



AGENDA
Planning & Zoning Commission
Tuesday, March 5, 2019
6:30pm

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

*This agenda and the meetings can be viewed at www.townofeagle.org.
PUBLIC WIFI - TOEE - ((TOEEWireless))*

6:00 PM – WORK SESSION

6:30 PM – REGULAR MEETING CALLED TO ORDER AND ROLL CALL

APPROVAL OF MINUTES: Approval of the minutes from the February 19, 2019 meeting of the Planning and Zoning commission.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

PUBLIC HEARINGS

1. Project:	Haymeadow Subdivision Filing 1 (Request for continuance until March 19, 2019)
File #:	S18-01
Applicant:	Rick Pylman of Pylman & Associates and Brandon Cohen of Abrika Properties.
Location:	660-acre property located east and south of the Eagle Pool and Ice Rink Parcel.
Staff Contact:	Morgan Landers, Town Planner
Request:	Request to formally plat the entire boundary of the Haymeadow property and will address the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at Final Plat approval.
2. Project:	Red Mountain Subdivision Sketch Plan
File #:	S18-02
Applicant:	Mervyn Lapin and Red Mountain Ranch Partnership, LLP

	Location:	Approximately 130 acres on the east end of the town boundaries, south of Highway 6, north of the Eagle River. Parcel Numbers 193926300012, 193927400039, 193927300029, 193934200041, 193934200042, 193933100004, 193933100002 in unincorporated Eagle County.
	Staff Contact:	Morgan Landers, Town Planner
	Request:	Request for a Subdivision Sketch Plan for re-subdivision of the property into seven parcels.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planning Technician



**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 ERCP 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 PERSISTENTATION

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 of 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 of 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. One 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, irrigation 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 are 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 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 5th, 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 5th. Hood motioned to continue file S18-02 to the hearing on March 5th 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.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Dawn Koenig- Admin Technician

DRAFT



To: Planning and Zoning Commission

From: Morgan Landers, AICP, Town Planner/Community Development Director

Date: March 1, 2019

Agenda Item: Haymeadow Subdivision Filing 1 – Final Plat

Staff is requesting continuance of file S18-01 Haymeadow Subdivision Filing 1 – Final Plat to the **March 19, 2019** hearing of the Planning and Zoning Commission. A notice was posted for the March 5, 2019 meeting, however, staff discovered that mineral rights owner notifications are required for the application. Continuance of this hearing will allow for the mineral rights notifications to be sent in compliance with the requirements of the Colorado Revised Statutes.



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: March 1, 2019

PROJECT: Red Mountain Ranch - Subdivision Sketch Plan

FILE NUMBER: S18-02

APPLICANT: Merv Lapin Revocable Trust & Red Mountain Ranch Partnership LLP

LOCATION: Approximately 130 acres on the east end of the town boundaries, south of Highway 6, north of the Eagle River. Parcel Numbers 193926300012, 193927400039, 193927300029, 193934200041, 193934200042, 193933100004, 193933100002.

CODE: Chapter 4.12 – Subdivision Review

ZONING: (Existing) Resource (R) in Unincorporated Eagle County; (Proposed) Residential (R/PUD), Commercial (C/PUD), and Public (P/PUD), in the Town of Eagle

EXHIBITS: Full Copies of the staff report and exhibits are available at Town Hall. Hard copies will also be available at the hearing.

A: Application and Written Narrative

B: Subdivision Sketch Plan

C: Public Comment

D: Mineral Rights Notification Affidavit

E: Site Orientation Package and P & Z Site Visit Comments ([LINK](#))

F: PUD Zoning Plan Map ([LINK](#))

G: PUD Guide ([LINK](#))

H: Wildlife Report ([LINK](#))

I: Geotech Report ([LINK](#))

J: Traffic Report ([LINK](#))

K: Utility Report ([LINK](#))

L: Drainage Report ([LINK](#))

M: Existing Slope Exhibit ([LINK](#))

N: Fiscal Impact Report ([LINK](#))

O: February 19, 2019 Staff Report – RMR PUD and Vested Rights

P: February 19, 2019 Meeting Minutes Draft

PUBLIC COMMENT: Staff has received one letter of public comment. Please see Exhibit C.

STAFF: Morgan Landers, Town Planner/Community Development Director

REQUESTS: 1. Subdivision Sketch Plan for the Red Mountain Ranch PUD

BACKGROUND

The applicant, Mervyn Lapin on behalf of Mervyn Lapin Revocable Trust and Red Mountain Ranch Partnership, LLLP, proposes to annex and initially zone 130.835 acres of property located just east of Town boundary to Planned Unit Development (“PUD”) to accommodate residential, commercial, public, and community-based uses. The property is accessed by Highway 6 to the north, and bounded by the Eagle River to the south, and is currently zoned Resource in unincorporated Eagle County.

On February 19, 2019, the Planning and Zoning Commission reviewed the proposed Planned Unit Development and request for vested property rights. The initial intent of the application was to include the Subdivision Sketch Plan with the review of the PUD and vested rights, however, mineral rights notification requirements are different from the town’s public noticing requirements. As such, the hearing for the Subdivision Sketch Plan was continued to the following hearing to provide for adequate noticing. This staff report contains excerpts from the PUD/Vested Rights staff report for ease of review. The full staff report is included as Exhibit O.

PROJECT SUMMARY

The PUD Zoning Plan provides for seven planning areas within the PUD. These seven planning areas include five residential districts, R/PUD-1, R/PUD-2, R-PUD-3, R-PUD/4, and R/PUD-5; two commercial districts, C/PUD-1, C/PUD-2; a public district, P/PUD; and ten sub-districts intermixed throughout the planning areas that are reserved for open space, OS-1 through OS-10. In short, the PUD authorizes a total of 153 dwelling units, 10,000 square feet of commercial space, an environmental education center of 10,000 square feet, public and private open space, active and passive parks and recreation areas, and trails on 130.835 acres of land. The project was reviewed by staff and external agencies based on the applicant’s vision of the property at the highest potential yield. Please refer to Exhibits A, E, and F for more specifics of each PUD area.

The current property consists of seven parcels that are not in alignment with the proposed planning areas and future land dedications to the town and other entities proposed with the Annexation and PUD. Additionally, the current property owners will not be the developers of each planning areas. As such, the property will need to be re-subdivided to facilitate the sale of the seven parcels to the future developers. The attached Subdivision Sketch Plan shows the general boundaries of the future parcels in alignment with the planning areas of the proposed PUD as shown on the PUD Zoning Plan (Exhibit F). If the Annexation, Development, and Subdivision Sketch Plan are approved. A Preliminary Plan/Final Plat application will be required prior to sale of property.

STANDARDS FOR APPROVAL

Standards for Subdivision Sketch Plan

The Commission shall make recommendations to the Town Board regarding the proposal and its conformance with the Town’s goals, policies and plans. Such recommendations may relate to the potential impacts of the proposal on the Town, its population, services and facilities, environment, character, existing and potential land uses, and economy.

REVIEW CRITERIA

Standard #1: Review of the project's conformance with the town's goals, policies, and plans.

Below is an excerpt of the Staff Report from the February 19, 2019 hearing of the Red Mountain Ranch PUD and Vested Rights request.

Town of Eagle Goals and Policies

In review of the first standard, staff refers to three main documents:

- The Eagle Area Community Plan – Adopted in 2010
- The Eagle River Corridor Plan – Adopted in 2015
- Town of Eagle Strategic Plan – Adopted in 2017

Eagle Area Community Plan

The following is an overview of the concepts for which the subject proposal is found to comply with the goals and policies of the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #2, Policies 2.1, 2.2: The project achieves infrastructure and transit efficiency by promoting relatively compact, walkable neighborhoods closest to the community core and designing for lower density residential neighborhoods served by private drives on the properties further from the community core, eliminating the need for any additional public road extensions.
2. Chapter 3: Land Use Goal #3, Policy 3.1: The project assures access to surrounding neighborhoods and commercial areas, and accommodates mobility options by providing means of interconnection utilizing the existing transportation network, and providing the potential to connect local paths to regional trail systems.
3. Chapter 3: Land Use Goal #4, Policy 4.1: The project aims to preserve high quality agricultural lands, public resources, wildlife resources, forest resources and viewsheds by placing strong emphasis on open space and the protection of Eagle River. The PUD Zoning Plan identifies over 70% of the land within the property as open space and recreation/park uses. The plan protects significant areas of riverfront lands as undisturbed native habitats, as improved natural open space, as formal and informal park lands, and as wetlands.
4. Chapter 4: Future Land Use Map: Conservation Oriented Development: The project strives to balance conservation and development objectives to achieve the intent of the Conservation Oriented Development land use designation by setting aside large swaths of land as open space and encouraging clustered development; providing quality open space by dedicating lands to be used for trails, drainage, debris flow mitigation, roadways, fishing access, landscaping and active recreation opportunities (i.e. play areas, sports courts, and integrated trails); providing enhanced setbacks along Highway 6 and the Eagle River; and facilitating the preservation of attributes of high conservation value on the property. It also provides for small-scale commercial opportunities along Highway 6 to serve the needs of the immediate neighborhood.
5. Chapter 5: Eagle River Corridor Character Area: The portions of land that are within the Town's urban growth boundary are within the Eagle River Corridor Character Area. The project incorporates the planning principles set forth for this Character Area by placing a high priority on protecting wildlife, riparian habitats, and other sensitive lands; preserving the river corridor for open space and recreational uses; providing opportunity for public access to the river; broadening recreational opportunities and trail systems; preserving the character of the river corridor; and keeping densities low as to preserve views, reduce impacts on water quality, enhance the value of the land, and maximize the quality of recreational experiences.

6. Chapter 11: Economic Development Goal #1, Policies 1.1, 1.2: The project aims to support a vibrant, sustainable, and diverse economy by necessitating high quality development that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands; and by proving opportunities to optimize commercial development by providing limited neighborhood and community supported small commercial uses intended to be unique to Eagle.

The following is an overview of the concepts for which the subject proposal is found to conflict with the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #1, Policy 1.1; and Land Use Goal #2, Policies 2.1, 2.2: The project conflicts with the future land use map in that a portion of the property lies outside of the Town's established urban growth boundary, which creates challenges and unplanned pressures in connecting to the Town's systems.
2. Chapter 3: Land Use Goal #4, Policy 4.1: The PUD could have potential impacts on existing wildlife resources, water resources, forest resources and viewsheds; and may detract from the quality of life in the Town of Eagle based on the character that the ecosystem provides.
3. Chapter 3: Land Use Goal #5, Policy 5.2: The PUD proposes development that eradicates a portion of the natural landscape and may negatively impact sensitive lands and environments.
4. Chapter 8: Natural Resources Goal #1, Policies 1.1, 1.5, 1.6: The PUD, if not implemented successfully, could have impacts from point source and non-point source runoff, which could degrade the overall water quality in the area; have repercussions on the existing wildlife habitats that move through the area; and degrade the quality of viewsheds.
5. Chapter 13: Public Service & Infrastructure Goal #1, Policy 1.4: The proposal may involve varying from town-wide policies that require connections to public services; and could impact servicing of the community as a whole.

Town of Eagle River Corridor Plan

The following is an overview of the concepts for which the subject proposal is found to comply with the Eagle River Corridor Plan:

1. Chapter 1: The project prioritizes conservation, economic development, recreation, place-making, transportation and access, and education and awareness principles as described in the Eagle River Corridor Plan. Generous setbacks are provided for; open space is protected; commercial opportunities are present; significant recreational opportunities exist; place-making is emphasized; connections to regional trail systems are highlighted; and incorporation of environmental education can help contribute to environmental stewardship and emphasize the uniqueness of the property and the Town as a whole.
2. Chapter 2: The project is reserved for Cluster Residential land uses in the Eagle River Corridor Plan, for which the plan complies by providing a natural transition of higher densities on the western edge decreasing density as the property transitions east, while designing creatively to integrate and protect sensitive open areas while incorporating mobility options by way of integral trail connections. The CR land use section also identifies that this property is large enough to accommodate 120-150 homes. The CR land use only includes lands within the Urban Growth Boundary whereas the proposed project extends past and still maintains maximum density contemplated for this area.
3. Chapter 3: The project plans to host extensive lengths of soft surface trails (i.e. "Discovery Trail") and provide grade-separated connection points to the ECO Trail which is located across Highway 6 from the property. It preserves all areas south of the river, incorporates natural experience areas and trails, and inserts active recreation as directed in the Plan.

Town of Eagle Strategic Plan

The following is an overview of the concepts for which the subject proposal is found to comply with the Town of Eagle Strategic Plan:

1. Major Objective #5: Stimulate Economic Vitality, Development
 - a. The PUD has the potential to stimulate economic vitality by providing opportunities for economic development and incorporating standards that enhance the look, feel, and experience of Eagle; maintaining the small town feel and great place to raise a family; and continuing to advance Eagle as a government, business, and recreational hub for the region.
2. Major Objective #8: Improve Housing Availability and Affordability
 - a. The PUD intends to comply with the towns LERP requirements but has also presented creative options for the town to consider that could result in the leveraging of resources to create larger number of available and affordable units.
3. Major Objective #9: Continue Investing in Outdoor Activities, Recreation, and Open Space
 - a. The PUD provides a number of recreational opportunities including fishing, boating, camping, and youth education through the designation, preservation, and dedication of lands for such uses.

Staff finds that the Subdivision Sketch Plan generally meet the goals set by the Community Plan, River Corridor Plan, and Strategic Plans. This project falls in line with the intended use, character, and design established by these plans.

In addition to the compliance with the town's goals policies and plan, the planning commission is to provide comment on the potential impacts of the proposal on the town, its population, services and facilities, environment, character, existing and potential uses, and economy. Much of this discussion occurred during the hearing on the PUD and vested rights application. Please see the attached meeting minutes from the February 19th meeting and the attached exhibits. As discussed in the previous hearing, a formal determination of Adequate Public Facilities will be completed at Development Permit application or Subdivision that results in the creation of individual residential lots. Staff believes that with the conditions of approval as stated below and recommended, the project can adequately mitigate any negative impacts to the town.

STAFF RECOMMENDATION

Staff recommends **approval** of the Red Mountain Ranch Subdivision Sketch Plan **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.
- 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 and approval to the Planning Commission with submittal of the first development permit.

EXHIBIT A:

Application and Written

Narrative

(attached)



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT PERMIT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations	DEVELOPMENT REVIEW <input type="checkbox"/> Minor Development Review <input type="checkbox"/> Major Development Review	SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW <input checked="" type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision <input checked="" type="checkbox"/> P.U.D. Zoning Plan
---	---	---

PROJECT NAME Red Mountain Ranch

PRESENT ZONE DISTRICT Eagle County PROPOSED ZONE DISTRICT PUD
(if applicable)

LOCATION

STREET ADDRESS SEE ATTACHED

PROPERTY DESCRIPTION

SUBDIVISION SEE ATTACHED LOT(S) _____ BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE ANEXATION, PUD ZONING PLAN & SUBDIVISION
CORRECT PLM. DESCRIPTION ATTACHED.

APPLICANT NAME Moeyn Lapin PHONE 970 331 8617

ADDRESS 232 W MEADOW DRIVE VAIL CO EMAIL eevee5@hotmail.com

OWNER OF RECORD Red Mountain Ranch Partnership, LTD PHONE Moeyn Lapin REVOLVING TRUST

ADDRESS 232 W MEADOW DRIVE VAIL CO EMAIL

REPRESENTATIVE Rick Pylant, Pylant Associates PHONE 970 926 6065

ADDRESS 137 MAIN STREET EDWARDS CO EMAIL Rick@Pylant.com

The above information is correct and accurate to the best of my knowledge.

Moeyn Lapin 6-13-17
Signature Date

In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.

FOR OFFICE USE ONLY			
DATE RECEIVED	BY	FILE NUMBER	
REVIEW FEE	DATE PAID	RECEIVED BY	
DATE CERTIFIED COMPLETE	BY		
P&Z HEARING DATE	DECISION		
TBOT HEARING DATE	DECISION		

rev. 07/2016

RED MOUNTAIN RANCH

**PUD Zoning Plan
&
Subdivision Sketch Plan
Application**

January 18, 2019

Red Mountain Ranch

PUD Zoning Plan

&

Subdivision Sketch Plan

Application

Prepared for:

Red Mountain Ranch Partnership, LLLP

&

Mervyn Lapin Revocable Trust

232 West Meadow Drive
Vail, Colorado 81657

Prepared by:

Pylman & Associates, Inc.
137 Main Street C107W
Edwards, CO 81632
970-926-6065

Red Mountain Ranch Project Team

Property Owner:

Red Mountain Ranch Partnership,
LLLP
232 West Meadow Drive
Vail, CO 81657

Mervyn Lapin Revocable Trust
232 West Meadow Drive
Vail, CO 81657

Planner:

Pylman & Associates
PO Box 2338
Edwards, CO 81632
970-926-2840

Engineer:

Alpine Engineering, Inc.
PO Box 93
Edwards, CO 81632

Water Attorney:

Scott Grosscup
Balcomb & Green
818 Colorado Avenue
Glenwood Springs, CO 81601

Land Use Attorney

Heil Law & Planning, LLC
1022 Summit Drive
Dillon CO 80435

Wetlands

Western Ecological Resource, Inc.
711 Walnut Street
Boulder, CO 80302

Geo-Tech Consultant:

H-P/Kumar
5020 County Road 154

Glenwood Springs, CO 81601

Economic Analysis:

Stan Bernstein & Associates, Inc.
PO Box 5342
Vail, CO 81658

Traffic Engineer:

LSC Traffic Consultants, Inc.
1889 York Street
Denver, CO 80206

McDowell Engineering
1099 Capitol Street
Suite 208
Eagle, CO 81631

**Landscape Architecture & Site
Design**

Dennis Anderson & Associates, Inc.
PO Box 1387
Edwards, CO 81632

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1.0 INTRODUCTION

1.1 Purpose of Report

The purpose of this report is to provide information relative to a request for approval of a PUD Zoning Plan, an overall Subdivision Sketch Plan and Annexation of the Red Mountain Ranch property. See Figure 1, Vicinity Map.

These applications represent the initial step in the Planned Unit Development and Subdivision review process as outlined in the Town of Eagle Land Use and Development Code.

The purpose of the PUD Zoning Plan level of review is to establish the permissible type, location and densities of land uses, to determine compatibility of the PUD proposal with the Town's goals, policies and plans, and to provide a basis for PUD Zoning.

Formal annexation of the property will occur in conjunction with the approval of the PUD Zoning Plan

The purpose of the Subdivision Sketch plan is to identify how the overall 130-acre Red Mountain Ranch property will be initially subdivided to create each described Planning Area in this application as a separate fee simple parcel. This Subdivision Sketch Plan does not include any development plan details within these parcels such as internal roads, utilities or lot and block layout. Following annexation of the property and approval of the PUD Zoning Plan and this initial Subdivision Sketch Plan, a final plat will be submitted to formally create the separate land parcels for each planning area of the PUD Zoning Plan. Each Planning Area may then proceed to and through the PUD Development Plan and subdivision process separately.

Those future PUD Development Plan and subdivision stages of the development review process will provide the higher level of detail of the physical development plan, riparian and sensitive area plans, the infrastructure design and the public improvements.

Applications and information included within this first stage submittal include:

- Application forms for PUD Zoning Plan and Subdivision Sketch Plan and a Petition for Annexation.
- A thorough description of the vision for the entire Red Mountain Ranch property and a written and graphic description of the permissible type, general location and densities of land uses, including a thorough description of existing conditions, an analysis of environmental site conditions and an evaluation of compliance with the Eagle Area Community Plan, the Eagle River Corridor Plan and other pertinent master planning documents. This includes a description of the interpretation and compliance with the Eagle Area Community Plan Conservation Oriented Development designation for the

Red Mountain Ranch lands and a description of the compliance with the Residential Cluster designation of the Eagle River Corridor Plan.

Specifically, this report addresses all information required by Chapter 4.11 Planned Unit Development, Chapter 4.12 Subdivision Review and Chapter 4.14 Annexation, of the Town of Eagle Land Use and Development Code.

2.0 KEY FEATURES AND FINDINGS

2.1 Key Features

The proposed PUD Zoning Plan for Red Mountain Ranch features:

- A PUD Zoning Plan that has been specifically designed to meet the goals and objectives of the Eagle Area Community Plan.
- A PUD Zoning Plan that has been specifically designed to meet the goals and objectives of the Town of Eagle - River Corridor Plan.
- A PUD Zoning Plan that details the foundation for each neighborhood to develop in a manner that meets the Conservation Oriented Development vision of the Eagle Area Community Plan and the Cluster Residential vision of the Town of Eagle-Eagle River Corridor Plan.
- A master planning approach that includes and allows for a wide variety of housing types that will provide home ownership opportunities to a wide range of the economic spectrum of town residents. Housing types include a wide range of size and price point market rate townhomes and condominiums and Town of Eagle deed restricted affordable housing options as well as a variety of low density single family and duplex home sites.
- A significant dedication of land for two Eagle River Parks that will allow for improvements and recreational uses that meets the goals of the adopted River Corridor Plan, with two connections to the ECO Trail regional bike path and existing neighborhoods.
- Gives the Town control of significant public access to the Eagle River. A vital recreation amenity to the Town of Eagle and its Eagle River Park.
- An internal vehicular circulation plan for private roads and driveways that will be owned and operated by the homeowners and will not create any maintenance or operational costs to the Town of Eagle.
- A comprehensive and continuous pedestrian circulation system through Planning Areas 1-5B that will provide tremendous riverfront access, connect public open

space parcels, provide pedestrian access to the ECO Trail regional bike path and is in conformance with the River Corridor Plan vision and goals.

- Ā A unique river front restaurant and community gathering spot opportunity that currently does not exist in the Town of Eagle.
- Ā A plan that includes off-street public parking for parks and trail access. The existing and dangerous Highway 6 shoulder parking that serves the existing fishing access easement will be eliminated and new safer off-street public parking will be provided to serve the fishing easement.
- Ā A dedication of fifteen acres to an environmental non-profit, such as the Walking Mountain Science School, will allow for a large preservation parcel on both sides of the Eagle River and the development of a future education, nature preserve and tourism attraction.
- Ā Approximately 15.4 acres of high quality open space on the south side of the Eagle River that will provide an amenity and public benefit to all citizens of the Town of Eagle.
- Ā An appropriate provision of deed restricted affordable housing in full compliance with the Town of Eagle Land Use and Development Code.
- Ā A non-potable water system that will address the irrigation demands of the property and eliminate demand and operational costs from the existing and future Town of Eagle water treatment facilities.
- Ā Extends the Town of Eagle boundary to Diamond Star Ranch.
- Ā Red Mountain Ranch has already provided an easement of 1.65 miles to the Eco Trail extension in order for Eco-Trails to quickly receive a GOCO Grant.

2.2 Key Findings

- Ā The Red Mountain Ranch Annexation request is in full compliance with Chapter 4.15, Section 010, Annexation Procedures, of the Town of Eagle Land Use and Development Code.
- Ā By separating the annexation and development process, the Town of Eagle Planning and Zoning and Town Board has more control over what occurs on each Planning area.
- Ā The proposed Subdivision Sketch Plan proposes a future final plat subdivision of the Red Mountain Ranch land into parcels that will match the PUD Zoning Plan Planning Areas.

- A The Red Mountain Ranch PUD Zoning Plan is in full compliance with the Standards and Requirements for a Planned Unit Development as outlined in Chapter 4.11 of the Town of Eagle Land Use and Development Code. Specifically, the Red Mountain Ranch plan meets each of the following standards:

Town of Eagle Municipal Code Section 4.11030 Standards and requirements

A. Minimum size

The Red Mountain Ranch PUD Zoning Plan provides a land use plan for 130 acres of land. This master plan integrates residential, commercial, public, and community based uses in a comprehensive design that integrates vehicular and pedestrian circulation, parks and open space. The application meets and greatly exceeds the minimum size requirement of five acres for PUD Zoning in the Town of Eagle.

B. PUD Zoning

1. Designation required

The Red Mountain Ranch PUD Zoning Plan identifies each of the eight individual Planning Areas within Red Mountain Ranch as a Residential, Commercial or Public PUD.

The Red Mountain Ranch PUD is in conformance with this standard.

2. Uses

The allowed land uses each planning area have been specified in the proposed PUD Guide and are generally further limited beyond what the Town of Eagle PUD designation or similar standard zone district designation would allow. Any land uses proposed in planning areas that are not listed in the Town of Eagle PUD designations are noted in this PUD Guide as variations from this standard.

A primary benefit and purpose of utilizing the PUD zoning is to allow for both flexible planning than is allowed with existing Town of Eagle zone designations.

The Red Mountain Ranch PUD is in conformance with this standard.

3. Density

The overall density of Red Mountain Ranch is 1.17 units per acre, which is well under the maximum allowance of 8 units per acre for a Residential PUD. Each individual Planning Area that is designated as a Residential PUD is restricted to density maximums well below the 8 unit per acre allowance. The two areas designated for Commercial PUD are restricted to floor area limitations well below the allowable Floor Area allowance of 1.7:1.

The Red Mountain Ranch PUD is in conformance with this standard.

C. Open Space

The Town of Eagle PUD zoning requirement detailed in Section 4.11.030.C of the municipal code requires 20% of the gross PUD area as open space. At 130 acres, the Red Mountain Ranch PUD requires 26 acres of open space under this formula.

The proposed PUD Zoning Plan identifies over 67 acres of open space. This equates to over 52% of the total land area designated as open space.

The plan proposes a 1.8-acre public park and a 3.0-acre riverfront town park and includes 15.4 acres of open space south of the river. These lands, totaling 20.2 acres will be dedicated to the Town of Eagle.

The plan also includes designation of all the riverfront property, from the centerline of the river to 50 feet from the average high water mark, as protected open space. Some of this river frontage will include a public pedestrian trail along the river or includes the existing public fishing access easement. These designated open space areas on the PUD Zoning Plan total an additional 34 acres.

Planning Area 3 has been designated as an environmental education facility and includes an additional 13.6 acres of protected and sensitive open space lands on both sides of the Eagle River.

This results in an open space total of 67.8 acres, over 52% of the total site area of the PUD.

This open space calculation of 67 acres does not include the park and open space lands that will be designed into each of the residential neighborhoods.

The municipal code also states that 75 % of the open space shall have a slope of 10% or less and that half of that area be developed as “active recreation area”. The applicant assumes this means 75% of the ‘required minimum’ of 20% of the gross land area. At 75% of the required minimum of 26 acres of open space there would need to be 19.5 acres of dedicated open space at a 10% or less grade and 9.75 acres of that would need to be developed as active recreation. The proposed PUD Zoning Plan meets the minimum open space requirement and the active recreation area requirement.

D. Maintenance of Open Space

The open space areas indicated in the plan that will be dedicated to the Town of Eagle will be maintained by the Town. This includes the 1.8-acre public park designated as OS-1, the open space lands on the south side of the river designated as OS-3 and the entirety of the river park and boat ramp identified as Planning Area 5B.

Open Space -5 will be a part of the overall dedication of Planning Area 3 to a non-profit entity and will be owned, managed and maintained by that entity as an integral part of Planning Area 3.

All other open space lands will be owned and be maintained by a Homeowners Association with the means and expertise to carry out this task. The HOA will be appropriately structured and funded to allow for full ownership, care, maintenance, operation and management capabilities. Some of these HOA owned open space parcels will include public access easements for use of the proposed Discovery Trail along the river. These details will be fully addressed in both the PUD approval documents and in the Red Mountain Ranch Annexation Agreement. Final maintenance programs will be determined at the PUD Development Plan and subdivision review plans for each Planning Area as those applications move through the review process.

The Red Mountain Ranch PUD Zoning Plan is in conformance with this standard.

E. Municipal and Park Land Dedication

The Red Mountain Ranch PUD Zoning Plan will far exceed the Town of Eagle standards for municipal and park land dedication. Section 4.13.190 of the land use regulations includes a formula for land dedication requirements for parks and open space. At this level of review an exact calculation of that formula is not possible nor appropriate as the exact densities and unit mix types will not be finally determined until Development Plan review. However, a general calculation based on the maximum density of 153 units and a hypothetical unit mix of 92 multi-family homes and 61 single family homes indicates that the dedication requirement would be 5.32 acres. The PUD Zoning Plan includes a dedication of Planning Area 5B as a town park of 3-acres and a town park on OS-1 of 1.8-acres. OS-3 is an additional 15.4 acres for a total public dedication of 20.2 acres. The public easement dedicated for the riverside Discovery Trail as depicted on the PUD Zoning Plan adds additional lands to public recreation. In addition, portions of the Red Mountain Ranch lands include a public fishing easement. This easement area qualifies as public dedication and as active recreation.

The Red Mountain Ranch PUD Zoning Plan is in conformance with this standard.

F. PUD Perimeter

The perimeter area of the Red Mountain Ranch property has been appropriately designed to address compatibility of adjacent uses. The higher density and intensity of land uses is focused towards the existing town center and decreases to very low density residential uses as the property extends eastward. Those densities are compatible with the existing approved residential neighborhoods adjacent to the east end of Red Mountain Ranch. The riverfront area has been protected with additional enhanced setbacks and limitations on uses and vegetation management. The Highway 6 perimeter will be enhanced with

landscape screening and berthing where appropriate. These details will be developed as the specific PUD Development Plans are designed and reviewed.

The Red Mountain Ranch PUD Zoning Plan is in conformance with this standard.

G. Street Standards

The PUD Zoning Plan does not anticipate any public road dedications. All internal streets and parking areas are anticipated to remain private and will be maintained by the appropriate neighborhood homeowner's association. The Town of Eagle will not be expected or required to provide any street maintenance. As the specific layout and density of each neighborhood will not be determined until a PUD Development Plan is submitted, reviewed and approved specific street design standards are not included at this level of review. Specific street design standards will be detailed as a part of future PUD Development Plans and subdivision applications for each planning area.

The Red Mountain Ranch PUD Zoning Plan is in conformance with this standard at this level of review.

H. Phasing

The Red Mountain Ranch PUD Zoning Plan has been designed in a manner that readily facilitates a comprehensive and logical phasing plan. A proportional amount of the required open space and recreation areas will be developed with each phase of the project. The project will be built to comply with the overall density and open space requirements at the completion of each phase of development.

A full description of the proposed phasing plan and land dedications is included in 3.13 in this report. The Red Mountain Ranch PUD Zoning Plan is in conformance with this standard.

Key Findings Summary

In summary, the Red Mountain Ranch applications are in full compliance with the annexation, subdivision and PUD requirements of the Town of Eagle Land Use and Development Code.

3.0 PROJECT DESCRIPTION

3.1 Existing Conditions

Red Mountain Ranch consists of a 130.835-acre property located along the Eagle River just east of the Town of Eagle downtown core area. The western boundary of the property starts at the first Highway 6 bridge crossing of the Eagle River east of town and extends east approximately 2.05 miles. The property is generally located between the Eagle River and Highway 6, with some land extending south of the river. The property is currently held in two separate ownerships. The Mervyn Lapin Revocable Trust owns the westernmost lands, identified in this application as Planning Areas 1 and 2.

The land identified in this application as Planning Areas 3 through 7 is owned by the Red Mountain Ranch Partnership, Ltd. The two ownerships have some common elements and are managed by a single entity.

For the purpose of this application the term Red Mountain Ranch is used as the project name and refers to the title of the proposed Planned Unit Development inclusive of Planning Areas 1 through 7.

The property includes high terrace upland areas adjacent to Highway 6 and a wetland and riparian complex along the stream frontage. Several sections of the upland terrace have been mined for gravel and placed in reclamation. There is one occupied home located on Planning Area 2. All the upland areas have been disturbed in some manner, either by gravel mining or agricultural practices. Portions of the property have been flood irrigated for agricultural uses and there are several irrigation ditches that traverse the property. There are currently eleven residential, gravel pit and ranch access points from Highway 6 that provide access to various portions of the property.

The property is currently located outside the Town of Eagle boundary and is proposed for annexation to the Town of Eagle. The adjacent lands across Highway 6 to the north have been annexed to the town as a part of the Eagle River Station PUD. There is a low density residential neighborhood of one to two acre lots just beyond the eastern boundary of the property.

The property falls within the study area of the Eagle Area Community Plan and the Town of Eagle - River Corridor Plan.



VICINITY MAP

3.2 Description of the PUD Zoning Plan

This application package proposes to annex the Red Mountain Ranch property to the Town of Eagle as a PUD Zoning Plan Planned Unit Development. The purpose of the PUD Zoning Plan, as outlined in the Town of Eagle Land Use Regulations, “*shall be to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town’s goals, policies, and plans, and with the purposes of this chapter, and to provide a basis for PUD zoning.*

The proposed PUD Zoning Plan map identifies the proposed land use types, general locations and maximum proposed densities.

This narrative will describe the plan’s compatibility with the Town’s goals, policies and plans. Together with the proposed PUD Guide, the PUD Zoning Plan maps and this narrative will comprise the PUD Zoning Plan for Red Mountain Ranch.

The specific arrangement of buildings, lots, roads and parking lots will be detailed as each Planning Area is brought through the next step of the planning process, the detailed PUD Development Plan review.

The Red Mountain Ranch property is currently contiguous to but outside of the Town of Eagle municipal growth boundary and, except for Planning Areas 6 & 7, within the Urban Growth Boundary defined within the Eagle Area Community Plan. The Red Mountain Ranch property represents one of the last large development parcels that may be annexed into the Town of Eagle. The property, given its prominent location along the Eagle River and its proximity to downtown Eagle and the Eagle River Station property, is a key element in the future growth and development of the Town of Eagle.

By providing a comprehensive concept plan for the entire 130-acre river property owned by Red Mountain Ranch, including Planning Areas 6 & 7, the plan is able to address growth related impacts in a meaningful way and is able to provide significant community assets that are much more difficult, in fact, perhaps impossible to accomplish with the incremental growth that occurs from smaller development projects. Through the inclusion of a public riverfront park, preservation of open space, improved public fishing access and parking, and the design of a comprehensive and integrated trails system Red Mountain Ranch will make a very special contribution to the community fabric of the Town of Eagle. These design elements are possible by integrating the two ownership entities into one comprehensive development plan for the entire property through the PUD Zoning process.

The PUD Zoning plan evolved out of a careful analysis of many factors, including the Eagle Area Community Plan, the Town of Eagle River Corridor Plan, adjacent growth and land use patterns, anticipated long term residential housing needs, desired recreational amenities, and the land forms and environmental sensitivities of the site with feedback from past staff’s and trustees.

The primary elements of the design influences listed in the above paragraph are the 2010 Eagle Area Community Plan and the 2016 Town of Eagle River Corridor Plan. The Eagle Area Community Plan chapters on Vision, Land Use and the Conservation Oriented Development section of Chapter 4 provide direction to the overall plan and the distribution of densities. The River Corridor Plan gives very specific direction to the development of the Red Mountain Ranch property and addresses land use types, density, public parks, open space and trails. The proposed zoning plan has been designed to the goals and policies of these two guiding documents.

The plan is based around decreasing residential density as the property extends to the east and includes a network of open space, park and trail corridors that creates an organized layout of neighborhoods, community uses and public parks while conserving significant amounts of open space and protecting significant natural features of the site. An extensive trail system provides a significant public benefit and connects the community to the river and to the public river park.

The Red Mountain Ranch plan proposes a maximum of 153 units on 130 acres of land for a very low overall density of 1.17 units per acre. The plan proposes a mix of multi-family and single family and/or duplex units. Some of the Planning Areas will allow for flexibility in the mix of unit types. Most of the multi-family density is designated for the first phase of development, on Planning Area 1, closest to the community core. This area, in conformance with both the EACP and the River Corridor Plan, includes the highest density with a total of 97 of the overall 153 units, which due to clustering and a significant area of open space conservation, is still relatively low at an average of 2.8 units per acre. The decreasing density culminates in Planning Area 7, a single-family neighborhood of nine homes on twenty-four and a half acres, for a density of 0.36 units per acre (2.7-acre average per unit).

The soft surface path running through Planning Areas 1-5B, will provide significant recreational open space.

An important concept of the PUD Zoning Plan is the maximum overall density of 153 dwelling units. This overall density for the property is consistent with the direction of the Eagle River Corridor Plan. The proposed plan includes an ability to shift these units among the different planning areas, to some degree, with the maximum density per planning area as indicated on the PUD Zoning Plan Cover Sheet-Sheet 1 of the PUD Zoning Plan, within the PUD Guide, and as described in this report.

3.3 Planning Area 1 – Residential PUD

Planning Area 1 is the westernmost area within Red Mountain Ranch and is the largest individual planning area. The western edge of the planning area is adjacent to the bridge crossing (formerly known as the Green Bridge) of the Eagle River and includes approximately 35 acres on both sides of the Eagle River. As the largest planning area and the closest to town this area would host the highest density of Red Mountain Ranch. As called out in both the Eagle Area Community Plan and the River Corridor Plan the

proposed density is in keeping with the Conservation Oriented Development and the River Corridor Plan Cluster Residential land use designations.

At a maximum density of 97 units and an overall size of 34.6 acres the 2.8 units per acre is well below the Town of Eagle Residential PUD maximum allowance of 8 units per acre.

The intent of the PUD Zoning Plan level of review, as stated in the Town of Eagle Municipal Code is to establish the permissible type, location and densities of land uses, to determine compatibility of the PUD proposal with the Town's goals, policies and plans and to provide a basis for the zoning. The intent of the PUD Zoning Plan maps is to give some general form to the type and location of land uses and to determine appropriate densities of those proposed land uses. Determining the general locations of development areas and of open space or buffer areas allows the plan to be shaped, at this level of review, by the concepts of the EACP and the River Corridor Plan.

The more detailed and engineered design of the subsequent PUD Development Plan will present a more specific and detailed location of the proposed residential uses, the open space areas, and the trails and amenities.

The PUD Zoning Plan for Planning Area 1 includes the development parcel, identified as R/PUD-1, and three open space parcels. Approximately 65% of the Planning Area is designated as open space.

The westernmost portion of Planning Area 1 is designated as open space parcel OS-1 and would be an approximately 1.2-acre public park and public parking area featuring a public riverfront trail. This park would be connected to both the town core area and to Red Mountain Ranch via the pedestrian trail identified in the Town of Eagle - River Corridor Plan. A small number of public parking spaces would serve the park and provide fishing and trail access along the river.

The PUD Zoning Plan has been designed to meet the concepts of Conservation Oriented Development and the Residential Cluster description of the River Corridor Plan. The plan provides criteria to ensure that clustered areas of development and open space or recreation area buffers will be integrated into the overall site plan. The buffer and open space areas within R/PUD-1 may be natural open space or may be designed as improved passive or active open space and recreation areas.

Density should transition to lower unit per acre building types and site plans as the development ranges from west to east. To provide for a range of unit types and price points density could range from up to ten units per acre at the west end and transition to lower densities fronting the river. A transition to duplex and/or single family layout of approximately three to four units per acre or less would be appropriate at the east end. The overall PUD Development Plan for R/PUD-1 should include one or more improved parks that total approximately 1/2 acre.

At a hypothetical unit mix of 55 multi-family units and 20 single family the Town of Eagle park land dedication would equate to 2.49 acres. The 1.2-acre public park dedication, the additional integrated parks of at least one-half acre and the public trail corridor along the river will more than meet this standard. The final park size requirements will be determined at PUD Development Plan design.

The public riverfront pedestrian trail would extend from the western public park along the river as a twelve-foot-wide public easement along the riverfront. The trail would swing away from the river to provide a break along the river corridor. The trail will then continue east across Planning Area 1 and into Planning Area 2.

A forty-foot-wide open space/drainage corridor would allow for the trail to connect from the river corridor to a separated grade crossing at Highway 6. The separated grade crossing will connect to the existing Eagle County ECO Trail located on the north side of Highway 6.

Appropriately designed community open space will separate and define neighborhood areas and create useable open space and park areas all connected by a pedestrian trail system. Overall, the intent is for Planning Area 1 to become a walkable neighborhood that includes multiple areas to access the riverfront, relax, recreate and socialize.

A detailed PUD Development Permit plan review and approval will be required prior to any development proceeding on site. This review process will provide the Town and community members a detailed review process to ensure conformance with the PUD Zoning Plan and with the governing master plans and land use regulations. The density type and layout may vary in the PUD Development Plan but shall not exceed 97 units.

The river corridor has been designated as OS-2 in the PUD Zoning Plan and PUD Guide. OS-2 will be owned and maintained by the homeowner's association and is protected from development. The land located on the south side of the Eagle River, approximately 18 acres, will be dedicated to open space. This area, along with the soft surface trail corridor on the north side of the river is identified as Open Space Area #5 in the River Corridor Plan. This open space area and trail corridor creates a significant amount of public river access that was formerly private and is in complete conformance with the River Corridor Plan. This open space south of the river is designated as OS-3 in the PUD Guide and PUD Zoning Plan. OS-3 will be dedicated to the Town of Eagle at the time of the first post-development plan approval subdivision within Planning Area 1.

Planning Area 1 will be served by the Town of Eagle water and wastewater systems.

All of the proposed uses listed in the PUD Guide for Planning Area 1 are allowed under the R/PUD uses listed in the town of Eagle Land Use Regulations. There are no listed allowed uses that are not allowed under the Town of Eagle R/PUD designation.

Planning Area 1 will have one access point from Highway 6 as directed by CDOT and the Town of Eagle. A privately maintained road will include public access to public parking

spaces that will provide access to the Eagle River and the Town park. The Town park and river access are significant public benefits. It is anticipated that the internal circulation and parking will be private and that there will be no publicly dedicated streets or Town of Eagle street maintenance requirements.

See PUD Zoning Plan Planning Area 1

3.4 Planning Area 2 –Commercial PUD

Planning Area 2 is an approximately five-acre area that is called The Farm and includes a historic farm homestead from the early 1900's. The intent of this planning area is to allow for the development of a neighborhood center, allowing for small scale commercial development that supports the neighborhoods and provides the greater Eagle community with a river view commercial opportunity, community gathering space and pavilion that does not currently exist. Approximately half of this five acre area is designated as the development area and approximately half of the five acres will be preserved as open space.

Thoughtful historically inspired design will be oriented towards Red Mountain and the Eagle River with a small cluster of one and two story buildings centered around terraced gardens and a greenhouse with small scale agricultural production and product sales. Potential uses include a demonstration farm/garden, farmers market, recreation river access for kayakers and tubers, a river oriented restaurant with an expansive porch and patio area and a small amount of short term lodging. The proposed density would allow for up to ten dwelling units.

The Discovery Trail extends from Planning Area 1 into Planning Area 2 and is shown above the river corridor to avoid a small piece of BLM land that extends onto the north shore of the river.

The proposed development area for Planning Area 2 is approximately 2.9 acres and is designated as C/PUD-1.

The proposed uses listed in the PUD Guide for C/PUD-1 do not include all the uses allowed under the C/PUD designation in the land use code. Many of these uses would not be appropriate for this unique area and land form. The list of proposed allowed uses is much more restrictive than the Eagle town code. C/PUD -1 is a mixed-use plan of commercial, residential and farm uses. The planned uses that are not specified in the Town of Eagle C/PUD designation have been listed as allowed in the PUD Guide for Planning Area 2. Commercial floor area will be restricted as listed in the PUD Guide. The amount of commercial floor area that would be allowed under the Town of Eagle C/PUD designation for floor area ratio would not be appropriate.

C/PUD-2 will be served by the Town of Eagle water and wastewater systems.

Planning Area 2 would be accessed via a shared street connection with Planning Area 1.

The density and floor area proposed for Planning Area 2 are well under the C/PUD designation allowances of the town code and the commercial uses allowed under the C/PUD designation have been strictly limited by the proposed PUD Guide. Instead of using a parcel size based ratio for a floor area allowance a maximum commercial floor area of 10,000 square feet has been established in the PUD Guide.

An area of approximately 2.1 acres east of the proposed development area and including all the riverfront land will be designated as OS-4. The allowable uses in OS-4 will be limited to soft surface trails and the improvement and management of native vegetation. The old existing historic building will be allowed to remain in place.

See PUD Zoning Plan Planning Area 2.

3.5 Planning Area 3 – Commercial PUD

Planning Area 3 is a total of 15 acres and includes approximately 7.5 acres on the north side of the Eagle River and 7.5 acres on the south side of the river. The land area consists of approximately 1.4 acres of upland area adjacent to Highway 6 and 13.6 acres of sensitive riparian or wetland areas.

Planning Area 3 includes two land use designations: the upland area designated as C/PUD-2 and the open space, riparian and wetland lands designated as OS-5.

The development area within Planning Area -3 is designated as C/PUD-2 on the PUD Zoning Plan and is approximately 1.4 acres in size. The land use proposed for C/PUD-2 will be focused on environmental stewardship, preserving sensitive areas and is intended to host a nature/education facility that may include environmental education programming activities and environmental interpretation exhibits. This land use provides a significant opportunity for tourism development, community engagement and education. Examples of educational programs that could be offered include:

Curriculum aligned Field Science programs for students at Brush Creek Elementary, Eagle Valley Elementary and Middle Schools and other adjacent schools. These full day science programs take place out of doors, in a hands-on manner and align with standards and units of study taught in the classroom. Topics at this location could include: aquatic biology, animal habitats, riparian health and water quality, etc.

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Naturalist led interpretive hikes. Naturalists help connect visitors to important natural, cultural and historical resources by forging emotional and intellectual connections between the interest of the audience and the meanings inherent in the resource. Naturalists could be paid interns or volunteer docents from the community. Volunteers with proper training can be highly capable docents.

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Self-Guided interpretive trail. This location lends itself well to a path or board walk with signage or other interpretive elements. These trails can be used at any

time by locals or visitors and allow for individual or group exploration at any time.

C/PUD-2 would be allowed to include a nature/education center building and associated residences. Six dwelling units have been assigned to this area and if used would be deed restricted to workforce housing for the entity operating the environmental education programs.

Approximately 91% of Planning Area 3 is designated as OS-5 and will be maintained as a preservation and conservation area. Allowable uses include soft surface trails, interpretive signage and shade shelters. A pedestrian bridge across the river would be allowed to provide access to the lands on the south side of the river. The land use plan is consistent with the Conservation Oriented Development and Cluster Residential land use concepts expressed in the EACP and the River Corridor Plan and is a significant public benefit. This area designated as OS-5 is called out in the Eagle River Corridor Plan as Open Space Area #6.

The pedestrian trail would continue from Planning Area 2 into Planning Area 3. The trail is shown on the upland portion of Planning Area 3 due to the high environmental sensitivity and extensive wetlands located along the river.

The existing town PUD designations do not work well with this concept of land use; however, the PUD process is intended to allow for this type of creativity and flexibility and the PUD Zoning Plan and PUD Guide have been drafted accordingly.

Planning Area 3 has been assigned a Commercial PUD designation because the existing Town of Eagle Land Use regulations do not include a PUD designation that encompasses the proposed educational/conservation/open space uses. The use of this commercial designation is somewhat forced by the strict application of the land use regulations and may be misleading to the intent of this area.

The PUD Guide list of uses for C/PUD-2 and OS-5 have been tailored to meet the goals of the River Corridor Plan and to allow for an educational/environmental program. These uses are not typical land uses listed as uses in the C/PUD of the Town of Eagle Land Use Regulations. Almost all the allowable uses under the Town of Eagle C/PUD designation are restricted from this planning area as they would certainly not be appropriate in this location. The amount of commercial floor area that would be allowed under the Town of Eagle C/PUD land use regulations would not be appropriate in this location. Floor area will be restricted as listed in the PUD Guide.

Planning Area 3 would not have direct access from Highway 6. Access will come from a shared access point with Planning Area 4 and Planning Area 5B and will be located further to the east. C/PUD-2 would include a parking area that will accommodate the proposed uses.

Development of buildings within C/PUD-2 is required to be served by municipal water and wastewater service.

See PUD Zoning Plan Planning Area 3.

3.6 Planning Area 4 – Residential PUD.

Planning Area 4 is a 13.7 acre reclaimed gravel mine area that sits 40 feet below Highway 6 and is proposed for residential homes at a maximum density of 35 dwelling units.

Planning Area 4 includes two land use designations: the residential development area designated as R/PUD-2 and the open space river corridor designated as OS-6. Approximately 34% of the Planning Area is designated as open space.

The overall density proposed for R/PUD -2 is approximately 3.8 homes per acre. The development plan for R/PUD-2 will be designed to Conservation Oriented Development and Residential Cluster design principles as articulated in the Eagle Area Community Plan and the Town of Eagle River Corridor Plan. Approximately 45% of R/PUD-2 shall be designed as buffer areas, formal or informal open space. At a maximum of 35 units the maximum park dedication for this area would be 1.47 acres. The PUD Development Plan will designate the appropriate amount of area and location for a neighborhood park.

The soft surface discovery trail will extend from Planning Area 3 and will follow the river corridor east through Planning Area 4 and connect to the Eagle River Park on Planning Area 5B.

All the proposed uses listed in the PUD Guide for R/PUD-2 are allowed under the R/PUD uses listed in the Town of Eagle Land Use Regulations.

R/PUD-2 will be required to be served by the Town of Eagle municipal water and wastewater system. The timing of development of R/PUD-2 will be dependent on the availability of municipal water and sewer. It is anticipated that this may be the last planning area to be developed within the PUD.

A campground is an allowed use within this area and there is a possibility a campground use may be established. If a camping facility is developed such facility may be served by an on-site wastewater treatment system and a common water well may be permitted

OS-6 is the river corridor from the centerline of the river to the 50-foot setback from the average high water mark and is approximately 4.6 acres in size. OS-6 may include the soft surface discovery trail and limited soft surface access points to the river. Use are limited to preserve the riparian corridor. OS-6 includes the existing public fishing easement that extends from the river to the high-water mark. Access to the public fishing easement will be provided from the proposed public park adjacent to OS-6.

Planning Area 4 will be accessed from Highway 6 via a privately maintained road. This access point will be shared with Planning Areas 3 and 5B.

See PUD Zoning Plan Planning Area 4.

3.7 Planning Area 5B, Eagle River Park – Public PUD.

Planning Area 5B is a relatively flat pasture of 3 acres and will be dedicated to the Town of Eagle as a public riverfront park. The River Corridor Plan identifies this area as Open Space Area # 7 and calls for vehicular access, a public boat ramp and active daytime recreation uses. There is a historic cabin on the site. This public park with river access and a potential boat ramp will add significant tourism benefit to the Town of Eagle. A boat ramp in this location and the existing boat ramp in town creates the potential for “day” or “town” run that could create significant active recreation on this stretch of the river.

The soft surface discovery trail will connect all the way from Planning Area 1 to this public park. There is opportunity for a pedestrian connection to the existing, newly constructed ECO-Trail north of Highway 6. This creates a loop trail system that would also activate recreation in this area and provide another activity for destination guests.

The dedication of this land to the Town of Eagle is a significant public benefit that would not be possible if the entire Red Mountain Ranch PUD was not being master planned and zoned in this comprehensive manner.

The intent of the phasing plan is to dedicate Planning Area 5B at the time of Development Permit approval for Planning Area 5 and 6.

Planning Area 5B will include public access to at least three parking spaces that will provide access to the Colorado Parks and Wildlife fishing easement that is in place along this stretch of river front. The relocation of these parking spaces off the shoulder of Highway 6 is a significant safety improvement and a public benefit associated with this area. Planning Area 5B will share a Highway 6 access point with Planning Areas 3 and 4.

See PUD Zoning Plan Planning Area 5B, Eagle River Park.

3.8 Planning Area 5 – Residential PUD.

Planning Area 5 consists of 14.5 acres and consists of three land use designation areas. Approximately 57% of the Planning Area is designated as open space.

R/PUD-3 is proposed for clustered low density residential home sites with common open space and with a common park/open space area.

The proposed maximum density of 15 units equates to an average of 1.03 units per acre. This is similar to existing land uses further to the east and consistent with the Conservation

Oriented Development and Cluster Residential land use concepts expressed in the EACP and the River Corridor Plan.

Planning Area 5 has been designed to meet the principles of Conservation Oriented Development and Cluster Residential design by creating OS-7 and OS-8 and tightly defining the size, shape and scale of the development area designated as R/PUD-3. The 15 dwelling units will be clustered into the 6.2 acres designated as R/PUD-3.

The Town of Eagle R/PUD list of allowable uses will be restricted to single family and duplex.

Planning Area 5 will be accessed from Highway 6 via a privately maintained road.

The R/PUD- 3 lands may be developed under on-site wastewater treatment systems (“OWTS”) and an on-site potable water well(s). When municipal water and wastewater service are brought to within 400 feet of the site then all residential development within R/PUD-3 will be required to connect to such system. Should R/PUD-3 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

OS-7 represents the open space riparian corridor along the river and extends 50 feet in width from the average high water mark. OS-7 is approximately 5.5 acres in size. Uses in OS-7 will be limited to soft surface trails and limited river access points. OS-7 also includes the existing public fishing access from the centerline of the river to the high-water mark.

OS-8 is an upland open space and buffer zone parcel of approximately 2.8 acres located to the east of R/PUD-3. The intent of this area is foster the principles of Cluster Residential and Conservation Oriented Development by creating an open space buffer between developed areas and to provide an open corridor from the highway to the river. OS-8 may include natural or improved landscape and may be traversed by a shared roadway with Planning Area 6.

See PUD Zoning Plan Planning Area 5.

3.9 Planning Area 6 - Residential PUD

Planning Area 6 includes approximately 20 acres and includes two land use designations, R/PUD-4 and OS-9. Approximately 26% of the Planning Area is designated as open space.

R/PUD-4 is proposed for low density single family and duplex homes at a maximum density of 25 homes. This equates to a density of 1 unit per 0.8 acres. This is similar to existing land uses further to the east and is consistent with the Conservation Oriented Development and Cluster Residential land use concepts expressed in the EACP and the River Corridor Plan. Approximately 45% of the land area within R/PUD-4 shall be

designed as buffer areas, formal or informal open space. The PUD Development Plan will designate the appropriate amount of area and location for a neighborhood park.

R/PUD-4 will be accessed from Highway 6 via a privately maintained road that will include public access to three parking spaces that will provide access to the Colorado Parks and Wildlife fishing easement that is in place along this stretch of river front. The relocation of these parking spaces off the shoulder of Highway 6 is a significant safety improvement and a public benefit associated with this area.

The internal road system in Planning Area 5 may also connect to Planning Area 6 to provide highway access.

The Town of Eagle R/PUD list of allowable uses will be restricted to single family and duplex.

The R/PUD- 4 lands may be developed under on-site wastewater treatment systems (“OWTS”) and an on-site potable water well(s). When municipal water and wastewater service are brought to within 400 feet of the site then all residential development within R/PUD-3 will be required to connect to such system. Should R/PUD-3 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

OS-9 represents the open space riparian corridor along the river and extends 50 feet in width from the average high water mark. Uses in OS-9 will be limited to soft surface trails and limited river access points. OS-9 also includes the existing public fishing access from the centerline of the river to the high-water mark.

See PUD Zoning Plan Planning Area 6.

3.10 Planning Area 7 - Residential PUD

Planning Area 7 includes approximately 24.5 acres and includes two land use designations, R/PUD-5 and OS-10. Approximately 36% of the Planning Area is designated as open space.

R/PUD-5 is proposed for low density single family homes at a maximum density of 9 homes. This equates to a very low average density of 0.36 units per acre (2.7 acres per unit) and is consistent with the Conservation Oriented Development and Cluster Residential land use concepts expressed in the EACP and the River Corridor Plan.

Approximately 50% of the land area within R/PUD-5 shall be designed as buffer areas, formal or informal open space. Two open corridors from the highway to the river should be included in the buffer zone design. There is existing topography that lends itself to establishment of these open space corridors. The PUD Development Plan will designate the appropriate amount of area and location for a neighborhood park.

R/PUD-5 will be accessed from Highway 6 via a privately maintained road that will include public access to a public parking area of two to three parking spaces that will provide access to the Colorado Parks and Wildlife fishing easement that is in place along this stretch of river front. The relocation of these parking spaces off the shoulder of Highway 6 is a significant safety improvement and a public benefit associated with this area.

The Town of Eagle R/PUD list of allowable uses will be restricted to single family.

The R/PUD- 5 lands may be developed under on-site wastewater treatment systems (“OWTS”) and an on-site potable water well(s). When municipal water and wastewater service are brought to within 400 feet of the site then all residential development within R/PUD-3 will be required to connect to such system. Should R/PUD-3 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

OS-9 represents the open space riparian corridor along the river and extends 50 feet in width from the average high water mark. Uses in OS-9 will be limited to soft surface trails and limited river access points. OS-9 also includes the existing public fishing access from the centerline of the river to the high-water mark.

See PUD Zoning Plan Planning Area 7.

**PUD Zoning Plan Map has been removed as it is provided elsewhere
in the staff report packet**

Red Mountain Ranch PUD Zoning Plan Planning Area Summary Chart							Date: 1/21/19
	PUD Designation	Planning Area Acres	% of Total Site	Maximum Density	DU's per Acre	Development Area and % of Planning Area	Open Space Area and % of Planning Area
Planning Area 1	R/PUD	34.6 acres	26.5 % of Total Site	97 10 du's 10,000 sf Commercial	2.8 0.045 far	12.3 acres 35% 2.9 acres 58%	22.3 acres 65% 2.1 acres 42%
Planning Area 2	C/PUD	5.0 acres	3.8% of Total Site	6 du's 10,000 sf Commercial	0.4 0.015 far	1.4 acres 9%	13.6 acres 91%
Planning Area 3	C/PUD	15 acres	11.5% of Total Site	35 du's	2.5	9.1 acres 66%	4.6 acres 34%
Planning Area 4	R/PUD	13.7 acres	10.5% of Total Site	0	0	0	3 acres 100%
Planning Area 5B	P/PUD	3.0 acres	2% of Total Site	15 du's	1.05	6.2 acres 43%	8.3 acres 57%
Planning Area 5	R/PUD	14.5 acres	11.2% of Total Site	25 du's	1.25	14.8 acres 74%	5.2 acres 26%
Planning Area 6	R/PUD	20 acres	15% of Total Site	9 du's	0.36	15.8 acres 64%	8.7 acres 36%
Planning Area 7	R/PUD	24.5 acres	18% of Total Site				

3.11 Roads and Circulation/Traffic

The Red Mountain Ranch PUD is a long linear property located along the south side of Highway 6 and bordering the Eagle River. The only access point from the public road system is via US Highway 6. There are currently eleven access drives from Highway 6 onto the Red Mountain Ranch lands. The proposed access plan consolidates these into five access locations. All internal circulation will be designed as private streets or parking lots. Other than the Eagle River Park, which will be owned by the Town of Eagle, there are no anticipated public roads and no anticipated Town of Eagle requirements for street or parking area maintenance. There will be public access to the town park at the west end of Planning Area 1 and there will be public access to designated parking areas to allow access to the public fishing easement.

The design of the internal road systems will occur at the Development Permit stage for each Planning Area.

Red Mountain Ranch is currently working with CDOT on an access management plan that will provide direction to the number and location of the proposed access points. As a referral agency to the Town of Eagle the applicant will continue to work with CDOT to finalize the access management plan.

An initial trip generation analysis for Planning Areas 1 and 2 (The Farm) has been completed by LSC Transportation Consultants, Inc. and is included in the appendix of this report. The plan for this first phase of Red Mountain Ranch includes one access point from Highway 6. Planning Area 2 will connect internally to Planning Area 1 and share the access point.

The trip generation analysis indicates that right turn deceleration improvements will be required for Planning Areas 1 and 2.

The PUD Zoning plan anticipates that the final access management plan will direct Planning Areas 3, 4 and 5B to share a single access point and Planning Areas 5, 6 and 7 will each have a point of access from Highway 6.

As each individual planning area progresses through the PUD Development Permit application under the final access management plan, a detailed traffic analysis and engineered design plans will be required as a part of the review process. No new access points or change in access use will be allowed until a CDOT Access Permit has been issued.

3.12 Trail Standards

The plan contemplates several different types of trail systems. The PUD Zoning Plan indicates the general location of the proposed Discovery Trail. The discovery trail is intended as a soft surface trail that will extend from the public park at the very western portion of the site all the way to Planning Area 5B, the town park and boat ramp. Much of

this trail is along the riverfront. This trail is intended as a low impact soft surface trail of four feet in width and should be constructed of crusher fines or similar organic material. This trail should may be located along the river in places but should avoid lands designated as wetlands. The public easement over the trail shall be 12 feet in width.

Internal hard surface trails and sidewalks that connect formal open space areas and parks to residential areas should be paved with asphalt or concrete and should be a minimum of four feet wide.

Trails that provide a connection under Highway 6 to the ECO_Trail system should be paved with asphalt or concrete and should be a minimum of six feet wide.

3.13 Utility Services

Alpine Engineering, Inc. has completed a Utility Impact Report for the Red Mountain Ranch PUD Zoning plan. This report describes the water, sanitary sewer and shallow utility connection plans for the property.

Electric and communication utilities are available within the Highway 6 right of way along the length of Planning Areas 1 and 2 and may be extended to serve Planning Areas 3 through 7. Natural gas and internet are available in the Marmot Lane right of way and is proposed to be extended to the property.

The existing overhead electric line at the western end of Planning Area 1 will be re-routed and buried.

Town of Eagle municipal water and sanitary sewer system connections are available for Planning Areas 1 and 2 at this time.

Planning Areas 3 through 7 do not currently have municipal water and sanitary sewer service available. The existing topography in the Highway 6 corridor precludes the extension of a gravity flow sanitary sewer collection system. The extension of water and sanitary sewer into and through the Eagle River Station parcel will allow for the future extension of these services to Planning Areas 3 through 7.

This annexation and PUD Zoning Plan application proposes that Planning Area 5, 6 and 7 develop utilizing on-site wells and fire protection systems and on-site sewage disposal systems. This will allow Planning Areas 5, 6 and 7 to advance in the phasing and allow for the dedication of Planning Area 5B, the Town Park, with the PUD Development Plan approval for Planning Area 5 and 6. If and when Town water and sanitary sewer service become available to Planning Areas 5, 6 and 7 the existing homes and lots will connect.

Planning Area 5B is the Town Park and may be developed with a well and septic system or could be serviced with a vault disposal system similar to other river access points.

Planning Areas 3 and 4 will be restricted from development until water and wastewater services become available.

3.14 Phasing

The intention of phasing within the Red Mountain Ranch PUD is that Planning Area 1 and Planning Area 2 would comprise the first phase. As the largest neighborhood with the highest density it is anticipated that Planning Area 1 will take several years to build out.

After receiving PUD Development Plan approval, Planning Areas 5, 6 and 7 would be allowed to develop at any time utilizing on-site wells and on-site sewage disposal systems and could be initiated while Planning Area 1 builds out. The public dedication of Planning Area 5B, the Eagle River Park, will occur with the approval of a PUD Development Plan for Planning Area 5 and 6. The conveyance of Planning Area 3 to an environmental education entity will occur at a time to be determined by the seller and the receiving non-profit entity.

3.15 Park Land Dedication

The Town of Eagle Land Use and Development Code includes a park land dedication requirement for new development. This formula to calculate the requirement is population driven and uses different multipliers for single family/duplex homes and for multi-family homes. The final development density and unit mix type will not be known until the PUD Development Plans are detailed. A general calculation based on the maximum density of 153 units and a hypothetical unit mix of 92 multi-family homes and 61 single family homes indicates that the dedication requirement would be 5.32 acres. The PUD Zoning Plan includes a dedication of Planning Area 5B as a Town Park of 3 acres and indicates a Town Park on Planning Area 1 of 1.2 acres. There are public easements on lands that will include the Eagle River Discovery Trail of at least 2 acres. These areas alone account for 6.2 acres of public park. The plan also anticipates that additional local neighborhood park areas will be included within the various development areas as these areas are designed and developed. This calculation does not include the 15-acre environmental education center and river preservation area.

This parks, trails and open space designation greatly exceeds the Town of Eagle's park land dedication requirement and will add substantially to the tourism attraction and recreation component of the Town of Eagle. The large amount of parkland dedication is consistent with the EACP and the River Corridor Plan. The dedications of park lands will occur at the first subdivision action following Development Permit approval of the associated development parcels.

3.16 School Land Dedication

Based upon the hypothetical unit mix of 61 single family/duplex units and 92 multi-family units the school land dedication requirement would equal 1.13 acres. Owner shall pay a

payment in lieu of dedication of any land for school site purposes in accordance with **Section 4.13.065** of the Municipal Code. Town agrees that a dedication of land for school site purpose shall not be required.

3.17 Fire Protection and Emergency Services

The Red Mountain Ranch PUD lies within the boundaries of the Greater Eagle Fire Protection District (GEFPD).

The Town of Eagle Land Use and Development Code includes a Fire Protection Impact Fee. These fees are currently set at \$2,269.97 per single family residence and \$1,037.23 per multi-family residence. Based upon the proposed density of 153 units these impact fees will generate in the range of \$230,000 for the fire district. It is anticipated that the fees will be paid at the time of receipt of building permit for the PUD Development Plan on each individual planning area.

3.18 Local Employee Residency Program

The Town of Eagle Land Use and Development Code includes an adopted Local Employee Residency Program. This program requires new residential development to provide 10% of the housing that it produces as deed and price restricted housing.

At the proposed density level of 153 residential units Red Mountain Ranch will be required to provide 16 units in conformance with the town program guidelines.

Red Mountain Ranch fully intends to comply with this program, generally on a Planning Area by Planning Area basis. In accordance with the Town of Eagle Land Use Regulations the next level of the review process, the PUD Development Plan, will require each PUD Development Plan application to include a detailed plan outlining compliance with the housing program.

The applicant remains open to working with the Town of Eagle to investigate and participate in alternative options of addressing the housing demand.

3.19 Sustainable Design

Principles of sustainable design will be an integral element to the design process of each planning area of the Red Mountain Ranch PUD. Sustainable principles have been incorporated into the initial site planning and design by designating the development pods and the buffer zones. River setbacks have been increased and riparian areas and sensitive lands have been designated as open space and buffer areas. These concepts will be further detailed as the plans for each area progress to the Development Permit level of detailed design.

The PUD Zoning Plan for Planning Area 1 promotes compact walkable neighborhoods and will create significant areas of open space. The plan attempts to balance the site shape and

orientation with a strong effort to maximize the solar orientation of a large percentage of the development areas.

A non-potable landscape irrigation system will be designed to provide irrigation to all common areas and to all multiple family residences within each planning area of Red Mountain Ranch. This will eliminate the need for utilizing municipal water for irrigation and will save potable water production costs, energy expenditures, and storage requirements. The upgrades to the municipal water system may be designed without the requirement to accommodate irrigation water demand for Red Mountain Ranch. Landscape design guidelines for residential uses will include restrictions on irrigated area and requirements that will focus on drought tolerant plant materials, water efficiency and conservation.

Energy conservation starts with the solar orientation and will permeate through the architectural design of individual buildings. Design Guidelines and covenants will create the opportunity and encouragement to incorporate on-site energy production and will create requirements to utilize a certain standard of energy efficient, non-toxic, locally sourced and recycled/recyclable materials fixtures and appliances.

The intent is to create a community where sustainability and conservation are primary tenets of the design process and the lifestyle.

3.20 Architectural Character

The architecture of the Red Mountain Ranch neighborhoods will both integrate with and enhance the beauty of the Town of Eagle and the Eagle River corridor. The intended goal is to develop a highly desirable series of neighborhoods that look and feel like an organic, natural extension of the greater Eagle community. This will be assured through the development, adoption and enforcement of individual neighborhood design guidelines that:

- Establish design and construction standards that both fit in the setting and ensure a consistently high level of quality across a wide array of housing types;
- Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the PUD Zoning Plan;
- Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
- Control massing of buildings to be appropriate in scale and context;
- Site structures in a manner which responds to existing physical site features, maximizes vistas and privacy, and conserves open spaces;
- Utilize forms and materials which honor the site's cultural history and blend with surrounding neighborhoods and homes.

It is anticipated that design guidelines for each planning area will be designed and included for review and discussion during the PUD Development Plan review process for each neighborhood.

3.21 Water Rights and Irrigation

Red Mountain Ranch will be served by both potable and non-potable water systems. A connection to the Town municipal water system will be developed for residential in house use for Planning Area 1 and Planning Area 2. A non-potable system will be developed for all irrigation demand for Planning Area 1 and Planning Area 2.

The provision of municipal water service to Planning Areas 3 through 7 for in-house use will depend on the future extension of those services.

All irrigation water for Planning Areas 1 through 7 and will be supplied by a non-potable system maintained by the respective Home Owners Association.

The non-potable systems will be developed with a pump and pressure system using the Eagle River as the water source. Each individual PUD Development Plan will include a full analysis and design of the associated non-potable system.

Scott Grosscup, a water attorney with Balcomb & Green, has completed an evaluation of the existing water rights associated with the property. This analysis identifies the water rights that would be dedicated to the Town of Eagle for the in-house service to Planning Areas 1 and 2.

The Balcomb & Green evaluation is included in the appendix of this report.

3.22 Drainage

Alpine Engineering, Inc. has completed a conceptual level drainage analysis of the Red Mountain Ranch lands.

The report summarizes off-site and on-site site drainage conditions and considerations and outlines the guidelines that will be used to design sustainable and Low Impact Design (LID) drainage mitigation measures for each area that meet the intent of the River Corridor Plan.

The Alpine Engineering, Inc. report is included in the appendix of this report.

3.23 Fiscal Impacts

The economic consulting firm of Stan Bernstein & Associates, Inc. (“SBA”) has completed an analysis of the Red Mountain Ranch PUD Zoning plan that quantifies the economic and fiscal impacts of the project on the Town of Eagle.

SBA developed a specific model to project the Red Mountain Ranch incremental effect upon Town revenues and general fund expenditures. The analysis, which documents each year of a projected 15-year development build out period from 2018 through year 2032,

concludes that Red Mountain Ranch will produce a positive fiscal impact for the Town of Eagle.

The revenue associated with Red Mountain Ranch exceeds the associated Town of Eagle expenditures for every year of the analysis and the benefit over the planning period indicates cumulative revenue for the general fund of \$975,083 dollars.

The complete SBA analysis is included in the appendix of this report.

3.24 Density Transfer

A total of 153 dwelling units will be allowed on Planning Areas 1-7. A density transfer shall be allowed between all Planning Areas.

For example – if Planning Area 1 has a maximum density of 97 dwelling units and only 70 dwelling units are approved for development, 27 dwelling units may be transferred to other Planning Areas. Transfers shall not exceed the maximum allowed on any Planning Area unless approved by the Town of Eagle Town Board.

4.0 SUBDIVISION SKETCH PLAN

The Subdivision Sketch Plan associated with this application is intended to provide the subdivision sketch plan information for the initial subdivision of the Red Mountain Ranch property. The Red Mountain Ranch PUD is currently held in two ownership entities and the existing property lines do not match the PUD Zoning Plan Planning Areas.

The PUD Zoning Plan Planning Areas have been defined by the existing geography and site conditions. The Subdivision Sketch Plan recognizes these planning areas and proposes, at a sketch plan level, to subdivide the Red Mountain Ranch lands into eight parcels that match each of the planning areas.

This subdivision does not address any proposed development within the planning areas and does not therefore, detail any internal road, utility plans or development lots. This detail will be provided as required at the PUD Development Plan and subdivision applications that will follow.

The sequence of applications for the property include the initial approval of the annexation, PUD Zoning Plan and this Subdivision Sketch Plan. The applicant would then proceed with a combined Preliminary/Final Plat Subdivision action to create the separate planning areas as defined and described in this Sketch Plan and the PUD Zoning Plan. This will allow conveyance of the individual planning areas to other entities and each planning area would proceed to the PUD Development Plan and companion subdivision processes as individual parcels.

The attached Subdivision Sketch plan maps address the requirements of Section 4.12A 2 F.

The PUD Zoning Plan and the descriptions in this report provide a detailed description of the existing conditions and the proposed PUD Zoning Plan and address the requirements for a subdivision sketch plan as outlined in the Town of Eagle Land Use Code Section 4.12A 2 G and H-T.

Section 4.12 g.

As a simple sketch plan to create future development parcels there is no proposed internal design of development areas beyond that indicated on the companion PUD Zoning Plan. The future PUD and subdivision review process for each Planning Area will include the full sequence of subdivision applications and PUD Development Plan application.

These applications will be the time that the design rationale, number of lots, general drainage and stormwater plans and water supply information is described in higher detail.

The proposed Sketch Plan does address the requirement to note mineral deposits and labels the floodplain and floodplain source information. Section 6 of this report addresses the Eagle Area Community Plan conformance.

Section 412.h.

This sketch plan proposes no development plans and therefore has no associated traffic impact analysis. The companion PUD Zoning Plan does include a traffic analysis for the proposed density.

Section 412.i.

A soils report is included as an appendix to this application.

Section 412.j.

A soils/geologic report is included as an appendix to this application.

Section 412.k.

A wildlife report is included as an appendix to this application.

Section 412.l.

No specific development plans are a part of this Sketch Plan application. However, a utility report is included as an appendix to this application as required for the companion PUD Zoning Plan.

Section 412.m.

As there is no proposed development associated with this Sketch Plan there is no associated population report.

Section 412.n.

As there is no specific development plans associated with this Sketch Plan application there is no applicability for a description of the need for the development. The companion PUD Zoning Plan does include a description of the proposed zoning, land uses and densities.

Section 412.o.

The description of the proposed PUD Zoning Plan includes a list and legal description of the lands that will be rezoned.

Section 412.p.

There are no potential issues or problems in relation to the town code or goals and policies.

Section 412.q, r and s.

A map and list of adjacent owners has been included with this application including mineral rights owners and lessees. Mailing labels have been included.

Section 412.t.

No development impact report has been requested.

Subdivision Sketch Plan has been removed as it is provided elsewhere in the staff report packet

5.0 ENVIRONMENTAL CONDITIONS

5.1 Geology

HP Geotech has conducted a series of geotechnical analysis of the Red Mountain Ranch properties. These reports include a description of site geologic conditions, details on sub-surface borings, a description of sub-surface soils conditions and preliminary design recommendations. There are four HP Geotech reports included as appendices to this application.

As each individual planning area proceeds through the PUD Development Permit process additional geotech reporting and design recommendations specific to the proposed site plans will be submitted.

5.2 Wildlife

The area of the Red Mountain Ranch property has been covered by a 2001 Walsh Environmental, LLC Preliminary Ecological Conditions Report and the adjacent eagle River station lands have been analyzed for wildlife impacts in a Susan Bonfield Wildlife Impact Report.

Significant areas of sensitive lands were identified through the River Corridor Plan and have been protected and preserved through the design of the Red Mountain Ranch concept plan. The concept plan includes internal open space and undeveloped areas meant to allow wildlife movement across the property in a north-south direction.

A fisheries management plan for the public lands and easements dedicated as a part of Red Mountain Ranch will be included in the Annexation and Development Agreement and will include specific language to ensure proper management of the resource. In general, the fisheries management plan will include the following:

- i.Ā Only fly-fishing and only fly-fishing gear shall be allowed. Catch and Release only. Other forms of fishing and other fishing gear shall be prohibited.
- ii.Ā Public access for fishing shall be subject to closure as determined by the Colorado Division of Wildlife due to high water temperatures to protect trout.
- iii.Ā In-stream habitat restoration and enhancement for fish population shall be permitted, including but not limited to such time as non-potable diversion improvements are constructed or such time as the boat ramp is constructed.
- iv.Ā Commercial fishing and/or guiding operations shall not be permitted.

Each individual PUD Development Permit application will include a more detailed wildlife review and analysis, a riparian area vegetation management plan and include specific dog control and bear proof trash design measures.

5.3 Vegetation and Wetlands

A wetlands delineation has been conducted for the Red Mountain Ranch property and the wetland boundary is indicated on the proposed PUD Zoning Plan. Each site specific PUD Development Permit application should include a formal wetland delineation and a riparian area vegetation management plan.

6.0 EAGLE AREA COMMUNITY PLAN

6.1 Background

The original Eagle Area Community Plan was adopted in 1996 and served as a primary guiding document for growth and development for the Town of Eagle. This plan was instrumental in shaping the character and appearance of Eagle during the period from 1996 until 2010 and addressed major development issues facing the Town of Eagle such as the proposed Adams Rib Ski Area and the Eagle Ranch property.

In July of 2010 the Town of Eagle adopted an updated 2010 Eagle Area Community Plan.

The extensive community collaboration involved in the plan update resulted in a plan document that includes a description of the desired future character of the community, a Future Land Use Plan, an Urban Growth Boundary and an extensive list of community goals, guiding policies and implementing actions.

The concept for the Red Mountain Ranch property that is expressed in this application is responsive to and consistent with these concepts and the vision articulated by the community in the Eagle Area Community Plan.

6.2 EACP Vision

The 2010 Eagle Area Community Plan starts readers off, after a brief introduction, with a full chapter dedicated to the future vision of the Town of Eagle. The Vision Chapter starts off with a new Vision Statement:

“Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town’s unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands”

The chapter then discusses the importance of the notion of “livability” and lists the following eleven planning concepts as integral to the Town’s new vision statement. The PUD Zoning plan design recognizes the town’s vision statement and incorporates these planning concepts that are so integral to the vision statement.

1) Concentrate Urban and Infill Development

This planning concept addresses the Urban Growth Boundary and the decision of the EACP participants to adopt a hard growth boundary around the town to prevent sprawling growth and to focus development onto areas that were deemed appropriate. The majority of the Red Mountain Ranch site is within the defined Urban Growth Boundary and the proposed plan is in compliance with this planning concept. Planning Areas 6 & 7 of the PUD Zoning plan fall just outside of the growth boundary. The contiguity of these lands with the

remainder of Red Mountain Ranch and the benefits that derive from planning and managing these lands as one cohesive PUD justify including these areas within the annexation of Red Mountain Ranch. As a part of this annexation process this application will include a separate request and process for an “exception” to the Eagle Area Community Plan to extend this annexation beyond the Urban Growth Boundary.

2) Maintain the Area’s “Sense of Community”

This planning concept discusses the clear feeling that residents of Eagle have expressed regarding the sense of community that they feel in Eagle. The narrative here talks about community values and expresses a desire that future development should promote established community values, enhance visual quality of both the natural and man made environment, and be responsive to changing demographic and economic needs and evolving design and construction technologies. The Red Mountain Ranch PUD Zoning plan has addressed these factors by clustering homes into appropriate size neighborhoods with expansive enhanced open space areas, by providing significant trail and path systems and with appropriately sized and varied housing opportunities. The plan provides a welcome entry to the eastern portal of Eagle and creates riverfront park and trail systems and recreation opportunities that will greatly enhance the character of the community.

3) Develop a Comprehensive, Integrated Transportation System

This concept is directed more regionally to the Town and County governments to work on an “overall transportation plan that integrates pedestrian and bicycle systems, roadway networks, and public transit options, with a goal of reducing dependence on the automobile”. The Red Mountain Ranch plan reflects this planning concept by designing a significant pedestrian circulation system that connects riverfront pedestrian access to the core of the Eagle community. This trail system includes multiple connection points to the ECO Trail regional bike path.

4) Promote Stewardship of Natural, Scenic, and Environmentally Sensitive Areas

This planning concept discusses the landscape that contributes to the town’s identity and sense of place and mentions methods that may be used to protect and promote these areas. One of the key concepts of the Red Mountain Ranch plan is to promote stewardship of the Eagle River corridor while providing significant public pedestrian access to the riverfront. The plan also addresses the open space designations of the more recent River Corridor Plan and provides significant public dedication of riverfront open space and parks.

5) Protect and Preserve Wildlife Habitat and Corridors

The protection of the riverfront corridor will protect and preserve wildlife habitat and the establishment of several open space parcels will allow north-south movement for deer, elk and other wildlife species that move through this area.

6) Develop a Proactive Open Lands Program

This planning concept is addressed to the Town and County governments and is focused primarily on open lands acquisitions and protections outside of the Urban Growth Boundary.

7) Maintain and Enhance Recreational Opportunities

This planning concept discusses the importance of both active and passive recreational opportunities to the vision and livability of the Town. The Red Mountain Ranch plan excels at addressing this planning concept. At the entrance to the property is a public park, as called out in the Eagle River Corridor Plan. Extensive trail access, the dedication of all lands south of the Eagle River and the dedication of a significant public river park with a boat launch opportunity all support this planning concept. The provision of off-street parking for the existing public fishing easement is a significant safety contribution to the recreation community.

8) Provide Affordable Housing

This planning factor discusses the importance of providing a variety of housing types and price points throughout the community. The Red Mountain Ranch plan includes opportunity for a multitude of housing types on Planning Area 1, closest to the community center. The plan will also meet the Town of Eagle Local Employee Residency Program.

9) Diversify and Balance the Economic Base

This portion of the Vision Chapter is a short two sentence statement that first notes the extensive public input process reinforcing the 1996 EACP notion that Eagle should continue to avoid a shift to a resort-based or second-home community. The second sentence addresses a desire to diversify the economic base in order to provide adequate revenues to the community.

The Red Mountain Ranch plan does not include a significant commercial component but does include Planning Area 2, which is intended to provide a local oriented commercial venue that will be unique to the community. In addition, the Planning Area 3 area is intended for conveyance to an environmental/education entity that would provide an education and cultural component that would enhance community opportunities.

10) Preserve Historic Resources

This community wide vision statement has some minor applicability to the Red Mountain Ranch property as there are a couple of old cabins located on site. These two cabins are located on Planning Areas 2 and 5B and are intended for environmental and education use and may be preserved.

11) Provide Infrastructure and Public Services Efficiently and Equitably

Infrastructure and services may be extended to Red Mountain Ranch efficiently. The Utility Analysis written by Alpine Engineering, Inc. and included in the appendix of this report details the infrastructure plans for the planning areas.

6.3 Land Use

Chapter 3 of the 2010 EACP is the Land Use chapter.

This chapter recognizes that Eagle County will continue to grow for the next ten to twenty years, and beyond, and that much of this growth is anticipated to occur in the incorporated communities of western Eagle County. The purpose of this chapter, and the entire EACP document, is to provide shape and direction to how and where this growth will occur.

The Land Use chapter recognizes and discusses six primary factors that influence land use decisions. The chapter includes a lengthy discussion of the detail and importance of each of these identified factors. In the following paragraphs, we will state and provide a brief response to each of those identified factors.

1) Efficiency

The first sentence under this heading in the EACP bears quoting and reads as follows:

“Efficiency in the context of land use implies development of appropriate density that can be served with minimal new construction of roads and utilities.”

The Red Mountain Ranch plan is in compliance with this concept in two primary ways. First, the property is generally within the Urban Growth Boundary, which the EACP plan has defined to create a reasonably compact and efficient community footprint for the greater Eagle community. Secondly, the physical layout of the land along Highway 6 and the internal design of the plan addresses efficiency by creating relatively compact, walkable neighborhoods closest to the community core and by designing low density residential neighborhoods served by private drives on the properties further from the community core. This eliminates the need for any additional public road extension.

2) Access, Mobility and Transportation

The Red Mountain Ranch ability to access directly onto Highway 6 east of Eby Creek Road to and access I-70 via the improved Eby Creek Road corridor minimizes much of the traffic and mobility issues that other areas of the town face. LSC Transportation Consultants, Inc. has completed a trip generation analysis of Planning Areas 1 and 2 and has described the potential access lane improvements that will be associated with those areas.

Red Mountain Ranch is currently working with CDOT on an access master plan that will provide direction to the number and location of the proposed access points. As a referral agency to the Town of Eagle the applicant will continue to work with CDOT to finalize an access master plan.

3) Preservation of Open Space and Environmentally Sensitive Lands

This land use influence factor recognizes the high ranking of both open space and recreation in the 2007 Eagle Community Survey and addresses the importance of these elements to the character and livability of Eagle.

The PUD Zoning Plan identifies over 70% of the land within the property as open space and recreation/ park uses. The plan protects significant areas of riverfront lands as undisturbed native habitats, as improved natural open space, as formal and informal park lands, and as wetlands.

4) Land Use Compatibility

The land uses within Red Mountain Ranch are largely residential with a small amount of commercial and educational uses defined. The plan includes significant amounts of open space and park areas. These uses are compatible with the adjacent and nearby land uses. The plan has been designed with a decreasing density as distance from the community core increases to provide a graceful transition to the low density residential uses that already exist east of the property.

5) The Benefits (and drawbacks) of Mixed Use Development.

Mixed use development is an increasingly popular design style in land use development. In this design style, commercial and residential uses are often integrated into the same land and/or building area. This section of the EACP defines appropriate areas for future mixed use development. The Red Mountain Ranch site is not among those on the list and has been designed primarily as a residential project with limited other uses. Planning Area 2 has been designed for limited neighborhood and community supported small commercial uses that are unique to the property and to the Eagle community. This could include a riverfront restaurant and local foods store, a farmer's market and a very small short term lodging use. Planning Area 2 offers a unique venue for these types of uses and would complement other economic development goals of the community. A small short term lodging use would support the fishing, biking and other outdoor activities that are promoted by the Town of Eagle.

6) Community Needs

This section of the plan recognizes that addressing the various needs of an evolving community is an important factor in land use decision making. One recognized need is maintaining an “appropriate and full spectrum of dwelling unit types and price points.” The concept plan directly addresses this future need through the density of Planning Area 1.

The Land Use chapter then lists seven pages of Land Use Goals, Policies and Recommended Strategies. We believe the Red Mountain Ranch plan meets all the applicable goals, policies and strategies listed in this section of this chapter.

6.4 Future Land Use Map and Urban Growth Boundary

Chapter 4 of the 2010 Eagle Area Community Plan describes the Future Land Use Map (FLUM). This chapter discusses the background surrounding the development of the FLUM and the importance of this as a planning tool. The FLUM includes an Urban Growth Boundary. The property is largely within the Urban Growth Boundary and has been specifically identified as an appropriate location to allow for the inevitable and necessary growth of the Town of Eagle.

A second very important aspect of the FLUM is the broad land use designations applied to the lands within the planning area. The Red Mountain Ranch land, along with several other areas, is designated as Conservation Oriented Development. The section of this chapter devoted to Conservation Oriented Development includes a description of the Intent, Character, Location Criteria and Land Uses appropriate for this designation.

The plan has been designed to be in harmony with each of these elements and meets the individual characteristics described for each one.

With regard to the Intent section the proposed Red Mountain Ranch plan meets every one of the listed elements. The property will be annexed into Eagle and the plan has an appropriate balance of conservation and development objectives. The attributes of the site that have a high conservation value have been designated as open space, buffer or preservation area. This includes important riparian and wetland riverfront lands and other sensitive areas. The plan balances compact development with the provision of open space and recreation features. Higher density uses are located closer to existing developed areas of the community. The plan meets the residential intentions of the Conservation Oriented Community and of the Neighborhood Residential land use designation.

With regard to the Character section of the Conservation Oriented Development land use designation the plan also addresses all three of the described elements.

Development on the western end of the ranch, closest to town and with the highest proposed density, is clustered into walkable neighborhoods, includes functional and interconnected open spaces and easily accessed recreation facilities. Developed areas are compact and well connected with internal vehicular access and pedestrian path and trail systems. The architectural character will be compatible and appropriate.

The plan also meets every one of the expressed Location Criteria and Land Use elements of this chapter. The diminishing density design of the plan meets the location criteria, and the density proposed for Planning Areas 6 & 7 is compatible with the density and style of residential development further east, supporting the request for an exception to the Urban Growth Boundary.

6.5 Special Character Areas

Chapter 5 of the 2010 EACP addresses special character areas. This chapter designates seven areas of the community that express a specific special character. The plan breaks down each special character area with a description of the elements that create the special character and lists Planning Principles that should be adhered to for development to meet, maintain and enhance the described character.

The lands of Red Mountain Ranch that are within the urban growth boundary are within the Eagle River Corridor Character Area. The general planning principles of this character area have been largely superseded by the more specific Eagle River Corridor Plan, which covers the same land area within the community. A detailed review of the concept plan compliance with the Eagle River Corridor Plan may be found in the following section of this document.

6.6 Remaining Chapters of the EACP

The remaining chapters of the 2010 EACP are titled:

- 6) Community Design and Appearance
- 7) Transportation, Mobility and Circulation
- 8) Natural, Scenic & Environmentally Sensitive Areas
- 9) Open Space, Recreation & Trails
- 10) Housing
- 11) Economic Development and Sustainability
- 12) Historic Preservation
- 13) Public Services and Infrastructure
- 14) Action Plan

These chapters are all also important to the overall EACP and include detailed discussions of the chapter title and related issues. Each chapter also includes a short set of Goals, Policies and Recommended Strategies. The discussion and goals of these chapters form many of the planning concepts of the Vision Statement, are reflected in the factors that influence land use decisions, are re-stated in the Land Use Chapter and the FLUM and the broad land use designations such as Conservation Oriented Development and show up as elements of the Special Character Areas. In essence these chapters form the support for and provide detail to the first five chapters of the plan.

The Red Mountain Ranch PUD Zoning Plan has been designed to address and meet the important applicable elements and the Goals, Policies and Recommended Strategies of these chapters.

The 2010 Eagle Area Community Plan is a comprehensive and effective document for guiding land use decisions for the Town of Eagle. The Red Mountain Ranch ownership

and design team have great respect for this document and have made a best effort to design a plan that is in full compliance with the spirit and intent of this plan.

7.0 TOWN OF EAGLE – RIVER CORRIDOR PLAN

7.1 Background & Purpose of Plan

The Town of Eagle – River Corridor Plan was adopted in December of 2015 and is the primary guiding document for land use in and adjacent to the Eagle River Corridor for the Town of Eagle. The plan encompasses 3.4 miles of the Eagle River and approximately 307 acres of land. The River Corridor Plan was prepared as a “sub-area Plan” and is adopted as a component of the Eagle Area Community Plan.

The stated purpose of the River Corridor Plan is to: “*establish a clear comprehensive set of principles to guide future growth of the town along the Eagle River*”. The purpose section goes on to state: *Development of the recommended residential and commercial uses, open space areas and recreational amenities set forth in this plan will contribute significantly to the prosperity of the town and the quality of life of its residents*”.

7.2 Chapter 1, Six Themes of the River Corridor Plan

Chapter 1 of the River Corridor Plan describes the six themes that form the framework of the plan: Conservation, Economic Development, Recreation, Place-Making, Transportation & Access, and Education & Awareness.

The Red Mountain Ranch plan incorporates each of these themes into the design and layout for the overall property.

Conservation:

The PUD Zoning plan identifies areas appropriate for conservation and provides open space and recreation land uses or suitable setback standards to ensure these lands are protected. Site specific PUD Development plans will continue to identify these areas and will include the detailed plans to design and mitigate impacts. Wetlands have been identified and avoided, drainage plans will ensure the highest water quality standards are met and a riparian management plan will be developed and adopted as a part of each PUD Development Plan.

Economic Development

The Economic Development theme talks primarily about the downtown core area issues and opportunities. While the Red Mountain Ranch PUD is not in the core area identified in this theme the Red Mountain Ranch plan does incorporates this theme by ensuring that the fiscal aspects of the annexation and development of Red Mountain Ranch are positive to the community. The proposed river front commercial, the extensive river access, two town parks and the 1.5-mile river front Discovery Trail will provide significant potential for tourism development and tax generation. The fiscal analysis prepared for this

application and attached as an appendix to this report, details the economic benefits of the project.

The commitment to maintain all roads and privately owned open space areas by the private home owners associations provides an economic benefit to the town.

Recreation

The Red Mountain Ranch plan provides for a multitude of recreation opportunities associated with the river corridor and in compliance with the River Corridor Plan. The discovery trail, the significant acreage of open space dedications, and the active education (Planning Area 3) and Eagle River Park (Planning Area 5B) sites are a direct response to the River Corridor Plan. A portion of the Red Mountain Ranch includes three access points to the Colorado Parks and Wildlife public fishing easement. The Red Mountain Ranch plan proposes to provide an increase to six access points, doubling the access points to the public access currently associated with this easement. The plan also proposes moving the current parking off the shoulder of Highway 6 and providing an increase in dedicated internal parking spaces and access paths.

Place-Making

Several aspects of The Red Mountain Ranch PUD Zoning plan address very specific place-making goals described in the River Corridor Plan. The layout of the discovery trail allows for what the River Corridor Plan describes as the “journey along the river” and the vision for Planning Area 2 and for the environmental education center create opportunities for the “wow factor”. The demonstration farm and commercial uses on Planning Area 2 will allow for the preservation of historical uses, a historic cabin and create an opportunity for a type of riverfront commercial and community gathering space that does not currently exist in the town.

The environmental education site (Planning Area 3) will provide opportunity for community based education programs to serve both locals and guests that are very popular in other parts of the county.

The dedication of a public park with a potential boat ramp creates the desired River Corridor Plan opportunity to place-make a “town run” suitable for short floats into town and to the core park feature of the river corridor.

All of these elements are tied together with a 1.5-mile Discovery Trail.

Transportation & Access

The plan incorporates the two applicable tenets of this theme; the creation of a shaded and looped trail system that includes access to the ECO-Trail and the expansion of environmentally sensitive public access to the river.

Education & Awareness

This theme focuses on the integration of signage to educate trail and river corridor users about sensitive lands. This concept will be implemented in the Red Mountain Ranch trail and public access areas. The Planning Area 3 dedication to an environmental/education entity will be a significant benefit to this goal. There will be tremendous opportunity for local education and awareness programming and the site may be improved with trails that include educational signage and information.

7.3 Chapter 2, Future Land Use – Cluster Residential

Chapter 2 of the plan identifies six land use designations and assigns those to properties within the study area. The Red Mountain Ranch lands are designated Cluster Residential.

The Cluster Residential Land Use is discussed and described in detail on pages 22 and 23 of the River Corridor Plan. These pages describe the community vision for this area through the discussion of four topics; Intent, Land Use, Mobility, and Public Space.

Intent

The Red Mountain Ranch PUD Zoning Plan has been designed to meet the direction and intent of the Cluster Residential land use designation. The plan is designed as a “*series of residential neighborhoods generally consisting of small single family or homes or duplexes*” as described in the opening paragraph of the Intent section, and as that paragraph goes on to state: “*a higher density multi-family neighborhood is appropriate in the western portion of this area, closer to the developed portions of the town. Residential densities should feather out at the eastern edge of this area.*”

This River Corridor Plan vision for how this area should be designed is a very accurate description of the proposed concept plan.

The intent section goes on to describe how certain areas should be protected as open space and describes the intent of a soft surface trail system. The Red Mountain Ranch PUD Zoning plan provides for the protection and dedication of these described open space areas and details a soft surface trail system in harmony with the intent of the Cluster Residential Land Use.

Land Use

The land use section reinforces and re-states with slightly more detail the intent for layout of the land uses on the Red Mountain Ranch property. The plan reinforces the concept of multi-family housing on the western end of the property with decreasing density as the property transitions to the east.

The design of the multi-family neighborhood on the western portion of the site (Planning Area 1) and its decreasing density towards the east is very much in compliance with this

description. The Planning Area 4 through 7 series of low density neighborhoods with decreasing density as the property extends east, and the clustering of those neighborhoods in defined parcels is also very much in harmony with this detailed description. The proposed overall density of 153 units is right in line with the density suggested by the River Corridor Plan.

As requested in the Land Use section, there is no development planned for the south side of the river, all the south side lands will be preserved and protected as open space.

Mobility

This section of the Cluster Residential land use chapter that discusses auto access is fairly straight forward and communicates that vehicular access should be limited to several key access points from Highway 6 and encourages a lowering of the Highway 6 speed limit. The plan design provides for these properly located key access points and Red Mountain Ranch ownership supports the Town's position of lowering the Highway 6 speed limit.

A preliminary traffic study has been completed and supports the location and design of these access locations. The traffic analysis is included in the appendix of this report.

The mobility section also reiterates the desire for a soft surface trail system that provides access to the river front where appropriate, avoids sensitive areas and provides some relief from a continuous riverfront exposure and provides connections to the hard surface Eagle County ECO bike trail on the north side of Highway 6.

The proposed design of the Red Mountain Ranch trail system, at a concept level, meets the intent of this description. The conceptual trail system provides riverfront access in places, links pedestrians to public spaces and provides protections to areas of sensitive lands. In general, the trail will not be designed between single family and/or duplex homes and the river.

The location of two separated grade crossings connections to the Eagle County ECO Trail are defined.

As each planning area comes in for PUD Development Permit the trail location and design will be further refined in accordance with this plan.

Public Space

The Red Mountain Ranch PUD Zoning Plan is in conformance with the public space section of Chapter 2. A more detailed description of this conformance follows in a discussion of Chapter 3.

7.4 Chapter 3, Open Space & Trails

Chapter 3 provides more detail on the desired open space and trails layout along the river corridor and provides specifics for the Red Mountain Ranch area. The River Corridor Plan identifies and maps the desired locations of three types of open space; preservation areas, natural experience areas and active recreation areas. All three of these areas are designated on portions of the Red Mountain Ranch property.

The River Corridor Plan identifies three types of trails; the soft surface discovery trail, paved trails and the Eagle County ECO Trail. The Red Mountain Ranch plan hosts extensive lengths of the soft surface trail and provides grade separated connection points to the ECO Trail, which is located across Highway 6 from the Red Mountain Ranch property. There are no sections of paved trail indicated within the Red Mountain Ranch lands. The Discovery Trail is approximately 1.5 miles long and provides approximately 2 acres of a recreational amenity.

Preservation Area

The River Corridor Plan designates all the lands south of the Eagle River on Red Mountain Ranch as preservation area and one portion of the lands north of the river. The Red Mountain Ranch PUD Zoning Plan directly responds to the River Corridor Plan by protecting these areas from development by preserving and dedicating these properties. The lands land south of the river in Planning Area 1 will be dedicated to the town and preserved as open space. A well-defined and limited soft surface trail may be designed to provide access to and from the Bluffs area and to the river front.

The lands south and north of the river designated as preservation area on the River Corridor Plan have been designated as Planning Area 3 on the Red Mountain Ranch PUD Zoning Plan. The intent is to convey the land to a local environmental/education entity that will preserve the sensitive lands while utilizing the property for an environmental education facility similar to the Walking Mountains facility in Avon. The upland areas are permitted for a classroom/education facility with limited attached workforce housing. A very thoughtfully designed soft surface trail system, perhaps with a pedestrian bridge over the river, would allow for on-site teaching and an interpretive trail. The Discovery Trail is approximately 1.5 miles long and provides approximately 2 acres of recreational amenity.

Natural Experience Area & Discovery Trail

The natural experience areas identified on the River Corridor Plan mirror the potential location of the soft surface river discovery trail. For efficiency of discussion both the natural experience area and the soft surface discovery trail design within Red Mountain Ranch are described here. The River Corridor Plan indicates the natural experience area and soft surface trail could potentially extend all along the river front from the western boundary of the property to the proposed Eagle River Park.

The Red Mountain Ranch plan has designed the Discovery Trail, at a conceptual level, to extend along the river well into Planning Area 1 and then swing northward up into the property and connect into the Farm (Planning Area 2). This allows the trail to continue eastward without conflict with the BLM in-holding along the river below Planning Area 2. The trail would then extend across the top of the preservation area of Planning Area 3, as shown on the River Corridor Plan, and continue into Planning Area 4 to connect to the Eagle River Park.

Active Recreation Area

The River Corridor Plan indicates one active recreation area on the Red Mountain Ranch property. This area, designated as Open Space Area #7, describes a potential town park with some active recreation uses and a boat ramp. The property includes the remains of a historic cabin and is an ideal location for a grade separated connection to the ECO Trail.

The Red Mountain Ranch PUD Zoning Plan is in complete compliance with this open space designation and designates this area as Planning Area 5B, Eagle River Park.

The Red Mountain Ranch PUD Zoning Plan also indicates the potential for one additional active recreation area. The very western end of the property is designated as a natural experience area and includes the Discovery Trail. The Red Mountain Ranch plan expands upon this area by designating a portion of the upland area as an active public park. Public access would be via the connected Discovery Trail and there would also be vehicular access to public parking located in Planning Area 1. Several public parking spaces would be accommodated in this area and the setting is very appropriate for a small active park.

Remainder of River Corridor Plan

The rest of the River Corridor Plan provides overview, context and implementation information and does not provide any specific direction or goals for the Red Mountain Ranch plan.

7.5 River Corridor Plan Summary

The Red Mountain Ranch PUD Zoning Plan is very much in harmony with the Town of Eagle-River Corridor Plan. The Red Mountain Ranch plan addresses all six of the themes of the plan and is designed specifically to comply with and meet the Future Land Use description, with multi-family housing where designated as appropriate and with decreasing density of clustered neighborhoods of small single family homes. The design of the plan is in harmony with the detailed description of the Cluster Residential Land Use and the open space and trails design matches the goals of the River Corridor Plan.

As stated in the purpose section of the River Corridor Plan: *Development of the recommended residential and commercial uses, open space areas and recreational amenities set forth in this plan will contribute significantly to the prosperity of the town and the quality of life of its residents”.*

8.0 SUMMARY

In summary, the Red Mountain Ranch PUD Zoning Plan outlines a development concept for the property in compliance with the appropriate Town of Eagle Master Plan documents, has no major environmental conditions that may not be mitigated, is fiscally sound for the community, provides significant public amenities and provides for a wide range of housing type and price ranges to accommodate the future growth of the Town of Eagle.

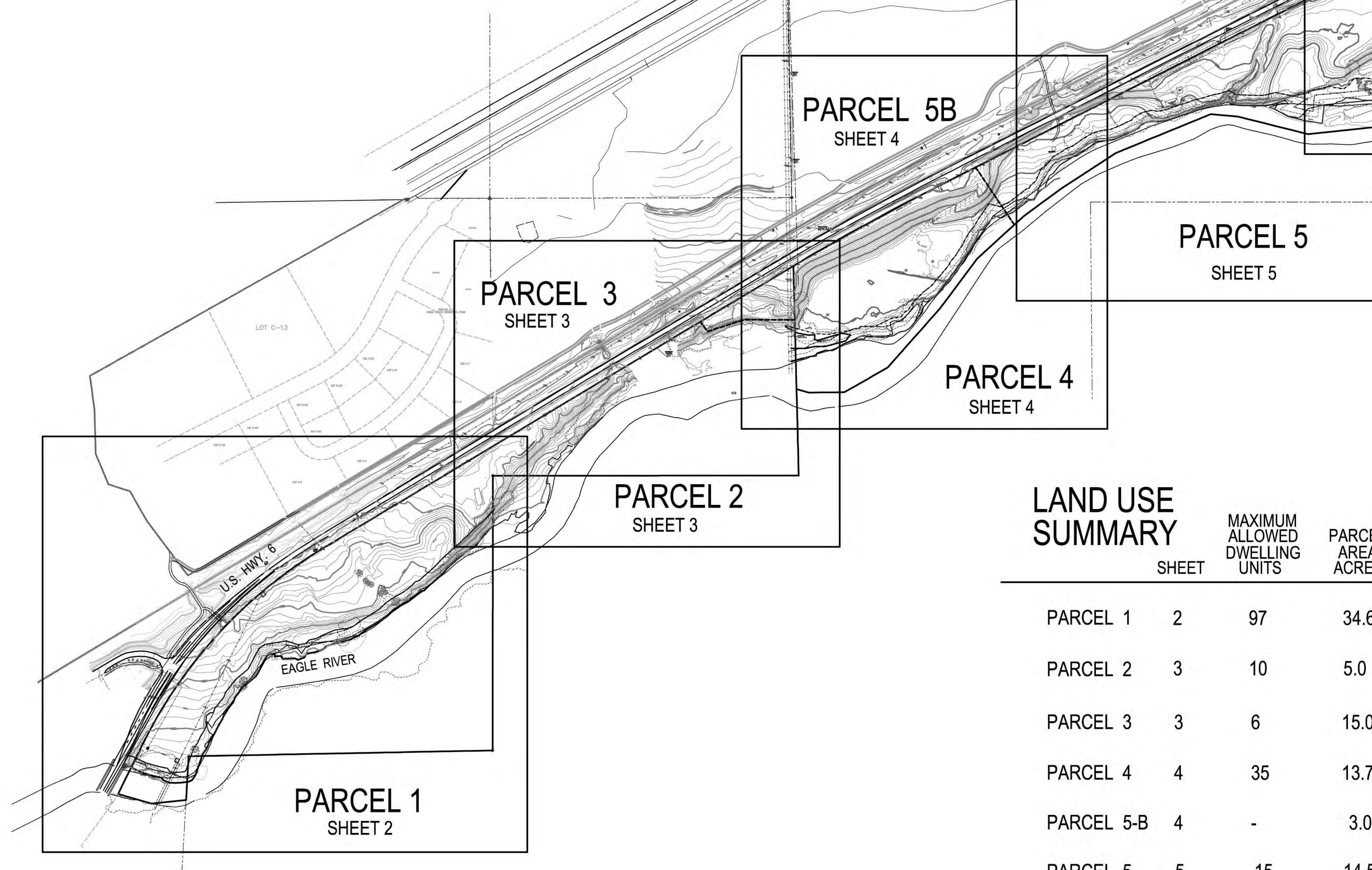
Specifically, the plan:

- A is in compliance with the goals and objectives of the Eagle Area Community Plan,
- A is in compliance with the goals of the Eagle River Corridor Plan,
- A represents a fiscally sound approach to having development pay its own way,
- A has no significant environmental impacts and provides significant public dedication of open space and trail corridors along the Eagle River,
- A will allow for orderly future growth of the Town of Eagle in a well-designed, thoughtful master plan

The PUD Development Plan level of review for each planning area will ensure that the PUD Zoning Plan compliance with the Town's goals, objectives and development standards will continue through the detailed design phase.

PUD Guide and Appendix documents have been removed as they are provided elsewhere in the staff report packet

EXHIBIT B:
Subdivision Sketch Plan
(attached)



LAND USE SUMMARY		SHEET	MAXIMUM ALLOWED DWELLING UNITS	PARCEL AREA ACRES	PROPOSED ZONING
PARCEL 1	2	97	34.6	R / PUD	
PARCEL 2	3	10	5.0	C / PUD	
PARCEL 3	3	6	15.0	C / PUD	
PARCEL 4	4	35	13.7	R / PUD	
PARCEL 5-B	4	-	3.0	P / PUD	
PARCEL 5	5	15	14.5	R / PUD	
PARCEL 6	6	25	20.0	R / PUD	
PARCEL 7	7	9	24.5	R / PUD	
TOTALS			*153	130.3	
*TOTAL D.U. NOT TO EXCEED 153					

SKETCH PLAN
COVER SHEET
RED MOUNTAIN RANCH

EAGLE, COLORADO



NOTES:


- Refer to the Red Mountain Ranch Annexation Map for legal description.
- 100 year floodplain per Eagle County / Matrix Floodplain Study.
- Existing Zoning is Eagle County Resource (R)
- There are no commercial mineral deposits located on site.

SHEET 1 OF 7

DATE: 1-21-2019

**PARCEL 1 (R-PUD)
MULTIFAMILY RESIDENTIAL PUD**

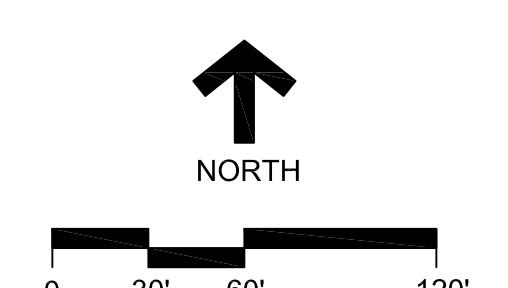
34.6 ACRES



**SKETCH PLAN
PARCEL 1**

**RED MOUNTAIN
RANCH**

EAGLE, COLORADO



SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

SHEET 2 OF 7

DATE: 1-21-2019

PARCEL - 2 COMMERCIAL PUD


DWELLING UNITS PARCEL ACRES

TOTALS 10 5.0

PARCEL - 3 COMMERCIAL PUD

DWELLING UNITS	PARCEL ACRES
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TOTALS 6 15.0




PARCEL- 4

RESIDENTIAL PUD

DWELLING UNITS	PARCEL ACRES
35	13.7

PARCEL - 5B PUBLIC PUD

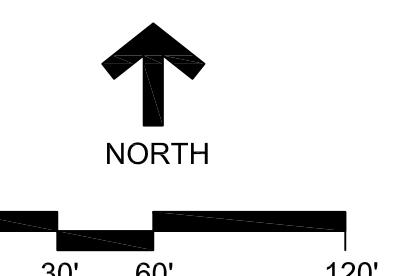
PARCEL ACRES



SKETCH PLAN PARCELS 4 and 5-B

RED MOUNTAIN RANCH

EAGLE, COLORADO




SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

SHEET 4 OF 7

PARCEL- 5 RESIDENTIAL PUD


DWELLING UNITS **PARCEL ACRES**

TOTALS 15



PARCEL - 6
RESIDENTIAL PUD

DWELLING UNITS
PARCEL ACRES
TOTALS 25 20.0



PARCEL - 7
RESIDENTIAL PUD
SUMMARY

DWELLING
UNITS ACRES

TOTALS 9 24.5




EXHIBIT C:

Public Comment

(attached)

Morgan Landers
Town of Eagle Community Development Director
PO Box 609
Eagle CO 81631

February 19, 2019

RE: Red Mountain Ranch Partnership Annexation and PUD review

Dear Ms. Landers,

I am writing this letter in regards to the Red Mountain Ranch Partnership's request for annexation into the Town of Eagle and corresponding Planning Unit Development review.

I spoke with Merv Lapin recently and he asked me to share my experience working with him to procure a 1.2- mile trail easement for the purpose of constructing 7-miles of paved trail from the Town of Eagle to the Horn Ranch Open Space east of Eagle. At the time, I was the Eagle County ECO Trails Program Manager and lead on the trail project.

The grant of an easement by Mr. Lapin was a major step forward for the project and created momentum for successful grant funding and participation by neighboring properties. Despite an initial position that he preferred to wait until he was ready to pursue development of the property, Mr. Lapin agreed to provide the public trail easements in 2016. A fee was paid, based on an appraisal.

The timely acquisition of easements, as Mr. Lapin understood and responded to, improved the competitiveness of the project for a \$2 million Great Outdoors Colorado grant opportunity. The project had also been selected as one of Governor Hickenlooper's "16 in 2016" priority public trail projects as a joint effort by Eagle County and the Town of Eagle. The project was submitted for grant funding with the majority of easements in place or imminent, near-final design and significant local cash match.

During and following the grant of the easement, Mr. Lapin attended meetings and field trips with the GOCO Board and Governor to demonstrate his full support as a private landowner and partner in the project. The GOCO application for the Eagle to Horn Ranch Trail project received the highest score of all applications submitted that round and was funded for the maximum grant amount of \$2 million.

In summary, I stated in 2016-2017 and recently to Mr. Lapin that his cooperation in the Eagle to Horn Ranch trail project was a major reason for the project's success and that I was very agreeable to sharing the details of the cooperative and collaborative role that he undertook in this public amenity project that will serve the community for years to come.

Sincerely,

Ellie Caryl

Ellie Caryl

Former Manager of the Eagle County ECO Trails Program
Partner, Veracity LLC

EXHIBIT D:

Mineral Rights

Notification Affidavit

(attached)

TOWN OF EAGLE, COLORADO
CERTIFICATE OF NOTICE TO MINERAL ESTATE OWNER

The undersigned has read and fully understands the requirements of C.R.S. § 24-65.5-103, and acknowledges the following:

1. The undersigned is the surface owner of the surface estate for which an application has been submitted to the Town of Eagle, Colorado, for one or more of the following land use actions that will result in surface development (the "Application"): conditional review use permit; sketch plan; preliminary or final plat; special use permit; PUD plan that changes or creates lot lines; or zoning or rezoning that changes or creates lot lines. The name and general location (Quarter, Section, Township, and Range) of the property subject to the application for development is: ATTACHED → 7 PARCELS.
2. Pursuant to C.R.S. § 24-65.5-103, at least 30 days prior to any action on the Application, written notice of the Application be sent to all mineral interest owners of record by certified mail or nationally recognized overnight courier.
3. The undersigned has identified the mineral interest owners entitled to notice by examining the records in the office of the Eagle County Assessor and Clerk and Recorder.
4. The 30-day notice to mineral interest owners is a condition of approval for the application.
5. The undersigned has provided the notice required by C.R.S. § 24-65.5-103.

SURFACE OWNER AND APPLICANT

Mervyn Lupin

STATE OF COLORADO)
COUNTY OF Eagle) ss.
)

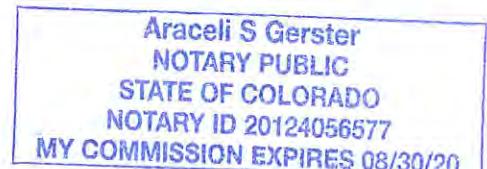
19 The foregoing instrument was subscribed, sworn to and acknowledged before me on this
day of February, 2018, by Mervyn Lupin.

WITNESS my hand and official seal.

(S E A L)

Araceli S Gerster
Notary Public

My commission expires: August 30, 2020



Account: R022056Location

Situs Address 17500
HWY 6

Tax Area SC059 -
EAGLE (AREA) - SC059

Parcel Number 1939-
331-00-002

Legal Summary Tract: 70
Section: 33 Township: 4
Range: 84 NE1/4 PCLIN
AKA A.E. NOGAL
PROPERTY PARCEL 3
BK-0255 PG-0713 MAP
05-26-77
BK-0317 PG-0072
BK-0319 PG-0774
BK-0346 PG-0187
BK-0346 PG-0548
R200626058 EAS 09-25-
06

Owner Information

Owner Name GRIFFIN
DEVELOPMENT LLC

Owner Address PO BOX
3149

VAIL, CO 81658-3149

Assessment History

Actual (2018)	\$310,300
----------------------	-----------

Assessed	\$22,720
-----------------	----------

Tax Area: SC059 Mill Levy: 58.3620

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$308,540	\$22,210			1596.000
Land		\$1,760	\$510	34.760	0.000 0.000

Transfers**Sale Date**

[11/10/1980](#)

[08/27/1993](#)

[12/15/2010](#)

[01/09/2019](#)

Sale Price

[\\$350,000](#)

[\\$280,000](#)

[\\$4,000,000](#)

Doc Description

[Deeds](#)

[WARRANTY DEED](#)

[SPECIAL WARRANTY DEED](#)

[EASEMENT](#)

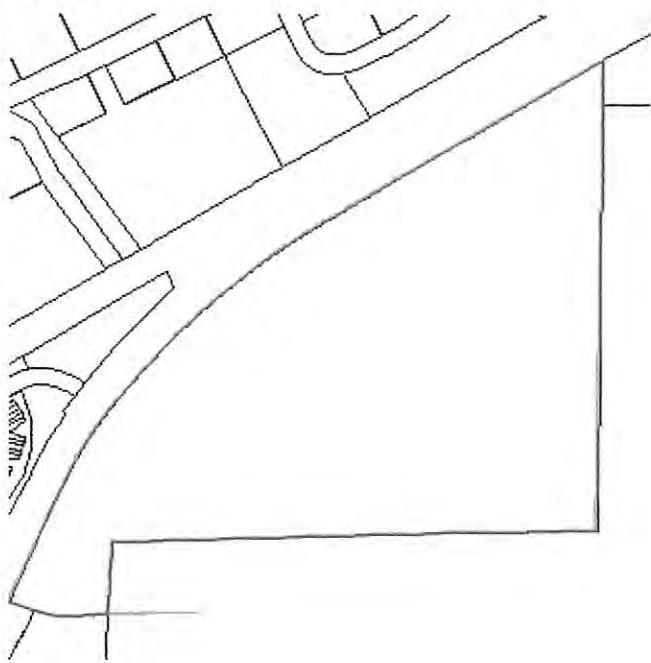
[SPECIAL WARRANTY DEED](#)

Images

- [Photo](#)
- [Sketch](#)
- [GIS](#)

2/19/2019

Account

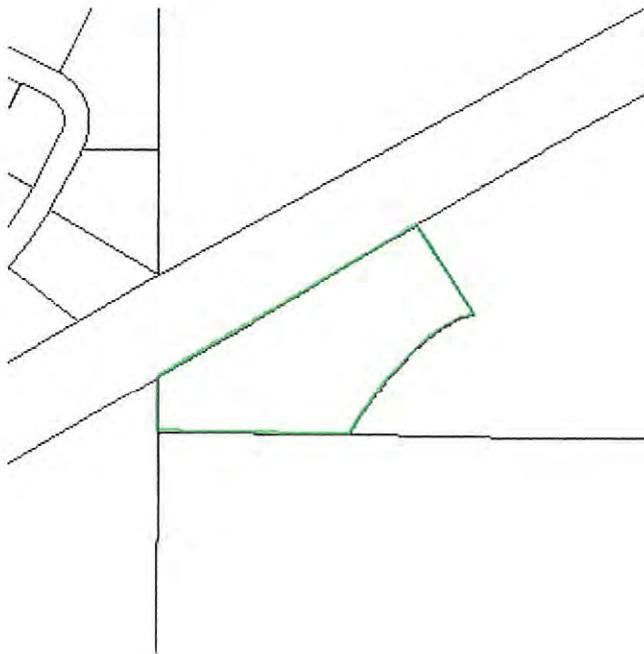


Account: R064915Location**Situs Address** 18000 HWY 6**Tax Area** SC059 - EAGLE (AREA) - SC059**Parcel Number** 1939-331-00-004**Legal Summary** Tract: 59
Section: 33 Township: 4
Range: 84 PCLINOwner Information**Owner Name** MERVYN LAPIN REVOCABLE TRUST**Owner Address** 232 W MEADOW DR
VAIL, CO 81657-5079Assessment History**Actual (2018)** \$15,640**Assessed** \$4,540**Tax Area: SC059 Mill Levy:** 58.3620

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$13,690	\$3,970			
Land	\$1,950	\$570	5.400	0.000	0.000

Transfers**Sale Date**06/09/2011**Sale Price**\$150,000**Doc Description**WARRANTY DEEDEASEMENTImages

- [Photo](#)
- [Sketch](#)
- [GIS](#)



Account: R064916

Location

Situs Address HWY 6
Tax Area SC059 - EAGLE (AREA) - SC059
Parcel Number 1939-342-00-042
Legal Summary Tract: 59
Section: 33 Township: 4 Range: 84
PCLIN Tract: 59 Section: 34
Township: 4 Range: 84 PCLIN
BK-0318 PG-0850
R215221 WD 02-19-81
BK-0350 PG-0647 PTD 12-17-82
BK-0377 PG-0681 SWD 02-01-84
BK-0377 PG-0682 SWD 02-01-84

Owner Information

Owner Name RED MOUNTAIN RANCH PTNSHP LTD
In Care Of Name MERV LAPIN
Owner Address 232 W MEADOW DR
VAIL, CO 81657-5079

Assessment History

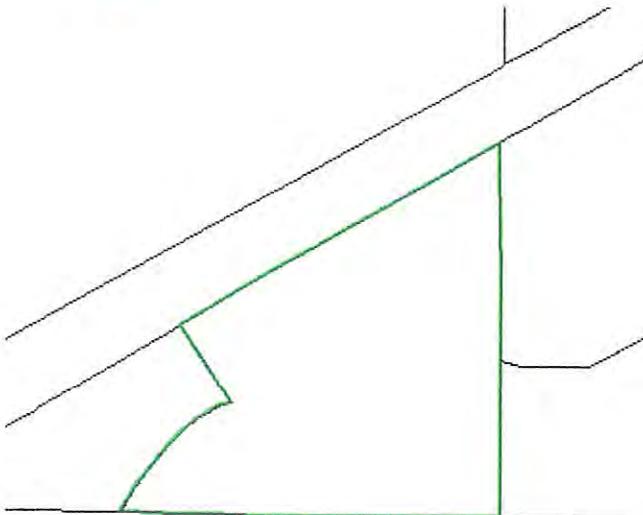
	Actual (2018)	\$5,250				
Assessed		\$1,520				
Tax Area: SC059	Mill Levy: 58.3620					
	Type	Actual	Assessed	Acres	SQFT	Units
Land	\$5,250	\$1,520	14.500	0.000	0.000	

Transfers

No Transfer Documents

Images

- [GIS](#)



Account: R056311

Location

Situs Address 19000 HWY 6
Tax Area SC059 - EAGLE (AREA) - SC059
Parcel Number 1939-342-00-041
Legal Summary Section: 27 Township: 4 Range: 84 BK-0327 PG-0290 WD 08-05-81 BK-0327 PG-0292 08-06-81 BK-0327 PG-0294 WD 08-05-81 BK-0327 PG-0920 WD 08-17-81 BK-0327 PG-0921 WD 08-17-81 BK-0337 PG-0410 QCD 03-04-82 BK-0377 PG-0682 BK-0378 PG-0088 WD 02-07-84

Owner Information

Owner Name RED MOUNTAIN RANCH PTNSHP LTD
In Care Of Name MERV LAPIN
Owner Address 232 W MEADOW DR VAIL, CO 81657-5079

Assessment History

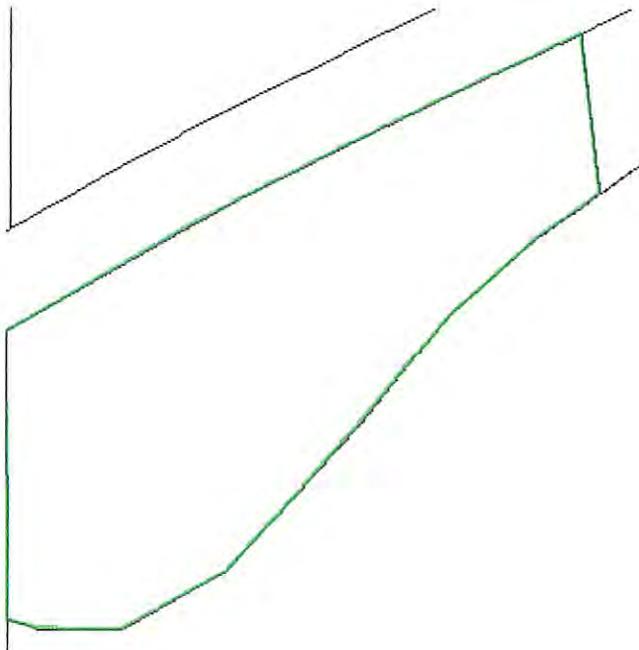
	Actual (2018)	\$5,570
	Assessed	\$1,620
	Tax Area: SC059	Mill Levy: 58.3620
Type	Actual	Assessed
Land	\$5,570	\$1,620
Acres	15.400	0.000
SQFT	0.000	0.000
Units		

Transfers

No Transfer Documents

Images

- [GIS](#)



Account: R020638**Location**

Situs Address 019500 HWY 6

Tax Area SC059 - EAGLE (AREA) - SC059

Parcel Number 1939-273-00-029

Legal Summary

Subdivision: RED MOUNTAIN RANCH Lot: 1
FILING 1 BK-0376 PG-0352
01-09-84
BK-0441 PG-0878 05-14-86
(DOWLING PARCEL, M.
LAPIN PURPOSE ONLY)

Owner Information

Owner Name RED MOUNTAIN RANCH PTNSHP LTD

Owner Address 232 W MEADOW DR VAIL, CO 81657-5079

Assessment History

Actual (2018)	\$79,390
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Assessed	\$7,410
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Tax Area: SC059 Mill Levy: 58.3620

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$71,620	\$5,160	0.000	1422.000	0.000
Land	\$7,770	\$2,250	8.060		0.000

Transfers**Sale Date**

[02/19/1991](#)

[09/22/1998](#)

Sale Price

[\\$162,000](#)

[\\$200,000](#)

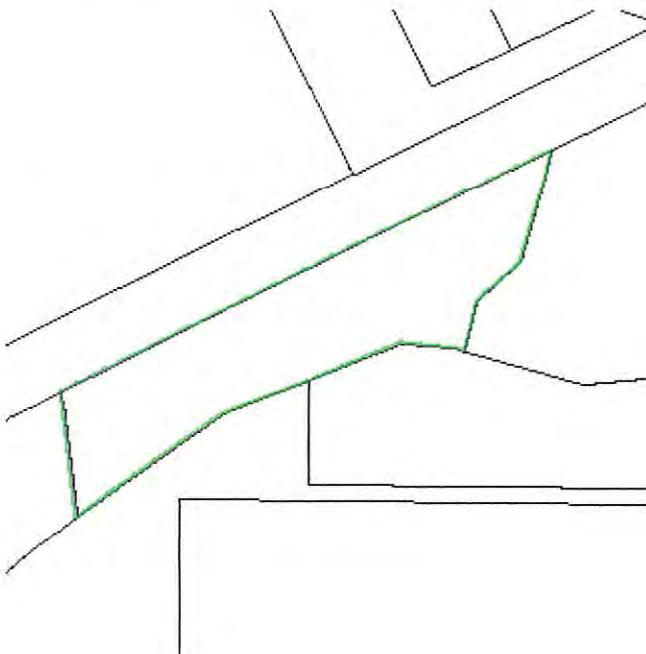
Doc Description

[WARRANTY DEED](#)

[WARRANTY DEED](#)

Images

- [Photo](#)
- [Sketch](#)
- [GIS](#)



Account: R056312**Location**

Situs Address HWY 6
Tax Area SC059 - EAGLE (AREA) - SC059
Parcel Number 1939-274-00-039
Legal Summary Section: 34
 Township: 4 Range: 84 BK-0327 PG-0290 WD 08-05-81
 BK-0327 PG-0292 08-06-81
 BK-0327 PG-0294 WD 08-05-81
 BK-0327 PG-0920 WD 08-17-81
 BK-0327 PG-0921 WD 08-17-81
 BK-0337 PG-0410 QCD 03-04-82
 BK-0377 PG-0682
 BK-0378 PG-0088 WD 02-07-84

Owner Information

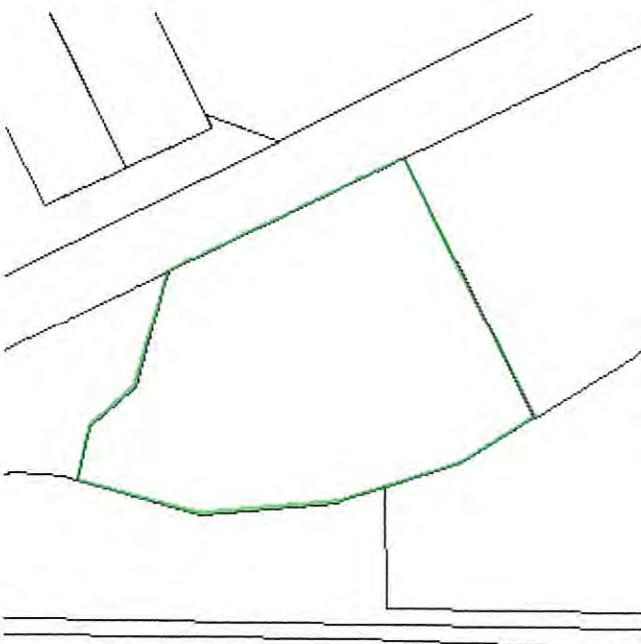
Owner Name RED MOUNTAIN RANCH PTNSHP LTD
In Care Of Name MERV LAPIN
Owner Address 232 W MEADOW DR
 VAIL, CO 81657-5079

Assessment History

	Actual (2018)	\$4,810
Assessed		\$1,390
Tax Area: SC059	Mill Levy: 58.3620	
Type	Actual Assessed Acres	SQFT Units
Land	\$4,810	\$1,390 13.286 0.000 0.000

Transfers**No Transfer Documents****Images**

- [Photo](#)
- [GIS](#)



Account: R064767Location**Situs Address** 19820 HWY 6**Tax Area** SC016 - EAGLE
(AREA) - SC016**Parcel Number** 1939-263-00-012**Legal Summary** Section: 27

Township: 4 Range: 84

PCLIN TRACTS 57 & 58

Section: 26 Township: 4

Range: 84 PCLIN TRACTS

56 & 57 BK-0131 PG-0447

BK-0219 PG-0473

BK-0327 PG-0290

BK-0327 PG-0294

BK-0327 PG-0920

BK-0327 PG-0921

BK-0337 PG-0410

BK-0372 PG-0753

BK-0378 PG-0088 02-07-84

R670698 WD 09-25-98

Owner Information**Owner Name** RED
MOUNTAIN RANCH
PTNSHP LLLP**Owner Address** 232 W
MEADOW DR
VAIL, CO 81657-5079Assessment History**Actual (2018)** \$37,920**Assessed** \$11,000**Tax Area: SC016 Mill Levy: 54.7120**

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$23,190	\$6,730			
Land	\$14,730	\$4,270	40.689	0.000	0.000

Transfers**Sale Date****Sale Price****Doc Description**EASEMENTImages

- [Photo](#)
- [Sketch](#)
- [GIS](#)

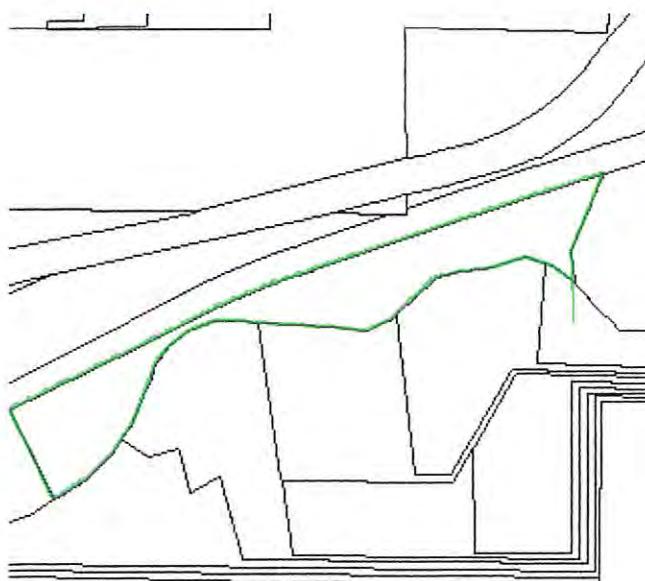


EXHIBIT E:
Site Orientation Package
(LINK)
https://
www.townofeagle.org/
DocumentCenter/
View/14927/B-Site-Visit-
Memo_RedMtnRanch

EXHIBIT F:
PUD Zoning Plan Map
(LINK)
[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14887/PUD-Zoning-Plan-Map)
DocumentCenter/
[View/14887/PUD-Zoning-Plan-Map](https://www.townofeagle.org/DocumentCenter/View/14887/PUD-Zoning-Plan-Map)

EXHIBIT G:
PUD Guide
(LINK)
[https://](https://www.townofeagle.org/DocumentCenter/View/14888/PUD-Guide)
[www.townofeagle.org](https://www.townofeagle.org/DocumentCenter/View/14888/PUD-Guide)
[/DocumentCenter/](https://www.townofeagle.org/DocumentCenter/View/14888/PUD-Guide)
[View/14888/PUD-](https://www.townofeagle.org/DocumentCenter/View/14888/PUD-Guide)
[Guide](https://www.townofeagle.org/DocumentCenter/View/14888/PUD-Guide)

EXHIBIT H:

Wildlife Report

LINK:

[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14894/Appendix-B-Red-Mtn-Wildlife-Report)
DocumentCenter/View/14894/
Appendix-B-Red-Mtn-
Wildlife-Report

EXHIBIT I:
Geotech Report

LINK:

[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14895/Appendix-C-Red-Mtn-Geotech-Report)
DocumentCenter/View/14895/
Appendix-C-Red-Mtn-
Geotech-Report

EXHIBIT J:
Traffic Report

LINK:

[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14896/Appendix-D-Red-Mtn-Traffic-Report)
DocumentCenter/View/14896/
Appendix-D-Red-Mtn-
Traffic-Report

EXHIBIT K:

Utility Report

LINK:

[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14897/Appendix-F-Red-Mtn-Utility-Report)
DocumentCenter/View/14897/
Appendix-F-Red-Mtn-Utility-
Report

EXHIBIT L:
Drainage Report
LINK:

[https://www.townofeagle.org/](https://www.townofeagle.org/DocumentCenter/View/14898/Appendix-G-Red-Mtn-Drainage-Report)
DocumentCenter/View/14898/
Appendix-G-Red-Mtn-
Drainage-Report

EXHIBIT M:

Existing Slope Exhibit

LINK:

**[https://www.townofeagle.org/
DocumentCenter/View/14902/
Existing-Slope-Exhibit](https://www.townofeagle.org/DocumentCenter/View/14902/Existing-Slope-Exhibit)**

EXHIBIT N:

Fiscal Impact Report

LINK:

[https://www.townofeagle.org/
DocumentCenter/View/14903/
Fiscal-Impact-Report](https://www.townofeagle.org/DocumentCenter/View/14903/Fiscal-Impact-Report)

EXHIBIT O:

**February 19, 2019 Staff
Report - RMR PUD and
Vested Rights
(attached)**



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: February 11, 2019

PROJECT: Red Mountain Ranch Planned Unit Development

FILE NUMBER: PUD17-01

APPLICANT: Merv Lapin Revocable Trust & Red Mountain Ranch Partnership LLP

LOCATION: Approximately 130 acres on the east end of the town boundaries, south of Highway 6, north of the Eagle River. Parcel Numbers 193926300012, 193927400039, 193927300029, 193934200041, 193934200042, 193933100004, 193933100002.

CODE: Chapter 4.11 – Planned Unit Development
Chapter 4.17 – Vested Property Rights

ZONING: (Existing) Resource (R) in Unincorporated Eagle County; (Proposed) Residential (R/PUD), Commercial (C/PUD), and Public (P/PUD), in the Town of Eagle

EXHIBITS: Full Copies of the staff report and exhibits are available at Town Hall. Hard copies will also be available at the hearing.

A: Application and Written Narrative
B: Site Orientation Package and P & Z Site Visit Comments
C: PUD Zoning Plan Map
D: PUD Guide
E: Subdivision Sketch Plan
F: Exception Request
G: Housing Memo
H: Variations Memo
I: Open Space Overview Memo
J: Wildlife Report
K: Geotech Report
L: Traffic Report
M: Utility Report
N: Drainage Report
O: Water Rights Analysis
P: EQR Assessment
Q: Existing Slope Exhibit
R: Fiscal Impact Report
S: Access Management Plan (Draft)

T: Town of Eagle Referral Response Summary Report dated June 27, 2018

U: Applicant's Response to Referral Comments dated October 12, 2018

V: Town of Eagle Referral Response Summary Report dated November 19, 2019

W: Public Comment

PUBLIC COMMENT: Staff has received no letters of public comment as of 12pm on February 15, 2019. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Stephanie Stevens, Planning Consultant

Morgan Landers, Town Planner/Community Development Director

REQUESTS:

1. (PUD) Zoning Map Application - max of 153 dwelling units of various types, limited commercial areas, and open space/park areas; and
2. Site Specific Development Plan (vested property rights)

BACKGROUND

The applicant, Mervyn Lapin on behalf of Mervyn Lapin Revocable Trust and Red Mountain Ranch Partnership, LLLP, proposes to annex and initially zone 130.835 acres of property located just east of Town boundary to Planned Unit Development ("PUD") to accommodate residential, commercial, public, and community based uses. The request to initially zone the property to PUD is accompanied by a PUD Zoning Plan, in the form of a Zoning Plan Map and PUD Guide, in accordance with Chapter 4.11 of the Municipal Code. Also included in the application is a Subdivision Sketch Plan which is intended to identify how the overall 130-acre Red Mountain Ranch property will be initially subdivided to create each described Planning Area in this application as a separate fee simple parcel. The property is accessed by Highway 6 to the north, and bounded by the Eagle River to the south, and is currently zoned Resource in unincorporated Eagle County. Highway 6 is under the jurisdiction of the Colorado Department of Transportation (CDOT). Locations, design, and approval of access points along the Highway are at the sole discretion of CDOT and cannot be dictated by the Town of Eagle. Annexation and PUD zoning are proposed in order to achieve higher densities and more variety of uses than are currently allowed by the county zone districts.

The Community Plan recommends annexation of properties into the Town that are contained within the growth boundary. The Red Mountain Ranch property is, except for Planning Areas 6 & 7, within the Urban Growth Boundary defined within the Eagle Area Community Plan (EACP). Thus, an exception to the EACP is required and must be granted by the Town of Eagle Planning Commission. Prior to a consideration of an exception, the request must be considered by the Eagle County Planning Commission resulting in a recommendation to the Town of Eagle Planning Commission. An exception request is included as part of the application (Exhibit F) and a memo from the Eagle County Planning Commission is included in Exhibit T, referral response summary report from June 27, 2018.

The purpose of the PUD Zoning Plan is to establish the permissible type, location, and densities of land uses and to determine the compatibility of the PUD proposal with the Town's goals, policies and plans and with the purposes of the Planned Unit Development Zone District. Unlike past applications that have gone before the Planning & Zoning Commission, the subject proposal does not include a PUD Development Plan, Development Permit, or Subdivision Plat of individual lots; thus, the level of review by the Planning & Zoning Commission is more broad-level at this stage and is to be reviewed based on the request to establish zoning only. The Planning & Zoning Commission is to review the Zoning Plan, Vesting, and Subdivision Sketch Plan at the public hearing and make a recommendation to the Board of Trustees. After the Planning & Zoning Commission has made its recommendation for approval or denial, the Board will review the proposed Zoning Plan, Vesting, and Subdivision Sketch Plan at a public hearing, along with the annexation petition, and take final action on all applications. While the annexation is important for the Planning & Zoning Commission to consider as it relates to the proposed zoning, the Planning & Zoning Commission does not act on the annexation.

The applicant is also requesting for the PUD Zoning Plan to be designated as a "Site-Specific Development Plan" to be vested for a period of 20 years. The Town Board may, by agreement with the applicant, designate approval of the PUD Zoning Plan (i.e. PUD Zoning Plan Map and PUD Guide) establishing types and intensity of uses, without being accompanied by Subdivision or Development Plan, to serve as the Site-Specific Development Plan approval for this

specific project pursuant to Section 4.17.020(D) of the Land Use and Development Code. The action of the Planning & Zoning Commission and Town Board for approval of a Site-Specific Development Plan shall be in the same form as that required to approve the PUD Zoning Plan.

It should also be noted that while assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a determination by the Commission or Board. Section 4.14.020 states, “Except as provided below, the provisions of this chapter shall apply to all applications for subdivision approval pursuant to Chapter 4.12; planned unit development approval pursuant to Chapter 4.11; development permit approval pursuant to Chapter 4.06; and special use permit approval pursuant to Section 4.05.010. *In cases where multiple land use applications are required, compliance with APF (Chapter 4.14) shall be required to be demonstrated with the land use application last in sequence (time).*” For the subject proposal, a determination will be required at time of Development Permit or Subdivision which creates individual residential or commercial lots.

Further approval of a Development Plan and Permit, along with Subdivision, will be required if the PUD is approved and once final design is known, to implement any concepts shown. Approved access permits from CDOT will also be required at the Development Plan and Permit stage of the project.

PROJECT SUMMARY

The PUD Zoning Plan provides for seven planning areas within the PUD. These seven planning areas include five residential districts, R/PUD-1, R/PUD-2, R-PUD-3, R-PUD/4, and R/PUD-5; two commercial districts, C/PUD-1, C/PUD-2; a public district, P/PUD; and ten sub-districts intermixed throughout the planning areas that are reserved for open space, OS-1 through OS-10. In short, the PUD authorizes a total of 153 dwelling units, 10,000 square feet of commercial space, an environmental education center of 10,000 square feet, public and private open space, active and passive parks and recreation areas, and trails on 130.835 acres of land. The project was reviewed by staff and external agencies based on the applicant’s vision of the property at the highest potential yield. Requirements such as land dedication, infrastructure improvements, and impact fees will be re-evaluated at time of Development Permit or Subdivision where individual lots are being created, once more specifics to the design are known and unit counts are defined.

The following is a brief description of each planning area, please reference the Written Narrative, PUD Zoning Plan Map, and PUD Guide attached for specific details and standards set forth for each planning area (see Exhibits A, C, and D):

- Planning Area 1 contains 34.6 acres and is proposed to be designated as R/PUD-1 that allows for a variety of residential land uses including single family, duplex, townhomes, condominiums and apartments at a maximum density of 97 dwelling units; and three open space areas.
- Planning Area 2 contains 5 acres and is designated as C/PUD -1, a mixed-use plan of commercial (up to 10,000 square feet), residential and farm uses. The intent of Planning Area 2 is to allow for the development of a neighborhood center with small-scale commercial development that supports the neighborhoods and provides the opportunity for river view commercial, community gathering space and pavilion.
- Planning Area 3 contains 15 acres, is designated as C/PUD-2, and is intended to host a nature/education facility that may include environmental education programming activities and environmental interpretation exhibits. C/PUD-2 would be allowed to include a nature/education center building and associated residences (up to 6 dwellings).
- Planning Area 4 is a 13.7 acre reclaimed gravel mine area that sits 40 feet below Highway 6, is proposed to be designated as R/PUD-2, and reserved for residential homes at a maximum density of 35 dwelling units.
- Planning Area 5 contains 14.5 acres, is proposed to be designated as R/PUD-3, and reserved for clustered, low-density residential home sites at a maximum density of 15 single family or duplex units, with common open space and park area.
- Planning Area 5B contains 3 acres, is proposed to be designated as P/PUD, and will be dedicated to the Town for a public park with river access and a boat ramp.
- Planning Area 6 is designated as R/PUD-4, and is proposed for low-density single family and duplex homes at a maximum density of 25 single family or duplex homes across 20 acres.

- Planning Area 7 is designated as R/PUD-5, and is proposed for low-density single-family homes at a maximum density of 9 single-family homes across 24.5 acres.
- The open space planning areas OS-1 through 10 make up the minimum open space and recreational areas provided onsite in addition to the private usable open spaces.

STANDARDS FOR APPROVAL

Standards for a Community Plan Exception

Per the EACP (page 182), a request for an “Exception to the Plan” must be submitted with an application for land use, and may be subsequently approved by the Town and/or the County so long as all of the following criteria, in addition to those criteria and standards associated with the applicable land use review process, are met:

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.

Standards for Planning Unit Developments (PUDs)

The purpose of PUDs is outlined in Section 4.11.020 of the Municipal Code. PUDs are intended 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. Standards and requirements for Planned Unit Developments are set forth in Section 4.11.030, and summarized below as follows:

Standard #1: Every PUD shall be in conformance with this Code and the Town's ordinances, goals, policies and plans.

Section 4.11.030 of the Municipal Code outlines specific requirements of PUDs as it relates to:

- A. Size
- B. Zoning
- C. Open Space
- D. Maintenance of Open Space
- E. Municipal and Park Land Dedication
- F. PUD Perimeter
- G. Street Standards
- H. Phasing

Staff finds that the proposed Planned Unit Development is in general conformance with the PUD standards as set forth in the code. However, staff does not find the proposed project to be in conformance with the conditions for an exception to the Community Plan or sections of the towns Development Code without addressing outstanding concerns which are summarized at the end of the staff report. In general, these concerns relate to water and sanitary sewer service, stream setback requirements, and development phasing.

REVIEW OF STANDARDS

EACP Exception Standards

As outlined above, the following conditions need to be met in order for an exception to be granted. Staff has provided comments to each condition below for Planning Commission's consideration.

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
 - a. The property ownership and configuration has not changed since the adoption of the EACP, however, the River Corridor Plan had not been completed. The River Corridor Plan outlined more specific requests related to preservation of open space, development parameters, and recreational objectives that were not contemplated at the time of adoption of the EACP.
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
 - a. The PUD generally conforms with the goals, policies, and strategies of the town with the exception of municipal water and sanitary sewer service and stream setback goals for the project as further described later in this report.
3. The proposed land use is clearly in the public interest, and addresses a viable public need, and
 - a. There are many benefits to the proposal that would be in the public interest of the town of eagle, primarily related to the control and management of a larger stretch of the Eagle River and the protection and management of access associated with the PUD. Additionally, if negotiated, the cash-in-lieu for the LERP requirement could provide a large off-site public benefit in another area of town that is of great need.
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
 - a. The proposed mitigation measures to the impact of the development and the large amounts of protected areas assist the PUD in complying with this requirement.
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
 - a. This property is within the Eagle River Corridor Special Character Area which is also reinforced by the Eagle River Corridor Plan. Staff believes that the PUD is in general compliance with these plans.
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.
 - a. The proposal tapers densities from the west to the east with the majority of the density in Planning Areas 1 and 2 with much of the area in the remaining planning areas preserved as open space or other recreational/conservation uses.

PUD Standards

Standard #1: The proposed development shall be in conformance with the town's regulations, goals and policies.

Town of Eagle Goals and Policies

In review of the first standard, staff refers to four main documents:

- The Eagle Area Community Plan – Adopted in 2010
- The Eagle River Corridor Plan – Adopted in 2015
- Town of Eagle Strategic Plan – Adopted in 2017
- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code

Eagle Area Community Plan

The following is an overview of the concepts for which the subject proposal is found to comply with the goals and policies of the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #2, Policies 2.1, 2.2: The project achieves infrastructure and transit efficiency by promoting relatively compact, walkable neighborhoods closest to the community core and designing for lower density residential neighborhoods served by private drives on the properties further from the community core, eliminating the need for any additional public road extensions.
2. Chapter 3: Land Use Goal #3, Policy 3.1: The project assures access to surrounding neighborhoods and commercial areas, and accommodates mobility options by providing means of interconnection utilizing the existing transportation network, and providing the potential to connect local paths to regional trail systems.
3. Chapter 3: Land Use Goal #4, Policy 4.1: The project aims to preserve high quality agricultural lands, public resources, wildlife resources, forest resources and viewsheds by placing strong emphasis on open space and the protection of Eagle River. The PUD Zoning Plan identifies over 70% of the land within the property as open space and recreation/park uses. The plan protects significant areas of riverfront lands as undisturbed native habitats, as improved natural open space, as formal and informal park lands, and as wetlands.
4. Chapter 4: Future Land Use Map: Conservation Oriented Development: The project strives to balance conservation and development objectives to achieve the intent of the Conservation Oriented Development land use designation by setting aside large swaths of land as open space and encouraging clustered development; providing quality open space by dedicating lands to be used for trails, drainage, debris flow mitigation, roadways, fishing access, landscaping and active recreation opportunities (i.e. play areas, sports courts, and integrated trails); providing enhanced setbacks along Highway 6 and the Eagle River; and facilitating the preservation of attributes of high conservation value on the property. It also provides for small-scale commercial opportunities along Highway 6 to serve the needs of the immediate neighborhood.
5. Chapter 5: Eagle River Corridor Character Area: The portions of land that are within the Town's urban growth boundary are within the Eagle River Corridor Character Area. The project incorporates the planning principles set forth for this Character Area by placing a high priority on protecting wildlife, riparian habitats, and other sensitive lands; preserving the river corridor for open space and recreational uses; providing opportunity for public access to the river; broadening recreational opportunities and trail systems; preserving the character of the river corridor; and keeping densities low as to preserve views, reduce impacts on water quality, enhance the value of the land, and maximize the quality of recreational experiences.
6. Chapter 11: Economic Development Goal #1, Policies 1.1, 1.2: The project aims to support a vibrant, sustainable, and diverse economy by necessitating high quality development that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands; and by proving opportunities to optimize commercial development by providing limited neighborhood and community supported small commercial uses intended to be unique to Eagle.

The following is an overview of the concepts for which the subject proposal is found to conflict with the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #1, Policy 1.1; and Land Use Goal #2, Policies 2.1, 2.2: The project conflicts with the future land use map in that a portion of the property lies outside of the Town's established urban growth boundary, which creates challenges and unplanned pressures in connecting to the Town's systems.
2. Chapter 3: Land Use Goal #4, Policy 4.1: The PUD could have potential impacts on existing wildlife resources, water resources, forest resources and viewsheds; and may detract from the quality of life in the Town of Eagle based on the character that the ecosystem provides.
3. Chapter 3: Land Use Goal #5, Policy 5.2: The PUD proposes development that eradicates a portion of the natural landscape and may negatively impact sensitive lands and environments.
4. Chapter 8: Natural Resources Goal #1, Policies 1.1, 1.5, 1.6: The PUD, if not implemented successfully, could have impacts from point source and non-point source runoff, which could degrade the overall water quality in the area; have repercussions on the existing wildlife habitats that move through the area; and degrade the quality of viewsheds.
5. Chapter 13: Public Service & Infrastructure Goal #1, Policy 1.4: The proposal may involve varying from town-wide policies that require connections to public services; and could impact servicing of the community as a whole.

The following is an overview of the concepts for which the subject proposal is found to comply with the Eagle River Corridor Plan:

1. Chapter 1: The project prioritizes conservation, economic development, recreation, place-making, transportation and access, and education and awareness principles as described in the Eagle River Corridor Plan. Generous setbacks are provided for; open space is protected; commercial opportunities are present; significant recreational opportunities exist; place-making is emphasized; connections to regional trail systems are highlighted; and incorporation of environmental education can help contribute to environmental stewardship and emphasize the uniqueness of the property and the Town as a whole.
2. Chapter 2: The project is reserved for Cluster Residential land uses in the Eagle River Corridor Plan, for which the plan complies by providing a natural transition of higher densities on the western edge decreasing density as the property transitions east, while designing creatively to integrate and protect sensitive open areas while incorporating mobility options by way of integral trail connections. The CR land use section also identifies that this property is large enough to accommodate 120-150 homes. The CR land use only includes lands within the Urban Growth Boundary whereas the proposed project extends past and still maintains maximum density contemplated for this area.
3. Chapter 3: The project plans to host extensive lengths of soft surface trails (i.e. "Discovery Trail") and provide grade-separated connection points to the ECO Trail which is located across Highway 6 from the property. It preserves all areas south of the river, incorporates natural experience areas and trails, and inserts active recreation as directed in the Plan.

Town of Eagle Strategic Plan

The following is an overview of the concepts for which the subject proposal is found to comply with the Town of Eagle Strategic Plan:

1. Major Objective #5: Stimulate Economic Vitality, Development
 - a. The PUD has the potential to stimulate economic vitality by providing opportunities for economic development and incorporating standards that enhance the look, feel, and experience of Eagle; maintaining the small town feel and great place to raise a family; and continuing to advance Eagle as a government, business, and recreational hub for the region.
2. Major Objective #8: Improve Housing Availability and Affordability
 - a. The PUD intends to comply with the towns LERP requirements but has also presented creative options for the town to consider that could result in the leveraging of resources to create larger number of available and affordable units.
3. Major Objective #9: Continue Investing in Outdoor Activities, Recreation, and Open Space
 - a. The PUD provides a number of recreational opportunities including fishing, boating, camping, and youth education through the designation, preservation, and dedication of lands for such uses.

Staff finds that the PUD generally meet the goals set by the Community and Strategic Plans. This project falls in line with the intended use, character, and design established by these plans.

Town of Eagle Regulations

Title 4 of the Municipal Code contains the Land Use and Development Code. Applicable Chapters include:

- Chapter 4.11: Planned Unit Development
- Chapter 4.06: Development Review & Chapter 4.07: Development Standards
- Section 4.04.110: Local Employee Residency Program
- Chapter 4.17: Vested Property Rights

Per Chapter 4.11, the PUD review process includes two steps: 1) the PUD Zoning Plan, which establishes zoning, densities, uses and their locations within the PUD; and 2) development plan review, in compliance with Chapters 4.06 and 4.07. At this time, the applicant is requesting approval of a PUD Zoning Plan only, to be reviewed primarily in accordance with the standards and requirements of Section 4.11.030 as it relates to size, zoning, open space, maintenance of open space, municipal and park land dedication, PUD perimeter, street standards, and phasing.

Designation of the PUD Zoning Plan as a Site-Specific Development Plan for purposes of vesting is also being requested, to be reviewed in accordance with Chapter 4.17. Additionally, inclusionary residential requirements for local employee residency set forth in Section 4.04.110 shall apply to any new residential development. Staff has also provided a

preliminary review of adequate public facilities including water and sanitary sewer service; stream setbacks; access, traffic, and parking; wildlife and environmental impacts; impact fees; and utilities, grading, and drainage, which are important for the Planning & Zoning Commission to consider with zoning. Staff finds that the project generally meets the standards for PUDs, Local Employee Residency Program requirements, and Vested Property Rights, however staff does not find the project in general conformance with requirements outlined in the Municipal Code related to utility service and stream setback requirements as noted below.

Chapter 4.11 Planned Unit Development

The purpose of the PUD Zoning Plan review shall be to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town's goals, policies, and plans, and with the purposes of Chapter 4.11, and to provide a basis for PUD zoning. A future Development Plan will be required to evaluate the details of the PUD according to the purposes and procedures of Chapters 4.06 and 4.07, contingent upon approval of the PUD Zoning Plan.

The standards and requirements of Section 4.11.030 shall apply to all PUDs and shall take precedence over other standards and requirements. In a PUD, zone district regulations per Chapter 4.04, and design standards per Chapter 4.07, may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

A. Minimum Size. Every PUD shall have a minimum gross area of five acres.

Staff Comment: The proposed PUD contains a gross area of 130 acres and therefore exceeds the required minimum size.

B. PUD Zoning.

1. Every PUD shall be divided into one or more PUD zone district in accordance with Section 4.11.030(B).

Staff Comment: The PUD is proposed to be designated as a mixture of R/PUD, C/PUD, and P/PUD in accordance with Section 4.11.030(B), with ten sub-districts reserved for open space.

2. Uses. The uses potentially allowed within the R/PUD zone district shall be those permitted and special uses as set forth in Chapter 4.04 for the R, RR, RL, RM, RMF and RH zone districts; C/PUD shall reflect the allowable uses as set forth in Chapter 4.04 for the CBD, CL and CG zone districts; and P/PUD shall reflect the allowable uses as set forth in Chapter 4.04 for the PA zone district; plus other uses which the Planning Commission and Town Board find to be compatible. Within each PUD zone district, specific uses shall be allowed only as set forth in the approved PUD zoning plan and development permit. Conditions may be imposed on such uses by the Town, and any such conditions shall be set forth in the development permit.

Staff Comment: The PUD Guide lists variations for uses such as short-term rentals, model homes, public/fisherman parking, temporary sales office and accessory buildings that are not listed in standard town residential zone districts. The applicant contends that the multi-family nature of some of these areas and the highly amenitized riverfront setting provide an opportunity for the Town of Eagle to create a desirable form of tourist lodging in a well-regulated manner. By placing these uses in the PUD Guide all future owners understand that the use is allowed and defined. The PUD Guide calls out all variations from standard zoning in red text, and further justification is outlined in the attached Variations Memo provided by the applicant in Exhibit H. The following uses vary from standard zoning districts:

1. R/PUD-1 allows for an HOA owned enclosed storage building and short-term rentals as uses by right; special events as special uses; model homes, sales offices, and pedestrian and bicycle trails as accessory uses.

2. C/PUD-1 allows for single-family, duplex, and/or multi-family residences, short-term rentals, community gardens and small animal farms, greenhouses, existing or restored historic buildings, and day use parking as uses by right; and pedestrian and bicycle trails as accessory uses.
3. C/PUD-2 allows buildings for environmental education and programming; single-family, duplex, or multi-family residential, outdoor recreation facilities, open-sided shade shelters, existing, restored or relocated historic buildings, landscape improvements, soft surface trails, and interpretive signs, and a pedestrian bridge over Eagle River as uses by right.
4. R/PUD-2 allows for short-term rentals and a campground as uses by right; bed and breakfast as a special use; and model homes, sales office, pedestrian and bicycle trails as accessory uses.
5. R/PUD-3 allows short-term rentals as uses by right; bed and breakfast as special uses; and model homes, sales offices, pedestrian and bicycle trails as accessory uses.
6. R/PUD-4 allows for short-term rentals and a campground as uses by right; and model homes, sales office, pedestrian and bicycle trails as accessory uses.
7. R/PUD-5 allows short-term rentals and day use parking for fishing access as uses by right; and model homes, sales office, pedestrian and bicycle trails as accessory uses.

Staff supports the requested variations because they address standards for uses that are yet to be defined in Town Code, allow for market-driven development that can respond based on community need, and assist with implementing the vision for the development. Specifically, the inclusion of campground as a use by right in two of the seven planning areas provides substantial community and economic development opportunities for the town.

3. *Density. The maximum gross density to be allowed in R/PUD shall be 8 dwelling units per acre; C/PUD shall not exceed a floor area ratio of 1.7:1; and P/PUD shall not exceed a floor area ratio 1.5:1.*

Staff Comment: The applicant is proposing a density ranging from 0.36 to 2.8 dwelling units per acre in the residential planning areas; commercial floor area ratios not to exceed 0.045:1 in C/PUD-1 and 0.015:1 in C/PUD-2; and no floor area in P/PUD. All densities as proposed are well below the gross maximum requirements of the Land Use and Development Code. Staff supports the low densities of the project as proposed in order to allow for clustered, conservation-oriented development that preserves the open space and natural resources on the site and finds it to be consistent with recommended densities outlined in the Eagle River Corridor Plan.

The applicant is requesting to allow density transfers between all planning areas, except that transfers shall not exceed the maximum allowed on any specific planning area unless approved by the Town Board. Up to a maximum of 153 dwelling units will be allowed on Planning Areas 1-7. Staff is supportive of this request.

- C. *Open Space. The Town Code recommends a minimum of 20% of the total gross area of a PUD to consist of common open space. Seventy-five percent (75%) of the required common open space shall have a slope of 10% or less, and at least half of the portion with slopes of 10% or less shall be developed for active recreation. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development shall be provided for open space areas.*

Staff Comment: The applicant is required to provide 26 acres (i.e. 20%) of open space to meet the recommendation of Town Code; 19.5 acres (75% of 26 acres) of which shall have a slope of 10% or less; and at least 9.75 acres (50% of 19.5 acres) reserved for active recreation. The applicant is proposing to provide a minimum of 67 acres of total open space or 52% of the 130-acre site; and while exact usable and active recreation areas have not yet been defined, the applicant agrees to comply with the requirement to provide a minimum of 19.5 acres that has a slope of 10% or less and 9.75 acres for active recreation. The applicant has provided a Slope Exhibit to show that there is available land with appropriate topography to accommodate the requirements (see Exhibit Q. See Table 1 below for a summary of each requirement. Also see the attached Open Space Overview Memo in Exhibit I.

The plan proposes ten areas designated as OS-1 through OS-10 that are specifically reserved for open space and includes a proposal for a 1.8-acre public park and a 3-acre waterfront town park and 15.4 acres of open space south of the river. These lands, totaling 20.2 acres will be dedicated to the Town of Eagle. The plan also includes designation of all the waterfront property, from the centerline of the river to 50 feet from the average high-water mark, as protected open space. As will be discussed in the Stream Setback section of the staff report, staff is recommending a 75-foot setback from the average high-water mark with limited disturbance for trails, access, and utilities.

Some of this river frontage will include a public pedestrian trail along the river or includes the existing fishing access easement. These designated open space areas on the PUD Zoning Plan total an additional 34 acres.

Planning Area 3 has been designated as an environmental education facility and includes an additional 13.6 acres of protected and sensitive open lands on both sides of the Eagle River. Staff finds the proposal meets the recommendations and requirements for PUD open space.

As it relates to the PUD Open Space requirements for irrigation system water rights, the proposal includes the granting of water rights. Overall water rights dedication will be presented to the Board for consideration in relation to annexation. See Water Rights Analysis provided by the applicant in Exhibit O.

Table 1. PUD Common Open Space, Usable Open Space, Active Recreation

Required 20% of total area		26	acres
Required 75% Usable (<10% Slope)		19.5	acres
Required Active Recreation (50% of Usable)		9.75	acres
Proposed Common Open Space:		26	acres
PA-1	65%	22.3	acres
PA-2	42%	2.1	acres
PA-3	91%	13.6	acres
PA-4	34%	4.6	acres
PA-5	57%	8.3	acres
PA-5B	100%	3.0	acres
PA-6	26%	5.2	acres
PA-7	36%	8.7	acres
Total	52%	67.8	acres
Balance		+41.8	acres
Proposed Usable Open Space:		19.5	acres
PA-1 through 7		19.93	acres
Total		19.93	acres
Balance		+0.43	acres
*Proposed Active Recreation:		9.75	acres
*Not yet designed or determined, this will be a function of the PUD Development Plan		*	acres

D. Maintenance of Open Space. An organization shall be established, which is responsible for ownership, permanent care and maintenance of open spaces and recreational areas and facilities; and shall be recorded by instrument to be recorded prior to sale of any residence.

Staff Comment: The open space areas indicated on the Zoning Plan that will be dedicated to the Town of Eagle will be maintained by the Town. This includes the 1.8-acre public park designated as OS-1, the open space lands on the south side of the river designated as OS-3, and the entirety of the river park and boat ramp identified as Planning Area 5B. OS-5 will be a part of the overall dedication of Planning Area 3 to a non-profit entity and will be owned, managed, and maintained by that entity as an integral part of Planning Area 3. All other open space lands are proposed to be owned and maintained privately by a Homeowners Association as required by Code. Final maintenance programs will be determined at time of Development Plan and Subdivision review. Staff finds that the proposed overall structure for open space maintenance complies with PUD standards and requirements of Town Code, and sets forth appropriate triggers for establishment provided that a Riparian Access and Management Plan be prepared that provides the town with sufficient oversight and enforcement of the riverfront if the HOA is not complying with the plan.

E. Municipal and park land dedication. Every PUD shall be subject to the requirements of Section 4.13.190 for municipal and park land dedication or fee, except that one-half of such requirement shall be waived in consideration of the active recreation development required in this chapter.

Staff Comment: Pursuant to Section 4.13.190 of the Municipal Code and based on a maximum density yield of 153 dwelling units, 4.59 acres of land is required to be dedicated to the Town, half of which may be private recreation facilities intended to serve the development (i.e. 2.29 acres private plus 2.29 acres public); or payment-in-lieu shall be provided. Eighty percent (80%) or 1.8 acres of the 2.29 acres public land dedication required shall contain a slope of 10% or less (i.e. “usable open space”). The applicant is proposing 20.2 acres of public land dedication, 2.68 of which is considered usable open space; and 13.6 acres of private land dedication. Thus, the application exceeds Town Code requirements. The final municipal and park land dedication amount will be determined at development permit, once final unit counts are defined. See Table 2 below for a summary of each requirement.

Table 2. Municipal and Park Land Dedication

Total Project Area 130 acres

REQUIRED

Total Units	153	MF units
# of people (2.5/unit)	382.5	people
Required Acres (.012)	4.59	acres
Public/Private 50%	2.29/2.29	acres

PROPOSED

Total Public Dedication		
PA-1 Town Park	1.8	acres
PA-1 South of River	15.4	acres
PA-5B Riverfront Park	3	
*Total	20.2	acres
Balance	+17.91	acres
Total Private Dedication		
PA-3	13.6	acres
Balance	+11.31	acres
Total Provided	33.8	acres
Total Balance	+29.22	acres

*Of the public land dedication (2.29 acres total required), 80% must be usable (i.e. having a slope of 10% or less). Subject application proposes 2.68 acres usable where 1.8 acres is required.

- 1) The PUD Zoning Plan includes dedication of Planning Area 5B as a Town park of 3 acres and a Town Park on OS-1 of 1.8 acres. OS-3 is an additional 15.4 acres for a total public dedication of 20.2 acres. The public easement dedicated for the public trail as depicted on the PUD Zoning Plan adds lands to public recreation. In addition, portions of the development include a public fishing easement. These easements may qualify as public dedications and as active recreation. Staff finds the applications meets municipal and park land dedication requirements. All above calculations are based on the highest density yield scenario (i.e. 153 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit.

F. PUD Perimeter. The boundary between a PUD and adjacent land uses shall be landscaped so as to adequately buffer potential incompatibility between land uses.

Staff Comment: The higher density and intensity of land uses is focused towards the existing town center and decreases to very low-density residential uses as the property extends eastward. The density transition is intended to be compatible with the existing approved residential neighborhoods adjacent to the east end of Red Mountain Ranch. The riverfront area has been protected with additional enhanced setbacks and limitations on uses and vegetation management. The Highway 6 perimeter will be enhanced with landscape screening and berthing where appropriate. These details will be developed as the specific PUD Development Plans are designed and reviewed. The PUD is proposed to contain appropriate setbacks that adequately buffer between land uses, including a minimum of 25 to 50 feet along Highway 6 and 75 feet from the river. Staff finds the proposed perimeter setbacks are adequate to buffer surrounding land uses and mitigate any potential impacts of the development.

G. Street Standards. Every PUD shall be designed and constructed in conformance with the Towns street construction regulations.

Staff Comment: The PUD Zoning Plan does not anticipate any public road dedications. All internal streets and parking areas are anticipated to remain private and will be maintained by the appropriate neighborhood homeowner's association. The Town of Eagle will not be expected or required to provide any street maintenance. As the specific layout and density of each neighborhood will not be determined until a PUD Development Plan is submitted, reviewed and approved specific street design standards are not included at this level of review. Specific street design standards will be detailed as a part of future PUD Development Plans and subdivision applications for each planning area. Staff is acceptable to the request for review of private street standards at time of Development Plan and Subdivision review. It should be noted that Highway 6 is under the jurisdiction of the Colorado Department of Transportation (CDOT). Design and approval of accesses from Highway 6 to the private drives will be dictated by CDOT roadway design standards and an approved access permit will be required at the time of Development Permit.

H. Phasing. Where a PUD is developed in phases, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built will comply with the overall density and open space requirements of Chapter 4.11 at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.

Staff Comment: The PUD Guide requires each Planning Area to comply with the development standards as they are developed. The PUD Guide includes a description within each Planning Area of the designated open space tracts. This description details the proposed ownership, the timing of the open space creation and the timing of any associated public land or public easement dedication. The open space areas, well in excess of the minimum Town Code in overall area, have been selected based on the environmental sensitivity and open space desirability of the land and have not been chosen in a manner expressly designed to be proportional to each planning area. The applicant is requesting the open space to be viewed as a comprehensive design element of the overall PUD and not as a phased or proportional requirement. The PUD Guide also describes requirements for each residential and commercial development parcel to include a certain amount of open space and buffer area as a part

of the Development Plan design. These designs will include various types of passive and active open space. The phasing and timing of those open space areas as they relate to the development plan will be a part of the PUD Development Plan review and approval process. The timing of phasing within the Red Mountain Ranch PUD will be dependent upon market forces. There is no estimate of anticipated timing for the next phase of PUD permitting or for actual physical development. The applicant does assume that Planning Area 1 and perhaps Planning Area 5 and 6 will proceed through the permitting process shortly after completion of the PUD Zoning and annexation process. Staff does not support the development of Planning Areas 5 & 6 without the extension of municipal water and sanitary sewer. Staff is also recommending Planning Area 5B be dedicated at first subdivision filing and access from Hwy 6 to be provided within a certain timeframe not tied to phasing of development (see conditions of approval).

Chapter 4.06: Development Review & Chapter 4.07: Development Standards

While the applicant has chosen not to submit a Development Plan concurrently with the PUD Zoning Plan, the PUD Guide sets forth standards for review and development that should be considered at a broad level of review as it relates to the proposed PUD Zoning Plan, to ensure compliance with Chapter 4.06 and 4.07. A Development Plan and Permit will be required to be reviewed and approved in accordance with the policies set forth in Chapter 4.06 prior to development.

The development standards chapter of the Land Use and Development Code addresses general lighting, landscape, architectural, parking, and stream setback standards for the Town. This project does not fall within a specific character area of the code, so only general architectural standards apply (4.07.020). Staff has provided a brief summary of the applicable items below, but please reference the PUD Guide for full details.

Lighting

The PUD Guide requires illumination design standards for residential and public uses to be included within a set of design guidelines that will be required prior to approval of any Subdivision creating individual lots. The intent is to provide compliance with adopted Town of Eagle lighting requirements and appropriate dark sky practices.

Landscaping

The PUD Guide requires landscape design standards to be adopted as part of the overall design guidelines. The intent is to provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces by providing minimum and maximum standards for planting within residential and public spaces; promoting the conservation of water through selection of proper plant palette and the use of efficient irrigation techniques; and controlling the spread of noxious weeds and invasive plant species. Detailed landscape plans will be required during the Development Permit review process.

General Architectural Standards

General requirements of architectural design are set forth in Section 4.07.040 and are intended to allow architecture of various types that is cohesive with surrounding areas and considers orientation, sun, views, natural light, shadows and ventilation for inhabitants, prevailing winds, slopes, existing and future drainage patterns, snow shedding, existing landscaping, pedestrian circulation, and compatibility with scale. The PUD Guide requires the adoption of Design Guidelines prior to approval of and Subdivision creating individual lots to establish design and construction standards that both fit in the setting and ensure a consistent high level of quality across a wide array of housing types; respond to unique attributes and sensitivities of the site; implement diverse but cohesive, unified and balanced architectural and landscape theme; and control massing of buildings to be appropriate in scale and context.

One conflicting provision of the PUD Guide relates to the maximum building height. The applicant is requesting a variation to the Town's typical height limitation of 35', to allow multi-family buildings to have a maximum height of 40' and accommodate three-story structures, appropriate architectural treatment of the building, and sloped roof forms. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit H. Staff supports the proposal to allow multi-family buildings to have a maximum height of 40' or three-stories to accommodate high-quality architecture. In a PUD, typical design standards per Chapter 4.07 may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

Parking

Parking standards of the PUD Guide defer to Town Code requirements. Accessory Dwellings and Bed and Breakfast Lodging are not addressed in Code, so are addressed in the PUD Guide. Any accessory dwelling shall have one dedicated space, and Bed and Breakfast shall provide one space per guest room.

Stream Setbacks

The Town's Development Code (Section 4.04.100.H.2) requires a live stream setback of 50ft from the high-water mark of any stream or river with some permitted encroachments for uses such as non-motorized paths, irrigation structures, flood control and erosion protection devices, etc. The proposed PUD Guide identifies two setbacks related to the waterfront area of the project:

1. "All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the average high-water mark and then a 50-foot building river setback shall be allowed."
2. Property from the centerline of the river to 50 feet from the average high-water mark be designated as protected open space.

The Eagle Area Community Plan, the Eagle River Corridor Plan, the Eagle River Watershed Plan, were all adopted since the adoption of the Town's Development Code and provide some additional direction and clarification for what should be achieved along rivers and streams in the town of Eagle. The EACP and the Corridor Plan emphasize the re-evaluation of the town's code to update stream setback requirements and emphasize the importance of the preservation of the interface between the river and future development. The River Corridor Plan also identifies that soft surface paths are appropriate in the setback, however, paved paths and motorized paths should not encroach in these areas. In addition, the Watershed Plan emphasizes the importance of consistent policies across jurisdictions to ensure better knowledge of potential users and better consistency in river preservation. The stretches of the river that bookend the town's boundaries are within unincorporated Eagle County. Eagle County requires a 75-foot setback from the high-water mark with limited encroachments such as irrigation structures, soft surface paths, and other low disturbance uses. Staff recommends that the PUD Guide be revised to reflect a 75-foot setback from the high water mark except for soft surface trails, irrigation structures, and other low impact encroachments to be consistent with Eagle County requirements (see conditions of approval).

Section 4.04.110: Local Employee Residency Program (LERP)

The purpose of Section 4.04.110 is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town. This section requires new residential development to provide at least 10% of the owner-occupied housing that it produces to be affordable to lower and moderate income households as further defined in the local employee residency requirements and guidelines. The mix of local employee residences available for purchase shall average a price affordable to households earning 90% of the maximum income limits as set forth in the Town's local employee residency requirements and guidelines.

Staff Comment: At the proposed density level of 153 units, the applicant will be required to provide 16 units in conformance with the Town's Local Employee Residency Program for which the applicant intends to comply, but offers a variety of options for the Board's ultimate consideration. Given the challenges of providing available and affordable housing in Eagle County, staff is supportive of evaluating alternative ways to solve the issues at hand. Please see attached Housing Memo presenting the applicant's preferred options for providing employee housing in Exhibit G, which includes options for off-site land dedication, cash-in-lieu, or building on site. In review of the proposed options, staff's preferred option is to negotiate a cash-in-lieu contribution that could be leveraged to facilitate the development of employee housing at the West Eagle redevelopment project on property owned by Eagle County. The property in West Eagle provides a variety of strategic opportunities for the town of eagle and the barriers for redevelopment are substantial. Strategic opportunities include:

- Facilitation of the Brush Creek Road Extension
- Redevelopment of underutilized property
- Leverages the opportunity to provide more than the 16 units required with on-site LERP compliance
- Could act as the catalyst for redevelopment of other surrounding properties

Staff supports the acceptance of cash-in-lieu for the LERP requirement to be negotiated through the Annexation and Development Agreement, provided that the town's LERP requirement remain in full effect if an agreed upon amount cannot be found (see conditions of approval).

Chapter 4.17 Vested Property Rights

The applicant is requesting for the PUD Zoning Plan to be designated as a "Site-Specific Development Plan" to be vested for a period of 20 years. Staff generally supports the request for 20-year vesting of the Zoning Plan to allow some flexibility in timing of full build-out.

Adequate Public Facilities

While assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a determination by the Commission or Board. For the subject proposal, a determination will be required at time of Development Permit or Subdivision that creates individual lots. Adequate public facilities are assessed based on the availability of the Town's utility services (water and sewer), public schools, fire protection services, emergency medical services, and street facilities. Staff has reviewed the preliminary information provided with the request for PUD zoning and annexation. Eagle County Schools, Police, and the Fire Protection District have also completed a preliminary review of Adequate Public Facilities. Please reference the Referral Response Summary reports provided in Exhibits T and V attached. Preliminary review demonstrates there will be adequate public facilities for schools, fire protection service response times, emergency medical services and streets. However, as proposed, adequate public facilities for water and sewer cannot be met for all seven planning areas including domestic services and adequate water pressures for fire protection.

Water and Sewer Service

The Town's Municipal Code requires that all new developments within the Town of Eagle be served by municipal water and sewer service. The applicants propose municipal water and sewer service to Planning Areas 1 and 2 but is requesting to utilize on-site wells and fire protection systems, and on-site sewage disposal systems on Planning Areas 3-7 until a future point in time when municipal water and sewer can be extended at the expense of the development. The applicant has communicated plans to connect to Town services if and when services become available, and is currently analyzing the feasibility of the connections. The applicant contends that existing topography in the Highway 6 corridor precludes the extension of a gravity flow sanitary sewer collection system.

Staff does not support alternative methods for providing water and sanitary sewer service to Planning Areas 3-7 for the following reasons:

- Environmental impact concerns
- Long term reliability of the systems as success depends on the continued maintenance of the system by the property owner
- Low densities and pipe distance would require substantial increases in maintenance costs to maintain adequate water quality standards
- At full buildout, a looped system is desired for the East Eagle area (Chambers Ave, ERS, Red Mountain Ranch, and Nogal Rd).
- Additional water storage capacity and higher water pressures would be required for Planning Areas 3-7. The proposed water storage tank north of I-70 as part of ERS could provide this need.
- If alternative methods were permitted, cost of future connection to municipal system places high financial burden on small number of future homeowners.

Public Works has confirmed that the Town's system can adequately serve Planning Areas 1 and 2. Staff recommends that development of permanent uses in Planning Areas 3-7 be prohibited until municipal water and sewer can be provided to serve the development (see conditions of approval).

Access Management Plan

As discussed earlier, Highway 6 is under the jurisdiction of CDOT and various steps are required to receive approval from CDOT for access points into the right-of-way from private property. CDOT is a referral agency to the Town of Eagle and identified the need for an Access Management Plan (AMP) prior to review and approval of Access Permits for Red Mountain Ranch. The applicants have been working with CDOT, county staff, and town staff to develop an AMP

concurrent with the review of the PUD Zoning Plan to ensure that the proposed densities, uses, and potential traffic volumes could be accommodated adequately with the maximum number of access points that CDOT will allow. Access for each planning area is shown on the attached Draft Access Management Plan (see Exhibit S). The town does not have approval authority over the AMP or location of future access points and will use the final approved AMP from CDOT during the Development Plan and Permit review process. Approved Access Permits from CDOT will also be required as part of the Development Plan and Permit applications. Staff will incorporate the requirement for finalization of the AMP into the Annexation and Development Agreement for consideration by the Board. At this point in the review, Public Works asserts that the PUD Zoning Plan as proposed can be accommodated with the maximum number of access points that CDOT will allow.

Traffic

The applicant has completed a trip generation analysis of Planning Areas 1 and 2 and has described the potential access lane improvements that will be associated with those areas. The plan for this first phase of Red Mountain Ranch includes one access point from Highway 6. Planning Area 2 will connect internally to Planning Area 1 and share the access point. The trip generation analysis indicates that right turn deceleration improvements will be required for Planning Areas 1 and 2. The PUD Zoning plan anticipates that the final access management plan will direct Planning Areas 3, 4 and 5B to share a single access point and Planning Areas 5, 6 and 7 will each have a point of access from Highway 6. As each individual planning area progresses through the PUD Development Permit application under the final access management plan, a detailed traffic analysis and engineered design plans will be required as a part of the review process. No new access points or change in access use will be allowed until a CDOT Access Permit has been issued. Public Works will require further traffic studies and evaluate the proposal at time of Development Plan as the improvements required to obtain adequate levels of service will be highly dependent upon ultimate density of the project at build-out (i.e. traffic generated by multi-family versus single-family homes), as well as the multiple variables and ultimate build-out of development outside of the subject project area that are used to determine traffic volumes along Highway 6. Public Works will review to ensure the level of service meets minimum Town standards. Staff agrees with the assumptions and recommendations of the Transportation Impact Study provided, and the applicant is amenable to constructing the recommended improvements. Traffic considerations will be adjusted based on final unit counts proposed at Development Permit or Subdivision where individual lots are being created. Public Works and Engineering have met with the applicant to address any additional considerations and are in final stages of review of the concepts to be incorporated into the Annexation and Development Agreement.

Wildlife & Environmental Impacts

An environmental impact report was provided by the applicant and was reviewed by Colorado Parks and Wildlife, the Colorado Geological Society and Eagle River Watershed Council. Overall, it was found that while wildlife do migrate through the property, there is no identified established habitat or sensitive species (i.e. elk) that would be impacted. Significant areas of sensitive lands were identified through the River Corridor Plan and have been protected and preserved through the design of the Red Mountain Ranch concept plan. The concept plan includes internal open space and undeveloped areas meant to allow wildlife movement across the property in a north-south direction. A fisheries management plan for the public lands and easements dedicated as a part of Red Mountain Ranch will be included in the Annexation and Development Agreement and will include specific language to ensure proper management of the resource. Each individual PUD Development Permit application will include a more detailed wildlife review and analysis, a riparian area vegetation management plan and include specific dog control and bear proof trash design measures. All comments received from various external agencies are provided in the Referral Response Summary Reports (See Exhibits T and V).

Impact Fees

The Municipal Code requires impact fee payments for the street improvement fee, fire department impact fee, water tap fee, sewer tap fee, and school land dedication fee all of which are to be paid at time of PUD or Subdivision approval. The applicant is requesting a variation to allow such payments to occur at time of building permit. Staff, the Fire District, and Eagle County Schools supports the request to defer impact fee payment, but requests payment at time of Development Permit or residential subdivision where individual lots are being created (see conditions of approval). Impact fee calculations included in the review are based on the highest density yield scenario (i.e. 153 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit or residential subdivision where individual lots are being created.

Grading, Drainage, and Shallow Utilities

A preliminary drainage report was provided which summarizes off-site and on-site site drainage conditions and considerations and outlines the guidelines that will be used to design sustainable and Low Impact Design (LID) drainage mitigation measures for each area that meet the intent of the River Corridor Plan. Utility providers for shallow utilities were included in the referral notification for the project and no issues have surfaced as to the ability to serve the project. Public Works and Engineering have met with the applicant to address any additional utility, grading, and drainage considerations and are in final stages of review of the concepts to be incorporated into the Annexation and Development Agreement.

STAFF RECOMMENDATION

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.

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.

EXHIBIT P:

February 19, 2019

Meeting Minutes Draft

(attached)



**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 ERCP 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 PERSISTENTATION

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 of 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 of 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. One 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, irrigation 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 are 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 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 5th, 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 5th. Hood motioned to continue file S18-02 to the hearing on March 5th 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.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Dawn Koenig- Admin Technician

DRAFT