

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, GRANTING
APPROVAL FOR A COMMUNITY GARDEN
ON THE HOMESTEAD LOT OWNED BY THE TOWN OF BASALT (ALSO KNOWN
AS 213 E. HOMESTEAD DRIVE) AS A TEMPORARY USE FOR THE 2010 GROWING
SEASON**

**Town of Basalt, Colorado
Resolution No. 06
Series of 2010**

RECITALS

1. The Town of Basalt owns Lot 31, Block 3, Town of Basalt, Minor Subdivision Lot Boundary Adjustment Plat, which is zoned in the R-3TN Zone District ("Homestead Lot"). The Town of Basalt purchased the Homestead Lot for a few alternate public purposes including but not limited to affordable or employee housing, a neighborhood park, and as an investment whereby the proceeds could be used to further the goals of the Town.

2. The Basalt Community Gardens Collective ("Applicant"), requested approval from the Basalt Town Council for the use of the Town owned Homestead Lot for a Community Garden.

3. The Community Garden is proposed for the 2010 growing season for use of individuals who desire to garden on a plot provided by the Applicant and sign the Town's Commitment Form ("Gardner's").

4. The Basalt Town Council considered the application at a public meeting on March 23, 2010 where an explanation of the Community Garden was provided from the Applicant and public comment was considered.

5. The Basalt Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided Applicant adheres to the conditions identified in this Resolution.

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 and all exhibits as references and as findings and determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicant, and Town staff, the Basalt Town Council Finds and determines that the proposed use does not violate any standard of the Land Use Code.

2. Therefore the Council is only interested in approving the Community Garden as a Temporary Use because it purchased the Homestead Lot for other purposes as stated above in the recitals.

3. The proposed Temporary Community Garden will add social capital and help implement the 2007 Basalt Master Plan if the Conditions Contained Herein are satisfied.

CONCLUSIONS

Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council hereby grants approval for the Homestead Community Garden subject to the conditions contained herein and within **Exhibit A**.

READ AND ADOPTED by a vote of 7 to 0 on March 23, 2010.

TOWN OF BASALT, COLORADO

By: Leroy Duroux
Leroy Duroux, Mayor

ATTEST

By: Pam Schilling
Pam Schilling, Clerk

Res. 06HomesteadLotCommunityGarden



Exhibit A

1. Applicant shall adhere to all material representations made in, or in connection with this application.
2. All Gardeners must comply with the Rules and Regulations approved and posted by the Town and each Gardener must sign a Town's Commitment Form substantially in the form presented at the Council's March 23rd meeting and as approved by the Town Manager.
3. The Gardeners shall never block access onto Homestead Drive. No emergency access shall be blocked.
4. The Applicant may erect a simple woven wire fence of no more than 42" high held up with T-stakes to keep their costs down. Other fence arrangements may be approved by the TRC.
5. The Gardeners shall be responsible for trash collection and removal. The Gardeners shall comply with the Town's wildlife protection ordinance and guidelines.
6. The Town of Basalt will provide water and a yard hydrant for the Community Garden free of charge. The Town will not be responsible for providing a portable toilet for the site.
7. The Basalt Community Garden Collective may charge a fee to recoup expenses to create and manage the Community Garden. However in no event may the exceed \$50.00 per plot. If the Collective has funds remaining at the end of the year they are encouraged to reimburse the Town of Basalt for water provided to the site.
8. Any insubstantial changes to the operation of the Garden that are outside the parameters of this approval may be approved by the TRC. Substantial changes must be considered and approved by the Basalt Town Council.
9. Nothing prevents the Town from landscaping or locating art, signage or conducting any other Town use permitted by the Town Code outside the boundaries of the garden plots.
10. If the Applicant or Gardeners are found to be in violation of this approval or the site, it can be suspended or revoked at any time at the discretion of the Town Manager.

11. This approval is valid from the approval of this resolution through the end of the 2010 growing season. Approval of the Garden for following years shall require subsequent application and review, which approval may be withheld as the Town plans to use the Homestead Lot for other uses.