

**Town of Basalt, Colorado  
Ordinance No. 11  
Series of 2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING SPECIAL REVIEW APPROVAL FOR A TWO-  
FAMILY DWELLING UNIT LOCATED AT 710 E. SOPRIS DRIVE, BASALT,  
COLORADO (PERKO APPLICATION)**

RECITALS

A. The Town of Basalt (“Town”), acting by and through its Town Council (“Town Council”), has the power to grant Special Review approvals. John Perko and Jennifer Riffle (“Applicants”) applied to the Town, requesting approval of Special Review for a Two-Family Dwelling Unit at 710 E. Sopris Drive, Basalt, Colorado (the “Perko Property”).

B. The Planning and Zoning Commission considered the application at a public hearing held on May 5, 2020. Throughout the meeting, evidence and testimony was offered by the Applicants, Staff and members of the public. The Planning and Zoning Commission recommended that the Town Council approve the request for Special Review, subject to conditions.

C. At a public hearing held on May 26, 2020, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. At the public hearing held on May 26, 2020, the Town Council considered this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for June 9, 2020 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 June 9, 2020, 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. The Town Council finds and determines this Ordinance is reasonable and consistent with the Town Code. 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 findings provided herein.

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Town Council finds and determines in accordance with Section 16-44(f) of the Town Code, as follows:
  - a. The Town Council finds that the Applicants' request is consistent with the applicable provisions of the Town Code, provided the Applicants adhere to the conditions identified in this Ordinance.
  - b. The Application satisfies the requirements of Section 16-44(f) of the Town Code, provided the Applicants adhere to the conditions herein, because the Application is in general compliance with the Town Code; the proposed use is compatible with the character of the surrounding area; the proposed use is generally desirable and needed in this area; the proposed use does not create significant potential for adverse environmental influences; the proposed use is compatible with the Town Master Plan; and the proposed use is compatible with the natural characteristics and constraints of the Property.

B. APPROVAL AND CONDITIONS.

Special Review to permit a two-family dwelling unit at 710 E. Sopris Drive is hereby approved, 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 and Building Fees:**

3. The Applicants shall pay all applicable building permit and development fees (including Parkland Dedication) at the time of building permit issuance to create the additional dwelling unit and is responsible for development review fees associated with the development review.

**Unit Limitations:**

4. The first-floor unit shall not be rented on a short-term basis. It shall have a minimum six-month lease term.
5. At least one of the first-floor unit tenants shall occupy said unit as his or her primary residence.
6. The Applicants stated that the intent is to lease the first-floor unit to local working residents. Full-time employees of local government entities and special districts, the Rocky Mountain Institute, the RE-1 School District, and the Aspen Skiing Company or any other non-profit entity identified by the Applicants shall have priority for leasing the unit. The Applicants shall send a notice to at least one of these entities no later than the time the Applicants advertise the availability of the unit. This condition shall not preclude the Applicants from being able to lease the first-floor unit to others outside of the above organizations as long as they satisfy Condition Nos. 4 and 5 above.

**Condominiumization:**

7. The dwelling units on the property are not permitted to be condominiumized and sold separately.

The Applicants shall enter into a shared sewer maintenance agreement to the satisfaction of the Basalt Sanitation District prior to the issuance of a certificate of occupancy on the new unit to be added to the property.

**Parking Limitations:**

8. The off-street parking spaces adjacent to Sopris Drive as shown on the Applicants' site plan shall only be occupied for operational vehicles. Storage of items other than operational vehicles in the off-street parking adjacent to Sopris Drive shall not be permitted.

**Building Department Requirements:**

9. The demising wall to be installed to create the new dwelling unit shall be made of materials that provide at least a 1-hour fire rating. A safety inspection by the Building Official shall be required prior to the issuance of certificate of occupancy on the new unit to be created. In order for the second unit to become a legal unit, the Applicants will need to obtain a building permit and obtain a certificate of occupancy.

**Approval Documents:**

10. The Applicants shall prepare a site plan for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy for the new unit to be created on the site.
11. The Applicants shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance. If the Applicants do not execute and record the necessary approval documents within 180 days or receive an extension from the Town Planner, the approvals shall expire and be null and void.

**Vested Rights:**

12. Vested property rights approved herein shall be granted for a period of three (3) years from the effective date of this ordinance. The Applicants may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. The Applicants shall obtain a building permit to create the additional unit within three (3) years of the effective date of this ordinance or the approvals granted herein shall be null and void.

**Insubstantial Amendments:**

13. The TRC may approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal the 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.

**C. MISCELLANEOUS.**

1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owner of the Property.

2. This Ordinance, after fully executed, 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 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 June 9, 2020 by a vote of 7 to 0 on May 26, 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on June 9, 2020.

TOWN OF BASALT, COLORADO

By:



William G. Kane, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

First Publication: June 4, 2020  
Final Publication: June 18, 2020  
Effective Date: July 2, 2020