



**Planning and Zoning Commission  
Meeting Minutes  
February 19th, 2019**

**PRESENT**

Jason Cowles, Chair  
Stephen Richards  
Jesse Gregg  
Matthew Hood  
Bill Nutkins  
Kyle Hoiland  
Brent McFall

**STAFF**

Morgan Landers- Town Planner  
Colton Berck- Planner I  
Stephanie Stevens- Contract Planner  
Dawn Koenig- Admin Technician

**ABSENT**

Charlie Perkins

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on was called to order by Jason Cowles at 6:32p.m.

**APPROVAL OF MINUTES**

Commissioner McFall made a motion to approve the minutes of the February 5th, 2019 meeting. Commissioner Gregg seconded. All others present voted in favor. The motion passed.

**PUBLIC COMMENT**

None.

**LAND USE FILES**

***PUD18-01 Red Mountain Ranch***

Commissioner Cowles opened file PUD18-01 a request for a Planned Unit Development (PUD) Zoning Map Application - max of 153 dwelling units of various types, limited commercial areas, and open space/park areas. Site Specific Development Plan (vesting of property rights).

Landers entered into the record a letter of public comment that was received after publication of the packet and distributed copies to the commissioners. She introduced several members of the project applicant team who were present at the hearing.

### **APPLICANT PRESENTATION**

Property owner and project representative Eric Eves offered comments on the property mentioning that he currently lives with his family on the project site in Planning Area 2 which he said gives him a unique perspective and a special connection to this land. He said he sees this project as a tremendous opportunity for the Town of Eagle.

Eves said that he has been a partner with Red Mountain Ranch Partnership, LLP for over a decade. He said that there are multiple ownerships of the 130 acres with most of the property owned by Red Mountain Ranch Partnership, LLP. He gave some history of the project site. Eves said that it is the owners' desire to master plan the 130-acre site. Eves said that the project team believes that this will lead to a better project that is more cohesive, more environmentally minded, and a better product for the community. He said that there are significant land dedications as part of the proposal that are above and beyond the town's requirements.

Eves said that the project team began the master plan for the property in 2015 when the Eagle River Corridor Plan was developed. He said the plan focuses on conservation of environmentally sensitive areas and includes plans for an environmental management plan, positive economic development in the town, increased access to the river, and expanded outdoor recreation opportunities.

Eves said that the project team submitted the development application to the town in June of 2017 and they have been working with the town ever since. He said they are looking forward to continuing to work with town staff to resolve remaining issues. Eves said that Red Mountain Ranch is a local company with a long history of giving back to the community. He noted the importance of timing on a project such as this one and stated that the team cares about the fiscal and environmental health of the Town of Eagle. The team is prepared to move forward with a development permit request for Planning Area 1 if the annexation is approved, he said.

Project representative Rick Pylman gave an overall summary of the proposal including a summary of the approval process components. He stated that this project requires approval for Annexation, PUD zoning guide approval, PUD sketch plan approval, and approval for an exception to the Eagle Area Community Plan.

Pylman stated that PUD zoning was preferred over straight zoning to allow for flexibility in the project and better ability to tailor the project to the land. He said that the PUD approach allows for mixed use commercial/residential areas where current town zone districts do not allow these mixed uses. Pylman said that PUD zoning allows creation of requirements to design to Conservation Oriented Development & Clustered Residential design concepts which would allow the project to meet Eagle Area Community Plan (EACP) & Eagle River Corridor Plan (ERCP) requirements in ways that traditional zoning would not accomplish.

Pylman gave an overview of the site location and noted that the PUD Zoning Plan designates 50-70% of the total area of the land as open space. He stated that the property includes two distinct environments: Upland terrace adjacent to Hwy 6 and riparian and wetland complex along the river. He said that the development team has committed to developing a Riparian Management Plan to specifically describe riparian management and protection practices.

The Eagle Area Community Plan and the Eagle River Corridor Plan are the two guiding documents that were taken into consideration when the project was planned, Pylman said. He noted that the EACP designates the Red Mountain Ranch property as Conservation Oriented Development and the ERCPC designates the property as Cluster Residential.

Pylman described the six themes in the proposed plan: Conservation, Recreation, Economic Development, Placemaking, Transportation and Access, and finally, Education and Awareness.

Pylman gave an overview of the PUD Zoning Plan. He noted that there are seven different Planning Areas defined by site geography. He stated that they have created a transfer/flexibility mechanism in the density designations for each of the Planning Areas where the maximum total density is 153 units and a max unit has been assigned to each Planning Area not to exceed the overall max.

Pylman described each of the Planning Areas including the residential areas, open space, commercial areas, and lands to be dedicated for public access/use. He presented renderings on what the developed areas could potentially look like. Pylman gave a summary of the elements of the proposed plan that could be a net positive to the town and described several elements or areas of consideration that went into the overall design. The various Planning Areas comprise different ownership groups and the project preferably will be approved all together or the partnerships may not work, Pylman said.

Pylman noted the applicant's position on some of the staff recommended conditions for approval.

#### **STAFF REPORT AND PRESENTATION**

Landers introduced the file and the applicants as being Merv Lapin Revocable Trust and Red Mountain Ranch Partnership, LLP. She gave an overview of the location, current zoning, and current use. She gave an overview of the request. She said that staff has received one letter of public comment after the publication of the packet. She asked about site visits with commissioners Hood, Nutkins, and Cowles indicating that they had limited opportunity to visit the site and Cowles noting that he had visited the site about two years ago.

Landers gave an overview of the land use file process to date. She presented a map depicting the proposed development areas in relation to the town urban growth boundary. She gave an overview of the project including a summary of each Planning Area; types of dwelling units and density limits; commercial areas and education center; the various dedicated open space areas and trail areas; and preserved open space areas to be maintained by HOA under an approved Riparian Access and Management Plan.

Landers presented the six standards for approval for an exception to the EACP:

1. The proposal is the result of a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted, and;
2. The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible, and;
3. The proposed land use is clearly in the public interest, and addresses a viable public need, and
4. The proposed land use or activity is of a nature that negative impacts to natural resources, traffic, visual quality, infrastructure, recreational amenities or Town or County services are minimal and/or clearly outweighed by the public benefits of the proposal, and;
5. If the Exception is for land that is contained within a character area as defined in Chapter 5 of this Plan, the application must adhere to the planning principles for that character area to the greatest degree possible, and;

6. If the target property is located on the periphery of the Growth Boundary, the consolidation of densities and/or a transfer of development rights on a larger piece of land has been provided such that the vast majority of the land is left in open space with adequate protections in place.

Regarding standard one, Landers noted that the timing is a critical component to consider for this project. She said that the EACP was adopted in 2010 and the ERCP was adopted in 2015 and is more specific. Regarding standard two, Landers said that the proposed plan fits with the overall goals of the town and is in close conformance with the ERCP. Landers said that standard three is more challenging to quantify, and that staff sees this project as an opportunity for the town to have control over a larger portion of the River Corridor. She said that the open space areas and the environmental educational center will be beneficial to the community. Regarding standard four, Landers said that the negative impacts of this project can be mitigated with the conservation-oriented development approach the applicants are proposing. Landers said that the development design proposal meets standards five and six.

Landers stated that the intent of creating a PUD is to encourage innovative and unique, mixed-use developments that promote efficiency and support a balance of preservation, open space, and cohesive development that provides a public benefit to the community. Landers then presented the standards for approval for a PUD.

The Town of Eagle Municipal Code, the EACP, ERCP, and the Town of Eagle Strategic Plan were taken into consideration to assess whether the proposed PUD conforms to the town's goals policies and procedures, Landers said. She noted areas of compliance and areas of potential conflict the plan may have with each of the guiding documents. She said that the project is in compliance with the EACP in that it is adjacent to existing development and will be more integrated with the redevelopment of the East Eagle Property where Eagle River Station was proposed. She said that there are considerable benefits through the dedication and preservation of public lands and recreational opportunities. Landers also noted that the proposed plan provides for unique uses that support economic diversity such as youth education, farm market/restaurant, and camping. Landers said that the proposal conflicts with the EACP in that the project has two planning areas outside the town's growth boundary. She also noted that access to the river will need to be actively managed to prevent degradation of the riparian area.

Landers said that the project is compliant with the ERCP in that it is designed for a mix of uses that prioritize conservation with a balance of housing options and small economic development opportunities. She said that the proposed density and decrease in intensity as the project moves to the east is in conformance with the ERCP. Landers noted that the plan promotes thoughtful integration of recreation such as a comprehensive trail network (soft and hard surface), a boat launch area, and camping area designations.

Landers said that the project is in compliance with the Town of Eagle Strategic Plan as it provides unique commercial opportunities, supports affordable housing by complying with the Local Employee Residence Program (LERP), and will support outdoor activities, recreation and open space.

Landers presented the areas of the Land Use and Development Code as it relates to the standards for approval of a PUD. She said that there are several items to consider, but that she will focus on a few due to time constraints. Landers stated that the project intends to comply with the LERP requirements and that the applicants have provided three options for the town to consider:

1. Off-site dedication- Property behind City Market
2. Cash in lieu
3. On site compliance

Landers said that considering these options could provide the town with an opportunity to create diversity in the available options for affordable housing. Landers said that if the town goes with the on-site compliance option, it would provide 16 units. She said that if the other options were considered, there could potentially be an opportunity to provide more units that are more centrally located in the town's core. Landers said that staff supports the cash in lieu option. She said that the town would then be able to leverage the funds to partner with the County on a project. She specifically mentioned the West Eagle Area and that the town could be better positioned to facilitate the Brush Creek Road extension and the redevelopment if underutilized property in that area. Landers stated that this would have to be a decision made by the TBOT.

Landers stated that Highway 6 is under the jurisdiction CDOT and that they are requiring an Access Management Plan prior to any development permit application. She said that a draft AMP is under review by CDOT.

Landers said that staff focused on the stream setback requirements when considering the impacts to wildlife and environmental impacts. ore setback allows better stream management. She noted that there are some inconsistencies in the guidelines on setback requirements in the town's guiding documents and that the Eagle River Watershed Plan calls for consistencies among the different jurisdictions for setback requirements. She said that staff proposes a 75 ft setback from the high-water mark except for soft surface trails, irrigation structures, and other low impact encroachments.

Cowles asked what the difference is between the high-water mark and the 100-year floodplain. Deron Dickerson with the Town Engineering Department said that the high-water mark is an average of the high-water mark taken over time. Cowles clarified that development is prohibited within the 100-year floodplain.

Landers said staff does not support alternative options for municipal water and sewer service to the project sighting environmental concerns, maintenance concerns, and cost of connecting to the municipal system in the future for homeowners.

Landers said that staff recommends approval of the Red Mountain Ranch PUD Zoning Plan and Site-Specific Development Plan (vesting of property rights), with the following conditions:

1. Development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service connections can be provided at the developer's expense, with the exception of vault toilets for campgrounds, trailheads, and other similar town facilities;
2. The PUD Guide be revised to reflect a 75-foot setback from the high-water mark except for soft surface trails, irrigations structures, and other low impact encroachments.
3. Cash in Lieu payment can be accepted in place of on-site units provided that if a negotiated amount cannot be agreed upon, the town's on-site LERP requirement will remain in place;
4. Planning Area 5B shall be dedicated at first subdivision filing and access at Hwy 6 to the parcel be completed within a certain timeframe not tied to phasing of development;
5. Payment of impact fees shall be required at time of Development Permit or residential subdivision where individual lots are being created.

Landers stated that current code requires that impact fees area paid within seven days of annexing into the town. She said that at that point, the applicants will not know the full scope of the development, so that is an unrealistic expectation. She said that staff believes it is more appropriate to require impact fees be paid at time of each development permit.

Landers said staff recommends approval of the Exception Request for Red Mountain Ranch provided that the conditions of approval are met for the Planned Unit Development as stated above. She said staff

recommends approval of the Vested Rights request of 20 years provided that the conditions of approval are met for the Planned Unit Development as stated above.

## Q & A

Nutkins asked how the PUD could be approved without knowing what the access points will be and without seeing the Access Management Plan. Landers said that staff has a pretty good idea of the general locations of the proposed access points. She said that the draft Access Management Plan was included in the packet and that access permits would need to be granted by CDOT prior to development permit application. She said that if adequate access points were not approved by CDOT, the development would have to be revised. Landers said that staff and the applicant team have gone through two rounds of review with CDOT so they feel comfortable with where they are at in the approval process.

Cowles called a break at 8:04PM. The meeting was reconvened at 8:11PM.

McFall asked about the requirement to connect to the municipal water and sewer and if there is a provision in the code to allow for a variance to this requirement. Town Engineer Fred Tobias said he is not aware of any code provisions that would allow for a variance. Contract planner Stephanie Stevens mentioned that with annexation files, there may be other mechanisms in place to allow the applicants to negotiate with the TBOT for these types of allowances.

Hood asked if he could get clarification on why allowing alternatives would be either bad or good. Town Engineer Fred Tobias said that he has been contemplating the pros and cons of requiring connection to the municipal system. He said that there may be a concern regarding Planning Area 7 with maintaining the municipal system and managing the water quality in a water line that services such a small number of units. He said that in general maintaining well and septic is a general concern. Richards said that well water quality may be a concern in that area and septic could leak into the river. Tobias agreed with Richards.

Richard asked if there is a possibility to have all the units on one septic system. Tobias said he is unsure of this approach as he is unfamiliar with large scale septic systems.

Hood asked what the other options are if there are water quality concerns with connecting to the municipal water source. He also asked what the properties east of the site do for access to water and sewer. Tobias said that the other option would be well and septic and said that he assumes that the properties to the east have well and septic. Hood asked if there are any documented problems with those systems that anyone is aware of. Tobias said that he is not aware of any specific problems.

Cowles said that in the Lake Creek area of Edward the stream is impaired due to nutrient loads from septic systems. He said there are no enforcement mechanisms prohibiting nutrient loads from these septic systems. He also mentioned that allowing added nutrient loads into the river upstream from the town's wastewater plant could lead to an impaired waterway which would hinder securing the necessary discharge permits for the wastewater plant. He said that he thinks that allowing septic systems in this project is a bad idea.

Tobias said that adding municipal water and sewer lines and maintaining them can be done, however there will be added costs to the town and getting to Planning Area 7 will be challenging.

Nutkins asked if the town could put in place mechanisms to regulate private wastewater septic systems. Landers stated that the town tries to limit their risk on things that they monitor on a regular basis and do not have full control over. Landers said that if these systems were to fail, it would be the town's

responsibility for remedial measures which would be challenging and costly for the town. She said from a risk management standpoint that would not be a desirable outcome for the town. She added that the County would be an oversight agency and managing that comes with its own set of challenges.

Cowles said that Frost Creek is a good example of a development with on-site septic systems and they are required to monitor and provide evidence that they are not impacting water quality in Brush Creek.

Cowles asked if the wastewater treatment plant is subject to regulation 85 for nutrient management control testing. Dickerson said that it is and that the town is currently doing the required testing.

Cowles said that he agrees with the staff recommendation. He stated that if the houses were allowed to be developed on these parcels with well and septic initially until the municipal system is extended, the town would not extend the system at their own expense and the homeowners would have to pay tap fees and plant investment fees as well as cost associated with decommissioning the septic system. He concluded that this would not be a good scenario.

Hoiland asked about potentially looping into the existing system. Tobias said that Planning Areas One and Two can loop into the existing system via Marmot Lane. Hoiland asked if the line would cross the about railway tracks and if the railway would grant the necessary easements. Tobias said that they are amicable to granting such easements.

Cowles asked about the timing of the riparian management plan. Landers said that it would be a condition and a requirement of the annexation and development agreement. She said that it would be appropriate to require it at the first subdivision filing as it applies to the full extent of the development and added that it would likely be negotiated early in the process. Landers said that if any of the commissioners have any thoughts on what should be taken into consideration as the riparian management plan gets ironed out she would like to hear from them.

Gregg asked if the management plan would delineate riparian zones that would be protected. Landers said that it would. She said it will also include everything from short term reclamation to a long-term management strategy and public access points to the riparian areas. Landers said that the plan would have an enforcement element for the town to ensure that the HOA is following the plan.

Hoiland asked if the property has a lease with Colorado Parks and Wildlife for fishing access. The applicants said that it does. Hoiland asked if the lease agreement supersedes the town's approval or would the land owners have to renegotiate the lease they have with CPW. Landers said that it may be both. She said that the fishing access points in place now will remain, but the riparian management plan will try to achieve better and safer parking areas for public access and will provide additional public access to the river for other recreational opportunities. Hoiland asked if the riparian plan could potentially conflict with what CPW would like to see. Landers said that they have been a referral agency for this project and has been supportive of the plan as presented so far. Landers said that staff will continue to work with them throughout the approval process for this project and will seek their input.

Gregg asked if all the open space areas along the river would have public access. Landers said that the HOA will own and manage these open space areas and access points will be identified in the riparian management plan. She added that it is not desirable to open the entire river front area to public access because of the negative impacts to the riparian area. She said that access points identified in the riparian management plan will be memorialized in easements during the subdivision process.

Hood asked if there will be several HOAs. Landers said that there will be. Hood asked if each of the individual HOA would be responsible for managing access to open space areas. Landers said that the town

has requested one overall HOA responsible for managing the open space areas to ensure consistent enforcement.

Gregg asked if there is anything in the PUD guide that speaks to ensuring public access to the river front or that specifies what the access should look like. Landers said this is addressed in the riparian management plan. Gregg asked what would happen if the plan did not call for enough access areas and he said he is concerned that there is no direction in the PUD guide regarding public access to the river. Landers asked if Gregg was concerned that the riparian management plan would not identify enough public river access points. He said that is his concern. He added that he was not sure if the trail orientation as depicted in the applicants' presentation is aligned with the ERCP in that the trail does not run along the river in certain areas and the ERCP calls for public access to the river front. Landers said that it may be too early to call for specifics such as trail widths and sizes of access points. Landers suggested adding a condition that the riparian plan be approved by the Planning Commission and the TBOT at the time of subdivision filing.

Cowles asked if the trail will be soft surface or paved. Landers said it may be a combination of both depending on what makes sense and would be specified in the riparian management plan. Gregg said that he would like to see open space access points ensured in the PUD guide. Hood said that he would like to see this as well.

Landers said that if commissioners have any concerns such as this, staff will bring the concerns back to the applicants for further review.

Gregg said that he is concerned that the access would be just for the property owners in some of the planning areas.

Nutkins asked the developers if they will be developing the parcels as they get development partners to sign on to the project. Pylman said that the idea would be that the areas would get developed as partners sign on. Nutkins said that then there would need to be a master HOA called for in the PUD guide. Nutkins asked about the floating densities and what would happen if you run out of density before the last planning areas are approved. Pylman said that would be a possibility and then the area becomes open space.

Pylman clarified the plan for the public trails and where they might be located. Gregg asked Pylman if there will be public access to OS-6. Pylman said that it is not determined. Gregg said that this is a concern and should be spelled out in the PUD.

Landers asked Gregg for clarification. OS-6 and OS-7 do not have public access. Gregg said public benefit has been spelled out in the ERCP. Pylman said that only some of the river open space area will be accessible to the public as some of the riparian areas will be preserved. Eric Eves said that the riparian management plan will spell out where human access is appropriate and where it is not.

Nutkins said he would like to see language in the PUD that speaks to the riparian management plan approved by the Planning Commission.

Nutkins asked the applicant to explain the concerns they might have around the timing dedicating the area 5B. Pylman said that the concerns may dissipate if the town is requiring municipal water and sewer service. He said that the applicants would not want to have to manage access while there is undeveloped land adjacent to the boat launch.

Hood asked about the percentages of the open space within the residential PUD areas. Pylman said that they do not have charts showing the overall open space percentages. Hood said that he was trying to evaluate

what percentage of open space would be available if 5B was not dedicated for some time. Landers said that they would create a chart that would illustrate this further.

Hood asked about the urban growth boundaries and how they were determined. Landers said that the community plan was written at a time when certain developments were under consideration. She added that the growth boundary and property lines do not match up.

Nutkins asked if the Urban Growth Boundary Exception is what is prompting the counties involvement. Landers said that is part of it and they are also a referral agency for all annexations.

Hoiland asked if the school district was a referral agency for this project. Landers said that they are and that they are supportive of the cash in lieu payment for the impact fee rather than a land dedication.

Gregg asked if there will be fishing restrictions for certain practices. Eves said that the riparian management plan will lay this out. Gregg said that it is stated in the PUD guide that it is limited to fly fishing. Eves said that they would like to protect the fish population by limiting what types of fishing activities are allowed.

### **PUBLIC COMMENT**

Frank Johnson said that he has been an Eagle County resident for over 20 years. He and his wife are local employees and would love to live and work in Eagle County into their late years. He said that he is interested in purchasing a unit at this development and has not been able to find a property like these being offered in this county.

Markian Feduschak with Walking Mountains Science Center gave an overview of the programs they offer. He said that their programs have a broad outreach specifically in Eagle County. The site that would be dedicated to Walking Mountains will be a wonderful educational opportunity for the community, he said. He said that this site is an exceptional field site. He gave examples of some of the programs they offer for different age groups. Feduschak said that there possibly could be an opportunity to create a “bridge” or a path to the existing middle school campus. He offered a personal note as a kayaker and stated that there are few existing access points on the Eagle River.

Stan Kensinger of the Chamber Business Advocacy council said this is a fabulous project and a great asset for the town. He said the economic impact could be really beneficial for the town. Kensinger said the residents of this project will be a huge boost to our economy. He said that this project could create vacancies in other more affordable units if people are moving up into these units. He added that if there is a good project that is good for the town from a quality developer, we should find a way to get it done.

Mick Daly of the Eagle Chamber of Commerce said that he commends the commissioners for their consideration of this project. Daly said he participated in creating the ERCP and was disappointed to see so much private land along the river. He said he support this project as it opens the river up to public access.

Steve McDonald said he has been in the valley for some time and has been a developer. He is interested in potentially developing areas 5 and 6. He said he is excited by this opportunity.

Project representative Merv Lapin said he wanted to make himself available for questions. He said there are 11 partners on this project and the alternative will be to sell off the land in pieces. He said that scenario would be unfortunate for the town and this collaboration will be a much better product for the town and create a more cohesive design.

Gregg asked Lapin who he saw living in this development and what the price point would be. Lapin said that he did not know what the price point would be. Lapin added that the price may depend on the requirement for municipal water and sewer connection in some of the areas. Lapin addressed Gregg’s

question about access and said that there could be problems when there is public access interfacing with single family or duplex units. He said that in his experience this creates a conflict. He said that he owns a home in Vail next to a public path and has had items stolen off his patio.

Nutkins asked Lapin how they intend to create a a cohesive design for the project overall and noted that the different areas will have different developers with varying design guidelines Nutkins suggested that the PUD guide call for an overall design guideline for all of the planning areas to achieve cohesion throughout the design of the whole project. Lapin said he had a conversation with a member of the Eagle Ranch Association about the pros and cons of this aspect. He said that he would look into the issue and would discuss it with the development partners. Lapin agreed that it is a legitimate concern.

## **DELIBERATION**

Cowles noted that Gregg would like to see inclusions in the PUD regarding the riparian management plan and ensuring adequate public access points to the river front. He suggested the issue could be addressed by adding a condition to the approval. Landers said it could be handled in one of two ways. She said that it could be added as a condition of approval or the commission could give staff direction to work with the applicants over the next few weeks and they could come up with a way to address the concern. Richards said that he would like to see it addressed as a condition of approval. Gregg agreed as long as they could come up with the language to include in the condition.

Nutkins said that he is comfortable with allowing a 50' setback requirement along certain areas of the river as long as the development plateau a certain height above the high-water mark. Richard said that he agrees with Nutkins. McFall clarified that this would mean that condition number 2 simply gets removed. Hood said he tends to agree with this as well. Cowles brought up Eagle Ranch as an example of a development that intentionally preserved large areas along Brush Creek. He noted that the Eagle River Watershed Council recommends 75' setbacks. He said in Vail there are narrow stream setbacks along Gore Creek and it is an impaired stream as a result. He suggested to the commissioners that they have an opportunity to do something that will protect the river by going with the 75' setback. He said that he supports the staff recommendation. Landers said that this was an effort by staff to manage what can be put in the stream setback area. Cowles suggested adding the boat ramp in Planning Area 5B to condition 2 as allowable development in the stream setback area.

Gregg said that he agrees with Cowles and wants to see condition 2 included.

Cowles said that he supports condition one. He said that allowing septic on these parcels could result in negative impacts that can be mitigated with this condition. He said he supports the rest of the conditions and would support a condition requiring a riparian plan in the PUD guide.

McFall said that he likes this plan very much. He stated that he likes how the density decreases further to the east. He said that he likes that it is responsive to the corridor plan. He said he has no issue with extending the growth area boundary. McFall said he has some concerns about the private streets as it may become the town's responsibility at some point in the future. He said he thought he plan shows great sensitivity to the riparian area. McFall said he is fine with the other conditions recommended by the staff and said he was trying to come up with language for a condition for approval of the riparian management plan.

Hood agreed with McFall. He said that he really wants this project to go through and would really highlight the river.

Hoiland said he is also in full support of this plan.

Nutkins said that he likes the project and that it is good for the town. Would like to see a condition added that calls for review of the riparian management plan that is tied to the PUD.

Nutkins made a motion to approve the Exception Request finding that it is in compliance with standards one through six provided that the conditions of approval are met for the PUD as stated. McFall seconded. All voted in favor.

Landers said staff would like clarity on the condition concerning Planning Area 7 and how to handle information requests and questions from the applicant team if the condition is modified from what staff is recommending. McFall asked if the condition is approved as recommended, would that provide staff with adequate direction. Landers responded that it would.

McFall made a motion to approve file PUD18-01; Red Mountain Ranch PUD Zoning Plan and Site-Specific Development Plan (vesting of property rights), with the following conditions:

1. Development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service connections can be provided at the developer's expense, with the exception of vault toilets for campgrounds, trailheads, and other similar town facilities;
2. The PUD Guide be revised to reflect a 75-foot setback from the high-water mark except for soft surface trails, irrigations structures, and other low impact encroachments, and the boat ramp located in Planning Area 5B;
3. Cash in Lieu payment can be accepted in place of on-site units provided that if a negotiated amount cannot be agreed upon, the town's on-site LERP requirement will remain in place;
4. Planning Area 5B shall be dedicated at first subdivision filing and access at Hwy 6 to the parcel be completed within a certain timeframe not tied to phasing of development;
5. Payment of impact fees shall be required at time of Development Permit or residential subdivision where individual lots are being created;
6. A Riparian Management Plan shall be required in the PUD guide and shall provide for adequate public access to the river and open space parcels and shall be submitted for review to the Planning Commission with submittal of the first development permit.

Richards seconded. All voted in favor.

#### ***S18-02 Red Mountain Ranch Subdivision Sketch Plan (Request for continuance to March 5<sup>th</sup>, 2019)***

Cowles opened file S18-02 a request for a Subdivision Sketch Plan for re-subdivision of the property into seven parcels.

Landers clarified the request to continue is to the next meeting on March 5<sup>th</sup>. Hood motioned to continue file S18-02 to the hearing on March 5<sup>th</sup> and McFall seconded. All others voted in favor.

#### **PUBLIC COMMENT**

None.

#### **ADJOURN**

Nutkins made a motion to adjourn and Hoiland seconded. All voted in favor and the meeting adjourned at 10:12PM.

3/5/2019

Date



Jason Cowles – Planning and Zoning Commission Chair

3.5.19

Date



Dawn Koenig- Admin Technician