

**Town of Basalt, Colorado
Ordinance No. 03
Series of 2012**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING SITE PLAN APPROVAL AND APPROVAL FOR
DEVELOPMENT WITHIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA)
FLOODPLAIN OF REACH II OF THE ROARING FORK RIVER IN
CONNECTION WITH MAKING BUS RAPID TRANSIT (BRT) IMPROVEMENTS
TO THE DOWN VALLEY BUS STOP AT THE INTERSECTION OF BASALT
AVENUE AND HIGHWAY 82 ON TOWN OWNED PROPERTY (RFTA BRT
APPLICATION)**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Site Plan Review and ESA Reach II floodplain approval for the construction of improvements, including a pedestrian path and bicycle shelter, in connection with making Bus Rapid Transit (BRT) improvements to the downvalley bus stop at the intersection of Basalt Avenue and Highway 82. Said application is for property owned by the Town of Basalt and located directly to the west of the Basalt Store/Valero Gas Station property near the intersection of Basalt Avenue and Highway 82. The subject property is more particularly described as Parcel B, as shown on the Annexation Plat of the Basalt Right-of-Way Annexation as recorded at Reception No. 480855 in the Pitkin County, Colorado Clerk and Recorder's Office

B. At a duly-noticed public hearing held on January 31, 2012, the Planning and Zoning Commission considered the application. At the public hearing on January 31, 2012, 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 February 14, 2012, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for February 28, 2012, for a meeting beginning no earlier than 6:30 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on February 28, 2012, 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 Basalt Avenue Down Valley Site Plan and ESA Review 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.

Site Plan and Zoning:

3. The permitted use for the Property is for open space, pedestrian improvements and a bike shelter. The Town and RFTA shall each be permitted to make additional passive park and pedestrian improvements as needed, including but are not limited to locating signage, benches/picnic tables subject to mutual approval.

4. The Schedule of Requirements for the subject property are as follows:

| Dimensional Requirement | Proposed Development |
|---|--------------------------------------|
| Area of Site | 0.057 Acres |
| Area of Structure | 168 sq. ft. |
| Structure's Lot Coverage | 6.7% |
| Height of Structure | 10 feet |
| Setbacks | As shown on Recorded Site Plan |
| Sidewalk Widths [for sidewalks being constructed by RFTA] | 6 feet within site [4 feet off site] |

5. The improvements shall be located on site with the Building Official and other appropriate Town Staff to field fit the exact location of the improvements and site control measures. Prior to allowing the improvements to be used by the public, the Applicant will record a final Site Plan consistent with the plan presented in the application and the schedule of requirements as amended by the Council's final approval. Such Site Plan shall be subject to review and approval by the Technical Review Committee ("TRC"). The Mayor and Town Clerk are authorized to sign the Site Plan after review and approval of the Site Plan by the TRC.

6. The Town's Building Official shall be responsible for ensuring compliance with the Application and approvals.

7. The sidewalk leading to the bike shelter from the station shall be earth tone color as represented. The sidewalk from the shelter toward the roundabout could either be regular concrete or earth tone. The materials used for the floor of the bike shelter are not approved at this time. This will require approval by the Town Planner before construction begins on the site with the objectives of providing pervious surfaces while ensuring longevity and reducing maintenance.

8. The Applicant shall comply with the recommendations from the Town Horticulturist as presented in the email from James Lindt dated January 27, 2012.

9. Prior to issuance of a building permit, Applicant shall provide a site control plan that complies with these conditions and the requirements of the Town's Building Official and other appropriate Staff, which will provide protection of the cottonwood trees that remain. The exact location of the site control measures will be field fit on site with the appropriate Town Staff.

Lighting:

10. The bicycle shelter light fixtures shall have multiple intensity settings as proposed by the Applicants, with the highest intensity setting being represented by the photometric study dated 2/10/11 and included in the BRT Application submitted to the Town. If after the fixtures are installed and operating, the Town Planner determines at her sole discretion that the lights are excessively bright, then the Applicant and the Town shall work together to find a more suitable setting.

Pedestrian Improvements:

11. RFTA has been advised that the Town Council will be making recommendations to RFTA and CDOT on short-term pedestrian safety improvements across Highway 82 at the Basalt Avenue Intersection. The Council

is requesting that RFTA work with the Town to obtain CDOT approval and make these improvements happen concurrently with opening of BRT. The Council may revisit this during its review of the Basalt Park and Ride Facility.

12. The Applicant will work with the Town Planner to determine if the shelter can be moved to a location closer to Highway 82 and to create a more conducive pedestrian/bicycle movement through the site. However, the new location shall not negatively affect the ability to build a grade-separated pedestrian crossing. The new location would be selected based on affecting as few trees as possible. However, if any trees need to be removed, they will not be required to be mitigated.

13. The Town desires a grade-separated crossing across Highway 82 and realizes that it will not be included in the BRT improvements at this time. The Town requests that RFTA coordinate with the Town to make this improvement happen in the future and to the best of its ability, ensure that RFTA doesn't take any action that would make it impossible to make the grade-separated connection.

Infrastructure and Fire:

14. Before construction begins on the BRT Down Valley Improvements at this intersection, the Applicant shall obtain all easements necessary for utilities for the RFTA BRT improvements that are located within the Town of Basalt limits for the BRT improvements north of Highway 82 at Basalt Avenue.

15. The Town was informed through a February 17, 2012, email from Lee Leavenworth, Attorney for Basalt Sanitation, that RFTA and the Sanitation District have agreed that the sewer line is to be moved to the north within CDOT right-of-way in order to meet the requirements of the Sanitation District. Further, the Basalt Sanitation District does not believe an easement is necessary for property within the Town of Basalt. However, if for any reason an easement is needed by the District on properties within Town limits outside the property in the application (e.g. the Basalt Store Property), the easement shall be obtained before construction of the BRT improvements are commenced on the north side of the Highway by the Basalt Sanitation District. The Town has also been informed by the Sanitation District and Sopris Engineering that the alignment would not negatively impact the ability of the Town to build a future grade-separated crossing as shown on the plans from Sopris Engineering dated December 2011.

16. RFTA will work with CDOT and ensure that the "Optical Preemptor" device for emergency service is included in revised signal timing as requested by the Basalt Fire Marshall.

17. The Applicant shall comply with the recommendations included in the letter from the Town's Consultant, Hunter Engineering & Water Resources with the exception that RFTA is only required to provide easements for utilities it needs for the improvements.

Miscellaneous:

18. The limited BRT development will not generate any additional employees and therefore community housing mitigation is not required.

19. The Applicant shall comply with the representations that the improvements will meet all American Disability Act (ADA) requirements.

20. The Town recommends that for the BRT service that RFTA continue to explore the viability of allowing bicycles to be loaded on BRT buses and for the local bus service to find ways for a more seamless bicycle loading and unloading system that can be used at all hours that RFTA is operating the buses.

Vested Rights and Other Legal:

21. Vested property rights shall be granted for a period of three years from the effective date of this ordinance. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code.

22. Before construction commences, a license or easement shall be reviewed and approved by the Town Attorney for recording that addresses RFTA's construction, use and maintenance of the Property included in the application.

Minor Amendments:

23. The Town Planner 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 Town Planner's 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 Applicant.

C. MISCELLANEOUS.

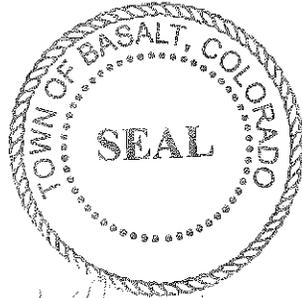
1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

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

3. 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.

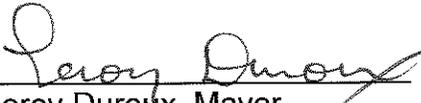
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON February 28, 2012 by a vote of 6 to 0 on February 14, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on February 28, 2012.



TOWN OF BASALT, COLORADO

By:


Leroy Duroux, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk

03-RFTA BRT Basalt Ave.
Bill to: 10-24-280

First Publication: Thursday, February 23, 2012
Final Publication: Thursday, March 8, 2012
Effective Date: Thursday, March 22, 2012