

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING & PUBLIC HEARING  
Tuesday, April 21, 2020**

**CALL TO ORDER**

Meeting called to order at 6:01pm.

Commissioners present included Joan Keefe, Gino Rossetti, Eric Vozick, Rob Leavitt, Bernie Grauer, Bill Maron, and Alternate Tracy Bennett.

Staff present included Susan Philp, Planning Director; James Lindt, Assistant Planning Director; and Sara Nadolny, Staff Planner

Philp explained how the public would be able to provide input via phone or text.

**APPROVAL OF MINUTES**

**APPROVAL OF MINUTES M/S LEAVITT AND KEEFE TO APPROVE THE MINUTES OF MARCH 3, 2020. MOTION CARRIED BY A VOTE OF 7 TO 0.**

**APPROVAL OF MINUTES M/S ROSSETTI AND VOZICK TO APPROVE THE MINUTES OF MARCH 12, 2020. MOTION CARRIED BY A VOTE OF 7 TO 0.**

**APPROVAL OF MINUTES M/S VOZICK AND ROSSETTI TO APPROVE THE MINUTES OF MARCH 17, 2020. MOTION CARRIED BY A VOTE OF 7 TO 0.**

**AGENDA ITEMS**

**Public Hearing – Clasen Application: Special Review Approval for an Accessory Dwelling Unit (ADU) on the property located at 112 E. Hillside Drive.**

Lindt introduced the project and displayed a vicinity map, indicating the location of the parcel at the corner of Hillside Drive and Spur Lane. The Applicant purchased the property in 2004 and applied to legalize the first floor ADU. The Applicant received approval and were required to file a site plan pursuant to Ordinance 11, 2004. Lindt said the site plan was never filed, and that a neighbor filed a complaint in 2018 about an illegal ADU. Staff checked and found that the site plan and deed restriction were never filed or recorded. Lindt referred to the language in ordinance, Item 1 in the ordinance that nullified approval since site plan was not recorded.

Lindt explained that the neighbor complainant had a representative that indicated the subject site was not large enough for an ADU. Staff investigated, and based on a technicality it was determined by the Town Attorney that a quiet title action would be necessary to incorporate some of the land area shown as Parcel B into the property to get it above the 8,000 square foot minimum lot size required for an ADU in the R3-TN Zone District. Lindt explained that the Applicants went through a quiet title action and the court added the portion of the property shown as Parcel B to

the site which brought it above the 8,000 square foot minimum lot area necessary for an ADU. The Applicant then renewed the application to legalize the ADU.

Lindt described the lot as approximately 9,900 square feet and zoned R-3 TN. The first-floor unit is proposed as the ADU and the second floor is the primary residence. Lindt showed a picture of the site and explained that the Applicant has expanded the off-street parking area to provide for five asphalt and gravel parking spaces.

Lindt introduced the discussion items, noting that the application is consistent with the 2020 Master Plan's objective to integrate ADUs into neighborhoods. Staff finds the application to be consistent with the goals of the Master Plan and the neighborhood character. He noted these are two small residential units that comply with R-3 TN zone district regulations. Parking was one of Staff's concerns and the Applicants subsequently expanded the parking to include five off-street parking spaces. Lindt noted an easement for streets and ditches that a portion of the parking sits on, as seen on the plat. He said that in other areas of the Hill District area parking has been allowed within similar easements.

Lindt noted the Applicants are amenable to deed restricting the property in compliance with zone district which requires one of the two units to be occupied as a primary residence.

The Fire District requires limbing up a tree on the site to 13'6" above road grade which has been included as a draft condition of approval.

Lindt recommended the P&Z take public comment. He said Staff recommends approval of the application with the conditions included. Lindt introduced Norm and Laura Clasen and Attorney Kelsey Nichols.

Laura Clasen said that the illegal ADU was already constructed when she and Norm purchased the property. She said they started the process to legalize the unit right away and believes the Town and the Clasens had been under assumption the unit was legal for the past 15 years. She said they had been paying for two water and sewer taps the entire time. Clasen said they are going through the process again because they are trying to do the right thing and bring the ADU into compliance. Norm Clasen indicated they brought the parking into compliance by expanding it last fall.

Laura Clasen indicated they did have some initial concerns about the Fire Department's tree trimming requirement. She indicated that she had spoken with Assistant Fire Marshall Brooke Stott and now the tree has to be trimmed over street to allow fire truck access so they won't have issues, rather than the specific requirement of 13'6". The Applicants will work with Stott to ensure the requirement is met.

Nichols said that so much of the application has been about correcting things historically. She indicated she had worked closely with the Town and Town Attorney Jeff Conklin. The Clasens now have a Quiet Title order that is binding on the Town of Basalt indicating the Clasens have title to Parcel B. Nichols said that the quiet title action was provided to anyone else in the neighborhood who wanted to file a claim, which no one took action on. The Court says Clasens

now own that entire lot. Nichols said this cleans up a lot of the past issues and the application should be approved.

Laura Clasen added that the units have almost always been leased to area employees, and this serves as employee housing.

Commissioner Maron opened up to Commissioner questions.

Commissioners Keefe and Bennett indicated they had no questions.

Commissioner Rossetti asked for clarification on who is going to own and live in the upstairs unit per the Code requirement. Laura Clasen replied that currently the unit is occupied by two tenants that are locally employed. She added this is their permanent residence.

Commissioner Rossetti asked Staff if this satisfies the intent of the law. Lindt replied that it does – that the R-3 TN zone district requires one of the two units to be occupied by a permanent resident as their primary residence.

Commissioner Vozick asked if the neighbor's complaint has been satisfied. Lindt replied that he has received no further comment after the quiet title action was completed. The neighbor also received the public notice for the hearing, and Staff received no further comments.

Commissioner Leavitt asked Staff the amount of the Parkland Dedication fee that was waived. Lindt replied the amount was approximately \$9,000, and added that the fee is automatically waived through the R-3 TN code language if the property is deed restricted.

Commissioner Leavitt asked if the units have been inspected by Building and Fire, and if they need to be. Lindt replied that the units originally received building permits but have not been newly inspected. He said the P&Z can add that requirement.

Commissioner Leavitt noted that Air BNB units require Fire Department inspection to be legal. Philp said this is a good suggestion to include in approval. Lindt said they could add the requirement for the same inspections that short-term rentals are subject to, which are safety oriented.

Chair Maron asked whether the 2004 ADU application was complete other than filing the plat. Lindt indicated that it was.

Chair Maron asked if site triangle was a concern for this property, as the Spur Lane portion and Hillside drive are not contiguous. Lindt said that it would likely apply, and that the Applicant added the new parking away from the site triangle. He noted that the previously existing parking spaces were probably partially within the site triangle.

Chair Maron opened the public hearing at 6:23 pm. Philp confirmed no emails or texts were received. Chair Maron closed the public hearing at 6:25 pm.

Chair Maron opened the meeting up for Commissioner comments.

Commissioner Rossetti indicated that he is comfortable with the application.

**M/S LEAVITT AND ROSSETTI TO RECOMMEND APPROVAL OF THE ADU WITH THE ADDITION THAT THE UNIT HAS THE SAME INSPECTIONS AS SHORT TERM RENTALS. MOTION PASSED 7 TO 0.**

**Agenda Items**

Pitkin County Referral – 165 Hoaglund Ranch-Four Seasons Yard Rezoning, Text Amendment, and Special Review Use for a Farm and Wholesale Distillery

Philp called in Luc Bamberger of Anderson Mason Dale, architect for the project.

Lindt introduced the project as a referral to Pitkin County on a development review application that is proposing a farm-to-bottle distillery at 165 Hoaglund Ranch Rd. The property is located on the north side of Highway 82 within the Pitkin Basalt Junction (PBJ) area near Holland Hills. Lindt explained that the property was most recently used a contractor's yard for Four Seasons Landscaping. The property is eight acres in size and within Basalt's Three Mile Planning Area but outside of the Town's urban growth boundary. Lindt said the application proposes that a portion of the property be used for agriculture and the other area is the distillery, warehouse and storage. He also said the plans include two caretaker units measuring about 1,000 square feet in size on the property.

Lindt said the application indicates the site will be gated and that the business will not be open to the public except for an occasional informational tour. There will not be a tasting room associated with the distillery.

Lindt noted the draft letter to Pitkin County is included in packet. Item 1 identifies the new Master Plan for the Town and indicates there are guidelines on which the Town is to base referral comments for area. Comment 1 indicates the use is compatible with the surrounding area and has limited impact. Lindt said it further identifies there will be no increased pedestrian activity across Highway 82 as a result of the use, and that it does not compete with retail uses in the Town of Basalt.

Lindt continued that Comment 2 in the draft letter includes a discussion about traffic generation. The prior approval for the parcel includes a limit on the number of vehicles used or maintained on the site as the contractor's yard use. He said the comment suggests that Pitkin County Staff get more information and a better understanding of the proposed daily trips to and from the site to ensure that the use won't generate traffic above the current approval.

Comment 3 recommends that Pitkin County ensure that the architecture of the structures fit into the character of area. Lindt indicated the Applicant has plans to rebuild within the current structure's footprint.

Comment 4 recommends that the County consult with CDOT to determine if an access permit is required. Lindt said this is a standard Town comment for the PBJ area.

Lindt explained that Comment 5 recommends the County ensures the Applicant complies with the representations in the application, to keep the use impacts down and prevent the business from becoming a gathering place given the traffic issues in area.

Comment 6 recommends that Pitkin County require a high level of energy efficient and sustainable practices are incorporated into site operations.

Lindt concluded that the P&Z has the option to direct Staff to transmit letter as drafted, or to amend the letter and then transmit to Pitkin County.

Luc Bamberger introduced himself and said he is familiar with the area. He noted he has high aspirations for the site; that he wants to make it a beautiful place that respects the valley.

Bamberger said he will bring the Board of County Commissioners (BOCC) the items to discuss from Staff's letter. He said the traffic will be well below anything that has historically occurred on site. They are planning on having two full time employees and one part-time administrative person, and that the number of employees could double to five if things go well.

Bamberger said that they expect to have deliveries two to three times per month and pickups of product, stressing that the business will be closed to the public. He said they may provide some private tours on occasion, but there will be no tasting room. The property will be limited to people who work there, including two on-site caretakers.

Bamberger said the buildings are planned in an agricultural style with materials of the valley, primarily wood and steel. The northwest half of the site will restore winter wheat which is used in distilling. He said that while ideally they would harvest it and put into the product, the amount is not nearly enough to meet the need, so the wheat is more about telling a story and a focus on the farming roots of the valley. He indicated his client has high goals for sustainable building and is pursuing LEED silver at a minimum. He is also exploring the recapture of carbon dioxide from the distilling process, looking at stormwater retention on site, and exploring ways to heat and cool the building.

Chair Maron opened the meeting up to Commissioner questions.

Commissioner Keefe asked if the property is zoned residential and commercial uses. Lindt replied that it is currently zoned in Pitkin County with unclassified zoning requiring site specific approval. Commissioner Keefe asked if this will become a determined zoning because of the mix of uses on the site. Lindt replied that the application is for Special Use Review, similar to reviews for a PUD.

Commissioner Keefe asked if the business is part of another local distillery. Bamberger replied that this is a new one from the ground up.

Commissioner Keefe said she is familiar with farm-to-bottle festivals, and asked if this property would be open to festivals, etc. Bamberger said that the business will not be open to public.

Commissioner Keefe noted that the area where wheat is planned to be grown is a large chunk of land for just show and tell. She asked if the owner had other intentions for the land. Bamberger replied that the owner intends to keep the land open into the future. Improvements will be made to the landscaping on the site and a buffer will be created between the properties. He said they intend to plant the property line with some trees, and to keep the northwest half of the site as open space.

Commissioner Vozick asked if the distribution be limited to valley, throughout Colorado, or beyond, and what is the intended growth potential down road. Bamberger said they would start with local restaurants and bars within the valley and expand distribution state-wide as the company grows.

Commissioner Vozick asked if the facility size will be similar to the marijuana grow operation down the street. Bamberger said that he is not familiar with that project, but this would be about 5,000 square feet in size, similar to the largest structure currently on the site. Lindt added that the marijuana facility is around 30,000 square feet.

Commissioner Vozick asked what spirits will be made at the distillery. Bamberger replied vodka and gin, and maybe small batch whiskey.

Commissioner Leavitt asked the Applicant's last name. Lindt replied that the application is under Fields LLC, but that he would try and get a last name.

Commissioner Leavitt said that his biggest concern is that access from Highway 82 is properly addressed. Lindt reiterated that in the draft letter the Applicant needs to work with CDOT to determine if an access permit is required and the use is not increasing traffic on site.

Commissioner Maron confirmed the matter is not a public hearing and asked the Commissioners if they had any changes to the drafted referral letter.

Commissioner Keefe noted that winter wheat is a winter cover crop. She said she would like some details on the secondary crop or use for the large open space area. Bamberger said he will address that. Commissioner Keefe said it is important to pay attention to the future of that area.

Commissioner Vozick said that he appreciates the application and that Pitkin County is working with us per the Town's Master Plan guidelines. He also voiced appreciation for the Applicant's details to sustainability efforts.

Chair Maron said Basalt is a receptacle for the wages of sin, noting there are many weed and liquor production facilities. He says this is fine, but finds it to be interesting. He said he feels the referral letter is fine and asked for a motion to approve.

**M/S VOZICK/KEEFE TO APPROVE THE REFERRAL LETTER TO PITKIN COUNTY AS DRAFTED. MOTION PASSED 7 TO 0.**

**Commissioner Comments and Staff Updates**

Philp provided some updates, saying there is a lot of construction in Willits. SkiCo received their full building permit yesterday. Block 11 is operating under a foundation permit on the north side. The Steadman Clinic is having discussions about their application and looking to submit their site plan soon and building permit in June.

Susan says Eagle County has different regulations than Pitkin County with regards to construction during COVID. Eagle has resumed construction with a protocol safety plan. Pitkin County will allow contractors to submit site safety plans to all governments within Pitkin County on Thursday and the earliest they can resume construction is Monday, April 27<sup>th</sup>. Pitkin County Health Department has weighed in heavily.

Applications are moving forward, and Applicants must determine if they want to go through the process remotely. GrassRoots TV has been contracted to continue filming the P&Z meetings.

The election has been certified and the new Town Council will be sworn in next Tuesday.

**M/S VOZICK/BENNETT TO ADJOURN. MOTION PASSED 7 TO 0.**

The meeting adjourned at 7:09 pm.

TOWN OF BASALT  
PLANNING AND ZONING COMMISSION

By   
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William C. Maron, Chair

Attest   
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Susan Philp, Planning Director