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Janice K. Vos Caudill, Pitkin County, CO

**Town of Basalt, Colorado
Ordinance No. 25
Series of 2017**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, REZONING THE BASALT VISTA HOUSING PROPERTY FROM P PUBLIC TO R-4 MD, APPROVING THE BASALT VISTA HOUSING FINAL SITE PLAN AND ASSOCIATED LAND USE REVIEWS FOR THE CONSTRUCTION OF AFFORDABLE HOUSING ON THE BASALT VISTA HOUSING PROPERTY, BASALT, COLORADO.

RECITALS

- A. Habitat for Humanity, the RE-1 School District, and Pitkin County (“Applicants”) filed an Application (“Application”) for Preliminary/Final Subdivision Review, Rezoning to the R-4 MD Zone District, Special Review, Slope Review, Amendments to the existing Annexation and Water Service Agreements, and Code Amendments for the construction of twenty-seven (27) community housing units on the School District’s property located directly south of Basalt High School.
- B. The Town Council approved Resolution No. 5, Series of 2017, granting R-4 MD Sketch Site Plan approval for the project.
- C. At a public hearing held on September 19, 2017, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application.
- D. At a public hearing held on September 26, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for October 10, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- E. At a public hearing and second reading on October 10, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.
- F. 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:

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant 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 grants approval for Preliminary/Final Subdivision Review, Rezoning to the R-4 MD Zone District, Special Review, Slope Review, Amendments to the existing Annexation and Water Service Agreements for the construction of twenty-seven (27) community housing units on the School District's property located directly south of Basalt High School, 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 Planning and Zoning Commission and Town Council.

Development Project and Dimensional Requirements:

3. The Final Plan approval is for twenty-seven (27) for-sale affordable housing units. The Final Plan Application shall propose a similar mix of housing as is identified in Sketch Plan Application, which consists of the following:

- 4 two-bedroom units
- 17 three-bedroom units
- 6 four-bedroom units

Of the twenty-seven units, twelve of the units are to be designated as “Pitkin County Units” and fifteen of the units are to be designated as “RE-1 School District Units”. The Pitkin County Units are comprised of the following:

- Two Category 1 Two-Bedroom Units
- Four Category 1 Three-Bedroom Units
- Three Category 2 Three-Bedroom Units
- Three Category 2 Four-Bedroom Units

The RE-1 School District Units are comprised of the following:

- Two Category 1 Two-Bedroom Units
- Five Category 1 Three-Bedroom Units
- Five Category 2 Three-Bedroom Units
- Three Category 2 Four-Bedroom Units

4. The approved dimensional requirements are as set forth in the following table:

Dimensional Requirement	Development Approval
Min. Lot Area	318,598 sf
Max Building Height	28 Ft. as measured from existing grade
Lot Width	21 Ft.
Front Yard Setback	10 Ft.
Rear Yard Setback	10 Ft.
Side Yard Setback	0 Ft.
FAR	.21:1
Min. Landscaped Open Space	Greater than 10%
Max. Unit Sizes	1,147 Total SF for 2-Bedroom Unit 1,523 Total SF for 3-Bedroom Unit 1,653 Total SF for 3-Bedroom ADA Accessible Unit 1,675 Total SF for 4-Bedroom Unit

Affordable Housing Requirements:

5. The Affordable Housing Plan included in the Final Plan Application dated 7/27/17 is approved, subject to the following:
 - a. Lottery Applicants for the Pitkin County Units that work in the Basalt portion of Pitkin County shall get an additional lottery chance over Applicants that do not work in Basalt.
 - b. The deed restrictions shall be reviewed by the Town Planner and Town Attorney prior to execution and a recording. The deed restrictions shall be executed and recorded prior to the earlier of 1) 180 days from the effective date of the approval ordinance, or 2) prior to the issuance of a building permit within the development.
 - c. The units designated for Pitkin County and the RE-1 School District shall not exceed Category 2 Maximum Sales Prices and Income Limitations using the Pitkin County Area Median Income. The maximum sales prices shall increase by the lesser of 3% per year or CPI. Eligible purchasers of the Pitkin County units are full-time employees employed within Pitkin County on the initial sale and all subsequent sales of the Pitkin County Units. Eligible purchasers of the RE-1 School District Units are full-time employees working for the RE-1 School District on the initial sale and all subsequent sales of the RE-1 School District Units.

Trail Connections/Emergency Access:

6. The emergency access/pedestrian trail between the development and the High School's bus turnaround is approved as detailed in the Final Plan Application dated 7/27/17 subject to following:
 - a. The emergency access shall be asphalt and include removable bollards at the base to control access.
 - b. The Applicants shall ensure that the emergency access is plowed and maintained.
 - c. The Applicants shall study whether the path can be adjusted to enter the cul-de-sac north of the We-cycle station to lower the grade slightly and report to the TRC on the topic prior to commencing construction activities in the development. The TRC may approve an amendment to the emergency access/pedestrian trail if the design of the path can be adjusted to reduce the grade slightly.

Traffic Mitigation:

7. **Project Transportation Fee:** The Applicants shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicants shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential	
Detached	\$.85 per total square foot
Attached (Includes duplexes)	\$.70 per total square foot
Community Housing	
Detached	\$.45 per total square foot
Attached (Includes duplexes)	\$.35 per total square foot

Note: This is the same transportation fees that are included in the Stott's Mill recommendations.

8. **Basalt Avenue/State Highway 82 Intersection Improvements:** The Applicants shall pay their fair share of the traffic improvements selected by the Town to increase traffic flow out of Southside based on the Applicant's fair-share of the trips identified in the Southside Traffic Study conducted by SGM on 10/11/16 as further described below. The Applicants shall pay a fee in the amount \$904 for each of the multi-family units at the time of building permit for each unit in order to equal its fair share of the construction costs, of a mini roundabout at Cody Lane and Basalt Avenue ("Mini Roundabout Improvement"). This is in addition to the impact fees included in Condition No. 7 above.

If before the issuance of the first building permit in the development, the Town decides that a different improvement is more appropriate such as the Basalt Avenue Laneage improvement (as identified in the revised Traffic Study performed by SGM, dated 10/11/16), the Town Council may adjust the fee amount (either higher or lower) on a per unit basis to cover the cost of such improvement. The funds may be used at the Town's sole discretion on any improvement the Town deems is appropriate which would increase the traffic flow out of Southside.

The Town is assuming a conservative \$500,000 for the cost of the Mini Roundabout Improvement until final plans and cost estimates are prepared and certified by an engineer for Improvement and accepted by the Town

Engineer. Therefore, until the Town Engineer certifies a lower cost, the Applicants' share of the cost of the Mini Roundabout Improvement is \$24,400.

Upon completion of the pedestrian underpass and the "Baseline Traffic Study" that is acceptable to the Planning Director for adequacy of the required information, a check-in with the Town Council will be conducted. The purpose of the updated traffic study is to determine the effectiveness of the pedestrian underpass and associated laneage changes with regards to reducing the queuing time and providing an acceptable level of service at the Basalt Avenue/Highway 82 traffic signal. This condition may be refined during final plan review of the multi-family units.

Access Road and Maintenance:

9. The Applicants shall provide a plan for review and approval by the TRC for planting native grass in the median between the access road to the development and the access road to the Grace-Shehi Meadows Property. The Plan shall be submitted for approval prior to commencing construction activities on the site.
10. The Applicants shall dedicate to the Town the access road through the development and a public access easement on the access drive from the southern edge of the Rio Grande Trail Right-of-way to the beginning of the development as shown on the Final Plat upon completion of the road improvements. Upon completion of the road improvements, there shall be a two-year warranty period on the road improvements, during which time the Applicants shall maintain the road. It will be the Town's responsibility to plow and maintain the access road and the emergency access upon completion of the warranty period on the road and acceptance of the road improvements. The homeowners and/or HOA within the development shall be responsible for plowing and maintaining the sidewalk adjacent to their lots and the HOA shall be responsible for plowing and maintaining the sidewalks adjacent to the common property.
11. The Applicants shall install two speed dips on the access road to the development on the west side of the High School and one speed dip in the central portion of the development. A plan for the location of the speed dips shall be submitted by the Applicants for review and approval by the Town's Technical Review Committee prior to installation. Installation of the speed dips shall occur prior to the issuance of the first certificate of occupancy in the development and prior to the Town's acceptance of the dedication of the road. Additionally, the Applicants shall install a minimum two (2) foot wide gravel shoulder on the west side of the access road.

Water Service and Irrigation:

12. The Amended Water Service Agreement will be reviewed for approval by the Town Planner and Town Attorney and shall be executed and recorded at the Pitkin County Clerk and Recorder's Office within 180 days of the effective date of the development approvals and prior to commencing development activities on the site.
13. The Applicants shall limit the amount of irrigated area to the amount shown on the Landscape Site Plan prepared by Connect One Design with a date of 6/19/17.

Drainage:

14. The Applicants shall enter into an agreement with Pitkin County and the Town of Basalt defining that the HOA shall be responsible for cleaning up any drainage event and restoring the Open Space Parcel and the Town's access road to the water tank to its pre-drainage event condition.

Rio Grande Trail/Legal Railroad Crossing:

15. The Applicants shall obtain approval from the Colorado Public Utilities Commission (CPUC) to gain the ability for additional vehicular crossing of the Rio Grande Railroad ROW and Trail within 180 days of the effective date of this ordinance, prior to commencing construction activities on the site, and prior to recording construction documents as required in Condition No. 25.

We-Cycle:

16. The Applicants shall coordinate with We-Cycle to incorporate at least one We-Cycle location in the development and pay for the installation of the physical improvements for the station (not including station infrastructure such as bikes and bike docking).

Fee Waivers:

17. The Town accepts the School District's recommendation that the School Land Dedication Fees be waived. Construction of the playground and community pavilion that is open to the public shall satisfy a portion of the Applicants' parkland dedication requirements. Waivers of the project's water tap and water surcharge fees, special improvement fee, and the remainder of the parkland dedication fees are approved. However, the Town will reimburse the water fund each year that the fees would have been paid up to a total over time of \$121,959.00 (ie. a total of \$121,959.00 of water fees waived).

Playground and Pavilion:

18. The Applicants shall install the playground in conjunction with constructing the community pavilion. A final design for the community pavilion shall be submitted for review and approval by the TRC prior to construction of the pavilion. The Applicants shall build the pavilion as a more open gathering space as originally planned, The playground and the pavilion shall be installed and completed prior to the issuance of a building permit on the fourteenth dwelling unit in the development.

Green Building and Permitting:

19. The Applicants shall obtain building permits through the Town and comply with the Town's sustainable building regulations in place at the time of building permit submittal for the individual dwelling units.

Technical Considerations:

20. Prior to executing and recording the final plat for the development, the Applicants shall demonstrate compliance with Assistant Fire Marshal, Brooke Stott's comments dated August 30, 2017 and Stott's TRC Response comments dated September 20, 2017.

21. The Applicants shall enter into a line extension agreement the Basalt Sanitation District prior to the Town Council's final approval of the development.

22. The Applicants shall demonstrate compliance with the Basalt Sanitation District's comments from Wyatt E. Popp of Olsson Associates dated August 29, 2017.

23. The Applicants shall comply with the recommendations in the Geotechnical Investigation Report prepared by CTL Thompson dated March 25, 2016 and letter from John Mechling of CTL Thompson dated October 21, 2016. Prior to commencing construction within the development, the Applicants' Geotechnical Engineers shall review the civil engineering plan for the mudflow detention area to ensure compliance with CTL Thompson's recommendations. There shall also be positive drainage around all of the dwelling units.

24. The Applicants shall install a water sampling station meeting the requirements of the Town Public Works Director. Additionally, metal, kid-proof grates shall be installed on the inlet and the outlet of the reinforced concrete ditch pipe.

Approval Documents and Vested Rights:

25. The Subdivision Plat, Subdivision Improvements Agreement, Site Plan, Utility Easement Documents, Amended Annexation Agreement, and Amended Water Service Agreement (“Required Legal Documents”) shall be executed and recorded within 180 days of the effective date of the final plan approval and prior to commencing construction activities in the subdivision. If the Required Legal Documents are not recorded within 180 days, the approvals for the subdivision are null and void. The Town Planner may approve an extension to the recording deadline. The Required Legal Documents 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 concurrently with executing the Subdivision Improvements Agreement for any public improvements to be installed.
26. The vested property rights for the final site plan approval shall be three (3) years from the effective date this ordinance. The Applicant may request an extension of vested rights if necessary in the future.
27. The Applicants shall install the necessary infrastructure and obtain a building permit on the initial dwelling to be built in the development within three (3) years of the effective date on the final site plan approval or the final site plan approval will be null and void.

Insubstantial Amendments:

28. The TRC 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 TRC’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*.

Fence:

29. The Applicants shall construct a 6-foot tall chain link fence on the common property line between the development property and the adjacent St. Jude Ranch (Cerise property) to the east. The fence shall be installed prior to commencing construction activities. The location of the fence shall be

reviewed and approved by the TRC prior to commencing construction. This fence shall remain through the completion of construction in the development. The Town Manager may approve an alternative wildlife friendly fence to replace the chain link fence that is to be in place through project construction after coordinating with the property owners of St. Jude Ranch (Cerise Property) to the east to address their concerns.

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 Pitkin 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 October 10, 2017 by a vote of 5 to 0 on September 26, 2017.

READ ON SECOND READING AND ADOPTED by a vote of 7 to 0 on October 10, 2017.

TOWN OF BASALT, COLORADO

By: 
Jacquie R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk



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Final Publication: Thursday, October 19, 2017
Effective Date: Thursday, November 2, 2017