

**Town of Basalt, Colorado  
Ordinance No. 06  
Series of 2015**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING ESA APPROVAL AND SITE PLAN APPROVAL IN  
CONNECTION WITH THE SH 82-BASALT AVENUE UNDERPASS PROJECT**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant ESA Reach II Floodplain Approval and Site Plan Review in the "P" Public Zone District for the construction of the SH 82-Basalt Avenue pedestrian underpass and associated improvements.

B. At a public hearing held on March 3, 2015, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. The Planning and Zoning Commission recommended approval of the application with conditions.

C. At a duly-noticed public hearing on March 24, 2015, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for April 28, 2015, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on April 28, 2015, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF BASALT, COLORADO AS FOLLOWS:**

A. **FINDINGS.** The Town Council hereby incorporates by reference and conclusively makes the above recitals.

B. **APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council

hereby approves the Land Use Application for the SH 82-Basalt Avenue Underpass subject to the following conditions:

**Representations:**

1. The Applicant shall comply with all representations set forth in the Application.

2. The Applicant shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

**Site Plan and Zoning:**

3. The Site Plan approved by Ordinance No. 03, Series of 2012 approving the site plan and other land use approvals for the RFTA BRT improvements on the Town-owned property on the northeast corner of SH 82 and Basalt Avenue is hereby rescinded and replaced with the approvals contained herein.

4. The permitted use for the Property is for portions of the Basalt Avenue SH 82 Pedestrian Underpass and associated improvements, including but not limited to, lighting and traffic lane realignment at the intersection of Basalt Avenue and Highway 82. The Town is permitted to make additional Passive Park and pedestrian improvements as needed, including but not limited to locating signage, benches/picnic tables.

5. The Schedule of Requirements for the subject property shall be shown on the Site Plan to be recorded. Prior to allowing the improvements to be used by the public, the Applicant will prepare and record a final Site Plan consistent with the plan presented in the application and the schedule of requirements as amended by the Council's final approval. Such Site Plan shall be subject to review and approval by the Technical Review Committee ("TRC"). The Mayor and Town Clerk are authorized to sign the Site Plan after review and approval of the Site Plan by the TRC.

6. The above ground structures shall be located on site with the Project Engineer, Building Official and Town Planner to field fit the exact location of the improvements.

7. The Town's Project Engineer shall be responsible for ensuring compliance with the Application and approvals.

8. Prior to issuance of a building permit, Applicant shall provide a construction management and site control plan that complies with these conditions and the requirements of the Town's Building Official and other

appropriate Staff. The site control plan shall provide protection of the cottonwood trees that remain. The exact location of the site control measures will be field fit on site with the appropriate Town Staff. The Applicant shall mitigate trees which are removed per the Town Code requirements.

**Planning and Zoning Commission Recommendations:**

9. In preparing the construction documents, the Project Team is requested by the Town Council to incorporate the recommendations of the Planning and Zoning Commission to the extent feasible, which include the following:

- A. Include a free-flow, north-bound right turn lane on Basalt Avenue to facilitate vehicular traffic exiting from the Southside area during peak traffic periods and traveling upvalley. The P&Z is accepting of any reduction in parking spaces in the RFTA park and ride lot to create the right turn lane while beautifying the entryway into the Southside area.
- B. Ensure that any cost reduction measures do not sacrifice the safety of the underpass, the aesthetics (particularly maintaining the non-hardscape landscape improvements is desired), or drainage/waterproofing that could cause costly remediation in the future.
- C. Give particular consideration to the design and management of the on-grade pedestrian crossing necessary for temporary closures or potentially for those who do not want to use the underpass.

**Parks, Open Space and Trails (POST) Recommendations:**

10. In preparing the construction documents the Project Team is requested by the Town Council to continue their coordination with POST on wayfinding, lighting and landscaping treatments and incorporate the recommendations of the POST Committee to the extent feasible which include the following:

- A. Coordinate the lighting and rail treatments with the Basalt Avenue Bridge. Tie the lighting more into the downtown lighting rather than the lighting used in the RFTA BRT improvements.
- B. Tie the landscaping on the four quadrants of the intersection to match and complement each other.

**Lighting:**

11. The final lighting plan shall be reviewed and approved prior to ordering the fixtures. All lighting shall be in compliance with the Town Code. If after the fixtures are installed and operating, the Town Planner determines that the lights are excessively bright or too dim for safety then the Town shall work to find more suitable settings or solutions.

**Site fixtures and Materials:**

12. The Applicant will work with TRC prior to finalizing the specifications for the site fixtures and materials to ensure that the materials satisfy the aesthetic goals of the Town.

13. The Applicant shall replace and install co-located recycle and trash containers in the north park in a location approved by the Town Planner.

**Referral Comments:**

14. The Town shall comply with the referral comments received through the application review process to the satisfaction of the Town Planner including: the comments from the Basalt Sanitation District by way of the email Wyatt Popp, Olsson Associates, dated March 11, 2015; the comments from Colorado Department of Wildlife in the letter from Perry Will, Area Wildlife Manager dated March 9, 2015; and the comments from Brooke Stott, Fire Inspector dated March 12, 2015.

**Miscellaneous:**

15. The limited development will not generate any additional employees and therefore community housing mitigation is not required.

16. The Applicant shall comply with the representations that the improvements will meet all American Disability Act (ADA) requirements.

**Vested Rights and Other Legal:**

17. Vested property rights shall be granted for a period of three years from the effective date of this ordinance. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code.

18. Before construction commences, the Town's easement and MOU on the property with RFTA shall be amended after review and approval by the

Town Attorney for recording that properly addresses RFTA's maintenance responsibilities.

**Legal:**

19. The Town Planner may review and approve of minor amendments to the approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council at a public meeting in which (15) days written notice of the public meeting has been provided to the Applicant.

20. 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 April 28, 2015 by a vote of 6 to 0 on March 24, 2015.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on April 28, 2015.

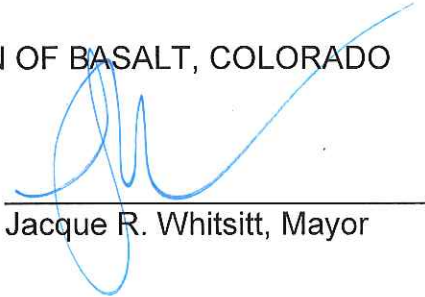


ATTEST:

  
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Pamela K. Schilling, Town Clerk

TOWN OF BASALT, COLORADO

By:

  
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Jacques R. Whitsitt, Mayor

Ord 06-Basalt Avenue Underpass

First Publication: Thursday, April 2, 2015  
Final Publication: Thursday, May 7, 2015  
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