

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING & PUBLIC HEARING  
Tuesday, February 2, 2021**

**CALL TO ORDER**

The meeting called to order by the Chair at 6:09 pm.

Commissioners present included Bill Maron, Kyle Oberkoetter, Gino Rossetti, Michelle Bonfils-Thibeault, Bernie Grauer, Rob Leavitt and Alternate Cindy Hirschfeld.

Staff present included Susan Philp, Planning Director, James Lindt, Assistant Planning Director and Sara Nadolny, Staff Planner.

**APPROVAL OF MINUTES**

**M/S ROSSETTI AND LEAVITT TO APPROVE THE MINUTES OF JANUARY 5, 2021. MOTION CARRIED BY A VOTE OF 7 TO 0.**

**AGENDA ITEMS**

**Worksession – Amendments to Community Affordable Housing Guidelines Regarding Livability Guidelines**

Lindt introduced the item as a worksession on the proposed changes to the livability guidelines for the Town's affordable housing units that are found within the Town's Community Housing Guidelines. The Basalt Affordable Community Housing Commission (BACH) has worked with staff to propose some adjustments to the current livability guidelines for affordable housing. Lindt explained as background, BACH added livability standards for affordable housing to the Community Housing Guidelines in 2015. BACH felt that updates were needed based on their experiences in reviewing affordable housing in development applications.

Lindt explained that when BACH initially proposed the livability guidelines, they had worked with architects to come up with requirements on kitchen sizes and appliances, dining space, number of bathrooms for different sizes of units, and also storage requirements. Lindt said that in doing this update BACH has checked in with property managers of some of Basalt's affordable housing units, including those from the Roaring Fork Apartments and the Willits Seven units. BACH also checked in with an architect to look at adjustments to the guidelines to better fit some of the issues BACH has seen with the affordable housing units.

Lindt indicated that the proposed adjustments are in the packet, noted in strikethrough and underlined text. Proposed adjustments include better sizing appliances based on unit sizes and includes an allowance for mini tubs in studio units due to their size limitations. BACH is also proposing to provide the main changes related to storage, noting that this is a hot topic for affordable housing units. Lindt explained that currently the requirement for storage is subjective

and reviewed on a case-by-case basis. BACH and Staff felt there needs to be a more concrete objective size for storage areas. By working with the property managers, BACH felt they needed a required size similar to the storage units at Roaring Fork Apartments, which is a 7'x7' storage area and located on the building's first floor level so gear does not have to be hauled to upper floor units. He said that BACH also proposed an enclosed bicycle storage in addition to the 7'x7' storage unit that would accommodate at least one bike per bedroom in the development. BACH maintained the language that adjustments of the requirements could occur on a project-by-project basis, and they felt that the proposed adjustments help to increase the livability of the Town's affordable housing units. Lindt concluded by stating that he is interested in feedback from the P&Z to bring back to BACH and ultimately to the Council for consideration.

Commissioner Thibeault asked whether BACH has considered topics related to energy efficiency, requiring Energy Star rated appliances, quality of materials, no volatile organic compounds (voc) paint, cabinets or furnishings allowed, indoor air quality exchange, and practical design efforts toward net zero energy buildings. She said it would be great to have energy efficiency and quality of air circulation within the guidelines. Lindt replied that energy efficiency is not found within the Community Housing Guidelines, noting that those requirements come in with the sustainable building regulations for all dwelling units. Lindt noted that the quality of materials used indoors is a good comment and he will see if BACH can encourage that through some language. He asked if the P&Z wants to add language related to energy efficient appliances and fixtures. Commissioner Thibeault said that these are pretty commonplace these days and is not a big ask.

Chair Maron said that the current guidelines push the projects to the border of not being affordable or attainable without a much greater municipal subsidy. He noted that Commissioner Thibeault's requests can make a project significantly more expensive.

Due to confusion with the materials not being in one of the Commissioners' packets, Staff suggested the discussion could be tabled to a future P&Z meeting if they so choose to. The P&Z decided to continue with the discussion.

Commissioner Thibeault said that she appreciates Chair Maron's comments, but we need to encourage sustainable development. She agreed that affordable housing projects take significant public subsidy and said for that fact she does not want to require it but could strongly suggest the developers step in that direction.

Commissioner Hirschfeld said overall it is admirable to encourage resource efficient buildings but suggested that when it is weighed against the need for affordable housing it is not as strong of a priority. She does not want to dissuade the construction of affordable housing units due to onerous requirements and suggested incentivizing the development of sustainable building.

Commissioner Oberkoetter felt that a four-burner stove is way too big and unnecessary in a studio and one-bedroom unit and those units do not necessarily need an oven. One way to get more environmentally friendly construction is to reduce the overall footprint. Good design can elicit a much smaller kitchen footprint. Commissioner Oberkoetter noted that the storage is great and is needed in this community. He is not in favor of a mini tub, noting it seems useless for anything other than a shower.

Commissioner Grauer said that he appreciates the forward thinking that the new P&Z members are bringing to the discussion. He said that construction must still meet the green efficiency building standards adopted by the Town. He likes the idea of a list of supplemental enhancements that should be considered and not including those items that delay the efficiency in getting as many people housed in decent housing without strict parameters related to measurements, everyone needing a tub, etc. Commissioner Grauer said that he finds BACH's suggestions to be acceptable.

Commissioner Leavitt suggested a minimum storage size requirement of 50 square feet per unit instead of the proposed 7'x7'. He asked if the requirement would extend to Lot J. Lindt said that since the Sketch Plan review was approved for that application, it could be a discussion item for Final review. However, BACH supported the storage proposed.

Commissioner Leavitt said that Energy Star appliances are a no-brainer these days. The guidelines should incorporate as much sustainable elements as possible, and the P&Z should encourage that.

Chair Maron said that for transit-oriented development style projects, the possibility of adding greater handicapped accessible units over that currently required by ADA should be considered. He also wanted to consider allowing micro-units or micro-houses with the same set of circumstances – approved through Special Review and not prohibited by the Town's own guidelines. Chair Maron said that the Town's green building guidelines address many of Commissioner Thibeault's concerns. He said there is a need to understand how the requirement of one greater good could prevent another greater good.

Commissioner Hirschfeld said that a mini tub could be helpful for people with kids and would like to keep that suggestion there.

### **Worksession on Town Public Works Manual and Future Amendments to the Municipal Code**

Lindt introduced Boyd Bierbaum, the Town of Basalt Public Works Director. Lindt said this item is an update to the Town's Public Works Manual and some associated Code amendments to the water distribution section of the Town Code. The intent of the worksession is to update the P&Z on the progress Staff is making on the Public Works Manual and not necessarily to solicit feedback, as the manual is highly technical. Lindt explained that the Town has had a Public Works Manual with some specifications related to streets, landscaping, water distribution and some other topics for about 15 years, but it has not been updated since 2008.

Lindt explained that the Town's Public Works and Planning Staff, together with the Town's consulting engineer at SGM, have been working on an update to the manual for about a year. Lindt indicated the chapters included in the update, as found in the P&Z's packet.

Lindt noted that the water service for West Basalt and the Aspen Junction area is provided by Mid Valley Metro District, and the water and sewer specifications for Mid Valley Metro's system are established by Mid Valley Metro District and not the Town.

Lindt said that the manual's update is intended to update the specifications to better fit what Public Works has been requiring in terms of streets and drainage as well as improvements to the Town's water system and to bring together all of the technical specifications in one location, as they are currently spread throughout the Public Works Manual and in section of the Town Code. Because of this, there will be the need to process some Code Amendments, particularly in the Subdivision section.

Lindt said that the Water Dept is also working on some Code amendments with the intent to specify the need and responsibility for maintenance of water lines. He said there is a need to strengthen language in the Town Code that water service lines must be maintained by property owners, and the main waterline system is under the Town's maintenance responsibility. Lindt said this will also amend the backflow prevention requirements to meet the state's requirements. He explained that backflow prevention is a technical requirement that does not allow for cross-contamination of water in the potable water system.

Lindt said another topic is to provide a penalty for unmetered residents to keep meters for properties on the Town's water system operational.

Commissioner Thibeault noted that in the chapter on stormwater and urban runoff, she feels that urban runoff should be treated completely onsite. In the section on hazardous materials management she is looking to define the consequences of a spill created by a private developer. Commissioner Thibeault noted that the landscaping section is called Plantings. She also asked what the triggers are for building a bike lane. Lastly, regarding the section on irrigation systems, Commissioner Thibeault asked that it require the most water efficient system available.

Commissioner Oberkoetter asked if there is a cutoff date for comments. Lindt said the intent is to work on the Code language that goes along with this and hope to bring it back to the P&Z within a month so comments would be appreciated in the next couple of weeks.

Commissioner Leavitt asked to take a look at Page 19, Purpose and Applicability. He read "The intent is to minimize water quality and water impacts." He said that he thinks it means to say "to minimize *damage to* water quality and water impacts." Philp thanked Commissioner Leavitt for calling this out.

Chair Maron expressed his admiration for the quality and thoroughness of the manual, and agreed with Commissioner Thibeault's comments, particularly regarding the triggers.

Commissioner Oberkoetter asked about the non-working meters, questioning whether residents are turning their meters off so as not to have to pay for water. Lindt said that he believes the meters are generally becoming in disrepair, and despite the residents receiving mailing notices, they are not being repaired.

Boyd Bierbaum added that with a large portion of the housing being second and third homes is the issue of access – how to get into the house, contacting the property manager, or when is the owner in town. Bierbaum noted this can be a logistical nightmare.

Commissioner Rossetti asked whether the Public Works Manual required any feedback from the P&Z. Lindt said that Staff will bring it back for a recommendation along with Code amendments. Lindt reiterated that if the Commissioners have any adjustments to let Staff know in the next couple of weeks.

### **P&Z Direction on Request to Provide Letter to Eagle County regarding 280 Roaring Fork Court**

Philp noted this is a discussion on 280 Roaring Fork Court, and it is being brought before the P&Z as it was a topic of discussion at the last meeting, where the P&Z had expressed concern about a building and asked Staff to determine the best way to proceed. Philp said the Planning Staff discussed the P&Z's concern with the Town Manager and Town Attorney and decided to have the P&Z advise on the best way to move forward. Philp said Staff also discussed the issue with Eagle County Planning Staff and received a lot of emails from concerned Elk Run residents. She said that Lindt had reached out to with the owner, Tania Dibbs, who provided a number of emails indicating support for her proposed development.

Currently, Philp said, there has been a building permit issued for the development under Eagle County's regulations. She explained that building permits are not covered under the intergovernmental agreement (IGA) with Eagle County. Philp said that no land use application has been filed yet, and therefore there is no referral request to the Town of Basalt from Eagle County. The owner has had preapplication discussions with Eagle County. The property is not in Town but is included in the 2020 Master Plan. The Master Plan encourages annexation of the property as is desired with all enclave properties in the Town of Basalt. Philp suggested the most appropriate path forward is for the P&Z to send a letter to Eagle County that addresses the items that the Town of Basalt would like to be see in an application.

Philp noted the importance of listening to the concerns of the public on this matter, but then the P&Z will regroup and discuss sending a letter to Eagle County. Philp said the letter that Staff drafted for the P&Z was also sent to the property owner. This is not an official public hearing, but Chair Maron agreed to allow for public comment. Philp entered into the public record the letters that Staff has received, noting that all but two of the letters did not make it into the online packet as they were submitted late. Staff also received a number of emails from concerned residents of Elk Run, they received letters of support from the owner Tania Dibbs, and received a letter from the HOA Board. Fairly close to the meeting Staff sent the P&Z two additional emails, one expressing support, and one expressing concern.

Philp said that Eagle County Staff is confident that they are following their zoning regulations in issuing the building permit, and they want to work with the Town. They have some Code amendments under consideration which may be able to address some of the issues that have been brought up, such as construction noise and character of a single-family home. Philp noted that a response given by Eagle County to a concerned citizens' letter has been included as part of P&Z's packet.

Lindt read the letter Staff has drafted on behalf of the P&Z. He emphasized that there is no actual application at this time, but Eagle County Staff have indicated that they have created a pre-

application for Special Use for a Home Occupation and accessory dwelling unit at the subject site. Lindt explained the comments in draft letter. The first comment identifies a request that Eagle County Staff put the owner on notice that the Town has language in the 2020 Master Plan (attached) that encourages annexation for properties entering onto the water system or the Basalt Sanitation District. The comment recommends that the property owner come and talk to the Town about the potential for annexation.

Lindt said the second comment in the letter suggests that Eagle County requires the Applicant to provide a will-serve letter as part of their application from the Town for the water service related to any such Special Use application which is beyond single family house.

The third comment suggests that Eagle County require property owner to get a will-serve letter from the Basalt Sanitation District prior to determining the Special Use application complete.

Comment number four would require the property owner to obtain an access permit from the Town if there was increased traffic activity as a result of the Special Use application.

Lindt said the final comment is about encouraging the property owner to plant trees on site between the new single-family structure and the neighboring residential properties and Elk Run Drive to provide screening. Lindt said this is drafted in the letter that the plantings are encouraged regardless of whether a Special Use application is submitted or not.

Commissioner Rossetti asked what building department approved the permit for the building's construction. Lindt noted that it was approved by the Eagle County Building Department. The property is not within the Town of Basalt and is under Eagle County's jurisdiction.

Commissioner Leavitt asked if the Town has any grounds to withhold the will-serve letters. Lindt said the merits of a will-serve letter would be discussed when a Special Use application is made, and not prior. This was suggested by the Town Attorney. Philp noted the will-serve letter is the one significant tool that the Town has.

Commissioner Leavitt asked what the conforming uses are for that lot. Philp said it is in an unincorporated area and she does not want to interpret Eagle County zoning. Lindt said that a single-family house is a conforming use, and an ADU is a Special Review use.

Commissioner Hirschfeld asked what the Special Use application would be for. Lindt replied that potentially for an ADU and for a commercial use. He said those are the items that have been identified in the pre-application discussions with Eagle County. Commissioner Hirschfeld asked if the process is commonly to build a structure and then to ask for Special Use approval. Philp said this is not normally how it works, but additional requests can happen after a structure is built.

Commissioner Hirschfeld clarified that the structure that we see is what the single-family home. Lindt replied that it is.

Commissioner Grauer said the single-family home was built but the Town was not able to get a chance to review it. He asked if this was per the IGA agreement. Philp said the single-family

structure did not require a land use application; individual building permits are not part of the IGA's review.

Chair Maron opened the meeting to public comment at 7:12 pm.

Anne Grice said she is the president of the Elk Run HOA board, and she has concerns about the aesthetics of the structure working with the neighborhood. She has concerns about traffic if a Special Use application is submitted for a home occupation. Grice noted that there are a lot of young children in the neighborhood and people feel comfortable letting kids and dogs walk and bike around. There is some concern about events happening in the middle of a residential neighborhood.

Amanda Gaube said she is also on the Elk Run HOA board. She has received comments from homeowners in the area who have expressed safety as a big concern. She recognized the Town's recent efforts to help reduce speed through the neighborhood with stop signs and pavement markings. Gaube noted that additional non-residents coming to the area brings concerns to the neighbors, particularly large gatherings where alcohol may be served. She said she wants to make sure Eagle County takes some responsibility for the neighborhood.

Karen Barch said she is also in the Elk Run HOA and has the same concern raised by the other board members. She also wanted to point out that the letters of support she has read preceded the construction of the unit, and those who wrote the letters may not have known what the structure was going to be.

Chair Maron closed the public comment portion of the meeting at 7:20 pm.

Lindt restated the items found in the P&Z letter drafted by Staff to Eagle County at the request of the P&Z.

Commissioner Thibeault said she does not have anything extra to contribute to what the public has said.

Commissioner Oberkoetter asked if the Town has a better definition of single-family home or could someone build this structure within the Town as well. Philp said the Town would not permit anything over 5,000 square feet, as there is a floor area limit in Town. It would have been addressed differently.

Commissioner Rossetti said it is unfortunate to have an ugly building in a successful single-family neighborhood. He suggested the language in Comment 5 be strengthened to be clear that the building should be intentionally hidden. He said he is concerned with what can be written to not let this happen again. A County lot should not be able to go forward without the design approval by the Town of Basalt, even if it is approved by Eagle County. Commissioner Rossetti said that the P&Z needs to decide what we want and put it in writing so the Town has something to stand by in the future.

Commissioner Leavitt said the letter is fine but wants Eagle County to engage in discussion with the Town of Basalt.

Commissioner Hirschfeld asked if the Elk Run HOA has design guidelines that the development in that area needs to conform to. Philp said that she is unsure.

Commissioner Grauer said he has received many negative comments about the structure. He does not have a personal strong opinion about it, but the residents in view of the structure are aghast that this structure does not fit into the typology of the Elk Run neighborhood as it looks like a warehouse. He said this illustrates need to revisit the Town's relationship with Eagle County and he would like to discuss putting a process in place. The built structure is incompatible with Elk Run neighborhood typology. Commissioner Grauer said he feels the letter is inadequate, and what is needed is a comprehensive landscaping plan that shows how the building will be screened. Many residents are not happy with the process how this was approved by Eagle County.

Commissioner Grauer asked to amend the letter to add that the owner should be encouraged to submit a comprehensive landscape plan, including berms, trees and shrubs, that would screen the structure, which does not appear to conform with the neighborhood typology of Elk Run homes, so that it is screened from the street and neighboring properties.

Commissioner Leavitt asked if the letter could be sent without so many details. Chair Maron agreed, saying that if additional comments regarding landscaping were to be added to the letter, he would prefer it to be simple.

Philp suggested saying planting additional materials to screen the building, rather than ask for a landscape plan. We do not want a plan; we want the owner to plant materials. She suggests keeping comment number five, but to add Commissioner Rossetti's suggestion about planting spruce trees.

Commissioner Grauer said he would like it to be clear what the purpose of the planting request is. A plan for the purpose of screening the structure from the street and neighborhood. Lindt suggested Comment number five be amended to say encourage the planting of spruce trees on site between the new single family residential structure and the neighboring residential properties and Elk Run Drive to screen the new structure from view of the adjacent properties regardless of whether the owner propose a Special Use application. Philp suggesting a modification to Lindt's language to include spruce trees or other landscaping, as we may want a mixture of trees and other landscaping.

Commissioner Grauer noted that the owner of the property emailed a letter to the Elk Run residents indicating her intention to landscape the property and to work with her neighbors on an agreeable solution. He read the email from owner Tania Dibbs. Commissioner Grauer said her email indicates a willingness to cooperate with neighbors and her understanding of her neighbor's concerns regarding the visual impact.

After some discussion, Commissioner Grauer amended his condition to include in Comment number five the language "landscape plan".



Lindt suggested Comment number five should read “Encourage the property owner to submit a landscape plan and to subsequently plant spruce trees and other landscaping on-site between the new single-family residential structure and the neighboring residential properties / Elk Run Drive to screen the new building from the neighboring residential properties on Elk Run Drive regardless of whether they propose a Special Use application.

Commissioner Hirschfeld asked why we have to include spruce trees. Commissioner Grauer said he does not care what kind of trees are proposed. Philp said Staff would remove the word “spruce” from Comment number 5.

Commissioner Rossetti asked if Staff has viewed the plans for the building, as he is concerned about whether the building is truly a single-family home or includes space for other uses. Philp said Staff has not reviewed the plans, nor does Staff have a copy of the plans.

**M/S GRAUER AND THIBEAULT TO APPROVE THE LETTER, WITH THE AMENDMENT, READ BY LINDT AND PHILP, TO BE SUBMITTED TO EAGLE COUNTY ON BEHALF OF THE BASALT PLANNING AND ZONING COMMISSION. MOTION PASSED BY A VOTE OF 7 TO 0.**

#### **Staff Updates and Commissioner Comments**

Philp said Staff has been working on the Arbaney Pool project, which is well underway. Staff is also working on the park plan for Basalt River Park and getting entitlement documents finalized. February 23<sup>rd</sup> is currently set as a joint meeting of the Town Council, P&Z and POST for the purpose of talking more about the details of the River Park portion of the River Park development.

Town Council approved a Sketch Plan for Lot J at their last meeting, and they are looking for more community benefits to consider the height variance.

Stott’s Mill finalized their documents which were sent to the title company for recording.


Chair Maron asked to talk about the river work at Willits Lane and Highway 82. He asked that the Town could ask the parties in charge to not use a rock breaker at night as it is really loud. Philp said she would follow up on that, and that Staff just learned that Eagle County does not have hours of construction.

Commissioner Rossetti asked the Commission to ask Staff to consider what might be done for the future to craft language between the Town and Eagle County to prevent issues such as is being experienced on the 280 Roaring Fork property. Commissioner Grauer agreed, saying there has been lack of communication between the two entities. Commissioner Thibeault said there may be a need to amend the existing IGA between the Town and Eagle County.

**M/S GRAUER AND LEAVITT TO ADJOURN THE MEETING. MOTION PASSED BY A VOTE OF 7 TO 0.**

The meeting was adjourned at 8:15 pm.

TOWN OF BASALT  
PLANNING AND ZONING COMMISSION

By   
\_\_\_\_\_  
William C. Maron, Chair

Attest   
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Susan Philp, Planning Director