

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING & PUBLIC HEARING
Tuesday, April 20, 2021**

CALL TO ORDER

Philp introduced Catherine Christoff, Town Engineer.

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

Commissioners present included Bill Maron, Kyle Oberkoetter, Gino Rossetti, Eric Vozick, Bernie Grauer, Rob Leavitt and Alternate Cindy Hirschfeld.

Staff present included Susan Philp, Planning Director; Pam Schilling, Town Clerk; Sara Nadolny, Staff Planner and Catherine Christoff, Town Engineer.

APPROVAL OF MINUTES

M/S ROSSETTI AND LEAVITT TO APPROVE THE MINUTES OF MARCH 16, 2021. MOTION CARRIED BY A VOTE OF 7 TO 0.

AGENDA ITEMS

Special Review for a Small Daycare Use at 57 Riversedge Court

Nadolny introduced the Applicants as Ryan Jarvis and Kathryn Kuhlenberg who are both on the meeting. The Applicants are looking for Special Review for a small daycare at 57 Riversedge Court and have requested that the hearing be continued as they are awaiting the results of Colorado House Bill 21-1222. Nadolny explained that the bill is currently being considered in the legislative session which ends on June 12th. If the bill does not pass the legislative session the Applicants wish to move forward with the Special Review application before the P&Z on July 6th.

Nadolny explained that if House Bill 21-1222 passes it will impact the Town's purview over home childcare applications. She indicated that the Town Attorney would weigh-in on how Staff is interpreting the bill if it passes, but it appears that it would preclude the ability for the Town to consider such a use through Special Review. Nadolny indicated that Staff would wait to see what happens at the state level and indicated the P&Z could ask questions of the Applicant if they wished.

M/S VOZICK AND ROSSETTI TO CONTINUE THE HEARING TO JULY 6, 2021, AT THE APPLICANT'S REQUEST, AND REQUIRE RE-NOTICING PRIOR TO THE PUBLIC HEARING. MOTION PASSED 7 TO 0.

Pitkin County Referral for Lazy Glenn HOA Application for Water Treatment Facility

Philp introduced the item as a referral from Pitkin County for a location within the Town's Three-Mile Planning Area, outside of the Town's Urban Growth Boundary, but is shown as an existing use within the Basalt Master Plan.

Philp indicated that the lagoon at Lazy Glenn has been a concern for many years, as it has been failing. A Merrick study was done in 2018, and at that time it was estimated that it would cost the residents over \$50,000 each to correct the problem, which is daunting in an affordable housing community.

Philp indicated there was also a floodplain report prepared in 2019. Lazy Glenn has obtained a grant from U.S. Department of Agriculture that indicates construction must be completed by the year's end. Philp noted the Applicants got a late start with their application. She said the application includes a number of different actions by Pitkin County as listed in the packet. The most important action for the P&Z to be aware of is that this is a simplified review process where the application will go directly to the County Commissioners for review in early June.

Philp introduced the Applicants' representative as Glenn Horn of Davis Horn and Dean DeRossier of Merrick who are representing the Lazy Glen HOA. While at Pitkin County, Catherine Christoff was involved in early discussions with this application. Philp said Staff has talked with the representatives about the application and have drafted a referral letter which is found in P&Zs packet. Because of updates from Dean DeRossier and communication with the Roaring Fork Conservancy, Staff has revised the letter, which is in the packet.

Christoff summarized the items found in Staff's letter. First, the Town agrees that this is an issue that needs to be addressed. Second, the existing lagoon will be decommissioned and there are concerns with ensuring it is left in a safe condition as it relates to surface water, ground water and its location within the floodplain. Staff added language to the comments on that and integrated some notes from the Roaring Fork Conservancy on adequately addressing capping or stabilization plan for the lagoon. Christoff said the memo discusses outlining, prior to permit approval, how the new facility will be better for the community versus the existing conditions. The letter also asks the applicant to outline strategies in protecting the new facility from a 100-year flood event as the lagoon is located within the flood plain. Christoff said that after talking to DeRossier Staff is assured that the new facility will just be sized to treat current treatment levels in the park so it would not allow for any expansion of the park.

Glenn Horn added that the existing sewage lagoon that serves the Lazy Glenn Homeowners is in the floodplain and will be replaced by the wastewater treatment plant, which will be a significant improvement on the water quality of the Roaring Fork River. The sewage lagoon is in the floodplain, and if there was ever a catastrophic flood the water quality of the Roaring Fork River would be negatively impacted. Horn said that the challenge faced between now and the hearing with the Board of County Commissioners is to get more information on how to reclaim the current sewage lagoon and ensure nothing is leached out of lagoon that can damage the water quality of the Roaring Fork River. He said it will be properly reclaimed, and the team will research the best way to do so. This may include putting down soil material on top of the existing surface and then

landscaping with native grasses over the top to ensure it is protected in event of a flood that would go through the sewage lagoon.

Christoff added that Staff acknowledged the fact that it may take some time to iron out some of those details, and the project should proceed as this is a needed update. She said that some of the details of the stabilization plan will be figured out in the coming months, but the project should proceed overall.

Chair Maron said he has worked with Colorado Public Health on this type of issue in the past and understands that any treatment plant is better than a lagoon in terms of cleanliness and safety.

Christoff agreed that the proposed condition will be better. Some of the details are unique regarding this case and its appropriate to have a best-case scenario moving forward.

Commissioner Leavitt asked if they need to do a soils test or have materials removed before the lagoon is covered over. Horn responded that the problem with the sewage lagoon is it is located entirely in the floodplain and so they will need to be careful with any material that is added. He said he is unsure if it is necessary to remove any of the material. The plan is to cover what is there and get vegetation to grow over it. Horn added this is something he can discuss with the project engineer.

Commissioner Leavitt assumes there are experts that deal with this and does not want to delay the project or impose unnecessary costs. Horn said they would look into soils testing and talk about it with the County's Environmental Health Officer.

Philp added that the Roaring Fork Conservancy is willing to play a role in the reclamation plan, so perhaps some language can be added. Commissioner Leavitt suggested soils may be outside of their area of expertise. Chair Maron suggested leaving this to the project engineer, but the P&Z should decide whether or not to add this to the letter.

Commissioner Comments

Commissioner Hirschfeld said she felt Staff's letter was very thorough.

Chair Maron asked if Commissioner Leavitt wanted to add a comment or strengthen one of the comments in a certain way. Commissioner Leavitt suggested adding to the paragraph regarding the Roaring Fork Conservancy requiring the engineers to examine the issue of contaminated soil for the best way to handle it.

Commissioner Oberkoetter pointed out an error in comment two, first sentence, where the word "with" should be replaced with "will".

M/S LEAVITT AND ROSSETTI TO ACCEPT STAFF'S LETTER TO PITKIN COUNTY WITH THE ADDITION OF A SENTENCE SUGGESTING THE SOILS BE TESTED FOR CONTAMINATION IF DEEMED NECESSARY BY THE PROJECT ENGINEER, AND REMEDIATED IF NECESSARY. MOTION PASSED 7 TO 0.

Select P&Z Representatives and Alternate for Capital Needs Committee

Philp said that at the last meeting she had explained the Basalt Forward 2030 project, which has two pieces. The first piece is looking at all of the Town-owned buildings and facilities, and the second piece is starting with the projects listed in the Basalt Master Plan and making recommendations. Philp said that the recommendations will be given to the Basalt Town Council by the Capital Needs Committee, which will be comprised of representatives from Committees from the Town of Basalt, such as P&Z, BACH, POST, Basalt Emergency Management, VALE, Chamber of Commerce, BPAC, etc. The Committee will start meeting mid-May and make recommendations to the Town Council on August 10th. The recommendations will be used to update the Town's Capital Improvement Plan. The Town also has bonds that are retiring within the next couple of years, and the question is being explored to maintain the current tax levy and use the tax revenue for some of the projects listed in the Basalt Master Plan.

Philp said the committee was discussed at the last meeting, and there were four volunteers for the committee, including Chair Maron, Commissioner Vozick, Commissioner Thibeault, and Commissioner Rossetti.

Philp said that some meetings will eventually be held in person. Town Staff is evaluating how to get back to in-person meetings. She said the P&Z will be voting on one representative and one alternate, and the bylaws were included in the packet. Philp suggested having each P&Z member email Philp and Schilling with a vote for one person; the top vote would become the Representative, and the second would become the Alternate.

Commissioner Rossetti withdrew his nomination.

Chair Maron said one of the reasons he is passionate about being on the Committee is that essentially this is a follow up with the Basalt Master Plan. He was really engaged with that process and this is a continuation of that process.

Commissioner Vozick said he is also interested in following through on the Master Plan. He has an environmental project in mind and is interested in seeing if the community would get behind it. Commissioner Vozick said he also has more availability during the summer months. He has the best interest of the work of the P&Z in mind.

The Applicants voted by emailing Philp and Schilling. Philp announced that the vote produced Commissioner Vozick as the Representative, and Chair Maron as the Alternate.

Staff Updates and Commissioner Comments

Chair Maron asked about whether there were plans for the P&Z returning to in-person. Philp said there have been discussion about going as a hybrid system – both in-person as well as virtual, but nothing has been developed yet. Commissioner Vozick said that he is comfortable meeting in-person but will respect everyone's wishes. Commissioner Rossetti said he is neutral. Commissioner Leavitt expressed a preference about meeting in-person but would like a unanimous vote. He said he does not think a hybrid method is the way to go. Commissioner Hirschfeld is ok with either option. Commissioner Grauer said he strongly wishes to continue

virtually, as he finds the virtual method to be efficient with zero risk. Commissioner Oberkoetter said wearing masks defeats the purpose of meeting in-person. Chair Maron said he agrees with Commissioners Oberkoetter and Hirschfeld, but it is difficult to hear through masks. He said that most people are vaccinated and if they could get socially distanced without masks he would be for in-person meeting. He is also comfortable with a hybrid format.

Philp said Council approved Phase 1 of the River Park Improvements and are moving ahead on Two Rivers Road. The Arbaney Park pool improvements are marching along. In terms of development review, the biggest application is Sopris Meadows Parcel 5 in Willits. Currently there is no set date when that land use case will be before the P&Z. Staff has asked for additional information and will be reviewed again with the Town's Technical Review Committee.

M/S LEAVITT AND VOZICK TO ADJOURN. MOTION PASSES 7 to 0.

Meeting adjourned at 7:00 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By: 

William C. Maron, Chair

Attest: 

Susan Philp, Planning Director