts center that would enrich and serve the community was included as part of the larger vision for the site. When the PUD for Willits Town Center was approved by the Town Council in 2001, the Town Park - Arts Center Tract was set aside for the future construction of the center. In addition, the Council adopted a one percent (1%) Real Estate Transfer Assessment (RETA) that would generate the funds needed to begin to realize the vision. Fifty percent (50%) of the RETA funds were restricted to TACAW and the remaining fifty percent (50%) were allocated for use in Willits as determined by the Town of Basalt. As of December, 2015, the RETA funds available to TACAW totaled \$756,667. This does not include a recent infusion into the RETA from the sale of the Whole Foods and Starbucks buildings.

In recent years, activity on TACAW has increased dramatically. Here are some important milestones:

- 2009 - The TACAW Board was formed to explore the opportunity
- October, 2011 - The Council approved a letter of understanding that gave TACAW access to the RETA funds to move the project forward
- February, 2015 - TACAW filed Articles of Incorporation with the Colorado Secretary of State
- April, 2015 - TACAW was formally recognized by the IRS as a 501c3 non-profit organization
- June, 2015 - The Council unanimously approved a pre-development agreement that was evolved from the 2011 letter of understanding

TACAW Organizational Update

After conducting a nationwide search with the assistance of the Aspen Leadership Group (www.aspenleadershipgroup.com), TACAW selected me as their inaugural Managing Director. I look forward to leading fundraising and management efforts as we work to realize the aspirational vision that the Board has put forward. On a personal note, I am thrilled by the opportunity that this role presents to both me and my family in the Roaring Fork Valley. With a Managing Director now in place, work on a capital campaign will begin in earnest.

In an introductory meeting between myself, Mike Scanlon, Susan Philp, and Julia Marshall, the framework for a process to administer disbursements from the RETA funds was put in place. Expenditures from the RETA will be used to invest in a

campaign that will fund both TACAW operations and the campus that will house these operations. Disbursements will be tied to monthly reports to the Council that I will produce. These monthly reports will detail our spending, invoices, check requests, and accounting.

TACAW Building Project Update

TACAW recently submitted to the Town of Basalt the sketch site plan. Staff are currently reviewing this document. In addition, we are working on evolving the pre-development agreement into a development agreement. On May 13, Bruce Kimmel was provided with a project update that included revised construction costs, anticipated programming income, and a projected five year budget for TACAW. These estimates will continue to be refined leading up to Bruce's next site visit. The aim of this ongoing work is to complete the agreement between TACAW and the town of Basalt that will enable the project to move ahead. To allow for the completion of the development agreement, a 3 month extension to the deadline has been requested.

Conclusion

The vision for TACAW continues to move forward and is on its way to being realized. With initial staff in place to support Board leadership, it is now time to launch a capital campaign. It is my hope that my family is the first of many that are drawn to Basalt, in part, because of the promise of TACAW. It is an exciting project that I am proud to be a part of. Please let me know if you have any questions as I will make myself available at any time.

Sincerely,

Ryan Honey
Managing Director

PRE-DEVELOPMENT AGREEMENT
TOWN OF BASALT AND THE ARTS CENTER AT WILLITS (TACAW)

THIS PRE-DEVELOPMENT AGREEMENT (this "Agreement") is entered into as of the 23rd day of June, 2015 (the "Effective Date"), between the Town of Basalt, Colorado, a town of the State of Colorado (the "Town"), and The Arts Center at Willits (TACAW), a Colorado nonprofit corporation (the "Developer") (the Town and Developer are hereby collectively referred to as the "Parties").

RECITALS:

- A. The Town of Basalt owns an approximate .78 acre property designated as the "Town Park Arts Tract". The initial developers of the Willits Town Center PUD dedicated the tract to the Town for the purposes of a Town Park and Arts Center.
- B. The Willits Town Center development approvals established a real estate transfer assessment (RETA) whereby 50% of the funds are set aside to build, maintain and provide an endowment for an arts center or cultural center (the "Arts Center") to be located at the Town Park-Arts Center Tract at Willits Town Center (the portion of the RETA set aside for such purposes is herein referred to the "Willits Arts Center RETA").
- C. TACAW has now received 501(c)(3) status with the Internal Revenue Service and is registered with the state as a Colorado non-profit.
- D. The Willits Arts Center RETA now has approximately \$700,000 of restricted revenue. Expenditure of these funds for the allowed purposes requires appropriation by the Town Council.
- E. The Parties desire to enter into this Agreement in order to designate the Developer as the exclusive developer of the Town Park-Arts Parcel, to properly define and record the necessary improvements and financing needed to develop the Property as performing arts facility for TACAW, and to identify issues related to development of the site.

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

- F. The Willits Arts Center RETA now has approximately \$700,000 of restricted revenue and TACAW would like to access those funds to fund and build a performing arts center.
- G. The Development approvals also allow a park on the site.
- H. Parties desire to enter into this Agreement in order to designate the Developer as the exclusive developer of the "Town Park-Arts Center Tract" (Property), to properly define and record the necessary improvements and financing needed to develop the Property as a performing arts facility for TACAW, and to identify issues related to development of the site.
- I. The Parties desire to enter into this Agreement in order to designate the Developer as the exclusive developer of the Town portion of the Willits Town Center PUD ("Property"), to properly define and record the necessary improvements and financing needed to develop the Property as a performing arts facility by TACAW, and to identify issues related to development of the site.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Town and the Developer agree as follows:

1. **DEVELOPER OF RECORD.** The Town acknowledges that there are risks and costs of preliminary planning activities and other requirements associated with the preparation for a project plan under development. As an inducement to Developer to assume those costs and undertake those activities, as set forth herein, the Town agrees to designate the Developer as the Exclusive Developer of Record for the Property.
2. **OBLIGATION OF THE PARTIES TO PROCEED.** The obligations of the Parties to proceed beyond this Pre-development Agreement are dependent upon the Parties entering into a Final Development Agreement prior to the termination of this Agreement. Nothing contained herein shall (i) obligate the Town to create or approve the Development (ii) obligate the Town to create or approve a development plan for the Property, or (iii) obligate either party to enter into a Final Development Agreement.
3. **OBLIGATIONS OF THE PARTIES.** The parties agree that there are a number of elements that are required for the project to be completed:
 - A. The Town owns the Property which it intends to lease to the Developer through a future lease for a minimal rent to be signed by the Parties for the Property subject to the Developers compliance with the terms of this agreement.

- B. The Parties enter into this Agreement in order to designate the Developer as the exclusive developer until the deadline described in Paragraph 3C below, for the purpose of building and maintaining a performing arts center within the Property, and to set forth matters that need to be included in any Final Development Agreement.
- C. Deadline for Performance - TACAW commits to entering into a Final Development Agreement and Lease with the Town by March 31st of 2016. The Town Manager is given the ability to authorize another three month extension to the deadline if he finds that TACAW is making progress toward executing a Final Development Agreement, with any other additional extension requiring Town Council approval.
- D. Agreement on Site Grading. The parties agree that the site requires a considerable amount of fill to make it developable. TACAW shall be responsible for filling the property and making it a workable development site.
- E. Agreement on Site Work, Infrastructure, and Utilities. The Parties shall agree on how site work, utilities, street, sidewalk and similar improvements are to be addressed by the Final Development Plan. The Town understands that TACAW may request that the Town or the developer of Willits Town Center make off site improvements to enable the Performing Arts Center to be constructed. The Town agrees to give consideration to any such request, however nothing herein obligates the Town to make or fund such improvements.
- F. Parking. The Parties agree to work toward a solution for parking for the Performing Arts Center which may include offsite temporary, permanent or leased parking and pedestrian ways. While underground parking is not currently being contemplated, nothing herein restricts the parties from considering it.
- G. Park Improvements. The parties agree that the Willits Town Center development approvals allow for a park on the site. The Town deferred park improvements to be constructed by the Willits Developer on the site. The Town agrees to work with the developer of Willits Town Center to identify any obligations to build park improvements on the Property that could occur in conjunction with the construction of the Performing Arts Center.
- H. Agreement on Progress Schedule. The Parties shall agree on a progress schedule by which the development project will be undertaken and completed, including a mechanism by which the scheduled can be mutually revised.
- I. Zoning Changes and Town Planning Impacts. The Parties shall agree as to how any necessary zoning changes, affordable housing and town

planning impacts will be addressed. Nothing contained within this Agreement, nor any future agreement shall be deemed to bind the Town, acting in its governmental capacity, to make any such zoning changes. The parties agree that the process outlined for the "P" Public Zone District shall be used. The Town contemplates that a "P" Public Site Plan" will be reviewed by the P&Z and adopted by the Town Council providing conceptual approval with the final plan being reviewed by the P&Z. Alternatively, an amendment to the Willits Town Center could be considered by the Town which could provide an alternative process.

- J. Financial, Tax and Incentive Impacts. The Parties shall work diligently to define any financial, tax and incentive impacts of the project. This includes the potential establishment of districts that would provide funding to meet site work, infrastructure and utility requirements of the project.
 - K. Funding through the Willits Arts RETA. The Town agrees to process a supplemental budget to provide start-up funds to TACAW for up to \$130,000 in 2015 using the Willits Arts RETA funds as shown in Exhibit A. TACAW may make a proposal for 2016 funding during the Town's 2016 budget process. The Final Development agreement shall address how additional Willits Arts RETA funds would be provided to TACAW. TACAW may request advance funds and the Town Manager may consider advancing the request. TACAW shall submit monthly reports explaining how funds are being utilized and progress made.
 - L. Other Matters. The Final Development Agreement shall also address any other matters that the Parties deem appropriate.
 - M. Terms and Conditions related to the Final Development Agreement. The Parties desire to agree upon the terms and conditions of all the items listed in this Paragraph 3, and identify any additional items as they may arise, at the earliest possible time during the development plan approval process so mutual expectations are met in a satisfactory manner.
4. **MISCELLANEOUS.**
- A. Financial liability. The Town shall not be liable for any expenses or debt associated with or incurred by the development or marketing of, or future management of the facility (ies).
 - B. Costs. Each party shall be solely responsible for all costs and expenses incurred by such party in connection with the matter contemplated by this Agreement. The Town shall be responsible only for the costs approved by the Town Council through this or subsequent agreement.

- C. Financial Investigation. The Developer agrees to provide information for a financial analysis of the Development Project to be completed by the Town's Financial Advisor. The financial analysis will examine the completeness and reasonableness of: 1) Project development costs, both onsite and offsite; 2) Project funding, including debt, donations / grants, and other anticipated sources; 3) Facility programming and associated revenues and expenditures; 4) All other facility operating expenses and required reserves; and 5) Incorporating points 1-4 above, the Project's prospective feasibility and self-sustainability. The Town will also engage an appraiser to determine the fair market value of the land conveyance to reflect the conveyance in its asset inventory. The costs of the Financial Investigation and appraisal will be paid for out of the Willits Arts RETA.
- D. Assignability. Neither party shall assign this Agreement without the written consent of the other party.
- E. Amendments. This Agreement may be supplemented or amended only by written instrument executed by the Parties affected by such supplement or amendment.
- F. Applicable Law. This Agreement shall be deemed to be entered into in the State of Colorado, and shall be enforceable under the laws of that state.
- G. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon the Parties.
- H. Non-liability of Town Officials and Employees. No member of the governing body, official, employee, or agent of the Town shall be personally liable to Developer, or any successor in the interest to Developer, pursuant to the provisions of this Agreement, nor for any default or breach of the Agreement by the Town.
- I. Not A Partnership. The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the Parties.
- J. Terms of Agreement and Termination. This Agreement shall remain in effect until the deadline provided in Paragraph 3C unless TACAW notifies the Town that it does not intend to proceed. However this Agreement may be terminated at any time by either party if such party is not satisfied, in its sole and absolute discretion, with the progress being made toward entering the agreements referenced in Paragraph 2 above upon a 60 day prior notice. In the event of termination, the parties shall be responsible for fulfilling all of their obligations through the final date of the Agreement

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

TOWN OF BASALT, COLORADO

ATTEST:

By: [Signature]
Jacque R. Whitsitt,



By: [Signature]
Pamela K. Schilling, Town Clerk

DEVELOPER
THE ARTS CENTER AT WILLITS

By: [Signature]
Julia Marshall, President

STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

Subscribed and sworn to before me this 30 day of July, 2015 by
Julia Marshall as President of The Arts Center at Willits.

Witness my hand and official seal.

My commission expires: 10.28.15

[Signature]
Notary Public

SALLY FERREN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994030432
MY COMMISSION EXPIRES 10/28/2015

Exhibit A

[Insert Start-up Costs]

RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, EXTENDING THE DEADLINE FOR TACAW TO ENTER INTO A FINAL DEVELOPMENT AGREEMENT WITH THE TOWN OF BASALT

**Town of Basalt, Colorado
Resolution No. 21
Series of 2016**

RECITALS

Whereas, on June 23, 2015 the Town entered into a Pre-development Agreement with TACAW regarding use of Town-owned property and funds to construct a performing arts center on the Town-owned "Town Park-Arts" Track in Willits Town Center.

Whereas, Paragraph 4(c) of the Pre-development Agreement required TACAW to have a Final Development Agreement by March 30, 2016, and allowed the Town Manager to grant an extension for 3 months with any additional extension required Town Council approval. The Town Manager extended the deadline to June 30, 2016, but noted that any further extension required Town Council approval.

Whereas, the Town and TACAW will not be able to enter into a Final Development Agreement by the June 30, 2016 performance deadline.

Whereas, the Town is willing to extend the deadline to allow TACAW to proceed and schedule time on the Council's agenda for a more complete discussion.

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

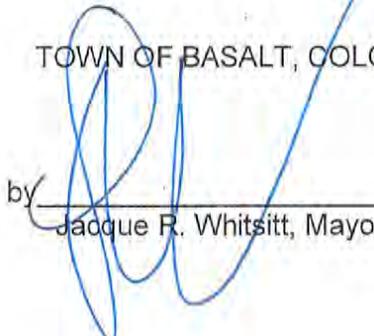
Section 1. The Town Council approves extending the deadline for entering into a Final Development Agreement to September 30, 2016.

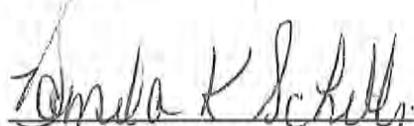
Section 2. All other terms and conditions of the Pre-development agreement remain the same..

RESOLUTION NO. 21 / SERIES OF 2016, IS HEREBY ADOPTED by a vote of 7 to 0, this 24th day of May 2016.

TOWN OF BASALT, COLORADO

ATTEST:

by  _____
Jacques R. Whitsitt, Mayor


Pamela K Schilling, Town Clerk





a. All funds received by the Town pursuant to this Restrictive Covenant shall be deposited and accounted for as a restricted fund. The funds shall be subject to appropriation by the Board of Trustees of the Town of Basalt, for the purposes of: (1) 50% to build, maintain and provide an endowment for an arts center or cultural center (the "Arts Center") to be located at the Town Park - Arts Center Tract at Willits Town Center ("WTC") (specifically, this is not intended to be a recreational facility); and (2) the other 50% to build or acquire other public amenities at Sopris Meadows and WTC and elsewhere in or immediately around the Town of Basalt. At least 50% of the funds shall be used fro the first enumerated purpose; however, no more than 50% shall be used for the second enumerated purpose. Owner hereby reserves the right to approve, with the consent of the Town, additional uses for which the funds may be used. The provisions of the Second Addendum to the Amended Annexation Agreement with respect to the use of funds derived from the Transfer Assessment are incorporated herein by this reference as if set forth in full.

b. The Board of Trustees may borrow money, issue bonds, or otherwise extend the credit of the Town for the purposes described above, providing that such bonds or other community obligations shall be made payable from the funds derived from this Restrictive Covenant.

6. Penalties and Liens.

a. All assessments imposed by this Restrictive Covenant, if not paid when due, shall bear interest at the rate of eighteen percent (18%) per annum until so paid. The amount of the assessment imposed by this Restrictive Covenant and interest due thereon is hereby assessed against the property upon the transfer of which said assessment is imposed, and if not paid when due, such assessment and interest, if any, shall constitute a lien on the property for the amount thereof, which lien shall continue until the amount thereof is paid or until it is discharged of record by foreclosure or otherwise.

b. Any remedies provided for herein shall be cumulative, not exclusive, and shall be in addition to any other remedies provided by law.

7. Relationship to Land. The parties acknowledge and agree that all assessments raised by this Restrictive Covenant are related to and touch and concern the Property, since a portion of the assessments are required to be used on a portion of the Property for civic-oriented structures and since the remaining portion of the assessments is to be used for public improvements in the vicinity of the Property. Allowing and providing for additional development on the Property and construction of civic-oriented structures has the further purpose of enhancing and protecting the value of the Property.

8. Credit for any further Transfer Assessment or Charge; Other Annexations. In the event any future tax, assessment or charge is lawfully imposed by the Town on the transfers defined herein for which the Transfer Assessment is payable, full credit shall be given against sums due

Language in Willis PUD regarding use of the Town Park - Arts Tract

Section 2.1 Zone Districts. The PUD is divided into eight (8) Zone Districts: Open Space, Park, Zone District 1, Zone District 2 and Zone District 3, Zone District GT/TT, Zone District TPAC and Zone District PP. The Lots and Tracts assigned to each Zone District are identified on the Zone District Map which is page 3 of the Final Plat. The five (5) open space "Tracts" designated on the Plat are zoned Open Space. The Triangle Park Tract and all other pocket parks designated on the Plat or on any of the Filings, are zoned Park. The Transit/Government Tract is zoned "GT/TT." The Town Park - Arts Center Tract is zoned "TPAC." The Public Parking Tract is zoned "PP."

Section 2.2 Zoning Map. The Official Zoning Map of the Town of Basalt shall be amended to show the location and boundaries each of the Zone Districts established on the Zone District Map for WTC. The Final Zone District Map for WTC may be amended by one-step review, except that additional uses shall require a two-step review.

Section 2.3 Zone 1, 2 and 3 Uses. Uses permitted by right, uses permitted only by Special Review approval and uses which are prohibited within Zone Districts 1, 2 or 3 are set forth in the Zone District Map, which is incorporated herein by this reference. Any other uses shall be allowed only by approval of the Town of Basalt pursuant to a two-step review process.

Section 2.4 Use of Open Space Tracts. The permitted uses of the five (5) Open Space Tracts zoned "Open Space" shall be limited to use in compliance with easements existing or designated on the Plat or described herein, transit stops without associated commercial or residential uses, and use for snow storage. Improvements may include park or picnic benches, plaques or signs, paved or unpaved walkways, sculptures, bike racks, water features, low illumination lighting as required for safety purposes on walkways and well-maintained landscaping. No other improvements or recreational facilities shall be permitted.

Section 2.5 Use of Parks. The permitted uses of the lands zoned "Park" shall be limited to use in compliance with easements existing or designated on the Plat and use for public gatherings and traditional passive parkland activities, including but not limited to restrooms, kiosks and transit shelters. Permitted uses for Triangle Park and all other pocket parks designated on the Plat or any of the Filings shall further include the uses and be subject to the Regulations set forth in Article IV hereof. Permitted improvements include those authorized on the tracts zoned Open Space. Notwithstanding the foregoing, public restrooms shall not be permitted in Triangle Park without the consent of the WTCRB.

Section 2.6 Use of Town Park - Arts Center. The permitted uses of the lands zoned "TPAC" shall include any or all of the following: arts center, retail, associated office, associated parking, a library and a Town park. The portion of this Tract which is used for park purposes will be restricted to passive park uses, which may specifically include public restrooms, a gazebo, an outdoor arts facility, picnic benches, children's play equipment, local gathering, civic events, public art exhibits, crafts fairs, River Days, and similar events.

Excerpt from Ord 11, Series of 2010

~~business in Colorado, approved by the Town Attorney in a form reasonably acceptable to the Town.~~

~~The Town agrees to contribute \$500,000 to the financing of the roundabout construction. The source of the Town's funds is Willits Lane Impact Fees collected prior to the approval of this ordinance that the Town has retained for this purpose and funds from the first RETA established under the 2001 approvals for Willits Town Center. The Town wishes to reimburse itself for this contribution and intends to document ways of accomplishing this. The Development and Vested Rights Agreement for Willits Town Center shall be amended to reflect the Town's \$500,000 contribution and to remove references to the Town being required to reserve or repay Willits Lane Impact Fees to the Applicant for the transportation improvement at East Valley Road and Willits Lane as the improvement will be completed under the schedule and funding contained in this ordinance. Further, future Willits Lane Impact Fees collected by the Town will help the Town reimburse itself for advancing additional funds to complete the intersection improvement.~~

~~The Applicant shall be responsible for the entire cost of designing and constructing the roundabout, less the Town's \$500,000 contribution. The Town and Applicant agree to collaborate on the design with the goal of designing and constructing the roundabout for not more than \$1,100,000. If the project costs exceed this amount, the Applicant may request the Town increase its contribution, and the Town's decision to do so shall be solely at the discretion of the Town Council.~~

~~The Applicant shall be required to provide security in the amount of \$600,000 for the cost of design and construction of the roundabout.~~

- ~~3. The Applicant shall file an amended PUD plat concurrently with prior to obtaining a building permit on the commercial component of Block 2 first building to be constructed in WTC under this approval or any prior or subsequent approval, and enter into an associated SIA or PIA that is typically required to be filed for a project of this type to secure and provide security for the completion of all the requirements of the Exhibit PP (the Phasing Plan) as amended by this ordinance for that filing. The plan for security included as Exhibit E-2 of this ordinance summarizes security requirements assuming that Block 2 is the next filing in Willits Town Center along with the cost of any of the work described in the preceding paragraph that is not completed at that time.~~

- ~~3.4. The PUD Control document shall be amended to allow affordable housing in conjunction with the specified use on all publicly owned parcels in WTC which are not restricted solely to parks and open space. The Applicant shall agree to amend what ever rights Applicant has in Sopris Meadows approvals (which originally included these parcels) and the Amended Annexation Agreement to expressly permit affordable housing on Sopris Meadows Parcel 2E and to not object to permitting affordable housing on Sopris Meadows Parcel 2E even if it is solely used~~

AH allowed in conjunction

for affordable housing.

4. ~~5.~~ All new development approved herein shall be subject to the existing Willits Lane Impact Fees (WLIF). ~~The distribution and use of these fees shall remain unchanged, except that the Development and Vested Rights Agreement shall be amended to provide that WLIF collected subsequent to the approval of this ordinance may be used by the Town to restore the funds contributed by the Town 50% of such fees shall be used for either reimbursement to the Applicant (in the event the Applicant shall advance funds for such purposes) or for paying for the design and construction of either a roundabout or a signalized intersection, plus, in either case, pedestrian improvements, landscaping and related improvements at the intersection of Willits Lane and EVR, as reasonably determined by the Town. After such improvements are made to the intersection of EVR and Willits Lane, then the use of 100% of the funds~~ After that, 100% of the funds shall be used as otherwise provided in the Development Agreement.
5. ~~6.~~ An additional WTC 1% Real Estate Transfer Assessment (RETA), as first proposed by the Applicant of the amendments approved by Ordinance No. 18, Series of 2007, shall be applied to certain lots and Blocks in the Willits Town Center Development described in Recital A of the ordinance to help fund certain public improvements affecting WTC. The additional RETA will apply to Blocks 2,3,4,6,7,8,9,11, and 12, and Lot 3,Block 1, Willits Town Center. The revenues from the RETA shall be used as follows:
- A. 100% of the additional 1% RETA funds collected (also referred to as the second RETA) shall be set aside for reimbursement to Applicant for funds expended by the Applicant for:
- i. ~~paying for the design and construction of either a roundabout or a signalized intersection, plus, in either case, pedestrian improvements, landscaping and related improvements at the intersection of Willits Lane and EVR, to the extent that Willits Lane Impact Fees are not sufficient to cover such costs, and interest reasonably incurred thereon by Applicant under Exhibit A, Condition 2.~~
 - ii. Funds expended under Exhibit A, Conditions 6A and 6B for the design and construction of acceleration and deceleration lanes on Highway 82, transit stop platforms, and pedestrian connections across Tract 1, a grade separated bicycle and pedestrian crossing of Highway 82 in the vicinity of the planned new Willits Transit Stop under the Applicant's maximum obligation of \$910,000 and funds expended under Exhibit A, Condition 6D where the TRC finds that the improvement would not otherwise have been required for the Willits Development, and any interest reasonably incurred thereon by Applicant.



BASALT

101 Midland Avenue, Basalt, CO 81621

Meeting Date: July 12, 2016
Location: Town Council Chambers

Time: 6:00 p.m.

5:00 Worksession: TOB Council and POST to review estimated costs for Basalt Riverfront Park and Discuss next steps

TOWN COUNCIL MEETING MINUTES

6:30 1. Call to Order (Mayor Whitsitt)

Mayor Jacque Whitsitt called the meeting to order at 6:35 pm.

6:31 2. Roll Call (Pam Schilling)

Council members present were Auden Schendler, Katie Schwoerer, Bernie Grauer, Gary Tennenbaum, Jennifer Riffle and Mark Kittle.

6:32 3. Consent Agenda (Mayor Whitsitt)

3A. Minutes: June 28, 2016

M/S COUNCILORS KITTLE AND SCHENDLER THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA AS PUBLISHED. THE MOTION CARRIED 7-0.

3 4. Council Comments, Reports, Disclosures

4A. Council Comments

Jacque Whitsitt noted she meets with Charlie Spickert, Chair of the Basalt Chamber every week for an update on what each is working on. Charlie and Jacque also met with Genna Moe of the Art Base and Cathy Click of the Basalt Downtown Business Association to discuss partnership opportunities.

Jennifer Riffle noted the Aspen Valley Marathon and Lemonade Day were coming up on July 16 from 9 am to 1 pm. The Eagle County Down Payment Loan Assistance Program would make a presentation to mortgage lenders, home buyers, and the general public at Town Hall on Wednesday, July 13 from 8:30 to 9:30 am. Jenn offered kudos to Bernie Grauer for manning the Basalt booth at the Sunday market and encouraged other council members to sign up. Jenn gave a shout out to Robin Waters and the Basalt Chamber for their Movie in the Park night which was a big success. Jenn noted that accessibility to Lions Park was needed with a ramp

and boardwalk down to the grassy area, not just the sidewalk periphery. Jenn said Fire Chief Scott Thompson had replied to an email she sent to him requesting information on Fire Department staffing and the joint nature of the Wildcat Fire and Basalt Fire departments. Jennifer said she met with Genna Moe on the future of the Art Base where they discussed possible expansion of the Art Base building, and a possible phased approach to achieving mutual goals. Jenna thanked Susan Philp, James Lindt and Market Manager Jimmy Dula for their help and set up for the Sunday Market of July 3, and to Susan for standing in at the booth for an hour.

Katie Schwoerer said she had met in late June with Eagle Commissioner Jill Ryan to discuss mutual interests of the Roaring Fork portion of Eagle County.

Bernie said he was at the recent Sunday Market and wanted to commend Shae Singer who brought in a bunch of new vendors for the Basalt Goes Bazaar event adding more vitality and people to the market. Bernie said he would ask the chainsaw carver to leave his power tools in the shop next time. Bernie suggested that Committee reports be added as a regular item to the agenda.

Bernie Grauer gave a brief Finance Committee report to the Council. He noted that the August 2 meeting of the Committee would be held at 5 pm and they would discuss the financial history and how we got here and how we can increase the cash reserves. The Finance Committee also wanted to advertise to add one or two citizen members with financial experience or background to the Committee.

Gary Tennenbaum said Brian Buell came in and asked us to do a bike park over by south side. Brian took a lot of initiative and worked with Pitkin Open Space and trails and the bike park looks awesome right now. There is a shade structure out there, and the bike park was revamped by a citizen driven initiative. Gary gave a shout out to Brian who made that happen.

4B. Town Manager's Report

Mike Scanlon reported that the most significant thing was the Letter of Map Revision (LOMR) that had been completed. If there are no protests or complaints, the LOMR becomes effective 90 days November 25, 2016. This is good news for southside businesses as it will lower their flood insurance premium.

4C. Gnome Village

Auden Schendler reported that one goal of council was to get some things done quickly. One thing he wanted to do was to create a Fairy and Gnome Home Zoning District. Auden introduced Elias Schendler and Zealand Lane who were present to discuss the matter with Council. Town Manager Mike Scanlon introduced Chief Gnome Boyd Bierbaum and explained the concept of Fairy and Gnome Home Zoning. Three sites have been identified as possible zoning locations where kids can go to develop gnome and fairy homes using only natural items found in the vicinity.

Elias Schendler and Zealand Lane discussed their interest in gnomes, and the importance of gnomes to nature and the community.

A motion was made that the Fairy and Gnome Home Zoning project go forward; the motion passed unanimously.

5. Citizen Comments:

- Mark Kwiecienski discussed the holiday/Christmas tree lighting and menorah celebrations.
- Bill Maron asked that the discussion for the potential expansion of the zones in which marijuana could be sold include discussion of mental health issues .

6. ITEMS FOR COUNCIL CONSIDERATION**6A. Basalt Mini-Storage Expansion:** Application Introduction (James Lindt)

Assistant Planning Director James Lindt introduced applicant representatives Clay Crossland and Jeff Orsulak who made in presentation in favor of expanding the Basalt Mini Storage facility to 820,000 sf. There was no council action on this item at this time.

7. RESOLUTIONS

7A. Resolution No. 27, Series of 2016: Direction to Staff related to expansion of zoning districts where marijuana could be sold and to consider the Town's four license locations to be either retail or medical

Town Manager Mike Scanlon offered a history of marijuana in Basalt.

M/S COUNCILOR GRAUER AND KITTLE THAT THE TOWN COUNCIL APPROVE RESOLUTION NO 27, SERIES OF 2016. THE MOTION CARRIED 5-2 WITH COUNCILORS RIFFLE AND SCHWOERER OPPOSED

8. FIRST READINGS OF ORDINANCES:

8A. First Reading of Ordinance No. 15, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving Revised Plans for the Roaring Fork Conservancy's Proposed River Center and Old Pond Park (Susan Philp)

Planning Director Susan Philp introduced the project and noted that the Roaring Fork Conservancy and the Town of Basalt are co-applicants on the project.

Applicant representatives who were present were introduced: Don Schuster, Rick Lofaro, Jim Light, Larry Yaw of the Conservancy, Matt Armentrout of Harry Teague Architects, Rob Morey owners rep and project manager.

M/S COUNCILORS TENNENBAUM AND KITTLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 15, SERIES OF 2016 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016. THE MOTION CARRIED 7-0.

8B. First Reading of Ordinance No. 16, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Approving a Minor PUD Amendment to Add Kitchens to Ten (10) of the Roaring Fork Club Suites, Lot 2, Block 1, Roaring Fork Club PUD (James Lindt)

Assistant Planning Director James Lindt led the discussion and introduced Vesela Mihaylova, Director of the Cabin Corporation of the Roaring Fork Club.

M/S COUNCILORS TENNENBAUM AND RIFFLE TO APPROVE ORDINANCE NO. 16, SERIES OF 2016, WITH AN AMENDMENT TO REQUIRE THE FULL PARKLAND DEDICATION FEE, AND TO SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016. THE MOTION CARRIED 7-0.

8C. First Reading of Ordinance No. 17, Series 2016: An Ordinance of the Town Council of Basalt, Colorado: Amending the Town’s Community Housing Guidelines to Change the Composition of the Special Housing Evaluation Committee (SHEC) (James Lindt)

M/S COUNCILORS KITTLE AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 17, SERIES OF 2016 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR JULY 26, 2016.

9. EXECUTIVE SESSION:

The Executive Session was deemed unnecessary. Town Manager Mike Scanlon discussed where the Town was in terms of the park, costs for park improvements, methodology to calculate costs on a square foot basis, and next steps. Council will meet to discuss the park further on Monday, July 18, at 6 pm.

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

- a. Accounts Payable
- b. Advanced Agendas

11. ADJOURNMENT

M/S COUNCILORS KITTLE AND SCHENDLER THAT THE TOWN COUNCIL ADJOURN THE MEETING AT 9:04 PM. THE MOTION CARRIED 7-0.

The minutes of the July 12, 2016 meeting were read and approved this 26th day of July, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

C E R T I F I C A T E O F
E X T R A O R D I N A R Y A C H I E V E M E N T
H O N O R I N G E X C E L L E N C E I N T H E C O M M U N I T Y
B I L L M C E N T E E R

Basalt Emergency Management Committee

The Town of Basalt is proud to acknowledge Bill McEnteer for his longstanding dedication to the Basalt Emergency Management Committee.

Bill volunteered and was appointed as a citizen member to the Basalt Emergency Management Committee in November, 2007. He was then appointed as Vice-Chairman in November, 2007, and served in that capacity until being appointed Chairman of the BEMC in July of 2012. Bill's hard work and dedication to the safety of the Basalt Community are very much appreciated, and his cheerful demeanor, sense of humor and calm presence will be missed.

The Town of Basalt is proud to recognize the efforts of Bill McEnteerr with a Certificate of Extraordinary Achievement for his outstanding service to the Basalt Community.

Dated: July 26, 2016

Mike Scanlon, Town Manager



MEMORANDUM

TO: Basalt Council
FROM: Louis Meyer PE
DATE: July 22, 2016
RE: Update from Town Engineer

This memo will summarize items worked on or issues to be aware.

Basalt Avenue Underpass

A meeting was held on July 22nd with representatives of CDOT, RFTA, Pitkin County, TOB and SGM. The purpose of the meeting was to discuss roles and responsibilities, processes and procedures prior to conducting a Pre-Construction meeting with the contractor. Brian Killian will be the point person for CDOT and conducted the meeting. An agenda used for the meeting is attached. The roles and responsibilities of each partner in the project was discussed as per the Draft IGA. Action items coming out of the meeting included setting up the preconstruction meeting with United the contractor, proceeding with utility relocations and tree removal prior to the start of the underpass, clarifying SGM's role in the project, and many procedural and record keeping items that will be required by CDOT. SGM will communicate back to TOB on recommended role to protect TOB's interest in the project. The project team has still not received a schedule from the contractor; however construction is still expected to start in early September. Communication responsibilities were discussed at length.

South Side Flood Plain Letter of Map Revision

FEMA has approved the Letter of Map revision.

Article XVII – Flood Damage Prevention Ordinance Update

SGM has provided TOB staff with a recommended revised **“Article XVII – Flood Damage Prevention”** ordinance. Staff will review prior to introducing the changes into the public process.

Southside Traffic Study

From Lee Barger SGM's Traffic Engineer:

I have completed the Southside Traffic Impact Analysis and submitted it to Susan and James last week. Yesterday, James asked me to be available for questions from Sopris Engineering, who is working on Stott's Mill and the Design District.

I promised them an executive summary to assist with the TIS. I hope to get out in two weeks.

West Sopris Drive Rebuild

Work Continues on the road and drainage improvements on West Sopris Drive.

Southside Tank stabilization

Nothing to report

Whitewater Park

Attached are minute of a meeting between Pitkin County's project engineer and SGM regarding the status of the Whitewater Park. The minutes conclude with action items required to keep the project moving forward. The key items to report are:

- Work is slated to begin in early September, however will dependent upon flows falling below a preset amount of CFS as a stipulation in the 404 permit.
- Pitkin County has bid the project out and has a low bidder (Diginit). The low bidder must respond with bonds and insurance prior to an award being made.
- A construction management plan will be submitted by the contractor that will address staging areas, traffic issues, employee parking, access to the site, et al...
- Pitkin County does not have an approved 404 permit as of today. A meeting between Pitkin County, the Corp of Engineers and CPW was to occur on Thursday July 21 to work out final details.

- A third public meeting will be scheduled for the third week of August.
- Loris and Associates is under contract with Pitkin County to design the out of river improvements. TOB should expect a range of alternatives for the out of river improvements. Those alternative will include just the minimum of items addressed in Ordinance 18 Series of 2015 to significant realignment and or relocation/widening of Two Rivers Road, along with viewing platforms ect.... That work should be received by TOB in August for review. This information will be discussed in the third public meeting.
- SGM is reviewing the floodplain impact report submitted by the engineering consultant for the Whitewater Park, RiverRestoration, for compliance with the TOB Flood Damage Prevention Ordinance.
- The key item to be concerned about at this time will be public safety along Two Rivers Road, parking issues, coordination of "Out of River Improvements" and Construction Management Plans.



Distributed: 07/15/2016
Completed by: LM

Meeting Minutes

Client: Town of Basalt

Meeting Title: Whitewater Park meeting with Quinn at River Restoration

Meeting Date: 07/13/2016

Members Present:

Louis Meyer PE with SGM representing TOB

Quinn Donnally River Restoration org representing Pitkin County

The purpose of this meeting was to resolve engineering issues for the White Water Park for in River and out of River issues. This meeting was initiated by SGM at the request of the Town of Basalt. The following were the key items disc used.

1. Whitewater Park construction documents have been finalized and bids have been received but not awarded. Low bidder is Diginet (sp??) a small niche firm that specializes in in river work. River Restoration indicated this is a new firm, however the owner is experienced in river work. RR is awaiting confirmation that this firm can provide bonds and insurance.
2. Low bid came in at \$703,000 compared to engineer's estimate of \$704,000. Next low bid came in at over \$1,000,000.
3. Pitkin County must insure that the low bidder can bond and provide insurance before awarding the contract.
4. Work is slated to start late August or early September and will be dependent upon flow conditions in the River, approval of final 404 permit and ability to award the contract.
5. The original 404 permit expired and PITCO is in the process of obtaining a current 404 permit. CPW is involved and negotiations are underway with them in order to get an approval. Meetings are set up for the week of July 18 (July 21) between PITCO and CPW. CPW is particularly concerned with a monitoring plan and boat passage issues.
6. The out of river designs and planning is being done by Loris and Associates as a subcontractor for RR who is under contract with PITCO.
7. Loris is slated to have a 10% design done by the third week of August. They are looking at two broad alternatives. The first alternative will be just the bare minimum of the signage and safety improvements contained in Ordinance 18. The second alternative will be much more extensive and include possible Two Rivers Road Alignment changes, viewing platforms et al..... Contact person for Loris is Cody Christianson. They will be ready to meet with town around the first week of August and then a public meeting the third week of August.
8. PITCO/RR/Loris will present the alternatives at the third public meeting.

9. RR indicated that a floodplain application was given to Basalt over a year ago. Quinn will resend to SGM for review. He indicated that the modeling indicated no net rise.
10. The construction management plan will come from the contractor that is awarded the bid. That plan will cover staging, parking, truck traffic, traffic control erosion control ect.... Quinn did state that staging and construction parking will occur on the south side of the river at the end of Emma Road. The contractor will have a small number of employees....ie. around 6. Rock will come from a United Pit in Eagle County. There will be a lot of truck traffic for the haul of boulders.
11. The only work that will be staged from Two Rivers Road will be the work in Fisherman's Park, the boat ramp and the emergency path from Two Rivers to the river.
12. We agreed that it was critical to have a meeting between this contractor and the Underpass Contractor because both projects will be going on at the same time.
13. Quinn was unaware of other Town Land Use permits that may be required before construction. He acknowledged that these may be required for the out of river work being done by Loris and that construction of these items need to be done by May 1 2017
14. All signage requirements are in the specifications of the contract.
- 15.

Action Items

Item	Schedule	Responsibility
1. Quinn will send us the current 404 application	ASAP	RR
2. Quinn will send us the flood plain modeling sent last year	ASAP	RR
3. Quinn will send us the specification and contract doc package	ASAP	RR
4. Land ownership and ROW 's lines need to be detailed	Before constuction	RR
5. COE 404 conditions of approval will be sent to Town and SGM.	When permit received	RR
6. Set up meeting with whitewater park and underpass contractors	After award is made	SGM
7. LOM to communicate with TOB on land use permits required and communicate that to RR		SGM/TOB
8. SGM to review flood plain app		SGM



COLORADO
Department of Transportation
Region 3 Traffic & Safety

July 22, 2016

Project Number: TAP M060-004
S/A #: 20284

Basalt Pedestrian Underpass Project Management Coordination

- 1) Introductions
- 2) Project Management Roles and Responsibilities
 - a) Engineer of Record - Resident Engineer
 - b) Project Engineer
 - c) Inspector
 - d) Tester
 - e) CDOT
 - f) Town of Basalt
 - g) RFTA
 - h) Pitkin County
 - i) Eagle County
- 3) Coordination with CDOT Maintenance
 - a) Don Poole
 - b) Local CDOT Maintenance Forces
- 4) Coordination with CDOT Signal Electricians
 - a) Don Olmstead
- 5) Inspectors
 - a) Certifications
 - b) CDOT Experience
- 6) Testers
 - a) CDOT Experience
 - b) Form 250 Requirements
- 7) Winter Shut Down
- 8) Coordination with other projects
- 9) Need pre project paperwork and schedule
 - a) CDOT project documentation and forms required
 - b) CDOT must approve all change orders
- 10) Pre Construction Conference
- 11) EEO, OJT Documentation
- 12) Weekly Meetings

CDOT - NPS



- 13) Traffic Control Management
- 14) Questions/Comments.



TOWN OF BASALT ACTION ITEMS	Date: July 26, 2016
	From: Susan Philp AICP, Planning Director
	MS approved: 07-22-16

SUBJECT: 2nd Reading of Ordinance No. 15, Series of 2016 Granting Land Use Approvals for River Center and Old Pond Park

RECOMMENDATION: Approve Ordinance at 2nd Reading with amendments proposed by Staff to include 20 parking spaces instead of 13

DETAIL: The Town owns the property included in this approval. The Roaring Fork Conservancy has a lease agreement over a portion to build a River Center. The Conservancy and the Town are co-applicants.

The Conservancy is seeking amended approvals to construct a 6,200 square foot River Center in two phases. The first phase is 4,000 square feet and the second phase is 2,000. This approval is set up so that after the Town Council approval by this ordinance, the Final Plan application materials would be forwarded to the P&Z for action without the necessity of going onto the Council for Phase I of the Application unless the Applicant wants to appeal the P&Z determination to the Council. Phase II would require the Final Plan application to be reviewed by both the P&Z and Town Council.

The Town is seeking to amend its prior Site Plan and Environmentally Sensitive Area (ESA) approvals for Old Pond Park to include additional amenities including the Fishing Pier, which is accessible to all ages and abilities, and the Wetland Garden and Outdoor Classrooms.

In its prior discussions the Council has acknowledged that the Conservancy River Center proposed adjacent to RMI and the recent River and Old Pond Park improvements are key elements of implementing the Town goals defined in the Our Town Planning Process.

The Conservancy and the Town entered into a pre-development agreement on August 29, 2014. A predevelopment agreement and Resolution No. 36, Series of 2015 established a framework of how the Town could help the Conservancy through the land use and development process and kick off the construction of the River Center. The ultimate strategy as outlined in that resolution was for the Council to purchase back the Conservancy parcel for \$400,000 and then lease the property needed for the River Center back to the Conservancy. In addition, the Town would contribute \$100,000 toward improvements. The Town took title to the Conservancy property in April and simultaneously leased back a portion to the Conservancy to build a river center.

There are a number of prior land use approvals that affect the River Center and the development of Old Pond Park. The proposed ordinance amends the prior conditions to reflect the current plans for the Conservancy and Old Pond Park.

The Conservancy has spent the last few years continuing to refine its building to meet its needs and to raise funds to build the River Center. The building is now smaller and has less of a footprint than originally approved by the Town.

Staff identified the following discussion items for the P&Z: 1. Consistency with the Master Plan; 2. Support from the Town for the River Center; 3. Proposed Building Architecture and Relationship to Old Pond; 4. Two Rivers Road Configuration and Parking; 5. Pedestrian Connections; 6. Phasing; 7. ESA Floodplain and Environmental; 8. Old Pond Park Improvements; and 9. Vested Rights. The item that needs the Town Council check in is

parking and the configuration of Two Rivers Road per the adopted Two Rivers Greenway Master Plan. See the discussion below on parking.

Exhibit C shows the division of responsibilities between the Conservancy and the Town to make infrastructure and landscaping improvements. Note that the responsibility for constructing the Wetland Garden and Outdoor Classroom is to be determined.

Update from July 12th Council Meeting

The Council approved the Ordinance authorizing the changes to the River Center and Old Pond Park land use approvals 7-0 at the Council's July 12th Meeting. The application was well received by the Council. The Council identified the following items to be discussed more at the 2nd reading:

- 1. Parking per P&Z action and the comments made by Greg Knott, Basalt Police Chief**
- 2. Financial commitments being made by the Town of Basalt**
- 3. Update from Conservancy on how they are going to operate and maintain the River Center and an update on Conservancy's capital campaign**

1. Parking

Staff addressed parking deficiency by:

- Adding 7 parking spaces to the site plan
- Adding a bike rack to the site plan
- Obtaining TDM and parking reduction commitment from Conservancy.

Staff asked Sopris Engineering to prepare a 3rd option to add more parking spaces on Two Rivers Road by eliminating the chicane located just west of the entrance to the River Center Building. This allows 7 more parking spaces to be added to Two Rivers Road. Staff also asked DHM to modify the site plan to add a bike rack off the shared drive with RMI. Lastly, the Conservancy has agreed to incorporate TDM measures. See the July 21, 2016 letter from Rick Lofaro, Executive Director of the Roaring Fork Conservancy.

The Conservancy would then be providing more parking than required by the Code. Planning Staff feels that the original parking configuration honors the ideas incorporated into the Two River's Greenway Master Plan. That Plan balances a number of needs in the corridor such as bicycle and pedestrian movement through the area, traffic calming, reasonable access to parking, accessibility to recreation facilities by all ages and abilities, and protection of wetland and riparian areas. However, Planning Staff also recognizes that adding more parking to access to the proposed fishing pier (which will be an area-wide amenity), and more parking for the River Park and events is also an advisable move. As a result, Planning Staff recommends the Council approve the new site plan and that the Town assume the cost for the difference in construction necessary to create the additional parking spaces.

With the additional 7 spaces, the Conservancy would satisfy code requirements for the River Center. By incorporating TDM measures, more parking will be available for the general public and by monitoring the Conservancy's use of parking, the Town will be able to make more informed decisions when (and if) the Conservancy seeks approval of the additional 2,000 square feet). Staff also asked Pete Loris, Loris and Associates, the Town's consultant on the Two River's Greenway Master Plan, for his opinion on the proposed change to eliminate the center Two Rivers Road chicane and Loris felt that the plan was acceptable and a good compromise to add parking.

2. Financial Commitments

The Town's commitments toward the Two Rivers Road, Old Pond Park, and the River Center are outlined as follows:

Estimated Cost	Timeframe	Explanation
Two Rivers Road		
\$176,364	concurrent with RFC parking construction currently anticipated for 2017	Two Rivers Road West – rebuild rural highway cross-section with two lanes that generally match up with the cross section in front of RMI. Allows parking and other Two River's Greenway improvements which will be paid for by the Conservancy except for the additional cost of constructing more parking. See below
\$6,713	same as above	Additional Cost of Construction of the Plan Showing More Parking
Old Pond Park (OPP)		
\$269,590	goal had been to make OPP trail and amenity improvements in 2016/ grading and pathway from new parking concurrent with Conservancy infrastructure (2017 or later)	Includes ADA accessible pathway from Two Rivers Rd. around pond, planting and irrigation improvements, new park benches and trash receptacles to match existing at redesigned Old Pond Park, includes bollard path lighting in OPP trail, includes 2 footbridges along the pathway. Some fixtures are included in the OPP cost here but are outside site plan area (e.g. bollard lights). \$92,320 deduct if Town procured boulders can be used.
River Center		
\$400,000	2016 budget Done	Town bought back .37 acre parcel from Conservancy and is leasing a smaller portion of the property back to the Conservancy
\$100,000	2016/2017	Originally a Town contribution for infrastructure. Staff has been using the \$100,000 as a debit account for fees the Conservancy would have otherwise been paying toward developing and reviewing infrastructure plans and costs attributable to processing the land transaction.
\$5,000	2016 Done	Town Staff agreed to pay \$5,000 toward the development of the wetland and demonstration garden
TOTAL Town Investment		
\$947,667		Total estimated Town costs *

* Note – the approval also include authorization for the Fishing Pier (estimated to cost \$187,067) and Wetland Garden and Outdoor Classroom (estimated to cost \$330,000). The current plan is that the fishing pier would be constructed if the voters approved it and the wetland garden and Outdoor Classroom would be dependent on Conservancy funding or grants.

3. Update from the Conservancy on Ability to Finance

Pat McMahon, President of the Roaring Fork Conservancy Board of Directors, will be in attendance at the July 26th Council meeting to report on the capital campaign and how the Conservancy plans on meeting the operation and maintenance needs of the River Center.

Recommendation From Other Boards: POST worked on park plans for Old Pond Park concurrently with its planning efforts for the Basalt River Park. The Full Design includes the Wetland Garden and Outdoor Classroom and the Fishing Pier. The area will be grassed until those improvements are made.

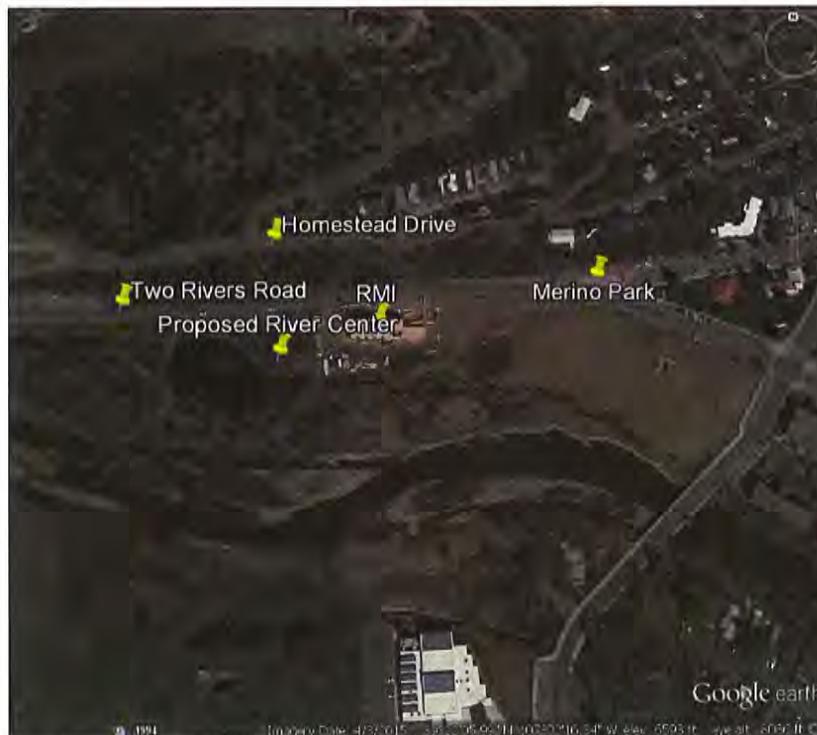
The P&Z voted to recommend approval of the Application at its July 5th meeting per Staff recommendations and further examination of the parking options. See draft P&Z minutes. Staff will present an update on our review of various parking options at the meeting.

Related Town Statute and or Town Actions: Two Rivers Road Greenway Plan, Town's "Fix the Fork" Project, Town's action on RMI approvals, Pre-development Agreement, Resolution No. 36, Series of 2015; Ordinance No. 01 and No. 02, Series of 2016 authorizing the purchase of the property and lease to the Conservancy.

Attachments: Ordinance No 15, Series of 2016 with Staff's proposed amendments; Two Rivers Road Exhibit prepared by Sopris Engineering dated 07-19-16; Exhibit B Site Plan included in 7/12 Council packet; Letter from Rick LoFaro, Executive Director of the Roaring Fork Conservancy

Items included in 7/12 packet: July 5, 2016 Staff memorandum to P&Z; Draft July 5, 2016 P&Z minutes. Excerpts from application. The application can be downloaded from the Planning Department's page on the Town's website, www.basalt.net

Vicinity Map



**Town of Basalt, Colorado
Ordinance No. 15
Series of 2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
REVISED PLANS FOR THE ROARING FORK CONSERVANCY'S PROPOSED
RIVER CENTER AND OLD POND PARK**

RECITALS

1. The Roaring Fork Conservancy and the Town of Basalt (Collectively "Applicant"), submitted an application on May 20, 2016 for several land use approvals for the property owned by the Town of Basalt (The "Property") in order to build the Roaring Fork Conservancy River Center, make additional improvements to Old Pond Park and Two Rivers Road. The application proposes to modify several prior approvals of the Town of Basalt.

2. The ESA portions of the Application were reviewed by the TRC on June 30, 2016, who found and determined that the Old Pond Park improvements are located in an ESA because the Property is in the 100-year floodplain and contains wetlands and riparian areas, and (b) the Riverfront Park is an integral part of implementation of the 2002 Roaring Fork River Stewardship Master Plan and Basalt Master Plan. The TRC recommended to the Town Council that it approve the Site Plan for the Riverfront Park and grant an exemption from ESA restrictions pursuant to Section 16-463(b)(4)a of the Municipal Code of the Town of Basalt ("Town Code"), subject to certain conditions contained herein. Further the TRC confirmed the earlier finding that neither the north/south stormwater ditch nor the east/west storm water ditch satisfy the definition of a year round stream or river under Section 16-461(a)(1), Town Code.

3. The Planning and Zoning Commission considered the application at public hearing on July 5, 2016. Throughout the meeting, evidence and testimony was offered by the Applicant, staff and members of the public. The Planning and Zoning Commission recommended that the Town Council approve the Application with conditions on July 5, 2016.

4. The Basalt Town Council considered the application at a public meeting on July 12, 2016 when evidence and testimony was offered by the Applicant, staff and members of the public. The ordinance was approved on first reading on July 12, 2016 at

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

which time the Town Council set a public hearing and second reading for July 26, 2016, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

5. The Basalt Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions identified in this Ordinance.

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

The Basalt Town Council incorporates the above recitals and all exhibits as references and as findings and determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town staff, the Basalt Town Council finds and determines as follows in accordance with Town Code § 16-28 and § 16-111 for the purposes of Site Plan Review approval and approving the development standards for a site in the P-Public zone district, and Article XXI for the purpose of reviewing Rivers, Wetlands, and Environmentally Sensitive Areas:

2. The application conforms to the provisions of Article 16 of the Town Code provided that the conditions contained in this ordinance are satisfied.

3. The development will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.

4. The development will complement and be integrated with the existing and approved but not yet existing development in the area.

5. The development will provide numerous community benefits.

6. The proposal satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

APPROVAL AND CONDITIONS OF APPROVAL. The Town Council hereby approves the application for a River Center, improvements to Old Pond Park and Two Rivers Road subject to the conditions contained in Exhibits A, B, and C. The approval

granted by this ordinance rescinds the prior conditions contained in prior ESA and Site Plan approvals for the Roaring Fork Conservancy in Ordinance No. 08, Series of 2010 and Ordinance No. 07, Series of 2011 and Ordinance No. 21, Series of 2014. The approvals granted by this ordinance also update and replace the prior ESA and Site Plan approvals for Old Pond Park include in Ordinance No. 13, Series of 2010 and the land use approvals granted by Resolution No. 08, Series of 2004 as they pertain to the improvements shown within the site plan area.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, July 26, 2016, by a vote of 7 to 0, on July 12, 2016.

READ ON SECOND READING AND ADOPTED by a vote of ___ to ___ 0 on July 26, 2016

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pamela K. Schilling, Clerk

Ord. 15 RFC River Center Old Pond Park

First Publication: Thursday, July 21, 2016

Second Publication: Thursday, _____

Effective Date: Thursday, _____

Exhibit A

1. The Conservancy and the Town shall comply with all the material representations made in the application and meetings before the Planning and Zoning Commission and Town Council.
2. At any time after approval of this ordinance and as a prerequisite to obtaining a building permit for the River Center, the Conservancy shall prepare a Final Plan for approval by the Planning and Zoning Commission (P&Z) for that Phase.
3. Before building permit for each phase of the development, the Conservancy shall obtain approval by the Town for a complete set of "detailed plans" as part of the Final Plan approval. The detailed plans shall include: an architectural plan, landscape plan, lighting plan, signage plan, engineering plan, construction management plan and a plan for pedestrian access and the other detailed plans required elsewhere in this ordinance. After approval of detailed plans by the Town, insubstantial amendments to the approved detailed plans may be reviewed and approved by the TRC if said amendments are found to be generally consistent with the existing approvals.
4. The detailed plans for Phase I shall require review and approval by the P&Z following a public hearing. The action of the P&Z will be the final action unless the Conservancy appeals the decision of the P&Z to the Town Council. The Town Council shall consider the appeal at a duly noticed hearing. The P&Z and the Town Council action may be in the form of a motion. The Town Planner may waive the requirement for the public hearing before the P&Z.
5. The detailed plans for Phase II shall require review and recommendation by the P&Z following a public hearing and final approval by the Town Council following a public hearing. The Town Council action shall be by ordinance.
6. The TRC may review and approve minor amendments to the approval documents necessary to effectuate the intent of the final development approval. Amendments found not to be consistent with the existing approvals may be processed as a substantial amendment. A substantial amendment shall require a recommendation by the P&Z at a duly-noticed hearing followed by an action of the Town Council at a duly-noticed hearing in the form of an ordinance. The Town Planner may choose to schedule the hearing jointly with the P&Z and the Town Council.
7. The Site Plan for the River Center and Old Pond Park Improvements is hereby approved as shown on **Exhibit B**. In order to accomplish the intent of this approval, it may be necessary to record other documents related to this approval as deemed

necessary by the Town Attorney. The Mayor and Town Clerk are authorized to execute any document reasonably necessary to accomplish the purpose and intent of this approval. Unless waived by the Town Attorney, all required approval documents such as easements must be finalized for recording before the first building permit associated with Phase 1.

8. The Conservancy shall be required to pay all applicable impact fees. There are no Community Housing obligations for this site as the Conservancy initially submitted a complete site specific development plan prior to the amendments to the Community Housing Requirements which required non-profits agencies and other governmental entities to comply with the employee mitigation requirements or obtain a waiver.
9. The River Center shall comply with the Town's Sustainable Building Regulations.
10. Included in the following table are the dimensional requirements established in Town's approval:

Dimensional Requirement	Revised Plans
Minimum Lot Area	na
Maximum Building Height	32 ft. of building height Maximum 4ft. high solar panels above building height are permitted Provisions for vents above the height requirement is included in Condition No. 13 of this Ordinance. * Above finished floor established at an elevation of 6580 ft. to address ESA floodplain
Maximum Number of Stores	2
Minimum East Side Yard Setback	19 feet to East Lot line of Amended Lot 1
Front Yard Setback	Zero (0) front yard setback
Building Envelope	4,582 square foot building footprint as represented on site plan dated 5/18/16 No architectural features shall extend beyond the boundaries of the Building Envelope
Minimum open space requirements	na

11. The Phasing and Development Plan for the River Center is approved as follows:

Phase 1 - **4,200** square feet
Phase 2 - **2,000** square feet

Approved - **6,200** square feet

Additional flexibility square footage – For each phase, the P&Z may approve detailed plans that reflect up to a 9% increase in the square footage permitted upon the completion of that phase. However, in no circumstance shall the additional flexibility square footage exceed 558 additional square feet and a 250 square foot increase in the footprint of the building including Phase II shown on diagram prepared by Harry Teague Associates, labeled Building Relationship to Amended Lot 1 Boundary dated May 20, 2016. The maximum size of the building the P&Z may approve with the flexibility square footage is 6,758 total square feet.

In approving detailed plans with the flexibility square footage, the Conservancy shall demonstrate to the satisfaction of the P&Z that the purpose of allowing for this additional square footage is not to allow for a bigger building but to allow the Conservancy to respond to unforeseen design, building code or efficiency issues that cannot be determined at the time of this approval or making the building more attractive to surrounding neighborhood. Examples include: making a restroom larger to address code issues, a change in the entryway that makes it more inviting to the public, enclosing utilities within the building instead of on the roof to reduce impacts on surrounding neighborhoods, or providing space for an unusual display feature. This does not release the Conservancy from satisfying the other conditions contained in this approval. Additional fees in lieu shall be provided for any additional parking required by the flexibility square footage.

12. The permitted use for the property shall be a not-for-profit “River Center” that provides educational, research and office spaces to help further the Conservancy’s mission to “inspire people to explore, value and protect the Roaring Fork Watershed”.

Accessory retail and food service activities under the operation of the Conservancy may be permitted at the River Center. The Conservancy is allowed to serve food and beverage for events, meetings, and functions normal to the operation of a not-for-profit “nature education center”. The kitchen space is to be utilized as typical kitchen space for both office staff and occasional event food service. The Conservancy is not permitted to have a full service restaurant, i.e. a place where food and beverages are prepared, served and consumed for sale to the general public. The Conservancy may have vending machines.

An area devoted to retail sale of books, videos, and other items typically sold by a not-for-profit "nature education center" is permitted with profits to the Conservancy without additional Town approval so long as the conditions outlined herein are met. The retail and food service space shall not exceed 300 square feet. A larger space shall require review and approval by the TRC, which shall have the discretion to require an amendment to the Town's approval. The retail and food service space shall not have an advertising sign visible from outside of the building. The reason for these limitations is to ensure that the River Center supports the downtown area and other Basalt businesses and that any primary commercial activities are subject to the same requirements as private developments (such as affordable housing and parking mitigation).

13. The conceptual architectural design for the development is approved as included in the Application. The detailed architectural plan shall be reviewed and approved by the P&Z before building permit for Phase I and shall be reviewed and approved by the Town Council before building permit for Phase II following a recommendation by the P&Z.
14. The Conservancy shall not place HVAC and mechanical equipment on the roof except for the following:
 - a. Flues and vents required by the Building Code to be vented through the roof, but the height and mass shall be the minimum required to meet the Building Code requirements in order to respect the integrity of the roof design;
 - b. Solar panels and associated mechanical equipment that extend up to a maximum of 4 feet above the building height.
15. The Final Site Plan for each phase of the River Center shall also include a detailed utility plan to be reviewed and approved by the Town showing the location and design of utility installations including utility boxes, pedestals, transformers, mailboxes, and trash dumpsters. These facilities shall be installed to meet the aesthetic goals of the Town.
16. Prior to building permit submission for each of the respective phases, the Conservancy shall provide a detailed landscape plan to be reviewed and approved by the Town for its Lease area and for the areas under the responsibility of the Conservancy to make improvements (See Exhibit C) plus any other area where the Conservancy proposes to place landscape improvements.
17. The Conservancy shall be responsible for the installation of all approved streetscape improvements along north façade of the River Center building adjacent

to Two Rivers Road as for the area shown on Exhibit C. The Final Plan shall be amended to revise the curb approach on the perpendicular parking spaces to allow for better and more efficient snow removal.

The Town shall be responsible for the installation of the required park and street improvements for the area shown as the Town's responsibility on Exhibit C. The Final Plan shall be amended to increase the depth of perpendicular parking spaces and additional area for the drain pan per the discussion of Sopris Engineering and the Town Planner.

- 18, Prior to building permit submission, the Conservancy shall submit a detailed signage plan for the River Center for review and approval by the Town. The plan shall be reviewed for compliance with the signage regulations for the C-1 Zone District established in Town Code Chapter 16, Article VII, *Signs* and any sign lighting shall be fully shielded and down directed and meet the Basalt lighting code. Staff shall be responsible for ensuring that the signage for Old Pond Park and the wetland demonstration garden satisfies the Town's park sign plan. Nothing restricts Staff from having the details of the park signage reviewed by the Parks, Open Space and Trails Committee.
- 19 The trail plan for the River Center and Old Pond Park, the pier and other associated improvements are approved as shown on the site plan from DHM dated May 20, 2016.
- 20 The Conservancy shall provide the lift (elevator) as included in the Revised Plans. The requirement to provide ADA accessible office space on the first floor is no longer required.
21. The parking requirement required to be constructed for the River Center shall be 13 20 spaces upon completion of Phase 1 ~~based on the approval of a minor parking reduction pursuant to the provisions of Section 16-28 (1)(d) of the Town Zoning Code as satisfied by this approval and the conditions described herein.~~ No additional parking will be required by the Council for Phase II if the Conservancy demonstrates to its satisfaction after recommendation by the P&Z in the Final Plan review that the Travel Demand Management (TDM) measures required below are successful in managing parking for employees and guests of the River Center leaving sufficient parking for the public to access Old Pond Park. Based on the reports provided by the Conservancy and any study by the Town, the TRC may ask the Conservancy to upgrade its TDM measures if parking becomes a problem. If additional flexibility square footage is included in detailed plans approved by the P&Z, the additional parking requirements shown in the Staff memo dated July 5, 2016 shall apply to the additional floor area. The P&Z may determine that the additional flexibility floor area does not require parking or fees in lieu based on the

Note - the underlined + strike through text here is to show changes made by Staff after the 1st reading. It will be removed in the signed ordinance.

particular reason for the flexibility square footage and the TDM measures in place. The Conservancy shall be responsible for the construction of all the parking associated with the River Center as shown on **Exhibit C** with the exception that the \$6,713 estimated cost increase for constructing the additional parking shown on the plan prepared by Sopris Engineering dated July 18, 2016 will be the Town's responsibility.

The Applicant shall comply with the TDM measures outlined in the July 21, 2016 letter from Rick LoFaro, Executive Director of the Roaring Fork Conservancy to Susan Philp, Basalt Town Planner. The Final Plan application will include these TDM measures and monitoring for approval by the Town similar to what the Town required of RMI in Ordinance No. 26, Series of 2015, for approval by the Town in the Final Plan Application.

22. The Conservancy is permitted to propose alternate "green" paving surfaces for the parking spaces and construction details to be reviewed and approved by the Town.
23. The Conceptual Engineering Plans are approved subject to the conditions contained herein.
24. As part of the construction for Phase 1, the Conservancy shall be responsible for extending the existing water line to the site.
25. The River Center project shall satisfy the referral comments made by Denise Diers in her email dated June 29, 2016, the comments from Wyatt E. Popp, PE Olsson Associates to Susan Philp, Planning Director, dated June 29, 2016 and any requirements contained in the line extension agreement the Town has with the District which would pertain to the River Center.
26. The Conservancy shall be responsible for extending or upgrading utility services, including gas, telephone, and cable television as necessary to provide service for River Center.
27. Prior to issuance of a building permit for each phase of the project, the Conservancy shall provide cost estimates from a licensed engineer to the Town Engineer for all of the necessary improvements required by the Conservancy for that phase and shall provide the security for construction of all public and essential improvements in a form acceptable to the Town Attorney. The cost estimates are subject to approval by the Town Engineer. The Conservancy shall execute a Development Improvements Agreement approved by the Town Attorney before building permit for each phase. The secured improvements shall include at a minimum those improvements shown as the Conservancy's responsibility on **Exhibit C** with the

exception of \$6,713 of cost assigned to the Town for creating more parking per Condition No. 21.

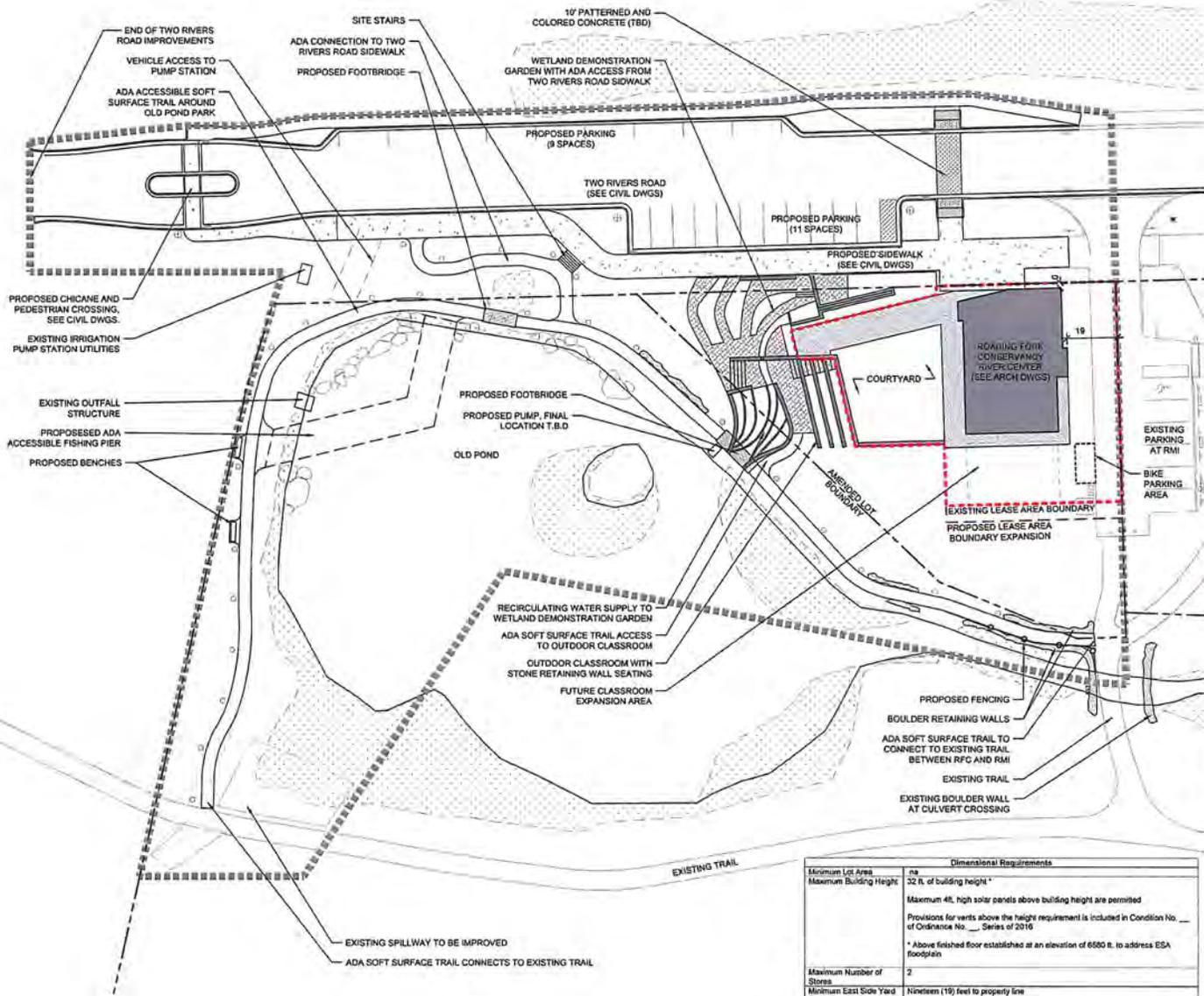
28. At the time of this approval, the funding for the Wetland Demonstration Garden had not been secured. Until funding is secured the interim grass planting is approved as shown on the Preliminary Planting Plans and Plant List and Notes dated May 20, 2016 prepared by DHM.
29. Prior to building permit submission for Phase 1, the Conservancy shall submit a geotechnical report and final drainage study for the River Center to be reviewed and approved by the Town Engineer.
30. Prior to building permit submission for each phase of the River Center, the Conservancy shall be required to provide a final Construction Management Plan describing at a minimum, the proposed construction staging, parking, dust control and phasing to be reviewed and approved by the Town.
31. This approval authorizes improvements to the Old Pond Park spillway shown on the grading and drainage plans from Sopris Engineering Dated May 20, 2015 if the Town decides to make them. However these improvements are not required to be constructed by the Town as the Town's zero rise requirements are met without this improvement as summarized in the May 16, 2016 letter from Robert Krehbiel, Matrix Design Group.
32. The River Center project shall satisfy the referral comments made by Bill Harding, Fire Marshal in his letter dated June 20, 2016 to Susan Philp, Planning Director.
33. The responsibilities and costs associated with the design and construction of the River Center, Two Rivers Road and Old Pond Park Improvements are shown on the Site Responsibilities Diagram shown as **Exhibit C**.
34. If the Town constructs any of the required improvements under the Conservancy's obligation, the Conservancy shall pay for the improvements either by the Town drawing down the security or by a cash payment to the Town. Such payment will be reduced by such portion, if any, which remains of the Town's \$100,000 commitment toward the project. However, nothing restricts the Town in its sole discretion from entering into a program with the Conservancy to creatively fund the improvements as provided in Condition No. 35.
35. Due to the importance of the River Center to the Town of Basalt, both the Town and the Conservancy agree to work together to seek grants and other creative funding

means for constructing the River Center and the Two Rivers Greenway Master Plan improvements.

Miscellaneous and Legal

36. 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.
37. This Ordinance, after fully executed, shall be recorded in the office of the County Clerk and Recorder.
38. 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.
39. The vested rights for Phase I of the River Center are granted as approved herein until April 15, 2019, which corresponds to the Performance Deadline included in the Town's Lease agreement with the Conservancy recorded in the Eagle County records as Reception No. 201605270. If a building permit for the River Center is not issued within the April 15, 2019 vested rights period or as may be extended, the approvals granted for this amendment shall expire. The approvals shall also expire if for some reason the Conservancy no longer has a valid lease with the Town. The vested rights for Phase II will be granted at the time of Final Plan approval for Phase I.
40. The P&Z recommends that the area of the Lease Agreement be expanded as shown on **Exhibit B**. [This will be effectuated by a future amendment to the Lease Agreement.](#)

EXHIBIT B



- NOTES:**
- SEE CIVIL PLAN FOR ALL UTILITY LOCATIONS. CIVIL ENGINEER TO VERIFY EXISTING AND PROPOSED UTILITY LOCATIONS AND REQUIREMENTS AND IDENTIFY ANY CONFLICTS WITH PROPOSED SITE DESIGN.
 - SEE CIVIL ENGINEERS GRADING PLAN FOR ALL GRADING INFORMATION.
 - REFER TO CIVIL ENGINEERS CONSTRUCTION DRAWINGS FOR EROSION CONTROL PLANS AND DETAILS.
 - EXISTING WETLANDS AROUND OLD POND ARE "TO REMAIN". DISTURBANCE TO EXISTING WETLANDS IS NOT PERMITTED AT ANY TIME UNDER ANY CIRCUMSTANCE. SHOULD DISTURBANCE TO WETLANDS BECOME NECESSARY, CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE PRIOR TO COMMENCING WORK IN THAT AREA.
 - LAYOUT AND QUANTITY OF PROPOSED LIGHT FIXTURES IS APPROXIMATE. FINAL FIXTURE TYPES, LOCATIONS AND QUANTITIES TO BE COORDINATED WITH TOWN OF BASALT AND PROJECT LIGHTING DESIGNER.
 - PROPOSED PLANS FOR OLD POND INCLUDE AN ADA ACCESSIBLE FISHING PIER. DESIGN OF FISHING PIER TO BE COORDINATED WITH HYDROLOGICAL ENGINEER TO MEET TOWN'S "ZERO RISE" REGULATIONS. ADDITIONAL VOLUME OF PIER MAY BE OFF-SET THROUGH IMPROVEMENTS TO THE EXISTING SPILLWAY AT OLD POND. PLANS WILL BE SUBMITTED TO THE TOWN FOR FINAL APPROVAL.
 - EXISTING TREES BETWEEN TWO RIVERS ROAD AND OLD POND THAT ARE WITHIN THE DISTURBANCE AREA FOR THE PROJECT ARE TO BE TRANSPLANTED WHERE FEASIBLE. LANDSCAPE ARCHITECT TO PROVIDE ANALYSIS OF FEASIBILITY AS WELL AS TRANSPLANT LOCATION OPTIONS.
 - WETLAND DEMONSTRATION GARDEN TO BE SUPPLIED BY RE-CIRCULATING PUMP FROM OLD POND. FINAL LOCATION OF PUMP TO BE DETERMINED.
 - RIVER CENTER BUILDING MAY BE CONSTRUCTED AHEAD OF WETLAND DEMONSTRATION GARDEN AND OUTDOOR CLASSROOM. SEE PRE-WETLAND GARDEN INSTALLATION PLAN ON SHEET L1.1 FOR INTERIM PLANTING. SEE CIVIL GRADING PLAN FOR INTERIM GRADING CONDITIONS.

- LEGEND**
- ▬ SITE PLAN AREA
 - - - - - EXISTING LEASE AREA BOUNDARY
 - - - - - PROPOSED LEASE AREA BOUNDARY EXPANSION
 - PROPOSED FENCING
 - ▬ CONCRETE PATH
 - ▬ SOFT SURFACE TRAIL
 - ▬ PAVING (MATERIAL T.B.D.)
 - ▬ BOULDER LANDSCAPE WALLS
 - ▬ SITE WALLS
 - LIGHT FIXTURE (OVERHEAD) APPROXIMATE LOCATIONS
 - LIGHT FIXTURE (BOLLARDS) APPROXIMATE LOCATIONS
 - ▬ PROPOSED BOULDERS AROUND OLD POND
 - ▬ EXISTING WETLANDS TO REMAIN
 - ▬ EXISTING VEGETATION TO REMAIN

Dimensional Requirements	
Minimum Lot Area	na
Maximum Building Height	32 ft. of building height *
	Maximum 4ft. high solar panels above building height are permitted
	Provisions for vents above the height requirement is included in Condition No. ___ of Ordinance No. ___ Series of 2016
	* Above finished floor established at an elevation of 6580 ft. to address ESA floodplain
Maximum Number of Stores	2
Minimum East Side Yard Setback	Nineteen (19) feet to property line
Front Yard Setback	Zero (0) front yard setback
Building Envelope	4562 square foot building footprint as represented on site plan A101 site plan dated 5/18/16
	No architectural features shall extend beyond the boundaries of the Building Envelope
Minimum open space requirements	na



LANDSCAPE ARCHITECTURE
URBAN DESIGN • LAND PLANNING
ECOLOGICAL PLANNING
311 Main Street, Suite 102
Globeville, CO 80531-7613
Tel: 303.440.8888
www.dhwdesign.com

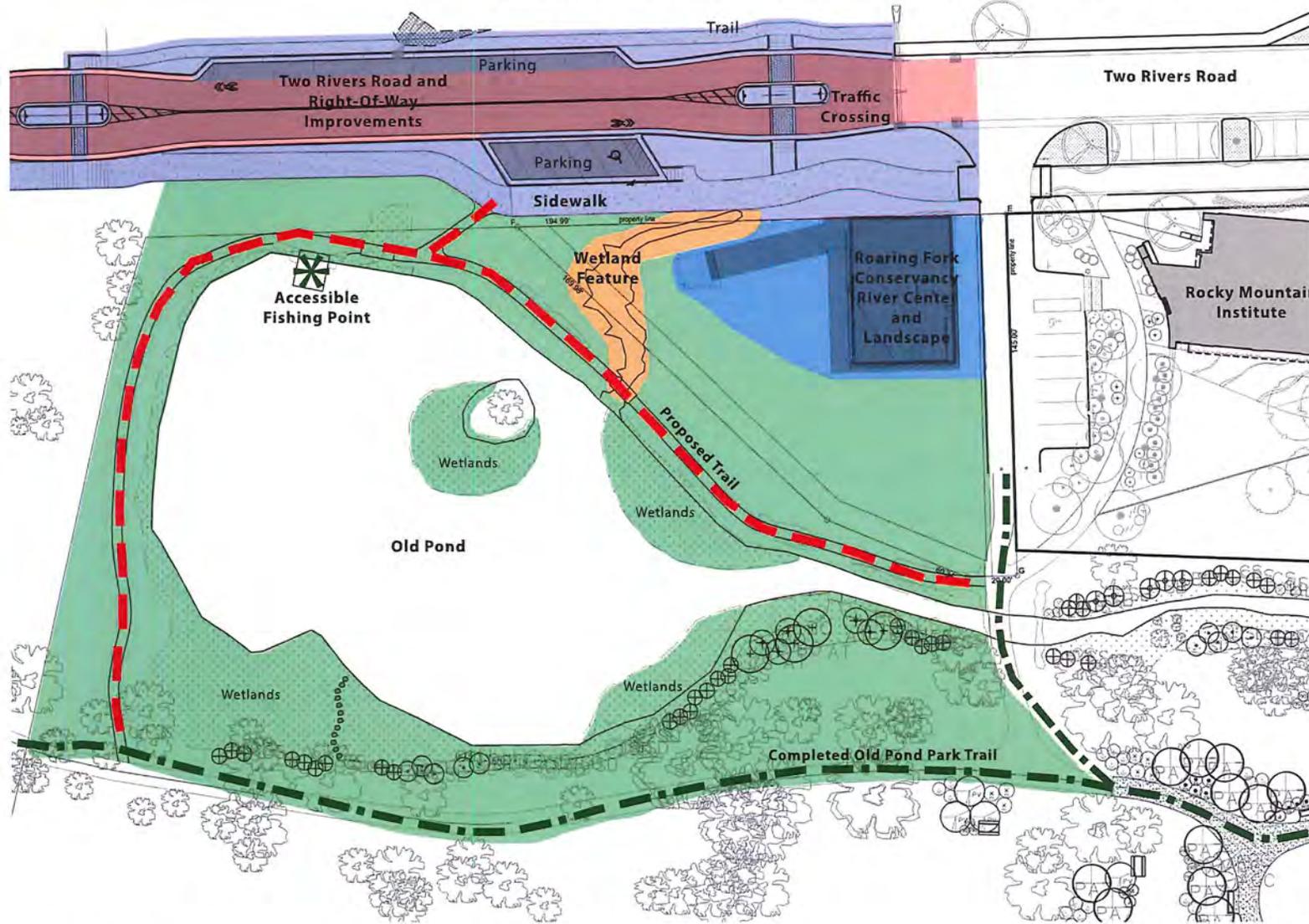
River Center - Old Pond Park
Basalt, Colorado

PROJECT NUMBER: 010
DATE: 2016.05.20
DESIGNER: (NAME)
CHECKER: (NAME)
REVISIONS:

PROJECT DESCRIPTION:
LAND USE APPLICATION
SHEET TITLE:
SITE PLAN

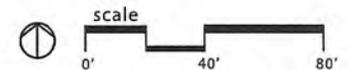
SHEET NUMBER:
L1.0
SHEET OF

EXHIBIT C SITE RESPONSIBILITIES DIAGRAM



DESIGN AND COST ALLOCATION LEGEND

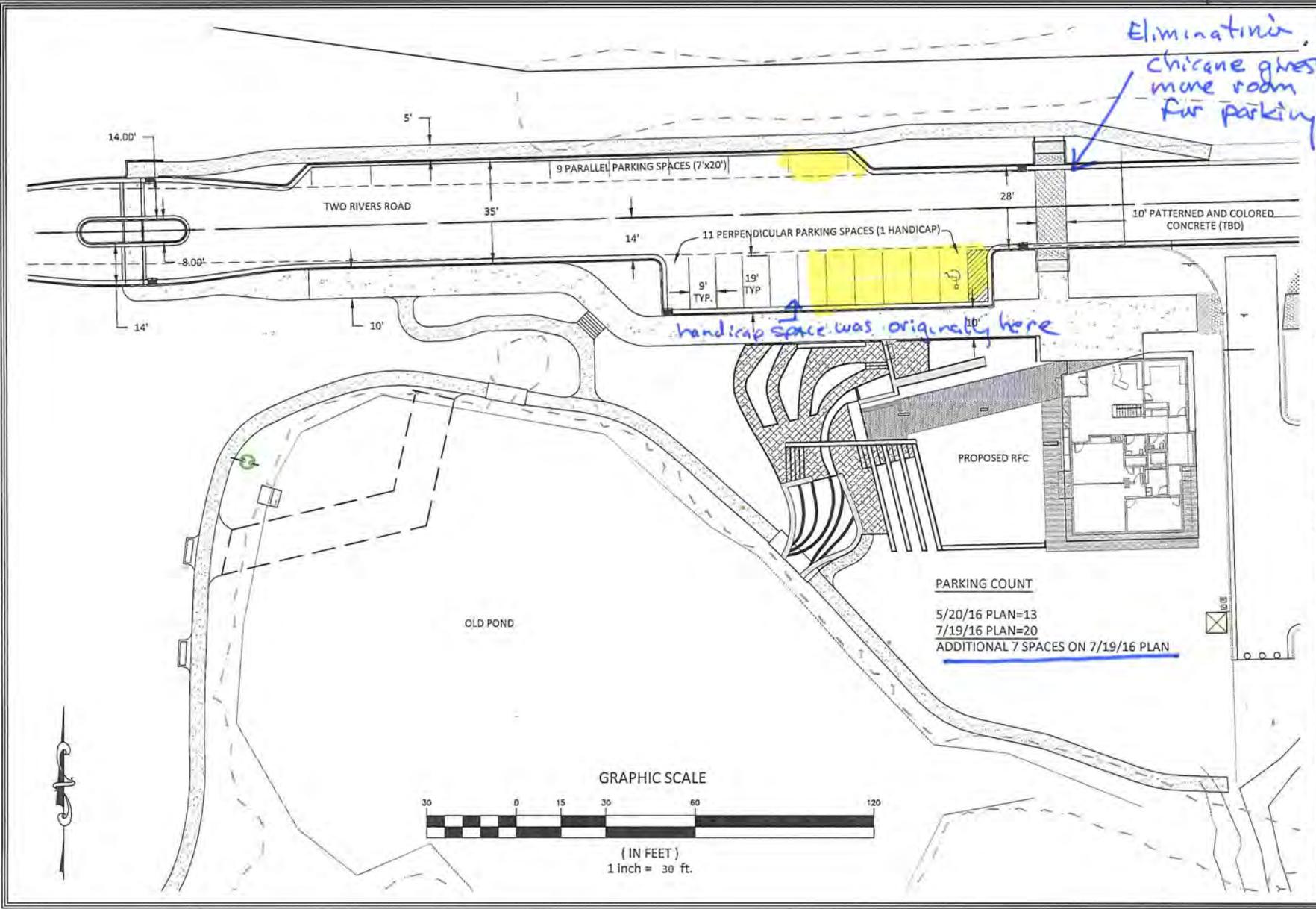
- Two Rivers Rd and ROW Improvements** Initial Design: DHM, Loris
Improvement Cost: RFC
- Two Rivers Rd and ROW Improvements** Design: DHM, Loris
Improvement Cost: Town of Basalt
- Old Pond Park Trail Improvements** Design: DHM, Town of Basalt
Improvement Cost: Town of Basalt
- Wetland Feature** Design: DHM, RFC
Improvement Cost: T.B.D.
- Roaring Fork Conservancy River Center and Landscape** Design: RFC
Improvement Cost: RFC
- New Trail**
- Constructed Trail**



SITE RESPONSIBILITIES DIAGRAM

ROARING FORK CONSERVANCY / TOWN OF BASALT
2015.11.17

Areas where additional parking was added

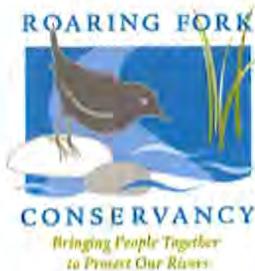


SOPRIS ENGINEERING, LLC
 CIVIL CONSULTANTS
 502 MAIN STREET
 CARBONDALE, CO 81623
 (970) 704-0311
 FAX: (970)-704-0313

NO.	REVISION	BY	DATE

RIVER CENTER-OLD POND PARK
 EAGLE COUNTY, COLORADO
 TWO RIVERS ROAD EXHIBIT
 REVIEW ONLY

DATE: 07-19-2016
 JOB NO. 16040
 SHEET 1 OF 1



July 21, 2016

Susan Philp, Town Planner
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

RE: Proposed TDM and Parking Reduction Measures

Dear Susan,

In consideration of the proposed River Center facility, Roaring Fork Conservancy wishes to address Travel Demand Management and our efforts to reduce the amount of staff vehicles on site.

- Bike/walk to work – the River Center will provide a rack for convenient and secure storage of bicycles, and the facility will include a shower/changing facility to further encourage walking/biking to work.
- We-cycle – encourage use of the new We-cycle station located in front of RMI and subsidize season passes for all employees
- Telecommuting, when applicable
- Flexibility to allow some employees to work from home/remotely
- Subsidized bus passes for all employees, RFTA bus stop is 2 blocks from the River Center
- Priority parking for carpool vehicles
- Some employees will frequently be off-site in the field or at alternate teaching locations, allowing for more available public parking.

We feel that this level of commitment to reducing parking demand from employees and staff on a daily/weekly basis will greatly improve the parking scenario.

Sincerely,

Rick Lofaro
Executive Director

BOARD OF DIRECTORS

Pat McMahon
President
Diane Schwener
Vice President
Jennifer Sauer
Treasurer
Jeff Conklin
Secretary
Ted Borchelt
Stephen Ellsperman
Jim Light
Rick Lofaro
Executive Director
Rick Neiley
Don Schuster
Larry Yaw

PROGRAM STAFF

Rick Lofaro
Executive Director
Heather Lewin
Watershed Action Director
Christina Medved
Watershed Education Director
Liza Mitchell
Education & Outreach Coordinator
Chad Rudow
Water Quality Coordinator
Sheryl Sabandal
Development Associate & Office Manager
Sarah Woods
Director of Philanthropy



TOWN OF BASALT Action Item	Date: July 26, 2016 From: James Lindt AICP, Assistant Planning Director
	Town Manager Review: MS Approved 7-22-16

SUBJECT: Second Reading of Ordinance No. 16, Series of 2016- approving a PUD Amendment for ten (10) of the Roaring Fork Club Suites to add kitchens.

RECOMMENDATION: Staff recommends that the Council approve the ordinance.

DETAILS: The Applicant, Roaring Fork Club Suites Association has requested a PUD Amendment to add kitchens to the remaining ten (10) Roaring Fork Club Suites that do not currently contain kitchens.

A TRC Certificate (Certificate No. 8-2004) was approved in 2004 that permitted two (2) out of the twelve (12) Roaring Fork Club Suites to install kitchen facilities. Included in the 2004 approvals was a requirement that any additional kitchens beyond the two suites require Town Council approval. The Applicant has requested to install kitchen facilities in the remainder of the Club Suites.

The Club Suites act as short-term occupancy units and the Town collects lodging tax for occupancy of the units. The Applicant has proposed that the use of the units as short-term rentals will not be altered as a result of the proposal. Staff believes that the installation of the kitchens in the remaining ten (10) suites will have negligible effect the amount that their guests visit restaurants in Town due to the nature of the Club's clientele.

School Land Dedication fees were paid on the units at the time they were built. Staff had included a condition in the first reading ordinance that would have required the Applicant to pay only half of the Parkland Dedication fees as was the case with the first two (2) units that added kitchens in 2004. Council did not agree with the reduction in parkland dedication fees and approved the ordinance on first reading with an amendment to require 100% of the required parkland dedication fees be paid. This is represented in the attached ordinance.

There was also discussion between first and second reading about where the Applicant is going to take access from during construction. In response to the a concern expressed by Bronwyn Anglin, it was determined that the Applicant would be taking construction access from Arbaney Ranch Road. This has been included as a condition of approval.

RECOMMENDATIONS FROM OTHER BOARDS: The P&Z reviewed the Application and recommended approval with the conditions contained in the draft ordinance.

RELATED TOWN STATUTE AND TOWN ACTIONS: Roaring Fork Club PUD; TRC Certificate No. 8, Series of 2004; Town Code Section 16-65(d)(6), Planned Unit Development: Effect of Approval

ATTACHMENTS: A) Ordinance No. 16, Series of 2016, B) Correspondence Since First Reading

Items Included in 7/12 Council Packet: Application, P&Z Memo, Draft P&Z Minutes, TRC Certificate No. 8, Series of 2004

A) Ord

**Town of Basalt, Colorado
Ordinance No.16
Series of 2016**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A
MINOR PUD AMENDMENT TO ADD KITCHENS TO TEN (10) OF THE ROARING
FORK CLUB SUITES, LOT 2, BLOCK 1, ROARING FORK CLUB PUD**

RECITALS

- A. Roaring Fork Club Suite Association ("Applicant") filed an Application ("Application") for a Minor PUD Amendment to add kitchens to the remaining ten (10) Roaring Fork Club Suites that do not currently contain kitchens on Lot 2, Block 1, of the Roaring Fork Club PUD.
- B. At a public hearing held on June 21, 2016, the public hearing was continued to July 5, 2016.
- C. At the continued public hearing held on July 5, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application.
- D. At a public meeting held on July 12, 2016, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for July 26, 2016 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- E. At a public hearing and second reading on July 26, 2016, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- F. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

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

A. FINDINGS

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

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

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

B. CONDITIONS

1. Based on the Application, testimony and comments from the public, Applicant and Town Staff, the Town Council hereby grants approval for a Minor PUD Amendment for the installation of kitchens in the ten (10) remaining Roaring Fork Club Suites that do not currently contain kitchens, subject to the following conditions:

Representations:

- a. The Applicant shall comply with all representations set forth in the Application.
- b. The Applicant shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

Renovation:

- c. The Applicant shall apply for and obtain a building permit to add the kitchen facilities.

Fire District Comments:

- d. The Applicant shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated April 19, 2016, prior to the issuance of a certificate of occupancy on the units.

Basalt Sanitation District Comments:

- e. The Applicant shall demonstrate compliance with Basalt Sanitation District's comments prior to the issuance of a building permit.

Fees:

- f. The Applicant shall pay all applicable development review fees as calculated by the Town Planner prior to building permit issuance. The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance. The Applicant may propose and implement a park improvement plan in lieu of paying parkland dedication fees, if the plan is approved by the TRC. The parkland dedication requirement for the Club Suites shall be the parkland dedication fee requirement in the Town Code at the time the Applicant obtains building permits to install the kitchen facilities as calculated by the Town Building Official.
- g. The Applicant shall not be required to pay additional School Land Dedication fees as School Land Dedication fees were paid when the Club Suites were originally built.

Δ-
Require
Full
Parkland

Approval Documents:

- h. The Applicant shall continue to comply with the approvals granted in the Roaring Fork Club PUD except as amended herein and shall comply with any applicable Town Ordinances.
- i. The Applicant shall prepare and submit any approval documents deemed necessary by the Town Planner and Town Attorney for review and approval. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Construction Access:

- j. The Applicant shall use Arbaney Ranch Road for construction access as represented in the Applicant's proposal and shall not access the site for construction purposes through Holland Hills.

Δ-
Added
Const
Access

Vested Rights:

- k. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicants may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit to renovate the units to include kitchens is

not issued within the three (3) year vested rights period or as it may be extended, the approvals granted for this amendment shall expire.

Insubstantial Amendments:

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

C. MISCELLANEOUS

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

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON July 26, 2016 by a vote of 7 to 0 on July 12, 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

Ord16-RoaringForkClubSuites.doc

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

B) Public Correspond.

James Lindt

From: bronwyn <bronwyn_anglin@hotmail.com>
Sent: Wednesday, July 13, 2016 5:22 PM
To: James Lindt; Susan Philp; gary@beachresource.com;
gary.tennenbaum@pitkincounty.com
Subject: PUD amendment for Roaring Fork Club Suites kitchens

Thanks for listening to my concerns about possible construction traffic through our lot in Holland Hills (Lot 24). It is my hope you will include an agreement from the Club not to use the small public right of way on Lot 24 for any construction purposes, including not to access the Arbaney-Kittle trailhead parking with any construction-related materials or vehicles, under "B. Conditions; Representations (b)" in Ordinance No. 16 Series of 2016.

That will prevent a repeat of the incredible inconvenience the 12 homeowners on Lot 24 suffered during the construction of the Suites, not to mention the damage caused to our roads during that time which all Holland Hills residents pay for via our Metropolitan District. I am copying Gary Beach whose company manages our Metropolitan District and Gary Tennenbaum of Pitkin County Open Space and Trails on this also.

As I am unable to attend the Tuesday 26th meeting due to work commitments I ask that you enter this email into the records of public comment on this application - thank you in advance for your help in this matter.

Best regards

Bronwyn Anglin

TOWN OF BASALT Action Item	Date: July 26, 2016 From: James Lindt AICP, Assistant Planning Director
	Town Manager Review: MS Approved 7-22-16

SUBJECT: Second Reading of Ordinance No. 17, Series of 2016- approving amendments to the Town's Community Housing Guidelines to change the membership composition of the Special Housing Evaluation Committee (SHEC) to include two (2) members of the Basalt Affordable Community Housing (BACH) Committee

RECOMMENDATION: Staff recommends that the Council approve the ordinance.

DETAILS:

The Town Council reviewed and approved a policy for the rental administration of Town-owned employee housing units based on recommendations from the Basalt Affordable Community Housing (BACH) Committee at the last meeting. One of the recommendations from BACH supported by the Council at the last meeting was to change the composition of the Special Housing Evaluation Committee (SHEC) to add two members of BACH to SHEC. The Council approved Resolution No. 25, Series of 2016, directing Staff to bring forth an ordinance to amend the composition of SHEC.

BACH's recommendation was for the two (2) members of BACH to be appointed to SHEC by the Town Council. SHEC is the committee that reviews waivers from some of the provisions of the Community Housing Guidelines and currently consists of the Town Manager, Town Planner, Public Works Director, and the Police Chief. Changing the composition of BACH requires approval of an ordinance to amend the Town's Community Housing Guidelines.

The Council approved the ordinance on first reading at the last meeting and there have been no changes to the ordinance since first reading.

RECOMMENDATIONS FROM OTHER BOARDS: BACH recommended approval of the change in the composition of SHEC.

RELATED TOWN STATUTE AND TOWN ACTIONS: Basalt Community Housing Guidelines, Town Policy for Administration of Town-owned Employee Housing Units

ATTACHMENTS: A) Ordinance No.17, Series of 2016

A) Ord.

**Town of Basalt
Ordinance No. 17
Series of 2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, AMENDING THE TOWN'S COMMUNITY HOUSING
GUIDELINES TO CHANGE THE COMPOSITION OF THE SPECIAL HOUSING
EVALUATION COMMITTEE (SHEC)**

RECITALS:

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Town's Community Housing Guidelines.

B. The Basalt Affordable Community Housing (BACH) Committee recommended that the Council amend the Town's Community Housing Guidelines to include two (2) members of the BACH on the SHEC Committee.

C. Town Council approved Resolution No. 25, Series of 2016, directing Staff to bring forth amendments to the Community Housing Guidelines to change the composition of SHEC to add two (2) members of BACH to SHEC.

D. At a public meeting held on July 12, 2016, the Town Council considered the request to amend the Community Housing Guidelines on first reading and scheduled a public hearing and second reading for the ordinance for July 26, 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 July 26, 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 amend the Community Housing Guidelines as provided herein, and is reasonably 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 that the following amendments are adopted to the Town's Community Housing Guidelines.

1. The definition of Special Housing Evaluation Committee in Part V of the Community Housing Guidelines is hereby amended as shown below:

Special Housing Evaluation Committee- Town Manager, Town Planning Director, Public Works Director, Police Chief or their designees, and two (2) Basalt Affordable/Community Housing Committee (BACH) members as appointed by the Town Council.

2. MISCELLANEOUS.

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 AND SECOND READING TO BE HELD ON July 26, 2016 by a vote of 7 to 0 on July 12, 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 Schilling, Town Clerk

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

TOWN OF BASALT Action Item	Date: July 26, 2016 From: James Lindt AICP, Assistant Planning Director
	Town Manager Review: MS Approved 7-22-16

SUBJECT: Consideration of Resolution No. 29, Series of 2016, Approving the Sketch Site Plan and Sketch Subdivision Review for the Basalt Ministorage Expansion

DETAILS: As introduced at the last Council meeting, Davidco LLC. ("Applicant") is requesting approval of Annexation, Sketch Site Plan and Sketch Subdivision to expand the existing Basalt Mini-Storage with approximately 80,000 square feet of additional mini-storage to the south of the existing mini-storage.

More specifically, the Applicant has applied to annex the property into the Town and construct approximately 80,000 square feet of additional self-storage in four buildings of approximately 20,000 square feet each. In association with the self-storage proposal, the Applicant is proposing to annex and dedicate portions of South Side Drive and Fiou Lane that were not previously annexed as clean-up item requested by Town Staff. The Applicant is proposing to pay cash-in-lieu of providing affordable housing.

During the P&Z's review, Staff identified the following discussion items that are more specifically analyzed in the attached memos to the P&Z: 1) Consistency with Master Plan, 2) Consistency with Neighborhood Character, 3) Compliance with Industrial Zone District Requirements, 4) Vehicular Access, 5) Affordable Housing, 6) Traffic, 7) Pedestrian Access, 8) Phasing, 9) Vested Rights.

Staff has attached a draft resolution that includes the conditions of approval that the P&Z recommended. Staff recommends that the Council hear a presentation from Staff and the Applicant, ask questions, take public comments, and then provide Council discussion.

Questions for Council to consider in reviewing the Development Application include:

1. Do the conditions recommended by P&Z sufficiently mitigate the traffic concerns and other impacts of the proposed development?
2. Is the proposed development consistent with the Town's Master Plan?
3. Are there discussion items from the P&Z review that require further detail and analysis at the Town Council level?

RECOMMENDATIONS FROM OTHER BOARDS: The P&Z recommended approval of the sketch plan with the conditions included in the draft resolution.

RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Chapter 15, *Annexation*, Town Code Section 16-24; *Supplemental Requirements for Industrial Zone District*; Town Code Section 16-25, *Procedures for permitted uses in Industrial Zone District*; 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*

ATTACHMENTS: A) Resolution No. 29, Series of 2016, B) P&Z Memos, C) Excerpts from Traffic Report Prepared by SGM

Items included in the July 12th Packet: Application Excerpts, P&Z Minutes, Public Correspondence. The full application can be viewed on the Planning Department's Website at www.basalt.net.

Vicinity Map



**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
THE BASALT MINI-STORAGE EXPANSION SKETCH SITE PLAN AND SKETCH
SUBDIVISION FOR THE PROPERTY KNOWN AS THE BASALT MINISTORAGE
EXPANSION PROPERTY PROPOSED FOR ANNEXATION INTO BASALT**

**Town of Basalt, Colorado
Resolution No. 29
Series of 2016**

RECITALS

1. DavidCo LLC. ("Applicant"), submitted an application for Sketch Site Plan Review, Sketch Subdivision Review, and Annexation for an 81,000 square foot expansion of the Basalt Mini-storage on approximately two (2) acres of property directly south of the existing Basalt Mini-storage, which property is more particularly described in **Exhibit A** (The "Property"). Said application was subsequently revised through the sketch plan review process.
2. The Application proposes for the development to be annexed into the Town and zoned to the Town's Industrial Zone District upon annexation.
3. The Town Council approved Resolution No. 13, Series of 2016, granting Annexation Eligibility for the Mini-storage Expansion Property.
4. The Planning and Zoning Commission reviewed the Application and conducted a public hearing at their May 17, 2016 and June 21, 2016 meetings and recommended approval, with conditions.
5. The Basalt Town Council considered a presentation of the Application at their July 12, 2016 Meeting.
6. The Basalt Town Council considered the application at a public hearing on July 26, 2016. Throughout the meeting, evidence and testimony was offered by the Applicant, staff and members of the public.
7. The Basalt Town Council finds that the Applicant's request described herein to be consistent with the applicable provisions of the Town Code and the 2007 Basalt Master Plan.

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

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

The Basalt Town Council incorporates the above recitals, all exhibits as references, as findings and determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

CONCLUSIONS

Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council hereby approves the Basalt Ministorage Expansion Sketch Site Plan and Sketch Subdivision, subject to the conditions contained in Exhibit "B" hereto.

1. The Applicant shall comply with all material representations made by the Applicant in the Application, including the supporting documents and in meetings before the Planning and Zoning Commission and Basalt Town Council.

2. As the Town of Basalt's Sketch Plan approval does not create any vested rights, a final plan application and annexation shall be required to be approved by the Town Council to obtain vested rights.

3. This Resolution shall be recorded with the Offices of the Clerk and Recorder of Pitkin County.

4. The approval granted hereby shall be valid for one year from the date of the vote hereon and shall be void if a Final Plan Submittal is not submitted to the Town within one year.

5. Pursuant to § 17-84(a)(2), Town Code, this approval shall not form the basis for any actionable reliance for the Applicant and shall not create any obligation for the Town Council to provide later approvals on the property.

READ AND ADOPTED by a vote of ___ to ___ on July 26, 2016.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

Basalt Town Council
Resolution No. 29, Series of 2016
Page 3

ATTEST:

By: _____
Pam Schilling, Clerk

Council Res __-BasaltMinistorage

EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN A PORTION OF TRACT 59 IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL OF LAND ALSO BEING A PORTION OF THAT PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 3 OF SAID TRACT 59 (WITH ALL BEARINGS HEREIN BEING RELATIVE TO A BEARING OF N.00°48'57"E. BETWEEN ANGLE POINT NO. 7 AND ANGLE POINT NO. 8 OF TRACT 59, BOTH FOUND GLO BRASS CAPS IN PLACE); THENCE N.00°05'50"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 59 A DISTANCE OF 1174.50 FEET TO THE SOUTHWEST CORNER OF THAT ANNEXATION PARCEL AS SHOWN ON THE ANNEXATION PLAT OF BASALT BUSINESS CENTER WEST, FILING II ANNEXATION, RECORDED DECEMBER 29, 1997 AS RECEPTION NO. 411948 OF THE PITKIN COUNTY RECORDS, THE TRUE POINT OF BEGINNING; THENCE S.89°03'19"E. ALONG THE SOUTHERLY BOUNDARY LINE OF SAID ANNEXATION PARCEL OF BASALT BUSINESS CENTER WEST A DISTANCE OF 135.01 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE S.23°02'06"W. A DISTANCE OF 346.39 FEET TO SAID WESTERLY BOUNDARY LINE OF SAID TRACT 59; THENCE N.00°05'50"E. ALONG SAID WESTERLY BOUNDARY LINE OF SAID TRACT 59 A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 21,668 SQUARE FEET OR 0.497 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND SITUATED IN A PORTION OF TRACT 59 IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL OF LAND ALSO BEING A PORTION OF THAT PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 3 OF SAID TRACT 59 (WITH ALL BEARINGS HEREIN BEING RELATIVE TO A BEARING OF N.00°48'57"E. BETWEEN ANGLE POINT NO. 7 AND ANGLE POINT NO. 8 OF TRACT 59, BOTH FOUND GLO BRASS CAPS IN

PLACE); THENCE N.00°05'50"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 59 A DISTANCE OF 853.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE N.23°02'06"E. A DISTANCE OF 346.39 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THAT ANNEXATION PARCEL AS SHOWN ON THE ANNEXATION PLAT OF BASALT BUSINESS CENTER WEST, FILING II ANNEXATION, RECORDED DECEMBER 29, 1997 AS RECEPTION NO. 411948 OF THE PITKIN COUNTY RECORDS; THENCE S.00°05'50"W. A DISTANCE OF 682.61 FEET; THENCE N.89°54'10"W. A DISTANCE OF 135.00 FEET TO SAID WESTERLY BOUNDARY LINE OF TRACT 59; THENCE N.00°05'50"E. ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 363.61 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 70,620 SQUARE FEET OR 1.621 ACRES.

EXHIBIT B

Community Benefits/Annexation

1. The Final Site Plan submittal shall explain in more detail, the green building techniques (potentially solar panels on west side of buildings) to be used within the development and shall describe techniques to be implemented to achieve compliance with Town's Sustainable Building Regulations.
2. The Development shall satisfy the annexation policy for a minimum 1% RETA to be used for community benefits. Property which sells for \$1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2%.
3. The Applicant shall relocate the fence between the Applicant's Property and The Grange family Ranch to the true property line and between the Grange family ranch and the Town Shop Property/Fiou Lane Right-of-Way prior to July 15, 2016. The Town will pay its proportional share as provided in Ordinance No. 17, Series of 2015.
4. The final annexation approvals will include provisions to ensure that the undeveloped southside properties currently owned by the Applicant, but not included in this annexation, are developed in a manner that supports Community goals and shall include at a minimum:
 - i. Provisions specifying that the additional properties not be developed without land use approvals through the Town of Basalt and annexation to the Town; and,
 - ii. Provisions specifying that the buildings adjacent to South Side Drive or Fiou Lane will not be mini-storage/self-storage.
5. The Town P&Z will reevaluate the Light Industrial Designation in the scheduled Master Plan update for the other properties owned by the Applicant in southside that are not part of this annexation application.

Community Character and Community Housing Requirements

6. Pursuant to Town Code Section 16-413, the Applicant has submitted an Employee Impact and Housing Analysis indicating that the Mini-Storage will only generate .5 employees as activities such as accounting, snowplowing, and maintenance are outsourced for the existing and proposing mini-storage.

The TRC finds that the outsourced activities must be taken into account when determining the employee generation of a development application. As a result, the TRC has determined that it is reasonable to expect the generation of two (2) full-time employees as a result of this Application when the outsourced activities are taken into consideration.

The Applicant shall pay cash-in-lieu for the generation of two (2) full-time employees at a Category 1 level pursuant to the cash-in-lieu provisions in the Community Housing Guidelines at the time of the first building permit. The Applicant may spread the cash-in-lieu payment over the four (4) buildings so that cash-in-lieu is paid for the generation of .5 employees at the time of building permit issuance on each building.

In the event that the Applicant or the Applicant's successor dedicates the 1.3 acre parcel adjacent to the Rio Grande Trail referenced in the Amended and Restated Annexation Agreement for the Midland Addition Subdivision to the Town of Basalt, then the Applicant or Applicant's successor shall receive credit for the affordable housing fees paid and said credit shall be applied to other Town fees associated with this application or application for the balance of the Davidco LLC property.

Site Plan, Design, and Development Program

7. In the Final Plan submittal, the Applicant shall provide drawings and other details for the exterior lighting in the development.
8. The Applicant shall include a plan in the Final Site Plan submittal for the construction fencing at the western boundary of the Mini-storage expansion property to ensure that the construction activities do not interfere with the existing adjacent agricultural uses.
9. The Applicant shall provide a construction management plan as part of the Final Site Plan submittal.
10. In the Final Plan submittal, the Applicant shall include a detailed landscaping plan and screening proposal to screen the proposed buildings from view of South Side Drive. The screening proposal shall address how the landscape screening may be installed in harmony with the utility easements necessary to be dedicated with the sewer, gas, and electric utilities that will be installed on the east side of the proposed storage buildings.

Transportation Issues and Related Infrastructure

11. The Applicant shall participate in or contribute on a proportional basis based on trip generation 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 amount of the participation shall be determined before the annexation of the Property is finalized. The fees will be used toward improvements in the Southside or locations impacted by the Basalt Mini-storage traffic.
12. The Town is holding discussions to determine if the construction of a roundabout or other traffic-calming device is advisable on South Side Drive. Prior to the adoption of Final Site Plan approvals, the Town will have determined if the construction of a roundabout or other improvement is desired and the funding contributions required of the proposed developments along South Side Drive will be calculated.
13. The proposal to make Meadowview and Alexander Lanes, west of Southside Drive, private roads with the necessary emergency access and utility easements is acceptable. The gates to be provided shall meet the specifications set forth in Fire Marshal, Bill Harding's comments dated January 25, 2016.

Engineering and Related Technical Issues

14. As part of Final Site Plan Review submittal, the Applicant shall include a snow storage plan.
15. The Applicant shall work with Black Hills Energy (KN-Energy) to modify the existing utility easements on the 1.3-acre property adjacent to the Rio Grande Trail and demonstrate the efforts that have been made as part of the Final Site Plan submittal.
16. The Final Site Plan Application shall address the flood potential of flows from upslope areas to the south as has been recommended for other properties in the vicinity by the Colorado Geological Survey.
17. (Once FEMA approves the changes the letter of map revision for southside and eliminates the need for river improvements this condition will not be applicable.) The Applicant shall agree to be in a special district to help fund river and flood prevention improvements. River improvements may be needed to ensure better vehicle exiting for all of Southside in the event that flooding occurs even with the Town's recent efforts to revise the floodplain

maps. While the district is not established at the present time, the concept would be that all annexations contribute to some extent to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties adjacent to the river, which benefit to a much greater extent by the improvements.

18. The access gate locations are acceptable to the Town as long as the Applicant understands that they are responsible for keeping Meadowview and Alexander Lanes, west of South Side Drive, open and free of parked vehicles.
19. The Final Site Plan Application shall include a revised site plan that permits larger delivery trucks to make the turning movement onto Alexander Lane from South Side Drive without crossing lanes per comments from Chris Lehrman of SGM dated February 8, 2016.
20. As part of the Final Site Plan Application, the Applicant shall demonstrate compliance with Fire Marshall, Bill Harding's comments dated January 25, 2016.
21. As part of the Final Site Plan Application, the Applicant shall demonstrate compliance with the Basalt Sanitation District's comments from Lee Leavenworth dated March 3, 2016 and Wyatt Popp dated March 3, 2016.

Water Issues

22. The Basalt Mini-Storage Expansion project shall be subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system and for reimbursement of costs incurred by the Town in designing and constructing the Southside Water Tank. The Applicant shall update the RHN Water Resources Consultants, Inc. report (dated March 7, 2007) for submittal with the Final Site Plan Application to reflect the amended development program.
23. The Applicant shall meet the basic water rights dedication requirement of the Town Code by dedicating, by special warranty deed, all direct flow and storage water rights appurtenant to the land to be annexed. This shall include pertinent water rights in the Home Supply Ditch, Williams No. 1 Ditch, and the Forker Ditch, as further described in the email from Tom Kinney, former Town of Basalt Water Attorney, to Becky Nichols dated April 6, 2007. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town's obtaining direct diversion and augmentation water rights, and any changes of existing water rights sufficient to meet the full

build-out municipal water service demand occurring during the irrigation and non-irrigation seasons for any shortfall.

24. The Town shall lease back portions of these water right priorities for continuation of raw water irrigation within the Basalt Design District Parcels. (Water rights are typically an issue that is considered by Town Council as part of their review)
25. The Applicant shall provide raw water irrigation to any landscaped areas.
26. Implement to the satisfaction of Town Engineer, the recommendations of SGM's 2006 water distribution analysis, which identifies the need for improved looping of water lines in this area of Southside as proposed in the Application.

Pedestrian Easement:

27. The Applicant shall dedicate a 10-foot wide temporary public pedestrian and a separate construction easement on the Basalt Design District Property directly south of the Fiou Lane in order for the Town to develop a temporary asphalt path so that pedestrians would not have to cross the road to walk from the Rio Grande Trail to the Basalt Avenue underpass. The temporary public pedestrian and construction easement shall be dedicated within 180 days of final development review approval and shall be valid until the property on the south side of Fiou Lane is developed.

Phasing and Vested Rights:

28. The Final Site Plan submittal shall include a phasing plan for installation of the 8-inch looped water line prior to the issuance of a certificate of occupancy on the first storage building to be constructed on the property. The looped, all-weather, class 6 gravel road shall be provided prior to the issuance of a certificate of occupancy on the first storage building and installation of the finished asphalt surface on the looped road shall be required prior to the earlier of: 1) the issuance of a building permit on the third of the four (4) storage buildings, or 2) six (6) years from the issuance of a final development approval. Additionally, the Final Site Plan submittal shall identify the Applicant's acceptance that the 2-year warranty on the looped water line will not commence until an asphalt surface is installed over the waterline.

29. The Final Site Plan submittal shall include the following phasing:
 - a. A building permit on the first building shall be obtained within one year of the effective date of a final ordinance of approval; and,
 - b. A building permit on the second building shall be obtained within 2.5 years of obtaining a building permit on the first building; and,
 - c. A building permit on the third building shall be obtained within 3 years of obtaining a building permit on the second building; and,
 - d. A building permit on the fourth building shall be obtained within 3 years of obtaining a building permit on the third building.
 - e. In the event that the Applicant obtains a building permit early on any one of the building identified above, the subsequent permit threshold will not be moved up.
 - f. Within nine and a half (9.5) years of obtaining final development approvals on the mini-storage, building permits shall be obtained and construction will be commenced on each of the four (4) ministorage buildings proposed.
 - g. Once a building permit is received from the Town on a building, the Applicants shall pursue construction with no cessation or lapse in construction of greater than six (6) months.

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission
Thru: Susan Philp, AICP Planning Director
From: James Lindt, AICP Assistant Planning Director
Date: May 17, 2016
RE: Public Hearing- Basalt Mini-storage Annexation, Sketch Site Plan Review, Sketch Subdivision Review, and Employee Housing Evaluation Introductory Meeting

I. Purpose

Davidco LLC. ("Applicant") is requesting approval of Annexation, Sketch Site Plan and Sketch Subdivision to expand the existing Basalt Mini-Storage with approximately 80,000 square feet of additional mini-storage to the south of the existing mini-storage. Staff suggests that this initial meeting be an introductory meeting to the proposal and the draft conditions. 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 June 7th.

II. Background

The 2.1-acre property subject to the Application is currently vacant and located directly south of the existing Basalt Mini-storage. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and construct approximately 80,000 square feet of additional self-storage in four buildings of approximately 20,000 square feet each. The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Light Industrial on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

In association with the self-storage proposal, the Applicant is proposing to annex and dedicate portions of South Side Drive and Fiou Lane that were not previously annexed as clean-up item requested by Town Staff.

III. Review Process

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 13, 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 Sketch Site Plan Review, Sketch Subdivision Review, and Employee Housing Evaluation.

IV. Discussion Items

Consistency with Master Plan: The 2007 Basalt Master Plan includes the subject property in the Town's UGB and the property is designed as Light Industrial on the Town's FLUM. The proposed mini-storage use appears to be consistent with the Master Plan's FLUM designation. In developing the 2007 Master Plan, areas of Light Industrial designation were added to the FLUM to help in replacing the area of light Industrial designation that was removed when the Grange Family Ranch was placed under a conservation easement. Additionally, there were discussions with the surrounding landowners in developing the Master Plan and it was identified that light industrial use is a more compatible use with the neighboring working ranch to the west than residential use as light industrial does not present the potential conflicts of children and dogs living in close proximity with the livestock.

Consistency with Neighborhood Character: The adjacent property to the north is mini-storage and much of the property to the north contains light industrial uses. There are residential uses to the east of the subject property on the east side of Southside Drive. Staff feels that the proposed landscaping on the east side of the proposed mini-storage will be important in terms of providing a visual buffer between the mini-storage and the residential to the east. It should be noted that the land between Southside Drive and the proposed mini-storage is vacant land that has been subject to prior development review applications by this Applicant for mixed use development. There is a possibility that other development will be considered in the future to buffer the existing southside residential from the proposed mini-storage.

Compliance with Industrial Zone District Requirements: The Applicant proposes for the mini-storage to be zoned Industrial upon annexation and to comply with the Industrial Zone District requirements.

Below is a table comparing the proposed development with the Industrial Zone District dimensional requirements:

Dimensional Requirement	Industrial Zone District	Proposed
Min. Lot Area	6,000 sf	21,668 sf
Building Height	33 Feet to Midpoint	24 Feet
Ridge Height	35 Feet	33 Feet 6 Inches
# of Stories	3	2
Front Yard Setback	20 Feet	Greater than 20 Feet
Rear Yard Setback	10 Feet	20 Feet
Side Yard Setback	10 Feet	10 Feet

FAR	2:1	.89:1
Min Landscape	10%	Greater than 10%
Parking	1 space for every 2 employees	22 parking spaces

Vehicular Access: The Applicant is proposing vehicular access through the existing Basalt Mini-storage to the north of the proposed mini-storage addition. Additionally, the Applicant is proposing to construct two (2) access roads to provide vehicular access to Southside Drive at the intersections of Southside Drive with Alexander and Meadowview Lanes. The proposed configuration would allow for larger moving trucks to circulate through the development. The access roads connecting to Southside Drive are proposed to be private and contain gates so that access to the mini-storage is protected. Staff has included draft conditions of approval requiring that the access drives remain private.

Affordable Housing: The Applicant has applied for an employee generation review pursuant to the Town Code because the Applicant believes that the proposed mini-storage use has lower employee generation rates than the rate of 4 employees per 1,000 square feet of floor area prescribed by the Town Code. The Applicant originally proposed that the addition of mini-storage would generate only .5 employees. However, the Application expressed that tasks like the accounting and maintenance would be contracted out. Staff determined that these additional services should be included in the employee generation and suggested that the Applicant would actually be generating in the realm of two (2) additional employees.

After discussion with Staff, the Applicant provided an addendum to the Application accepting that .5 employees would be generated for each of the proposed buildings, equaling a total of 2 employees being generated for the entire development. The Applicant's addendum further identified that the Applicant would pay cash-in-lieu of providing affordable housing for each building as they are constructed. The determination as to whether the Applicant may pay cash-in-lieu of providing affordable housing is at the discretion of the Town Council. Staff believes it makes sense to allow for the cash-in-lieu in this circumstance since the requirement generated by the above employee generation only amounts to a fraction of a unit and it is not an ideal scenario to have an affordable housing unit included in the mini-storage development. Staff has included a draft condition that requires the payment of cash-in-lieu based on the generation of .5 employees per building.

There is an agreement related to the Town's purchase of land previously owned by the Applicant where the library and Midland Park are currently located in the Midland Addition Subdivision, which provides that the Applicant may get credit for Affordable Housing mitigation and parkland requirements towards developing the Basalt Design District properties upon their dedicating a 1.3-acre parcel adjacent to the Rio Grande

Trail. The Applicant has proposed to pay cash-in-lieu for affordable housing mitigation instead of dedicating the 1.3-acre property at this time since the Applicant is only proposing to develop a small percentage of the Basalt Design District property at this time. The timing of the dedication or Town's acquisition of the 1.3-acre property is a Council discussion item. In addition, the previous sketch plan approval for the larger mixed use development on the Basalt Design District properties required a change in the deed restriction on the 1.3-acre parcel to allow broader housing options than the existing teacher housing limitation. This will be a consideration for the Town Council.

Traffic: The Town's consulting engineer, SGM, has done some initial work for the area south of Highway 82 and will be preparing a 20-year traffic report. The initial traffic work done by SGM identifies that only 4 AM peak vehicle trips and 8 PM peak vehicle trips out of southside are expected to be generated on average by the mini-storage expansion, which is well below the CDOT access permit requirements. Additionally, the initial traffic work done by SGM suggests that the lane changes that are scheduled to be made with the pedestrian underpass construction at Basalt Avenue/Highway 82 are going to improve traffic flow out of southside. Specifically, the right-turn lane out of southside will become a free-flowing right as motorists will not have to wait for pedestrians crossing Highway 82 anymore and the thru lane will be moved to coincide with the left-hand turn lane to improve traffic circulation.

Staff plans to have the 20-year traffic report completed prior to the Final Site Plan Review for the mini-storage expansion. Staff has included a draft condition requiring that the Applicant participate in or contribute on a proportional basis based on vehicular trips generated 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. These improvements will be better defined as part of the Final Plan review once the 20-traffic report is completed.

Related to traffic improvements, there was a roundabout required to be installed on South Side Drive as part of the development approvals that were granted in 2008-2009. Staff anticipates having discussions about whether such a roundabout or some other traffic-calming device is still desired and warranted. Staff has included a draft condition establishing that if a roundabout or some other traffic-calming device is still determined to be a desirable feature on South Side Drive that the Applicant will be required to contribute on a proportional basis related to traffic generation.

Pedestrian Access: 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 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. Currently the trail along Southside Drive ends at the southeast corner of South Side

Drive and Fiou Lane. Pedestrians have to cross Fiou Lane and Basalt Avenue to get to the pedestrian underpass. Please see aerial photo below:



There is a missing section of sidewalk on the south side of Fiou Lane. The Applicant also owns the property on the south side of Fiou Lane. Given that the Application is an annexation, the Town has more power in requiring community benefits than if it were a standard development review application on property already in the Town limits. Therefore, Staff has included a draft condition that the Applicant grant a 10-foot wide temporary public pedestrian and a separate trail construction easement on the property directly south of the Fiou Lane in order for the Town to develop a temporary asphalt path so that pedestrians would not have to cross Fiou Lane and Basalt Avenue to walk from the Rio Grande Trail to the Basalt Avenue underpass. The temporary public pedestrian and construction easement would be valid until the property on the south side of Fiou Lane is developed at which time the Applicant or their successors would have to develop a regular concrete sidewalk to the Town's specifications along the south side of Fiou Lane.

Phasing: The Applicant originally proposed for the access road to be partially constructed with each storage building and for there to be a temporary fire truck turn around developed with each building. This scenario was unacceptable to the Basalt and Rural Fire Protection District (BRFPD) and the Town's Public Works Director. In response to comments about the phasing issue, the Applicant submitted an addendum to the Application proposing to construct the entire road as a Class 6 gravel road with the first mini-storage building to be built and proposing that the final asphalt surface on the access road would be installed with the third storage building to be constructed. The scenario proposed in the addendum was acceptable to the BRFPD and the Public Works Director as long as there was an overall date established by which the final asphalt surface would be installed. Therefore, Staff has included a draft condition

requiring that the final asphalt surface be installed with the earlier of 1) the third building to be built, or 2) within six (6) years of the final development review approval.

Vested Rights: The Application proposed vested rights of three (3) years per building, which totaled a request for twelve (12) years of vested rights. Staff was concerned that this was a lengthy request as compared to the Town's standard vested rights requirement of three (3) years. In response to Staff's concerns, the Applicant proposed an addendum to the Application. The addendum to the Application proposed a compromise for the vested rights with an amended vested rights proposal of nine and one-half (9.5) years for all four (4) buildings. Staff felt that the amend proposal in the addendum was more reasonable for a development of this magnitude. Staff has included a draft condition requiring the vested and rights proposed in the addendum to the application.

V. Technical Issues:

Fire District Requirements:

The Basalt and Rural Fire Protection District (BRFPD) reviewed the proposed application and compliance with their comments is required in the draft conditions of approval.

Basalt Sanitation District:

The Basalt Sanitation District reviewed the proposed application and compliance is with their comments is required in the draft conditions of approval.

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 June 7th. Staff has included the following draft conditions for P&Z's consideration:

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: June 21, 2016

RE: Continued Public Hearing- Basalt Mini-storage Annexation, Sketch Site Plan Review, Sketch Subdivision Review, and Employee Housing Evaluation

I. Purpose

As was introduced at the last meeting, Davidco LLC. ("Applicant") is requesting approval of Annexation, Sketch Site Plan and Sketch Subdivision to expand the existing Basalt Mini-Storage with approximately 80,000 square feet of additional mini-storage to the south of the existing mini-storage. At the last meeting, the P&Z heard a presentation of the Application from the Applicants, Staff presented the discussion items that were identified, the P&Z considered public comments and provided initial comments before continuing the public hearing.

Staff recommends that at this meeting the P&Z consider a recap of the discussion items and an overview of the draft conditions from Staff, consider additional discussion from the Applicant, take public comments once again, and then provide commissioner discussion. Staff would recommend that the P&Z ultimately forward a recommendation to the Town Council.

II. Background

The 2.1-acre property subject to the Application is currently vacant and located directly south of the existing Basalt Mini-storage. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and construct approximately 80,000 square feet of additional self-storage in four buildings of approximately 20,000 square feet each. The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Light Industrial on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

In association with the self-storage proposal, the Applicant is proposing to annex and dedicate portions of South Side Drive and Fiou Lane that were not previously annexed as clean-up item requested by Town Staff.

III. Review Process

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 13, 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 Sketch Site Plan Review, Sketch Subdivision Review, and Employee Housing Evaluation.

IV. Discussion Items

Staff went through the discussion items that were identified at the last meeting. Staff has once again listed the discussion items below with the specifics on the items listed in the May 17th Staff Memo:

- 1) *Consistency with Master Plan*
- 2) *Consistency with Neighborhood Character*
- 3) *Compliance with Industrial Zone District Requirements*
- 4) *Vehicular Access*
- 5) *Affordable Housing*
- 6) *Traffic*
- 7) *Green Building*
- 8) *Pedestrian Access*
- 9) *Phasing*
- 10) *Vested Rights*

The P&Z also expressed concerns about how the adjacent lands that are not part of this Application would be developed. The P&Z seemed to feel that the potential land uses on the adjacent property between Southside Drive and the property subject to the Application needed to be revisited during the Master Plan Amendment process. In response to this concern, Staff has included a draft condition for the P&Z's consideration requiring that any development to occur on the property between Southside Drive and proposed mini-storage be subject to annexation and that it not include the mini-storage/self-storage use.

V. Additional Information

Traffic Study: As was suggested in the May 17th Staff Memo, the Town's consulting engineer, SGM, has done some initial work for the area south of Highway 82 and will be preparing a 20-year traffic report. The initial traffic work done by SGM identifies that only 4 AM peak vehicle trips and 8 PM peak vehicle trips out of southside are expected to be generated on average by the mini-storage expansion, which is well below the CDOT access permit requirements. Additionally, the initial traffic work done by SGM suggests that the lane changes that are scheduled to be made with the pedestrian underpass construction at Basalt Avenue/Highway 82 are going to improve traffic flow out of southside. Specifically, the right-turn lane out of southside will become a free-

flowing right as motorists will not have to wait for pedestrians crossing Highway 82 anymore and the thru lane will be moved to coincide with the left-hand turn lane to improve traffic circulation.

Staff plans to have the 20-year traffic report completed prior to the Final Site Plan Review for the mini-storage expansion. Staff has included a draft condition requiring that the Applicant participate in or contribute on a proportional basis based on vehicular trips generated 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. These improvements will be better defined as part of the Final Plan review once the 20-traffic report is completed.

Real Estate Transfer Assessment:

Staff included a 1% Real Estate Transfer Assessment (RETA) in the draft conditions at the last meeting. Since the last meeting, Staff further examined our annexation policies and determined that the Town's policy has been to include an additional 1% RETA on transactions of greater than \$1 Million. Staff has included this requirement in the draft conditions of approval.

Credit for AH Fees-in-Lieu for Dedication of 1.3-acre Parcel:

As included in the May 17th Staff memo, there is an agreement related to the Town's purchase of land previously owned by the Applicant where the library and Midland Park are currently located in the Midland Addition Subdivision, which provides that the Applicant may get credit for Affordable Housing mitigation and parkland requirements towards developing the Basalt Design District properties upon their dedicating a 1.3-acre parcel adjacent to the Rio Grande Trail for affordable housing.

In the Applicant's revised AH proposal (attached to the May 17th Staff Memo), the Applicant has indicated that they consent to the Staff's recommendation that they be required to pay cash-in-lieu fees for the generation of the two (2) full-time employees rather than the .5 employees that the Applicant suggested in the original application, subject to the Applicant receiving credit for the AH fees paid on the mini-storage in the instance that the Applicant chooses to dedicate to the Town the 1.3-acre property. Staff believes that allowing for the credit of the AH fees for the mini-storage would be consistent with the aforementioned agreement. Staff has included language permitting credit for the AH fees paid on the mini-storage in the instance that the Applicant dedicates the 1.3-acre parcel. The draft language (Condition No. 6) is highlighted for P&Z's consideration.

Additional Applicant Materials: The Applicant provided a handout about mini-storage demographics and demand at the last meeting. The handout has been attached in this packet for those P&Z members that were not present at the last P&Z meeting. Additionally, the Applicant provided letters of support for the project at the last meeting that have been attached in this packet.

VI. Recommendation

Staff recommends that the P&Z hear a presentation from Staff related to the discussion items and an overview of the draft conditions. Additionally, Staff recommends considering additional comments from the Applicants, taking public comments, and providing P&Z discussion. Staff has included the following draft conditions for P&Z's consideration:

C) Excerpts
From Traffic
Report

Table 7
Buildout Baseline
Intersection Level of Service Summary

		2035 PERFORMANCE SUMMARY					
		OVERALL	EB App	WB App	NB App	SB App	
Basalt Avenue / SH 82 Intersection - Approach Performance	2035 AM Peak	LOS	D	D	C	E	E
	<i>Buildout Baseline</i>	Delay	41.3	38.6	27.3	65.3	57.9
	2035 PM Peak	LOS	E	F	E	E	D
	<i>Buildout Baseline</i>	Delay	73.9	83.9	74.0	67.0	45.8
<i>Signal runs actuated-uncoordinated</i>							
<i>Simtraffic Results - CDOT Existing Cycle Length</i>							
							7/7/2016

Intersect
w/o
Mitigation

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

As Table 7 shows, the intersection is forecast to operate acceptably in 20 years during the AM peak but not the PM peak (LOS "E"). 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 additional 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	196'	157'	180'
Eastbound Approach (Left)	414'	438'	370'
Southbound Approach	218'	169'	110'
Westbound Approach (Left)	165'	620'	370'

As Table 8 shows, the additional traffic from background and Basalt parcels will create queue lengths at the signal that will exceed the available storage length that exists today on all approaches 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 620' 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 did not extend through this intersection in the Improved Baseline scenario (increases from 94' to 196' in AM peak). These increases show the effects of additional traffic demand from Southside developments on the current system.

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.

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/EI
Jebel/Valley, SH 82/Willits Lane/Tree Farm Drive, SH 82/Original Road, SH 82/Emma Road. This layout is a function of the topographically constrained valley and would not have been designed this way if designers had unlimited land to work with.

Potent.
Mitigation
Imp.

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. Cody Lane Mini Roundabout and Laneage Improvements
2. Split-Tee Intersections at SH 82/Basalt Avenue and SH 82/Midland Avenue
3. Underpass at Midland Avenue/Southside Drive

The first 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 Split-Tee intersection involves creating two highway intersections where one exists today and requires major property impacts and road relocations. This concept has been a CDOT preferred alternative in other locations where it has been deemed appropriate. 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 – 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 1 improves the northbound approach to the signal by adding an exclusive left turn lane, which creates a three-lane approach to the signal (and two lanes southbound). Another feature 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 5-year buildout queuing analysis. The final feature includes installing a mini roundabout at Cody Lane and Basalt Avenue. The improvement plan and Synchro model showing the intersection improvements studied for Alternative 1 are shown in Figures 13 and 14 below.

Figure 13
Alternative 1 Improvement Plan



Figure 14
Alternative 1 Simtraffic Model



Alternative 1 may require a small Right-of-Way (ROW) take from the Cathers West parcel, although the preliminary plan shown in Figure 13 fit within the existing ROW of Basalt Avenue and CDOT. 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. This improvement would cost less than \$1M to construct.

7.2 Alternative 2 – Split-Tee Intersections

Alternative 2 consists of a split-tee intersection that creates two signalized “Tee” intersections with SH 82 at Midland Avenue and at Basalt Avenue. These would separate turning movements to the north and south side of the highway and the signals could be timed as a system for efficiency. However, this alternative requires relocating the north leg of Basalt Avenue to Midland, while relocating Emma Road potentially through the Roaring Fork Mobile Home Park. The property impacts to the north including less direct access to the commercial uses along Emma Road may screen this alternative out. An option for a split-tee would be to “flip it” and leave the north Tee at Basalt and move the south Tee to Southside Drive. This would require realignment of Cody Lane near Southside Drive and provide less direct access to the highway for businesses along east Cody Lane. It would also create overlapping left turns between Basalt and Southside, which limits the available storage length to the distance between the intersections (less than 600’).

Figure 15
Alternative 2 Simtraffic Model



Alternative 2 was analyzed in the configuration shown above. In addition to the relocation of Emma Road east of Midland, Emma Road will need to be relocated west of Midland to connect to Gisella Way, north of the Post Office. Additional impacts at the relocated intersections were not fully studied for this alternative. Alternative 2 would require amending CDOT's Access Control Plan.

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 16.

Figure 16
Alternative 3 Improvement Plan



Figure 15
PROPOSED FIOU LANE SIDEWALK



A future 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

Conclusion

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 2,965 external daily trips to/from the Southside, including 252 trips in the AM peak and 301 trips in the PM peak. This equates to a 58% increase in AM peak hour traffic and 123% increase to PM peak hour traffic over today's volumes on the northbound approach.

Two of the proposed developments will require an access permit with CDOT because individually they would contribute 20% or more 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 approach in the meantime.

This report explores two potential solutions, with the first (Alternative 1) requiring a less intensive development scenario for the Southside than anticipated in order for the signalized intersection to operate within acceptable standards. 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 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 3, the Basalt Avenue/Cody Lane intersection will function acceptably during peak hours.

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 2), and the slip lanes 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.

SOUTHSIDE TRIP GENERATION TABLE A3

Southside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates				Average Weekday Traffic	Peak Hour Traffic				% Impact
				AM Entering	AM Exiting	PM Entering	PM Exiting		AM IN	AM OUT	PM IN	PM OUT	
RE-1 Habitat For Humanity	40	230	5.81	0.07	0.37	0.35	0.17	232	3	15	14	7	7.2%
Ski-Co Housing	24	230	5.81	0.07	0.37	0.35	0.17	139	2	9	8	4	4.3%
Stotts Mill Single Family	56	210	9.52	0.19	0.56	0.63	0.37	533	11	31	35	21	35.8%
Stotts Mill Multi-Family	90	230	5.81	0.07	0.37	0.35	0.17	523	6	33	32	15	8.7%
Basalt Mini Storage	81.6	151	2.5	0.08	0.06	0.13	0.13	204	7	5	11	11	26.8%
Basalt Design District Multi-Family	80	230	5.81	0.07	0.37	0.35	0.17	465	6	30	28	14	
Basalt Design District Office	23.7	710	11.01	1.36	0.19	0.25	1.24	261	32	5	6	29	
Southside PUD (Buildout Existing Lots)	11	210	9.52	0.19	0.56	0.63	0.37	105	2	6	7	4	3.8%
Schlumberger Industrial	8	110	6.97	0.81	0.11	0.12	0.85	56	6	1	1	7	3.7%
Schlumberger Multi-Family	3	230	5.81	0.07	0.37	0.35	0.17	17	0	1	1	1	
Cathers West Industrial	32	110	6.97	0.81	0.11	0.12	0.85	223	26	4	4	27	12.7%
Cathers East Multi-Family	16	230	5.81	0.07	0.37	0.35	0.17	93	1	6	6	3	4.6%
Cathers East Commercial	1.8	826	44.32	-	-	1.19	1.52	80	-	-	2	3	
Ski-Co 82 Industrial	10	110	6.97	0.81	0.11	0.12	0.85	70	8	1	1	9	9.9%
Ski-Co 82 Multi-Family	3	230	5.81	0.07	0.37	0.35	0.17	17	0	1	1	1	

- Mini Storage Trip Gen.

323 Residential units
 81.6 ksf Mini storage
 50.00 ksf Industrial
 1.8 ksf Commercial/Retail
 23.7 ksf Office

TOTAL TRIPS: 3,018 110 147 156 154

INTERNAL TRIP REDUCTION (15%): 370 9 21 21 15

TOTAL 2035 EXTERNAL TRIPS: 2,649 100 127 136 138

TOTALS: 227 274

CDOT PERMIT THRESHOLD FOR SOUTHSIDE: 442 244

ITE Trip 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 dwelling units
- ITE Code 710 - General Office Building, Units in 1000 SF
- ITE Code 826 - Specialty Retail Center, Units in 1000 SF

Assumptions:
 Internal Trips: 15% Res, 15% Commercial, 15% Office, 0% Industrial

Northside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates				Average Weekday Traffic	Peak Hour Traffic			
				AM Entering	AM Exiting	PM Entering	PM Exiting		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

TOTAL NORTHSIDE EXTERNAL TRAFFIC: 317 5 20 19 10

TOTAL 20-YEAR EXTERNAL TRAFFIC: 2,965 105 146 155 149

TOWN OF BASALT Action Item	Date: July 26, 2016 From: James Lindt AICP, Assistant Planning Director
	Town Manager Review: MS Approved 7-22-16

SUBJECT: Consideration of Resolution No. 30, Series of 2016, Approving Amendments to the Policy for Administering Town-Owned Employee Housing Units

DETAILS: The Town Council adopted the Town's Policy for Administering Town-Owned Employee Housing Units in June pursuant to Resolution No. 25, Series of 2016. The Basalt Affordable Community Housing (BACH) Committee has made further recommendations with regards to this Policy as included in Exhibit "A" of the attached Resolution. The changes recommended by BACH and incorporated in the draft policy are as follows:

- 1) Amending the language regarding a prospective tenant of Town-owned employee housing not being able to own improved real estate in the Roaring Fork Valley such that the language matches the Aspen/Pitkin County Housing Authority's (APCHA) language on the topic.
- 2) Reconfiguring the Occupancy Priorities such that Government and Special District Employees that make less money and fall into the Category 2 income levels or below have priority over others who satisfy the higher Category 3 income level requirements.

Additionally, BACH recommended approval of changes to the policy as directed for consideration by the Council in approving Resolution No. 25. The changes proposed in response to the Council motion on Resolution No. 25 are as follows:

- 1) Adding language to require a Town-employee receiving a housing allowance to spend the housing allowance on renting the Town-owned unit if they choose to occupy a Town-owned unit.
- 2) Reconfigured the Occupancy Priorities as identified above.
- 3) Adding language to clarify that a qualified employee with an extra bedroom may not rent the extra bedroom to a non-qualified individual.
- 4) Adding language to clarify that an employee may remain in their unit upon the cessation of their employment until the earlier of; a) 90 days after the termination of employment, or b) their current lease expires.

If the Council is comfortable with the amended policy as recommended by BACH, the Council could approve the attached resolution, approving the Amended Policy.

RECOMMENDATION: Staff recommends that the Council hear a brief presentation from Staff regarding the amendments to the policy and then conduct a Council discussion on the amended policy. Staff recommends approving the attached resolution.

RELATED TOWN STATUTE AND TOWN ACTIONS: Resolution No. 25, Series of

2016 Adopting the Policy for Administering Town-owned Employee Housing Units, Town Code Section Chapter 16, Article XIX, *Housing Mitigation*; Basalt Community Housing Guidelines; 2007 Basalt Master AH Goals and Objectives

ATTACHMENTS: A) Resolution and Amended Policy for Administering Town-Owned Units, B) June 28th Council Minutes

A) Reso.

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, AMENDING THE
POLICY FOR ADMINISTERING TOWN-OWNED EMPLOYEE HOUSING UNITS**

**Town of Basalt, Colorado
Resolution No. 30
Series of 2016**

RECITALS

Whereas, the Town currently owns seventeen (17) dwelling units for rental to employees.

Whereas, the Town Council adopted a policy for administering Town-owned employee housing units pursuant to Resolution No. 25, Series of 2016.

Whereas, the Basalt Affordable Community Housing (BACH) Committee members discussed amendments to the Policy for Administering Town-Owned Employee Housing Units at their July 21, 2016 meeting and recommended changes as included in Exhibit "A".

Whereas, the Policy attached hereto as Exhibit "A" contains the revisions suggested by BACH.

Whereas, the Town Council considered Staff and BACH member comments, and the amended policy at their meeting on July 26, 2016.

Whereas, The Town Council finds and determines it is in the best interests of the Town to adopt the amended policy for the Administration of Town-owned Employee Housing Units as attached hereto, and is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

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

Based on the evidence, testimony, and recommendations from Town Staff and BACH members, the Basalt Town Council hereby:

- 1) Adopts the Amended Policy for the Administration of Town-owned Employee Housing Units as attached hereto as Exhibit "A", and,
- 2) Establishes that the amended policy shall take effect immediately and will apply to new rentals of Town-owned units and requalification for existing occupants at their next lease renewal but shall not to be applied retroactively.

No current tenant shall take action that would be inconsistent with the Policy, but any current issues with compliance would be permitted to continue until the lease expires or is renewed.

RESOLUTION NO. 30, SERIES OF 2016, IS HEREBY ADOPTED by a vote of ___ to ___, this 26th day of July, 2016.

TOWN OF BASALT, COLORADO

ATTEST:

by _____
Jacque R. Whitsitt, Mayor

Pamela K Schilling, Town Clerk

BACH's changes are in underline/~~strikethrough~~ text

Exhibit "A"

Administration of Town-Owned Employee Housing Units

Qualifications:

A Town employee is eligible for occupancy of a Town-owned unit and other individuals are also eligible as provided below. If an employee desires and is chosen to occupy a Town-owned employee housing unit, any housing allowance being paid to the Town employee shall be used to pay rent on the Town-owned employee housing unit. Only one person of a family must meet the employment requirements established in the Town's Community Housing Guidelines to qualify to rent a Town-owned employee housing unit. Deed restrictions on Town-owned employee housing units shall control where in conflict with this policy. If income and asset requirements are not contained in an applicable deed restriction, then Priority 1 and 2 applicants are not required to meet income and asset limitations. Priority 3 and 4 applicants must meet the Category 3 income and asset requirements of the Community Housing Guidelines.

Occupancy Requirements and Limitations:

Unless waived by the Special Housing Evaluation Committee (SHEC), a minimum occupancy of one individual per bedroom must be met. The lessee may not rent space to a non-qualified employee. A minimum occupancy of one qualified individual per bedroom must be met; however, if the Town of Basalt has advertised a vacant unit for each Priority and not qualifying tenant has applied, minimum occupancy requirements can be modified by the Special Housing Evaluation Committee (SHEC) as defined in the Town's Community Housing Guidelines for a leased term not to exceed one year. At such time the employee housing unit again becomes vacant, minimum occupancy requirements shall apply. Maximum occupancy shall not exceed the limitations set forth in the Town Code and Community Housing Guidelines.

A qualified person must not own developed residential real estate of a mobile home that has an address within the Roaring Fork Drainage situated in Eagle, Pitkin, Garfield or Gunnison Counties or within the Colorado River Drainage from and including the unincorporated No Name area to and including Rifle, and including but not limited to the incorporated areas of Aspen, Basalt., Carbondale, El Jebel, Glenwood Springs, Marble, Meredith, New Castle, no Name, Redstone, Rifle, Snowmass, Snowmass Village and Woody Creek.

Maximum Lease Terms and Requalification:

Maximum lease terms for renting a employee housing unit shall be one year. Compliance with all applicable qualification requirements must be maintained during the lease term. After the lease expires, occupants must re-qualify with the Town based on the applicable employment, income, assets, and occupancy restrictions in order to continue to occupy the unit. Such tenants have priority for continuing tenancy. After the one year lease expires, occupants must re-qualify with the Town based on the employment, income, assets, and occupancy restrictions in order to continue to occupy the unit. Each adult occupying a unit shall be listed on the lease filed with the Town. An employee may remain in their unit until the earlier of; 1) ninety (90) days after their employment is terminated, or 2) their lease expires.

BACH's changes are in underline/~~strikethrough~~ text

Minimum Lease Terms:

Minimum lease terms shall be six (6) months unless reduced by the SHEC in the instance that such a reduction furthers the Town's housing goals, (e.g. housing Rocky Mountain Institute interns/employees). The same requirements apply as for one-year leases.

Responsibility for Employee Housing Unit Administration:

The Town Finance Director as a Town Staff liaison to SHEC shall work together to administer the advertising, qualifying, and placement of qualified individuals into employee housing units controlled by the Town based on the policies identified herein and in the Town's Community Housing Guidelines as they may be amended from time to time.

Maximum Rents:

Maximum rents shall be established first as set forth in the site-specific approvals for the individual units as appropriate; or second as set forth in the Town's Community Housing Guidelines.

Occupancy Priorities:

Unless defined in the site-specific approvals for a unit or an applicable deed restriction, the occupancy priorities for rental of a unit shall be as follows:

1. First Priority: Town of Basalt Employees: Full-time employees of the Town of Basalt. Income and asset requirements do not apply. Town Councilors are not considered full-time Town employees.
2. Second Priority: Government and Special District Employees Meeting Category 2 Requirements: Full-time employees of Pitkin County, Eagle County, the RE-1 School District, the Basalt and Regional Library District, the Basalt Sanitation District, the Mid-Valley Metropolitan District, and the Basalt and Rural Fire Protection District (and other local and state government or special districts who have requested inclusion on the Town's AH notice list) employed in the "employment area" as defined in the Town's Community Housing Guidelines that satisfy the Town's Category 2 income and asset requirements.
3. Third Priority: Government and Special District Employees Meeting Category 3 Requirements and Other Qualifying Full-Time Employees: Full-time employees of Pitkin County, Eagle County, the RE-1 School District, the Basalt and Regional Library District, the Basalt Sanitation District, the Mid-Valley Metropolitan District, and the Basalt and Rural Fire Protection District (and other local and state government or special districts who have requested inclusion on the Town's AH notice list) employed in the "employment area" as defined in the Town's Community Housing Guidelines that satisfy the Town's Category 3 income and asset requirements and non-governmental applicants employed in the "employment area" as set forth in the Town's Community Housing Guidelines.

BACH's changes are in underline/~~strikethrough~~ text

In order to be qualified, such applicants must meet all of the Category 3 requirements of the Town's Community Housing Guidelines. Within this Priority, the priorities in the Guidelines shall apply.

4. Fourth Priority: Non-qualified Full-Time Employees: If there are no interested and qualified applicants meeting the qualifications and occupancy priorities above after advertisement of a unit for a full sixty (60) days, then the unit may be rented as a free market unit to anyone wishing to rent the unit regardless of whether they are a qualified employee. Rental rates shall be set at market rates as determined by the Town. However, at the end of the lease of no longer than one year, the Town will advertise the unit for lease to a qualified applicant in accordance with the priorities referenced herein.

SHEC Tasks:

The Town Finance Director as a Town Staff liaison to SHEC shall establish a notebook and files containing pertinent documents for each unit, including but not limited to:

- 1) Development Approvals
- 2) Summary of Rules and Policies for Each Unit
- 3) Rent for Each Unit
- 4) Lease Expiration Schedules
- 5) Maintain contact information for local public entities seeking housing and inform those who wish to be contacted of vacancies

TENANT SELECTION PROCESS

1. When a unit becomes available, it shall be advertised for a period not to exceed two weeks as available for First Priority applicants.
2. At the end of the two-week period, if there are no qualified First Priority applicants, it shall be advertised for a two-week period for Second Priority applicants.
3. At the end of the second two-week period, if there are no qualified Second Priority applicants, it shall be advertised for a thirty-day period for Third Priority applicants.
4. At the end of the thirty-day period, if there are no qualified Third Priority applicants, it shall be advertised for a thirty-day period and Fourth Priority applicants.
5. If there is more than one qualified applicant within any of the above-referenced priorities, a lottery shall be conducted. Within the Third Priority, the additional priorities of the Town's Guidelines shall also apply in determining if a lottery is necessary. The lottery shall produce a complete list of the applicants in order of priority.

BACH's changes are in underline/~~strikethrough~~ text

6. The Town shall negotiate a lease with competing applicants in the order of their priority. If lease negotiations are unsuccessful, or if it is determined in negotiation that an applicant is not qualified, the Town shall negotiate with the next applicant in priority until a lease is entered into.
7. The availability of units shall be advertised on the Town's website and may be further advertised as determined by the Town in its discretion.
8. In addition to advertising, the Town shall maintain a list of all persons who have notified the Town of their interest in leasing Town-owned unit, and the persons of the list shall be notified of availability.

Community Vitality Zone Requirements to Temporarily Permit a Business Office Use on the First Floor of the Property Located at 234 Midland Avenue (James Lindt)

Applicant representative Eric Gross and James Lindt were present to discuss this item with Council.

Mayor Pro tem Gary Tennenbaum opened the public hearing at 6:56 pm. There were no comments and the public hearing was closed.

M/S COUNCILORS KITTLE AND GRAUER THAT COUNCIL APPROVE ORDINANCE NO 14, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 6-0.

Mayor Whitsitt rejoined the meeting at this time.

8. RESOLUTIONS

8A. Resolution No. 25, Series of 2016: Resolution of the Town Council of Basalt, Colorado, Approving a Policy for Administering Town-Owned Employee Housing Units and Directing Staff to Bring Forward Amendments to the Community Housing Guidelines to Change the Composition of the Special Housing Evaluation Committee (James Lindt)

M/S COUNCILORS RIFFLE AND SCHWOERER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 25, SERIES OF 2016 WITH THE REQUEST THAT BACH (BASALT AFFORDABLE COMMUNITY HOUSING) MAKE ADDITIONAL RECOMMENDATIONS FOR CHANGES TO THE POLICY TO ADDRESS: A. THE SITUATION WHEN THE EMPLOYEE RECEIVING A TOWN-OWNED UNIT ALSO RECEIVES A HOUSING ALLOWANCE; B. CHANGING THE PRIORITIES TO ELEVATE SCHOOL DISTRICT EMPLOYEES AND COMBINING OTHER GOVERNMENTAL EMPLOYEES WITH OTHER QUALIFYING FULL-TIME EMPLOYEES IN THE EMPLOYMENT AREA; C. AMENDING AND CLARIFYING THE CURRENT ONE-QUALIFIED EMPLOYEE PER BEDROOM REQUIREMENT TO ADDRESS FAMILIES AND TO PROVIDE THAT AN EMPLOYEE MAY NOT RENT THE EXTRA BEDROOM TO A NON-QUALIFIED EMPLOYEE; D. AMENDING AND CLARIFYING THAT THE AREA A QUALIFIED PERSON MUST NOT OWN DEVELOPED REAL ESTATE IS TO INCLUDE MESA COUNTY; AND THAT THE CESSATION OF EMPLOYEE HOUSING LEASE SHALL NOT BE SET EARLIER THAN 90 DAYS FROM THE SEPARATION OF EMPLOYMENT. THE MOTION CARRIED 7-0.

8B. Resolution No. 26, Series of 2016: Resolution of the Town Council of Basalt, Colorado, Approving a Change in the Times of Outdoor Live Music for Midland Avenue Businesses that Maintain a Valid Liquor License (Mike Scanlon)

Heather Lujan, representing Heather's, was present to request an extension of outdoor music from 10:00 to 10:30 pm.

M/S COUNCILORS KITTLE AND TENNENBAUM TO EXTEND OUTDOOR MUSIC FROM 10:00 TO 10:30 PM ON THURSDAYS, FRIDAYS AND SATURDAYS FROM MEMORIAL DAY TO LABOR DAY. THE MOTION CARRIED 6-0. (Jennifer Riffle was out of the room at the time of the vote.)

TOWN OF BASALT Action Item	Date: July 26, 2016 From: James Lindt AICP, Assistant Planning Director
	Town Manager Review: MS Approved 7-22-16

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

RECOMMENDATION: Staff recommends that the Council approve the ordinance on first reading and set the public hearing and second reading date for August 9, 2016.

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

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

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

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

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

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

ATTACHMENTS: A) Ordinance No. 18, Series of 2016, B) Vicinity Map, C) Application, D) Application Addendum Materials, E) P&Z Memos, F) P&Z Minutes, G) Public Correspondence

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

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

RECITALS

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

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

A. FINDINGS

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

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

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

B. CONDITIONS

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

Representations:

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

Common Driveway No Parking Signage:

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

Parking:

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

Pedestrian Path:

5. The Applicants shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. Additionally, the pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

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

Non-Conforming Shed:

6. The Applicants shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the issuance of a building permit on the new residence.

Construction Fence:

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

Construction Management Plan:

8. The Applicants shall comply with the final construction management plan submitted on 6/26/16, including the additional on-site construction parking shown on the revised construction management plan. Additionally, the Applicants shall comply with the allowable construction hours as established in the Town Code. The Applicants shall provide a copy of the approved construction management plan to neighbors with contact information for the general contractor prior to commencing construction. In the event that the Applicants are determined to be out of compliance with terms and conditions of the Construction Management Plan or the Town's Building Regulations, the

Town shall notify the Applicants of the violation. Recurring violations will result in a citation into Municipal Court and fines.

Fire District Comments:

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

Basalt Sanitation District Comments:

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

Development and Building Fees:

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

Approval Documents:

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

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

Vested Rights:

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

Insubstantial Amendments:

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

C. MISCELLANEOUS

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

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

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

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pamela K. Schilling, Town Clerk

Ord18__-309ESoprisADU.doc

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



Sopris Drive

Subject Property

Yaw Property with ADU

Homestead Drive

C) Application

To be filled out by the Town
Filed: ___/___/___
Application Fee: _____
Review Fee: _____
Total Payment Received: _____
Current Reimbursement Agreement: _____

Town of Basalt

Development Application

The Following Must Be Provided Unless the Town Planner Gives Permission to Omit Answer:

TYPE OF APPLICATION FILED: ___ Annexation ___ Rezoning ___ ESA
Environmental ___ ESA Floodplain Regular Rezoning Special Review
___ Special Review for Off-Street Parking ___ Variance ___ Minor Subdivision
___ Minor Subdivision Condominimization

___ Major Subdivision or Replat
___ Sketch Plan
___ Preliminary Plat
___ Final Plat

___ Planned Unit Development
___ Sketch Plan
___ Master Plan
___ Preliminary Development Plan
___ Final Development Plan
___ TRC Administrative Amendment

Other type of Application _____

Brief description of project: ADDITION OF 1757 ft² RESIDENCE
TO EXISTING 836 ft² RESIDENCE CONNECTED BY
20' WALKWAY UPON COMPLETION EXISTING RESIDENCE
CONVERTED TO ONE BEDROOM ADU. TOTAL PROJECT
SQUARE FOOTAGE WILL BE 548 ft² UNDER TOTAL
ALLOWED BY ZONING.

Contact Information

Name of Applicant(s): KAI PETERSON
Phone number 927-4397
Fax number _____
E mail (if available) Kai.peterson@yahoo.com
Address 309 E. Sopris DR. Basalt, CO 81621

Name of Owner(s): same
Phone number _____
Fax number _____
E mail (if available) _____
Address _____

Name of Owner's Representative: Same
Phone number _____
Fax number _____
E mail (if available) _____

Please attach owner's authorization.

Name of Engineer or Surveyor: Tuttle Surveying Svcs.
Phone number 970-928-9708
Fax number 970-947-9700
E mail (if available) _____

Name of Architect or Planner: OWNER
Phone number _____
Fax number _____
E mail (if available) _____

Information on Existing Conditions

Existing Zoning: R3 Proposed Zoning: R3TN
Total square feet or acreage in application: 0.206 ac. = 8973 ft²

Information on Proposed Development

Total number of dwelling units: 1 Number of bedrooms: 2
Total floor area: 1757 ft²
Proposed gross floor area by use (non-residential development only): N/A

Area of open space to be provided: 6380 ft²

Legal Description

Legal Description of property (attach if necessary):
OSMAN Subdivision
Block: 4 Lot: 1B

Reception No. of Deed: 201323906



SIGNATURE OF OWNER OR OWNER'S REPRESENTATIVE*

* If Owner's Representative files or will represent the application, attach an owner's authorization to represent

Attach appropriate information requested for type of application per the Basalt Town Code and any information requested by Planning Department.

Special Review Checklist for Card/Peterson Residence 309 E. Sopris Dr.

Sec. 16-43 (a)-(c), (1), (2) see attached site plan

(3) Property owners within 300'-addresses below

-Margaret Wood	-Anna Naeser, Gerald Terwilliger	-John Reichert
-Gwyneth Gosney	-Scott Bartleet	-RTW Partnership LLLP
-Dorothy Reed	-Alpenglow Holding LLC	-Richard Glaser
-Graham Redding Trust	-John/Phyllis Yaw	-Frances McKnight
-Piew-Loon Poh	-Robert/Elizabeth Ward	-Brad/Laurel Larson
-Patrick Seuryneck	-Elvira Zec	-Robert Traudt
-Robert/Glenda Smith	-Garrett Reuss	-David Swersky
-280 East Sopris LLC		

(4) 3 Parking Spaces for 3 Bedrooms of project

(5) See site plan for ingress/egress

(6) See site plan for refuse collection area

(7) No major screening areas

(8) No signs

(9) See site plan

(10) Outdoor lighting will consist of (2) exterior lights at entry and deck fully shielded with 26W bulbs.

(11) Landscaping will remain as lawn as it currently is.

(12) Completion of project will be 12 months from issuance of permit.

(16) The building character will be a one story, 1757 sqft, 2 bedrooms, 27'5" tall residence with rusted tin roof and wainscot, shingled dormers and siding to complement colors of existing house.

FAR allows for $0.35 \times 0.206 \text{ ac} = 3141 \text{ sqft}$ allowed. Existing house is 836 sqft + 1757 sqft addition = 2593 sqft developed.

1860 sqft (21%) of lot is covered by residence.

7113 sqft (79%) of lot is uncovered.

(18)-(21) See attached site plan.

Gwyneth Gosney- P. O. Box 1205, Basalt, CO8121
Dorothy Reed-142 E. 71ST St Apt. 2A, New York, NY 10021-5133
Margaret Wood-P. O. Box 200, Basalt, CO 81621
280 East Sopris LLC- 132 Midland Ave. Unit 4, Basalt, CO 81621
David Swersky- 4080 Lower River Road, Snowmass, CO 81654-9023
Robert Traudt- P. O. Box 1143, Basalt, CO 81621-1143
Brad Larson- P. O. Box 1051, Basalt, CO 81621
Louise Glaser- P. O. Box 858, Basalt, CO 81621
Frances McKnight- P. O. Box 4245, Basalt, CO 81621
John Reichert- 954 Eddington Dr., Sun Prairie, WI 53590-3536
Gerald Terwilliger- P. O. Box 2839, Basalt, CO 81621
Scott Bartleet- P. O. Box 2611, Basalt, CO 81621
Alpenglow Holdings LLC- P. O. Box 3224, Basalt, CO 81621
RTW Partnership LLLP- 722 Golfmore Dr., GranBd Junction, CO 81506-1864
Robert Ward- P. O. Box 4006, Basalt, CO 81621
Elvira Zec- P. O. Box 4671, Basalt, CO 81621
Garrett Reuss- P. O. Box 6593, Snowmass Village, CO 81615
John and Phyllis Yaw- P. O. Box 3288, Basalt, CO 81621
Patrick Seuryneck- P. O. Box 215, Basalt, CO 81621
Robert Smith- P. O. Box 857, Basalt, CO 81621
Piew-Loon Poh- 665 E. Cooper Ave., Aspen, CO 81611
Graham Redding Trust- 2131 Washington Ave., Willamette, IL 60091

Rezoning-Zoning Map Change for Card/Peterson Residence

309 East Sopris Drive

1. Land rezoning request is for Osman Subdivision, Block: 4, Lot:1B which is currently zoned R3 planning to rezone as R3TN. See attached site plan for indication of zoning on adjacent properties.
2. The suitability of this property for rezoning arises from adjacent property zoning and uses. Adjacent properties on the east and west of our property is zoned R3TN with an existing ADU on the eastern property. Also, another adjoining property currently has a non-conforming basement apartment. Furthermore, a zoning interpretation for attached accessory construction, dating February 2008, allows for a 20' breezeway connecting existing 836 sqft home to a maximum 2305 sqft addition (we are proposing 1757 of added square footage). This design is conducive to an ADU, that also allows for preservation of the original 110-year-old house, in a more restrictive zoning with regards to lot coverage. Lastly, the rezoning would provide more needed rentals for the town of Basalt.

The existing residence is going to be converted to the ADU upon project completion. The property will be deed restricted with one of the dwelling units owner occupied at least 9 months out of the year consistent with ADU requirements in the Town Code.

3. Proposed uses for rezoning remains residential which is the same land uses within 200' of proposed area of change.
4. Time schedule for new construction is a year from issuance of permit.
5. No new commercial or industrial zoning.
6. The new zoning would have no effect on adjacent uses.

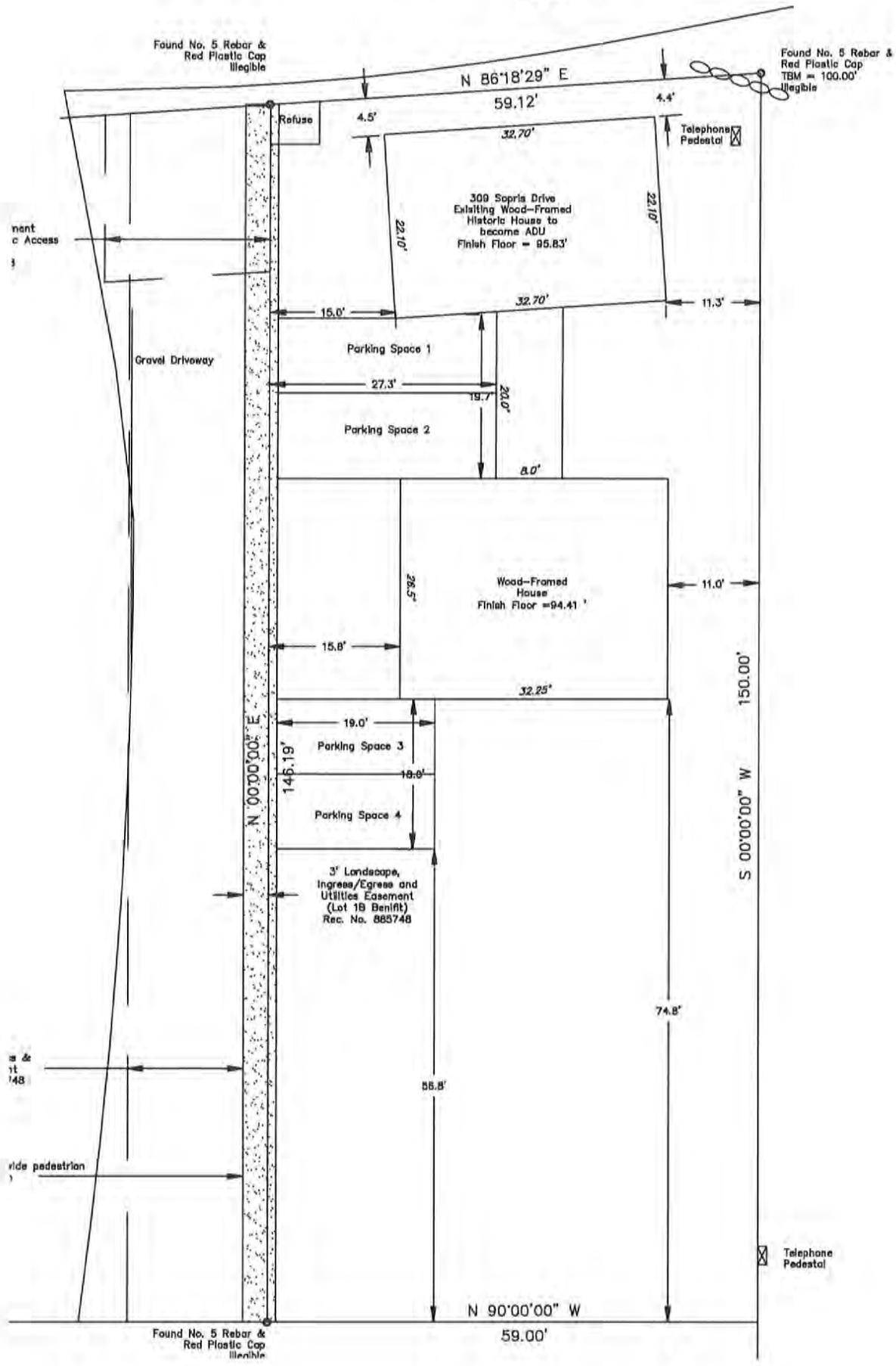
**Attached Accessory Construction - Zoning Interpretation for 309 East
Sopris
(Kai Peterson Request)**

This zoning interpretation is an update to the interpretation approved for Rally Dupps in February of 2008. The following zoning interpretations supersede and replace the February 2008 interpretation relating to the property and shall apply to potential future construction at 309 East Sopris regarding attachment of structures and related issues:

- a. No improvements to the site shall be permitted that increase the area of nonconformity for the existing structure including but not limited to the encroachments into the front yard setback off of East Sopris Drive.
- b. The new construction and the existing structure shall be deemed attached for the purposes of the zoning code, and considered one principle building, provided they are connected by a breezeway that includes a permanent roof structure a minimum of 5 ft. in width over the entire connection, a minimum 5 ft. wide non-porous walking surface, frost wall or pier foundations acceptable to the Chief Building Official, and a maximum 20 ft. length for the connection structure (measured from outside wall of existing structure to outside wall of new construction). The owner may seek a longer connection through additional review and approval by the Technical Review Committee (TRC), based on a specific plan that demonstrates consistency with the Municipal Code.
- c. The existing structure subject to connection to the new construction as noted above, shall be deemed attached and part of the principle structure, and shall not be subject to provisions of the Town Code affecting accessory structures including restrictions on location and height. The new construction and existing structure shall both be subject to all standard zoning provisions including the schedule of requirements for the Zone District in which the property is located or the Zone District to which it is rezoned.
- d. Only one kitchen shall be permitted in the single family dwelling being proposed for the site (including the new construction and existing structure), unless the property is rezoned to R-3 TN and a Special Review approval is granted for an Accessory Dwelling Unit (ADU).
- e. Provided the above conditions are met and the breezeway remains unenclosed without windows (screens, railings, and half walls permitted), the area encompassing the breezeway will not be counted as floor area for the purposes of compliance with the floor area ratio provisions of the zoning code.

- f. The breezeway configured as described herein is consistent with a covered porch or interior courtyard which are not included as floor area (for the purposes of floor area determinations) by the zoning code. Subject to review of the building permit plans for the new construction and breezeway, Town Staff shall make a final determination regarding floor area. Any appeal of said determination may be made by an owner to the TRC. Floor area for the existing structure will be counted in the calculation of allowable floor area for the lot.
- g. For the purposes of calculating the total square feet of structure on the lot (demonstration of compliance with the maximum total square feet provisions of Section 16-22.5 of the Town Code) the standard Town Code definitions including those for "total square feet" and "enclose" shall be utilized.
- h. The side yard setback for new construction adjacent to the easement and driveway serving the site shall be a minimum of 10 ft. from the property line, easement line, or driving surface of the driveway whichever is more restrictive.
- i. Building permit applications shall be referred to the Basalt and Rural Fire Protection District for approval prior to issuance.
- j. The interpretations and findings contained herein are specifically conditioned on the representations made to the Town by Kai Peterson, including that the existing structure on the lot would not be removed and would be retained in association with its attachment to the new construction. This finding is consistent with Basalt Master Plan Policies and Neighborhood Typologies regarding the Town's historic character, encouraging breaking up of the mass of structures, and maintaining smaller scale architectural elements consistent with the character of existing neighborhoods. Should the plans for preservation of the existing structure change or if other elements of the plans are modified significantly, the Town Planning Department shall be notified and the zoning interpretations contained herein reconsidered based on the revised plans.
- k. Compliance with the conditions contained herein shall be verified by the Chief Building Official prior to issuance of a building permit for the site.

Sopris Drive



Found No. 5 Rebar & Red Plastic Cap Illegible

Found No. 5 Rebar & Red Plastic Cap TBM = 100.00' Illegible

N 86°18'29" E

59.12'

4.5'

4.4'

Refuse

Telephone Pedestal

32.70'

22.10'

309 Sopris Drive Exulting Wood-Framed Historic House to become ADU Finish Floor = 95.83'

ment c Access

Gravel Driveway

Parking Space 1

Parking Space 2

19.7'

20.0'

8.0'

Wood-Framed House Finish Floor = 94.41'

150.00'

32.25'

N 90°00'00" W

19.0'

18.0'

146.19'

Parking Space 3

Parking Space 4

3' Landscape, Ingress/Egress and Utilities Easement (Lot 1B Benefit) Rec. No. 885748

S 00°00'00" W

74.8'

55.8'

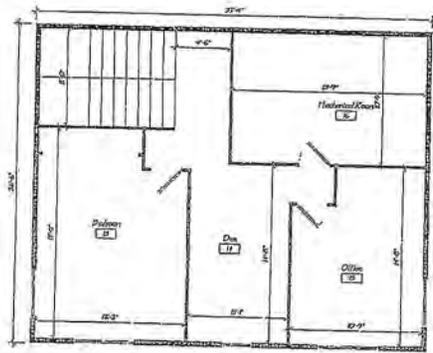
N 90°00'00" W

59.00'

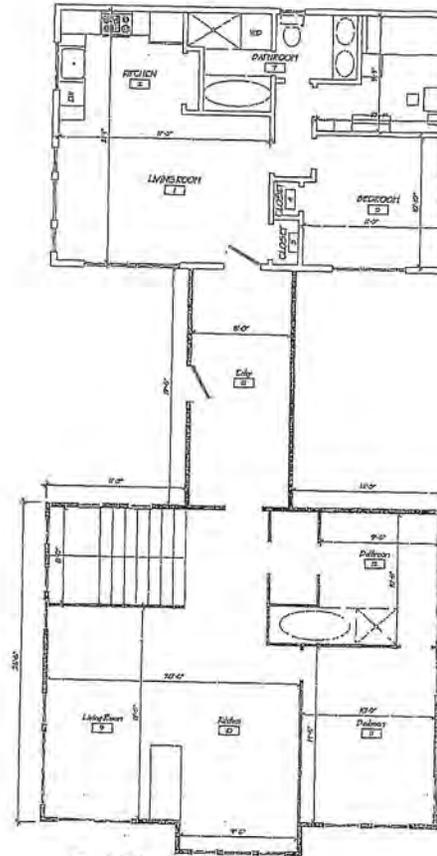
Found No. 5 Rebar & Red Plastic Cap Illegible

Telephone Pedestal

Square Footage	Scope of Project
Total: 2593 Sq. Ft.	Connect existing one story historic accessory dwelling unit to one story addition.
Existing: 836 Sq. Ft.	
Addition: 1757 Sq. Ft.	
FAR: 3141 Sq. Ft.	



① Basement
V1-10



② 1st Floor
V1-10

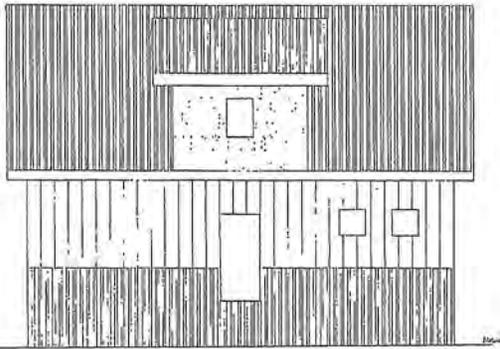


Card Residence
309 East Summit Drive
Basalt, CO 81621

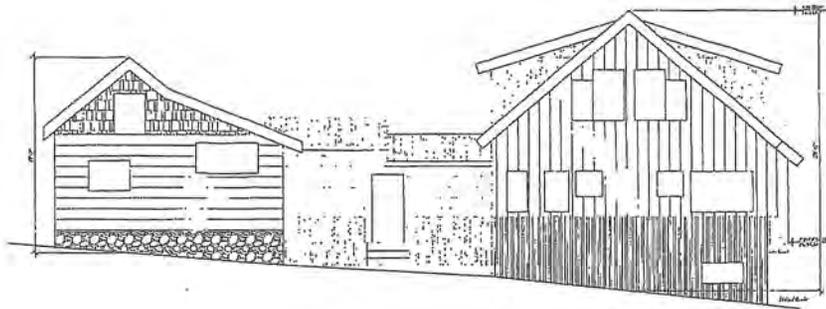
Date: 02/01/16
Scale: 1/4" = 1'-0"
Author: BIC

Date: 02/01/16
Author: BIC

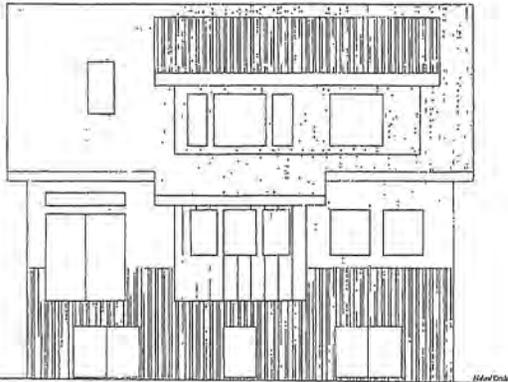
A-110



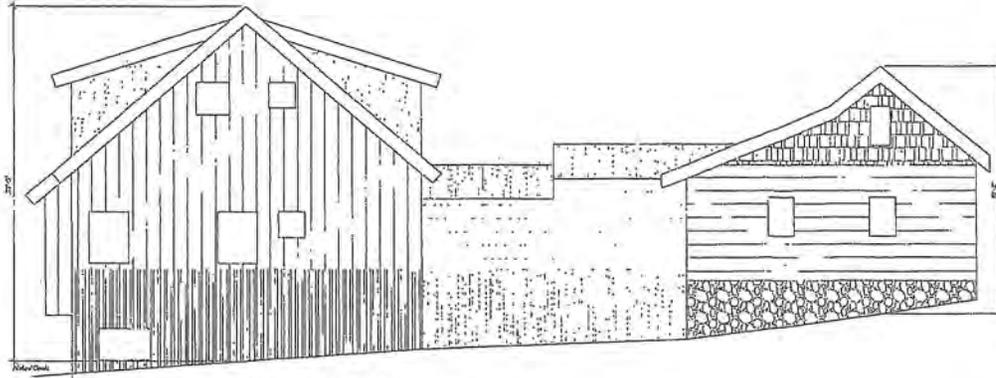
1 NORTH ELEVATION
1/4"=1'-0"



2 WEST ELEVATION
1/4"=1'-0"



3 SOUTH ELEVATION
1/4"=1'-0"



4 EAST ELEVATION
1/4"=1'-0"

Card Residence
309 H. Sopsis Drive
Basalt, CO 81621

Date: 02/01/16
Scale: 1/4"=1'-0"
Designer: BJC

Date	Revised by

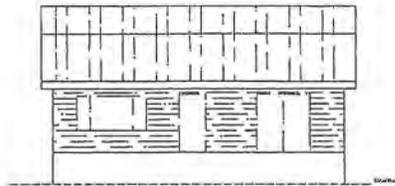
A-200



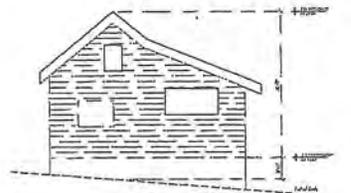
① NORTH ELEVATION
1/2" = 1'-0"



② EAST ELEVATION
1/2" = 1'-0"



③ SOUTH ELEVATION
1/2" = 1'-0"



④ WEST ELEVATION
1/2" = 1'-0"

Carl Residence
399 South 10th
Boulder, CO 80501

Scale: 1/2" = 1'-0"
Date: 10/10/00
Sheet: A-200

A-200

D) App Addend

Addendum to Kai Peterson Special Review for Rezoning and ADU at 309 E. Sopris Dr.

In response to concerns regarding the application pertaining to construction impacts we have added further concessions that will ease the specific concerns of parking, project duration and impacts on neighbors.

Construction impacts will be addressed by strict adherence to the Town of Basalt building regulations, especially impacts of noise, debris and vehicles.

Other safeguards include:

- Construction fencing with screening on west side of driveway.
- No parking signs on fence along driveway.
- Construction timeline.
- Site visit by town staff to visualize extensive staging/parking/dumpster area.
- Special review process allows Town more oversight on project impacts.

In response to concerns regarding the impact of an ADU on the neighborhood we have agreed to include a 4' pedestrian easement on west side of our property to ensure safe access on shared driveway. In addition to the required 3 parking spots required by Town Code for our project we have included an additional parking spot to ease parking concerns.

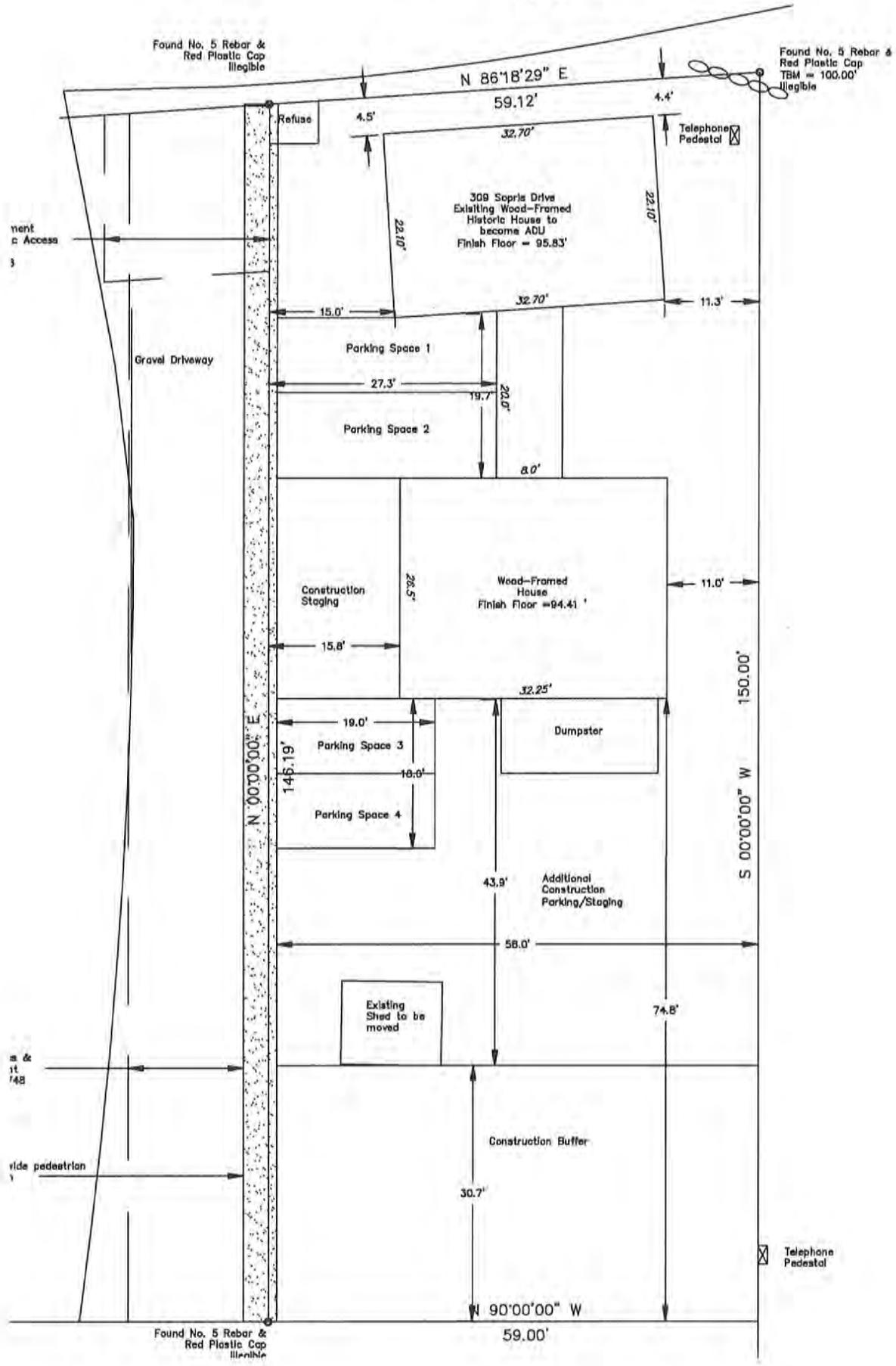
Also, it should be noted that we are asking for 1,760 square feet of expansion while the FAR allows us up to 2,400 square feet of expansion.

309 E. Sopris Drive Project Timeline

<u>Activity</u>	<u>Start Date</u>	<u>Completion Date</u>
Deck demo	8/1/2016	8/2/2016
Excavation/Utilities	8/2	8/9
Footing	8/10	8/15
Concrete walls	8/15	8/29
Framing	8/30	10/1
Landscaping	8/30	9/10
Siding/windows	10/2	10/22
Roof	10/24	11/14
Plumbing	11/17	12/1
Electrical	12/1	12/23
Drywall	1/2	2/2
Painting interior	2/3	2/14
Interior finishes	2/14	3/21
Final plumbing	3/20	4/5
Final electric	4/5	4/20
Appliances	4/23	5/2

Certificate of occupancy within 12 month limit of Town Regulations.

Sopris Drive



E) 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- 309 E. Sopris Drive Rezoning to R-3 TN and Special Review for an Accessory Dwelling Unit (ADU)- Continued from June 21st

I. Purpose

Kai Peterson ("Applicant") is requesting approval of a Rezoning application to R-3 TN and a Special Review to construct a new single-family residence at 309 E. Sopris Drive and deed-restrict the existing residence on the site as an ADU.

II. Background

The property at 309 E. Sopris Drive contains an existing residence of approximately 840 square feet. The property is currently zoned R-3, but is proposed to be rezoned to R-3 TN to accommodate the proposed ADU. A zoning interpretation was provided in 2008 (attached in the prior packet) and subsequently updated (update attached in prior packet) indicating that the Applicant could construct an attached addition onto the existing residence, but that it could not contain a second kitchen unless the Applicant rezoned the property to R-3 TN and obtained Special Review approval for an ADU. An ADU is a Special Review Use in the proposed R-3 TN Zone District on properties that contain greater than 8,000 square feet. The intent of the interpretation was to clarify the Property Owner's options for preserving the existing residence that was built around 1907.

The Applicant desires to include a second kitchen on the site in the proposed addition and has requested the rezoning to R-3 TN and Special Review approval to convert the existing residence to an ADU and make the addition to the residence the primary residential unit on the site. The new unit is proposed to be approximately 1,760 square feet.

At the June 21st meeting, the P&Z heard a presentation of the proposal and discussion items by Staff, considered Applicant and public comments and provided P&Z discussion. Ultimately, the P&Z continued the public hearing to July 5th. The P&Z heard concerns from immediate neighbors about the traffic and parking related to the proposed ADU and the construction management plan and timeline. The majority of the

P&Z expressed that they shared the neighbor's concerns. In response to the P&Z's concerns, the Applicant has provided a revised construction management plan with more details as well as a construction schedule. Additionally, the Applicant has provided an additional permanent parking space on the south end of the proposed addition and also agreed to including a provision that there be a rental agreement limiting the renter of the ADU to one vehicle.

III. Review Process

The P&Z makes a recommendation to the Town Council on the Rezoning and Special Review requests for the ADU pursuant to Town Code Section 16-267, *Amendment Procedure*, and 16-44, *Special Review Application Approval Procedures*.

IV. Discussion Items

In addition to the discussion items that were included in the packet for the June 21st meeting, Staff has included the following discussion regarding the Applicant's addendum materials:

Additional Permanent Parking:

As noted above, the Applicant has proposed to add an additional parking space to the site permanently as shown on the attached site plan in response to the concerns about parking of cars in the access easement. Also as noted, the Applicant has proposed to include in the ADU rental agreement, a maximum of one vehicle for rental of the ADU. Staff has included the additional parking space and the vehicle maximum in the rental agreement as a condition of approval (Condition No. 4).

Construction Management and Parking:

The Applicant has proposed a more detailed construction management plan. It includes the following:

- Construction fencing with screening on the west side of the driveway
- No parking signs on the fence
- Additional staging and parking area to the south of the proposed addition
- Area for dumpster
- Buffer area where no construction activities shall occur
- Compliance with the Town building regulations related to construction hours and construction noise

Staff has added draft conditions of approval (Condition No. 8) to reinforce compliance with above construction management provisions. The Planning Staff believes that there is potential for better enforcement of the construction management plan on a project that has been reviewed through the development review process instead of a project that just requires a building permit (as was the case with the residence that was constructed across the access drive that was mentioned at the last meeting).

The Applicant has also indicated that there is potential for a significant addition to occur regardless of whether the Special Review for an ADU is granted. Staff concurs with the Applicant's suggestion that there is potential for an addition of 2,400 square feet without the Special Review approval and Staff is of the opinion that the development review allows the Staff to better ensure the construction impacts are mitigated than if the Applicant simply built an addition to the existing residence through the building permit process. Staff notes that the Applicant could rent out a portion of the addition discussed above without an ADU approval.

Construction Schedule:

In response to the concerns of the neighbors and the P&Z that the construction might drag on for an extended period of time, the Applicant has proposed a construction schedule (see attached addendum) that identifies a nine (9) month construction timeline, half of which is identified as interior work. An option for encouraging the Applicant to complete the construction in an expedited timeline is to require an increased construction deposit that the Applicant does not get back until a Certificate of Occupancy is issued.

Staff has included a condition (Condition No. 12) requiring the Applicant to post a construction deposit of twice the normal amount for a total of an \$8,000 deposit that the Applicant does not get back until a certificate of occupancy is issued.

V. Recommendation

Staff recommends that the P&Z hear further discussion from Staff and the Applicant, consider public comments, and provide Commission discussion. Staff recommends approval, with the following conditions:

Representations:

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

Common Driveway No Parking Signage:

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

Parking:

4. Four (4) off-street parking spaces shall be provided as shown on the site plan dated 6/26/16. Additionally, the Applicant shall include in the rental lease

agreement for the ADU a requirement that the individual renting the ADU and their guests cannot have more than one vehicle on the site at a time.

Pedestrian Path:

5. The Applicant shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. Additionally, the pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

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

Non-Conforming Shed:

6. The Applicant shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the issuance of a building permit on the new residence.

Construction Fence:

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

Construction Management Plan:

8. The Applicant shall comply with the final construction management plan submitted on 6/26/16, including the additional on-site construction parking shown on the revised construction management plan. Additionally, the Applicant shall comply with the allowable construction hours as established in the Town Code. The Applicant shall provide a copy of the approved construction management plan to neighbors with contact information for the general contractor prior to commencing construction. In the event that the Applicant is determined to be out of compliance with terms and conditions of the Construction Management Plan or the Town's Building Regulations, the

Town shall notify the Applicant of the violation. Recurring violations will result in a citation into Municipal Court and fines.

Fire District Comments:

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

Basalt Sanitation District Comments:

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

Development and Building Fees:

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

Approval Documents:

13. The Applicant shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied and that the existing house will be the ADU shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the new residence.
14. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded

prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Vested Rights:

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

Insubstantial Amendments:

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

Attachments:

Application Addendum

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission
Thru: Susan Philp, AICP Planning Director
From: James Lindt, AICP Assistant Planning Director
Date: May 3, 2016
RE: Public Hearing- 309 E. Sopris Drive Rezoning to R-3 TN and Special Review for an Accessory Dwelling Unit (ADU)- Continued from April 19th

I. Purpose

Kai Peterson ("Applicant") is requesting approval of a Rezoning application to R-3 TN and a Special Review to construct a new single-family residence at 309 E. Sopris Drive and deed-restrict the existing residence on the site as an ADU.

II. Background

The property at 309 E. Sopris Drive contains an existing residence of approximately 840 square feet. The property is currently zoned R-3, but is proposed to be rezoned to R-3 TN to accommodate the proposed ADU. A zoning interpretation was provided in 2008 (attached) and subsequently updated (update attached) indicating that the Applicant could construct an attached addition onto the existing residence, but that it could not contain a second kitchen unless the Applicant rezoned the property to R-3 TN and obtained Special Review approval for an ADU. An ADU is a Special Review Use in the proposed R-3 TN Zone District on properties that contain greater than 8,000 square feet. The intent of the interpretation was to clarify the Property Owner's options for preserving the existing residence that was built around 1907.

The Applicant desires to include a second kitchen on the site in the proposed addition and has requested the rezoning to R-3 TN and Special Review approval to convert the existing residence to an ADU and make the addition to the residence the primary residential unit on the site. The new unit is proposed to be approximately 1,760 square feet.

III. Review Process

The P&Z makes a recommendation to the Town Council on the Rezoning and Special Review requests for the ADU pursuant to Town Code Section 16-267, *Amendment Procedure*, and 16-44, *Special Review Application Approval Procedures*.

IV. Discussion Items

Consistency with Master Plan: The 2007 Basalt Master Plan includes objectives related to “promoting policies and locations appropriate for accessory dwelling units to be integrated into existing neighborhoods”. Additionally, the Master Plan includes objectives regarding “stemming the loss of accessory dwelling units” and “encouraging these types of units to provide work-force housing and diversity in the community’s housing inventory”. Staff believes that the proposed rezoning and special review application is consistent with these Master Plan policies.

Consistency with Neighborhood Character: The adjacent property to the east of the subject property was rezoned from R-3 to R-3 TN in 2000 and received Special Review Approval for an ADU (Yaw Application). Additionally, the R-3 TN Zone District in which the property is proposed to be rezoned has the same allowable Floor Area Ratio (FAR) of .35:1. Staff feels that the proposed rezoning yields a project that is compatible with the scale of the surrounding neighborhood and would permit the existing residence that was built around 1907 to be maintained.

Compliance with R-3 TN Requirements: The proposed 1,760 square foot addition to the existing residence is well within the allowable floor area permitted in the R-3 TN Zone District. The proposed addition when combined with the existing residence would include a total of approximately 2,600 square feet of floor area and the maximum allowable floor area for the site would be 3,140 square feet. Additionally, the property is longer than the minimum lot size of 8,000 square feet required for consideration of an ADU on the site.

In the R-3 TN Zone District, accessory dwelling units are required not to exceed the height of the principal dwelling unit on the site. The proposed addition would comply with this requirement as the existing residence is going to be deed restricted as the ADU and the addition will be the primary dwelling unit on the site. The proposed ADU also may be on the front half of the lot since it is going to be attached to the main residence.

Below is a table comparing the proposed development with the R-3 TN Zone District dimensional requirements:

Dimensional Requirement	R-3 TN	Proposed
Min. Lot Area	8,000 sf for an ADU	8,973 sf
Building Height	24 Feet to Midpoint	20 Feet to Midpoint for New House
Ridge Height	28 Feet	27 Feet 6 Inches
# of Stories	2	2
Lot Width	50 Feet	59 Feet

Front Yard Setback	10 Feet Covered Porch 15 Feet Living Areas	4.4 Feet to Existing Residence – Non - conforming Portion of Existing Residence Not Changing
Rear Yard Setback	10 Feet	75 Feet
Side Yard Setback	7.5 Feet	11 Feet
FAR	.35:1	.29:1
Max Lot Coverage	30%	19%
Min Landscape	20%	>50%
Parking	2 Spaces for Main Residence 1 Space for the ADU	2 Spaces for Main Residence 1 Space for ADU
Max. ADU Size	1,000 Square Feet	840 Square Feet

Vehicular Access: The property currently takes vehicular access from a gravel driveway that serves four (4) residences and enters the subject property from the west. The common driveway is approximately 14 feet wide. The common access driveway is located in a 20 foot wide public access easement at its intersection with Sopris Drive, which narrows to a 14 foot wide access easement as it moves south. The Basalt and Rural Fire Protection and Staff have reviewed the Application and believe that there is adequate vehicular access to the site to accommodate the additional dwelling unit. However, construction access will be challenging as it is tight site to stage construction. Neighbors have expressed that there were issues with construction parking blocking access when the residence across the driveway was built several years back. Staff has included draft conditions of approval to help mitigate the construction parking issue as described in the Construction Management Plan section of the memo.

Location and Sufficiency of Proposed Parking: The Applicant has proposed three (3) total off-street parking spaces, two (2) for the main residence and one for the ADU. The Applicant originally proposed for the two (2) off-street parking spaces for the main residence to be nestled between the ADU and the main residence with the ADU parking space proposed to the extreme south end of the property. However, the Applicant changed the proposal so that all three (3) parking spaces are now proposed in proximity to both of the residential units as there was a general thought that it was appropriate to locate all of the parking in close proximity to the residential units in which they serve.

Correspondence from the neighbors includes a request that the number of vehicles being used by residents of the site not be allowed to increase beyond the four (4) vehicles that are currently on the site. Staff understands the concern of the neighbors about visitors blocking the common driveway and would suggest that it be mitigated with the installation of “no parking” signs on the common driveway rather than limiting the number of vehicles that residents of 309 E. Sopris can possess. Staff believes that

limiting the number of vehicles that residents of the subject property can possess would be very difficult to enforce. A draft condition has been included requiring that the Applicant install "no parking" signs in the common driveway in locations approved by the Town Police Chief prior to the issuance of a certificate of occupancy on the proposed residence.

Deed Restriction: The Applicant has proposed to comply with the ADU requirements by deed restricting the property so that one of the two residential dwelling units is to be resident-occupied.

Pedestrian Access: In correspondence, neighbors have expressed concern about potential conflicts between pedestrian circulation and the additional traffic to be caused by the development as there is not a sidewalk on either side of the common driveway. As a means of mitigating this concern, Staff has proposed a condition that the Applicant be required to install a four (4) foot wide crusher fine path along the western extent of the subject property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway without having to walk in the common driveway.

There is also a public trail easement located on the lot to the east of the subject property that leads to stairs that traverse down the hill to Homestead Drive. The existing trail and trail easement is at the very southern part of the adjacent lot. Staff has included a condition requiring that the Applicant dedicate a four (4) foot wide public pedestrian easement along the southern property line for the length of the Applicant's property. This easement would not connect to the trail and the trail easement on the property to the east at this time. Therefore, Staff thought it was appropriate to require an easement for a potential future trail connection, but not require the Applicant to improve the trail along the southern boundary of his property since it would not connect to the existing trail to the southeast at this time.

Non-Conforming Shed: As part of the development review, Staff received a complaint that there was a shed installed on the property in 2014 that does not meet the setback and size requirements. Staff has included in the draft conditions that the Applicant shall moving and alter the shed or remove the shed prior to the issuance of a building permit on the proposed addition.

Unsightliness of Property/Fencing: As part of the development review, Staff has received correspondence from neighbors regarding there being considerable vehicles and toys such as campers and boats on the site that the neighbors find unsightly. In the neighbor correspondence, they ask that the Applicant be required to install an eight (8) foot tall construction fence along the common driveway to limit the impacts during construction. Staff feels that it is important to mitigate the impacts of the construction and that a construction fence will help in this respect. However, the maximum size fence in the Town's residential zone districts is six (6) feet. Staff has included a draft

condition requiring that the Applicant install six (6) foot tall construction fence along the common driveway prior to commencing construction.

Construction Management Plan: As was outlined earlier in this memo, neighbors expressed concerns about construction management due to problems that were experienced when the residence across the common driveway was constructed a couple of years ago. The Applicant has submitted a conceptual construction management plan identifying the location for the construction dumpster and staging would be on the site directly west of the proposed residence. Staff has included a condition requiring that the Applicant submit a final construction management plan for review and approval by the Town Planning Director and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant comply with the allowable construction hours as established in the Town Code. As noted above, Staff also included the requirement for the Applicant to install a six (6) foot tall construction fence along the common driveway prior to commencing construction activities.

V. Technical Issues:

Fire District Requirements:

The Basalt and Rural Fire Protection District (BRFPD) reviewed the proposed application. BRFPD indicated that there is adequate fire access and an easily accessible fire hydrant in close proximity to the property.

Basalt Sanitation District:

The Basalt Sanitation District reviewed the proposed application. The Applicant will have to pay additional fees as a result of adding a sewer EQR, but the District indicated that the proposed development will not impact their facilities.

VI. Recommendation

Staff recommends that the P&Z hear a brief presentation from Staff and the Applicant, consider public comments, and provide Commission discussion. Staff recommends approval, with the following conditions:

Representations:

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

Common Driveway No Parking Signage:

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

Pedestrian Path:

4. The Applicant shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. Additionally, the pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

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

Non-Conforming Shed:

5. The Applicant shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the issuance of a building permit on the new residence.

Construction Fence:

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

Construction Management Plan:

7. The Applicant shall submit a final construction management plan for review and approval by the Town Planner and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant will comply with the allowable construction hours as established in the Town Code.

Fire District Comments:

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

Basalt Sanitation District Comments:

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

Development and Building Fees:

10. The Applicant shall pay all applicable development review fees on the new residence, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

Approval Documents:

11. The Applicant shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied and that the existing house will be the ADU shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the new residence.
12. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

Vested Rights:

13. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit for the new residential unit is not issued

within the three (3) year vested rights period or as it may be extended, the approvals granted for this amendment shall expire.

Insubstantial Amendments:

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

Attachments:

Application
Interpretation
Referral Comments
Public Correspondence

had a question about the double parkland dedication for annexation proposals. Lindt said Staff will provide more information about these items and provide opportunity for more Commission discussion at the next meeting.

Commissioner Wheeler asked if ADUs will be a concern in that neighborhood. Lindt said that the lot sizes are too small to accommodate ADUs. Wheeler said that with the addition of this many new residences there should be at least fees-in-lieu for daycare if the facility isn't built in this neighborhood. Regarding parkland dedication, he was of the opinion that there needs to be an active park next to the Rio Grande Trail. Wheeler added that he was in favor of three to seven-year vesting rights.

Chair Johns noted for the record that a letter had been submitted by the Buddy Program in support of the proposed indoor tennis facility.

Commissioner Rossetti said he was in favor of having an active park, along with the indoor tennis facility, located at South Park. He also supported the inclusion of a childcare facility in this development because there will be increased demand for it, much of it possibly generated by residents of the proposed Stott's Mill development.

Commissioner McAllister asked for, and received, clarification from Lindt about the next steps in this review process. McAllister noted that he hoped this round of approvals won't take another five years.

Chair Johns said he also agreed that the traffic study report will be a key component in figuring out how this application can proceed. He also wants to see more information about the architecture of the proposed project. There is already a variety of uses going on in the Southside and it will be important to have a better idea about how a dense residential area would fit in with what's already in place. Johns also supported having a childcare facility in the Southside. In his opinion, this new development will be attractive to young families and it would be nice if parents could walk their kids to childcare. He thought it would be helpful to know if there were other types of solutions for traffic mitigation that don't involve creating an eight-lane highway, which can be considered on a more Town-wide, and perhaps even regional, basis. This project could provide a much-needed product for the valley but it needs to be well-thought-out before receiving final approval.

M/S VOZICK AND BENNETT TO CONTINUE THE PUBLIC HEARING ON THIS AGENDA ITEM TO JULY 19TH. THE MOTION CARRIED BY A VOTE OF 6-0.

Public Hearing - Kai Peterson Application to construct an addition to the existing single-family residence at 309 E. Sopris Drive and deed restrict a portion of the structure as an Accessory Dwelling Unit (ADU). Application involves a rezoning from R-3 to R-3 TN and Special Review Approval.

Lindt briefly reviewed the application. Kai Peterson was present. Lindt said that more information regarding parking and construction management has been submitted since the last meeting. These are: 1) the applicant has proposed a fourth parking space on the south side of his property along with agreeing to a rental agreement limiting a future renter to one parking spot; 2) construction staging has been expanded to the south of the proposed new structure; 3) a construction fence will be erected along the driveway with no parking signs on the subject property; and 4) the project will comply with construction activity regulations according to the Town Code. Lindt added that Staff has suggested a doubled amount for the construction deposit to encourage the applicant to complete the project in a satisfactory manner. Enforcement of construction-related problems is more likely since the application has been reviewed (as opposed to just applying for a building permit) and conditions for approval agreed upon. Staff is also requiring that the neighbors be informed of the construction activity.

Peterson said that of the 22 neighbors they notified about this application, only three had objections at the last meeting. He also noted that he has 20 years of construction experience and has designed this home to be moderately-sized and uncomplicated. This house will be smaller than what he could be allowed to build on the lot. He agrees with the construction management oversight. He said that he and his wife are trying to do the right thing with bringing the ADU application for review. This is a type of housing that is desired by the community, as well as allowing his family to continue to live in Basalt.

Commissioner Questions/Discussion

Commissioner Rossetti asked about the difference in the two site plans included in the packet. Lindt explained what those differences are. Rossetti asked who drafted the construction schedule. Peterson said that he had, based on 20 years of experience.

Public Hearing

The public hearing was opened at 8:20 p.m.

Gregory Zec, 305 E. Sopris Drive, said that he is also representing the Wards (307 E. Sopris Dr.) and he also had a letter from Mr. Ward to submit. Zec said he is still opposed to this proposed project. He anticipates a long, drawn-out construction project that will be a major inconvenience to the neighborhood. It will negatively impact his ability to sell his home which is located directly across the shared driveway from Peterson's property. The onus is on Mr. Peterson to prove that he has the financing and expertise to complete the project in nine months. Zec suggested that Peterson install a second driveway. If this can't be accomplished he then requested that the P&Z deny the application.

Elivira Zec, 305 E. Sopris Drive, speaking for herself, her husband, Bob and Elizabeth Ward, explained the current parking situation and probable increase of the parking problem if their five-bedroom home is sold to people who have more than one car. She was not in favor of approving Peterson's ADU.

Bethany Card, wife of Kai, explained how their financial situation has contributed to their request. She teaches at a local preschool and wants to continue doing so. Their property is sandwiched between three other properties zoned R-3 TN so it seemed like a good idea to create an ADU on their property to help provide housing for 'regular people' while providing supplemental income to help pay their property taxes since homes around them are selling at high prices and property taxes will rise. She noted that Kai has built three homes in the past and all received COs within a year of the beginning construction dates. Card stated that her family wants to remain Basalt residents and they have been responsive to the concerns that were expressed by the neighbors and will continue to do so.

The public hearing closed at 8:33 p.m.

Commissioner Comments

Commissioner McAllister asked about building permit time frames. Lindt responded that the builder has six months to commence construction from the time the construction permit is 'pulled.' He also asked for clarification about the possibility of putting in an additional driveway. Peterson said that there isn't really any room and the property drops off pretty quickly. Peterson's wife explained that the parking for the ADU won't affect the other residents who share the driveway. McAllister said that he likes the idea of this ADU.

Commissioner Wheeler said that the Town spent many years creating the R-3 TN zone district to allow for ADUs such as this. Also, he appreciated the efforts made on the construction management plan.

Alternate Bennett appreciated the thought behind the application and wants to see the ADU built, allowing the town to retain a preschool teacher.

Chair Johns also expressed support for this application, with the conditions of approval as presented by Staff.

M/S WHEELER AND VOZICK TO APPROVE THE KAI PETERSON APPLICATION ACCORDING TO CONDITIONS OF APPROVAL INCLUDED IN THE STAFF MEMO DATED JULY 5, 2016. THE MOTION CARRIED BY A VOTE OF 5-1.

At this time Commissioner Vozick and Alternate Bennett left the meeting due to conflicts of interest with the next agenda item.

Roaring Fork Club Lodge Suites Application: to install kitchens in the ten (10) Roaring Fork Club Lodge Suites that do not currently contain kitchens. Application involves a Minor PUD Amendment. The Suites will still remain as short-term occupancy units. Referral comments have been received and incorporated into Staff's recommendations for approval.

Lindt, referring to Staff Memo dated June 21, 2016, reviewed the application and then invited the Roaring Fork Club representatives to provide more information. Terry Bruna, Roaring Fork Club representative, said that this application is driven by requests from the Roaring Fork Club members. They really want to have kitchens in the units since that is where people tend to gather.

Commissioner Questions

Chair Johns asked what constitutes a full kitchen as defined in the Town Code. Lindt explained that the Town Code defines a kitchen as including a cooking device with burners and a full-size refrigerator. Johns then asked about the original approvals which didn't allow kitchens in the Club Suites. Lindt explained that the goal at that time was to have the Club Suites function more like a hotel with short-term occupancy and those occupants coming downtown to eat.

Public Hearing

The public hearing was opened at 8:50 p.m. There was no public comment made and the public hearing was closed at 8:50 p.m.

M/S ROSSETTI AND WHEELER TO APPROVE THE ROARING FORK CLUB MINOR PUD AMENDMENT PER STAFF'S RECOMMENDATIONS. THE MOTION CARRIED BY A VOTE OF 3-1.

COMMISSIONER AND PLANNER UPDATES

There were no commissioner comments nor were there any Planner updates.

ADJOURNMENT

M/S WHEELER AND ROSSETTI TO ADJOURN. THE MOTION CARRIED BY A VOTE OF 4-0.

The Planning and Zoning Commission meeting adjourned at 8:53 p.m.

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION**

By: _____
Dylan Johns, Chair

Attest: _____
Denise Tomaskovic, Recorder

In response to comments made at the previous meeting, Lindt said that Staff has added a couple of conditions of approval, which he then reviewed (see Staff Memo dated 6/21/16). Lindt then introduced Clay Crossland, applicant and managing director of DavidCo LLC and Basalt Mini Storage, and Jeff Orsulak, planning consultant.

Crossland noted that there were two Commissioners present at this meeting who weren't here at the last meeting so he re-read his presentation. Orsulak then reviewed the PowerPoint presentation that was included in the previous meeting. He explained the serial annexation process for the parcels included in the proposal.

Public Hearing

The public hearing was opened at 6:43 p.m. There were no public comments. The public hearing was closed at 6:44 p.m.

Commissioner Comments

Commissioner Vozick asked about construction management. Crossland said that they will be required to file a plan before construction begins. Crossland said that he had an additional 31 letters to enter into the public record. At the previous meeting he entered 32 other letters into the public record.

MOTION BY ROSSETTI TO APPROVE THIS AGENDA ITEM FOR SKETCH PLAN REFERRAL TO THE BASALT TOWN COUNCIL.

Discussion: In response to a question from the Commission, Lindt outlined the review process for this item. If the Town Council approves Sketch Plan Review then the application will come back to the Planning and Zoning Commission for Final Review, followed by either commendation or denial of the application to the Town Council for Final Review. The Town Council has the ultimate authority to approve or deny the application.

SECOND BY ALTERNATE BENNETT. THE MOTION CARRIED BY A VOTE OF 5-0.

Public Hearing - Kai Peterson Application: to construct an addition to the existing single-family residence at 309 E. Sopris Drive and deed restrict a portion of the structure as an Accessory Dwelling Unit (ADU). Application involves a rezoning from R-3 to R-3 TN and Special Review Approval.

Lindt reviewed the application, referring to a posted site plan and floor plan, along with a list of discussion items as follows:

- consistency with Master Plan
- consistency with neighborhood
- compliance with R-3 TN
- vehicular access and parking
- pedestrian access
- non-conforming shed
- construction management

Lindt noted that some letters had been submitted from adjacent property owners and were included in the packet. Concern has been expressed about construction parking and permanent parking as well as pedestrian movements in the common access drive. Staff has presented possible solutions for these and other issues in the conditions of approval included in the Staff Memo dated May 3, 2016.

Lindt said that the applicant, Kai Peterson, was present and invited him to give his presentation.

Chair Johns asked for specific information about the construction management plan. Peterson explained where the construction fencing will be placed. In his opinion, there won't be a construction parking problem because he and his brother are going to be doing the construction. Lindt pointed out that parking spaces will be delineated on site and 'No Parking' signs will be posted in the lane so the Town will be able to enforce construction parking more easily.

Public Hearing

The public hearing was opened at 7:00 p.m.

Elvira Zek, resident of 305 East Sopris Drive, said that she is opposed to allowing this ADU because the area is already congested. In the five years they've owned their house the neighborhood has gone from three houses with four cars to four houses with ten cars. Their house is for sale and one of the most often-heard comments from prospective buyers is that the driveway seems very tight.

Gregory Zek, also of 305 E. Sopris Dr., said that he was also speaking for Mrs. Ward who lives at 307 East Sopris Drive. He said that there are four houses on about one acre of land in this enclave and adding more cars will only increase the traffic and safety problems. He then explained the impacts of the previous construction activity (several years ago at 303 E. Sopris Dr.) on their driveway and stated that he didn't have much faith in the applicant's or the Town's ability or willingness to enforce the construction management plan based on his previous experience.

Bob Ward, 307 East Sopris Drive, said that this additional unit will result in cramming a lot of density on that driveway. He was skeptical that one parking space would be sufficient for the ADU and concerned that adding more cars on this driveway would only make the existing parking and traffic circulation problems worse. Regarding the trail, nobody has talked to him about it since Bill Efting was the Town Manager. The trail would pass directly in front of his bedroom window and he hopes the Town talks to him about it before it's ever constructed. He added that the trail isn't a main component of this application but it's still an item of concern for him.

Seeing as there were no further comments, the public comment period was closed at 7:07 p.m.

Commission Questions

Commissioner Vozick asked if there would be room anywhere else to add another parking space. Lindt explained that there is no room on the street or in the driveway. Perhaps another spot could be added on the property itself to the south of the expansion.

Commissioner Wheeler suggested adding another temporary parking space on the property during the construction process. Also, since the ADU is only about 800 sq. ft. in size, would it be possible to state in the rental agreement that only one car is allowed? Lindt said that this could become part of the approvals but it can be tricky to enforce.

Commissioner Rossetti said that given the amount of opposition to the proposal and the likely effects on the neighbors, he would have a problem moving this application forward without further mitigation of the parking and traffic circulation situation.

Alternate Bennett said she agreed with Commissioner Rossetti's comments and she added that she didn't think it was realistic to expect that only one parking spot would be adequate.

Commissioner Wheeler asked Peterson if there is room on the property to accommodate another parking spot, perhaps permanently. Peterson said there is room for another parking spot and he is

willing to look at creating another parking spot or reconfiguring the proposed parking. He is willing to put the construction parking on his lot instead of in the common access driveway.

In response to a question from Chair Johns, Lindt said that this application would not require a second round of review but a recommendation to either deny or approve the application will be forwarded to the Town Council by the P&Z.

Chair Johns suggested that the parking situation be further clarified and brought back to the P&Z at a future date. He was also concerned that with only two people working on the construction project, it will turn into a multi-year endeavor with parking and traffic impacts lingering overly long. Johns suggested adding a condition of approval for a neighborhood outreach program so all the neighbors are aware of what will be happening.

Commissioner Vozick noted that the concerns seem to be mostly focused on traffic and parking, not the ADU itself. He, too, would like to see more thought given to finding a parking/traffic solution and an opportunity to review that at a later date before making a recommendation to the Town Council.

M/S WHEELER AND VOZICK TO CONTINUE THIS ITEM TO JULY 5, 2016. THE MOTION CARRIED BY A VOTE OF 5-0.

Roaring Fork Club Lodge Suites Application: to install kitchens in the ten (10) Roaring Fork Club Lodge Suites that do not currently contain kitchens. Application involves a Minor PUD Amendment.

Chair Johns stated that due to perceived conflicts of interest on the parts of Commissioner Vozick and Alternate Bennett, and the resulting lack of quorum, this item needed to be continued.

M/S JOHNS AND WHEELER TO CONTINUE THIS ITEM TO JULY 5, 2016. THE MOTION CARRIED BY A VOTE OF 3-0-2.

WORK SESSION

Philp thanked the commissioners who were able to attend the joint meeting with Town Council last week. Referring to the associated Staff Memo dated June 21, 2016, she reviewed what was discussed at that meeting, noting some of the resulting changes to the amendments such as a reduction to 30 rooms for a hotel as anchor use. If there are no further changes to the zoning language, the next step is to enter the public hearing process for adoption of the CSC Zone District.

Commissioner Rossetti asked for clarification on the setback reduction from Midland Avenue. Philp used a diagram from the packet in her explanatory response to Rossetti.

Commissioner Vozick said he thought that allowing a daycare as an anchor use on any of the parcels wouldn't be a good idea. Philp responded that daycares are allowed as a secondary use and the idea with that is for employers to be able to accommodate a private childcare facility for their employees.

Commissioner Rossetti asked if any of the buildings along the Fryingpan River are in the floodplain. Philp said that some portions of the properties are but she wasn't 100% sure if the existing buildings are or not. Rossetti then asked how parking spaces would be split up between on-street and a potential parking structure. He would prefer that one developer purchase and develop the parcel, rather than multiple developers because it would be more likely to get a parking garage out of the deal. After a brief discussion it was determined that it's too early to get into specifics such as this.

G) Public Correspond

7 March, 2016

Dear Mr. Lindt,

Thank you for notifying the residents of our small enclave of the proposed construction of a new ADU at #309 E. Sopris Drive. We understand P&Z and Town Council will decide whether to allow re-zoning to allow a new rental unit, and hence, a new family, to join our small enclave of 4 homes. A new ADU will put additional stress on an already-congested driveway and on off-driveway parking. We strenuously and unequivocally oppose these unwanted and unwarranted traffic impacts for safety reasons.

Further, we ask the Town to take the following steps in the event that any new construction is permitted:

Take adequate traffic impact mitigation measures during construction: Establish rules to ensure the driveway is free and clear of all construction vehicles to ensure fire safety and ease of use by 4 families. Also, clearly designate appropriate parking area for #309 using appropriate demarcation barriers and gravel to ensure the common area remains common.

Install fencing for screening purposes: The backyard of #309 is an eyesore and has a salvage-yard character to it. We invite Town officials to come up and have a look. There is an extraordinary number of large equipment items located on the property: a boat (plus tent to cover it), a camper, 4 large automotive vehicles, plus other, misc paraphernalia, all in plain view of the neighbors front doors and hugging the property line. It is requested that 8 ft construction-type fencing along the perimeter of the driveway (but excluding the designated parking area) be added immediately prior to any construction to mitigate the view and noise associated with what would certainly be a multi-year project.

Right-size and move non-permitted, non-conforming shed: The neighbors most impacted by the construction of a new shed put up by owners of #309 in the spring of 2014 were not notified in advance and were away when it was built, immediately outside their front door and located next to a large camper. Shed is approximately 141 sq feet (vs. 120 allowed for non-vehicle storage), has only a 7.5 feet setback (vs. 10 feet required) and exceeds 12 feet maximum maximum height. It is requested the shed be right-sized and moved to comply with height, size and setback requirements for zone R-3 immediately. Town Planning department confirms no permit was sought or obtained for the shed (as was required, based on above). It is requested P&Z rectify this violation of Town building code.

Restrict overall number of vehicles used by combined residents of #309: It is requested the total number of vehicles serving the #309 residence not be permitted to exceed the current number (4). This request is based on extraordinary circumstances: a narrow, 11 foot wide, common-use driveway, and four, non-garaged, large vehicles pertaining to #309 parked adjacent to said driveway.

Communicate pro-actively: We request that all neighbors in the small enclave be advised of any "Construction Management Plan" so they are advised of approved working hours, dust mitigation and truck parking rules etc in advance to ensure transparency and enforceability.

respectfully,

owner #305 E Sopris Drive;



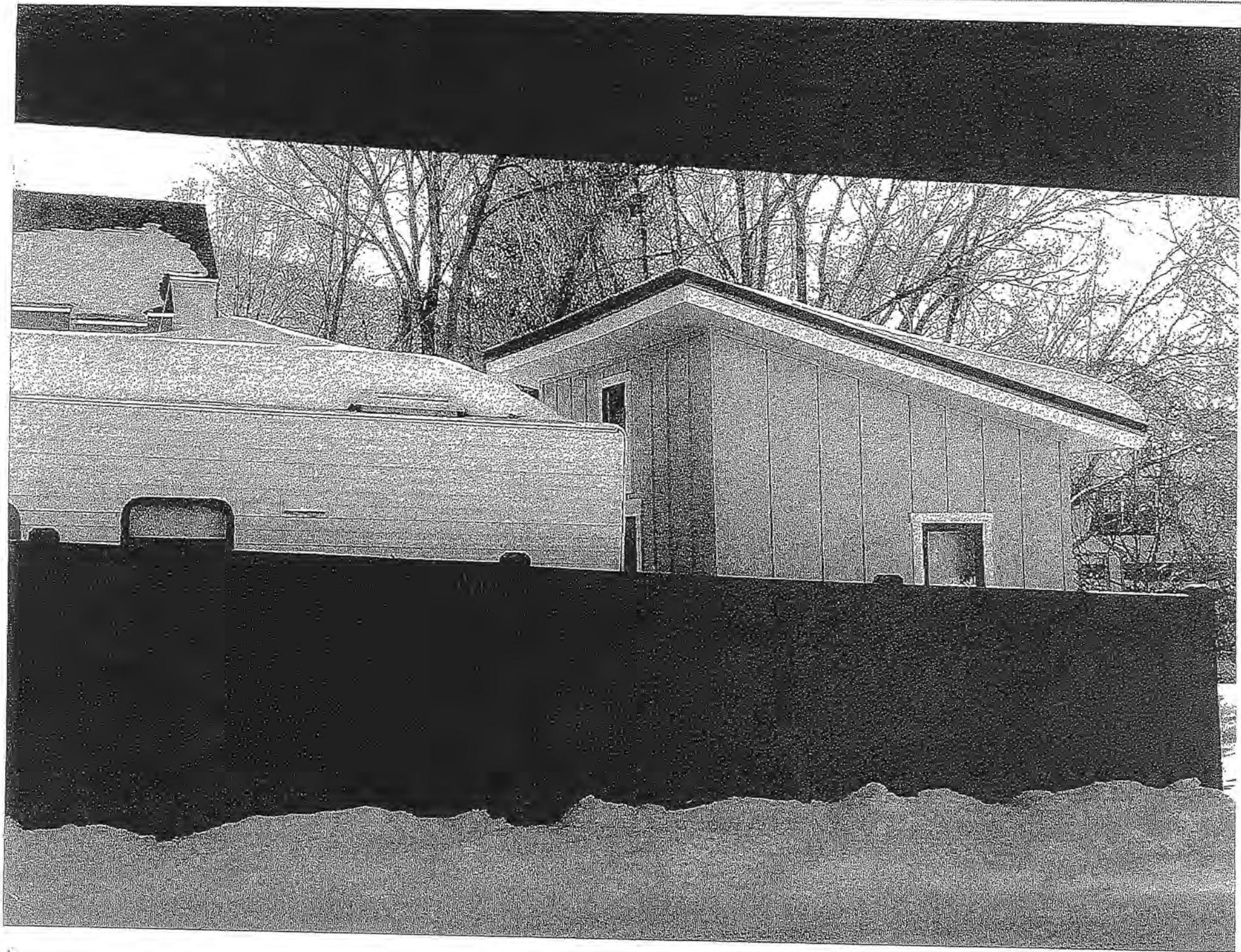
and, owners #307 E. Sopris Drive

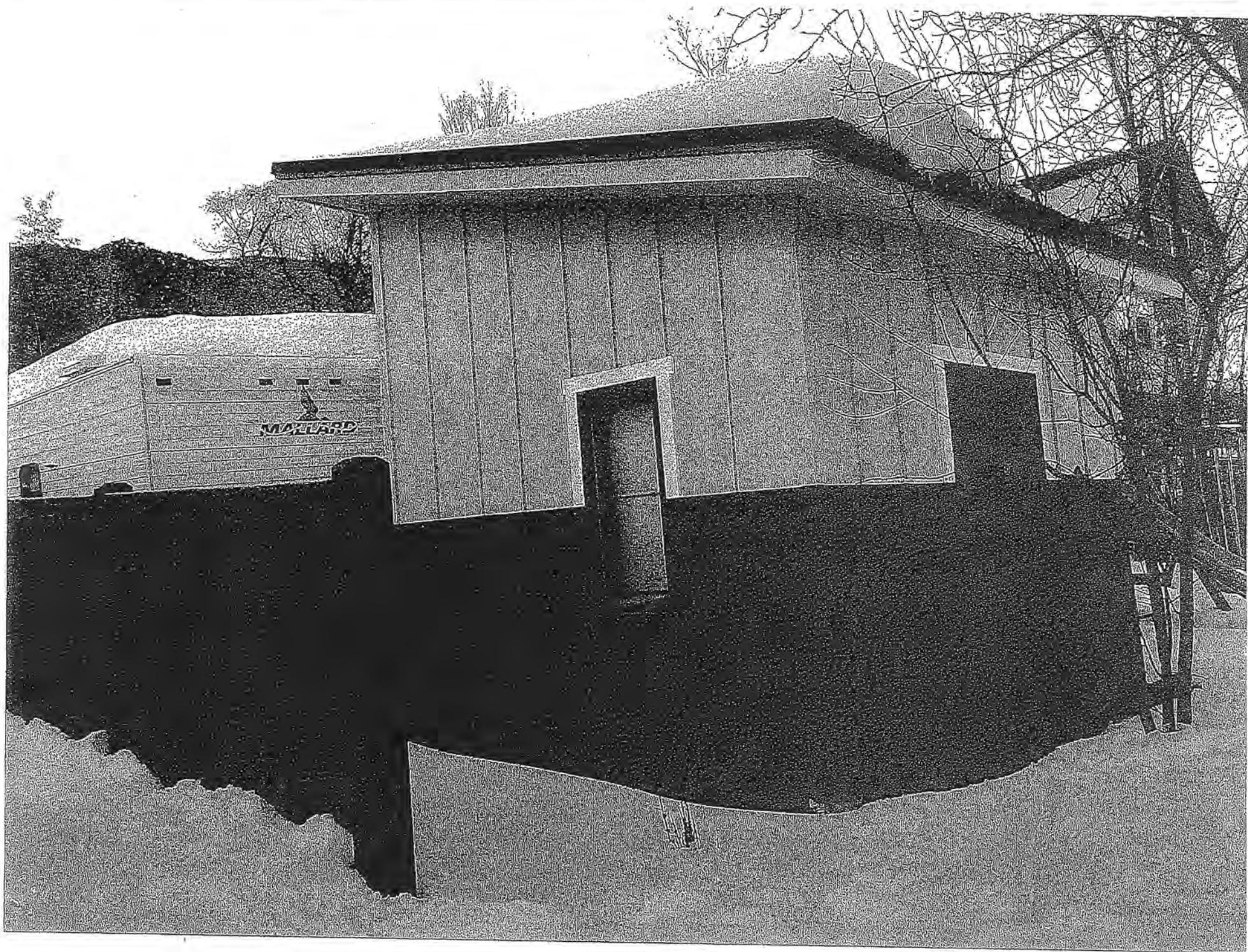












Bob and Elizabeth Ward
PO Box 4006
307 E. Sopris Drive
Basalt, CO 81621

March 10, 2016

Dear Mr. Lindt/Town officials:

We're writing to express several concerns about the proposed addition of a new structure and possibly an accessory dwelling unit at 309 E. Sopris Drive. We don't oppose the new structure, per se, but we do object to any rezoning to allow a rental ADU and aggravate an already overcrowded parking and traffic situation.

A little history is in order here. Elizabeth and I bought 307 E. Sopris in 1995, when the common gravel driveway served just three residences. At the time there were no resident children and there were a total of 4-6 vehicles between the three households. It was an easy-going, manageable situation.

Fast-forward to 2016, in which we now have four homes, at least seven children who live full- or part-time in the various residences, and 9-10 vehicles of various kinds. 309 E. Sopris, in particular, is littered with multiple cars, a truck, an RV trailer and a boat.

Often when we pull into the driveway, visiting cars or trucks block the way. We occupy the south end of the driveway, farthest from the street, so whenever a work truck, FedEx van or carpooling mom stops at a neighbor's home, we must knock on doors to clear the way. A fifth household could create a real safety problem, given the number of kids, parked vehicles and poor sightlines.

For reasons of both safety and neighborly courtesy, we request the following:

1. That the Town reject the rezoning and addition of an ADU.
2. That the Town enact strict parking/access/turnaround requirements during any potential construction to ensure the safety of resident children and convenience for everyone who relies on this right of way.

Thanks for your consideration,

 Elizabeth Ward

Bob and Elizabeth Ward

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

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

RECOMMENDATION: Approve Conveyances to Remove Clouds on Title

DETAIL:

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

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

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

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

TOWN OF BASALT
Ordinance No.
Series of 2016

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

TOWN OF BASALT, COLORADO

By: _____
Jacque Whitsitt, Mayor

ATTEST:

By _____
Pamela K. Schilling, Town Clerk

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



TRANSFER PARCEL A - TOWN OF BASALT TO BYRNS

A PARCEL OF LAND SITUATED IN TRACTS 81 AND 82, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 6 OF SAID TRACT 81, A GLO BRASS CAP IN PLACE; THENCE N03°28'53"E A DISTANCE OF 607.67 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 456 AT PAGE 611 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THE POINT OF BEGINNING; THENCE S39°25'01"E ALONG THE WESTERLY BOUNDARY OF SAID PROPERTY A DISTANCE OF 312.68 FEET TO A POINT IN AN EXISTING FENCE LINE EXTENDED; THENCE LEAVING SAID WESTERLY BOUNDARY N46°00'53"W ALONG SAID EXTENDED FENCE LINE AND EXISTING FENCE A DISTANCE OF 17.76 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°36'31"W A DISTANCE OF 134.23 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°58'42"W A DISTANCE OF 90.03 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N42°39'25"W A DISTANCE OF 29.93 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N44°28'39"W A DISTANCE OF 61.46 FEET TO AN ANGLE POINT IN SAID FENCE LINE; THENCE LEAVING SAID FENCE LINE N30°58'15"W A DISTANCE OF 1.49 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 348183 IN THE AFOREMENTIONED PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THENCE N69°48'53"E ALONG THE SOUTHERLY BOUNDARY OF THE PROPERTY DESCRIBED IN SAID RECEPTION NO. 348183 A DISTANCE OF 33.45 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.



TRANSFER PARCEL B - TOWN OF BASALT TO MULHERN - BRODSKY

A PARCEL OF LAND SITUATED IN TRACTS 81 AND 82, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 6 OF SAID TRACT 81, A GLO BRASS CAP IN PLACE; THENCE N16°58'28"W A DISTANCE OF 633.42 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 580483 OF THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THE POINT OF BEGINNING; THENCE N89°48'58"E ALONG THE SOUTHERLY BOUNDARY OF SAID PROPERTY A DISTANCE OF 188.55 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE LEAVING SAID SOUTHERLY BOUNDARY S30°58'15"E A DISTANCE OF 1.49 FEET TO AN ANGLE POINT IN AN EXISTING FENCE LINE; THENCE S84°33'26"W ALONG SAID EXISTING FENCE LINE A DISTANCE OF 59.30 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE AND SAID EXISTING FENCE EXTENDED, S83°32'30"W A DISTANCE OF 128.21 FEET TO A POINT ON THE EASTERLY BOUNDARY OF GATEWAY OF SNOWMASS MESA SUBDIVISION, FIRST FILING; THENCE LEAVING SAID FENCE LINE EXTENDED N07°57'23"W ALONG SAID EASTERLY BOUNDARY A DISTANCE OF 20.92 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 2,013 SQUARE FEET OR 0.046 ACRES, MORE OR LESS.

MINUTES OF THE

TOWN OF BASALT, COLORADO
FINANCE COMMITTEE

TUESDAY, JULY 11, 2016

8:00 a.m.

**Basalt Town Hall
101 Midland Avenue**

1. Resolution to increase Change Order allowances by the Town Manager related to the Basalt Avenue Underpass Construction Project.

Mr. Mike Scanlon presented information related to Resolution 31 which would grant additional expenditure authority to the Town Manager during the construction of the Basalt Avenue Underpass. Mr. Scanlon stated that both RFTA and Pitkin County had requested this additional authority to prevent delays and possibly even larger costs if change orders weren't acted on in a timely fashion. Mr. Scanlon then outlined the three key parts of the Resolution which are,

- a. That the Town Manager will be given Change Order authority up to \$75,000 per Change Order.
- b. That once Change Orders reach 50% of the contingency budget for the project (\$451,000) that the Town Manager return for additional authority.
- c. It's the responsibility of the Town Manager to report all Change Orders to the Town Council as part of the monthly project update.

Councilmember Bernie Grauer made the motion to recommend to the Town Council the approval of Resolution 31, Series 2016. Councilmember Katie Schwoerer seconded the motion and the Finance Committee unanimously approved the recommendation.

2. 1st Quarter and 2nd Quarter Reports – Basalt Dashboard

Mr. Mike Scanlon introduced the Basalt Financial Dashboard to the Finance Committee. Mr. Scanlon noted that the Dashboard presented was for the second quarter that ended on June 30, 2016. Mr. Scanlon discussed trends and allocations. Judi Tippetts noted that the property tax collection was showing higher than it should because property tax collections had yet to be reallocated to the Bond Fund. Mr. Scanlon noted that on the expenditure side we are well below our budgeted expenditure rate but that during the 3rd quarter we will make up for it. Mr. Scanlon noted that for local government a big chunk of their budget isn't spent until the summer months so as we enter the fourth quarter we should be on pace to spend what was budgeted. Mr. Scanlon then walked the Finance Committee through fund balances for the General Fund and identified the four major pieces that make up our fund balance calculations. Councilmember Grauer stated that he felt the current unappropriated fund balance for the General Fund was extremely low and that as we approach 2017 the staff needed to identify the methods by which the Town will start adding dollars back into the Town's General Fund. Councilmember Schwoerer asked if the Town Council had a policy related to Fund Balances. Mr. Scanlon said yes that Town Council Policy 103 states,

"It shall be the policy of the Town of Basalt to budget an amount in the General Fund equal to thirty-three percent (33%) of budgeted unrestricted General Fund revenues for the same budget year..."

Mayor Jacque Whitsitt asked if there could be a "trend element" added to the dashboard as well. Mr. Scanlon said he would identify those items that are worthy of trending but cautioned that the Town of Basalts trends would be heavily spiked by capital projects which could be misleading.

DISCUSSION ITEMS

1. Initial cost estimate numbers for the Basalt River Park

Mr. Scanlon shared with the Town Council the cost estimates that were also made a part of the July 12, 2016 meeting packet. Mr. Scanlon said that the DHM handout provided both today and in the packet identify the major cost elements and pieces of the park project.

2. Initial funding considerations for the Basalt River Park improvements

Mr. Scanlon reviewed with the Committee existing debt, existing mill rate capacity and a framework for funding the Basalt River Park project. Mr. Scanlon stated that this past February Councilmember Grauer had asked Town staff to put together a debt issue / mill rate information sheet that would identify the amount of General Obligation (GO) debt that could be supported by various mills that the Town might ask the citizens to consider. Mr. Scanlon passed out a handout entitled "Basalt Debt Calculations." Mr. Scanlon then went through the various pieces in that handout. The handout was annualized and showed the impact of various debt levels on various residential/commercial properties based on appraised values. Mr. Scanlon stated that in the end it would likely be a combination of actions that would likely create the framework for funding the Basalt River Park improvements. Councilmember Grauer agreed with Mr. Scanlon and said he too felt it would be an ongoing combination of revenue streams that was the best way to approach the financing of the \$8,000,000 in park improvements. Councilmember Schwoerer said she also concurred but felt that we are bit ahead of ourselves given the fact that the Town doesn't currently own the property we're proposing improvements to. Mayor Whitsitt and Councilmember Grauer concurred with Councilmember Schwoerer's assessment and hoped that the purchase of a potential park could be brought up in the Town Council meeting ASAP as part of an Executive Session. Mr. Scanlon stated that he hoped to have that conversation tomorrow night.

As a closing item Mayor Whitsitt asked if the time for this meeting could be reconsidered and the idea of adding a citizen member presented to the Town Council. As for the time the committee agreed to move their meeting time to 5:00 – 6:00 p.m. Mr. Scanlon stated that an amendment to the Town Council Policy would be required to expand the membership and permanently change the meeting times.

There being no further business the Finance Committee adjourned at 8:52 a.m.

**TOWN OF BASALT
ACTION ITEM SUMMARY
ADMINISTRATION**

Item Number:

Date: July 12, 2016

From: Mike Scanlon, Town Manager

SUBJECT: Resolution 31, Series 2016 – Resolution of the Town Council of Basalt, Colorado, allowing for an increase in expenditure authority on change orders for the Basalt Avenue Underpass Project.

RECOMMENDATION:

That the Town Council approve Resolution 31, Series 2016 giving the Town Manager more expenditure authority for the Basalt Avenue Project.

DETAILS:

See attached Resolution.

Questions:

1. Do you believe it's important not to delay the construction of the Basalt Avenue Underpass?
2. Is the request consistent with Town Council Policy 102?
3. Do you believe the requested Resolution is consistent with the Town Charter and responsibilities assigned the Town Manager under the Town's Code?

Related State Statute and/or Town Actions: Town Council Policy 102

Amount Requested: None

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, ALLOWING
FOR AN INCREASE IN EXPENDITURE AUTHORITY ON CHANGE ORDERS FOR
THE BASALT AVENUE UNDERPASS PROJECT**

**Town of Basalt, Colorado
Resolution No. 31
Series of 2016**

RECITALS

1. The Town of Basalt has carefully crafted Town Council policies that address expenditure authority for the Town Manager.
2. Town Council Policy 102 states, "The Town Manager has the authority to approve change orders related to Capital Improvement Projects up to a cumulative total of 2% of the bid or proposal and less than \$20,000. The Town Manager at the time a project is bid can request that the Town Council grant a waiver to this Policy. This waiver will only be granted if a Resolution establishing a new maximum amount is presented to the Town Council for consideration and passed by a majority of the Town Council."
3. Our Partner organizations in the construction of the Basalt Avenue Underpass has asked the Town to consider increasing Change Order authority on the project so that no undue delays are created during the construction phase. These delays, if they accumulate, could ultimately cost more than the original change order that was requested.

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

- Section 1. The Town Council directs the following action,
- A. That the Town Manager will be given Change Order authority up to \$75,000 per Change Order.
 - B. That once Change Orders reach 50% of the contingency budget for the project (\$451,000) that the Town Manager return for additional authority.
 - C. It's the responsibility of the Town Manager to report all Change Orders to the Town Council as part of the monthly project update.

READ AND ADOPTED by a vote of ___ to ___ on July 26, 2016.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pam Schilling, Clerk

Town of Basalt
Accounts Payable
July 26, 2016

11a

GENERAL FUND
Reimbursable

Total Reimbursable	2,847.95
Non-reimbursable	
Payroll 7/15/16	122,398.16
Other Expenditures	254,267.77
Sub Total General Fund Non-reimbursable	376,665.93
TOTAL GENERAL FUND	379,513.88
Bond Fund:	0.00
Total Bond Fund	0.00
Conservation Trust Fund:	0.00
Total Conservation Trust Fund	0.00
Water Fund:	14,825.75
Total Water Fund	14,825.75
TOTAL ALL FUNDS	394,339.63

Report Criteria:

Report type: GL detail

Check Detail.Amount = {<->} 0

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
07/16	07/26/2016	38268	ACUREN	509289	51-71-700	2,805.00
07/16	07/26/2016	38269	AFLAC	083489	10-22760	568.62
07/16	07/26/2016	38270	ALPINE BANK	JULY 2	10-22775	799.30
07/16	07/26/2016	38271	HEATHER ANTHES	REFUN	10-34-700	40.00
07/16	07/26/2016	38272	ASPEN DAILY NEWS	910687	10-41-675	2,545.50
07/16	07/26/2016	38272	ASPEN DAILY NEWS	910687	10-45-540	1,099.28
07/16	07/26/2016	38272	ASPEN DAILY NEWS	910687	10-60-432	501.10
07/16	07/26/2016	38272	ASPEN DAILY NEWS	B01034	10-24480	26.25
07/16	07/26/2016	38272	ASPEN DAILY NEWS	B01034	10-24128	51.75
07/16	07/26/2016	38272	ASPEN DAILY NEWS	B01034	10-24101	76.25
07/16	07/26/2016	38272	ASPEN DAILY NEWS	B01034	10-45-600	48.75
07/16	07/26/2016	38273	ASPEN MAINTENANCE SUPPLY	308463	10-66-405	564.30
07/16	07/26/2016	38273	ASPEN MAINTENANCE SUPPLY	308738	10-66-405	357.80
07/16	07/26/2016	38273	ASPEN MAINTENANCE SUPPLY	308890	10-50-600	348.19
07/16	07/26/2016	38273	ASPEN MAINTENANCE SUPPLY	308890	10-50-600	56.38
07/16	07/26/2016	38274	ASPEN RENT ALL	134767	10-60-600	14.00
07/16	07/26/2016	38274	ASPEN RENT ALL	134867	10-60-350	76.50
07/16	07/26/2016	38275	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-310	6,646.37
07/16	07/26/2016	38275	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-315	2,691.00
07/16	07/26/2016	38275	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-310	26.25
07/16	07/26/2016	38275	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-315	2,485.10
07/16	07/26/2016	38275	AUSTIN, PEIRCE & SMITH, P.C.	1121-0	10-45-315	761.50
07/16	07/26/2016	38276	BASALT CHAMBER OF COMME	10430	10-41-675	1,457.59
07/16	07/26/2016	38277	BAUER, TIM	COAC	10-64-350	200.00
07/16	07/26/2016	38278	BEAR BOP PRESS	GAME	10-64-350	8,610.00
07/16	07/26/2016	38279	BEATTIE, CHADWICK & HOUP,T	11580	51-45-310	3,014.40
07/16	07/26/2016	38280	BIG JIG ENTERTAINMENT	MUSIC	10-41-675	6,000.00
07/16	07/26/2016	38281	BLACK SHACK ARCHITECTS, L	ARBAN	10-75-700	3,431.41
07/16	07/26/2016	38282	BLAIR AND ASSOCIATES, P.C.	2368	10-44-320	3,500.00
07/16	07/26/2016	38282	BLAIR AND ASSOCIATES, P.C.	2368	51-45-320	3,500.00
07/16	07/26/2016	38283	AMY BOLLOCK	REIMB	10-64-350	200.00
07/16	07/26/2016	38284	BOYD BIERBAUM	JULY 1	10-62-530	30.00
07/16	07/26/2016	38285	CHRISTINE NEWCOMB	7/16/20	10-41-675	500.00
07/16	07/26/2016	38286	CLARION ASSOCIATES	6615	10-47-330	700.00
07/16	07/26/2016	38287	CO. RIVER WATER CONSERVAT	7/12/20	10-41-670	1,000.00
07/16	07/26/2016	38288	COLORADO ANALYTICAL LABO	160623	51-72-405	1,160.00
07/16	07/26/2016	38288	COLORADO ANALYTICAL LABO	160707	51-72-405	35.00
07/16	07/26/2016	38289	COLORADO MTN. NEWS MEDIA	100335	10-41-675	2,227.50
07/16	07/26/2016	38290	COLORADO POOL & SPA SCAP	83817-	10-75-700	151.00
07/16	07/26/2016	38291	COLORADO SOIL SYSTEMS	1090	10-41-675	500.00
07/16	07/26/2016	38292	COLORADO STATE TREASURE	UI#132	10-45-520	1,844.51
07/16	07/26/2016	38293	COMCAST	849750	10-70-530	179.96
07/16	07/26/2016	38294	COMPUTER SPECIALISTS	4753	10-45-390	840.00
07/16	07/26/2016	38295	DALY PROPERTY SERVICES, IN	21388	10-70-700	2,321.00
07/16	07/26/2016	38296	DHM DESIGN CORPORATION	32416	10-75-700	512.50
07/16	07/26/2016	38297	DPC INDUSTRIES, INC	737002	51-72-405	316.99
07/16	07/26/2016	38298	FAMILY SUPPORT REGISTRY	BLEVI	10-22770	240.00
07/16	07/26/2016	38298	FAMILY SUPPORT REGISTRY	MARTI	10-22770	200.00
07/16	07/26/2016	38298	FAMILY SUPPORT REGISTRY	SANTI	10-22770	54.16
07/16	07/26/2016	38299	FLORIDA DEPARTMENT OF RE	SANTI	10-22770	271.20
07/16	07/26/2016	38300	GAYLE SHUGARS	HOSE	10-24505	60.42
07/16	07/26/2016	38301	GEORGE T SANDERS CO	136619	10-70-600	119.28

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
07/16	07/26/2016	38301	GEORGE T SANDERS CO	136619	10-50-430	119.28
07/16	07/26/2016	38302	GLENWOOD SPRINGS FORD	1FM5K	10-54-690	600.00
07/16	07/26/2016	38303	HILARY GROSS	NATUR	10-64-350	2,200.00
07/16	07/26/2016	38304	HACH COMPANY	999134	51-72-405	337.79
07/16	07/26/2016	38304	HACH COMPANY	999451	51-72-405	207.86
07/16	07/26/2016	38305	ROBERT HARLOW	UMP	10-64-350	155.00
07/16	07/26/2016	38306	HARRY TEAGUE ARCHITECTS	000320	10-75-700	8,517.33
07/16	07/26/2016	38307	GREG HOFFMAN	COAC	10-64-350	200.00
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	10-50-410	143.23
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	10-60-412	1,416.51
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	10-70-410	306.90
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	10-66-410	1,276.85
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	51-72-410	604.48
07/16	07/26/2016	38308	HOLY CROSS ENERGY ASSOC.	JULY 2	51-73-410	1,924.18
07/16	07/26/2016	38309	ICC	100070	10-58-605	111.00
07/16	07/26/2016	38310	IN THE SWIM	011624	10-66-430	90.00
07/16	07/26/2016	38311	INTERMOUNTAIN TOXICOLOGY	12696	10-60-350	74.25
07/16	07/26/2016	38311	INTERMOUNTAIN TOXICOLOGY	12696	51-45-390	74.25
07/16	07/26/2016	38312	JACOB POWER-SMITH	UMP	10-64-350	225.00
07/16	07/26/2016	38313	JEFF BLEVINS	JULY 1	10-62-530	30.00
07/16	07/26/2016	38314	KILGORE COMPANIES	338903	51-73-430	244.26
07/16	07/26/2016	38314	KILGORE COMPANIES	339284	10-70-430	350.91
07/16	07/26/2016	38314	KILGORE COMPANIES	339603	51-73-430	40.25
07/16	07/26/2016	38314	KILGORE COMPANIES	339618	51-73-430	100.10
07/16	07/26/2016	38314	KILGORE COMPANIES	339631	51-73-430	50.05
07/16	07/26/2016	38314	KILGORE COMPANIES	339715	10-70-430	47.39
07/16	07/26/2016	38315	TARALYN LAHET	NATUR	10-64-350	400.00
07/16	07/26/2016	38316	ROBERT LARSON	CELL	10-62-530	30.00
07/16	07/26/2016	38317	LEAF	660095	10-45-740	138.00
07/16	07/26/2016	38317	LEAF	662297	10-45-740	495.50
07/16	07/26/2016	38318	LORIS & ASSOCIATES, INC.	10123	10-47-330	1,478.17
07/16	07/26/2016	38319	MARGE SCHROCK	COAC	10-64-350	200.00
07/16	07/26/2016	38320	McCandless Truck Center LLC	S10600	10-61-350	672.85
07/16	07/26/2016	38321	MELINDA BOWER	COAC	10-64-350	200.00
07/16	07/26/2016	38322	MELISSA BOWMAN	COAC	10-64-350	200.00
07/16	07/26/2016	38323	MELISSA RESUTKO LLC	1001	10-41-675	600.00
07/16	07/26/2016	38324	MICHAEL J. KINSLEY	129	10-41-675	1,550.00
07/16	07/26/2016	38325	MICHAEL SCANLON	JULY 1	10-45-580	600.00
07/16	07/26/2016	38325	MICHAEL SCANLON	JULY C	10-45-530	150.00
07/16	07/26/2016	38326	MID VALLEY METRO	4570	10-60-600	36.00
07/16	07/26/2016	38327	MIKE GEISER	BASKE	10-64-350	200.00
07/16	07/26/2016	38328	Mountain Pest Control	102898	10-50-435	75.00
07/16	07/26/2016	38329	MOUNTAIN WASTE & RECYCLI	95379	10-66-430	145.00
07/16	07/26/2016	38329	MOUNTAIN WASTE & RECYCLI	96409	10-50-415	413.71
07/16	07/26/2016	38329	MOUNTAIN WASTE & RECYCLI	96827	10-64-420	153.00
07/16	07/26/2016	38330	MT. DALY ENTERPRISES LLC	TRACT	10-47-330	221.68
07/16	07/26/2016	38330	MT. DALY ENTERPRISES LLC	WTP: 7	10-75-700	60.00
07/16	07/26/2016	38331	MYERS & COMPANY	038439	51-72-430	304.05
07/16	07/26/2016	38332	NAPA AUTO PARTS	171422	10-66-430	14.16
07/16	07/26/2016	38332	NAPA AUTO PARTS	171448	10-66-430	2.18
07/16	07/26/2016	38333	PAUL NEILSON	CELL	51-45-530	30.00
07/16	07/26/2016	38334	TRAVIS NEWCOMB	BIKE P	10-54-590	186.49
07/16	07/26/2016	38335	GARRY PFAFFMANN	B-BALL	10-64-350	200.00
07/16	07/26/2016	38336	TOM PINTAL	UMPIR	10-64-350	1,500.00
07/16	07/26/2016	38337	Pitkin County Treasurer	34467	10-60-432	128.74
07/16	07/26/2016	38338	RANDY SCHRIEVER	UMP J	10-64-350	255.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
07/16	07/26/2016	38339	KENDALL REILEY	NATUR	10-64-350	2,200.00
07/16	07/26/2016	38340	RENNER SPORTS SURFACES	3302	10-64-730	6,625.00
07/16	07/26/2016	38341	RIVER VIEW PLAZA HOA	4665/4	10-54-410	1,809.13
07/16	07/26/2016	38342	ROARING FORK RENTALS	230474	10-70-435	54.00
07/16	07/26/2016	38342	ROARING FORK RENTALS	230478	10-70-435	10.95
07/16	07/26/2016	38343	SARAH HORN	GRACE	10-24505	500.00
07/16	07/26/2016	38344	SEALCO	13740	10-60-432	16,500.00
07/16	07/26/2016	38344	SEALCO	13752	10-60-432	40,600.00
07/16	07/26/2016	38345	SETH NECAMP	UMPIR	10-64-350	385.00
07/16	07/26/2016	38346	SHAINE CONRARDY	REIMB	10-64-350	200.00
07/16	07/26/2016	38347	SIMS, TYLER	LABOR	10-64-350	100.00
07/16	07/26/2016	38348	SOPRIS MEDICAL PRACTICE	WHITTI	10-60-350	150.00
07/16	07/26/2016	38349	SOPRIS SUN	14141	10-41-675	150.00
07/16	07/26/2016	38349	SOPRIS SUN	14141	10-45-540	20.00
07/16	07/26/2016	38350	SOURCE GAS	JULY 2	10-50-410	260.82
07/16	07/26/2016	38350	SOURCE GAS	JULY 2	10-70-410	44.12
07/16	07/26/2016	38350	SOURCE GAS	JULY 2	10-66-410	1,523.11
07/16	07/26/2016	38351	STAPLES BUSINESS ADVANTA	804005	10-45-600	351.23
07/16	07/26/2016	38352	SUMMIT PAINT & DECORATING	AP641	10-50-430	49.55
07/16	07/26/2016	38352	SUMMIT PAINT & DECORATING	AP641	51-71-420	7.75
07/16	07/26/2016	38352	SUMMIT PAINT & DECORATING	AP641	10-60-600	16.20
07/16	07/26/2016	38353	STEPHANIE SYSON LLC	7.16	10-75-700	600.00
07/16	07/26/2016	38354	TAMERREL EXCAVATION	90040B	10-60-432	60,614.75
07/16	07/26/2016	38355	THE ART CENTER AT WILLITS	JUNE 2	10-41-670	12,971.41
07/16	07/26/2016	38356	JUDITH TIPPETTS	JULY 1	10-45-530	75.00
07/16	07/26/2016	38356	JUDITH TIPPETTS	REIMB	10-45-600	42.29
07/16	07/26/2016	38357	TREVOR LALONDE	CELL	10-70-530	30.00
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	67121	10-50-435	45.46
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70119	10-70-430	55.92
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70121	51-73-600	119.99
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70176	10-50-600	20.97
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70178	10-70-600	4.99
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70282	10-60-411	5.99
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70282	51-71-425	11.98
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70327	10-70-600	11.97
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70396	10-70-430	10.97
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70523	10-50-600	22.98
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70556	10-60-432	46.50
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70812	10-70-430	22.05
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70979	10-50-430	20.37
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	70979	10-50-600	28.99
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71015	10-70-600	13.99
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71020	10-66-430	24.96
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71132	10-70-430	1.79
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71154	51-73-600	31.98
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71168	10-60-600	46.57
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71376	51-73-600	5.49
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71388	10-70-600	9.95
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71542	10-63-430	27.98
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71542	10-60-431	31.98
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71793	10-66-430	19.74
07/16	07/26/2016	38358	VALLEY LUMBER COMPANY	71824	10-70-600	5.99
07/16	07/26/2016	38359	MATT WAGNER	JULY C	10-62-530	30.00
07/16	07/26/2016	38360	WESSELLING, RYAN	JULY C	10-62-530	30.00
07/16	07/26/2016	38361	ZELJKO RIHTARIC	TENNI	10-64-350	720.00
07/16	07/26/2016	38362	ZOE VOZICK	UMP	10-64-350	100.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
Grand Totals:						243,172.27

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
1020200	50.05	243,222.32-	243,172.27-
10-22760	588.62	.00	588.62
10-22770	765.36	.00	765.36
10-22775	799.30	.00	799.30
10-24101	76.25	.00	76.25
10-24128	51.75	.00	51.75
10-24480	26.25	.00	26.25
10-24505	560.42	.00	560.42
10-34-700	40.00	.00	40.00
10-41-670	13,971.41	.00	13,971.41
10-41-675	15,530.59	.00	15,530.59
10-44-320	3,500.00	.00	3,500.00
10-45-310	6,672.62	.00	6,672.62
10-45-315	5,937.60	.00	5,937.60
10-45-390	840.00	.00	840.00
10-45-520	1,844.51	.00	1,844.51
10-45-530	225.00	.00	225.00
10-45-540	1,119.28	.00	1,119.28
10-45-580	600.00	.00	600.00
10-45-600	442.27	.00	442.27
10-45-740	633.50	.00	633.50
10-47-330	2,399.85	.00	2,399.85
10-50-350	74.25	.00	74.25
10-50-410	404.05	.00	404.05
10-50-415	413.71	.00	413.71
10-50-430	189.20	.00	189.20
10-50-435	120.46	.00	120.46
10-50-600	477.51	.00	477.51
10-54-410	1,809.13	.00	1,809.13
10-54-590	186.49	.00	186.49
10-54-690	600.00	.00	600.00
10-58-605	111.00	.00	111.00
10-60-350	226.50	.00	226.50
10-60-411	5.99	.00	5.99
10-60-412	1,416.51	.00	1,416.51
10-60-431	31.98	.00	31.98
10-60-432	118,391.09	.00	118,391.09
10-60-600	112.77	.00	112.77
10-61-350	672.85	.00	672.85
10-62-530	150.00	.00	150.00
10-63-430	27.98	.00	27.98
10-64-350	18,650.00	.00	18,650.00
10-64-420	153.00	.00	153.00
10-64-730	6,625.00	.00	6,625.00
10-66-405	922.10	.00	922.10
10-66-410	2,799.96	.00	2,799.96
10-66-430	296.04	.00	296.04

GL Account	Debit	Credit	Proof
10-70-410	351.02	.00	351.02
10-70-430	489.03	.00	489.03
10-70-435	64.95	.00	64.95
10-70-530	209.96	.00	209.96
10-70-600	166.17	.00	166.17
10-70-700	2,321.00	.00	2,321.00
10-75-700	13,272.24	.00	13,272.24
51-45-310	3,014.40	.00	3,014.40
51-45-320	3,500.00	.00	3,500.00
51-45-390	74.25	.00	74.25
51-45-530	30.00	.00	30.00
51-71-420	7.75	.00	7.75
51-71-425	11.98	.00	11.98
51-71-700	2,805.00	.00	2,805.00
51-72-405	2,057.64	.00	2,057.64
51-72-410	604.48	.00	604.48
51-72-430	304.05	.00	304.05
51-73-410	1,924.18	.00	1,924.18
51-73-430	384.61	50.05-	334.56
51-73-600	157.48	.00	157.48
Grand Totals:	<u>243,272.37</u>	<u>243,272.37-</u>	<u>.00</u>

Report Criteria:

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

2016 Council – Advanced Agendas

Tuesday 8/9/2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 1st Reading on Election and Bond Ordinance for the Park Improvements
- 1st Reading on Amendments to the CSC Zone District and other zoning changes
- 2nd Reading Kai Peterson ADU

RESOLUTION

- Sketch Plan Approval - 150 Homestead Rezoning and subdivision cont. to 8/23

Tuesday August 23, 2016 WORKSESSION AND LEGISLATIVE

WORKSESSION

- Traffic Report on Southside

ORDINANCES

- 1st Reading TACAW Sketch Plan
- 2nd Reading on Election and Bond Ordinance for the Park Improvements
- 2nd Reading on Amendments to the CSC Zone District & other Zoning Changes

RESOLUTION

- Sketch Plan Approval - 150 Homestead Rezoning and subdivision

Tuesday August 30, 2016

Note: Another date where Council could take action on bond ordinance.

Tuesday September 13, 2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 1st Reading on Stott's Mill PUD Reinstatement, Sketch Plan on MF
- 2nd Reading TACAW Sketch Plan

Tuesday September 27, 2016 WORKSESSION AND LEGISLATIVE

ORDINANCES

- 1st Reading Recycle Ordinance
- Cont. 1st Reading on Stott's Mill

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

PARTIAL LIST OF COUNCIL PRIORITIES TO BE SCHEDULED

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

OTHER DISCUSSION ITEMS IDENTIFIED BY STAFF

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

LAND USE APPLICATIONS

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

BOARD OF COUNTY COMMISSIONERS

July 15, 2016

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

Dear Fellow Commissioners and Council Members:

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

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

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

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

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

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

Sincerely,



Rachel E. Richards, Chair, Pitkin County Commissioners

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

cc: Eagle County
Aspen
Basalt
Carbondale
Snowmass Village



To: County Commissioners, Municipal Elected Officials, and Staff

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

Date: July 31, 2015

Re: Materials on SB 152 elections

Introduction

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

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

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

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

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

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

What sort of election specifics does SB 152 require?

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

The ballot:

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

How have other jurisdictions addressed these requirements?

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

What about the "single subject" requirement?

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

Pitkin County Ballot Measure 1A: (Fall 2015)

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

TO: Basalt Town Council
FROM: Mirte Mallory, WE-cycle, Co-Founder and Director
DATE OF MEETING: July 26, 2016
RE: WE-cycle Basalt Mid-Season Update

Community-supported bike share has arrived in Basalt! 80 WE-cycles are now cruising the streets, bike paths, neighborhoods, and commercial centers of Downtown Basalt, Willits, and El Jebel serving the community with a pedal-powered transportation system.

Ridership

- See attached Ridership Highlights.
- The Basalt WE-cycle System is averaging 33.6 rides per day. By contrast, the Aspen System averaged 66 rides per day by the end of its first season. WE-cycle is pleased with this level of ridership given the size of the community and specifically because 97% of these rides are being completed by locals, ie season passholders, using the system for transportation and commuting purposes.
- 66 rides marks the peak ridership day in Basalt to date.
- The average ride time is 8.2 minutes, another affirmation that the system is being used for short, one-way trips. Of note, WE-cycle is witnessing minimal rides between Downtown Basalt and Willits | El Jebel.

Station Observations

- The Neighborhood Stations are by design small, 5-dock stations, allowing for multiple stations in one neighborhood. These small stations were designed specifically for the Basalt WE-cycle System and are the only ones of their kind. Anticipating the ridership demand of these stations requires observation of patterns and astute balancing on behalf of the WE-cycle Operations Team, always a learning in progress. These stations are also scalable to thereby grow as demand increases. To this end, WE-cycle has just expanded the Lakeside Apartments and Arbaney Park stations.
- By almost two-fold, the Basalt BRT Station is the system's busiest with bikes arriving in the morning hours and departing during the evening commuting period. This station will soon be moved near the platform of the downvalley BRT stop to accommodate underpass construction.
- WE-cycle currently has one station located in Blue Lake which is the 4th busiest Neighborhood Station. The Blue Lake HOA recently unanimously requested another WE-cycle station in their neighborhood. WE-cycle doesn't have the funds at this time to respond to this community interest but is noting demand for future expansions.

Sponsorship

- It is with great excitement that WE-cycle announces that Valley View Hospital is now the Basalt System Bike Sponsor! By August 1st, all 80 bikes will showcase Valley View Hospital demonstrating their commitment to health and livability of the Basalt community. The Willits Care Center and WE-cycle will also be working on health-based programming.
- WE-cycle continues to engage new Inaugural Sponsors as supporters of the Basalt System.



Movimiento en Bici

- WE-cycle's Basalt System is honored to be one of nine nationwide recipients of a Better Bike Share Partnership Grant, funded by The JPB Foundation to build equitable and replicable bike share systems. Basalt joins Atlanta, Boston, Brooklyn, Los Angeles, Milwaukee, Minneapolis, Oakland and Berkeley, and Portland in implementing community-based, and innovative, equitable bike share practices.
- WE-cycle's focus is on the providing bike share access to Basalt's Latino Community. In partnership with the Valley Settlement Project, WE-cycle has hired two Latino Outreach Coordinators, is offering weekly group rides and learn to ride sessions, and is conducting neighborhood sign-ups.

New Initiatives

- In an effort to engage more of the community in not just observing the WE-cycle stations in Basalt, but in trying bike share, WE-cycle has launched a **Basalt 30-day Free Trial**. Sign up at ridewe.org/basalt. Information attached.
- WE-cycle has learned that employer leadership and encouragement is one of the greatest influencers for individuals to begin bike sharing. To this end, WE-cycle has launched a **Ride to Win** campaign in which businesses can win free messaging on WE-cycle bikes in 2017 if their employees shift up their commuting patterns and use WE-cycle.

WE-cycle invites you to join the movement!

- As a Basalt Town Council member, we encourage you to activate your free WE-cycle season pass and experience the ease and convenience of bike sharing. By signing up and having the pass quickly available on your phone, or your wallet, you can spontaneously hop a ride to your destination and be there in minutes. **Sign up at: ridewe.org/tob**
- WE-cycle is always available for rides, tutorials, and to answer questions, please be in touch: info@we-cycle.org or 970.205.9222

weCYCLE ROLLS INTO BASALT

community-supported bike share



In **56** days, on **80** bikes, at **23** stations...

1,868 rides

33.6 rides per day

8.2 min average ride time

97%
rides by season passholders

9 am | 5pm
peak ride hours

STATIONS...

- #1** Basalt BRT
- #2** Willits Alpine Bank
- #3** Lakeside Apartments
- #4** Rocky Mountain Institute
- #5** El Jebel BRT Downvalley

FIRST SYSTEM

To implement small
Neighborhood Stations

weCYCLE

community-supported bike share

TITLE SPONSOR

BIKE SPONSOR

Aspen
Snowmass | Sotheby's
INTERNATIONAL REALTY



Valley View
Hospital

INAUGURAL SPONSORS TO DATE...

FOUNDING PARTNERS \$40,000+



PARTNERS

\$20,000+



\$10,000+



\$5,000+



ABC FOUNDATION

\$1,000+



COMMUNITY PARTNERS



EL JEBEL LAUNDRY

CONNECT WITH

weCYCLE

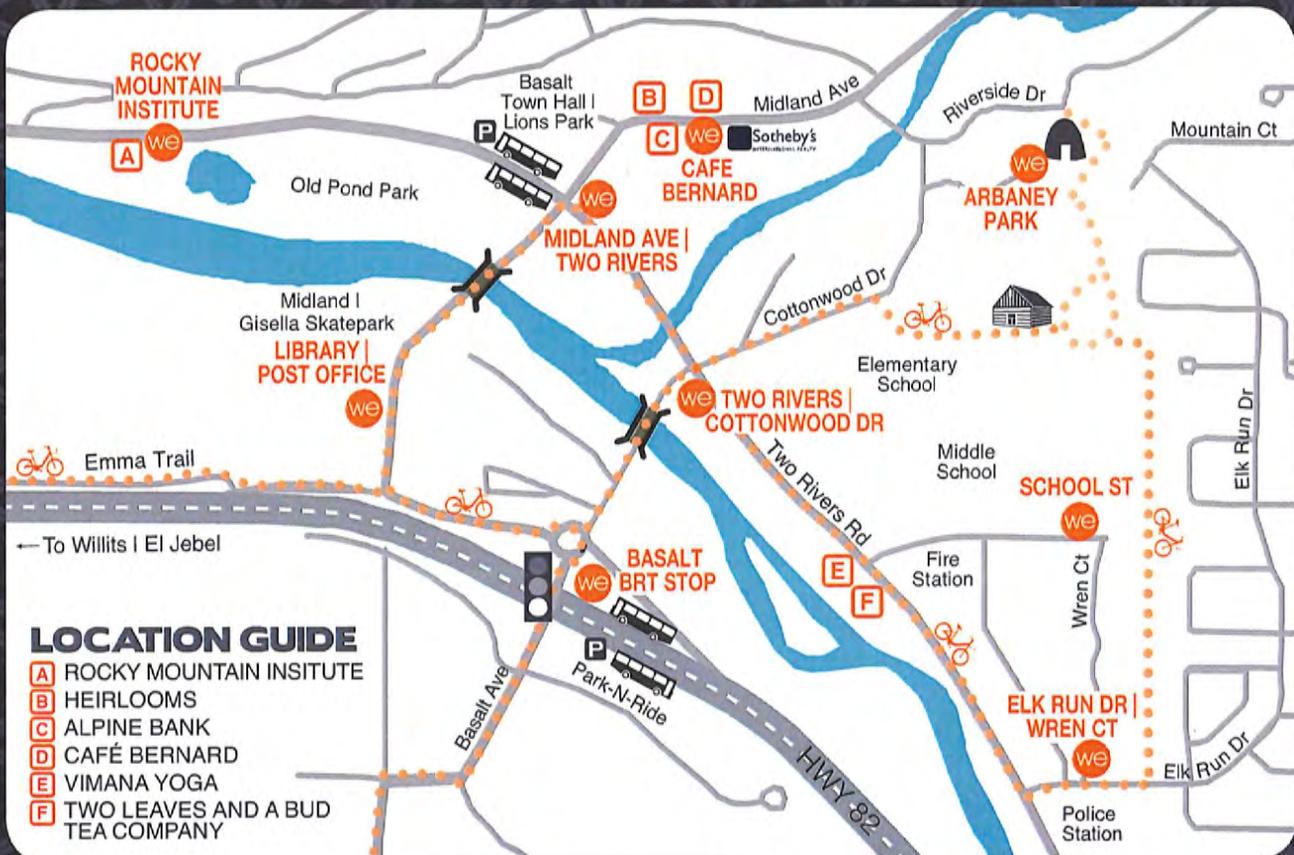
community-supported bike share

BASALT

FREE TRIAL 30-DAY PASS

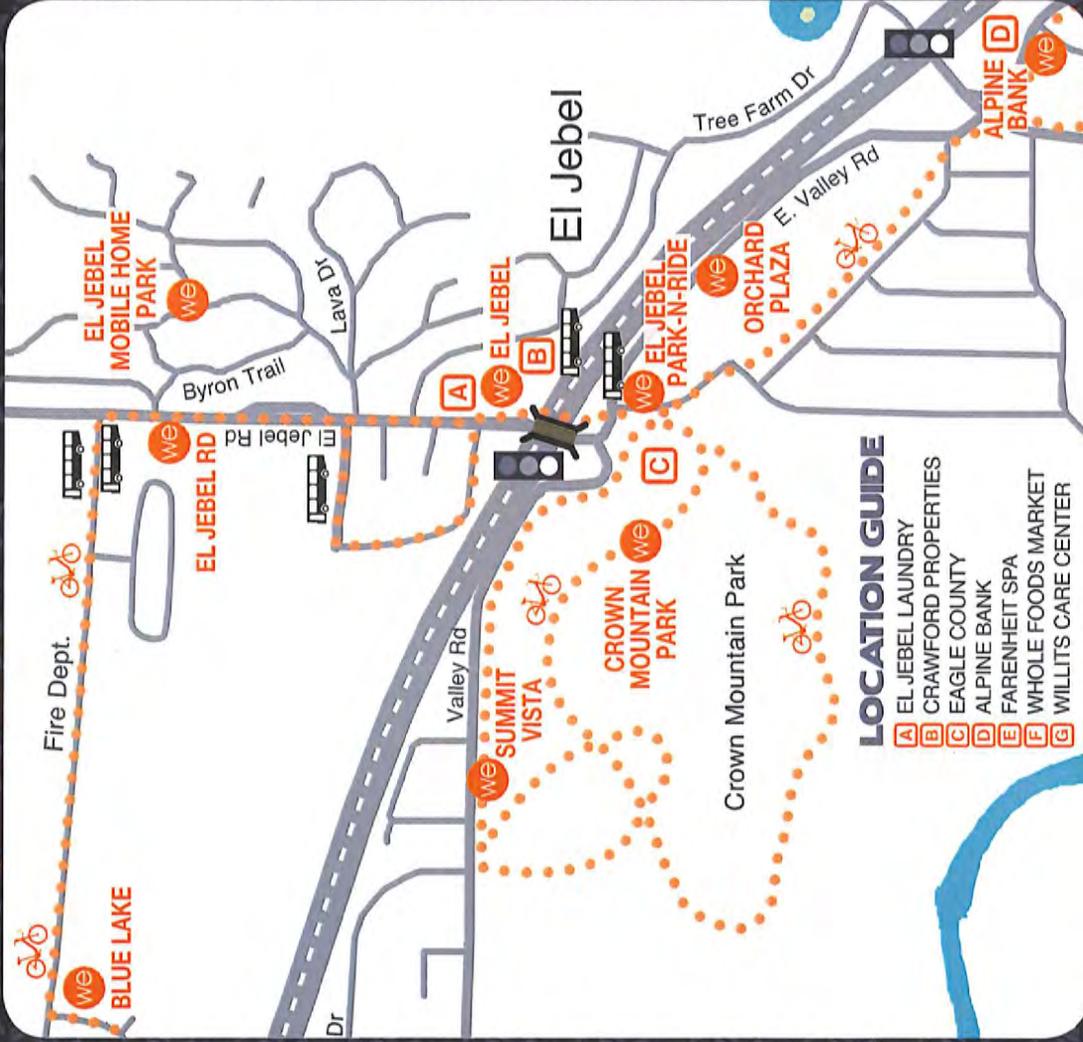


with option to extend for the rest of the season! Sign up at ridewe.org/basalt

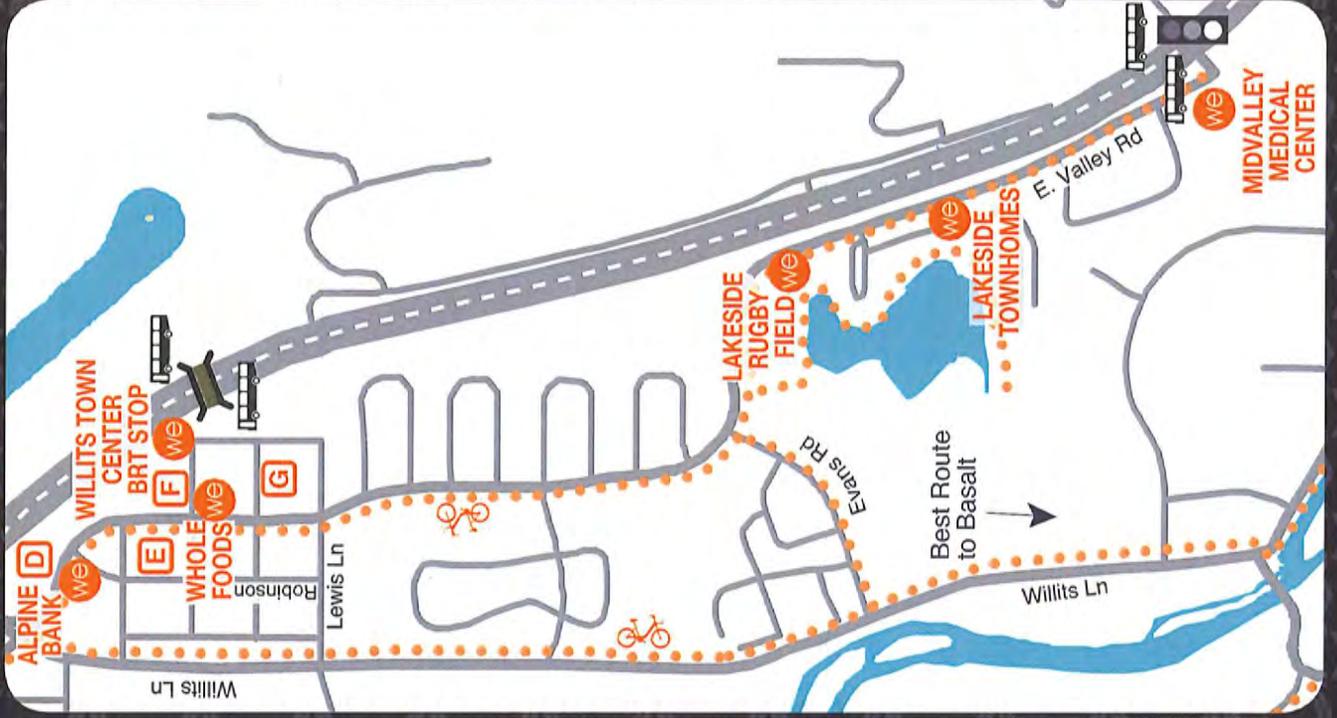


Questions? >> 970.205.9222 >> info@we-cycle.org

EL JEBEL



WILLITS



Why WE-cycle? Quickly and easily get around town | Get outside | Shorten your commute to work or to the bus | For FUN!

MEMORANDUM

TO: Mayor Whitsitt and Basalt Town Council
FROM: Pamela Schilling, Town Clerk
DATE: July 26, 2016

RE: Recent Administrative Liquor Review/Approvals

The Town Clerk has administratively approved the following liquor licenses/permits:

- Bernard's Beer and Wine
- Toklat Art Gallery Permit
- Alpine Liquor Store – Off Premise Liquor Store