

**Town of Basalt, Colorado
Ordinance No. 16
Series of 2017**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING THE BROUGHTON MINOR SUBDIVISION CREATING THREE (3) LOTS AT 164 ORIGINAL ROAD, AND APPROVING A SITE PLAN REVIEW, BASALT, COLORADO.

RECITALS

A. Scot and Kathy Broughton ("Applicants") filed an Application ("Application") for a Minor Subdivision to subdivide the property at 164 Original Road into three lots and sketch site plan review. The two (2) new vacant lots to be created by the Minor Subdivision (identified as Lot 3 and Lot 4) are proposed to be half-acre lots for the construction of a single-family residence of not more than 3,000 gross square feet on each lot. The other lot is proposed as a 1.8-acre lot to include the existing single-family residence.

B. At a public meeting held on June 27, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for July 11, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

C. At a public hearing and second reading on July 11, 2017, the Town Council continued the public hearing to July 25, 2017. At a continued public hearing on July 25, 2017 the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.

D. 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 Applicants 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 approves a Minor Subdivision to subdivide the property at 164 Original Road into three lots, subject to the following conditions:

Representations:

1. The Applicants shall comply with all representations set forth in the Application.
2. The Applicants shall comply with all material representations made in hearings before the Town Council.

Dimensional Requirements:

3. The dimensional requirements approved for the subdivision are as follows:

Dimensional Requirement	Broughton Minor Subdivision
Min. Lot Area	Lot 1- 1.8 Acres Lots 3 and 4- .5 Acres
Building Height	24 Feet
Ridge Height	28 Feet
# of Stories	2
Lot Width	75'
Front Yard Setback	55 Feet
Rear Yard Setback	10 Feet
Side Yard Setback	60 Feet
Maximum Floor Area	3,000 sf total floor area for each unit
Max Lot Coverage	30%

Min Landscape	NA
Parking	4 parking spaces per Lot

Development Review:

4. Each new dwelling unit in the subdivision shall require review by the Planning and Zoning Commission for a site plan review and slope review approval as set forth in Town Code Article VI, Site Plan Review and Section 16-187, *Hillside and Steep Slope Regulations*, prior to applying for building permits on each individual residence. Additionally, any expansion to the existing residence on Lot 1 shall also require site plan review and slope review approvals.
5. A plat note shall be included on the minor subdivision plat that indicates that a site plan review and slope review are required for construction of new residences on the properties included in the subdivision.

Building Envelopes:

6. The Applicants shall revise the minor subdivision plat to move the southern edge of the building envelopes on Lots 3 and 4 to the northeast by 20 feet prior to executing and recording the plat.

Community Housing Requirements:

7. The minor subdivision is exempt from the Community Housing requirements pursuant to Town Code Section 16-416, *Residential Inclusionary Requirements*, as there are not more than three (3) new detached residences to be built in the subdivision and they all shall be less than 3,000 total square feet each.

Construction Management Plan:

8. The Applicants shall submit a construction management plan for each individual residence for review and approval by the Town Building Official prior to issuance of a building permit. The construction management plan shall include a construction parking and dust mitigation measures and a representation that the Applicants will comply with the allowable construction hours as established in the Town Code.

Mid-Valley Metro District Comments:

9. The Applicants shall demonstrate compliance with the Mid-Valley Metro District's e-mail from Chris Lehrman of SGM, dated March 13, 2017, prior to recording a final subdivision plat. An open hole soils inspection shall be provided by a licensed geotechnical engineer hired and paid for by the Applicants prior to installation of utilities. If collapsible soils are discovered during the inspection then construction must be stopped until a solution can be engineered. MVMD may choose not to take possession of the infrastructure if the soils are found to be collapsible.

Geotechnical Recommendations:

10. Specific geotechnical reports performed by licensed geotechnical engineers shall be produced for each of the two (2) vacant lots (Lots 3 and 4 on the final plat) and shall be submitted as part of the Site Plan Review applications for the individual residences to be constructed on the lots for review and approval in conjunction with the site plan reviews.

Fire District Comments:

11. The Applicants shall demonstrate compliance with the Fire District's comments provided in the letter from Assistant Fire Marshal, Brooke Stott dated February 9, 2017 prior to recording a minor subdivision plat. The road and fire hydrant improvements outlined in Stott's letter shall be completed prior to the issuance of a CO on the first residence to be constructed on Lots 3 and 4 of the Broughton Minor Subdivision. Additionally, any residence to be constructed within the subdivision shall contain a fire sprinkler system acceptable to the Fire District.

Public Improvements:

12. The Applicants shall install public improvements consistent with the civil engineering plans prepared by High Country Engineering with a Revision Date of March 1, 2017. The public improvements include installation of water and sewer infrastructure to the two (2) new vacant lots, widening of the access road, constructing a fire truck turnaround and installation of two (2) new fire hydrants. The public improvements shall be installed prior to the issuance of a Certificate of Occupancy on any new residence in the subdivision. The Applicants shall be required to file a Subdivision Improvements Agreement as further described in Condition No. 17.

Development and Building Fees:

13. The Applicants shall pay all applicable development review fees on each new residence, as calculated by the Town Planner, prior to individual building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance on each individual residence in the subdivision.

Building Code and Sustainable Building Regulations:

14. The new residences to be constructed in the subdivision shall be required to satisfy the applicable health, safety and building codes in place at the time of building permit issuance. Additionally, the new residences shall comply with the Town's Sustainable Building Regulations in place at the time of building permit issuance.

Pine Ridge Townhome Correspondence and Interaction:

15. The Applicants shall take necessary steps to protect the sloping land between the building envelope and the common lot line with the Pine Ridge Townhomes and preserve it in a natural condition. The Applicants shall install any utility trenches on the northern/upper half of the lots created by this minor subdivision. The Pine Ridge Townhomes HOA requests continued notification from the Applicants of plans, inspections, geotechnical recommendations and public improvements. Any significant changes to the original plans shall be reported by the Applicants to the Pine Ridge Townhomes HOA.

Approval Documents and Vested Rights:

16. The Minor Subdivision Plat and the Subdivision Improvements Agreement shall be executed and recorded within 180 days of the effective date of the final plan approval and prior to the issuance of a development permit to make public improvements and prior to the issuance of the first building permit in the subdivision. If the Subdivision Plat and Subdivision Improvements Agreement are not recorded within 180 days, the approvals for the minor subdivision are null and void. The Town Planner may approve an extension to the recording deadline. The Minor Subdivision Plat, Subdivision Improvements Agreement shall be reviewed and approved by the Town Attorney and Town Planner prior to execution and recordation. Additionally, the Applicants shall post financial security in a form approved by the Town

Planner and Town Attorney for the required public improvements concurrently with executing the Subdivision Improvements Agreement.

17. All documents necessary to dedicate the utility easements shown on the utility plan in the Final Plan Application shall be filed within 180 days of the effective date of the final approval. The necessary easement documents shall require review and approval by the Town Planner and Town Attorney prior to execution and recording. The Town Planner may approve an extension to the recording deadline.
18. The minor subdivision does not create vested rights to develop new residences on Lot 3 and 4. Establishment of vested rights to develop on Lots 3 and 4 shall occur in association with approval of a site plan review for a specific residence design on Lots 3 and 4.

Insubstantial Amendments:

19. The Town Planner may review and approve minor amendments to this 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 pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

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 Eagle 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 July 11, 2017 by a vote of 5 to 0 on June 27, 2017.

Town Council continued the public hearing and second reading to July 25, 2017 on July 11, 2017. READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on July 25, 2017.

TOWN OF BASALT, COLORADO

By: 
Jacque R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk

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First Publication: Thursday, July 6, 2017
Final Publication: Thursday, August 3, 2017
Effective Date: Thursday, August 17, 2017

