

**TOWN OF BASALT, COLORADO
ORDINANCE NO. 01
SERIES OF 2018**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING A FINAL SUBDIVISION, FINAL PUD PLAN, FINAL SITE PLAN REVIEW, AND ASSOCIATED DEVELOPMENT REVIEW ACTIONS FOR THE ROARING FORK CLUB CABINS 52-64 DEVELOPMENT PLAN (ALSO KNOWN AS ARBANEY/KITTLE)

RECITALS:

A. RFC Properties, LLC. submitted an application for Final Subdivision, Final PUD Plan and associated development review actions for the following:

- 1) 13 Roaring Fork Club cabins
- 2) 1 single-family home site
- 3) 42 employee units, of which nineteen are new employee housing units and twenty-two (22) are replacement employee housing units in order to demolish the existing twenty-two (22) employee housing units, and one is the conversion of the existing Kittle Residence to an employee unit
- 4) Equipment Storage Building Expansion
- 5) Increased employee and cabin parking (88 Parking Spaces for Maintenance and Staff)

The legal description of the Property is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. The Town Council approved Resolution No. 17, Series of 2017, granting sketch plan approval and Resolution No. 30, Series of 2017, granting preliminary plan approval.

C. The Planning and Zoning Commission considered the Final Subdivision/PUD Plan and associated requests at a public hearing on December 19, 2017, at which evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve with conditions, the Final Subdivision/PUD Plan and associated development review requests.

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

D. At a public hearing held on January 9, 2018, the Town Council approved the ordinance on first reading and set a public hearing and second reading for the ordinance for January 23, 2018.

E. At a continued public hearing and second reading on January 23, 2018, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, 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. The Town Council finds and determines the approval of this ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

G. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code §§ 16-63(b) for the purposes of final plan approval:

- 1) The PUD Plan conforms with the provisions of Article 16 of the Town Code provided that the conditions contained in this resolution are satisfied.
- 2) The PUD development will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.
- 3) The PUD development will complement and be integrated with the existing and approved but not yet existing development in the area.
- 4) The PUD development will provide numerous community benefits.
- 5) The variations from the strict requirements of the Town Code are designed to improve the efficiency of the development pattern and accomplish a more desirable residential or commercial environment.
- 6) The variances from strict compliance with the Code requirements are justified because the PUD Plan exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.
- 7) The PUD Plan satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

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

1. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein and a determination pursuant to C.R.S. 29-20-301 that there is adequate water supply.

2. The Town hereby approves the land use approvals necessary to develop the Roaring Fork Club Cabins 52-64 Final Development Program (also known as Arbaney/Kittle), with the conditions attached hereto as **Exhibit B**.

3. An approval packet comprised of this Ordinance, the Subdivision Improvements/Development Agreement, a Final Plat, and each of the documents approved by this Ordinance and Exhibits thereto shall be assembled by the Applicant, reviewed for completeness by the Town Planner and when determined complete, shall be noted as such in writing by the Applicant and the Town Planner and labeled "Final Development Approval" for the development, which shall be available for review at the office of the Town and is incorporated herein by this reference as if set forth in full. The Applicant shall comply in all respects with the Final Development Approval.

4. 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.

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

6. 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 TUESDAY, January 23, 2018, by a vote of 6 to 0 on January 9, 2018.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on January 23, 2018.

TOWN OF BASALT, COLORADO

By: _____

Jacque R. Whitsitt, Mayor

ATTEST:

By: _____

Pamela K. Schilling, Town Clerk

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First Publication: Thursday, January 18, 2018
Final Publication: Thursday, February 1, 2018
Effective date: Thursday, February 15, 2018



EXHIBIT A

PROPERTY DESCRIPTION

ROARING FORK CLUB PUD

LOT 4A, BLOCK 1, ROARING FORK CLUB PUD ACCORDING TO THE PLATS RECORDED AUGUST 29, 1997 IN PLAT BOOK 43 AT PAGE 55 UNDER RECEPTION NO. 407911 AND PLAT RECORDED JULY 28, 2000 IN PLAT BOOK 54 AT PAGE 27 UNDER RECEPTION NO. 445570 AND PLAT RECORDED JANUARY 29, 2001 UNDER RECEPTION NO. 450990.

AND

ARBANEY/KITTLE PARCEL

LOTS 1 AND 1A, BLOCK 1, ROARING FORK CLUB PUD AS SHOWN ON THE PLAT RECORDED AUGUST 29, 1997 IN PLAT BOOK 43 AT PAGE 55.

COUNTY OF PITKIN, STATE OF COLORADO.

EXHIBIT B

Representations

1. The Applicant shall comply with all material representations made by the Applicant in the Application, including the supporting documents and in meetings before the Planning and Zoning Commission and Basalt Town Council.

Community Benefits

2. The Applicant shall comply with the Town's Sustainable Building Regulations on all of the new buildings to be built with the development and shall demonstrate compliance to the Town Building Official in their Building Permit Applications.
3. A 1% real estate transfer assessment (RETA) for the Property will be assessed on property transactions of less than \$1 Million and an additional 1% RETA will be assessed on property transactions of \$1 Million or greater so that the RETA is a total of 2% on these Property interests consistent recent Town approvals. The RETA funds shall be subject to appropriation by the Town Council for the same purposes as the Roaring Fork Club Kindell addition RETA to effectively facilitate administration of the RETA. The Applicant shall prepare and execute for recording, a Declaration of Covenants establishing the RETA as part of the execution of the final approval documents.
4. The Applicant shall pay all required zoning, PUD, and subdivision impact fees for each individual unit at the time of building permit issuance on the respective units. Zoning, PUD, and subdivision impact fees will be calculated by the Town Planner at the time of building permit issuance. The cabins are considered residential units for purposes of calculating impact and land use dedication fees.
5. The lodging tax shall be paid for rental use of the cabins regardless of the length of time of occupancy.
6. The Applicant shall dedicate a public pedestrian and bicycle easement within the Arbaney/Kittle property for a trail that would ultimately connect to the northern end of the development with the Elk Run Subdivision and potentially to the Arbaney/Kittle Trail. The easement shall be the width of the northern and western open space buffer that adjoins the northern and western edges of Lot 4 (the new employee housing parcel). The Applicant shall also dedicate a public pedestrian and bicycle easement from the easement on the edges of Lot 4 to the connector trail to be constructed as a connection to the Basalt/Old Snowmass Trail that is referenced in Condition No. 8. The easements shall be in the

locations shown on the trail connection map prepared by Town Staff that is included in the December 19, 2017 P&Z memo.

7. The Applicant shall produce forty-one (41) affordable housing units and convert the existing Kittle residence to an employee housing use as represented in their addendum to their Final Plan application. Pursuant to the Addendum to the Final Plan application, seven (7) of the AH units will be prioritized for the Town's allocation and subject to the occupancy priorities set forth in the Town's Community Housing Guidelines. Maximum income levels and rents for the affordable housing shall be as set forth in the Roaring Fork Club Occupancy and Deed Restriction Agreement for Employee Dwelling Units.

At a minimum the new nineteen (19) affordable housing units shall be phased in proportionally with the cabins. Additionally, the Applicant shall obtain certificates of occupancy on the replacement employee housing units prior to demolishing Buildings 2, 4, 5, and 6 of the existing employee housing units. The Applicant shall provide temporary housing acceptable to the TRC for any tenants temporarily displaced by the demolition of Buildings 1 and 3 of the existing employee housing during the time period between demolition of the existing units and the replacement units being ready for occupancy.

8. The Applicant shall comply with the design for the connector path stairway prepared by Design Workshop dated December 12, 2017, linking the project to the Basalt – Old Snowmass trail. The connection of these two trails will be made in a way that is satisfactory to Pitkin County Open Space & Trails. The Applicant shall complete the trail connection prior to the issuance of a Certificate of Occupancy on any of the new units within the development. The Applicant shall also dedicate a public pedestrian and bicycle easement in a width to be approved by the TRC for recording on the final plat. The easement shall be in the location shown on the trail connection map prepared by Town Staff that is included in the December 19, 2017, P&Z memo.

Pitkin County Open Space and Trails intends on installing trail/road signage according to MUTCD signage standards upon completion of the Roaring Fork Club's trail installation to warn trail users of the existing stop signs on the trail at the intersection of the trail and the Kittle Driveway. The Applicant shall pay for the time and material costs for the signage upon receipt of an invoice from Pitkin County Open Space and Trails as described in the referral letter from Jessie Young dated January 9, 2018.

9. The Town plans to further explore the possibility of providing a public access trail that will connect the Elk Run Subdivision with the Arbaney Kittle trailhead. The Town may ask for additional assistance from the Roaring Fork Club in the future to try and implement this connection.

10. The Applicant shall include the requirement for the Roaring Fork Club to host a third public event each year as required by Ordinance No. 01, Series of 2001 into the development agreement and work with Town Staff to further the "Community Chest" idea to support local non-profit organizations or local public charities as is outlined in the Geoffery Hasley's Memo dated January 2, 2018.

Site Plan, Design, Ownership, and Development Program

11. The Applicant shall comply with the architectural drawings depicting the character of the cabins prepared by Poss Architecture and Planning dated November 7, 2017 and the affordable housing prepared by Poss Architecture and Planning dated December 12, 2017. The cabins and the affordable housing buildings shall be situated as generally depicted on the site plan prepared by Sopris Engineering dated December 12, 2017. The cabins shall not exceed the height requirements of twenty-four (24) feet to the midpoint of the pitched roof and twenty-eight (28) feet to the ridge of a pitched roof as measured from the first finished floor.
12. The one new single-family residence shall not exceed 5,000 total square feet per the Town Code.
13. Any individual cabin shall not exceed 4,000 total square feet (including above ground and sub-grade space). On average, the cabins shall not exceed 3,925 square feet (above ground). Cabin basements shall accommodate window wells but not "walk-out" features.

Engineering and Related Technical Issues

14. The Applicant shall comply with the recommendations included in the Geologic and Geotechnical Investigation Report prepared by CTL Thompson, dated July 18, 2017. Measures shall be taken to avoid wetting of subgrade soils during and after construction. Construction observation and materials testing shall be provided throughout construction at a level appropriate for construction. A policy shall be developed for irrigation practices and pond lining and maintenance procedures before building permit.
15. Prior to Building Permit submittal on the initial building permit in the development, the Applicant shall demonstrate compliance with comments dated January 11, 2018 from the Town's consulting engineer, Chris Lehrman, or obtain waivers from the TRC.
16. Proposed road improvements shall be constructed consistent with the road plans and details prepared by Sopris Engineering, dated December 12, 2017. A cart pull-out shall be constructed along Wyland Way adjacent to the cart path that exists along to the 5th fairway, to allow carts to be parked outside the Wyland

Way roadway. All road improvements shall be completed prior to the issuance of a Certificate of Occupancy on any of the dwelling units within the development.

17. Prior to Building Permit submittal on the initial building permit in the development, the Applicant shall demonstrate compliance with Assistant Fire Marshal, Brooke Stott's letter dated January 10, 2018. Public utility and emergency access easements shall be dedicated along cart path routes where necessary on the final plat. Cart path design shall include features to exclude vehicular (non-golf-cart) use, except for emergency access.
18. A new or updated access permit shall be obtained from the Colorado Department of Transportation (CDOT) for the existing Roaring Fork Club entry prior to issuance of a building permit for any of the cabins unless the Applicant provides documentation that an access permit is not necessary to the satisfaction of the Town Planner.
19. The Applicant shall connect the new development to the Basalt municipal water system. Connection to the municipal water system shall be completed prior to the issuance of any certificates of occupancy on new units in the development. The Applicant shall replace the existing water main serving the Kittle property and size it appropriately to meet (at a minimum) the domestic and fire protection needs of the Roaring Fork Club Cabins 52-64. The water main shall be a 10-inch main and the Applicant shall include a water sampling station that can be read remotely.

The water sampling station shall be in a vault and the vault shall be sized large enough to accommodate a chlorine injection station. After occupancy of the affordable housing, if it is determined necessary at the sole discretion of the Town based on engineering analysis using best engineering practices by the Town's consulting engineer, for a chlorine injection station to be installed for water quality purposes, the Town may install the chlorine injection station and be reimbursed for the cost of installation by the Applicant. The Applicant shall provide financial security for the chlorine injection station based on an engineer's cost estimate as part of the financial security required pursuant to Condition No. 30. The financial security for the chlorine injection station shall be maintained for a period of one year from the issuance date of the certificate of occupancy on the last of the affordable housing units to be completed.

The Applicant will be eligible for cost-recovery of the new water main if it is utilized by future development projects. It is the responsibility of the Applicant to notify the Town of this agreement when new development proposals are considered by the Town.

The Applicant shall comply with the plan included in the Addendum to the Final Plan Application for the water main to be stubbed out as discussed in the Response to the Preliminary/Final Plat Referral Comments from Stephanie

- Helfenbein of Sopris Engineering dated November 22, 2017, with the appropriate easement in place for connection with the Meyers Ranch Property so that a looped water line may be installed in the future in the event that the Meyers Ranch Property is ever redeveloped.
20. Raw water for irrigation shall be provided by the private Roaring Fork Club water system to both the Roaring Fork Club Cabins 52-64 and Roaring Fork Club portions of the project.
 21. The Applicant shall comply with the comprehensive water conservation measures outlined in the Addendum to the Final Plan Application dated December 12, 2017. There shall be no water falls permitted for any of the private cabins. Water conservation shall be managed by the Applicant after development.
 22. The proposed development shall connect to the Basalt Sanitation District. The Applicant shall obtain execution of the Line Extension Agreement prior to the issuance of any foundation/building permits. The design shall comply with the 201 plan submitted in the Final Plan application.
 23. The Applicant shall comply with the wildfire mitigation techniques described in Section 5 of the Preliminary Plan Application.
 24. The Applicant shall meet the basic water rights dedication requirement of the Town Code. The Applicant shall be required to provide a cash-in-lieu payment prior to issuance of the initial building permit reflecting the cost of the Town obtaining direct diversion and augmentation water rights and any changes of existing water rights sufficient to meet the full build-out municipal water service demand occurring during the irrigation and non-irrigation seasons for any shortfall. Prior to the issuance of the first building permit in the development, the Town's Water Attorney will verify that he agrees that the Applicant has sufficient water rights for the installation of a pond.
 25. A final construction management plan shall be prepared and submitted for approval by the TRC prior to issuance of any building or land development permits for the project. At a minimum, the plan shall address the proposed construction staging, material storage, and parking.
 26. The Applicant shall comply with the snow storage and trash collection plan prepared by Sopris Engineering dated December 12, 2017.
 27. All new trail connections shall be signed to require pets to be on leashes.
 28. The Applicant shall make a reasonable, documented effort to maintain ditch flows in the Kester ditch during and after construction.

29. The Applicant shall comply with the representations in the Addendum to the Final Plan Application dated December 12, 2017 regarding material and appliance recycling from the affordable housing to be demolished.

Approval Documents

30. The Applicant shall prepare for execution and recording, the following approval documents:
 - a. Development and Subdivision Improvements Agreement with Engineer's Cost Estimate for Public Improvements
 - b. Declaration of Restrictive Covenant for RETA
 - c. Declaration of Restrictive Covenant for Occupancy and Rental of the Employee Housing Units
 - d. Indemnity Agreement to Conduct work in Town's Right-of-Way
 - e. Final Subdivision Plat
 - f. Final PUD Plan
 - g. Easement Agreements for the Public Pedestrian and Bicycle Easements (easements to be dedicated by easement agreements and shown on the final plat)

The Town Attorney or Town Planner may require preparation and recording of additional documents necessary to effectuate the intent of the development approvals. The Applicant shall prepare, execute and record the necessary approval documents within 180 days of the effective date of the approval ordinance. The Town Planner may extend the deadline for recording the documents. In the event that the Applicant does not execute and record the necessary documents in the allotted timeline established herein or obtain a written extension from the Town Planner, the approvals established herein shall be null and void. Additionally, the documents outlined above shall be recorded prior to commencing the installation of infrastructure and prior to the issuance of the first building permit in the development. Upon execution and recordation of the approval documents, the Applicant shall assemble an approval notebook to be kept in the records of the Town of Basalt Planning Department as required by paragraph 3 of this ordinance.

The Applicant shall provide financial security in a form acceptable to the Town Attorney, in an amount sufficient to secure all of the public improvements for the development plus a ten (10%) percent contingency in conjunction with filing the Subdivision Improvement Agreement and Final Subdivision Plat.

Vested Property Rights

31. Vested property rights shall be granted for a period of three (3) years from the effective date of the final ordinance. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. The Applicant shall install the necessary infrastructure and obtain a building permit on the initial dwelling to be built in the development within three (3) years of the effective date on the Final PUD approval or the Final PUD approval will be null and void.

Insubstantial Amendments

32. The TRC 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 TRC's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.