

**Town of Basalt, Colorado
Resolution No. 20
Series of 2014**

**A RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO,
GRANTING SKETCH PLAN APPROVAL FOR A ZONE CHANGE FROM
C-3 TO P-PUBLIC, SITE PLAN APPROVAL, EXEMPTION FROM THE
COMMUNITY HOUSING REGULATIONS, AND ESA APPROVAL FOR
THE ROCKY MOUNTAIN INSTITUTE'S INNOVATION CENTER ON A
PORTION OF LOT 2 OF BASALT RIVERFRONT PARK SUBDIVISION,
LOCATED AT 22830 TWO RIVERS ROAD**

RECITALS

1. The Rocky Mountain Institute ("Applicant"), submitted an application for sketch plan approval for the property known as a portion of Lot 2 of the Basalt Riverfront Park Subdivision, located at 22830 Two Rivers Road (The "Property").
2. Applicant requests approval of a sketch plan application for a zone change from C-3 to P-Public, a site plan approval, exemption from the community housing regulations, and ESA approval for RMI's proposed innovation center.
3. The Planning and Zoning Commission considered the application at a public hearing on March 18, 2014, throughout the meetings, evidence and testimony was offered by the Applicant, staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the application with conditions on March 18, 2014.
4. The Basalt Town Council considered the application at a public hearing on April 22, 2014, when evidence and testimony was offered by the Applicant, staff and members of the public.
5. The Basalt 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 Resolution.

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

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

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 § 16-6 for the purpose of a zone district change, § 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, Article XXI for the purpose of reviewing Rivers, Wetlands, and Environmentally Sensitive Areas; and §16-412 concerning assessing waiving or partially waiving community housing mitigation requirements on new public facilities by quasi-governmental agencies.
2. The application conforms to the provisions of Article 16 of the Town Code provided that the conditions contained in this resolution 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 provided that the conditions contained in this resolution are satisfied.
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.

APPROVAL AND CONDITIONS OF APPROVAL.

The Town Council hereby approves for the purpose of sketch plan approval, a zoning change from C-3 to P-Public, a Site Plan, an ESA review; and the method of addressing affordable housing requirements for RMI's proposed Innovation Center in the Town of Basalt, subject to the conditions contained in **Exhibit A** and in **Exhibit B**.

MISCELLANEOUS.

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

2. If any part, section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution and the Town Council hereby declares it would have passed this resolution 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 AND ADOPTED by a vote of 6 to 0 on April 22, 2014



TOWN OF BASALT, COLORADO

By: _____

Jacque R. Whitsitt, Mayor

ATTEST:

By: _____

Pamela K Schilling, Clerk

Exhibit A
Rocky Mountain Institute
Conditions of Sketch Plan Approval

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 (P&Z) and Town Council.

Uses, Site Plan, Design, and Development Program:

3. The approved use of the site is for the RMI Innovation Center (offices and collaborative convening facility) as represented in the Application.
4. The site plan, architecture and development program for the RMI Innovation Center are approved as provided in this exhibit and in Exhibit B, subject to the conditions set forth herein and subject to revisions as a result of the revised site plan dated April 17, 2014, prepared by Sopris Engineering.
5. The Final Plan application shall include the final dimensional requirements for the project. The dimensional requirements shown on Exhibit B are generally approved with any necessary adjustments to satisfy the conditions of this approval. The Applicant shall detail the additional height needed for solar panels and floor area calculations in the Final Plan Application.
6. As requested by the Town, the Town will increase the boundary of the Property to include the eastern 30 feet currently platted as an access easement and the Applicant will move the building and immediately adjacent improvements approximately 10 feet to the east in order to create a slightly larger site for the adjacent River Center Parcel. The objective is to improve the openness and public accessibility and visibility to the pond as described in the March 18, 2014, Staff Memorandum in Section IV, Item No. 3 Location of Trails. This will also move the western property line of the RMI Property 10 feet to the east.
7. The monument sign as shown in the application is approved for the purposes of sketch plan review.

Landscape Plan and Urban Agriculture:

8. The Final Plan Application shall satisfactorily address the comments made by Lisa DiNardo, Town Horticulturist, in her email dated March 6, 2014, regarding the

Landscape Plan. The Applicant shall meet with the Town Horticulturist following Sketch Plan approval to further refine the landscape concepts before preparation of the Final Plan. The Final Plan will be developed to facilitate view corridors toward the river and welcoming paths to the river. The Town and RMI will work together to determine the best transition between the riparian environment at the rear of the site and the more urban streetscape environment, considering the view corridors, minimizing maintenance and water use.

9. The Town will continue to work with RMI on an urban agricultural component on other Town property consistent with the intent of the Living Building Challenge application.
10. The Applicant has asked whether they can explore and submit different street light fixtures for Two River's Road in place of the Town's traditional streetlight fixture. The Town supports RMI making recommendations on how the fixtures would be used on the street scape in front of the RMI site and transitioned both east and west of the RMI site.
11. The Town asks RMI to explore adding vertical information elements or artwork informing the public about RMI around the sidewalk area in front of the building to add interest and give the public information about what happens in the Innovation Center.

Affordable Housing

12. The Applicant will work with the Town on an arrangement for satisfying any appropriate AH mitigation requirements prior to submission of the final plan application. Any arrangement will consider the potential for deed restricting, or conveying to the Town, some or all of the housing units RMI owns in Old Snowmass (as identified in Exhibit E of the sketch plan application) in exchange for a number of considerations by the Town to be agreed upon through the process described in condition number 15 below.

Financial

13. The Applicant shall be required to pay all applicable impact fees as identified in the Basalt Municipal Code.
14. Before submittal of the Final Plan Application, the Applicant shall submit engineer-certified cost estimates for the public infrastructure and improvements required for the Development. As some of the infrastructure improvements will be needed by both RMI and the Roaring Fork Conservancy River Center Project, the Applicant shall work with the Roaring Fork Conservancy to resolve details related to cost sharing and timing associated with these improvements. The Applicant shall

provide a document summarizing this agreement as part of the Final Site Plan application.

15. Before Final Plan submittal, the Applicant shall meet with the Town's Financial Advisor, Bruce Kimmel, Ehlers Public Finance, and the Town Manager for the purpose of a jointly-agreed division of the costs along with the Applicant's payment schedule for the land which reflects the following objectives:

- A. Bringing the site to a developable site condition including taking the property out of the floodplain, and satisfying the requirements of the Conditional Letter of Map Revision (CLOMR) and Army Corp of Engineers Permits. (*Note: RMI's Option Contract to purchase the property assigns the Town the responsibility for removing the existing buildings.*)

- B. Satisfying the Town's affordable housing requirements pursuant to the recommendation of the Town Planner as outlined in the Staff memorandum dated March 18, 2014.

- C. Making the Improvements related to the pedestrian trails on either side of the RMI site as well as the improvements proposed within the Two Rivers Road right-of-way as generally contemplated by Basalt's Two River's Road Greenway Master Plan and being refined by the Town of Basalt.

- D. Allocating the costs for improvements related to potable water, storm water, and sanitary sewer service as required to serve RMI, RFC and the Town's needs for redevelopment of the Fix the Fork Project Area.

Compliance with the Town of Basalt Green Goals

16. The Applicant shall comply with the Green Goals stated in the application by building to the standard included in the application and seeking the Living Building Challenge Certification, and complying with the water related conditions included in this approval in Condition No. 20.

Two River's Road Greenway Master Plan and Parking

17. The Applicant's proposal to satisfy the parking needs of the RMI project is approved and shall be further detailed as part of the Final Plan submittal. This sketch plan approval includes the potential for using the cash-in-lieu option described in Section 16-94(4) of the Basalt Municipal Code for satisfying all, or a portion of, the off-street parking requirement associated with the future expansion space. The actual off-street parking requirement and the exact mechanism(s) for meeting the requirement for the future expansion space will be determined during the final site plan review process for the future expansion space.

As part of the Final Plan submittal, the Applicant shall describe how they will monitor and document implementation of the Travel Demand Management (TDM) measures included in the Application. If the Final Plan for Two River's Road deletes parking spaces shown on the RMI Sketch Plan, the Applicant does not need to pay for additional parking. Consistent with Town policy, parking on Two River's Road will not be reserved or designated for RMI use. The Applicant shall include a signage plan for the parking spaces on the RMI property to clarify ownership and use of the 6 parking spaces on the west side of the site.

18. The Applicant is encouraged to consider additional bike-share and We-cycle programs as outlined in the correspondence from David Johnson, RFTA dated March 3 and March 4, 2014, and from Jason White, RFTA, dated March 4, 2014, as well as other requests that will come up over time as bike-share programs are developed in the area.
19. The Applicant will work with the Town to refine the optimum road-cross section for Two River's Road through RMI's Final Plan application process recognizing the multiple goals that this corridor serves. The Final Plan application submittal shall be based on the cross-section shown on April 17, 2014, Site Plan prepared by Sopris Engineering and described in the "Update on Two River's Road Cross-Section 4-17-14" summarized by Staff.

Water Conservation and Use

20. The Town made the decision to remove the planned looped water line that would serve the RMI and RFC projects in conjunction with the Applicant's Engineer as part of the Fix the Fork Project in order to reduce the impacts on wetlands, the River Park and RMI sites. To reduce the potential short and long-term impacts of creating a dead-end water line, the plans submitted in the Final Plan application shall include the following:
 - A. Move the service line for the RMI building to the front of the building on Two Rivers Road.
 - B. Downsize the water line which serves the westernmost fire hydrant (near RFC site) from 8 inches to 6 inches if it can be documented, to the satisfaction of the Fire District, that a 6 inch line will provide the necessary fire flows for the RFC and RMI facilities.
 - C. Work with the Town and RFC to develop a plan to prevent the need to discharged water from the main to avoid water quality issues related to potential inadequate water turn over in the dead-end line. If it's not possible to create a plan that satisfies the concerns of the Basalt Public Works Department regarding water quality

without the need to flush the water main, the Applicant shall develop a protocol for periodic flushing of the water main and methods for reusing flushed water that do not conflict with Town and RMI goals regarding water conservation. One such method would be to direct discharge water through planned wetlands on the RFC site. The protocol should not put extra burden on Town Public Works Staff and must include recommendations to address the situation both before and after RFC's River Center has been developed. Per the recommendation of the Public Works Director, the Plan shall address contamination related to backflow. Also, installation and maintenance of the infrastructure necessary to address this issue shall be the responsibility of the Applicant and RFC (to the extent the infrastructure is located on RFC property or otherwise benefits RFC, and as agreed to between RMI and RFC). The Town hopes this plan can become a template for other communities where green development projects and aggressive water conservation policies may create similar issues related to potable water stagnation.

D. The Town will work with the Applicant to provide a non-potable water source for irrigation. The Town will further work on providing irrigation from Old Pond Park and work with the Applicant to determine a non-potable tap fee and payment program.

E. The Applicant shall monitor its water use. During Final Plan review the Town and Applicant will work together to establish a protocol for refunding all, or a portion of, potable water tap fees where actual water use, as determined by verifiable monitoring, demonstrates consistent water consumption below the standard assumed by the Basalt Water Department in the calculation of EQR's. The goal is that this protocol could become a model for other communities.

F. As part of the Final Plan submittal, the Applicant shall include documentation of the legal framework for the water collection and use system discussed in the Application sufficient to protect the Town's interests and legal liability.

Other Utilities, Fire Protection, and Other Referral Comments and Technical Issues

21. The Final Plan Application shall satisfactorily address the comments made by Bill Harding, Basalt and Rural Fire Protection District, dated February 24, 2014.
22. The Final Plan Application shall satisfactorily address the comments made by the Basalt Sanitation District, in their email from Loyal Leavenworth as consultant for District to Susan Philp dated February 26, 2014, and their letter from Wyatt Popp, Olsson Associates, dated February 26, 2014, except for the width of the sanitation easement which was approved by the District at their meeting on Wednesday, February 12, 2014.
23. As part of the Final Plan submittal, the Applicant shall respond to the comments made by Perry Will, Colorado Parks and Wildlife. All outdoor trash receptacles shall

be bear proof and be ADA accessible. All outdoor trash receptacles shall be accompanied by a recycle container.

24. The Applicant shall submit a snow storage and management plan with the Final Plan application. The grass strip adjacent to the front sidewalk shall not be used for snow storage.
25. The architectural plans required in the Final Plan shall include depiction of rooftop mechanical equipment and ventilation systems. The Applicant shall also provide a plan for the location of the solar panels to ensure that the Fire Department has access to the necessary parts of the building.
26. Due to the problems that the Town has had with icing with other developments, the Town directs the Applicant to pay particular attention to icing potential and ensuring there are sufficient stormwater drainage inlets in the final utility design.
27. The Final Site Plan shall also include a detailed utility plan to be reviewed and approved by the Town showing the location of utility installations including utility boxes, pedestals, transformers, mailboxes, and trash and recycle centers. These facilities shall be designed to meet a high aesthetic standard.
28. As part of Final Plan submittal the Applicant shall submit a geotechnical report and final drainage study for the entire development to be reviewed and approved by the Town Engineer.
29. As part of the Final Plan submittal, the Applicant shall provide a draft Construction Management Plan describing at a minimum, the proposed construction staging, parking and phasing.

ESA

30. The Town Council accepts the ESA recommendations approved by the TRC in TRC Certificate No. 01, Series of 2014.

Legal

31. The Applicant shall have one-year to submit a Final Plan Application, unless extended by the Town Planner. Pursuant to the 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.
32. The Town is responsible for preparing and processing the subdivision plat which will be processed at the same time as the Final Plan application.

Exhibit B Dimensional Requirements

	Phase I	Phase 2
<u>Site Area Calculations</u>		
Site Area	41,360.16 sf (.95 acres)	Same
Easements (on-site)	6965.88 sf	Same
Developable Area (site area less easements)	34,394.28 sf	Same
On-site Parking Spaces	6 (1 HC)	Same
On-street Parking Spaces	31 (2 HC)	TBD
Total Parking Spaces	37 (3 HC)	TBD
<u>Building Data</u>		
Building Area (GSF total)	15,610 sf	20,010 sf
Building Footprint	9,470 sf	11,610 sf
FAR (building area/developable area)	0.454	0.582
Number of Stories	2	2
Maximum Building Height (excluding solar panels)	34 ft (AFF)	Same
<u>Impervious Surface</u>		
Paved Paths	2,100 sf	Same
Other Paved Areas (excluding building footprint)	7,605 sf	6,195 sf
Total Impervious Surface	9705 sf	8,295 sf
<u>Open Space</u>		
Square Footage	22,185.16 sf	21,455.16 sf
Percent of Site (site area - impervious surface & footprint)	53.64	51.87
<u>Setbacks</u>		
North	0 ft	Same
East	19 ft	Same
South	62.5 ft	32.5 ft
West	38.5 ft	Same