

TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: November 19, 2018

Project Name: Red Mountain Ranch PUD
Owner: Red Mountain Ranch Partnership, LTD
Applicant: Mervyn Lapin
Prepared by: Stephanie Stevens, Planning Consultant for the Town of Eagle

The Eagle Community Development Department is issuing the following Referral Response Summary Report as the referral period has expired. Both internal (Town Staff) and external referral responses received to date can be found in the "Referral Comments" section of this report. The "Next steps" section describes the approaching steps in the development review and approval process. If you have any questions or concerns regarding any comment, contact me or the individual agency contact to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly in order to streamline the development review process.

REFERRAL COMMENTS SECTION

Community Development

Stephanie Stevens, Town Planning Consultant

stephanie@mccooldevelopment.com

The following comments are based on the standards and requirements of PUDs per §4.11.030, Subdivisions per §4.12.010, and Annexations per §4.15.010 and C.R.S. Article 12, Title 31.

Technical

1. Please move the Planning Area summary chart to the PUD Guide.
2. Please move the density transfer information to the PUD Guide.
3. Clarify the maximum amount of commercial square feet that is being proposed in Planning Areas 2 and 3 and revise the PUD Guide and narrative to be consistent throughout. Discrepancies include: The Purpose section of the PUD Guide states 10,000 square feet of commercial (overall); the PUD Planning Area standards add up to 13,000 square feet overall; and the Planning Area Summary Chart sets forth a maximum of 10,000 square feet for each of the two Planning Areas, amounting to 20,000 square feet of overall commercial area proposed.
4. Correct formatting issues on page 8 of the PUD Guide, as applicable to items d through g under uses by right (in Planning Area 2).
5. Revise the illustrated setbacks on the Zoning Plan Map to match the PUD Guide. The Zoning Plan Map calls out a 50' setback along Highway 6, yet the PUD Guide sets forth 25' setbacks from the Highway 6 right-of-way line.
6. Please remove reference to Subdivision and Development Plan in the Amendment section of the PUD Guide.

7. While we appreciate that you've addressed each of the code standards for PUD's in the PUD Guide, some of this information is repetitive since it is already addressed elsewhere in the PUD Guide. Under Section 3 Town of Eagle Standards and Requirements section of the PUD Guide, please revise as follows:
 - a. Remove minimum size, PUD zoning, and phasing
 - b. Keep the information related to open space, maintenance of open space, and municipal park land dedication. It might make more sense to retitle this section to specifically address open space requirements only.
 - c. Relocate PUD perimeter information to the landscaping standards section.
 - d. Relocate the street standards to the design standards section and revise the language, to simply state: "All streets are anticipated to remain private. Private street standards will be detailed as part of future Development Plans and subdivision applications for each Planning Area."
8. Remove Section 5 Justification for Variations from the PUD Guide.
9. Revise all references of the "Zoning Administrator" to "Town Planner" in the PUD Amendment section of the PUD Guide.
10. Remove the statement, which reads: "Contractors, subcontractors and other construction related visitors shall be prohibited from bringing dogs into the Red Mountain Ranch PUD" from the dog and pet control section of the PUD Guide. The PUD Guide is not the appropriate tool for implementing this type of regulation.
11. In the 5th paragraph under the design review section of the PUD Guide, please add "development permit" as a type of application that should be approved by the Home Owners Board.

PUD Zoning and Density

1. Please detail the preservation areas and buffer zones that are shown on the Zoning Plan Map in the PUD Guide as applicable to each Planning Area they are contained within, and specify that the areas identified for preservation are "no-build" areas or similar. Staff is concerned that it could be perceived that any use by right could be developed there, but this land (especially south of the river) is not suitable to contain buildings or structures. Preservation areas and buffer zones should be described in the PUD Guide and removed from the Zoning Plan Map to avoid potential discrepancies at Development Plan level. Also reference Comment 6 under the Open Space section of this letter.
2. What is the reasoning to allow density transfers if you can't exceed the maximum allowed density of each Planning Area? Please clarify the density transfer allowance as proposed. Staff recommends setting forth a maximum percentage that each Planning Area can increase with transfer, but stating that no transfer can cause an increase in density above that allowed for the overall development (153 units).
3. Please confirm whether the information pertaining to acreage/density calculations set forth in the PUD Guide and Zoning Plan Map are based on gross acreage.
4. Provide side setback requirements for all uses, buildings or structures. As currently proposed, side setbacks have only been set forth for residential uses.
5. Please continue working with staff on the allowable uses set forth in the PUD Guide. Staff has identified the following items in need of attention:
 - a. Please break out primary and accessory uses for each Planning Area, and outline appropriate setback requirements for primary versus accessory uses. As proposed, accessory uses would be subject to the setback requirements of primary residential or commercial uses/structures.

- b. Re-term “accessory apartment” as “accessory dwelling unit” and define. The Town currently limits accessory dwelling units to a maximum of 700 square feet to ensure they remain incidental to the primary use. A size limitation or similar would be appropriate.
 - c. As currently proposed, accessory dwelling units are only allowed as applicable to single-family dwellings, but you may want to consider allowing them for duplexes with detached, stand-alone (one or two-car) garages.
 - d. Temporary uses should not be allowed as a use by right or special use. Please separate out the temporary uses (i.e. temporary construction staging areas, temporary sales office, pre-development temporary uses, etc.) and move them to a new category reserved for “temporary uses”, specifying that these uses shall be subject to the Town’s temporary use permit process. Further discussion is needed regarding the allowance for temporary camping (also see Comment 8 under the Open Space section of this letter).
 - e. Define “Farmer’s Market”. Do you envision the farmer’s market use to be temporary or would it be indoor, permanent?
 - f. Please describe what you mean by temporary dwelling units. Are you intending for mobile homes or RV’s?
 - g. Remove landscaping berms as use. If you would like to use them for screening of temporary construction staging areas, you can add this stipulation to the landscaping standards section.
 - h. Please explain your thought process for having model homes as a separate use by right.
 - i. Staff recommends restricting short-term rentals in Planning Area 1. Staff would like to further discuss short-term rentals and how the PUD-specific requirements might correlate with the potential for new Town standards.
 - j. Define elderly care and limit as a special use or limit capacity to retain residential character. Further discussion is needed to identify an appropriate strategy that precludes commercial-type facilities.
 - k. Please revise “Other uses which the Planning Commission find to be compatible” to “Other uses which the Town Planner finds to be compatible”, and add a statement to read: “When compatibility or consistency with the Town’s goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission or Board of Trustees for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.”
 - l. Move “enclosed dog runs” to uses by right and include use prescriptions under the applicable Planning Areas. All use-related provisions should be in the same location of the PUD Guide.
 - m. Why do you want to include the provision allow stray dogs to be controlled by the Town, County and Colorado Department of Parks and Wildlife?
6. Please include lot area restrictions for single-family, two-family, and multi-family dwellings, in all Planning Areas where these uses are allowed. Staff recommends setting forth maximums to ensure conservation-oriented measures are implemented.
 7. Please include maximum lot coverage restrictions for multi-family dwellings in Planning Area 1 to ensure preservation of open space.
 8. Staff has reservations pertaining to the front setbacks being proposed at 25’ from Highway 6 right-of-way line, especially in Planning Area 1 where multi-family is allowed. Highway 6 is heavily traveled and would likely have negative impacts on the quality of the living environment if structures are located too close. Staff recommends increasing the front setback along Highway 6.

9. Please re-structure setback requirements in the PUD Guide to incorporate front and rear setbacks for internal lots. The way the setbacks are currently defined, internal lots not abutting the river or Highway 6 have no setback restrictions. Internal lot setbacks are needed to comply with Building Code and to follow best planning practices.
10. Public Works has requested to increase the (building) River Setback to 100'. See comments attached.
11. Staff recommends revising the building height standards to be consistent across all Planning Areas. For example, it would be more appropriate to set a 40' maximum height for multi-family and commercial structures, and 35' for single-family, duplex, and other. Staff also recommends adding a maximum number of stories for those that exceed typical standards (i.e. 40', at a maximum of 3-stories).
12. Please provide a graphic in the PUD Guide demonstrating how building height is calculated.
13. Staff recommends consolidating the number of design review boards being proposed (i.e. one for each Planning Area). Staff has concerns with the small size and the capability to act as a Homeowner's Association and Design Review Board.
14. In regards to design review, what might the process look like for review of building permits, grading permits, and development permits by the Homeowners Board? A multi-step process will be difficult to implement and may become prohibitive.
15. Staff is concerned with allowing minor modifications pertaining to arrangement of lots, parcel boundaries, and lot line changes since this is a function of the subdivision process and is required to go before the Commission and Board for approval.
16. If the density transfer remains as currently proposed, transfers that exceed the maximum allowed on any Planning Area should be classified as a major amendment.
17. Please remove the provision, which states that "PUD Amendment public notice shall only be required to owners within the specific Planning Area proposed for modification". All applications are subject to the same legal requirements for noticing as set forth in the Town Code.
18. Add provisions for dog and pet control pertaining to the entity responsible for enforcement.

Open Space

1. Based on the application materials provided, it appears that there may be adequate land area with slopes of less than 10% to accommodate the PUD open space and active recreation requirements, yet the PUD Guide eludes to a variance from the active recreation standards. Further discussion is needed to understand the analysis.
2. Is a variance being requested from both PUD usable area (<10% grade) and active recreation requirements? Page 4 of the PUD guide states there to be a request for a variance from the grade and active recreation area standards, yet there only appears to be a request for a variation from active recreation requirements. Please clarify and revise accordingly.
3. Include trail standards in the PUD Guide, comprising standards for both hard and soft surface trails.
4. Please provide standards within the PUD Guide to outline how a proportional amount of the required open space and recreation areas will be included in each phase, such that the project as it is built, will comply with the overall density and open space requirements of the Code at the completion of each phase of development.
5. Staff concurs with the various concerns regarding setbacks from the river (see Public Works comments attached) and prefers the most restrictive of setbacks. That being said, the details of what can go in the setbacks and where the setback is measured to/from will have an impact on the final distance. Staff would like to discuss this item further to clarify the intent and come to a consensus on the final implementation of the restriction.

6. Preservation areas and buffer zones are depicted in the PUD Zoning Plan Map, however, are not referenced in the PUD Guide. Staff would like clarity on the permitted uses in these areas and the area to be included in the PUD Guide. The buffer zones and public access areas do not seem to be areas that need delineation in the PUD Zoning Plan Map as it would restrict future changes based on the development plan. It would be more clear to define the buffer zones within the PUD Guide and provide for the access in the PUD Guide rather than to outline them on the zoning plan map. In regards to preservation areas, further discussion is needed to determine how these areas are treated from an ownership and maintenance standpoint.
7. Staff is supportive of the riverfront path terminating at the connection to the Castle Creek Bridge, however, it is important to have the alignment along the river as much as technically possible until that point. The applicant has committed to the development of a Riparian Management Plan. Staff would also like to see that plan integrated with a River Access Management Plan to help guide the development of the foot path along the river and focus the interface points between the public and the river. These plans can be combined, but it is important to address both issues. This plan should also discuss areas where hard surface paths are more appropriate in high traffic areas. Particularly in Planning Area 1, the population of people interfacing with the river is higher and a hard surface path may be necessary. The PUD Guide should include a section regarding the trail system and river-front path. This could be included in the description of the PUD perimeter.
8. Staff understands that the applicant is not willing to dedicate permanent camping as a land use for the project. Staff would like to discuss with the applicant the parameters by which the temporary condition can be achieved and what the potential timeframes of a temporary condition would manifest as.
9. Staff would like to have further discussion about the ownership and maintenance of the open space planned for the project, specifically land along the riverfront and the preservation areas. The narrative identifies that various entities will serve the role for these areas throughout the PUD. Staff would like a better understanding of which areas fall under which ownership and maintenance structure. The ownership structure of preservation areas in the multi-family area warrant something different than the single family development parcels further east. Staff would prefer for the river interface area between the development and the river be separate ownership rather than easements to limit the potential creep of residential use of the area where designated access is not permitted.

Utilities

Public Works has requested additional analysis as it pertains to the use of well and septic on Planning Areas 2-7. See comments attached. Please continue working with the Public Works closely to resolve this issue.

Street Standards

Staff supports the request for street standards to be evaluated with future development plans.

Local Employee Residence Program

1. Per §4.04.120.E.3, Local Employee Residences shall be distributed throughout the proposed development, to the extent possible. Please explain how this will be accomplished in the PUD Guide.
2. Thank you for providing a housing memo to discuss LERP options. Staff is currently reviewing the revised options and will provide feedback soon. Once negotiated, the PUD Guide will need to be revised to reflect the appropriate outcome to guide future development.
3. Staff would like to have further discussion about LERP and how the PUD-specific requirements might correlate with the potential for new Town standards.

School Land Dedication

A letter from Eagle County Schools is anticipated shortly, which will likely reflect the request for fee-in-lieu of school land dedication. Please continue working with Eagle County Schools and the Town to reach an agreement for when fee-in-lieu will need to occur, and to ensure the school district is acceptable to the calculation provided.

Subdivision

Please revise all references of "Planning Areas" to "parcels" on the Subdivision Sketch Plan.

Fiscal Impacts

A revised analysis was received on November 12, 2018, incorporating the Town's initial feedback provided at our meeting with the applicant and consultant which took place on November 5. The revised analysis is currently under review. Please continue working with the Town to resolve any outstanding matters.

Water Rights

The Water Rights memo and EQR Assessment were received by the Town on November 7, 2018, and is currently under review. Comments on the revised information will be provided as a follow-up to this memo.

Access Management Plan

Please continue working with CDOT and the Town in finalizing the access management plan. We will need to come to agreement and receive comments from CDOT prior to proceeding to Planning & Zoning Commission. Town staff has a meeting with CDOT scheduled for November 29th and will follow-up on findings and schedule shortly thereafter.

Open Space

John Staight

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Open Space Department comments are included in the Community Development, Open Space section above.

Engineering/Public Works

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Deron Dirksen

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The following comments are based on the Red Mountain Ranch PUD revised submittal per Community Development email dated 10/24/18. The Town would like to set up a meeting to discuss these comments. Please contact us to set up a date and time.

OVERALL

The Eagle River Fishing Lease, a lease in perpetuity, is an intricate part of this property. The three designated access points for the public to cross private property and access the river. Access points and signage shall remain the same.

Public Works agrees with Eagle County Planning Commission letter dated December 1, 2011 (2017).

WATER

1. Planning Area 1 meets [Municipal Code 12.16.030 Water service outside the Town](#) and [Municipal Code 12.16.040 Connection to municipal water utility](#). However, Planning Area 1 does not meet [Municipal Code 12.08.020 Water main extensions](#).
2. Planning Area 2 through Planning Area 7 does not meet [Municipal Code 12.16.030 Water service outside the Town](#) and [Municipal Code 12.16.040 Connection to municipal water utility](#). At this time, Public Works does not have the information needed to do a full review of the water system for Planning Area 2 through Planning Area 7.

WASTEWATER

1. Planning Area 1 meets [Municipal Code 12.36.020 Connection to collection system required](#). However, Planning Area 1 does not meet [Municipal Code 12.34.030 Wastewater collection main extensions](#).
2. Planning Area 2 through Planning Area 7 does not meet [Municipal Code 12.36.020 Connection to collection system required](#). At this time, Public Works does not have the information needed to do a full review of the wastewater system for Planning Area 2 through Planning Area 7.
3. All sanitary sewer lift stations and force mains shall be privately owned, maintained, and operated.

EAGLE RIVER / STORM WATER / RIPARIAN

1. The Town of Eagle has seen the Vail and Avon impacts on water quality which are linked to near-stream development, increases in near-stream impervious areas, and lack of functional riparian buffer. Currently, Gore Creek is on the State's 303(d) list for impaired waters and the Vail is currently investing millions of dollars in attempt to correct actions. The Town of Eagle will not have this situation. It would be short-sighted to further transmit similar impacts to the still-develop communities downstream, when the knowledge and regulatory opportunities exist to proactively avoid water quality degradation.
2. The Town of Eagle's stream setback is 50 feet. Public Works understands this is outdated. Public Works recommends the setback follow the US EPA 100 feet setback.
3. Public Works concurs with ERWC that it is difficult to understand the exact acreages of these ecologically important aquatic systems that will be directly impacted. We look forward to completion of the Riparian Management Plan specified for new PUDs in the River Corridor Plan.
4. Public Works agrees with Eagle County in that it will be very important to mitigate the non-point source pollution caused by urbanization in general. It is noted that there is a network of soft paths that run the entire length of the development. Inasmuch as the riverine environment is a popular amenity, our experience is that access to the river from adjacent paths is one of the factors contributing to stream impairment as evidenced in the Gore valley. The Riparian Management Plan (RMP) as proposed by Alpine Engineering is a good tool to help protect the riparian and wetland areas, but should include restoration provisions should unanticipated damage occur. Restricting river access to specifically designed and designated areas should also be incorporated into the RMP. Also include provisions be placed in the PUD guide to regulate the use of pesticides and avoid manicured lawns beyond the river setback. Alpine Engineering's Drainage Plan is designed to intercept pollutants to help protect water quality but it doesn't hurt to have things like this addressed in the PUD for added protection and local enforcement. The Town wants to work with the applicant to develop a water quality monitoring program that can demonstrate that the Best Management Practices (BMPs) recommended for the development are performing as expected. This additional water quality information can feed into our watershed-wide efforts to understand temporal changes to water quality and aquatic life.
5. Public Works agrees with CPW's letter. The applicant should address all of their concerns including:
 - The Eagle River corridor's importance for both movement corridor for mule deer and elk, a variety of smaller mammals, and as the most diverse habitat available for Colorado's wildlife. Almost 90% of all the wildlife species within Colorado have spent a portion of their life in riparian habitat.
 - The primary wildlife value within this property is maintaining or improving the riparian to preserve wildlife movement, wildlife diversity, and provide high quality habitat for a variety of species which often get overlooked, small mammals, nesting birds, raptors, amphibians and reptiles. The concern with this proposal is the river is the focus for most other activities, trail systems paralleling and accessing the river for the public boat ramp, new fishing access and home development. Without structured management of these activities; this property's wildlife values become

diminished. Riparian habitat has been devastated along the Eagle River from previous PUDs and that should be regulated.

- Develop the pedestrian trail outside wetland and riparian habitat designations and maintain vegetative screening between the path and river.
- Designate and limit access points to the river from the development, plant or restore native vegetation to discourage unlimited and unplanned river access.
- Landscaping should be comprised of native riparian species for all shrubs and trees.
- Fencing should be prohibited, minimized and if deemed necessary, constructed to wildlife friendly standards unless for human safety reasons.

6. Public Works looks forward to completion of the Riparian Management Plan for new PUDs in the River Corridor Plan.

ROADS

1. Public Works requires the applicant to dedicate Highway 6 Right-of-Way where future roundabouts are planned.

Water Engineering

Michael Erion, Water Engineer

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Mary Elizabeth Geiger, Water Attorney

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Comments on the Water Rights memo and EQR Assessment dated November 7, 2018 will be provided as a follow-up to this memo.

ECO Transit and Trails

Jared Barnes

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ECO Transit and ECO Trails have no further comments.

Colorado Geological Survey

Kevin McCoy, Engineering Geologist

kemccoy@mines.edu

The Colorado Geological Survey (CGS) has reviewed the RMR PUD Zoning Plan agency referral response memo (Pulman & Associates, 10/17/18) for the proposed Red Mountain Ranch PUD. The document includes responses to comments provided by CGS in our April 13, 2018 review letter. In that letter, CGS identified the following potential constraints to development:

- 1) Sinkholes/evaporite karst
- 2) Compressible or collapsible soils
- 3) Slope stability and potential for river-related erosion and/or undermining
- 4) Potential for shallow groundwater in low-lying areas near the 100-yr. floodplain boundary
- 5) Uncontrolled/undocumented fill
- 6) Potential need for reinforcement and/or corrosion protection of foundations
- 7) Groundwater quality and feasibility of wells

The referral response memo indicates that these potential constraints will be evaluated through additional site-specific geotechnical studies and groundwater monitoring, to be completed prior to developing more detailed development plans. The CGS agrees that this is appropriate for the PUD Zoning Plan level and has no objection to approval of the PUD Zoning Plan & Subdivision Sketch Plan. We look forward to reviewing the additional analyses and recommendations during the next phase of development.

Thank you for the opportunity to review and comment on this project. If you have questions, please contact me by phone at 303-384-2632 or e-mail kemccoy@mines.edu.

Colorado Parks and Wildlife

Perry Will

Memo attached.

Next Steps

The Town is committed to assisting applicants through the development review process. We are looking forward to collaborating with the Project Team on how to best address the comments to ensure the purpose of Chapter 4.11 is captured in the PUD documents thereby facilitating an efficient public hearing process and ultimate build out of a vibrant mixed-use development. As such, Town Staff will continue to make themselves available for weekly calls or in-person meetings to collaborate on how to best address comments or issues as they arise.

For formal resubmittals, the Project Team shall address all of the Town Staff and external referral agency comments then resubmit a revised PUD Guide, Zoning Plan Map, and other documents as referenced in the above comments along with digital files. In lieu of providing a point-by-point comment response letter and in efforts to expedite the process, the Town requests regular meetings with the applicant to resolve outstanding issues.

Once the Town and CDOT come to agreement on the Access Management Plan changes and we receive formal comment from CDOT, staff will send a revised review schedule and set hearing dates.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Stephanie Stevens at 303.547.0072 or via email at stephanie@mccooldevelopment.com.



COLORADO

Parks and Wildlife

Department of Natural Resources

Glenwood Springs Office
0088 Wildlife Way
Glenwood Springs, CO 81601
P 970 947 2920 | F 970 947 2936

October 30, 2018

Town of Eagle

Morgan Landers, Town Planner

Colorado Parks and Wildlife (CPW)

Perry Will, Area Manager

Red Mountain Ranch PUD Zoning Map and Subdivision Sketch Plan

Ms. Landers,

Colorado Parks and Wildlife appreciates the opportunity to review this zoning and sketch proposal for Red Mountain Ranch. After review there are certain aspects of the plan that align with CPW's strategies of providing optimal public fishing opportunities, access, and experience. The plan would provide better parking and access to the river than currently exists. However; there is an aspect within this proposal that has not been addressed. With the exception of planning parcel one of this proposal the remaining parcels all incorporate or border an existing CPW perpetual fishing lease. Currently, there have been limited conversations between the proponent and CPW concerning the fishing lease incorporated in this proposal and none with the Town concerning their plans. The language of the fishing lease is specific and designates access points and allowable uses on the property.

The Eagle River is obviously a focal point for many of the activities proposed within the plan or sought by referral agencies. Whether the proposed activities can be incorporated to include the river within the lease would take legal review. CPW is uncertain what if any changes can occur on the lease but wanted to make both the proponent and Town aware of the situation. Fishing is the only activity allowed on the lease and three deeded access points are designated.

CPW would be a willing participant in discussions regarding how the Eagle River Fishing Lease fits into this proposal and the Town's future plans. Thank you for the opportunity to review



and comment on this proposal. If you have any questions, please contact Craig Wescoatt at 948 0354.

Sincerely,

A handwritten signature in black ink, appearing to read 'Perry Will', with a long horizontal flourish extending to the right.

Perry Will

Area Manager