

**Town of Basalt, Colorado
Ordinance No. 07
Series of 2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING SITE PLAN APPROVAL, AMENDMENT TO THE
FINAL DEVELOPMENT PLAN, AND AMENDMENT TO FINAL SUBDIVISION
PLAT, FOR THE DEVELOPMENT OF A BASALT PUBLIC WORKS FACILITY
ON LOT 4 OF THE MID VALLEY CENTER PUD, BASALT, COLORADO.**

RECITALS

A. The Town of Basalt (“Town”), acting by and through its Town Council (“Town Council”), has the power to grant approvals for Site Plan Review, Amendment to the Final Planned Unit Development Plan, and Amendment to Final Subdivision Plat.

B. The Town of Basalt (“Applicant”) submitted an application to the Town requesting approval of Site Plan Review, Amendment to the Final Planned Unit Development Plan, and Amendment to Final Subdivision Plat for Lot 4 of the Mid Valley Center PUD, Basalt, Colorado (the “Application”), as the property is more specifically described on **Exhibit A** hereto (the “Property”).

C. The Planning and Zoning Commission considered the Application at a public hearing held on May 18, 2021. Throughout the meeting, evidence and testimony was offered by Town Staff. The Planning and Zoning Commission recommended that the Town Council approve the Application, subject to conditions.

D. At a public hearing held on June 8, 2021, the Town Council heard evidence and testimony as offered by the Town Staff, and members of the public. At the public hearing held on June 8, 2021, the Town Council considered this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for June 22, 2021 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on June 22, 2021, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

G. 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

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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, and Town Staff, the Town Council finds and determines in accordance with Article VI, Chapter 16 of the Town Code, as follows:

- a. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions identified in this Ordinance.
- b. The Application satisfies the requirements of Article VI, Chapter 16 of the Town Code, provided the Applicant adheres 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.
- c. The Town Council finds and determines pursuant to C.R.S. 29-20-301 that there is an adequate water supply for the Property.

B. APPROVAL AND CONDITIONS.

The Town's Application is hereby approved 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, Permitted Uses and Other Land Use Items:

3. The Applicant shall record a final Site Plan and Amended Plat of Lot 4 within 180 days of the effective date of ordinance approval.

4. The permitted uses approved in Ordinance No. 06, Series of 1997 are hereby replaced with the following:

Lot 4 Basalt Public Works Facility

- a. Lot 4 is Zoned PUD/IN/C-3
- b. Lot 4 is comprised of 1.1666 acres
- c. The permitted uses on Lot 4 are restricted to a Public Works Facility including offices, storage barns and garages, other storage structures, and supporting uses. Any future residential use, other than sleeping accommodations for occasional overnight use, shall be subject to review by the Planning and Zoning Commission and Town Council.

5. The setbacks for Lot 4 are 16 feet on the lot line shared with Lot 3 of the Mid Valley Center and 20 feet on all other sides.

Transportation:

6. The Applicant shall preserve the ability to make the Widget Street connection to Original Road (from Widget Street's existing terminus at the north lot line of the Willits Bend PUD through Lot 4 and the easterly adjacent parcel to Original Road north of Lot 4) and dedicate such right-of-way at such time as it is required by the SH 82 Access Control Plan. This condition shall be null and void if the SH 82 Access Control Plan is amended to eliminate the Widget Street Connection and adopted by the Town.
7. The Applicant shall comply with Highway Access Permit No. 321048 issued by CDOT on April 22, 2021.

Lighting and Landscaping:

8. All lighting shall meet the requirements established by the Town's Lighting Ordinance.
9. The Applicant shall design and plant low-water-use vegetation in the landscaping island between lots 2, 3 and 4 as shown on the Site Plan.

Community Housing:

10. No additional affordable housing is required for the development because the Town recently acquired affordable housing to be used by Town Employees that fulfills this requirement.

Technical Considerations:

11. The Applicant shall comply with all requirements of the Line Extension Agreement for water and sewer services for the property with Mid-Valley Metropolitan District.
12. Before building permit for Phase 1, the Applicant shall demonstrate compliance with comments submitted by Mid-Valley Metropolitan District dated May 14, 2021.
13. Before building permit for each Phase, the Applicant shall demonstrate compliance with comments submitted by the Roaring Fork Fire Authority dated May 4, 2021.
14. Any building that is over 5,000 square feet shall contain an automatic fire sprinkler system.
15. Concurrent with the installation of the security fence, the Applicant shall install a Knox pad lock on the access gate for emergency response during after-hours.

Vested Rights:

16. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. The Applicant shall install the necessary infrastructure and obtain a building permit on the 1st structure to be built in the development within three (3) years of the effective date on the Final PUD approval or the Final PUD approval will be null and void.

Insubstantial Amendments:

17. 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 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.

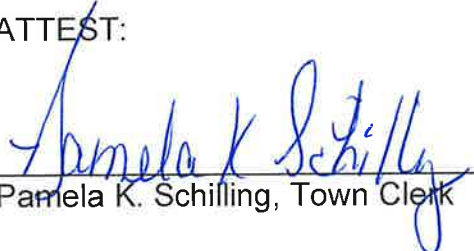
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON June 22, 2021, by a vote of 5 to 0, with 1 abstention, on June 8, 2021.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0, with 1 abstention, on June 22, 2021.

TOWN OF BASALT, COLORADO

By: 
William G. Kane, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk



First Publication: Thursday, June 17, 2021
Final Publication: Thursday, July 1, 2021
Effective Date: Thursday, July 15, 2021

Exhibit "A"

Legal Description

Lot 4, MID VALLEY CENTER P.U.D., Town of Basalt, according to the Final Plat recorded August 13, 1997 in Book 734 at Page 544 as Reception No. 630500, in the records of the Clerk and Recorder of Eagle County, Colorado.