

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE
TOWN OF BASALT, COLORADO, INCLUDING: CHAPTER 18, BUILDING, TO APPLY
THROUGHOUT TOWN TO REDUCE GLARE AND THE ADDITION OF
REQUIREMENTS FOR FIREWISE CONSTRUCTION; AND TO CHAPTER 16,
ZONING, AND CHAPTER 17, SUBDIVISION, TO CONSOLIDATE AND REVISE THE
REGULATIONS ON HILLSIDE DEVELOPMENT AND STEEP SLOPES INCLUDING
BUT NOT LIMITED TO, REVISIONS TO DEVELOPABLE AREA AND FLOOR AREA
REDUCTION FORMULAS, ESTABLISHING SITE PLANNING STANDARDS
INCLUDING ADDITIONAL STANDARDS FOR HIGHLY VISIBLE AREAS DEPICTED
ON HILLSIDE OVERLAY MAP**

**Ordinance No. 05
Series of 2012**

RECITALS

1. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

2. At a public hearing held on February 21, 2012, the Planning and Zoning Commission considered the proposed code amendments and public comments thereon. At the public hearing on February 21, 2012, the Planning and Zoning Commission heard evidence and testimony from the Town Staff, Town Council, and members of the public. The Planning and Zoning Commission recommended approval of the proposed code amendments.

3. At a public hearing on March 13, 2012 the Town Council approved this Ordinance on first reading and continued and set the second reading and public hearing for this Ordinance for March 27, 2012, at a meeting beginning no earlier than 6:30 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

4. At a public hearing and second reading on March 27, 2012, the Town Council heard evidence and testimony from the Town Staff and members of the public.

5. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. Findings. The Town hereby finds and concludes as follows:

1. Section 4.1 of Section 4 of the 2007 Basalt Master Plan contains the following Future Land Use Goal:

Goal: Ensure that future growth reflects sensitivity to the natural environment occurs at a slow rate and is consistent with the concept of economic and community sustainability and is consistent with other goals and objectives of this master plan, particularly those related to land use, transportation and environment.

2. Goal 4.8 of Section 4 of the 2007 Master Plan contains the following Environment Goal:

Goal: Protect and enhance the natural environment, recognizing that it is the source of the community's physical and economic health. Minimize the adverse impacts associated with solid waste disposal, wastewater disposal, water and energy use, and noise and light pollution. Maintain the ecological integrity of the natural landscape, streams, surface waters and wildlife habitat areas, riparian areas, big game migration corridors and critical habitats such as critical winter range and production areas.

3. The 2007 Master Plan includes a Hillside Overlay for areas of East and West Basalt on the Neighborhood Typology Maps. The 2007 Master Plan states on page 149, that the typology concepts, "are designed to provide clear guidance with consideration allowed for adaptations that are appropriate for a particular neighborhood."

B. Section 16-187, in Article IX, Chapter 16 of the Town Code titled *Building on Slopes* is hereby repealed, replaced and renamed with Section 16-187 *Hillside and Steep Slope Regulations* as shown in Exhibit "A".

C. Section 16-4, Definitions in Article 1, is amended as follows:

1. Development Area is repealed and replaced with the definition of Developable area as shown on Exhibit "B".

2. Definitions for "Slope", "Toe of Slope" and "Top of Slope" are hereby added to the Town Code as shown on Exhibit "B"

D. Section 16-44 (e) (1) (g), In Article III, Chapter 16 of the Town Code is hereby repealed and existing sub item h renumbered to g.

E. Section 16-63 (b) in Article IV, Chapter 16 of the Town Code is hereby amended to read as follows (new language is underlined):

(b) Allowed variances. The Town Council may, as part of the PUD approval process, allow variations from the schedule of requirements of the underlying zone district (Section 16-22), the subdivision regulations design standards (Chapter 17, Article II), the PUD design standards set forth in this Article (Section 16-73), the off-street parking requirements of Chapter 16, Article V, and the floor area and density calculation formulas of Section 16-187 (collectively, as used in this Article, "variations").

F. Section 16-72 (2) in Article IV, Chapter 16 of the Town Code is hereby repealed and re-enacted to read as follows:

(2) Residential density. The maximum density permitted within a PUD shall be no greater than the density permitted in the underlying zone. Density shall be calculated as the total number of dwelling units divided by the developable area (as that term is defined in Section 16-4 of this Code) of the lot, tract or parcel. Newly developing areas shall have a gross density consistent with the recommended densities in the Town's Master Plan.

G. Section 17-32, in Article II, Chapter 17, Subdivision of the Town Code is hereby repealed and re-enacted to read as follows:

Sec. 17-32. Natural hazards.

New development shall not be permitted in areas where the environmental characteristics of the area may create hazardous conditions for new residents or for adjoining property owners or where there are valued natural resource lands that should be conserved. This shall require a proposed subdivision to demonstrate compliance with the following Town regulations, as applicable to the subject property:

- (1) Section 16-187, Steep Slope Regulations;
- (2) Chapter 16, Article XVII, Flood Damage Prevention; and
- (3) Chapter 16, Article XXI, Rivers, Wetlands and Environmentally Sensitive Areas.

H. The following additional standard is hereby added to Chapter 18, Article V of the Town Code, Titled Fire Prevention Code:

- (39) *Wildfire Hazard Mitigation.*

Building construction in areas designated by the Basalt and Rural Fire Protection District as High or Extreme Wildfire areas shall apply materials specified in *Firewise Construction Design and Materials*, published by the Colorado State Forest Service, or an equivalent standard as specified by the Basalt and Rural Fire Protection District. The building permit may also be subject to such other conditions as may be required by the Fire Protection District to mitigate wildfire hazards.

I. The following additional standard is hereby added to Chapter 18 as a new Article VI of the Town Code, Supplemental Building Regulations:

Section 1. Restriction on the use of reflective building materials

No structure shall produce glare from building materials, other than glare from windows. Solar reflectance values for finish materials on the exterior of all structures, including but not limited to siding and roofing materials, shall not exceed thirty-five percent (35%).

Solar energy facilities shall be exempt from this provision. Reflective flashing shall also be exempt from this provision, provided the flashing is kept to the minimum needed to comply with the Building Code.

J. The Hillside Overlay shown on the maps included in Exhibit C is hereby adopted as part of the Zoning Code for the purpose of implementing Section E.4 of the Site Planning Standards.

K. 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.

L. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON March 27, 2012 by a vote of 7 to 0 on March 13, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on March 27, 2012.

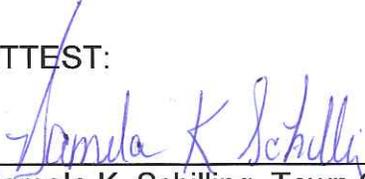
TOWN OF BASALT, COLORADO

By:


Leroy Duroux, Mayor



ATTEST:



Pamela K. Schilling, Town Clerk

Ord No. 05- Chapt 18 re.firewiseandreflectiveChapter16and17re.Hillisides/slopes
Bill to: 10-45-540

First Publication: Thursday, March 22, 2012
Final Publication: Thursday, April 5, 2012
Effective Date: Thursday, April 19, 2012

EXHIBIT A

Repeal, Replace and Re-Name Section 16-187 Hillside and Steep Slope Regulations

Sec. 16-187 Hillside and Steep Slope Regulations

A. *Purpose*

As part of the 2007 Basalt Master Plan, the Town adopted a goal to protect and enhance its natural environment, recognizing that the environment is the source of the community's physical and economic wealth. The Town also adopted a set of Master Plan Typologies, including a Hillside Overlay, setting forth guiding principles for development on steeper slopes within the Town.

The Town intends to implement the goals and objectives of the Master Plan by adopting these steep slope regulations. These regulations are intended to achieve the following purposes:

1. Preserve the visual and aesthetic qualities of Basalt's hillside areas;
2. Ensure that development fits with the natural contours of the land so as to minimize the impacts of cutting, filling and grading on hillsides and steep slopes;
3. Control activities that would cause scarring and erosion on steep slopes and that could degrade water quality; and
4. Protect the public from the natural hazards associated with unstable slopes and hillside development, including those from geologic hazards and wildfire hazards.

B. *Applicability.* The provisions of Section 16-187 shall apply to development as specified in the table entitled "Applicability of Sec. 16-187 to Proposed Activities"

C. *Procedures.*

1. **Administrative review.** The review of all development that is subject to the provisions of this Sec. 16-187 shall be accomplished administratively by the Town Planner, except as provided for herein. However, for any property that is also the subject of an application for PUD, subdivision, special review, site plan review, or any other land use review procedure, the provisions of these steep slope regulations shall be consolidated with and addressed concurrently with the land use review procedures applicable to such approvals and shall not occur administratively. For PUD and subdivision applications which involve more than one review step, consideration of the project's compliance with the steep slope regulations shall be determined at the sketch plan stage of the process.

Applicability of Sec. 16-1.07 to Proposed Activities

Activity	Sec. C. Procedures	Sec. D.: Formulas	Sec. E.: Standards
<p>1. Development on a site where no slopes are 30% or greater</p> <p>2. Development on a site containing 30 % slopes but development is not proposed on a 30% slope area and is more than ten feet (10') from the top of the slope</p>	<p>No, this section does not apply</p> <p>Not Located in Hillside Overlay - No, this section does not apply, but the applicant may be required to submit a drawing demonstrating the setback from the top of slope</p> <p>Located in Hillside Overlay - this section applies</p>	<p>No, this section does not apply</p> <p>No, this section does not apply</p>	<p>No, this section does not apply</p> <p>Not Located in Hillside Overlay - This section does not apply if development (including retaining walls, cutting, filling or grading, etc. per Sec. 16-4) does not occur in the 30% slope area</p> <p>Located inside Hillside Overlay - Section E.4 applies</p>
<p>3. Development on a slope of 30% or greater</p>	<p>Yes, this section applies</p>	<p>Yes, this section applies</p>	<p>Yes, this section applies</p>
<p>4. Structure that is set back by less than ten feet (10') from the top of a slope that is 30% or greater</p>	<p>Yes, this section applies</p>	<p>Yes, this section applies</p>	<p>Yes, this section applies</p>
<p>5. Interior remodeling or restoration of an existing structure which does not alter the exterior of the structure and does not involve grading or other land disturbing activities on a slope of 30% or greater</p>	<p>No this section does not apply</p>	<p>This section only applies if the original construction involved development, such as grading or other land disturbing activities on a slope of 30% of greater.</p>	<p>No, this section does not apply</p>
<p>6. Exterior remodeling or expansion of an existing residence located on a slope of 30% or greater or that is set back by less than 10' from the top of a slope that is 30% or greater that does not involve grading, foundation expansion or other land disturbing activities</p>	<p>Not Located in Hillside Overlay - No, this section does not apply</p> <p>Located inside Hillside Overlay -This section applies</p>	<p>Yes, this section applies</p>	<p>Not Located in Hillside Overlay - No, this section does not apply</p> <p>Located inside Hillside Overlay - Section E.4 applies</p>

2. **Submission requirements.** In addition to any other materials required for the development, the applicant shall submit the materials listed below to permit a determination to be made of the project's compliance with these steep slope regulations. The Town Planner may, however, waive or modify any of these requirements if determined to not be applicable to the proposed development or if the materials are not needed at that stage of review in a multi-step review process.
- a. A drawing shall be provided depicting topography and other significant topographic features throughout that portion of the property where development is planned. Topography shall be shown at no less than two foot (2') contour intervals. A slope category analysis shall also be provided, prepared by a surveyor or other qualified professional, identifying the areas of the property with slopes of 0% to 29.99%, 30% to 44.99% and 45% and greater. If applicable, the slope category analysis shall also identify the top of slope and toe of slope and shall identify any significant geologic hazards, including major rock outcroppings and areas of unstable slope. During the review of the application the Town Planner shall verify the accuracy of the top of slope and toe of slope designations through field observation and desktop evaluation of the slope drawing.
 - b. A drawing showing the proposed development shall be provided, including planned structures, roads and proposed grading, if any. A landscape plan for re-vegetation of any disturbed slopes shall also be submitted, along with a tabular schedule, listing the type, approximate number and approximate size of plants to be installed and the grass seed mix to be used for revegetation. A plan for providing irrigation water to the new plantings shall also be submitted.
 - c. When development is proposed on a slope of thirty percent (30%) or greater, a letter shall be submitted, prepared by a licensed professional geologist or engineer, demonstrating that the proposal will not create hazardous conditions for residents of the subject property or surrounding properties and finding that the proposal will not cause slope instability or increase the potential for slope failure. The letter shall also list any conditions the applicant must comply with to ensure the safety of the proposed development.
 - d. A written response shall be provided to the applicable site planning standards of Section 16-187 E.

3. **Procedural steps.** Development that is subject to the provisions of these steep slope regulations shall be reviewed according to the following procedural steps:
 - a. A pre-application meeting with the Town Planner is recommended but is not mandatory prior to submission of an application unless the application is being consolidated with another type of land use application for which a pre-application meeting is mandatory. The purpose of the pre-application meeting is for the staff to explain the submission requirements, review procedures and site planning standards that will apply to the project and to respond to any questions the applicant may have.
 - b. Following submission of an application by the applicant and a determination by the Town Planner that the application is complete, the Town Planner shall review the application to determine its compliance with the provisions of this Sec 16-187 and other applicable provisions of the Code. The Town Planner may conduct a site visit as part of this review and may solicit referral comments from other Town staff.
 - c. The Town Planner shall publish a public notice of the receipt of the application in a newspaper of general circulation within the Town, specifying a period of fifteen (15) days from the date of publication for the submission of comments. The Town Planner shall also provide the applicant a sign describing the nature of the request which shall be posted on the property for a period of at least fifteen (15) days and shall specify a date by which public comments shall be submitted.
 - d. The Town Planner shall then issue a written administrative determination approving, approving with conditions, or denying the application unless the application has been consolidated with another type of land use application, in which case this determination shall be made by the review body responsible for the final action on that application. The determination shall specify any site planning standards or other applicable provisions of this Code that have not been met, if any.
4. **Appeal.** Where review under Section 16-187 is the only applicable review procedure, an applicant or other adversely affected person may appeal the Town Planner's denial of an application submitted under these steep slope regulations or the Town Planner's approval of an application with conditions. The appeal shall be submitted in writing to the Town Planner within fifteen (15) days after the written decision of the Town Planner is issued.

- a. The appeal shall be heard by the Town Council at a regular meeting with prior notice given to the applicant and any other party who participated in the proceedings before the Town Planner. The Council's review shall be based upon the record before the Town Planner, unless the Council determines, for good cause shown, that it is necessary to admit additional evidence for a just determination of the appeal. The applicant and interested members of the public shall be permitted to make arguments to the Council based solely on the record before the Town Planner, unless the Council determines to admit additional evidence.
 - b. The Town Council decision to grant or deny the appeal shall be based upon a determination of whether the Town Planner's decision: (1) was contrary to the evidence; (2) exceeded the Town Planner's legal authority; (3) was based on an erroneous interpretation of the applicable regulations; or (4) denied the applicant or other interested party procedural due process. The Town Council may affirm, reverse or modify the Town Planner's decision and it may remand the matter to the Town Planner for further consideration, with instructions when deemed appropriate by the Town Council. The Town Council is also authorized to refer the matter to the Planning Commission for a recommendation prior to taking action on the appeal.
 - c. In making its determination on any appeal, the Town Council may grant relief from the strict application of the requirements of Section 16-187 where necessary to relieve the applicant from a significant hardship which was not created by the applicant and where such relief is necessary to permit a reasonable economic use of the property. Such relief shall not be granted unless the applicant demonstrates that the development of the property will not pose an unreasonable risk to the health and safety of the public or other property owners. The applicant's ability to pay for mitigation measures required by these regulations shall not be considered in determining if there is a hardship.
- D. *Density and floor area calculation formulas.* The following density and floor area calculation formulas shall apply to any property that contains slopes of thirty percent (30%) or greater, regardless of whether development is proposed on those slopes.
1. **PUD's and subdivisions.** The density and floor area calculations applicable to proposed PUD's and subdivisions, PUD's and subdivisions which were approved subsequent to December 22, 1982 (the date on which

the Town adopted a floor area exclusion for 30% slopes), and amendments to approved PUD's and subdivisions shall be as follows:

- a. Lands with a slope of less than 30%: 100% of land area counts towards density and floor area calculations.
- b. Lands with a slope of 30% or greater: 0% of land area counts towards density and floor area calculations.
- c. For subdivisions and PUD's approved subsequent to 1982, the floor area shall be as permitted in the Town's subdivision or PUD approval.

2. **Other lots and parcels.** The density and floor area calculations applicable to all other lots or parcels that were legally created and of record on April 19, 2012, shall be as follows:

- a. Lands with a slope of less than 30%: 100% of land area counts toward density and floor area calculations.
- b. Lands with a slope of 30% to 45%: 75% of land area counts toward density and floor area calculations.
- c. Lands with a slope of more than 45%: 0% of land area counts towards density and floor area calculations.

Provided, however, that in no case shall the resulting allowable floor area for the lot or parcel be less than 2,100 sq. ft. (unless the lot or parcel's allowed floor area prior to applying this formula is already less than 2,100 sq. ft., in which case that lower number shall be the lot or parcel's allowed floor area) and provided the proposed development complies with the applicable site planning standards in sub-section E., below.

Provided also that the floor area reduction formula shall not apply to any lot or parcel on which: (1) no development is proposed on a slope that is thirty percent (30%) or greater; (2) the closest façade of any building or structure is located ten feet (10') or more from the top of slope; and (3) the proposed development does not require the applicant to submit any other land use application for which Town Council approval would be required.

3. **Relief from formulas.** An applicant who wishes to obtain relief from the restrictions of the density and floor area calculation formulas on his lot may do so by submitting an application for special review pursuant to Chapter 16, Article III or by obtaining a variance through the PUD process pursuant to Chapter 16, Article IV of this Code.

E. *Site planning standards.* Applications that are subject to these steep slope regulations shall demonstrate their compliance with the following site planning standards.

1. **Overall site plan.**

- a. Setback from top of slope. When development is placed on the top of a slope that is greater than thirty percent (30%), the façade of any structure shall be set back by a minimum of ten feet (10") from the top of that slope.
- b. Development to occur on lesser slopes. When a property contains some lands with a slope of less than thirty percent (30%) and some lands with a slope of greater than thirty percent (30%), the area of the property having a slope of less than thirty percent (30%) is the preferred portion of the site in which to accommodate the development and shall be utilized to the extent practical. However, development may occur along the toe of a thirty percent (30%) slope, (or if it is not practical to develop on a slope of less than thirty percent, then along the slope itself) if the applicant demonstrates to the satisfaction of the Town Planner or other applicable review body that the development is reasonable and safe from an engineering and slope stability standpoint and does not cause unnecessary impacts on the slope onto which it is being built. In doing so, the applicant shall demonstrate that the development has been designed to appropriately account for the following factors, as applicable to the site in question:
 - (1) The stability of the slope and whether disturbing that slope could pose a hazard to occupants of the property or neighboring properties.
 - (2) The presence or absence of vegetation on the slope and whether development on the slope would result in the loss of mature vegetation that helps to stabilize the slope.
 - (3) Whether there are natural or unique features or valued neighborhood characteristics on the flat portions of the site that could be preserved by locating some of the development at the toe of the slope or on the steeper slopes.
 - (4) The prevailing development pattern on the surrounding lots and whether development has typically occurred on the flat area of the property or has taken place on the steeper lands (Note: this factor shall not apply to properties accessed off of an alley).

- (5) The ability of the proposed development to keep all site impacts, such as drainage and erosion, within the confines of the site during and following construction.
- c. Preserve natural features. Whenever possible development should be located to preserve significant natural site features such as prominent landforms, rock outcrops, mature trees and vegetation, and drainage courses. Developing in already disturbed areas of a site is preferred to disturbance of natural areas.
- d. Avoid unstable slopes. Development shall be located so as to avoid areas that the Town determines are subject to slope instability and rockfall hazards, except as provided in the following circumstance. Where a project is not able to fully avoid these hazards, development may be permitted if an engineer or geologist licensed in the State of Colorado demonstrates that the hazard will be safely mitigated and appropriate mitigation measures are employed. Mitigation measures may include but are not limited to:
- (1) Slope stabilization via grading, revegetation, retaining walls, soil nail or micropile systems, or other accepted designs;
 - (2) Stabilization of rocks via bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing, installation of retaining or catchment walls and other accepted practices;
 - (3) Slowing, diverting or channelizing rocks or debris flows using fences, screens, dams, concrete barriers or diversion facilities around vulnerable structures; and
 - (4) Designing structures to withstand the impacts from rocks and other geologic hazards by reinforcing uphill walls, windows and doors or by having no windows or doors on uphill walls.
- e. Avoid driveway cuts across steep slopes. To the extent practical, development should be placed close to where an existing road or driveway enters a property so as to avoid having the driveway cut across an existing steep slope to access another portion of the site. This means that if the road accesses the property at the toe of a slope, then development should occur at the toe of the slope while if the road accesses the property at the top of the slope, then development should occur at the top of the slope.

2. Grading standards.

- a. Developments within the R-3TN zone district. Terracing, as seen throughout the R-3TN Zone District (Hill District), is permitted to occur on slopes in excess of thirty percent (30%) in order to create a flat bench or building pad or to create a garden or lawn area as this is consistent with the historical development of this area of Town.
- b. Developments in areas not zoned R-3TN. In areas of Town not zoned R-3TN that have slopes in excess of thirty percent (30%) development should be designed to minimize the need for earth moving or disturbance. For example, cutting and grading to create a flat bench or building pad should be avoided to the maximum extent possible. Building designs that require excessive cut and fill shall not be allowed. Instead buildings should be designed to follow the site's natural contours and building foundations should be stepped along the slope to limit the need for cutting and filling. Driveways should be designed to follow the site's natural contours whenever possible and should take up the grade of the slope rather than cutting into or manipulating the topography.
- c. Man-made slopes. Where grading, excavation, or filling is necessary, creation of slopes of twenty-five percent (25%) or less is strongly encouraged. Cut or filled man-made slopes shall not exceed a slope of fifty percent (50%) unless a soils engineering or technical report is submitted demonstrating that the cut or fill will be stable.
- d. Re-contour cut and filled slopes. All cut, filled and graded slopes shall be re-contoured to blend with the natural, varied contours of the surrounding undisturbed terrain. Abrupt angular transitions and linear slopes should be avoided to the extent possible.
- e. Retaining walls. Retaining walls used to support steep slopes shall not exceed six feet (6') in height except when terracing is employed or as needed to construct a structure's foundation wall. Terracing should be limited to two (2) tiers. The width of the terrace between retaining walls that are up to four feet (4') in height should be at least three feet (3'). Retaining walls greater than four feet (4') in height should be separated from other retaining walls by at least five (5) horizontal feet and shall be based on the design of a professional engineer. Terraces shall be permanently landscaped or revegetated pursuant to the standards in Section E.3 a. below.

3. **Vegetation preservation and landscaping.**

- a. Re-vegetation is required. Areas disturbed by development shall be re-vegetated. Plant material used to re-vegetate these areas shall be non-invasive and should be low-water using and indigenous to the neighborhood in which the property is located. For the purpose of this standard, "indigenous" means naturalized to a given geographic area. The Town has prepared a list of indigenous plant materials that can be obtained from the Town Planner or Town Horticulturalist.

Proposals to re-vegetate with plant materials that are not on the list of indigenous plant materials shall be subject to review and approval by the Town Horticulturalist and Town Planner. In evaluating the appropriateness of using non-indigenous materials on a particular site, the Town Horticulturalist and Town Planner may consider the type and composition of plant materials in the immediate surrounding area.

- b. Preserve natural vegetation. Development shall be located so as to preserve, to the maximum extent practical, existing natural vegetation (particularly mature vegetation) which may help to screen its appearance.
- c. Soil disturbance. Topsoil from a disturbed slope should be stockpiled on-site to the extent practical and should be used in re-vegetation of the subject property or surrounding area when this is feasible. Soils disturbed by development shall be retained on-site by using accepted erosion and sedimentation control practices.
- d. Irrigation. The applicant shall demonstrate that there are sufficient facilities for irrigation present on the property to support the vegetation that is proposed to be planted.

4. **Building form and materials.** The following standards shall only apply to properties that are located in certain highly visible areas that are depicted on the Hillside Overlay Map which is considered to be part of this Section.

- a. Mass. The mass of the development shall be designed to minimize or reduce its overall visual impacts by complying with either of the following two design approaches:
- (1) Breaking the mass into distinct smaller forms which may involve repeating similar forms at a more modest scale, breaking facades and roof lines into smaller segments, or stepping the building mass into the hillside. When

development is permitted to occur on a slope, stepped foundation design and terraced building forms should also be used to allow buildings to step up or down with the natural slope; or

(2) Using simple building forms and simple roof lines that tend to reduce the visual perception of the structure.

b. Buildings shall meet the ground. Buildings shall be designed so they firmly meet the ground and do not use a pier design. Cantilevers may be permitted when:

(1) The Town Planner or other applicable final review body determines that using cantilevers causes less physical impacts on the slope and results in a building with less visual impacts than if cantilevers were not used; and

(2) The resulting building form is compatible with that of surrounding structures.

c. Basement exposure. No more than two floors shall be exposed above grade except that the basement level may have an exit door where the door frame is no wider than four feet (4') and no glazing is allowed. Window wells for exiting may be permitted, provided the window well is no deeper than three feet (3') and the exterior walls of the window well are not exposed above grade.

EXHIBIT B

Additions/Revisions to Section 16-4, Definitions

Developable area means the area, measured in square feet, included within the boundaries of a lot or parcel, measured on a horizontal plane upon which the boundaries have been vertically projected, reduced by the following exclusions:

- (a) The *developable area* calculation shall exclude the entire width of the right-of-way or easements for streets and alleys which have been or are to be dedicated for public use and the entire width of the right-of-way or easements for private roads, except for any private drive that serves a single dwelling unit.
- (b) The *developable area* of a lot that is adjacent to the Roaring Fork or Fryingpan River shall be calculated by excluding that portion of the lot lying below the line highest in elevation on the shore established by the fluctuations of the water indicated by physical characteristics, such as a clear natural line impressed on the bank; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of surrounding areas.
- (c) The *developable area* calculation shall also exclude slopes of thirty percent (30%) or greater to the extent required by the formulas in Sec. 16-187 D.

Development means the use, alteration or disturbance of land, land uses, or improvements to land, including but not limited to:

- (a) The creation, division, alteration or elimination of lots;
- (b) Mining and drilling (except to obtain soil samples or to conduct tests);
- (c) Construction, erection, alteration or demolition of buildings or structures, including a material change in the appearance or footprint of a building or structure;
- (d) Change in the intensity of use of land, such as an increase or decrease in the number of dwelling units or floor area;
- (e) Installation of mitigation measures associated with construction, such as a retaining wall, berm, or similar structure; and
- (f) Clearing of land, including grading, excavation, cutting or filling, and substantial clearing or removal of vegetation. Minor removal of vegetation or disturbance of soil for the purpose of landscaping shall not be considered to be development.

Slope means the change in vertical elevation measured over a specified horizontal distance. *Slope* is determined by dividing the horizontal distance or "run" into the vertical distance or "rise" between two points and converting the resulting ratio into a percentage value. A higher slope value indicates a steeper incline. For purposes of regulation and measurement, a *slope* of thirty percent (30%) or greater must involve an elevation change of at least ten feet (10') over a horizontal distance of thirty feet (30') or less. Areas that an applicant can demonstrate are man-made anomalies in the natural grade, such as a cut previously made to a natural grade for a foundation wall or retaining wall, or a berm installed on a property, shall not be construed to be a *slope* of thirty percent (30%) or

greater unless the area is associated with a natural grade that meets the above-written definition of a thirty percent (30%) slope.

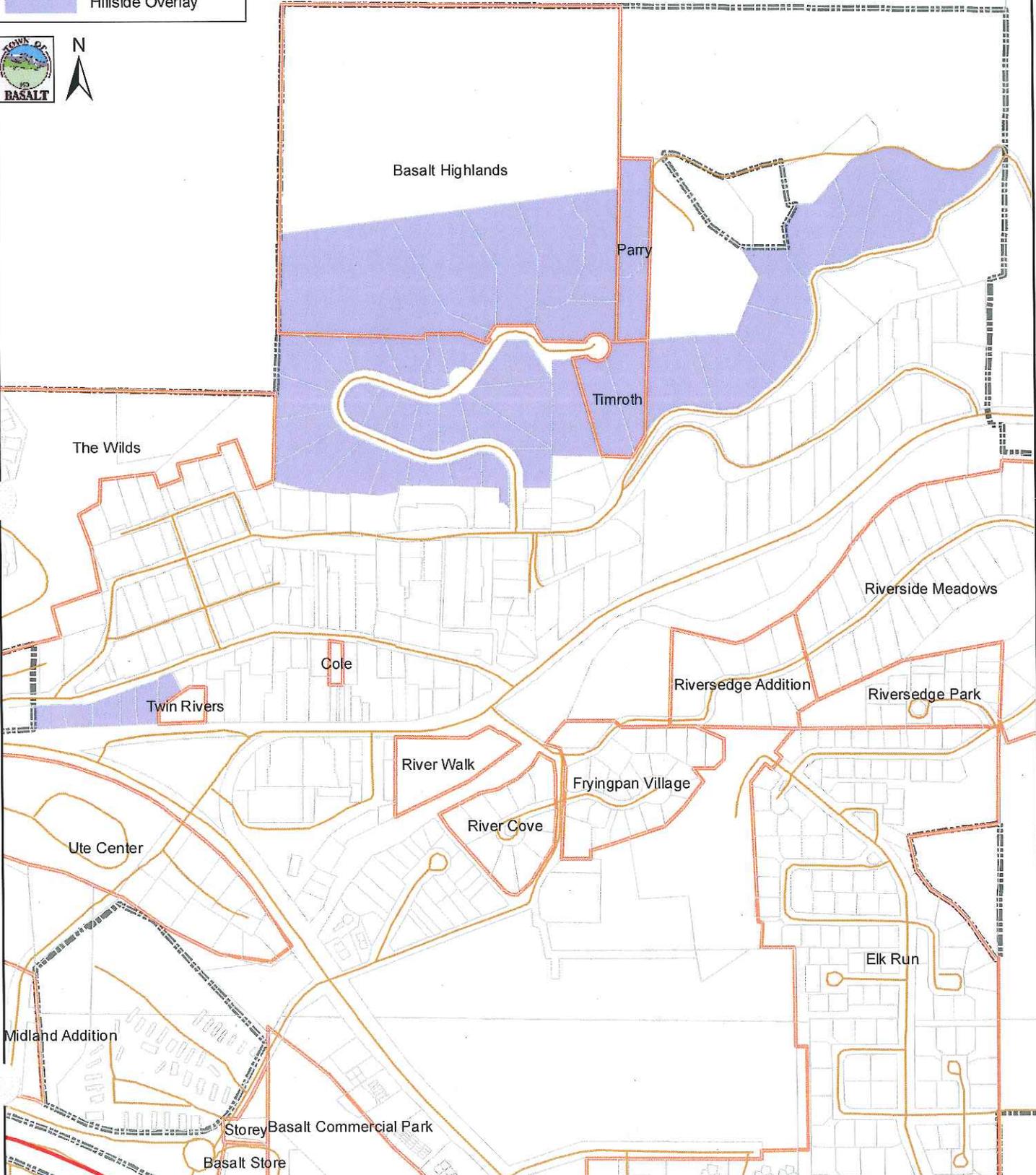
Toe of slope means a line drawn along the lower boundary of a steeply sloping area that represents the place at which the grade of the property transitions from a slope of greater than thirty percent (30%) to a slope of less than thirty percent (30%). The *toe of slope* shall be identified as part of a slope category analysis prepared for a property.

Top of slope means a line drawn along the upper boundary of a steeply sloping area that represents the place at which the grade of the property transitions from a slope of greater than thirty percent (30%) to a slope of less than thirty percent (30%). The *top of slope* shall be identified as part of a slope category analysis prepared for a property.

East Basalt

Exhibit C

- Highway 82
- Streets
- 2011 Parcel Clip
- PUD
- 2010 Town Boundary
- Hillside Overlay



Aspen Junction

- Highway 82
- Streets
- 2011 Parcel Clip
- PUD
- 2010 Town Boundary
- Hillside Overlay

