

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING & PUBLIC HEARING
Tuesday, March 16, 2021**

CALL TO ORDER

The meeting was called to order by the Chair at 6:14 pm.

Commissioners present included Bill Maron, Kyle Oberkoetter, Gino Rossetti, Eric Vozick, 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 LEAVITT AND ROSSETTI TO APPROVE THE MINUTES OF FEBRUARY 2, 2021. MOTION CARRIED BY A VOTE OF 7 TO 0. VOZICK ABSTAINED FROM VOTING AS HE WAS ABSENT FROM THE LAST MEETING.

AGENDA ITEMS

Pitkin County Referral for Emma Fields Distillery – 100 Hoagland Ranch Road

Chair Maron noted that the P&Z had voted on this item at a previous meeting, but there have been some changes and an updated application.

Lindt introduced the item as a Pitkin County referral item. Pitkin County has referred the application to the Town to provide comments as the property is in the Town's three-mile planning area. He explained that the property subject to the application is in the Hoagland Ranch area, located just to the east of Holland Hills. The subject site was most recently used as a landscaping service yard for Four Seasons Landscape Company. The site is within the Town's three-mile planning area but outside of the Town's urban growth boundary, and within the Pitkin-Basalt Junction area (also known as the PBJ area in the Basalt Master Plan).

Lindt said the proposal is for a distillery as well as crop production, a single-family house and a caretaker dwelling unit. He said there was an application that was submitted in 2020 that was reviewed by the P&Z who issued a referral letter in 2020. Lindt noted that the updated application is not significantly different to the 2020 application; the main changes are to the additions of items 6 and 7. James said he would go through the adjustments to the letter.

Item 1 references that the site is within the PBJ area and identifies the proposal to be compatible with adjacent land uses and the criteria of the PBJ area in that the use will not increase the pedestrian traffic crossing Highway 82 and will not compete with businesses in Basalt Town

Center, as there be no tasting room and no public coming to site. Lindt indicated this is the same as within the letter from 2020.

Lindt explained that the second item is a comment about traffic generation. The 2020 letter required the Applicant to provide a traffic study to Pitkin County. He explained that the revised application does have a traffic study that was completed by SGM that identifying a significant reduction in traffic from the prior use of site as a landscaping yard. Lindt said the comment has been adjusted to identify that it meets the other PBJ requirement of not increasing traffic to site.

Comment three indicates that the Applicant should be held to the application representations, including architectural representations.

Lindt said that comment four relates to Pitkin County consulting with CDOT as to whether there is a need for an access permit, which is the same as in the letter from 2020.

Comment five requires the Applicant to be held to representations, and any proposed changes to the representations require that the Town P&Z be consulted to ensure that they do not change the application to allow people from the public to come to the site to gather. Lindt noted that this requirement was also found in the 2020 letter.

Lindt said that items six and seven are new in that they weren't in the 2020 letter. He explained that item six relates to how the Applicant is going to take water back into the Roaring Fork River after it has been filtered from the distillation process. He noted that Town Staff has checked in with the Roaring Fork Conservancy (RFC) who has reviewed the proposal. There is a proposal for water quality testing before it is released back into river. RFC found this to be an acceptable proposal and indicated they may want to be contacted to observe periodic testing.

Item seven related to the caretaker dwelling unit (CDU) on the site. Lindt explained that the proposal is for there to be agricultural occupancy priorities for unit. Staff has encouraged Pitkin County in the draft letter to deed restrict the CDU so agricultural occupancy is a priority.

Lindt said that comment eight is the same as the 2020 letter, which is to require a high level of green building and efficiency as well as the installation of renewable energy facilities within the project.

Lindt noted that the Applicants are present on the call, suggesting that the P&Z allow the Applicants to provide any comments they have related to the letter or to answer any of the P&Z's questions. Lindt recommended that the Commission have discussion on letter and ultimately direct Staff to transmit the letter as written or adjust letter.

Chris Bendon introduced the team including Matt Patel (Principal with Emma Fields Distillery), Mary Elizabeth Geiger (attorney with Garfield & Hecht), and Luc Bamberger (Architect with Anderson, Mason, Dale). Bendon said they have an interesting and exciting proposal that achieves many visions of the Master Plan. He said the proposed use is a great way to reactivate the property. The site has a history of commercial use. The Applicant intends to replace all of the existing structures with less floor area than currently exists. Bendon said the architecture is attractive with a modern, clean look. Roughly half of the site will be for agricultural use, noting

that the buildings are clustered on the southern half of the property. He said the distillery would employ roughly half employees as former landscape yard and will generate fewer trips. Bendon said the distillery will be a model of green building technology.

Bendon indicated that the Applicant supports the referral letter as drafted and expressed appreciation for the P&Z's support of the proposed project. He emphasized that this site is a production facility and is not a place for public gatherings. The SGM traffic report demonstrates a significant traffic reduction from the previous use and will not trigger access permit from CDOT. Bendon said there will be some commitments related to the maintenance of intersection and ongoing testing of water. The CDU will be deed restricted with a priority for agricultural workers on the site, and there will be a high level of green building technology.

Patel said the Applicant is proposing a modest distillery as far as production capability. The goal is to build a sustainable model that reaches toward regenerative agriculture that references responsible water use. Patel said they have a responsible plan for the distillery waste. He noted that the liquid stillage is a waste product that is difficult for even large municipal sewer districts to deal with. Patel explained the revolutionary technology that will be deployed to deal with this waste product. He said that after treatment, the water will be safe for crop irrigation or fully reclaimed water to discharge into the Roaring Fork River. Patel indicated that the team has met with Rick Lofaro from the Roaring Fork Conservancy, and Rick wanted to make sure water was suitable to discharge back into the river. Patel said the team is also working with Aaron Scott at the State to obtain an EPA permit to discharge water back into the river. The system contains a high degree of technology which will require on-site and off-site monitoring. He said they are currently seeking LEED Platinum certification and are looking to be the first project in Colorado to meet all seven petals of Living Building Challenge.

Commissioner Leavitt asked why it took a year to resubmit. Patel responded that the property was zoned as an unclassified parcel. Bendon said they were pursuing a code amendment and a rezoning the first time the P&Z viewed the application. However, they found that was actually unnecessary, and what was required was a federal permit for distilling, which qualifies within the current zoning. Bendon reiterated that the current zoning, which was set in the 1980's, is called "Unclassified", and has a set of uses. The Applicants have resubmitted under the proper submission criteria.

Commissioner Hirschfeld asked what kind of crops would be grown on-site, and what would be distilled. Patel replied that the purpose of farming is to create a local source of farmed produce to deliver to local restaurants and markets. He said they would not be doing grain separation on this site as it could impact the neighboring properties. They will not be growing the actual grains used in the distilling process.

Commissioner Hirschfeld asked if a tasting room would open in the future at this site. Patel said that is not in the model; with Colorado laws, a tasting room would be on a different site in downtown Aspen or Basalt, which is more convenient for the customer base.

Commissioner Thibeault asked if there are any odors associated with the distillery. Patel said it is an enclosed system. The grain is grown and milled offsite and will come in super sack plastic

bags with udders on the bottom, set over hopper equipped with an auger to introduce into an enclosed mash tank, so there are no dust issues. Patel went on to further describe the process, with the dry waste eventually upcycled into high protein such as animal feed or granola bars. The next process is fermentation within enclosed tanks. Patel said they would capture the off-gases and sequester the CO2 that will be a saleable product.

Thibeault expressed excitement for pursuing the Living Building Challenge. Patel said it is important for this area.

Commissioner Rossetti asked if the Basalt Sanitation District was made aware of the project. Patel said they are aware of the project and have discussed the technology. He indicated that Basalt Sanitation is excited about the project. He indicated that the waste process will be managed by the state. He is comfortable with saying that he has the Sanitation District's support. At Philp's request Patel clarified that this project will not be on the Basalt Sanitation's system. He understands that discharging into the system could overwhelm the sewer.

Philp noted that this matter was not advertised as a public hearing, however, the public will be allowed to speak if desired. No one identified that they would like to speak.

Commissioner Comments

Commissioner Leavitt said that the letter reads as clinical and would like to add a bit of warmer support.

Commissioner Vozick said it is a valuable project and he is excited to see the lofty goals met. He said the project is a great way to provide architectural roots to the valley and agrees with Commissioner Leavitt's sentiment.

Commissioner Hirschfeld said this sounds like an exciting project and she will look up information on the Living Building Challenge.

Commissioner Maron noted that since RMI is also a Living Building, it will be great to have two of these buildings in the Basalt area. Patel said that it is really rare to achieve all petals.

Commissioner Thibeault said that on Comment 5 she would like to be more explicit about not turning the structure into a tasting room or retail center. For Comment 8, she would add the language "championing the pursuit of the Living Building Challenge."

Commissioner Grauer thinks the project is complimentary to the vision of Basalt, integrating our agricultural heritage with modern uses and development. He prefers to reserve judgement and not be overly complimentary. Commissioner Grauer felt that the letter should mention specifically achieving the Living Building Challenge status as something that the Town supports.

Chair Maron said he feels that the P&Z can be complimentary as it is rare to have more than one Living Building in this community. He expressed how difficult the BOCC process can be and said that any help the referral can offer this application would be appreciated by the Applicant. A

positive referral may help to speed the process along. Chair Maron suggested adding a 9th comment to address what was spoken about tonight.

Commissioner Rossetti said he is very supportive of the project, felt it was well presented. He has looked at the architecture and finds it to be fitting and simple and supports the pallet of materials.

Chair Maron asked if there was a motion. There was discussion to clarify what the motion is, as many of the P&Z members had suggested amendments.

Lindt suggested adjusting the first comment to be more supportive, indicate that it is consistent with adjacent uses and meets criteria for the PBJ area. Chair Maron said it would likely be more useful for Applicant for the comment to stand alone, and Commissioner Leavitt expressed his agreement. Commissioner Thibeault said she would like to have a new comment of support as the first comment in the letter, with the incentive that we want the Living Building pursued. Commissioner Rossetti said he does not accept this addition to the motion, that he would like to make a motion to accept the letter as written with no additional comments.

Philp noted that Commissioner Thibeault had expressed more language in Comment 5 that the site would not be used as a gathering place or tasting room. Commissioner Leavitt added that if there were to be a new first comment, showing support for the development, that Chair Maron review the language prior to the letter being sent. Chair Maron agreed.

M/S THIBEAULT AND GRAUER TO APPROVE THE REFERRAL LETTER TO PITKIN COUNTY WITH THE AMENDMENTS THAT A NEW COMMENT NO. 1 IS CREATED INDICATING SUPPORT OF THE APPLICATION AND PARTICULARLY THE LIVING BUILDING CHALLENGE AND AMENDING COMMENT NO. 5 WITH MORE EXPLICIT LANGUAGE ABOUT THE DEVELOPMENT NOT BECOMING A TASTING ROOM OR GATHERING PLACE. THE MOTION PASSES 7 TO 0.

Pitkin County Referral for Meyer Ranch LLC Special Review and GMQS Exemption for Caretaker Dwelling Unit, Activity Envelope and Site Plan Review Exemption

Nadolny introduced the item as a referral from Pitkin County regarding the construction of a caretaker dwelling unit (CDU) on the Meyer Ranch property. Nadolny indicated the Applicant is proposing a one-story, two-bedroom unit measuring just under 1,000 square feet in size, measuring approximately 15' at the highest point of the shed roof.

Nadolny said the CDU is proposed to be located within the developed portion of the Meyer Ranch property, indicating its location on the site plan graphic. She noted the CDU would be accessed from the existing driveway that serves the Meyer Ranch property from Two Rivers Road. The area is outside of the Town's urban growth boundary, but within the Town's Three-Mile Planning Area which is why the P&Z is being asked to weigh in on the referral.

Nadolny showed images of the architecture, showing the two-bedroom wings of the building with shared living space in the middle.

Nadolny indicated that Staff has drafted a referral letter for the P&Z's consideration, and she would outline the nine comments within the letter.

Comment one finds the development to be generally consistent with the Basalt Master Plan. The property was identified during the Master Planning process to require more study with Pitkin County prior to concluding on an appropriate mix of uses and allows for some rural lots for the Meyer family. The P&Z finds the proposal to add one CDU to be compatible with the Town's goals and land use strategies for the Meyer Ranch property.

Comment two accepts the CDU outside of the Town's boundary as it is not considered to be suburban or urban level of development.

Comment three suggests that since the proposed CDU is located adjacent to the existing buildings on the site it will maintain the rural character of the area.

Comment four finds the CDU is not expected to add significant traffic onto Two Rivers Road or at the intersection onto Highway 82, or to overburden Town services.

Comment five requires the CDU to seek an access permit consistent with that required for other unincorporated properties.

Comment six addresses the recommendation for green building and a high level of renewables on the building.

Comment seven suggests the P&Z finds the architecture to be compatible with the Agricultural Mixed-Use typology found in this area, and that Pitkin County should require consistency with the architecture as found in the application.

Comment eight reference the need for the owner to pay appropriate fees to the Town for additional water services.

Comment nine asks Pitkin County to require the Applicant to deed-restrict the unit.

Nadolny indicated that the Applicant's representative, Tom Newland, is on the call to help answer any questions that the P&Z may have. She said that the P&Z can accept the letter and direct Staff to transmit it to Pitkin County or weigh in on any adjustments they may have to the letter.

Mr. Newland said the Meyer family is interested in exploring how they may enhance the agricultural use of the ranch, which is how the idea to add the CDU came about. He said the plan is for the CDU to initially house Trish Meyer family, but eventually the CDU would be opened for ranch workers. He said the CDU is to help enhance and promote the agricultural use of the property.

Commissioner Hirschfeld asked why the P&Z is providing referral comments on the application. Philp replied that the property is within the Town's Three-Mile Planning area.

Commissioner Thibeault asked if the unit would be deed restricted. Nadolny replied that the application represents that the unit will be deed restricted, and that is included within the referral letter in item nine.

Newland added that Pitkin County has a standard deed restriction for CDUs that requires it to either be used as a caretaker unit within the property's operations, to allow family to use it, or to rent it out through APCHA guidelines. Newland indicated that the deed restriction would be signed and recorded upon approval.

Commissioner Rossetti asked about the materials. Newland replied that he believes the structure will be wood with stone features. He said the building will be simple. Newland noted that Pitkin County just approved a new energy code that the development will be reviewed under. The CDU will be energy efficient and will likely contain solar panels or be wired for future installation of solar panels.

Commissioner Comments

Commissioner Hirschfeld said she appreciates employee units that are built to a specific need.

Commissioner Grauer said this is an appropriate use for a desirable function and is appropriately sized and designed.

Commissioner Thibeault supports the CDU, saying she appreciates the unit's size.

Chair Maron noted that Pitkin County has updated its building code which now has very stringent energy requirements and does not believe there should be any worries in that regard.

M/S LEAVITT AND GRAUER TO APPROVE THE REFERRAL TO PITKIN COUNTY FOR A CDU ON THE MEYER PROPERTY AS DRAFTED. MOTION PASSED 7 TO 0.

Update on Basalt Forward 2030 Project

Philp said this is an exciting project that furthers implements the Basalt Master Plan. There are two pieces – the Facility Needs Study, which will look at all of the Town's facilities and determine what is the deferred maintenance, what are future space needs, deferred maintenance, and will provide an analysis of what is needed. Philp noted this is a large topic, driven by energy efficiency and meeting the Town's climate action goals within Town owned facilities. She said the second piece is to implement projects that are within the Basalt Master Plan.

Philp noted that the following day marks the anniversary of the adoption of the 2020 Basalt Master Plan. Throughout the Master Planning process, a number of projects were brought forward by citizens that would make the Town a better place. At the last open house and on-line citizens ranked the projects. Philp noted that some of the top projects from that ranking included those related to greenhouse gas reduction and building a significant affordable housing project. She said they are looking to start with projects outlined in the Master Plan, work with a Capital Facility Committee, do public input through additional surveys, and come up with a list of projects to implement the Master Plan.

Philp said that Cushing Terrell is the key consultant for this study and they were also the consultants for the 2020 Master Plan. They are also helping to facilitate the Capital Needs Committee who will start meeting mid-May and continue through August to make recommendations on improvements. One of the main ideas is looking at whether the Town wants a question on the ballot to continue the current tax rate. Bonds are expiring in 2022 and 2023.

Philp asked the Commissioners for interest from the P&Z in participating on the Capital Needs Committee, which is planned to start meeting in May. She said the committee will be comprised of members of Basalt's citizen committees such as BACH, Green Team, Financial Advisory Board, BPAC, etc.

Philp indicated the Town is also working with Bill Ray of WR Communications who works as a political advisor. RFTA has consulted with him, and the Town worked with him on the TABOR issue. He will help in getting public input. Philp asked if the P&Z is ready to appoint someone or would like to revisit this at a future meeting.

Commissioner Vozick asked how often the group will meet and for what length of time. Philp said the group will likely meet twice a month, starting mid-May through the 10th of August.

Chair Maron asked who would want to be nominated. Commissioners Vozick, Maron, Thibeault, and Rossetti expressed interest.

Chair Maron said we would review this at the next meeting for a nomination. He added his thoughts that Town Hall is famously inaccessible for the handicapped and would like to make sure this gets added to the facilities to-do list. Philp said that accessibility is a big emphasis in the scope of work, even when not required by the Code.

Staff Updates and Commissioner Comments

Philp reported that Stott's Mill is making some big strides in work on their required infrastructure. Staff is also fielding development inquiries and several pre-applications.

TACAW is getting ready for its certificate of occupancy. She noted that the developer has filed the condo plat for Block 11 North with the title company. Basalt River Park is moving along and going to Town Council within the first part of April for their bid docs.


Chair Maron asked if the River work on the west end of Basalt was close to completion. James said he would check in with Pitkin County and get back to the P&Z with an update.

Philp noted that Public Works has repaving projects scheduled for the summer in various locations around east and west Basalt.

Commissioner Grauer said he attended the USFS listening session on the potential development. He heard community comments and possible stakeholder comments. The USFS will perform an Environmental Impact Statement by late summer/early fall. Commissioner Grauer noted that the Forest Service property is within the Three-Mile Planning Area.

M/S to adjourn Vozick and Rossetti. Motion passes 7 to 0.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By 

William C. Maron, Chair

Attest 

Susan Philp, Planning Director