

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A
PRELIMINARY SUBDIVISION/PUD PLAN FOR THE PROPERTY KNOWN AS THE
ARBANEY/KITTLE ADDITION TO THE ROARING FORK CLUB, BASALT,
COLORADO**

**Town of Basalt, Colorado
Resolution No. 30
Series of 2017**

RECITALS

1. Roaring Fork Club, LLC. ("Applicant"), submitted an application for Preliminary Subdivision/PUD Plan approval for the construction of 13 Roaring Fork Club Cabins, 1 single-family home site, 42 employee housing units (22 of which are replacement units for demolishing the existing 22 units of employee housing), a new equipment storage building, a new parking garage structure, and additional employee and cabin parking spaces on the Property described in **Exhibit "A"**.

2. The Applicant received Sketch Plan Amendment approval pursuant to Resolution No. 17, Series of 2017.

3. The Planning and Zoning Commission reviewed the Preliminary Plan Application and conducted a public hearing at the November 7, 2017 meeting and recommended approval, with conditions.

4. The Basalt Town Council considered the application at a public hearing on November 14, 2017 and continued the public hearing to November 28, 2017.

5. At a continued public hearing on November 28, 2017, evidence and testimony was offered by the Applicant, staff and members of the public.

6. The Basalt Town Council finds that the Applicant's request described herein to be consistent with the applicable provisions of the Town Code and the 2007 Basalt Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Basalt Town Council of Basalt, Colorado, as follows:

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

The Basalt Town Council incorporates the above recitals, all exhibits as references, as findings and determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein, and a determination pursuant to C.R.S. 29-20-301 that there is adequate water supply.

Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code §§ 16-63(b) for the purposes of preliminary plan approval:

- a. The PUD Plan conforms with the provisions of Article 16 of the Town Code provided that the conditions contained in this resolution are satisfied.
- b. The PUD development will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.
- c. The PUD development will complement and be integrated with the existing and approved but not yet existing development in the area.
- d. The PUD development will provide numerous community benefits.
- e. The variations from the strict requirements of the Town Code are designed to improve the efficiency of the development pattern and accomplish a more desirable residential or commercial environment.
- f. The variances from strict compliance with the Code requirements are justified because the PUD Plan exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.
- g. The PUD Plan satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

CONCLUSIONS

Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council hereby approves the Arbaney/Kittle Preliminary Plan Application, subject to the conditions contained in **Exhibit "B"** hereto.

1. The Applicant shall comply with all material representations made by the Applicant in the Application, including the supporting documents and in meetings before

the Planning and Zoning Commission and Basalt Town Council.

2. As the Town of Basalt's Preliminary Plan approval does not create any vested rights, a Final Plan Application shall be required to be approved by the Town Council to obtain vested rights.

3. This Resolution shall be recorded with the Offices of the Clerk and Recorder of Pitkin County.

4. The approval granted hereby shall be valid for one year from the date of the vote hereon and shall be void if a complete Final Plan Submittal is not submitted to the Town within one year.

5. Pursuant to § 17-84(a)(2), Town Code, this approval shall not form the basis for any actionable reliance for the Applicant and shall not create any obligation for the Town Council to provide later approvals on the property.

READ AND ADOPTED by a vote of 6 to 0 on November 28, 2017.

TOWN OF BASALT, COLORADO

By: 
Jacquie R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Clerk

Council Res30__-ArbaneyKittleAddition



EXHIBIT A

PROPERTY DESCRIPTIONS

ROARING FORK CLUB PUD

LOTS 4 AND 4A, BLOCK 1, ROARING FORK CLUB PUD ACCORDING TO THE PLATS RECORDED AUGUST 29, 1997 IN PLAT BOOK 43 AT PAGE 55 UNDER RECEPTION NO. 407911 AND PLAT RECORDED JULY 28, 2000 IN PLAT BOOK 54 AT PAGE 27 UNDER RECEPTION NO. 445570 AND PLAT RECORDED JANUARY 29, 2001 UNDER RECEPTION NO. 450990.

AND

ARBANEY/KITTLE PARCEL

LOT 1, BLOCK 1, ROARING FORK CLUB PUD AS SHOWN ON THE PLAT RECORDED AUGUST 29, 1997 IN PLAT BOOK 43 AT PAGE 55.

COUNTY OF PITKIN, STATE OF COLORADO.

EXHIBIT B

Conditions of Approval

Community Benefits

1. As part of the Final Plan review, the Applicant shall ensure consistency with the recently adopted Nordic Trails Plan and the existing Roaring Fork Club approvals for Nordic trails. The Applicant shall also incorporate any recommendations of the Nordic Council into the Final Plan addendum application.
2. As part of the Final Plan review, the Applicant shall provide greater detail of green practices, goals, and policies for the such as environmentally rated design/construction, water conservation measures, erosion control methods, and sustainable operation procedures for the Roaring Fork Club. Also, as part of the Final Plan Application review, the Applicant shall provide more detail on how they intend to comply with the Town's Sustainable Building Requirements. Prior to the Final Plan review, the Applicant shall meet with the Town Building Official to go over compliance with the Town's Sustainable Building Requirement.
3. A 1% real estate transfer assessment (RETA) for the Property will be assessed on property transactions of less than \$1 Million and an additional 1% RETA will be assessed on property transactions of \$1 Million or greater so that the RETA is a total of 2% on these Property interests consistent recent Town approvals. The RETA funds shall be subject to appropriation by the Town Council for the same purposes as the Roaring Fork Club Kindell addition RETA to effectively facilitate administration of the RETA.
4. The Applicant shall pay all required zoning, PUD, and subdivision impact fees which shall be calculated at the time of Final PUD review. The cabins are considered residential units for purposes of calculating impact and land use dedication fees.
5. The lodging tax shall be paid for rental use of the cabins added regardless of the length of time of occupancy.
6. The Applicant shall provide a public pedestrian easement and design for inclusion of a trail within the Arbaney/Kittle property that would ultimately connect to the northern end of the development with the Elk Run Subdivision. The easement shall be the width of the northern open space buffer that adjoins the northern and western edges of Lot 4 (the new employee housing parcel), as it is not known where the trail might connect in the future.

7. The Applicant shall construct forty-one (41) affordable housing units and convert the existing Kittle residence to an employee housing use as represented in their revised Preliminary Plan application. Pursuant to Exhibit A-2 of the Preliminary Plan Application dated November 5, 2017, seven (7) of the AH units will be prioritized for the Town's allocation and subject to the occupancy priorities set forth in the Town's Community Housing Guidelines. At a minimum the new nineteen (19) affordable housing units shall be phased in proportionally with the cabins. Additionally, the Applicant shall obtain certificates of occupancy on the replacement employee housing units prior to demolishing Buildings 3-6 of the existing employee housing units. The Applicant shall provide temporary housing acceptable to the TRC for any tenants temporarily displaced by the demolition of Buildings 1 and 2 of the existing employee housing during the time period between demolition of the existing units and the replacement units being ready for occupancy.
8. The Applicant shall do the following prior to Final Plan application review:
 - a. Add a half bathroom to the two-bedroom AH units to meeting the livability requirements of the Community Housing Guidelines
 - b. Add storage to the plan
 - c. Study the potential to provide a communal barbecue area and report back at Final Plan review
 - d. Add bike storage
 - e. Study the potential for locating a We-cycle station in the vicinity of the AH and report back at Final Plan review
9. The Applicant shall comply with the design for the connector path stairway prepared by Design Workshop in the Preliminary Plan Application, linking the project to the Basalt – Old Snowmass trail. The connection of these two trails will be made in a way that is satisfactory to Pitkin County Open Space & Trails.

The Applicant shall also provide for TRC review and approval prior to building permit issuance, a plan for making the intersection of the Arbaney/Kittle driveway and the Basalt-Old Snowmass Trail safer for trail users. In developing the pedestrian safety plan, the Applicant should consider the merits of including additional signage to alert motorists of the trail intersection, improving the visibility of the path, and the installation of a speed table above the intersection of the driveway with the trail.
10. The Town plans to further explore the possibility of providing a public access trail that will connect the Elk Run Subdivision with the Arbaney Kittle trailhead. The Town may ask for additional assistance from the Roaring Fork Club in the future to try and implement this connection.

Site Plan, Design, Ownership, and Development Program

11. The Applicant shall comply with the architectural drawings depicting the character of the cabins and affordable housing prepared by Poss Architecture and Planning that are included in the Preliminary Plan Application.
12. The one new Arbaney/Kittle single-family residence shall not exceed 5,000 total square feet per the Town Code.
13. Any individual cabin shall not exceed 4,000 total square feet (including above ground and sub-grade space). On average, the cabins shall not exceed 3,925 square feet (above ground). Cabin basements shall accommodate window wells but not “walk-out” features.
14. As part of the Final Plan application, the Applicant shall provide information about the proposed minimum distance between structures.
15. The Applicant shall comply with the representations of the streetscape along Maintenance Road as included in the Preliminary Plan Application.

Engineering and Related Technical Issues

16. The Applicant shall comply with the recommendations included in the Geologic and Geotechnical Investigation Report prepared by CTL Thompson, dated July 18, 2017. Measures shall be taken to avoid wetting of subgrade soils during and after construction. Construction observation and materials testing shall be provided throughout construction at a level appropriate for construction. A policy shall be developed for irrigation practices and pond lining and maintenance procedures before building permit.
17. As part of the Final Plan review, the Applicant shall demonstrate compliance with comments dated October 11, 2017 from the Town’s consulting engineer, Chris Lehrman.
18. Maintenance Road and the employee housing access road shall be constructed consistent with the road plans and details prepared by Sopris Engineering, dated August 10, 2017. A cart pull-out shall be constructed along Maintenance Road adjacent to the cart path that exists along the 5th fairway, to allow carts to be parked outside the Maintenance Road right-of-way.
19. The Applicant shall demonstrate in the Final Plan Application addendum how the development complies with Deputy Fire Marshal, Brooke Stott’s letter dated September 20, 2017. The width, surface material(s), and similar characteristics of

the cart paths shall be determined by Town Staff, the Fire District, and the Applicant prior to the Final Plan review. Cart path design shall meet the Fire District's requirements as discussed in the March 14, 2017 letter from Deputy Fire Marshal, Brooke Stott. Maximum grades on cart paths shall be 10 percent, to be exceeded only if necessary to avoid more hazardous conditions. Public utility and emergency access easements shall be dedicated along cart path routes where necessary. Cart path design shall include features to exclude vehicular (non-golf-cart) use, except for emergency access.

20. A new or updated access permit shall be obtained from the Colorado Department of Transportation (CDOT) for the existing Roaring Fork Club entry prior to issuance of a building permit for any of the cabins (unless CDOT documents that a new permit is not required).
21. The Applicant shall connect the new development to the Basalt municipal water system. The Applicant shall replace the existing water main serving the Kittle property and size it appropriately to meet (at a minimum) the domestic and fire protection needs of the Arbaney/Kittle Addition to the Roaring Fork Club. Pursuant to comments dated October 11, 2017 from the Town's consulting Engineer, Chris Lehrman of SGM, the Applicant shall model the water line extension needs while including a pump station prior to the Final Plan review as part of the Final Plan Application Addendum to ensure proper sizing of the water main extension to potentially accommodate the remainder of the Roaring Fork Club connecting to the Town's water system in the future. The size of the main will be determined at the time of Final Plan approval, taking the above analysis into consideration. Connection to the municipal water system shall be completed prior to the issuance of any certificates of occupancy on new units in the development.

The Applicant will be eligible for cost-recovery of the new water main if it is utilized by future development projects. It is the responsibility of the Applicant to notify the Town of this agreement when new development proposals are considered by the Town. The Final Plan application addendum submittal may include a draft cost recovery agreement for consideration if the Applicant wishes to provide for a cost recovery.

The Applicant shall comply with the plan included in the Preliminary Plan Application for the water main to be stubbed out to the common property line with the Meyers Ranch Property so that a looped water line may be installed in the future in the event that the Meyers Ranch Property is ever developed. Additionally, the Applicant shall incorporate in the Final Plan a water sampling station.

22. The Applicant shall secure an annual maintenance agreement with CDOT on behalf of the Town prior to executing and recording the final approval documents so that

the Town can maintain the water main in CDOT right-of-way without applying for separate permits.

23. Raw water for irrigation shall be provided by the private Roaring Fork Club water system to both the Arbaney/Kittle and Roaring Fork Club portions of the project.
24. Comprehensive water conservation measures shall be incorporated into the project design, including conservation within and outside cabins. Proposed water conservation measures shall be addressed in more detail as part of the Final Plan application review. The Applicant shall specify maximum areas for irrigation around cabin sites. There shall be no water falls permitted for any of the private cabins. Water conservation shall be managed by the Applicant after development.
25. The proposed development shall connect to the Basalt Sanitation District. The Applicant shall petition for inclusion into the District and a Line Extension Agreement shall be provided. The design shall comply with the 201 plan submitted as part of the Final Plan application.
26. The Applicant shall comply with the wildfire mitigation techniques described in Section 5 of the Preliminary Plan Application.
27. The Applicant shall meet the basic water rights dedication requirement of the Town Code. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town obtaining direct diversion and augmentation water rights and any changes of existing water rights sufficient to meet the full build-out municipal water service demand occurring during the irrigation and non-irrigation seasons for any shortfall. As part of the Final Plan Application addendum, the Applicant shall also provide documentation to the satisfaction of the Town's Water Attorney that they have sufficient water rights and that the State of Colorado requirements for the installation of a pond are satisfied.
28. A final construction management plan shall be prepared and submitted for approval by the TRC prior to issuance of any building or land development permits for the project. At a minimum, the plan shall address the proposed construction staging, material storage, and parking.
29. The Applicant shall submit a traffic plan (including signage and cross-traffic treatments) for approval by the TRC prior to the issuance of any building or land development permits for the project that details how golf cart traffic and residential traffic will be managed throughout the development.
30. The Applicant shall submit a snow storage and trash collection plan for review and approval by the TRC prior to the issuance of any building permits on the site.

31. All new trail connections to be provided as part of this application shall be signed to require pets to be on leashes.
32. The Applicant shall make a reasonable, documented effort prior to Final Plan approval to enter into an agreement with the neighboring property owner to the west (Meyer property) about maintaining ditch flows in the Kester ditch during and after construction.
33. The Applicant shall provide a plan as part of the Final Plan Application addendum identifying how the Applicant plans on reusing or recycling materials and appliances from the employee housing units to be demolished.