

**Town of Basalt, Colorado
Ordinance No.13
Series of 2013**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING THE APPLICATION FOR ENVIRONMENTALLY SENSITIVE AREA (ESA) EXEMPTION, ESA FLOODPLAIN REVIEW FOR DEVELOPMENT WITHIN REACH II OF THE ROARING FORK RIVER AND FOR SITE PLAN APPROVAL (THE WORK AUTHORIZED IN THE APPROVAL IS ALSO KNOWN AS THE PAN AND FORK RIVER PROJECT OR "FIX THE FORK" PROJECT)

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to approve Environmentally Sensitive Areas Applications and site plan review Applications pursuant to the Town Code.

B. The Town of Basalt received an Application ("Application") from the Town Engineer on behalf of the Town for the review of a site plan ("Site Plan"), including an Environmentally Sensitive Area ("ESA") Exemption, an ESA Floodplain Review for Development within Reach II of the Roaring Fork River and for Site Plan Approval for the area for the area shown on Exhibit A.

C. The members of the Technical Review Committee of Basalt, Colorado ("TRC") found and determined that (a) the "Pan and Fork River Project" Park is located in an ESA because the Property is in the 100-year floodplain and contains wetlands and riparian areas, and (b) the Pan and Fork River Project is an integral part of implementation of the 2002 Roaring Fork River Stewardship Master Plan. The TRC recommended to the Town Council that it approve the Site Plan for the Riverfront Park, approve the ESA floodplain review, and grant an exemption from ESA restrictions pursuant to Section 16-463(b)(4)a of the Municipal Code of the Town of Basalt ("Town Code"), subject to certain conditions contained herein.

D. At a public hearing held on August 20, 2013, the Planning and Zoning Commission considered the Application and heard evidence and testimony as offered by the Town Staff and members of the public. The Planning and Zoning Commission recommended to the Town Council that it approve the Application, subject to certain conditions.

E. At a public hearing held on September 10, 2013 the Town Council considered the Application for development and heard evidence and testimony as offered by the Town Staff and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to approve the Application as provided herein. The Town Council finds and determines the development is consistent with the Master Plans of the Town and is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. FINDINGS. The Town Council incorporates the above recitals and all exhibits as references, findings and determinations and conclusively makes all the findings, facts, determinations and conclusions contained herein. Based on the evidence, testimony, exhibits and comments from the public, Applicant and Town staff, the Town Council finds and determines that, in accordance with the requirements of Sections 16-111(b) and 16-113, Town Code that the following standards are met provided the Applicant complies with the conditions of approval contained herein:

1. Section 16-463 (B) (4) provides that the Town Council may consider exemption requests for public improvements including erosion control devices; bank stabilization devices fish habitat structures; approved landscaping improvements designed to enhance river stability and manage flood waters. The Town Council finds that the ESA exemption request is consistent with the purpose and intent of Article XXI, Chapter 16, Town Code, and any impact will be adequately mitigated.

2. The Town finds that the work is necessary to implement the 2002 River Stewardship Master Plan and provide adequate flood protection and the requirement meets the Reach II Floodplain requirements.

3. The Applicant has satisfied the requirements of Section 16-72(1) (a), Town Code because the construction will allow for the development of additional parkland for residents and visitors in compliance with the Basalt 2007 Master Plan and furthers the implementation of the Roaring Fork River Stewardship Master Plan of 2002.

4. The Application complies with Section 16-111(c) (1-4), Town Code, because the proposed use will not substantially adversely affect traffic flows or traffic patterns; the proposed mitigation plan for the project will be adequate for the proposed work; and the proposed work will not

cause adverse environmental impacts; and the other standards are not applicable as there is no park or commercial or residential development approved by this Application.

5. The Application is consistent with the standards of review found in Section 16-113, Town Code, because no lights or signs shall be located on the Property in a manner that will distract adjoining properties or passing motorists; control of storm drainage is subject to approval of the Town Engineer; the work does not authorize any specific park or commercial development approvals and therefore there is no opportunity to violate the commercial and industrial performance standards performance standards set forth in Section 16-113(f), Town Code.

B. CONCLUSIONS. Based on the Application, testimony, exhibits and comments from the public, Applicant and Town staff, the Town Planning and Zoning Commission hereby recommends approval of the Application and grants an exemption from the ESA regulations pursuant to Section 16-463(b)(4)a of the Town Code, subject to the conditions contained herein:

1. The Applicant shall comply with all material representations made by the Applicant in the Application and before the TRC and Planning & Zoning Commission.

2. The Town Engineer shall be responsible for ensuring compliance with the Application and approvals.

Construction Management.

3. The Town Engineer shall provide a construction management plan that complies with the Town's standard requirements for review and approval by the TRC, which will provide for standard site control measures. The construction management plan shall include the following:

- a. Location of security construction fence locations;
- b. A construction parking plan.
- c. An access plan to accommodate heavy machinery entering the site and river. Coordination and approval with adjacent property owners will be required if their property is considered as part of the access plan.
- d. Location of vehicle traffic areas and areas where vehicles are prohibited, including appropriate turn-around locations;
- e. Location of the stabilized vehicle path for access on

the north side of the river for emergency service to areas of the park.

f. Location of access points for anglers and others to the safe areas of Old Pond Park and Midland Park.

g. Statement that any straw used for erosion control shall be "certified weed-free straw" for erosion control.

h. The plan shall include the removal of exposed utilities and obstacles that may be dangerous or could potentially injure future users or harm construction vehicles.

i. The plan shall ensure compliance with the wildlife protection ordinance.

j. Demonstration that all utility providers in the area have been contacted and that any concerns are being addressed.

Tree and Vegetation Protection.

4. The Town Engineer shall submit a description of the irrigation plan for the mitigation plantings and areas vegetated along with the summary of any long-term irrigation needs based on water conservation principles for review and approval by the Town Planner.

5. Mitigation Funds required for tree removal by Section 18-13 of the Basalt Town Code shall be used for mitigation required by the US Army Corp of Engineers permit for the Roaring Fork River Project. Remaining funds, if any, shall be used for additional plantings in and around the project area.

6. Before construction, the Town Engineer shall ensure that the contractor for the project installs appropriate fencing and clearly marks the construction zone(s). The Town Engineer will determine areas where machinery over a certain weight limit will be limited based after receiving recommendations from the Town Horticulturist. Construction fencing shall be installed around trees identified in the "pre-construction vegetation meeting" with a sufficient safety zone around the trees, and no construction machinery shall operate in these areas. These areas will be signed appropriately. The Town horticulturist will monitor the project to ensure consistency with the Town's tree preservation policies, reporting to the Town Engineer to ensure Town goals are met.

7. The Town shall retain standing-dead tree materials if the tree can be retained in a condition safe for park users.

Public Access and Safety.

8. To the extent safety allows, the portions of the parks not under construction shall remain open to the public. The Public Works Department shall sign areas that are open and closed to the Public to provide for safety of the citizens and the Town Engineer shall ensure that areas closed shall be fenced to prevent access. The construction management plan included in these conditions shall account for circulation that protects the safety for residents, park users, and customers of the Taqueria Nopal in the primary access and activity areas.

9. The Town will provide an alternative path to the north side of the river from Two River's Road in 2014 as the path at the east end of the Levinson property will be closed in the fall of 2013 unless the Council determines that this is not feasible.

10. The Town will be responsible for repairing portions of the parks and trails in place at the time the construction commences, including but not limited to the trail constructed by the Roaring Fork Outdoor Volunteers after the completion of Phase II.

Site Plan Document.

11. Within 60 days of completion of the Phase II Construction, the Town Engineer shall file with the Town Planner a Site Plan in a form sufficient for recording with the following unless waived by the Town Planner: all signature blocks: lot lines, grading plans, vegetation plans and general specifications, and access ways necessary to maintain the flood improvements and mitigation within the area included in the ESA Application. Such Site Plan shall be subject to review and approval by the Town Planner and Town Attorney. The Mayor and Town Clerk are authorized to sign the Site Plan after review and approval of the Site Plan by the Town Planner and Town Attorney. The Site Plan may be recorded after signature by the Mayor and Town Clerk.

Modifications to approvals.

12. Modifications to the ESA approvals and Site Plan approval contained herein may be authorized by the Town Planner to satisfy requirements of the federal permits or which are minor modifications which are consistent with the permits but advisable for practical or environment reasons.

13. For clarification, if there is any inconsistency between the ESA approvals and the Site Plan approvals granted previously for Old Pond Park and Midland Park the approvals granted herein control.

C. MISCELLANEOUS

1. 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.

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

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, September 10, 2013, by a vote of 6 to 0, on August 27, 2013.

READ ON SECOND READING AND ADOPTED by a vote of 7 to 0 on September 10, 2013.

TOWN OF BASALT, COLORADO

By: 
Jacque R. Whitsitt, Mayor

ATTEST:

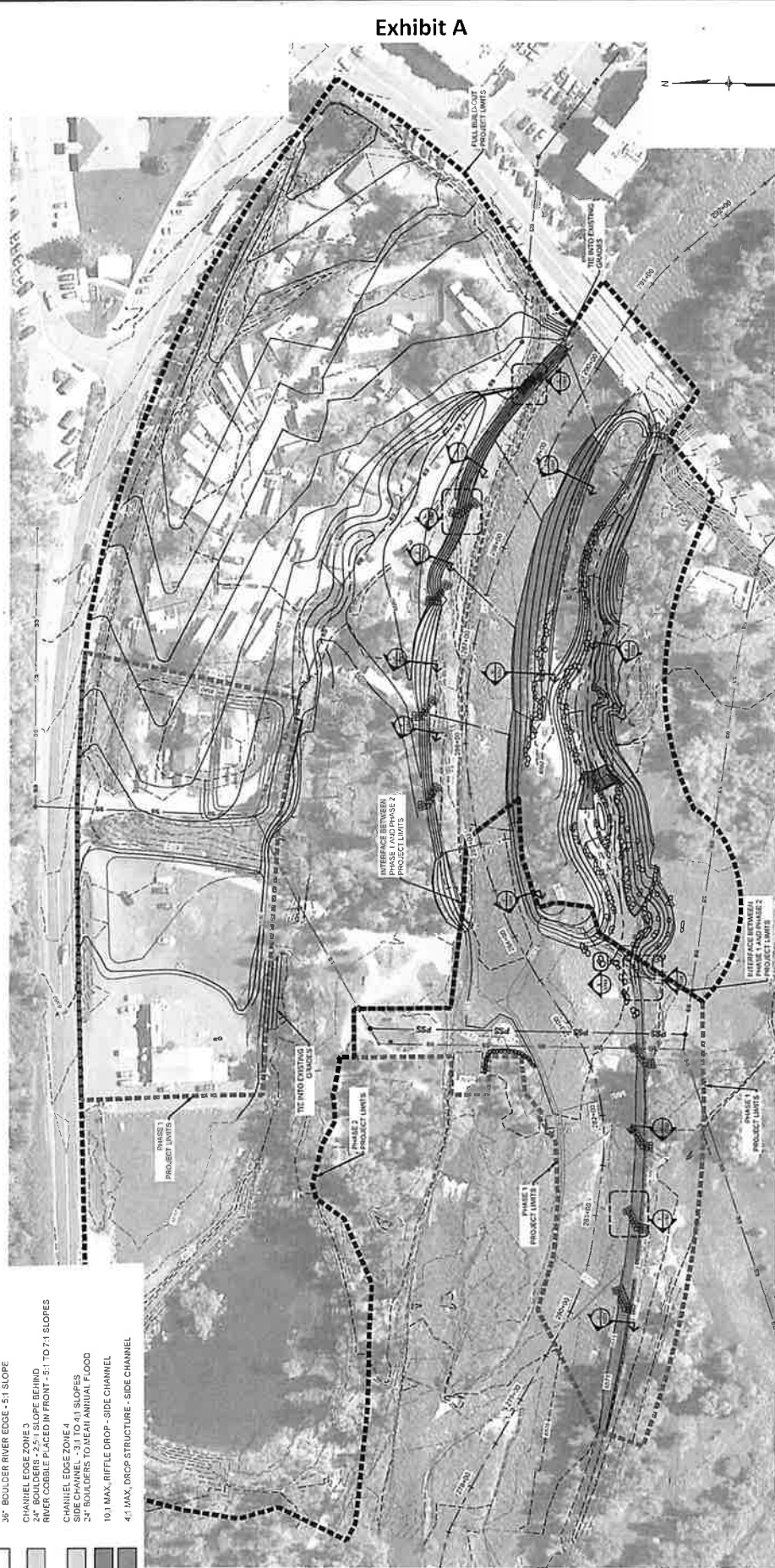
By: 
Pamela Schilling, Clerk



First Publication: Thursday, September 5, 2013
Final Publication: Thursday, September 19, 2013
Effective Date: Thursday, October 3, 2013



Exhibit A



LEGEND

- CHANNEL EDGE ZONE 1
36" BOULDER FORMAL RIVER EDGE - 2.5:1 SLOPE
- CHANNEL EDGE ZONE 2A
36" BOULDER RIVER EDGE - 2.5:1 SLOPE
- CHANNEL EDGE ZONE 2B
36" BOULDER RIVER EDGE - 5:1 SLOPE
- CHANNEL EDGE ZONE 3
24" RIP RAP RIVER EDGE BEHIND RIVER COBBLE PLACED IN FRONT - 5:1 TO 7:1 SLOPES
- CHANNEL EDGE ZONE 4
24" RIP RAP RIVER EDGE BEHIND RIVER COBBLE PLACED IN FRONT - 5:1 TO 7:1 SLOPES
- 10:1 MAX. RIFFLE DROP - SIDE CHANNEL
- 4:1 MAX. DROP STRUCTURE - SIDE CHANNEL

<p>811 Know what's below. Call before you dig.</p>	<p>Exhibit A</p>	<p>AS SHOWN ORIGINAL SCALE</p>	<p>CONSTRUCTION BID SET ROARING FORK RIVER RESTORATION GRADING AND BANK PROTECTION PHASE 2 CONSTRUCTION</p>
<p>PRELIMINARY THIS DRAWING IS NOT TO BE APPROVED BY THE STATE OF ARIZONA AND IS SUBJECT TO CHANGE</p>			<p>DATE: 05/20/2014 DRAWN BY: J. S. SMITH CHECKED BY: J. S. SMITH SCALE: AS SHOWN PROJECT NO.: 11014011</p>
<p>SHEET NO.</p>			
<p>COMPUTER FILE MANAGEMENT</p>			
<p>FILE NAME: 811\0101000\Roaring Fork River Grading_Phase 2.dwg</p>			
<p>DATE PLOTTED: 7/15/2014 9:27:51 AM</p>			
<p>PLT FILE: 811\0101000\Roaring Fork River Grading_Phase 2.dwg</p>			

Area included in Application includes Phase I and Phase II within Town Limits