

Town of Basalt, Colorado
Ordinance No. 07
Series of 2018

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING AMENDMENTS TO THE BASALT VISTA AFFORDABLE HOUSING PROJECT ON THE BASALT HIGH SCHOOL PROPERTY, BASALT, COLORADO.

RECITALS

- A. Habitat for Humanity, the RE-1 School District, and Pitkin County (“Applicants”) received approval for the construction of twenty-seven (27) community housing units on the School District’s property located directly south of Basalt High School pursuant to Ordinance No. 25, Series of 2017.
- B. The Applicants subsequently requested the following amendments:
- 1) Change the timing on the deed restrictions to require a draft be provided within 180 days of the approvals but delaying the execution of the deed restrictions to the earlier of: one year from providing the draft deed restriction or prior to the issuance of the first building permit for a dwelling in the development;
 - 2) Apply the Aspen/Pitkin County Housing Authority (APCHA) requirements regarding retirees to the 12 Pitkin County Priority Units (prior approvals did not permit retirees to occupy any of the units in the development);
 - 3) Clarifying that use of a portion of the 350,000 gallons of potable water originally granted for the Basalt High School Property can be used for irrigation in the Basalt Vista AH project from May to October of each year and clarifying that the 350,000 gallons of potable water covers all the irrigation in the Basalt Vista project, including the common areas;
 - 4) Remedying an error in the water tap fee waiver calculations by the Applicants to correct the overall water tap fee and surcharge waiver to be \$159,759 instead of the \$121,959 that was in Ordinance No. 25.
- C. At a public hearing held on April 10, 2018, the Town Council considered the Application on first reading and continued and set a public hearing and second reading for this ordinance for April 24, 2018 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- D. At a public hearing and second reading on April 24, 2018, the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.

E. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

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

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicants, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code, provided applicant adheres to the conditions identified in this Ordinance.

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicants and Town Staff, the Town Council hereby grants approval for amendments to the provisions of Ordinance No. 25, Series of 2017 to construct twenty-seven (27) community housing units in the Basalt Vista Affordable Housing Project, as follows:

1. Deed Restriction Timing:

Condition No. 5(b) of Ordinance No. 25, Series of 2017 is replaced with the following:

5(b). The deed restrictions shall be reviewed by the Town Planner and Town Attorney prior to execution and recording. The Applicants shall provide a draft deed restriction within 180 days of the approval. The execution and recording of the final approved deed restriction on the units shall occur the earlier of: 1) within one year from providing the draft deed restriction, or 2) prior to the issuance of the first building permit for a dwelling unit in the development.

2. Retirement Provisions in Pitkin County Priority Units:

Condition No. 5(c) of Ordinance No. 25, Series of 2017 is amended to add the following language:

5(c). The twelve (12) Pitkin County Units shall comply with the Aspen/Pitkin County Housing Authority's (APCHA) Housing Guideline provisions related to retiring individuals occupying affordable housing units.

3. Water Service and Irrigation Clarifications:

Condition No. 12 of Ordinance No. 25, Series of 2017 is amended to add the following language:

12. A portion of the 350,000 gallons of potable water originally granted for the Basalt High School Property for irrigation purposes in the initial Basalt High School Water Service Agreement can be used for irrigation in the Basalt Vista AH project from May to October of each year and the Basalt Vista Project will not exceed the aforementioned 350,000 gallons of potable water per year (covers all the irrigation in the Basalt Vista project, including the common areas).

4. Water Tap Fee Waiver Amendment:

The last sentence of Condition No. 17 of Ordinance No. 25, Series of 2017 is amended to read as follows:

17. The Town will reimburse the water fund each year that the fees would have been paid up to a total over time of \$159,759 (ie.a total of \$159,759 of water fees waived).

5. Water Conservation:

Condition No. 13 of Ordinance No. 25, Series of 2017 is amended to add the following language:

13. The Applicants shall comply with the water conservation measures in the water conservation document submitted by Dana Dalla Betta, dated 4/18/18. Water use restrictions generally applicable to properties served by the Town's water system shall also apply to the Basalt Vista property.

C. MISCELLANEOUS

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

2. The Ordinance 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 the 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 April 24, 2018 by a vote of 5 to 0 on April 10, 2018.

READ ON SECOND READING AND ADOPTED by a vote of 7 to 0 on April 24, 2018.

TOWN OF BASALT, COLORADO

By: 
Jacques R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk



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