

**Town of Basalt, Colorado
Ordinance No. 18
Series of 2015**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, GRANTING THE NECESSARY DEVELOPMENT APPROVALS FOR THE INSTALLATION OF A WHITEWATER PARK IN THE ROARING FORK RIVER DOWNSTREAM OF FISHERMAN'S PARK

RECITALS

A. Pitkin County ("Applicant"), applied to the Town of Basalt, Colorado ("Town"), for approval of a Site Plan Review, an Environmentally Sensitive Area (ESA) Exemption, an ESA Floodplain Review for development within Reach II of the Roaring Fork River, and amended its Application to include 30% Slope Review for the improvements recommended by the Staff and Planning and Zoning Commission, to install a Whitewater Park on the Roaring Fork River.

B. At a public hearing held on September 1, 2015, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public. The Planning and Zoning Commission recommended approval of the proposal, subject to conditions.

C. At a public meeting held September 8, 2015, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for September 29, 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 September 29, 2015 the Town Council heard evidence and testimony as offered by the Town Staff 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. The Town Council finds and determines this Ordinance is reasonable and consistent with the Town Code. 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 Basalt, Colorado, that based on the application, reports, evidence, testimony, exhibits and comments from

the public, Applicant and Town staff, it hereby approves the Whitewater Park Site Plan Review and associated development review actions and finds the application satisfies the requirements for development in the Reach II of the Roaring Fork River, provided the Applicant meets the following conditions:

Representations:

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

Site Plan:

3. The Applicant shall prepare a site plan for review by the Town Planner and the Town Attorney and execution and recording at the Pitkin County Clerk and Recorder's Office prior to commencing construction activities. The in-water improvements to be constructed shall be as depicted in the plans submitted by the Applicant in their Application dated August 18, 2015, as amended by these approvals.

Floodplain Development Permit:

4. The Applicant shall apply for and obtain approval of a floodplain development permit from the Town prior to commencing construction activities.

Fisherman's Park Improvements:

5. Prior to May 1st following the installation of the Whitewater Park, the Applicant shall install the following:
 - a. A thermoplastic crosswalk and pedestrian-activated flashing, cautionary road signs on each side of Two Rivers Road at Fisherman's Park, alerting motorists of the pedestrian crossing. The Applicant shall coordinate any lane closures with the Town Planner, Public Works Director, and the Fire District.
 - b. A second thermoplastic crosswalk on Two Rivers Road at the intersection with the road leading to the Tree Farm.
 - c. Four additional parking spaces and curb stops to delineate the parking spaces in the Fisherman's Park parking lot.
 - d. A sign shall be installed designating one of the parking spaces in the Fisherman's Park parking lot as a handicapped parking space.
 - e. Bike parking in a location determined appropriate by the Town Planner.

6. The Applicant shall install the necessary signage at the Fisherman's Park boat launch area with the Whitewater Park rules that includes a map of the Whitewater Park, and the access points and pullout areas.
7. The Applicant shall work with the Town to monitor the level of use of the Fisherman's Park boat launch area after installation of the Whitewater Park and install any measures determined necessary to ensure orderly use of the boat launch area. Mitigation measures could include, but are not limited to, signage.
8. The Applicant shall make the improvements to the Fisherman's Park boat launch area that were recommended by the Colorado Department of Parks and Wildlife prior to the 1st of May following the installation of the Whitewater Park using an ADA compliant surface.

Two Rivers Initial Road and Parking Improvements:

9. Prior to the 1st of May following the installation of the Whitewater Park, the Applicant shall install the following:
 - a. No parking signs on the south side of Two Rivers Road from the east end of the public parking pullout eastward of the Streamside Property throughout the length of the split rail fence required in Condition 9(b) as generally shown on the map attached hereto as Exhibit A.
 - b. A split rail fence or other barrier as approved by the Town Planner in the south shoulder of Two Rivers Road from the east end of the public parking pullout eastward of the Streamside Property to Fisherman's Park with two sections of removable sleeves for the fence to be easily removed in emergency circumstances just at the top of each side of the emergency services access ramp. A second split rail fence shall be installed to the south of the first split rail fence to provide a walking corral for Whitewater park users on the south side of Two Rivers Road.
 - c. A split rail fence or other barrier as approved by the Town Planner shall be installed to delineate the south edge of the five to six parking spaces in the gravel pullout to the east of the Streamside property as shown on the map attached hereto as Exhibit A.
 - d. A third thermoplastic crosswalk and cautionary pedestrian signs on each side of Two Rivers Road at the west corner of Elk Run Drive, alerting motorists of the pedestrian crossing. The Applicant shall coordinate any lane closures with the Town Planner, Public Works Director, and Fire District.
 - e. Improve the takeout trail shown as access point #3 in the Site Plan Review Application so that it is easily walkable from the riverbank to Two Rivers Road.

- f. Boat trailer pullouts along Two Rivers Road. The gravel shoulder area directly to the west of Fisherman's Park on the north side of Two Rivers Road shall be signed for boat trailer parking as shown on the map attached hereto as Exhibit A.

Emergency Access:

10. Emergency service access improvements shall be constructed prior to the 1st of May following the installation of the waive structures as follows:
 - a. The Applicant shall install a path to the downriver portion of the Whitewater Park as shown on the drawing prepared by Resource Engineering dated August 18, 2015.
 - b. The Applicant shall complete final design drawings on a stairway to provide access down to the upriver portion of the Whitewater Park for review by the Town Planner prior to installation. The Applicant shall install a stairway to the upriver portion of the Whitewater Park from Two River Road. The Town Council authorizes the Town Staff to complete the processing of the 30% slope review based on the approval of a final design for the emergency access.

Maintenance/ Agreements:

11. The Applicant shall be responsible for maintaining the in-stream structures and preventing the potential for material build-up in the river as a result of the Whitewater Park installation. This maintenance shall include periodically dredging, as necessary, of the area of the river directly upstream of the proposed Whitewater Park. Additionally, the Applicant shall maintain the emergency access ramp and stairs down to Whitewater Park on the north side of the river. The Applicant shall work with the Town to draft an agreement between the entities related to the maintenance and use of the Town's Property for the Whitewater Park prior to the completion of the Whitewater Park installation.

Emma Road Improvements and Signage:

12. The Applicant shall install a traffic sign across Emma Road from River Park Center in the Emma Road access easement in a location to be approved by the Town Planner, identifying that there is no public access to Whitewater Park from Emma Road. This sign shall be installed prior to the 1st of May following the installation of the in-stream improvements. Additionally, the Applicant shall install removable bollards and a Knox box at the end of Emma Road to allow for emergency service access to the Whitewater Park from the Emma Road side.

A vehicle-width portion of the temporary construction culverts on the south side of the river shall be left in after construction in order to create a drivable path for the Fire District and the Police Department to access the south side of the river adjacent to the Whitewater Park.

Construction Management Plan:

13. The Applicant shall prepare a construction management plan for review and approval by the Town Building Official prior to the issuance of a floodplain development permit.
14. The Applicant's contractors shall not park on Emma Road during construction unless consent is first received from the Basalt Commercial Park Homeowner's Association and the Town of Basalt. Instead, the Applicant's contractors shall park on Basalt Avenue adjacent to Ponderosa Park or Fisherman's Park. The Applicant's contractors may access the installation site with the necessary equipment needed for the Whitewater Park installation through the public access easement on Emma Road and the Town's property at the end of Emma Road. The Applicant shall revegetate areas disturbed during construction pursuant to the revegetation plan included in the Site Plan Review Application. The Applicant shall submit a planting plan for review and approval by the Town Planner prior to commencing planting activities.
15. Contractors selected by the Applicant shall have all necessary licenses to carry out the work authorized by this ordinance.
16. The Applicant shall install tree protection fencing around the old growth Ponderosa Pines at the end of Emma Road as a first step and prior to accessing the river from the Emma Road side. The Public Works Director shall be contacted to inspect the tree protection fencing prior to the commencement of construction or staging activities.

Other:

17. The Applicant shall install the necessary signage at the top of the emergency access ramp with the Whitewater Park rules that includes a map of the Whitewater Park, and the access points and pullout areas.
18. The Applicant shall research the potential to provide an in-water route around the Whitewater Park structures to provide a route for those that do not wish to navigate through the Whitewater Park.

Minor Amendments:

19. The Town Planner may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner 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.

Vested Rights:

20. The vested rights for the approvals granted for the Whitewater Park shall be valid for three (3) years from the effective date of the approval ordinance. If the Applicant does not construct the approved improvements within three (3) years from the effective date of the ordinance, the approvals shall be null and void.

Two Rivers Road Master Plan:

21. In the agreement referred to in Condition No. 11 above, language shall be included indicating that the County will work with the Town to maintain use of the Whitewater Park and implement any other improvements that might be necessary to manage the Park.
22. In the agreement referred to in Condition No. 11 above or as a separate agreement, language shall be included indicating that the County and Town will work together on a schedule and scope for a River Recreation Plan for the Planning Area described as the stretch of the Roaring Fork River from the Upper By-pass Bridge on SH 82 to the Midland Avenue Bridge and land immediately adjacent. The River Recreation Plan will include the following components:
 - a. The Town will use best efforts to complete the plan by the end of 2016.
 - b. The scope shall include at least three public open houses or public hearings conducted jointly by Pitkin County and the Town of Basalt and held in East Basalt.
 - c. The Town and Pitkin County will contact Eagle County to invite Eagle County to participate in the River Recreation Plan.
 - d. The purpose of the plan is to focus on the instream and above-stream

improvements associated with recreation opportunities within and adjacent to the river in the planning area.

- e. A funding plan and schedule for the construction activities included in the River Recreation Plan.
- f. The lead will be the Town of Basalt. Pitkin County will share equally with the Town in the costs for the preparation of the Plan unless Eagle County participates and then the costs will be distributed proportionally.
- g. The Town of Basalt is currently undertaking a Two Rivers Road Master Plan Update which may or may not integrate with the improvements included in the Recreation Plan. The Town reserves the right to merge the plans together. Also, the Town may include improvements, e.g. parking and viewing areas, in the plan for which the Town would request funding from Pitkin County.

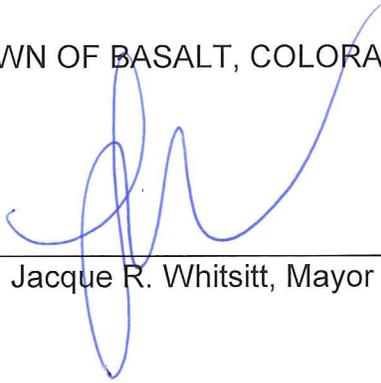
Miscellaneous:

- 23. In the event that the improvements included herein are not completed prior to May 1st following the installation of the Whitewater Park or required maintenance as outlined in Condition No. 11, the Town Manager may direct the Town Police Department to close use of the Whitewater Park water features until such time as the above improvements or necessary maintenance are completed to the satisfaction of the Town Manager.
- 24. This Ordinance, after fully executed, shall be recorded in the office of the Clerk and Recorder of Pitkin County, Colorado.
- 25. 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 September 29, 2015, by a vote of 7 to 0 on September 8, 2015.

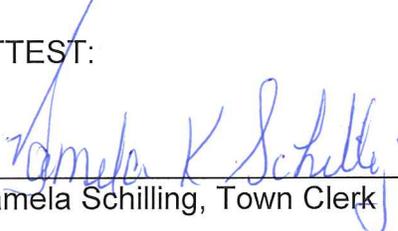
READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on September 29, 2015.

TOWN OF BASALT, COLORADO

By: 

Jacquie R. Whitsitt, Mayor

ATTEST:

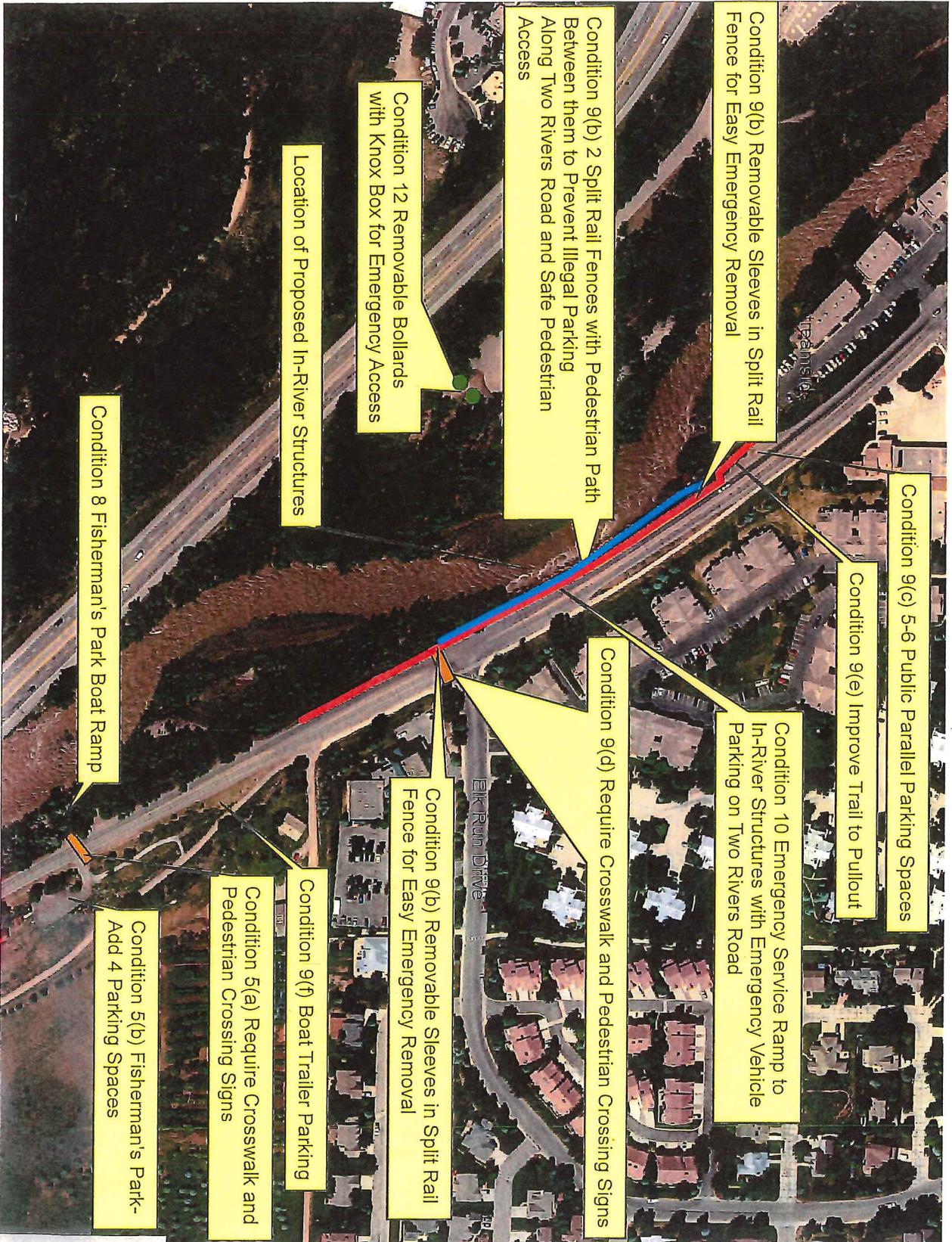


Pamela Schilling, Town Clerk

First Publication: Thursday, September 3, 2015
Final Publication: Thursday, October 8, 2015
Effective date: Thursday, October 22, 2015

Ord. No. 18- WhitewaterPark

Exhibit A



Condition 9(b) Removable Sleeves in Split Rail Fence for Easy Emergency Removal

Condition 9(b) 2 Split Rail Fences with Pedestrian Path Between them to Prevent Illegal Parking Along Two Rivers Road and Safe Pedestrian Access

Condition 12 Removable Bollards with Knox Box for Emergency Access

Location of Proposed In-River Structures

Condition 8 Fisherman's Park Boat Ramp

Condition 9(c) 5-6 Public Parallel Parking Spaces

Condition 9(e) Improve Trail to Pullout

Condition 10 Emergency Service Ramp to In-River Structures with Emergency Vehicle Parking on Two Rivers Road

Condition 9(d) Require Crosswalk and Pedestrian Crossing Signs

Condition 9(b) Removable Sleeves in Split Rail Fence for Easy Emergency Removal

Condition 9(f) Boat Trailer Parking

Condition 5(a) Require Crosswalk and Pedestrian Crossing Signs

Condition 5(b) Fisherman's Park- Add 4 Parking Spaces

