

**Town of Basalt, Colorado
Ordinance No. 11
Series of 2015**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING SPECIAL REVIEW AMENDMENT APPROVAL TO
ALLOW FOR AN ADDITIONAL VEHICULAR ENTRANCE TO THE WASTE
MANAGEMENT RECYCLING AND WASTE COMPACTING FACILITY AT 15
PARK AVENUE, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Special Review Approvals and amendments to existing Special Review Approvals to allow for an additional vehicular entrance to the recycling and waste compacting facility at 15 Park Avenue, as more specifically described in Exhibit "A".

B. At a public hearing held on June 16, 2015, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. The Planning and Zoning Commission recommended approval of the application with conditions.

C. At a duly-noticed public hearing on June 23, 2015, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for July 28, 2015, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on July 28, 2015, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance 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
THE TOWN OF BASALT, COLORADO AS FOLLOWS:**

A. **FINDINGS.** The Town Council hereby incorporates by reference and conclusively makes the above recitals.

B. **APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council hereby approves the Special Review Amendment Application for Waste Management Inc. to install an additional vehicular entrance off of Park Avenue to the recycling and waste compacting facility at 15 Park Avenue, subject to 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.

Prior Approvals:

3. The Applicant shall continue to comply with all requirements set forth in Ordinance No. 32, Series of 2011, except as amended herein.

Site Plan:

4. The Applicant shall prepare an amended site plan for review and approval by the Town Planner. After review by the Town Planner, the Applicant shall execute signatures on the amended site plan and have it recorded at the Eagle County Clerk and Recorder's Office. The amended site plan shall be recorded prior to opening the new vehicular entrance.

New Vehicular Entrance:

5. The Applicant shall stake the new vehicular entrance in the field for review and approval by the Town Planner prior to constructing the new entrance to ensure that it meets the distance requirements from an intersection in the Town Code.

Signage:

6. The Applicant shall install a sign along the westbound lane of Park Avenue near the intersection of Park Avenue and Willits Lane that alerts vehicle operators that the Willits Trail crosses Park Avenue. This sign shall be installed prior to opening the new vehicular entrance to the site.

Fire District Requirements:

7. The Applicant shall install a knock box near the new vehicular entrance meeting the requirements of the Basalt and Rural Fire Protection District prior to opening the new entrance.

Vested Rights:

8. Vested property rights shall be granted for a period of three (3) years from the effective date of this ordinance. If the Applicant has not constructed the new entrance within three (3) years of the effective date of this approval, the approval shall be considered null and void. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code.

Minor Amendments:

9. The TRC may review and approve of minor amendments to the approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which (15) days written notice of the public meeting has been provided to the appellants.

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

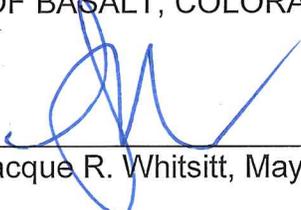
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON July 28, 2015 by a vote of 6 to 0 on June 23, 2015.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on July 28, 2015.

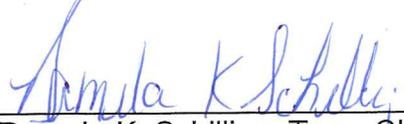


TOWN OF BASALT, COLORADO

By:


Jacquie R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Ord 11-WasteManagement

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

Exhibit A

A TRACT OF LAND SITUATED IN TRACT 52, SECTION 11, TOWNSHIP 8 SOUTH, RANGE 87 WEST OF THE 6th PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE WITNESS CORNER TO AP 3 OF THE SAID TRACT 52 BEARS S 29 DEGREES 00'26" W 1358.23 FEET; THENCE ALONG THE BOUNDARY OF BASALT INDUSTRIAL PARK, COUNTY OF EAGLE, STATE OF COLORADO, THE FOLLOWING TWO COURSES: 1) S 05 DEGREES 29 '55" E 200.00 FEET; THENCE 2) N 89 DEGREES 44'06" W 221.07 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF WILLITS LANE N 05 DEGREES 11'40" W 199.90 FEET; THENCE 89 DEGREES 44'06" E 220.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.007 ACRES MORE OR LESS.