

**Town of Basalt, Colorado
Ordinance No. 11
Series of 2012**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING SITE PLAN APPROVAL, SPECIAL REVIEW
APPROVAL, A PUD AMENDMENT 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 AND CONSTRUCTING A PARK
AND RIDE LOT (RFTA BRT BASALT PARK AND RIDE 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, Special Review, approval for a PUD Amendment 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 up valley bus stop at the intersection of Basalt Avenue and Highway 82. Said application is for property more particularly described as Lots O and P, Basalt Business Center South according to the plat as recorded at Reception No. 356525 in the Pitkin County, Colorado Clerk and Recorder's Office

B. At a duly-noticed public hearing held on June 19, 2012, the Planning and Zoning Commission considered the application. At the public hearing on June 19, 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 July 10, 2012, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for July 24, 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 July 24, 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 RFTA VelociRFTA Bus Rapid Transit Land Use Application for the Basalt Park and Ride 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 a park and ride. However, nothing in this approval prevents reconsideration in the future by the Town for other development, particularly in connection with transforming the Basalt Avenue portion of the site to a more "town" streetscape as desired by the Town and the goal to make transit oriented development a reality in Basalt.

4. Prior to the issuance of a building permit on the Property, the Applicant will record a final PUD Site Plan and amendment documents for the Property consistent with the plan presented in the application as amended by the Council's final approval. Such documents shall be subject to review and approval by the Town Planner and Town Attorney. The Mayor and Town Clerk are authorized to sign the necessary approval documents after review and approval by the Town Planner and Town Attorney.

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

6. Before the issuance of a building permit, the Applicant shall submit a final irrigation plan, tree removal permit package, and final landscape plan to the Town Horticulturist for review and approval. Before any tree removal permit may be issued by the Town for the Park and Ride property, the Applicant shall obtain approval of a comprehensive plan addressing tree placement for all of the

RFTA BRT improvements for the Basalt station (unincorporated Pitkin County, Eagle County, and Basalt). Maintenance of the landscaping shall be to the Town's standards. The Applicant shall utilize structural soils in the landscaping islands unless waived by the Town Planner.

Parking

7. The Applicant is permitted to stripe and mark parking to meet RFTA's needs, subject to approval of the Basalt Building Official. The number of parking spaces may be reduced.

8. While recognizing that RFTA has no direct authority currently over Cody Lane at the time this ordinance was adopted, the Town requests that RFTA work with the Town, Pitkin County, and CDOT on managing the illegal parking that occurs on Cody Lane, particularly while construction is going on at this site and other valley BRT stops in the valley and during winter snow storms when there is more bus ridership.

Lighting

9. The light fixtures shall comply with the Town Code requirements and the more restrictive requirements included in the recent lighting code amendments as recommended by the P&Z with the exceptions of the amount of spacing between parking lot light fixtures and the intensity of the fixtures on the higher light setting, provided the higher setting is no more than six foot candles. RFTA shall use those fixtures purchased for other communities as part of the BRT system that have a dual intensity setting allowing lower and higher light intensity. If after the fixtures are installed and operating, the Town receives complaints, then the Applicant and the Town shall work together to determine if there is a reasonable solution.

Pedestrian Improvements

10. 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 try to obtain CDOT approval and try to make these improvements happen concurrently with opening of BRT.

11. 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 that grade-separated connection.

12. Pursuant to the recommendation of the Planning and Zoning Commission, the Applicant and the Town Staff have developed and agreed to the a Pedestrian and Off Site Improvements Plan that sets forth the following obligations for the Applicant to construct concurrent with construction of the BRT improvements at this location. The improvements are more particularly described on the Pedestrian and Off-Site Improvement Plan dated July 10, 2010 presented at the July 10, 2012 meeting:

- A. Basalt Avenue Sidewalk Improvements (estimated at \$93,950);
- B. Parking Lot Entry Sidewalks at east (up valley) entrances only (estimated at (\$18,236);
- C. Alternative Sidewalk Connection from new parking lot and Basalt Business Center East Subdivision to the Bus Station (estimated at \$47,371);
- D. Drainage Improvements north of Cody Lane and Cody Lane shoulder grading (estimated at \$4,840);

The total Applicant responsibility for these pedestrian improvements (12A through C above) is estimated at \$159,557. Modifications to the above pedestrian portion of the plan are allowed, subject to approval by the Town Manager and the CEO of RFTA. Any additional crosswalks, sidewalks or signage not included in the above Plan will be the responsibility of the Town or others. The Town will not require mitigation of any trees that would be required to be removed to make the above improvements and recommends that Pitkin County also not require mitigation.

Infrastructure and Fire

13. Before the issuance of a building permit, the Applicant shall address the comments made by Basalt Sanitation District in its referral letter from Olsson Associates dated May 23, 2012, to the satisfaction of the Town Planner.

14. Before the issuance of a building permit, the Applicant shall address the technical comments made by the Town's Consultant, SGM to the satisfaction of the by the Town Planner.

15. Before the issuance of a building permit, The Applicant shall address the comments made by Cody O'Neil, Holy Cross, in his referral response made May 15, 2012 to the satisfaction of the Building Official.

16. Drainage along Cody Lane – Condition No. 12 above addresses drainage improvements the Applicant feels are a cost effective solution to resolve the drainage issue that occurs on Cody Lane near the border of the Basalt Business Center East Development. The project involves cleaning the existing drainage ditch on the east side of the existing park and ride, and shoulder grading on the south side of Cody Lane. Before the issuance of a building permit,

the Applicant will review those improvements with the Town's Consultant SGM, to ensure that the improvements are the most appropriate solution within the offsite improvement budget established above and that the new parking lot will not exacerbate the drainage problem on Cody Lane to the satisfaction of the Town Building Official. Before the new parking lot is open to the public, the Applicant and the Town's Engineer shall agree to the criteria of what success means using accepted industry standards. The \$4,840 amount included in Condition No. 12 is only an estimate and the required drainage improvements might require exceeding that amount. The Town Engineer will evaluate the completed drainage improvements in June of 2013 to determine if the improvements satisfy the criteria, and the Applicant shall fix any deficiencies within six months of the Town Engineer's evaluation. After inspection, if the improvements still do not satisfy the criteria, the development is then considered a zoning violation, subject to fines established in the Town's adopted fee schedule, and the Town shall be permitted to make the improvements and invoice RFTA for payment.

17. Drainage near the intersection of Basalt Avenue and Cody Lane - The Applicant shall redesign the stormwater drainage to accommodate a 10 ft. wide sidewalk along Basalt Avenue, with a minor exception where the sidewalk abuts the irrigation ditch south of Cody Lane in order to avoid impacts to the ditch.

Construction Management

18. Prior to issuance of a building permit, Applicant shall provide a construction management plan that complies with the Town's standard requirements for review and approval by the Building Official, which will provide for standard site control measures and protection of the trees that remain. The Town authorizes using the site to stage construction materials before final Town approvals are effectuated conditioned on approval of an interim construction management plan by the building official. Access through the site shall be from Cody Lane.

Miscellaneous

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

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

21. The Town recommends that 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

22. Vested property rights are granted for a period of three years from the effective date of the ordinance approving the Special Review. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code.

23. In accordance with paragraph 3 of the Lease Agreement between the Town and RFTA, dated July 5, 1988, recorded in Book 572, Page 132 of the records of the Pitkin County Clerk and Recorder, the Town is hereby providing notice that the Lease Agreement is hereby terminated through this ordinance in lieu of the notice provided for in Section 3 of the Lease Agreement with the effective date the earlier of July 5, 2013, or the date RFTA makes the Basalt Avenue Park Lot open to the public.

24. RFTA is hereby notified that the Town Council is reconsidering annexing Cody Lane, the existing park and ride lot, and bus shelter facilities.

25. Before the parking lot is open to the public, RFTA is required to submit and obtain approval from the Town Manager of a maintenance plan to address how RFTA will maintain the area under its CDOT lease and the adjacent park and ride area owned by CDOT to the extent provided by law (regardless of whether the area is in Town limits) to a high standard with regular scheduled maintenance, keeping the area free of trash, weeds, and debris, regularly trimming vegetation, and keeping all drainage facilities free of debris so they function properly, ensuring that the vegetation is properly watered (neither under irrigated or over irrigated) and plowing the parking lot and driveway entrances as necessary. Non-compliance will be considered a Town Code violation subject to daily fines.

Minor Amendments

26. The Town Planner may review and approve minor amendments to this 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.

27. 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,

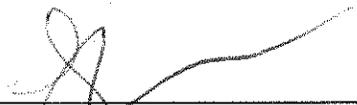
sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON July 24, 2012 by a vote of 7 to 0 on July 10, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on July 24, 2012.

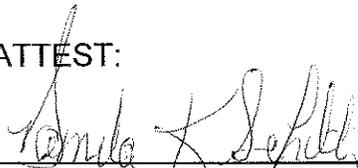
TOWN OF BASALT, COLORADO

By:



Jacquie R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Ord 11-RFTA BRT Basalt Ave.
Bill to: 10-24-280

First Publication: Thursday, July 19, 2012
Final Publication: Thursday, August 2, 2012
Effective Date: Thursday, August 16, 2012

