

**Town of Basalt, Colorado  
Ordinance No. 6  
Series of 2012**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING AN EXTENSION OF VESTED RIGHTS FOR THE  
SNOW RIVER LODGE (ALSO KNOWN AS THE SNOWFLAKE PUD),  
LOCATED AT 109, 113, 117, AND 121 EMMA ROAD, LOTS D, E, F, AND G,  
BASALT COMMERCIAL PARK, BASALT, COLORADO**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Vested Property Rights. Snow River Lodge, Inc. ("Applicant") applied to the Town on March 14, 2012, requesting approval to extend the vested property rights for the Snowflake PUD to construct a 60 unit hotel with three (3) community housing units to be constructed on Lots D-G, of the Basalt Commercial Park. The Applicant requested to extend the vested property rights by two (2) years. Vested Rights were originally granted for the Snow River Lodge (previously known as the Snowflake Lodge) pursuant to Ordinance No. 3, Series of 2006, and were to expire on March 23, 2009. The vested property rights were previously extended to June 8, 2012 pursuant to Ordinance No. 2, Series of 2009.

B. As requested by the Applicant, the Town Staff recommends approval of the two (2) year extension of vested rights from the existing expiration of vested rights.

C. At a public hearing held on April 24, 2012, the Town Council considered this Ordinance on first reading and set and continued a public hearing and second reading for this Ordinance for May 8, 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 May 8, 2012, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, 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 THE TOWN OF BASALT, COLORADO AS FOLLOWS:**

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

B. **CONDITIONS.**

1. The Snow River Lodge Vested Rights Extension is hereby approved, subject to the following conditions:

a. The length of the extension shall be two (2) years from the prior date of expiration. The new expiration date shall be June 8, 2014.

b. All other terms and conditions established in Ordinance No. 3, Series of 2006, except as amended by Ordinance No. 2, Series of 2010 (amendment ordinance) shall remain in full force and effect. In addition, all terms and conditions established in Ordinance No. 2, Series of 2010 (amendment ordinance) shall remain in full force and effect.

c. The Applicant shall clean up and maintain the site, remove all noxious weeds, and maintain the existing construction fencing to the satisfaction of the Town Planner and Town Building Official as proposed by the Applicant on the site clean-up plan, dated May 3, 2012. The items required to be completed from the site clean-up plan shall be completed by the Applicant prior to July 1, 2012. The Applicant shall also provide additional escrow funds prior to July 1, 2012 to ensure that \$40,122.50 is set aside in escrow based on the May 8, 2012 cost estimate provided by Yancy Nichol of Sopris Engineering, LLC. to restore the site in the event that the site determined to be abandoned.

If the Town Planner and Building Official determine that the site clean-up plan has not been fully implemented by the required date or the site is not maintained in its cleaned condition once the clean-up plan has been completed, the Town Manager may authorize use of the escrow funds that are set aside for the restoration of the site to clean up the site.

The Town shall give the Applicant ten (10) days written notice that the site is out of compliance before the Town draws on the escrow funds to clean up the site. If the Applicant brings the site into compliance to the satisfaction of the Town within the ten (10) day

period after written notice of non-compliance is provided, the Town will not draw on the escrow funds. If use of the escrow funds is authorized by the Town Manager, the Applicant shall replenish any funds used within 30 days of a draw on the escrow funds for the purpose of site clean up. Additionally, the escrow agreement shall be amended to be consistent with this condition to the satisfaction of the Town Attorney.

d. The Applicant shall be required to meet all building and life safety code requirements in place at the time of building permit submittal.

e. At the time of building permit issuance the Applicant shall pay all applicable building permit, water surcharge, and impact fees in effect.

f. The Applicant shall comply with all material representations made by the Applicant in the meetings before the Town Council.

#### C. MISCELLANEOUS.

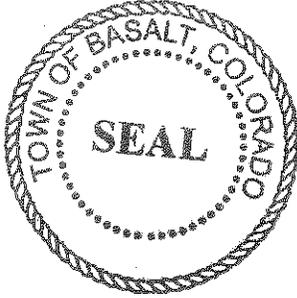
1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

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

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.

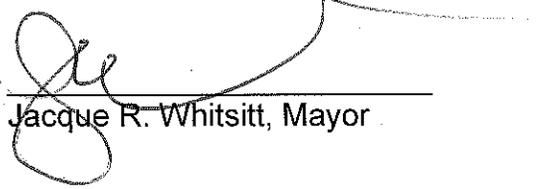
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON May 8, 2012 by a vote of 5 to 1 on April 24, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on May 8, 2012.



TOWN OF BASALT, COLORADO

By:

  
Jacquie R. Whitsitt, Mayor

ATTEST:

  
Pamela K. Schilling, Town Clerk

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Bill to: 24--129

First Publication: Thursday, May 3, 2012  
Final Publication: Thursday, May 17, 2012  
Effective Date: Thursday, May 31, 2012