



CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

DATE: March 21, 2019

PROJECT: Red Mountain Ranch Annexation and 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 4.15 – Annexation
Chapter 4.11 – Planned Unit Development
Chapter 4.17 – Vested Property Rights
Chapter 14.12 – Subdivision Sketch Plan

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 (attached)
- B. Annexation Petition (attached)
- C. Annexation Map (attached)
- D. Annexation Impact Report (attached)
- E. Fiscal Impact Report ([LINK](#))
- F. Site Orientation Package and P & Z Site Visit Comments (attached)
- G. PUD Zoning Plan Map (attached)
- H. PUD Guide (attached)
- I. Subdivision Sketch Plan (attached)
- J. Exception Request (attached)
- K. Housing Memo (attached)
- L. Variations Memo (attached)
- M. Open Space Overview Memo (attached)
- N. Wildlife Report ([LINK](#))
- O. Geotech Report ([LINK](#))
- P. Traffic Report ([LINK](#))
- Q. Utility Report ([LINK](#))

- R. Drainage Report ([LINK](#))
- S. Water Rights Analysis ([LINK](#))
- T. EQR Assessment ([LINK](#))
- U. Existing Slope Exhibit ([LINK](#))
- V. Access Management Plan (Draft) ([LINK](#))
- W. Town of Eagle Referral Response Summary Report dated June 27, 2018 (attached)
- X. Applicant's Response to Referral Comments dated October 12, 2018 (attached)
- Y. Town of Eagle Referral Response Summary Report dated November 19, 2018 (attached)
- Z. Planning and Zoning Commission Minutes Dated February 19, 2019– Zoning and Site Specific Development Plan, and Community Plan Exception
- AA. Planning and Zoning Commission Minutes dated March 5, 2019 – Subdivision Sketch Plan

PUBLIC COMMENT: Staff has received no letters of public comment as of 12pm on March 21, 2019. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Carrie McCool, Interim Town Planner

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

BACKGROUND

The applicant, Mervyn Lapin on behalf of Mervyn Lapin Revocable Trust and Red Mountain Ranch Partnership, LLP, proposes to annex and 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 and Zoning Commission. An exception request was included as part of the application (Exhibit J) and was approved by the Planning and Zoning Commission on February 19, 2019.

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 Board of Trustees, 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 Board is more broad-level at this stage and is to be reviewed based on the request to establish zoning only.

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.

The Planning and Zoning Commission heard and considered the PUD Zoning Plan, Site-Specific Development Plan and Exception Request at the February 19, 2019 regular meeting and recommended approval with certain terms and conditions. On March 5, 2019, the Planning and Zoning Commission considered the Subdivision Sketch Plan and recommended approval with certain terms and conditions. The Board of Trustees takes final action on all three applications in addition to the annexation request.

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, G, and H):

- 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.

Please reference the Written Narrative, Annexation Map, Annexation Impact Report, PUD Zoning Plan Map, and PUD Guide attached for specific details and standards set forth for each planning areas (see Exhibits A, C, D, G and H).

STANDARDS FOR APPROVAL

Annexation

Annexation is a discretionary action on the part of the Town. Section 4.15.010 of the Town’s Municipal Code address the Annexation process and requirements as well as the Eagle Area Community Plan. Annexations must also be in compliance with Title 31, Article 12 of the Colorado Revised Statutes:

Standard #1: Compliance with the provisions of Title 31, Article 12 of the Colorado Revised Statutes.

Standard #2: Conformance with the Town’s Municipal Code Chapter 4.15.

Standard #3: Conformance with the Comprehensive Plan.

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.

Zoning - Planning Unit Development

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. In general, these concerns relate to water and sanitary sewer service, stream setback requirements, and development phasing.

Subdivision Sketch Plan

The Subdivision Sketch Plan is reviewed for conformance with the Town's goals, policies and plans. Such analysis relates to the potential impacts of the proposal on the Town, its population, services and facilities, environment, character, existing and potential land uses, and economy. 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.

REVIEW OF STANDARDS

Annexation

Standard #1: Compliance with the provisions of Title 31, Article 12 of the Colorado Revised Statutes.

The statute regulates eligibility of property for annexation and specifies criteria to be used in evaluating and approving proposed annexations.

Section 31-12-104 of the Colorado Revised Statutes (CRS) states that a property is eligible for annexation if a municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area.

Staff Comment: The Town received and accepted a petition from Merv Lapin Revocable Trust and Red Mountain Ranch Partnership LLP, as the owners of 100% of the entire property seeking annexation, at its Board of Trustee meeting on February 13, 2018.

Section 31-12-104(a) of the CRS requires that at least one-sixth of the perimeter of the area proposed to be annexed be contiguous with the annexing municipality.

Staff Comment: The property's boundaries are contiguous with the Town of Eagle boundary for 2,809.10 feet of its 6,888.43 foot total exterior boundary (or approximately 40 percent of its perimeter), as demonstrated on the Annexation Map in Exhibit C, thereby meeting and exceeding the one-sixth contiguity requirement.

Section 31-12-104(b) of the CRS requires that a community of interest exist between the area proposed to be annexed and the annexing municipality. In addition, the CRS requires that the property be urban or is expected to be urbanized in the near future, and that the property be determined to be integrated with or capable of being integrated with the annexing municipality.

Staff Comment: Because the area proposed to be annexed has the required one-sixth contiguity with the Eagle, it meets the urbanization and integration requirements as allowed by the statute. The Eagle Area Community Plan identifies an Urban Growth Boundary for the Town of Eagle. The majority of the proposed annexation is within the previously designated Urban Growth Boundary.

Section 31-12-105(1)(e) of the Colorado Revised Statutes places limits on municipalities which annex land by mandating that “no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.”

Staff Comment: The proposed annexation would not extend the Town’s boundary more than three miles.

Standard #2: Conformance with the Town’s Municipal Code Chapter 4.15.

The Town’s Municipal Code reiterates the requirements of the Colorado Revised Statutes as it relates to Annexations and adds that “All petitions for annexation shall also be accompanied by a statement setting forth the proposed water rights to be dedicated to the Town at the time of annexation.”

Staff Comment: The applicant has agreed to dedicate 30.85 acre feet of quantified consumptive use credits under the Warren Ditch, 7.82 acre feet of quantified consumptive use credits under the Wilkinson Ditch, and an estimated 7.48 acre feet of consumptive use credits associated with the Nogal Parcel 3 for a total of 51.61 acre feet of water historically consumed on the property to be annexed.

Staff has provided a detailed analysis of the town’s capacity to service water and sewer service on page 17 of this staff report. Staff recommends that all water rights associated with the Property (Planning Areas 1-7) be dedicated to the Town upon annexation and the Town will lease back to the Applicant water rights needed for raw water irrigation.

Standard #3: Conformance with the Comprehensive Plan

The Red Mountain Ranch property, with the exception of Parcels 6 and 7, fall within the Urban Growth Boundary defined within the Eagle Area Community Plan. Parcels 6 and 7 are located adjacent to but outside of the mapped EACP Urban Growth Boundary. As such, the applicant requested a Community Plan Exception. The Planning and Zoning Commission unanimously approved the Community Plan Exception at the February 19, 2019 public hearing (see Exhibit Z for the meeting minutes). Additionally, Staff has provided a detailed analysis on conformance (and nonconformance) with the Eagle Area Community Plan, the Town of Eagle Strategic Plan and Eagle River Corridor Plan starting on page 7 of this staff report.

The applicant submitted a Fiscal Impact Analysis based upon the construction of a total of 153 residential units and 15,000 square feet of commercial space. It is expected that buildout will be complete by the end of 2029 with an aggregate non-inflated value of approximately \$112.225 million. Based upon an average occupancy of 2.81 persons per home it is projected that Red Mountain Ranch, will generate approximately 430 full-time equivalent incremental residents at full-buildout. The Report also provides a detailed analysis of potential incremental Town of Eagle revenues generated, and general fund expenditures incurred as a result of the annexation and development of Red Mountain Ranch. Town Staff generally supports the fiscal impact analysis methodology and is conducting the final review.

Zoning – Planned Unit Development

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 providing 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 several 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 Town Board 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 and Zoning 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 and Zoning 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 L. 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 U). See Table 1 below for a summary of each requirement. Also see the attached Open Space Overview Memo in Exhibit M.

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 riverfront 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 riverfront 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 at the April 23, 2019 public hearing. See Water Rights Analysis provided by the applicant in Exhibit S. It is important to note that this analysis is not updated to include the Planning and Zoning Commission’s recommendation that development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service is provided at the developers’ expense.

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.

The Planning and Zoning Commission discussed the triggers for submittal of the Riparian Management Plan and determined they would like to see inclusions in the PUD Guide regarding the Riparian Management Plan and ensuring adequate public access points to the river. The concept of the in-depth site specific riparian management plan is to identify appropriate areas for access and appropriate areas for protection with the idea to strike a balance between provisions for access and protecting environmentally sensitive areas. As such, staff has recommended a minor revision to the Planning and Zoning Commissions recommended condition of approval 6 to achieve such a balance (see condition of approval 6).

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 berming 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 L. 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 and Zoning 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 50 feet 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 riverfront 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, irrigations 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 K, 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 at this level of review. 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 W and Y 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 and were initially requesting to utilize on-site wells and fire protections 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. Perhaps the Applicant could work with ERS to develop this storage tank now with a cost recovery provision for when ERS, and other development, occurs.

- 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. On March 7, 2019, the applicant met with Public Works to present plans showing the extension of municipal water and sewer to Planning Areas 3-6 which would allow them to abandon the proposal of well and septic as an interim solution. The applicants design engineer is expected to submit a plan that will be sent to the Town's water model consultant to verify if extension of the water service to Planning Areas 3-6 is possible. Although the applicant may revise their proposal to extend water and sewer to Planning Area 3-6, it has not been submitted or reviewed yet. As such, 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 V). 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 assents 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 W and Y).

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. Again, it is not possible to fully calculate Plant Impact Fees (PIF) payments until we know the exact mix of unit types. Staff recommends consideration of prepayments as required by Code.

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.

Subdivision Sketch Plan

The subdivision review process is intended to provide for full review of any proposed subdivision of land in order to ensure that the potential effects of the proposal are considered. The single review criteria are to ensure conformance with the town's goals, policies, and plans. Staff has provided detailed analysis starting on page 6 of this staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission considered the Red Mountain Ranch PUD Zoning Plan and Site Specific Development Plan (vesting of property rights) and Exception Request on February 19, 2019. Meeting minutes from the hearing are included as Exhibit Z in this packet. Staff recommended approval of the 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.

Upon review of the application, the Planning and Zoning Commission unanimously recommended approval of the project with the following revised 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 and Zoning Commission with submittal of the first development permit.

Additionally, the Planning and Zoning Commission unanimously **approved** the Exception Request for Red Mountain Ranch provided that the conditions of approval are met for the PUD as stated above.

The Planning and Zoning Commission considered the Red Mountain Ranch Subdivision Sketch Plan on March 5, 2019 and unanimously recommended **approval** with the following condition:

- 1) If file PUD18-01 Red Mountain Ranch PUD is not approved, the sketch plan will become void.

Meeting minutes from the hearing are included as Exhibit AA in this packet.

STAFF RECOMMENDATION

Staff recommends **approval** of the Red Mountain Ranch Annexation.

Staff recommends **approval** of the Red Mountain Ranch PUD Zoning Plan, Site Specific Development Plan (vesting of property rights), and 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) The requirement for review and approval of a Riparian Management Plan with the submittal of the first development shall be documented in the PUD guide. The Riparian Management Plan shall allow for adequate public access to the river and open space parcels while protecting environmentally sensitive areas.

POTENTIAL MOTIONS

Below are the Board of Trustees options related to the Annexation, (PUD) Zoning Map, Site Specific Development Plan (vested property rights), and Subdivision Sketch Plan requests:

- 1) I find the applications substantially meets the criteria above, and move to **APPROVE** the Annexation, (PUD) Zoning Map, Site Specific Development Plan (vested property rights), and Subdivision Sketch Plan requests with no conditions.
- 2) I find the application substantially meets the criteria above, and move to **APPROVE** the Annexation, (PUD) Zoning Map, Site Specific Development Plan (vested property rights), and Subdivision Sketch Plan requests to the with the following conditions of approval:

<insert conditions of approval>
- 3) I find that the Applicant has not provided sufficient information to review the application per the criteria above and move to **CONTINUE** the Annexation, (PUD) Zoning Map, Site Specific Development Plan (vested property rights), and Subdivision Sketch Plan requests to the next regularly scheduled meeting.
- 4) I find that the application does not substantially meet the criteria above and move to **DENY** the Annexation, (PUD) Zoning Map, Site Specific Development Plan (vested property rights), and Subdivision Sketch Plan requests.

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

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

PROJECT NAME Red Mountain Ranch

PRESENT ZONE DISTRICT R-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 ALLEGATION, PUD ZONING PLAN & SUBDIVISION CONCEPT PLAN. DESCRIPTION ATTACHED.

APPLICANT NAME MERVYN LAPIN PHONE 970 331 8617

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OWNER OF RECORD RED MOUNTAIN RANCH PARTNERSHIP, LTD PHONE MERVYN LAPIN REVOCABLE TRUST

ADDRESS 232 W MEADOW DRIVE VAIL CO EMAIL _____

REPRESENTATIVE RICK PYLUND, PYLUND & ASSOCIATES PHONE 970 926 6065

ADDRESS 137 MAIN STREET EDWARDS CO EMAIL RICK@PYLUND.COM

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

Mervyn Lapin Signature Date 6-13-17

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 _____
REVIEW FEE _____	DATE PAID _____
DATE CERTIFIED COMPLETE _____	BY _____
P&Z HEARING DATE _____	DECISION _____
TBOT HEARING DATE _____	DECISION _____
FILE NUMBER _____	RECEIVED BY _____

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

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Prepared by:

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Red Mountain Ranch Project Team

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McDowell Engineering
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Suite 208
Eagle, CO 81631

**Landscape Architecture & Site
Design**

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Red Mountain Ranch
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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.

- A unique river front restaurant and community gathering spot opportunity that currently does not exist in the Town of Eagle.
- 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.
- 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.
- 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.
- An appropriate provision of deed restricted affordable housing in full compliance with the Town of Eagle Land Use and Development Code.
- 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.
- Extends the Town of Eagle boundary to Diamond Star Ranch.
- 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

- 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.
- 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.
- 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.

- 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 berming 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.



VICINITY MAP

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.

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 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

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

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. 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. 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. 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. 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 incorporate 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:

- The plan is in compliance with the goals and objectives of the Eagle Area Community Plan,
- The plan is in compliance with the goals of the Eagle River Corridor Plan,
- The plan represents a fiscally sound approach to having development pay its own way,
- The plan has no significant environmental impacts and provides significant public dedication of open space and trail corridors along the Eagle River,
- The plan 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:
Annexation Petition
(ATTACHED)

**PETITION FOR ANNEXATION
RED MOUNTAIN RANCH ANNEXATION**

TO: BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO

**RE: PETITION FOR THE ANNEXATION FOR THE RED MOUNTAIN RANCH
ANNEXATION TO THE TOWN OF EAGLE AS DESCRIBED IN EXHIBIT A:
LEGAL DESCRIPTION OF RED MOUNTAIN RANCH PROPERTY
ATTACHED HERETO**

The undersigned Petitioners ("**Petitioners**"), in accordance with the provisions of Sections 31-12-101, *et. seq.* Colorado Revised Statutes, ("**C.R.S.**"), the Municipal Annexation Act of 1965, as amended and as in effect on the submission date set forth below ("**Annexation Act**"), hereby petitions the Board of Trustees of the Town of Eagle, Colorado ("**Town**"), for annexation to the Town of land situated in the unincorporated territory located in the County of Eagle, State of Colorado, which property is more particularly described in **Exhibit A: Legal Description of Red Mountain Ranch Property and Mervyn Lapin Revocable Trust** property attached hereto and incorporated herein by reference ("**Property**").

In support of this Petition, the Petitioners further state to the Board of Trustees of the Town as follows:

1. Annexation of the Property into the Town of Eagle is desirable and necessary.
2. The Property meets the requirements of C.R.S. §31-12-104 and §31-12-105 in that:
 - a. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town's current municipal boundaries.
 - b. A community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future; and the Property is integrated with or is capable of being integrated with the Town.
 - c. The Petitioners, Red Mountain Ranch Partnership LLLP and Mervyn Lapin Revocable Trust, are the owners of 100% of the Property as landownership is defined for the purposes of C.R.S. §31-12-107(1)(g); and hereby consent to the establishment of the boundaries of the territory included in the area proposed to be annexed as shown on the annexation plat submitted herewith.
 - d. The Property is not presently part of any incorporated city, city and county, or town; nor have annexation proceedings been commenced for the annexation to another municipality of part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town, been held within twelve (12) months immediately preceding the filing of this Petition.

- e. The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
 - f. The annexation of the Property will not have the effect of extending the boundary of the Town more than three (3) miles in any direction from any point of the Town's boundary in any one (1) year.
 - g. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the Property.
 - h. Reasonable access shall not be denied to landowners, owners of an easement, or the owners of a franchise, adjoining any platted street or alley annexed by the Town but not bounded on both sides by the Town.
 - i. The requirement of C.R.S. Sections 31-12-105 exist or have been met.
 - j. Petitioners reserves the right to withdraw this Petition at any time prior to the Town's final approval of the annexation.
 - k. Petition reserves the right to withdraw this Petition if the Town imposes terms and conditions which are in addition to this Petition and the Annexation and Development Agreement.
3. This Petition is accompanied by four copies of an annexation map containing, among other things, the following information:
- a. A written legal description of the boundaries of the Property;
 - b. A map showing the boundary of the Property;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or lots and blocks;
 - d. Next to the boundary of the Property, a drawing of the contiguous boundary of the Town abutting the Property and the contiguous boundary of any other municipality abutting the Property.
4. In connection with the processing of this Petition, the Petitioners request that the Town approve and execute an annexation and development agreement ("**Annexation and Development Agreement**") which establishes vested property rights for a site specific development plan for the Property for an agreed upon term pursuant to Article 68, Title 24, Colorado Revised Statutes.
5. Petitioners have filed this Petition subject to the following conditions:

- a. that the Town Board approve an Annexation and Development Agreement concurrently with approval of zoning at the same hearing as and immediately following the Town Board approval of annexation of the Property;
 - b. that the Annexation and Development Agreement and zoning approval are acceptable to the Petitioners, including any revisions or conditions approved by the Town Board at the hearing, which determination by Petitioners shall be made at the hearing or by the end of three (3) business days following the hearing;
 - c. that the Town Board approvals become final and non-appealable;
 - d. the annexation shall not become effective, and neither Petitioners nor the Town shall file the annexation ordinance and map with the Eagle County Clerk and Recorder until after the effective date of both the ordinance approving the annexation and the ordinance approving the zoning and Annexation and Development Agreement; and,
 - e. Petitioners reserve the right to withdraw this Petition if Petitioners object to and reject the Annexation and Development Agreement and/or approval of zoning for the Property, which notice of objection and rejection and withdrawal of this Petition shall be provided in writing to the Town by the end of three (3) business days following the final action by the Town Board to approve the Annexation and Development Agreement and zoning for the Property, and which right of Petitioners to withdraw this Petitioners shall thereafter be waived and released if not exercised timely.
6. Upon the annexation of the Property becoming effective, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation and Development Agreement.
 7. Except for the terms and conditions of this Petition and of the Annexation and Development Agreement, which terms and conditions the Petitioners expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §31-12-107(1)(g), Petitioners request that no additional terms and conditions be imposed upon annexation of the Property to the Town.

THEREFORE, PETITIONERS RESPECTFULLY REQUEST that the Board of Trustees of the Town of Eagle, Colorado approve and complete the annexation of the Property pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

SIGNATURE OF LANDOWNER/PETITIONERS:

RED MOUNTAIN RANCH PARTNERSHIP

Mervyn Lapin
Mervyn Lapin, General Partner

Date of Signature: 2-8-18

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 8th day of Feb., 2018, by Mervyn Lapin, General Partner of Red Mountain Ranch Partnership, a Colorado limited liability limited partnership.

My commission expires: 11/13/2020

Witness my hand and official seal

[Signature]

Mailing Address of Petitioners:

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

[SEAL]

Heather J Morgan
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20004032998
MY COMMISSION EXPIRES 11/13/20

MERVYN LAPIN REVOCABLE TRUST

Mervyn Lapin
Mervyn Lapin, Trustee

Date of Signature: 2-8-18

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 8th day of Feb., 2018, by Mervyn Lapin, Trustee of Mervyn Lapin Revocable Trust.

My commission expires: 11/13/2020

Witness my hand and official seal

Heather J Morgan

Mailing Address of Petitioners:

Mervyn Lapin Revocable Trust
232 West Meadow Dr.
Vail, CO 81657

[SEAL] Heather J Morgan
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20004032998
MY COMMISSION EXPIRES 11/13/20

**EXHIBIT A:
LEGAL DESCRIPTION OF RED MOUNTAIN RANCH PROPERTY
AND
MERVYN LAPIN REVOCABLE TRUST PROPERTY**

A parcel of land situate in Section 4, Township 5 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 38, 44 and 55, of said Township and Range, County of Eagle, State of Colorado, being more particularly described as follows:

Beginning at a point; thence S 73°54'19" E, 166.17 feet; thence N 83°53'41" E, 164.57 feet; thence N 03°16'22" E, 207.75 feet; thence N 88°53'39" E, 1444.68 feet; thence N 00°03'38" E, 1304.45 feet; thence N 89°55'58" E, 1452.88 feet; thence N 01°26'59" W, 410.52 feet; thence S 74°05'52" E, 61.00 feet; thence N 89°29'35" E, 168.06 feet; thence N 60°21'03" E, 237.26 feet; thence N 41°28'58" E, 382.43 feet; thence N 36°38'40" E, 287.00 feet; thence N 47°37'46" E, 301.83 feet; thence N 53°45'15" E, 221.64 feet; thence N 56°52'39" E, 306.49 feet; thence N 67°43'47" E, 487.77 feet; thence S 85°01'04" E, 131.72 feet; thence S 75°53'48" E, 341.87 feet; thence N 83°56'56" E, 341.07 feet; thence N 71°13'30" E, 309.64 feet; thence N 57°40'54" E, 500.75 feet; thence N 42°33'16" E, 259.00 feet; thence N 32°48'42" E, 262.87 feet; thence N 21°21'17" E, 271.70 feet; thence N 18°01'19" E, 171.02 feet; thence N 38°30'01" E, 154.44 feet; thence N 52°39'57" E, 201.11 feet; thence N 70°50'14" E, 171.39 feet; thence S 89°34'24" E, 186.33 feet; thence S 87°47'51" E, 657.36 feet; thence S 84°21'08" E, 233.20 feet; thence N 67°48'54" E, 179.36 feet; thence N 47°09'02" E, 224.57 feet; thence N 46°16'29" E, 221.15 feet; thence N 74°37'13" E, 194.81 feet; thence N 81°04'01" E, 242.52 feet; thence N 72°02'47" E, 230.51 feet; thence S 74°49'38" E, 197.58 feet; thence S 52°39'04" E, 194.97 feet; thence N 06°17'09" W, 218.61 feet; thence N 22°51'10" E, 594.32 feet; thence S 71°09'51" W, 2274.26 feet; thence 793.42 feet along the arc of a tangent curve to the left having a radius of 5680.00 feet, a central angle of 08°00'12" and a chord which bears S 67°09'45" W, 792.77 feet; thence S 63°08'45" W, 1805.07 feet; thence S 63°07'51" W, 2211.15 feet; thence 816.48 feet along the arc of a tangent curve to the left having a radius of 11410.00 feet, a central angle of 04°06'00" and a chord which bears S 61°04'51" W, 816.31 feet; thence S 59°01'51" W, 2572.80 feet; thence 1279.56 feet along the arc of a tangent curve to the left having a radius of 2242.00 feet, a central angle of 32°42'00" and a chord which bears S 42°40'51" W, 1262.26 feet; thence S 26°19'51" W, 267.31 feet to the Point of Beginning. Containing 130.835 acres more or less.

**EXHIBIT C:
Annexation Map
(ATTACHED)**

EXHIBIT D:
Annexation Impact Report
(ATTACHED)



ANNEXATION IMPACT REPORT

Project:

RED MOUNTAIN RANCH ANNEXATION

17500 Hwy 6 (unincorporated Eagle County)
Eagle, CO 81631

Prepared By:

Town of Eagle
Morgan Landers, Town Planner
200 Broadway St
Eagle, CO 81631

Date: March 16, 2018

Table of Contents

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3.0 Annexation Eligibility Requirements.....	3
4.0 Limitation of Annexation.....	5
5.0 Impact Report Requirements.....	5

Attachments

RMR Property Aerial Photo

RMR Annexation Map

RMR Development Concept Plans

RMR Annexation Noticing Agencies

1.0 APPLICANT AND LOCATION

Applicant(s): Merv Lapin Revocable Trust
 Red Mountain Ranch LLLP

Project: Red Mountain Ranch Annexation

Location: 17500 Highway 6, Eagle, CO 81631

Town of Eagle File References: AN17-01 and PUD18-01

Red Mountain Ranch LLLP and the Merv Lapin Revocable Trust request that the full 130.835 acre tract of land on the attached “*Annexation Map*” be annexed into the Town of Eagle.

2.0 OVERVIEW

The proposed Red Mountain Ranch Annexation is located along Highway 6 east of the Town of Eagle boundaries. The project area includes 130.835 acres in Section 4, Township 5 South, and Range 84 West of the 6th prime meridian and is owned by two separate ownerships as listed above. The project area consists of eight (8) parcels of varying sizes. The proposed annexation does not include the annexation of any Highway 6 right-of-way.

Of the 130 acres, all property is located south of Highway 6 and north of the Eagle River beginning just east of the former “Green Bridge” on Hwy 6 to the Diamond S Ranch. The property is currently use for a variety of purposes. Much of the property is in agricultural use and serves grazing purposes for limited cattle herds. The property also includes two single-family homes and easement agreements for three public fishing access points along the property are in place. The property has four access points from Highway 6 with gravel driveway improvements. There are some wetlands and other environmentally sensitive areas that have been identified.

The proposed Red Mountain Ranch development, proposed as a Planned Unit Development, includes 153 units of varying densities throughout the project. The highest densities are proposed on the western end of the property. Conservation and preservation areas have been identified. Proposed densities and preservation areas are shown in the attached “Concept Plan” attached to this report.

3.0 ANNEXATION ELIGIBILITY REQUIREMENTS

As set forth in 31-123-104, C.R.S., below is information addressing the Annexation Eligibility Requirements for the Red Mountain Ranch Annexation proposal:

- A. Not less than one-sixth of the perimeter of the areas proposed to be annexed is contiguous with the Town of Eagle.

More than one-sixth of the perimeter of the area proposed to be annexed is contiguous per the attached “Annexation Map”.

- B. A community of interest exists between the area proposed to be annexed and the Town of Eagle.

The property will include a variety of housing types, environmental preservation areas, and active recreation areas serving the Town of Eagle residents and visitors as outlined in the Eagle Area Community Plan (adopted 2010), the Eagle River Corridor Plan (adopted 2015), and the Town of Eagle Strategic Plan (adopted 2017).

- C. The site is urban or will be urban in the near future.

The Eagle Area Community Plan identifies an Urban Growth Boundary for the Town of Eagle. The majority of the proposed annexation is within the previously designated Urban Growth Boundary.

- D. The site is integrated or is capable of being integrated with the Town of Eagle.

The project area is capable of being integrated with the Town of Eagle. The proposed project is adjacent to the Eagle Villas apartments and the Eagle Lofts condominium units. There is a public park on Nogal Rd and the proposed project has onsite park amenities proposed for residents.

Eagle County just completed phase 1 construction of the Eagle Valley Trail multi-use bike path from the Nogal Rd bike path east toward Horn Ranch at the entrance to the red canyon between the Town of Eagle and Wolcott. The Eagle Valley Trail connects the eastern end of the town of Eagle west to the town of Gypsum and provides safe passage of pedestrians and cyclists from the project area to a variety of commercial and recreational opportunities.

The Eagle County Transit Authority operates bus service between the Town of Eagle and the down-valley and up-valley communities. There is a park-n-ride facility at Chambers Ave and Eby Creek Rd less than one mile from the western end of the proposed project. In the future, changes to the bus system and additional stop locations will assist in the integration of the project.

3.0 LIMITATION OF ANNEXATION

As set forth in 31-12-105 C.R.S., below are responses to the Limitation of Annexation:

- A. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract of parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners.

Existing right of way and property lines are being used as boundaries for annexation and all parties have provided written consent.

- B. In establishing the boundaries of the areas proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) has been included without written consent of the landowners.

All land included with the annexation boundary is included with the written consent of the landowners.

- C. That no annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality.

The site has not been petitioned for annexation to another municipality.

- D. If a portion of a platted street or alley is to annex, the entire width of said street or alley is included within the area proposed to be annexed.

The annexation proposal does not include any platted street or alley.

4.0 REQUIREMENTS OF THE IMPACT REPORT

As set forth in 31-12-108.5 C.R.S., below are the responses to the Annexation Impact Report Requirements:

- (a) A map or maps of the municipality and adjacent territory to show the following information:

- (I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;

Refer to "Annexation Map" attached to this report.

- (II) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and

Refer to the “RMR Concept Plans” attached to this report.

(III) The existing and proposed land use pattern in the areas to be annexed;

The property is currently in unincorporated Eagle County and is zoned Resource. The proposed land uses are outlined in the “RMR Concept Plans” attached to this report.

(b) A copy of any draft or final preannexation agreement, if available;

A Annexation and Development Agreement will be negotiated through the land use review and approval process.

(c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;

Municipal services are within the vicinity of the project on the western boundary of the proposed annexation. Extension of municipal services will be addressed in the Annexation and Development Agreement negotiated and executed at the time of annexation between the town and the petitioners.

(d) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;

Extension of water and sewer service to the property will be at the expense of the petitioners.

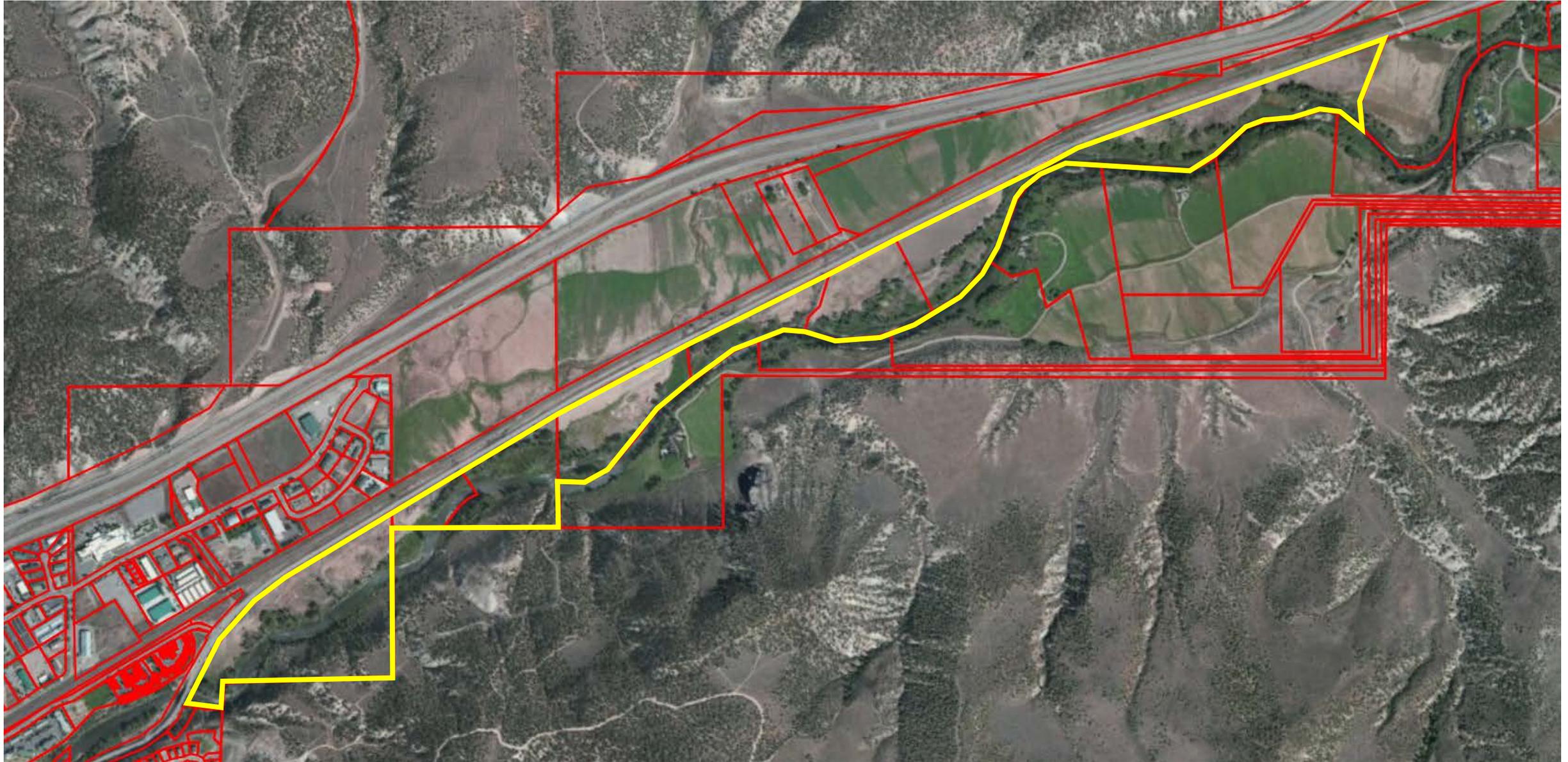
(e) A statement identifying existing districts within the area to be annexed; and

Refer to the “Annexation Referral Contact List” attached to this report.

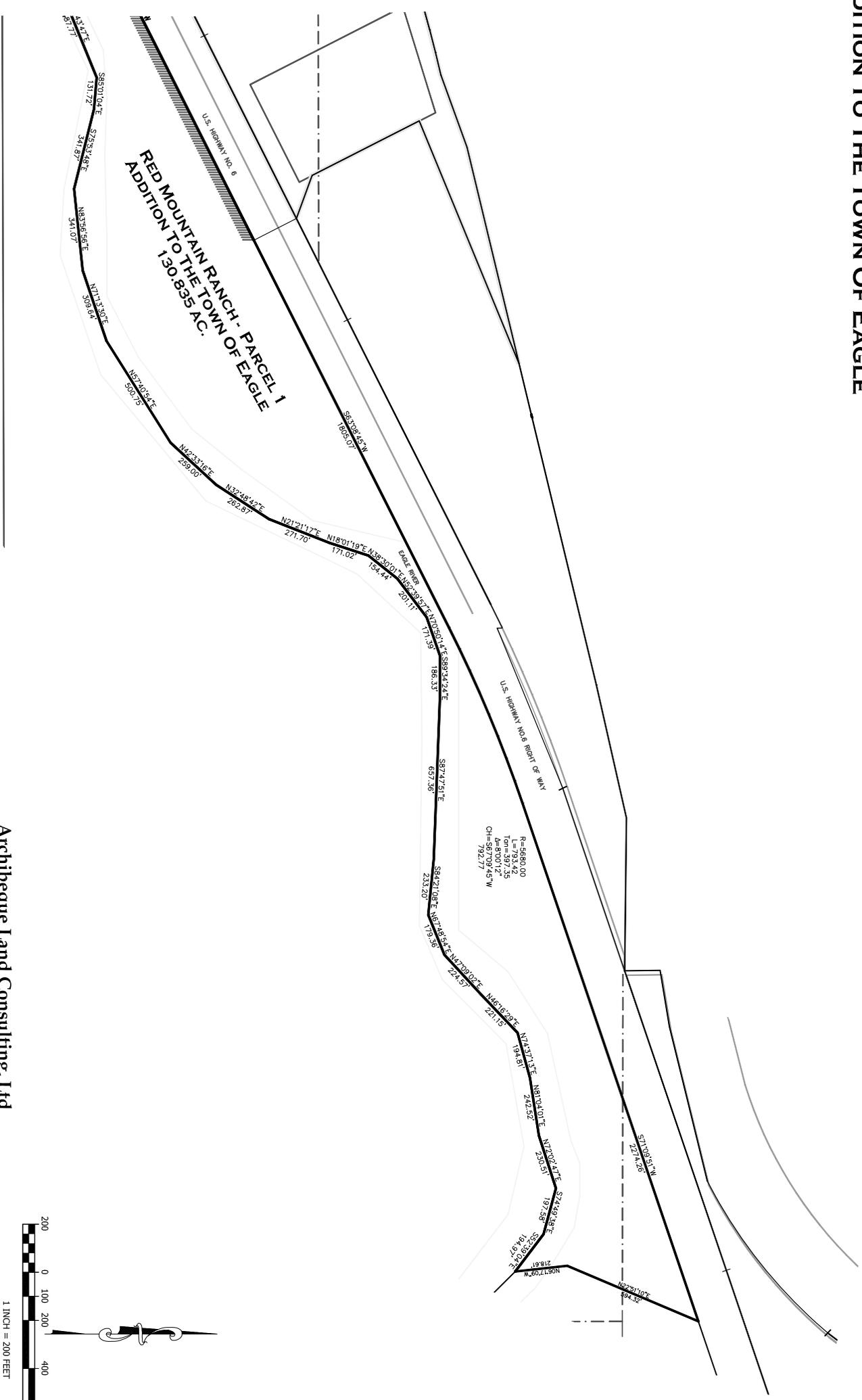
(f) A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

Potential impact to the school district is currently under review. The impact to the school district will be a function of the number of units approved and the type of those units. The school district is a referral agency of the annexation as well as the Planned Unit Development (PUD) application that has been submitted to the town.

Red Mountain Ranch – Property Location



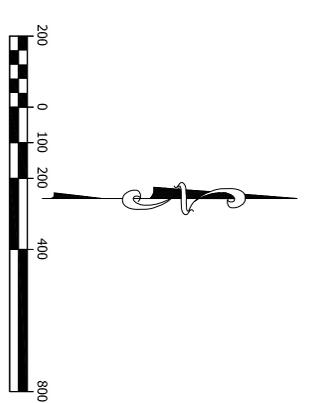
ANNEXATION PLAT
RED MOUNTAIN RANCH - PARCEL 1
ADDITION TO THE TOWN OF EAGLE



Archibegue Land Consulting, Ltd

~ Professional Land Surveying & Mapping ~
 115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
 970.328.6020 Office 970.328.6021 Fax

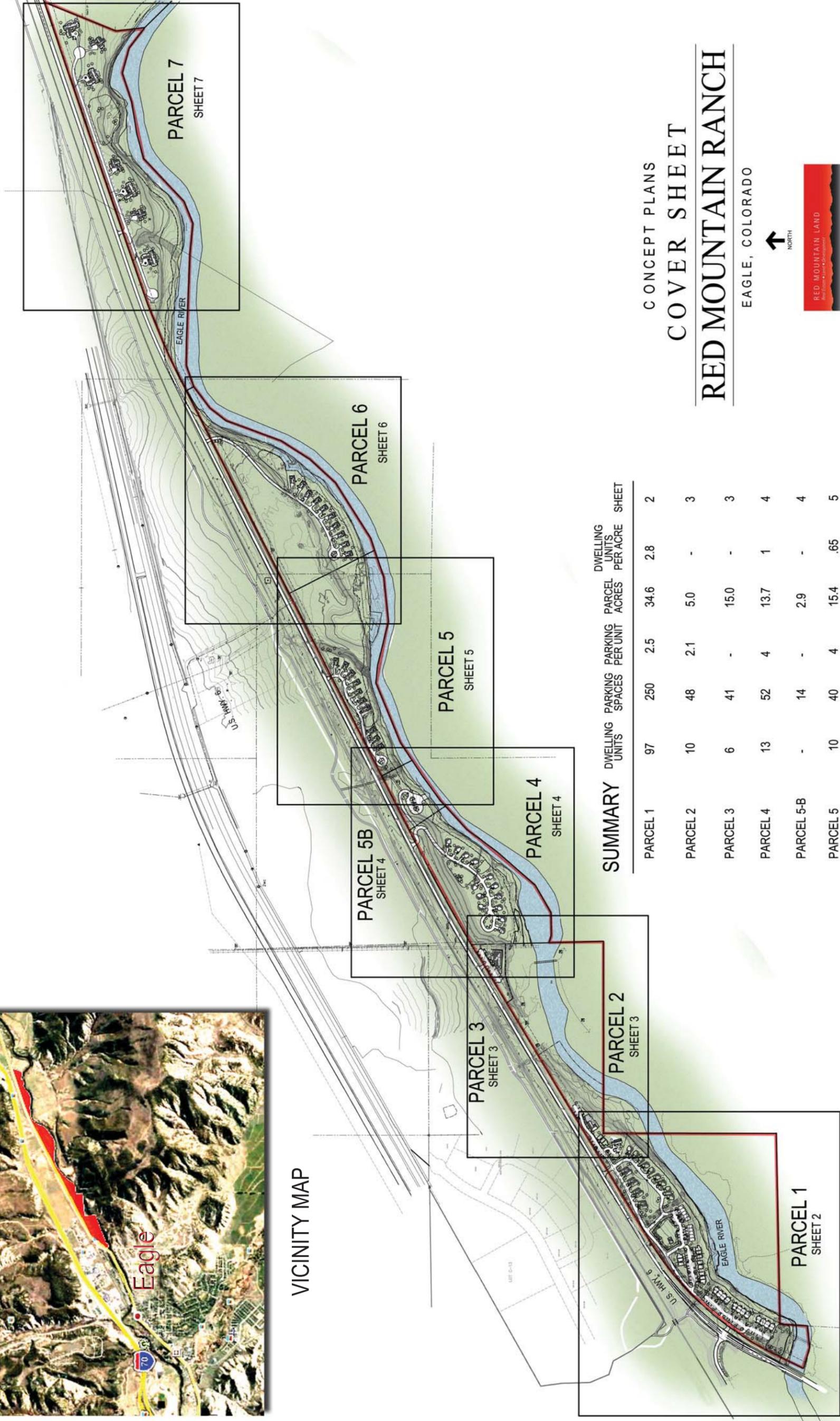
REVISED TJA 02-09-18 PER TOWN COMMENTS
 REVISED TJA 02-07-18 PER TOWN COMMENTS
 REVISED TJA 03-02-17 OWNERSHIP
 REVISED TJA 03-02-17 ACREAGE



ANNEXATION PLAT			
RED MOUNTAIN RANCH - PARCEL 1			
ADDITION TO THE TOWN OF EAGLE			
DRAWN BY:	CAP	JOB NUMBER:	16109
DRAWING NAME:	16109 ANNEX 2.dwg	CHECKED BY:	TJA
SHEET:	3	OF:	3
DATE:	09-26-16		



VICINITY MAP



CONCEPT PLANS
COVER SHEET
RED MOUNTAIN RANCH

EAGLE, COLORADO



These concept plans are for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

SHEET 1 OF 7

DATE: 5-16-2017

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	SHEET
PARCEL 1	97	250	2.5	34.6	2.8	2
PARCEL 2	10	48	2.1	5.0	-	3
PARCEL 3	6	41	-	15.0	-	3
PARCEL 4	13	52	4	13.7	1	4
PARCEL 5-B	-	14	-	2.9	-	4
PARCEL 5	10	40	4	15.4	.65	5
PARCEL 6	10	40	4	19.2	.52	6
PARCEL 7	7	28	4	24.5	.28	7
TOTALS	153	513	-	130.3	1.1	

SUMMARY

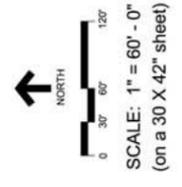
PARCEL 1 SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	
1-A	CONDOMINIUMS 2 STORY BUILDINGS 1 & 2 BEDROOM UNITS	48	96	2	3.5	13.7
1-B	4 and 6 PLEX 2 STORY BUILDINGS 2 BEDROOM UNITS	22	48	2.2	2.6	8.4
1-C	TOWNHOMES 2 STORY BUILDINGS 2 BEDROOM UNITS	10	46	4.6	1.6	6.2
1-D	DUPLEX 2 STORY BUILDING 2 & 3 BEDROOM UNITS	8	32	4	2.5	3.2
1-E	SINGLE FAMILY 1 STORY BUILDINGS 2 & 3 BEDROOM UNITS	9	36	4	2.3	3.9
OS	OPEN SPACE				22.1	
TOTALS		97	250	2.5	34.6	2.9



CONCEPT PLAN PARCEL 1 RED MOUNTAIN RANCH

EAGLE, COLORADO



This concept plan is for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

SHEET 2 OF 7

DATE: 5-16-2017

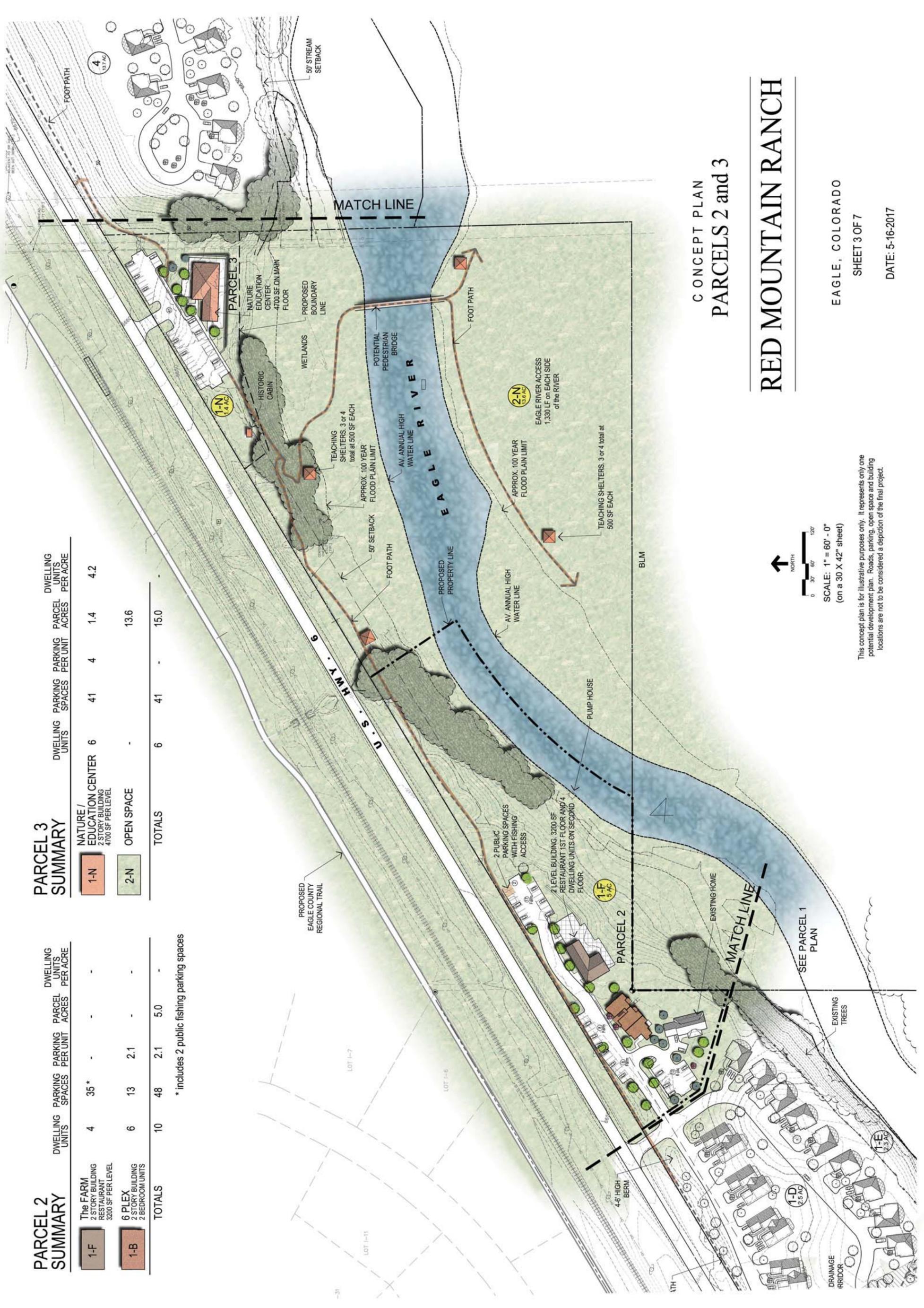
PARCEL 2 SUMMARY

DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
1-F The FARM 2 STORY BUILDING RESTAURANT 3200 SF PER LEVEL	4	35*	-	-
1-B 6 PLEX 2 STORY BUILDING 2 BEDROOM UNITS	6	13	2.1	-
TOTALS	10	48	2.1	5.0

* includes 2 public fishing parking spaces

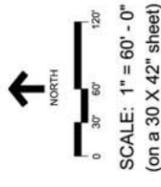
PARCEL 3 SUMMARY

DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
1-N NATURE/ EDUCATION CENTER 2 STORY BUILDING 4700 SF PER LEVEL	6	41	1.4	4.2
2-N OPEN SPACE	-	-	13.6	-
TOTALS	6	41	15.0	-



CONCEPT PLAN PARCELS 2 and 3 RED MOUNTAIN RANCH

EAGLE, COLORADO
SHEET 3 OF 7
DATE: 5-16-2017



This concept plan is for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

PARCELS 4 and 5B SUMMARY

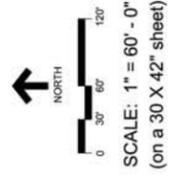
	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
PARCEL 4					
4 SINGLE FAMILY 1 STORY BUILDINGS	13	52	4	13.7	1
2 & 3 BEDROOM UNITS					
PARCEL 5-B					
EAGLE RIVER PARK	14*	-	-	2.9	
TOTALS	13	66	4	16.6	1

*or 7 vehicles with trailers



CONCEPT PLAN PARCELS 4 and 5-B RED MOUNTAIN RANCH

EAGLE, COLORADO



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SHEET 4 OF 7
DATE: 5-16-2017

PARCEL 5 SUMMARY

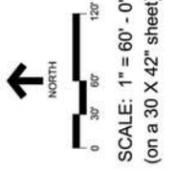
	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
5	10	44	4	15.4	.64



CONCEPT PLAN
PARCEL 5

RED MOUNTAIN RANCH

EAGLE, COLORADO
SHEET 5 OF 7
DATE: 5-16-2017

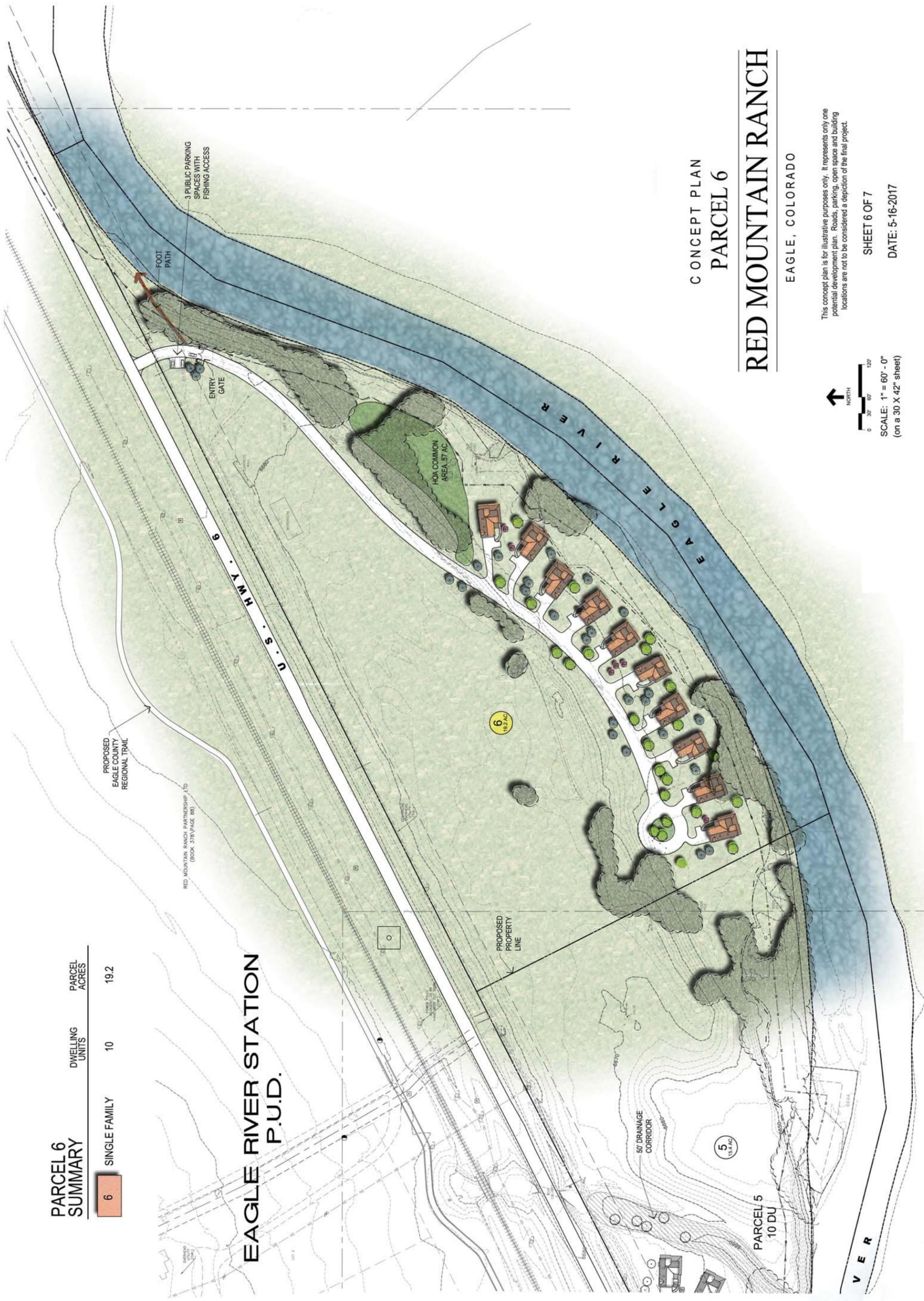


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**PARCEL 6
SUMMARY**

	DWELLING UNITS	PARCEL ACRES
6 SINGLE FAMILY	10	19.2

**EAGLE RIVER STATION
P.U.D.**

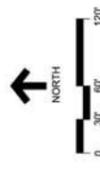


**CONCEPT PLAN
PARCEL 6**

RED MOUNTAIN RANCH

EAGLE, COLORADO

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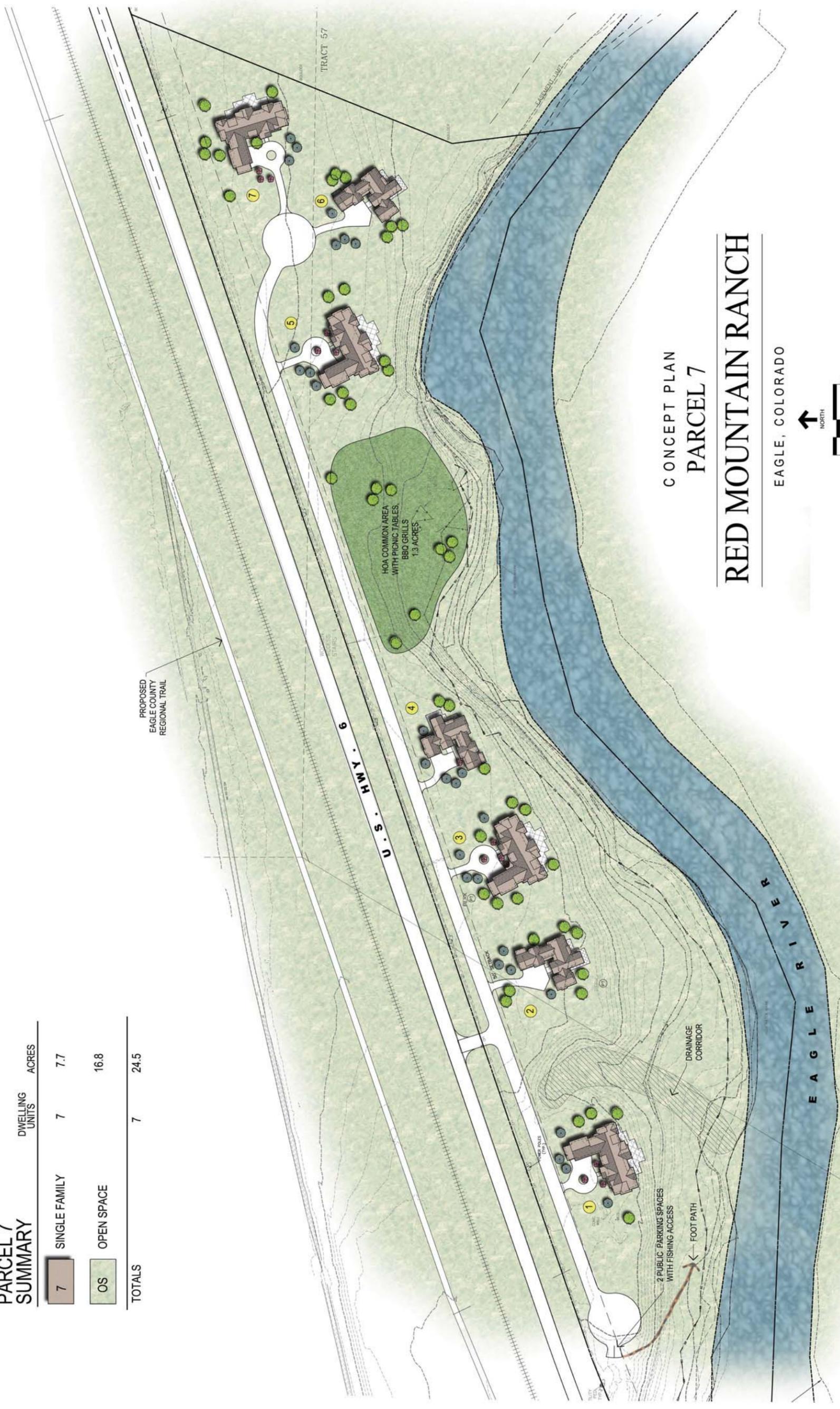
SHEET 6 OF 7

DATE: 5-16-2017

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

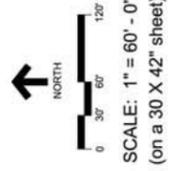
PARCEL 7 SUMMARY

	DWELLING UNITS	ACRES
7 SINGLE FAMILY	7	7.7
OS OPEN SPACE		16.8
TOTALS	7	24.5



CONCEPT PLAN PARCEL 7 RED MOUNTAIN RANCH

EAGLE, COLORADO



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SHEET 7 OF 7
DATE: 5-16-2017

DIAMOND STAR
RANCH

Notice List for RMR Annexation
 Certified Mail

Eagle County Board of County Commissioners	Rhea Silverkorn	PO Box 850	Eagle	CO	81631
Eagle County County Attorney	Beth Oliver	PO Box 850	Eagle	CO	81631
Eagle County School District RE50J Administrator	Sandy Mutchler	PO Box 740	Eagle	CO	81631
Eagle Valley Library District	Linda Tillson	PO Box 240	Eagle	CO	81361
Western Eagle County Metro Recreation District	Janet Bartnick	PO Box 375	Gypsum	CO	81637
Eagle County Soil Conservation District	Rick Olson	PO Box 360	Eagle	CO	81631
Colorado River Water Conservation District	Meredith Spyker	PO Box 1120	Glenwood Springs	CO	81602
Greater Eagle Fire Protection District (Eagle)	Randy Cohen	PO Box 961	Eagle	CO	81631
	Doug Cupp - Fire Chief				
Eagle Cemetery Association District	Nancy Powell	PO Box 514	Eagle	CO	81631

EXHIBIT E:
Fiscal Impact Report
([LINK](#))

EXHIBIT F:
Site Orientation Package and
P&Z Site Visit Comments
(ATTACHED)



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Stephanie Stevens, Planning Consultant
Department of Community Development

DATE: February 1, 2019

PROJECT: Red Mountain Ranch PUD
(File Numbers PUD18-01)

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

SUBJECT: Planning & Zoning Commission Site Visit

SITE REVIEW

Before the Planning & Zoning Commission reviews the PUD Zoning Plan, the proposal shall be reviewed on site by at least three members of the Planning & Zoning Commission. They may make written recommendations to the full Planning & Zoning Commission regarding characteristics of the site which may have a bearing on the PUD Zoning Plan. Some areas that you may want to pay attention to include: access, surrounding uses for compatibility, connectivity to surrounding area, and impacts to existing natural features.

Staff recommends Commission members plan on going out to the site individually to avoid any potential for ex parte communication. The site visit on the Red Mountain Ranch PUD Zoning Plan application needs to be completed by February 8th, in preparation for the first hearing on the application scheduled for February 19th, 2019. If commissioners have any questions regarding the materials provided, ahead of conducting a site visit, please contact Morgan Landers. Clarifications of materials will be distributed to all commissioners. Once the site visit is complete, please send any written recommendations that you'd like to share with the Planning & Zoning Commission to Morgan Landers at morgan.landlers@townofeagle.org by **5pm on February 8th, 2019** for inclusion in the packet materials.

PROJECT SUMMARY

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. Annexation and PUD zoning are proposed in order to accommodate future growth and development of the Town of Eagle. The Community Plan recommends annexation of properties into the Town that are contained within the growth boundary. 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 Planning & Zoning Commission is to review the Zoning 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 of the PUD Zoning Plan, the Board will review the proposed PUD Zoning Plan at a public hearing, along with the annexation petition, and take final action on both 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.

SITE VISIT ORIENTATION

Please find the Site Visit Orientation package provided by the applicant in Attachments A, B, and C to help guide you on your site visit. It should be noted that further approval of a Development Plan and Permit will be required if the PUD is approved and once final design is known. Attachments related to site orientation are described as follows:

Attachment A- These maps entitled “Red Mountain Ranch Boundary” are intended solely for orientation purposes.

Attachment B-These maps entitled “Red Mountain Ranch key points” identify property access points and show a detailed route to access the property and red flag areas to follow to drive onto the property and view the site.

Attachment C-These set of maps, entitled “PUD Zoning Plan” include the Zoning Plan, showing PUD planning areas and some major identifying features.

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 districts intermixed throughout the planning areas that are reserved for open space, OS-1 through OS-10. A brief summary of each of the proposed planning areas is provided below. Please reference the PUD Written Narrative and PUD Guide attached for specific details and standards set forth for each planning area.

**Planning Area 1 (34.6 acres located along the western-most portion of the property)
Containing R/PUD-1 (12.3 acres), OS-1 (1.8 acres), OS-2 (5.1 acres), and OS-3 (15.4 acres):**

The PUD Zoning Plan for Planning Area 1 will be accessed along Highway 6, and includes a residential planning area, identified 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 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. In general, residential density should be higher at the west end of the property and transition to lower density to the east. Within the area of 12.3 acres designated as R/PUD -1 there should 4 acres designed as parks, open space or buffer zones for a ratio of 78% development area to 32% of buffer zone and common open space. The open space parcels that would contain active parks, a public riverfront trail, riverfront access, drainage corridors, community open space, fishing access (fly fishing by catch and release only), and a portion of publicly dedicated open space. The OS planning areas are located between the Eagle River and the development and are intended to act as a buffer to river. These open space areas make up a portion of the minimum open space and recreational areas provided onsite in addition to the private usable open spaces that will be developed within residential neighborhoods.

**Planning Area 2 (5.0 acres)
Containing C/PUD-1 (2.9 acres) and OS-4 (2.1 acres):**

Moving east, 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, and will be accessed via a shared connection with Planning Area 1. C/PUD -1 is a mixed-use plan of commercial (up to 10,000 square feet), residential and farm uses, fishing access (fly fishing by catch and release only), and includes an extension of the trail system. The intent of this planning area 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. 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. Fishing will be allowed in OS-4 by fly fishing and catch and release only, no commercial guided fishing shall be allowed.

**Planning Area 3 (15 acres)
Containing C/PUD-2 (1.4 acres) and OS-5 (13.6 acres):**

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, and will be accessed via a shared access point with Planning Area’s 4 and 5B to the east. 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. 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. C/PUD-2 would be allowed to include a nature/education center building and associated residences. C/PUD-2 is intended to be donated or conveyed to a non-profit entity that will

operate an environmental education center. 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. The pedestrian trail system is proposed to continue from Planning Area 2 into Planning Area 3, and fishing access will be allowed (fly fishing by catch and release only).

Planning Area 4 (13.7 acres)

Containing R/PUD-2 (9.1 acres) and OS-6 (4.6 acres):

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 will be accessed from Highway 6 via a private road which will be shared with Planning Areas 3 and 5B. The soft surface 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. A campground is also an allowed use within this area. 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, and includes the existing public fishing easement that extends from the river to the high-water mark. Lands adjacent to Highway 6 would be an appropriate location for buffer and open space areas. Within the area of 9.1 acres designated as R/PUD -2 there should be 4.1 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Internal roadways serving Planning Area 3, 4 and 5B would be allowed within the open space/buffer zones.

Planning Area 5B (3 acres)

Containing P/PUD (3 acres):

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, and will share a Highway 6 access point with Planning Areas 3 and 4. This park will provide parking and access to the river and to the existing public fishing easement located between the average high water mark and the centerline of the river. This area contains an existing historic cabin, and is proposed to contain a public park with river access and a boat ramp. The soft surface trail will connect all the way from Planning Area 1 to this public park, with a possible trail connection to tie into the newly constructed ECO-Trail north of Highway 6.

Planning Area 5 (14.5 acres)

Containing R/PUD-3 (6.2 acres), OS-7 (5.5 acres), and OS-8 (2.8 acres):

R/PUD-3 will be accessed from Highway 6 via a private road, and is proposed to be 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. 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 of approximately 2.8 acres located to the east of R/PUD-3, which may contain natural or improved landscape and may be traversed by a shared roadway with Planning Area 6.

Planning Area 6 (20 acres)

Containing R/PUD-4 (14.8 acres) and OS-9 (5.2 acres):

R/PUD-4 is proposed for low density single family and duplex homes at a maximum density of 25 single family or duplex homes, and will be accessed from Highway 6 via a private road that extends south to the fishing easement that is in place along this stretch of river front.

Approximately 45% of the land area within R/PUD-4 is to be designed as buffer areas, formal or informal open space, and a neighborhood park. The internal road system in Planning Area 5 may also connect to Planning Area 6 to provide highway access. 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.

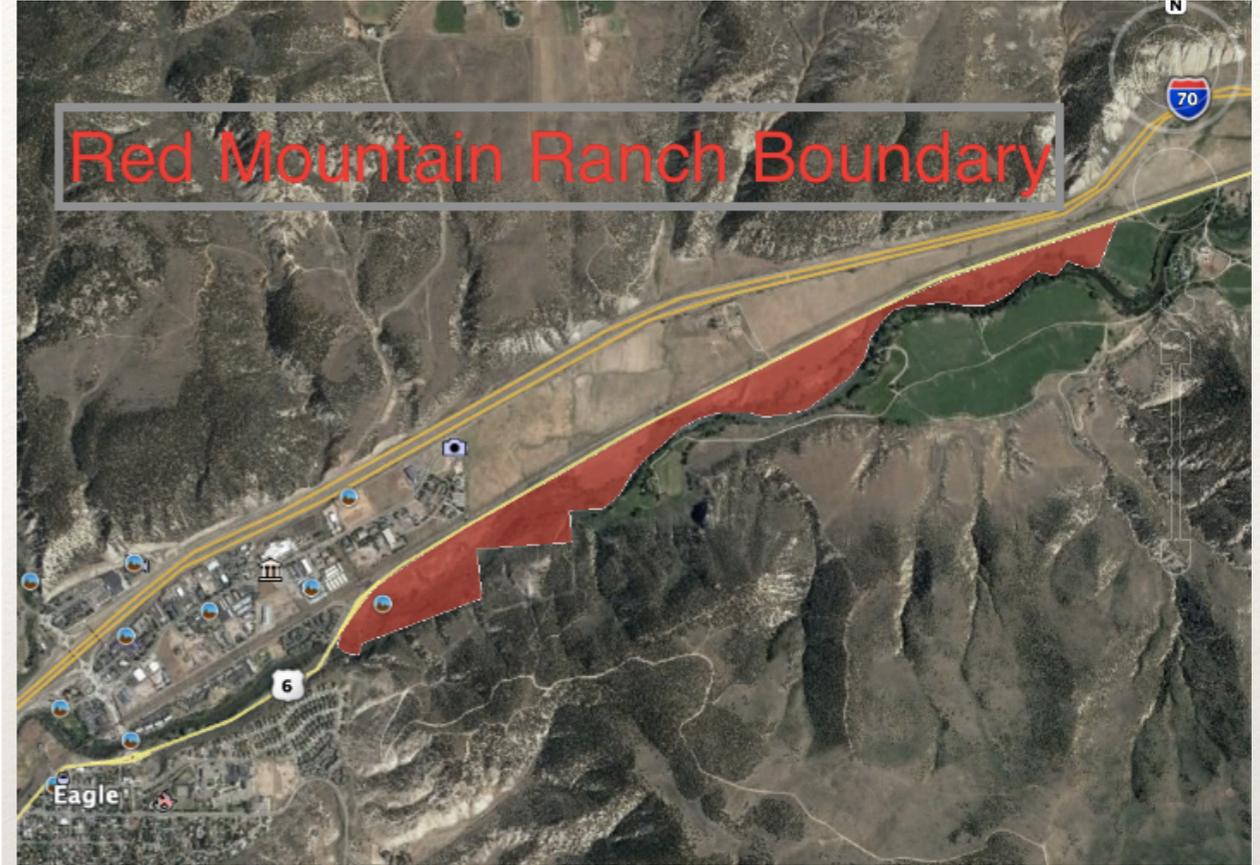
Planning Area 7 (24.5 acres located along the eastern-most portion of the property)

Containing R/PUD-5 (15.8 acres) and OS-10 (8.7 acres):

R/PUD-5 is proposed for low density single family homes at a maximum density of 9 single family homes, and will be accessed from Highway 6 via a private road that extends to the fishing easement that is in place along this stretch of riverfront. Approximately 50% of the land area within R/PUD-5 is to be designed as buffer areas, formal or informal open space, to include two open corridors from the highway to the river and a neighborhood park. OS-10 represents the open space riparian corridor along the river and extends 50 feet in width from the average high water mark. Uses in OS-10 will be limited to soft surface trails and limited river access points. OS-10 also includes the existing public fishing access from the centerline of the river to the high-water mark. Within the area of 15.8 acres designated as R/PUD -5 there should be a ratio of 50% of development area and 50 % of buffer zone and common open space. Internal access roads may be located within open space and buffer zones.

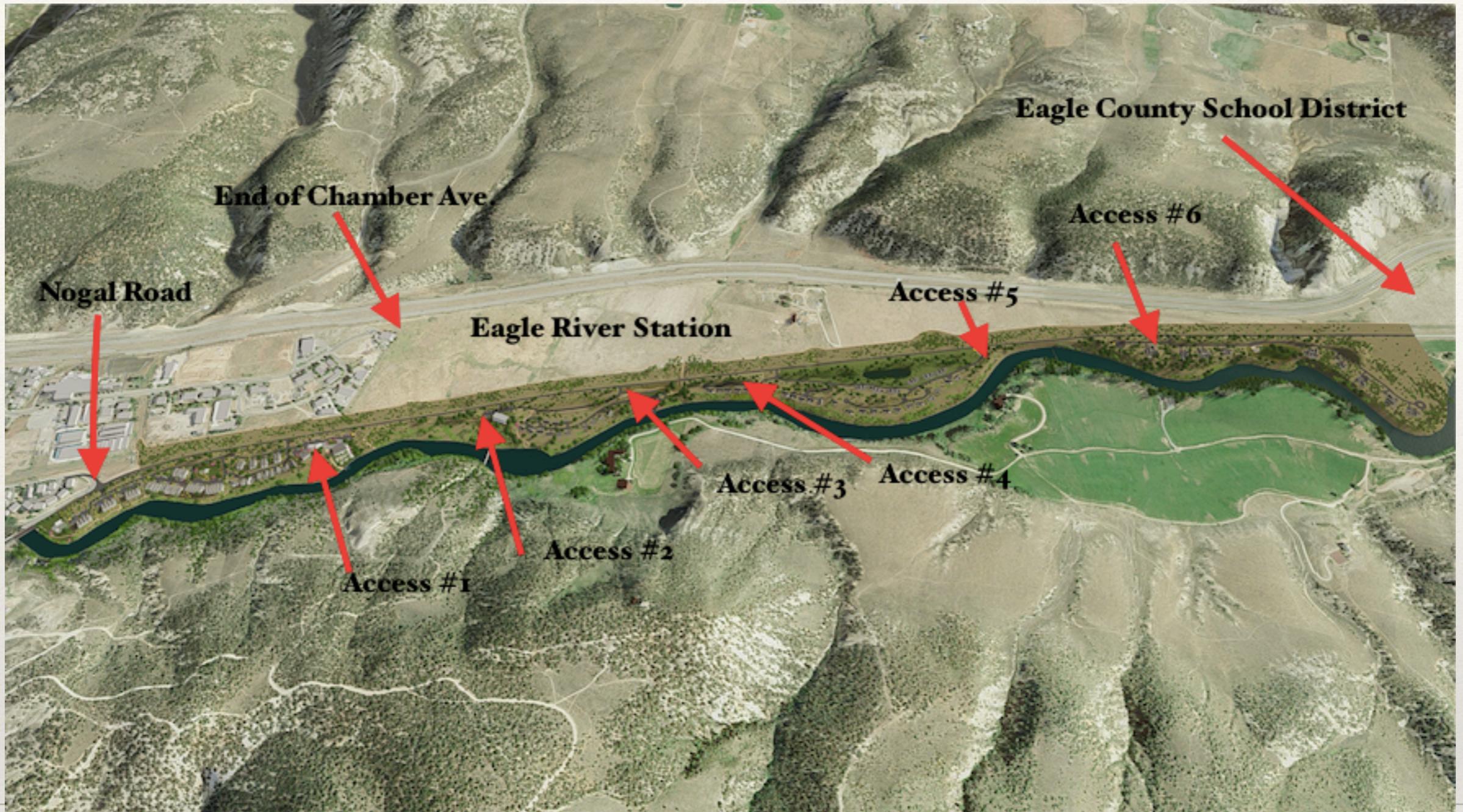
ATTACHMENTS

- A. Red Mountain Ranch Boundary
- B. Red Mountain Ranch Key Points
- C. PUD Zoning Plan
- D. PUD Guide
- E. PUD Written Narrative ([LINK](#))



Red Mountain Ranch PUD Boundary

Attachment A

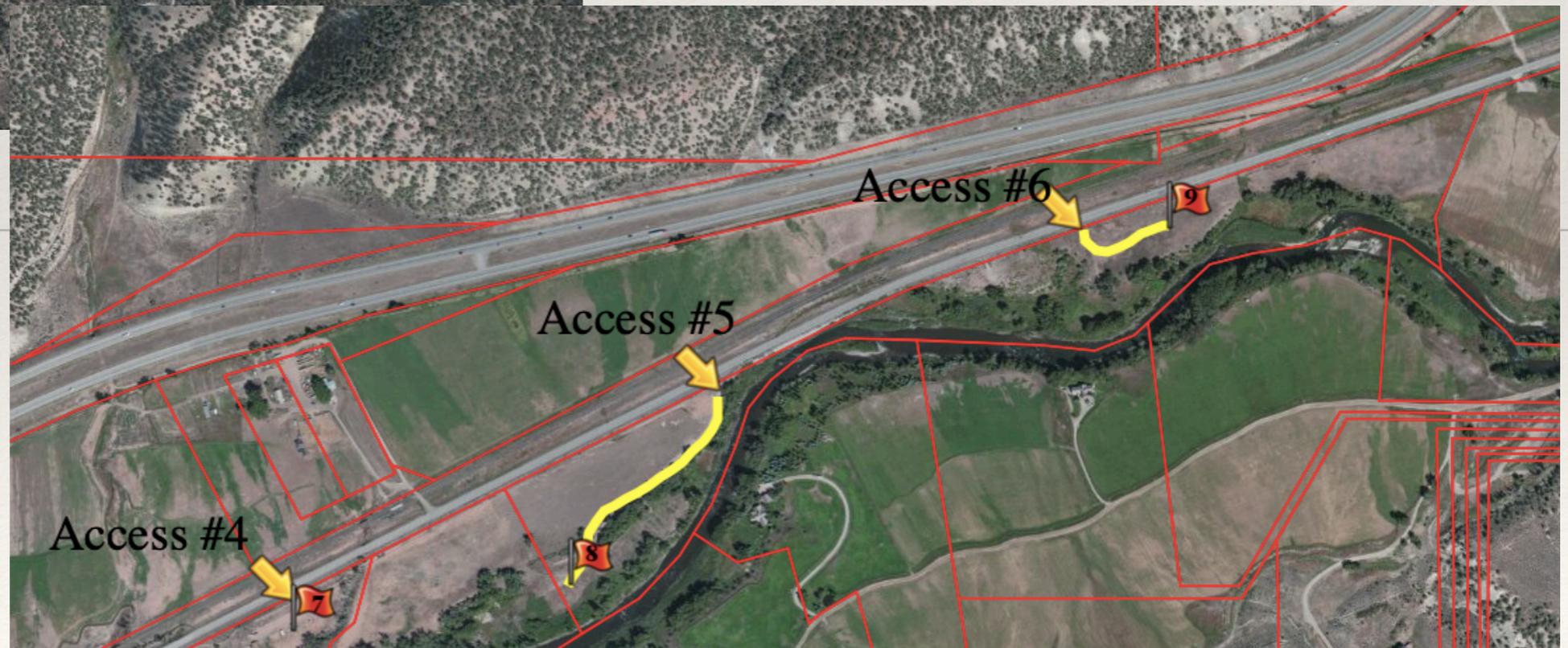
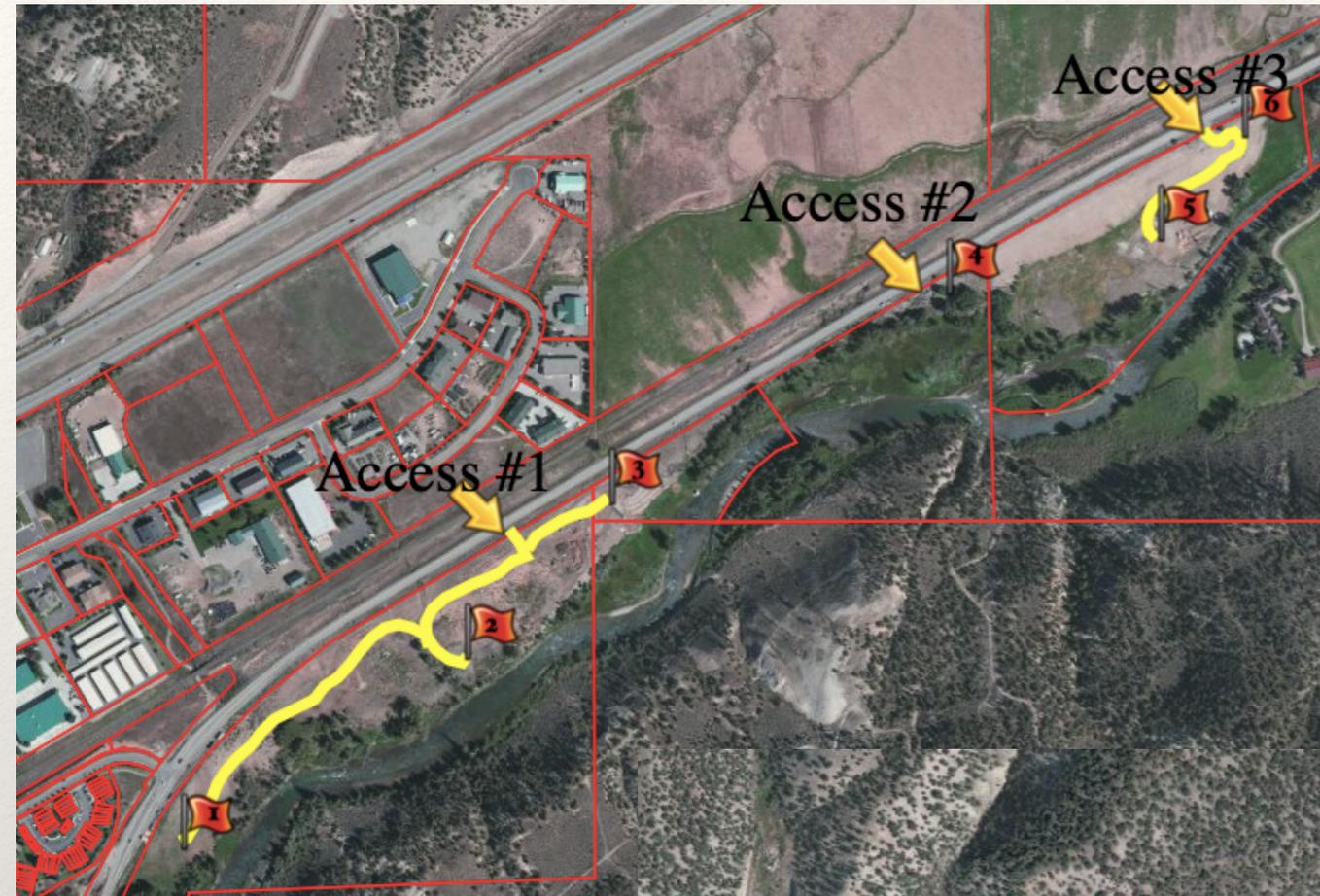


Red Mountain Ranch PUD Boundary

Attachment B

Red Mountain Ranch

Attachment B



RED FLAG #1

Looking south over river, one of the locations identified as an appropriate location for public river access



Looking west towards the town park



Red Flag #2

Looking South over Planning area #1 and the Eagle River



Looking East Over Planning area #1 towards Planning area #2

Red Flag #3

Looking South West over river from C/PUD 1



Looking South East over river from C/PUD 1



Looking East

Red Flag #4



Looking South over Planning area #3

Looking West toward hwy 6

Red Flag # 5



Looking South West over Plaining area #4

Looking South over Eagle River



Red Flag #6

Looking West over Planning area #4



Looking East over proposed town park P/PUD

Red Flag #7

Looking South over Eagle River



Looking North West over Planning area #5

Red Flag #8

Looking South Over Planning area #6 and Eagle River



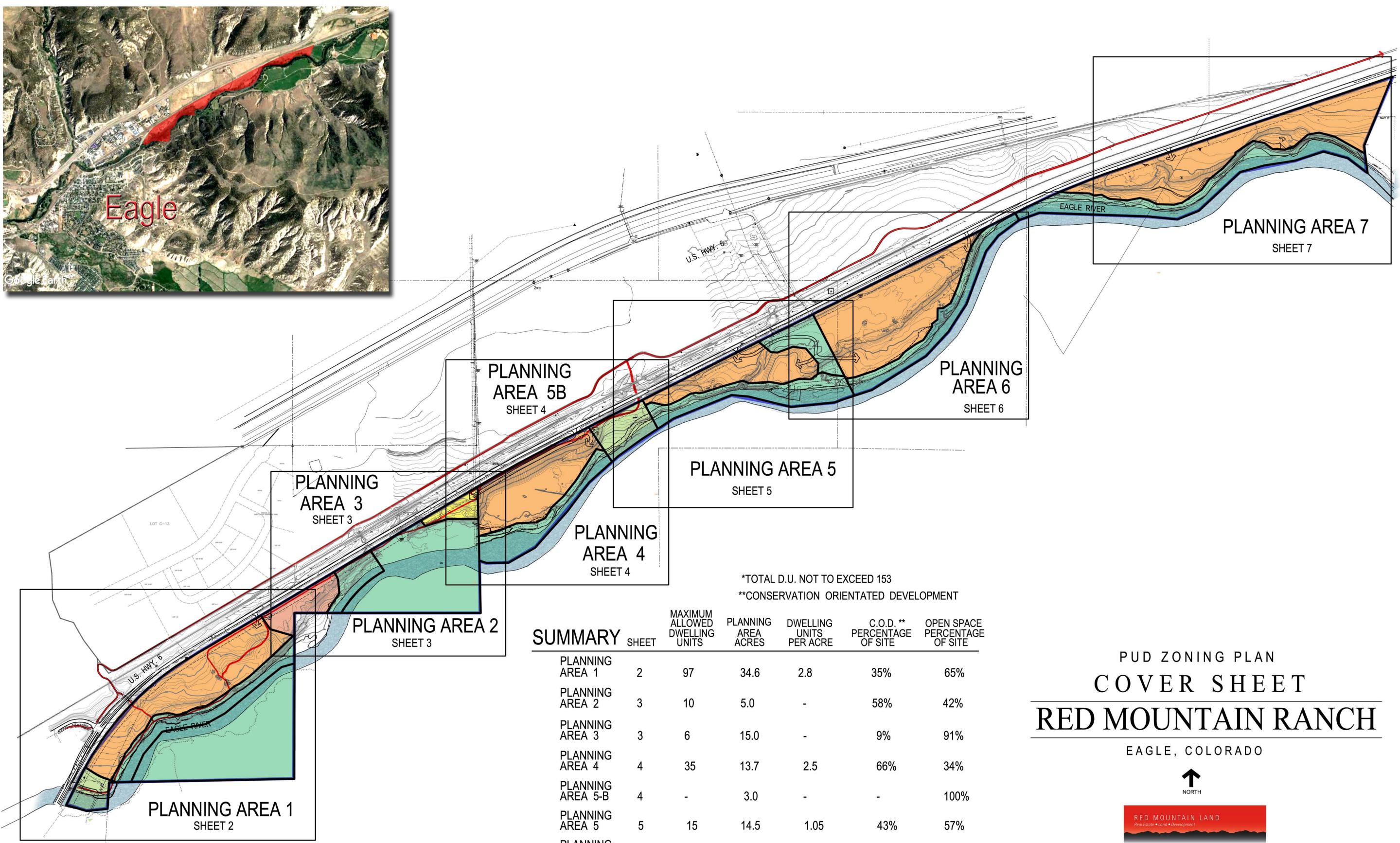
Looking East Planning area #6 and Eagle River

Red Flag #9

Looking West over Planning area #7



Looking South over Eagle River and Planning area #7



*TOTAL D.U. NOT TO EXCEED 153
**CONSERVATION ORIENTATED DEVELOPMENT

SUMMARY SHEET	MAXIMUM ALLOWED DWELLING UNITS	PLANNING AREA ACRES	DWELLING UNITS PER ACRE	C.O.D. ** PERCENTAGE OF SITE	OPEN SPACE PERCENTAGE OF SITE
PLANNING AREA 1	2	34.6	2.8	35%	65%
PLANNING AREA 2	3	5.0	-	58%	42%
PLANNING AREA 3	3	15.0	-	9%	91%
PLANNING AREA 4	4	13.7	2.5	66%	34%
PLANNING AREA 5-B	4	3.0	-	-	100%
PLANNING AREA 5	5	14.5	1.05	43%	57%
PLANNING AREA 6	6	20.0	1.25	74%	26%
PLANNING AREA 7	7	24.5	.36	64%	36%
TOTALS	*	130.3	1.17	47%	52%

PUD ZONING PLAN
COVER SHEET
RED MOUNTAIN RANCH

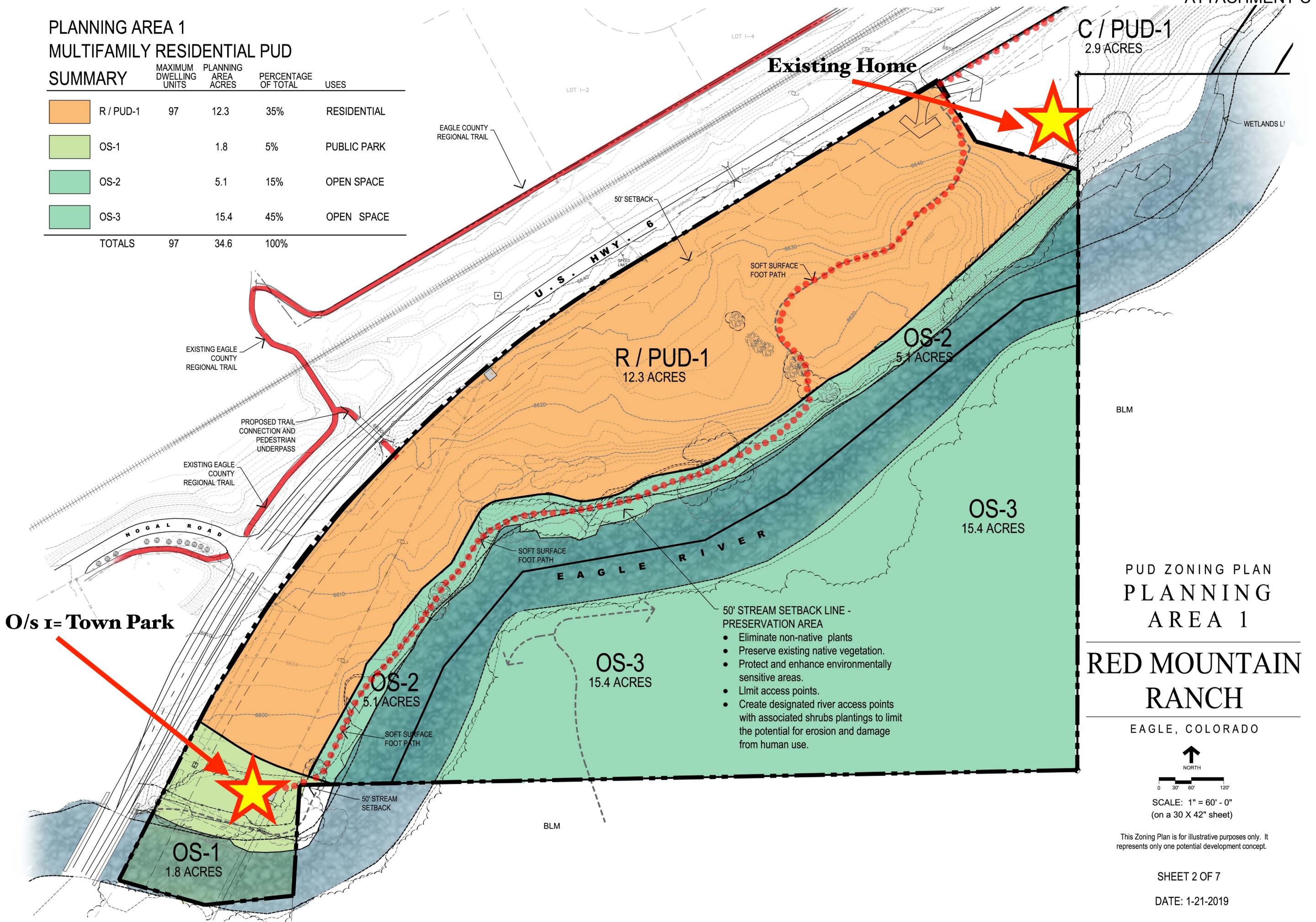
EAGLE, COLORADO



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**PLANNING AREA 1
MULTIFAMILY RESIDENTIAL PUD**

SUMMARY	MAXIMUM DWELLING UNITS	PLANNING AREA ACRES	PERCENTAGE OF TOTAL	USES
 R / PUD-1	97	12.3	35%	RESIDENTIAL
 OS-1		1.8	5%	PUBLIC PARK
 OS-2		5.1	15%	OPEN SPACE
 OS-3		15.4	45%	OPEN SPACE
TOTALS	97	34.6	100%	



C / PUD-1
2.9 ACRES

Existing Home

R / PUD-1
12.3 ACRES

OS-2
5.1 ACRES

OS-3
15.4 ACRES

OS-2
5.1 ACRES

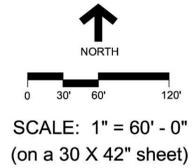
OS-3
15.4 ACRES

OS-1
1.8 ACRES

PUD ZONING PLAN
PLANNING
AREA 1

**RED MOUNTAIN
RANCH**

EAGLE, COLORADO



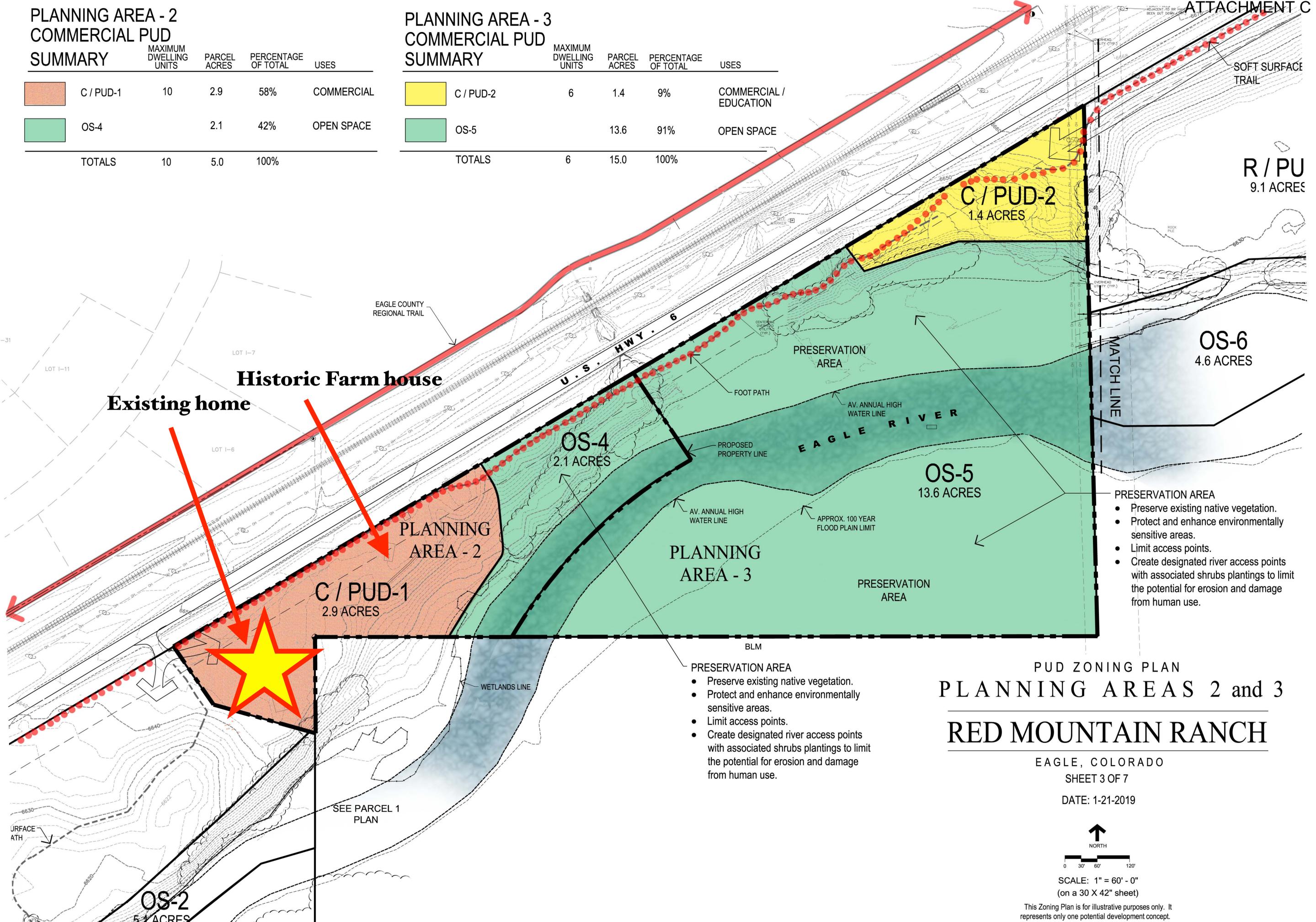
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**PLANNING AREA - 2
COMMERCIAL PUD
SUMMARY**

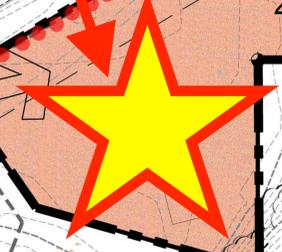
	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
	C / PUD-1	10	58%	COMMERCIAL
	OS-4	2.1	42%	OPEN SPACE
TOTALS		10	100%	

**PLANNING AREA - 3
COMMERCIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
	C / PUD-2	6	9%	COMMERCIAL / EDUCATION
	OS-5	13.6	91%	OPEN SPACE
TOTALS		6	100%	



Existing home
Historic Farm house

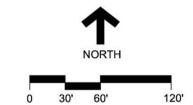


- PRESERVATION AREA**
- Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

- PRESERVATION AREA**
- Preserve existing native vegetation.
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**PUD ZONING PLAN
PLANNING AREAS 2 and 3
RED MOUNTAIN RANCH**

EAGLE, COLORADO
SHEET 3 OF 7
DATE: 1-21-2019



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

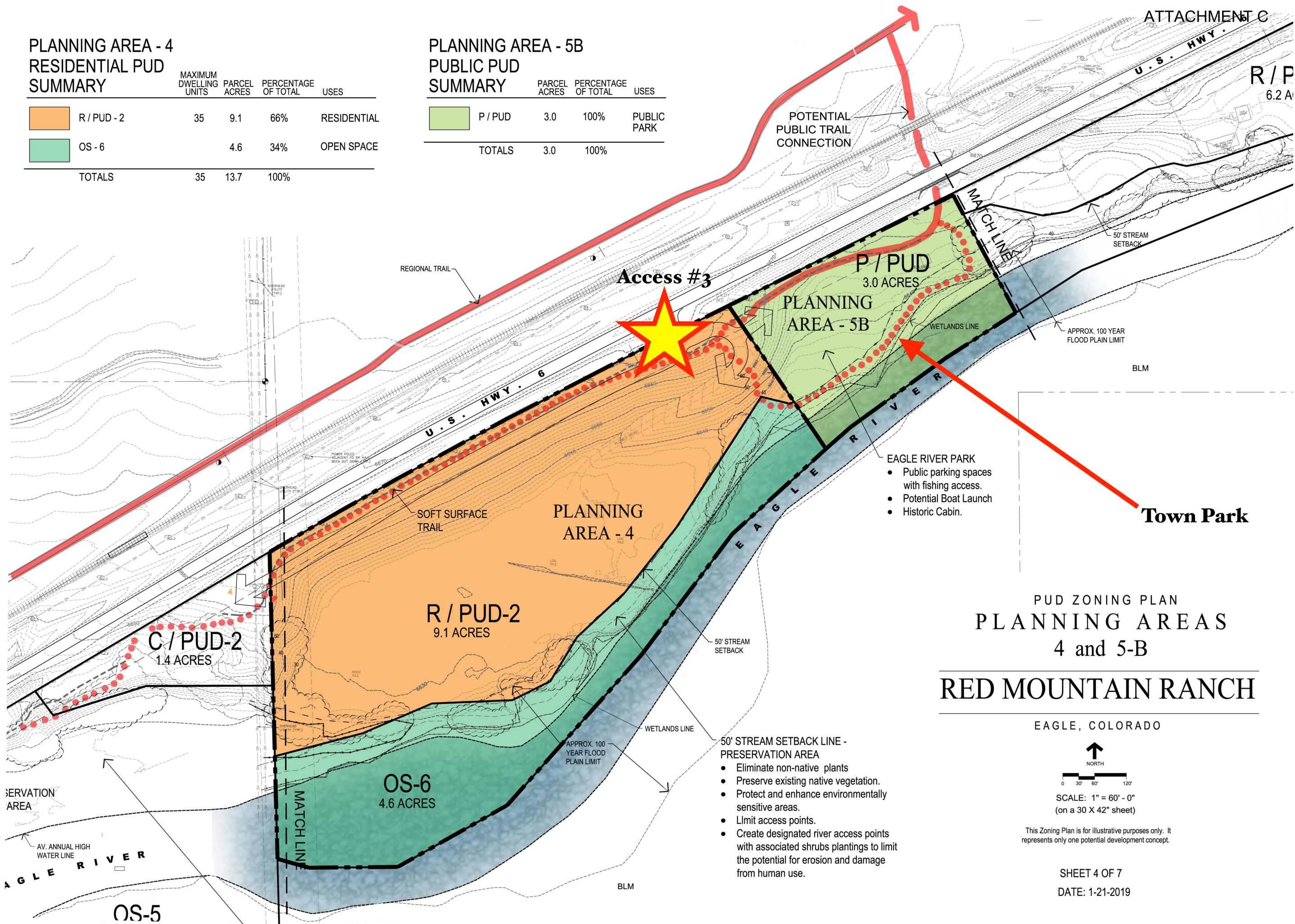
This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

**PLANNING AREA - 4
RESIDENTIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES	
	R / PUD - 2	35	9.1	66%	RESIDENTIAL
	OS - 6		4.6	34%	OPEN SPACE
TOTALS		35	13.7	100%	

**PLANNING AREA - 5B
PUBLIC PUD
SUMMARY**

	PARCEL ACRES	PERCENTAGE OF TOTAL	USES	
	P / PUD	3.0	100%	PUBLIC PARK
TOTALS		3.0	100%	

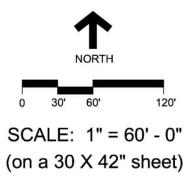


- EAGLE RIVER PARK**
- Public parking spaces with fishing access.
 - Potential Boat Launch
 - Historic Cabin.

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD ZONING PLAN
PLANNING AREAS
4 and 5-B
RED MOUNTAIN RANCH**

EAGLE, COLORADO

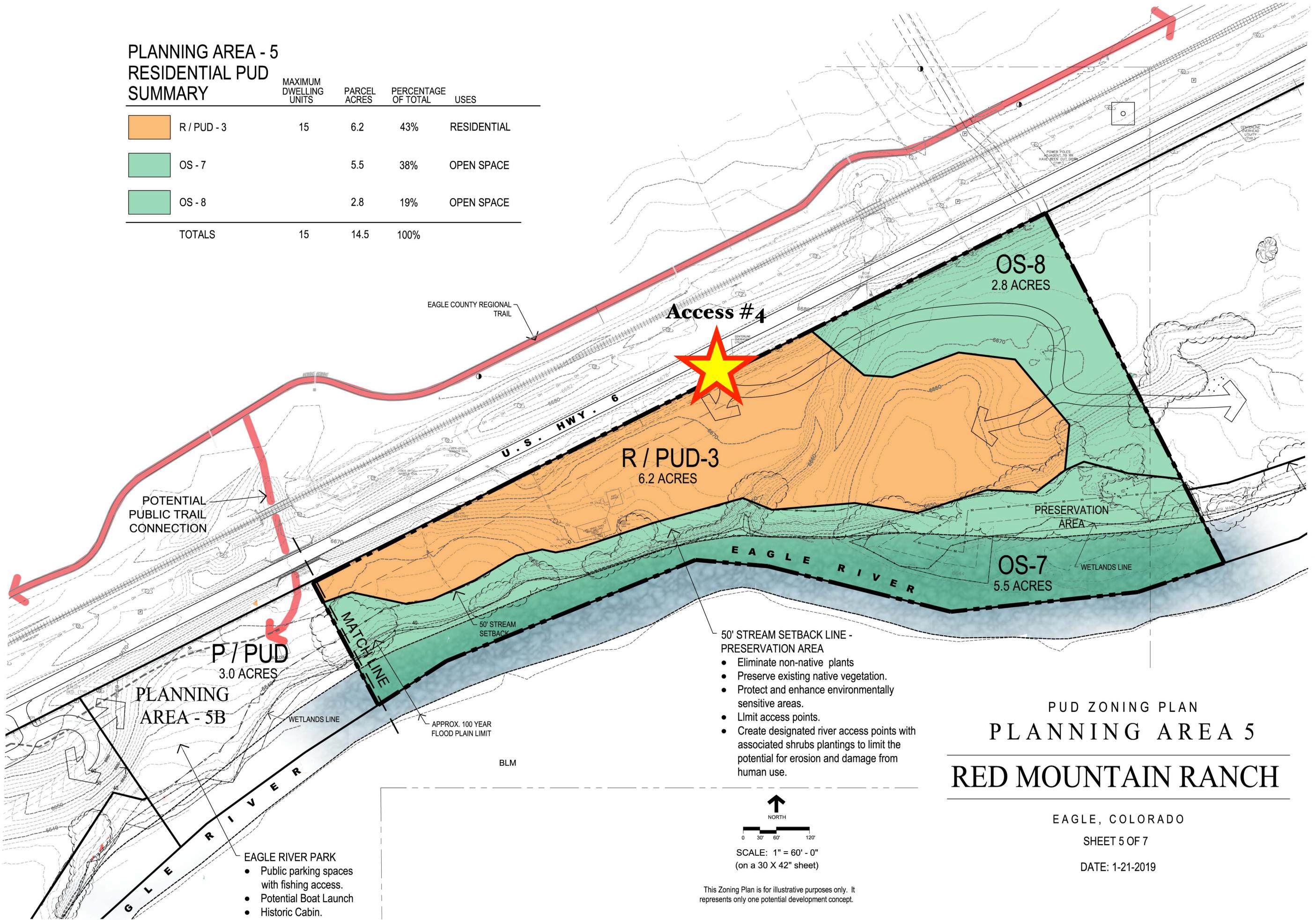


This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

ATTACHMENT C
R / P
6.2 A

**PLANNING AREA - 5
RESIDENTIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
 R / PUD - 3	15	6.2	43%	RESIDENTIAL
 OS - 7		5.5	38%	OPEN SPACE
 OS - 8		2.8	19%	OPEN SPACE
TOTALS	15	14.5	100%	



POTENTIAL PUBLIC TRAIL CONNECTION

EAGLE COUNTY REGIONAL TRAIL

Access #4

**R / PUD-3
6.2 ACRES**

**OS-8
2.8 ACRES**

**OS-7
5.5 ACRES**

**P / PUD
3.0 ACRES**

PLANNING AREA - 5B

PRESERVATION AREA

WETLANDS LINE

50' STREAM SETBACK LINE - PRESERVATION AREA

- Eliminate non-native plants
- Preserve existing native vegetation.
- Protect and enhance environmentally sensitive areas.
- Limit access points.
- Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

APPROX. 100 YEAR FLOOD PLAIN LIMIT

BLM

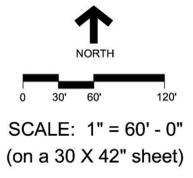
- EAGLE RIVER PARK**
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 - Potential Boat Launch
 - Historic Cabin.

**PUD ZONING PLAN
PLANNING AREA 5
RED MOUNTAIN RANCH**

EAGLE, COLORADO

SHEET 5 OF 7

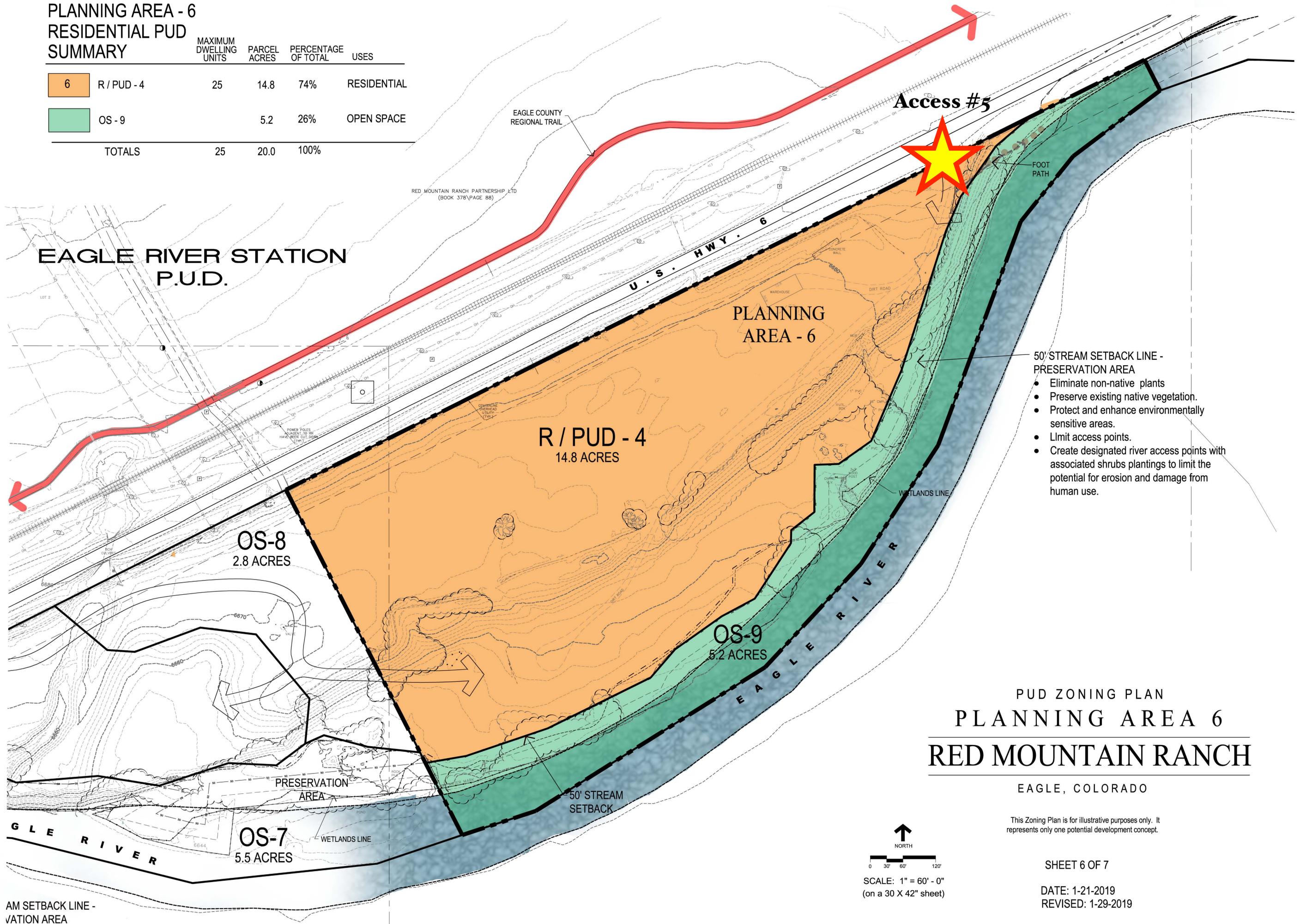
DATE: 1-21-2019



This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

**PLANNING AREA - 6
RESIDENTIAL PUD
SUMMARY**

		MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
6	R / PUD - 4	25	14.8	74%	RESIDENTIAL
	OS - 9		5.2	26%	OPEN SPACE
TOTALS		25	20.0	100%	



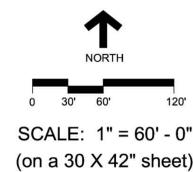
50' STREAM SETBACK LINE - PRESERVATION AREA

- Eliminate non-native plants
- Preserve existing native vegetation.
- Protect and enhance environmentally sensitive areas.
- Limit access points.
- Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD ZONING PLAN
PLANNING AREA 6
RED MOUNTAIN RANCH**

EAGLE, COLORADO

This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.



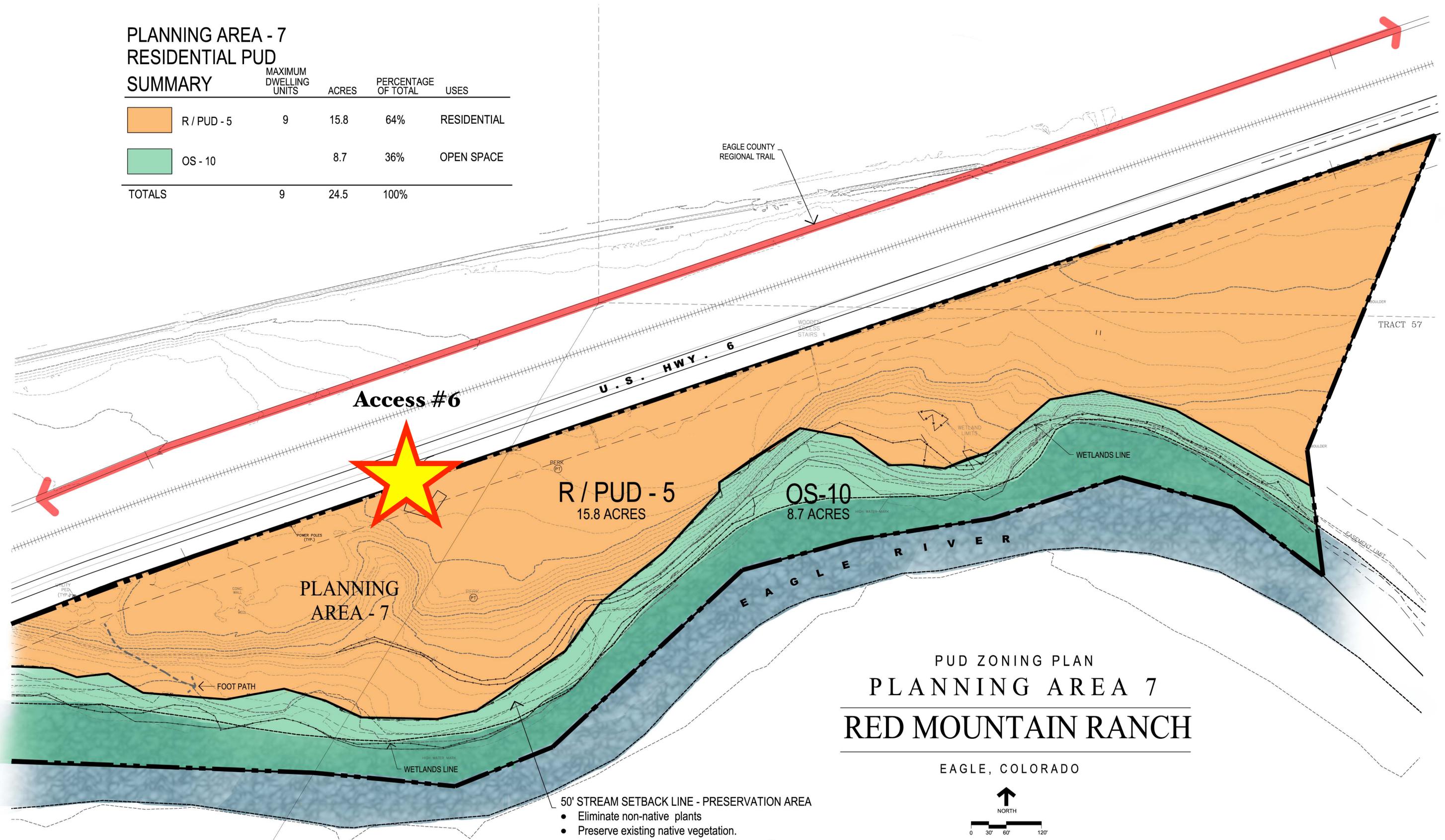
SHEET 6 OF 7

DATE: 1-21-2019
REVISED: 1-29-2019

AM SETBACK LINE -
VATION AREA

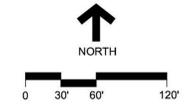
**PLANNING AREA - 7
RESIDENTIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	ACRES	PERCENTAGE OF TOTAL	USES
 R / PUD - 5	9	15.8	64%	RESIDENTIAL
 OS - 10		8.7	36%	OPEN SPACE
TOTALS	9	24.5	100%	



PUD ZONING PLAN
PLANNING AREA 7
RED MOUNTAIN RANCH

EAGLE, COLORADO



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

This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD GUIDE FOR
THE RED MOUNTAIN RANCH PLANNED
UNIT DEVELOPMENT**

Exhibit B to the Annexation and Development Agreement

January 30, 2019

***Notes in red are intended for Town of Eagle review purposes and are not intended to be included in the final approved version.**

**APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT
PURSUANT TO SECTION 24-68-103, C.R.S., AS AMENDED**

1. PURPOSE:

The purpose of the Red Mountain Ranch PUD Guide is to serve as the governing land use regulations which will control the development of the Red Mountain Ranch PUD. The PUD Guide will serve as the “Zone District Regulations” for the PUD and is in conformance with Section 4.11.030 of the Town of Eagle Land Use and Development Code.

The Red Mountain Ranch 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 within the Town of Eagle, Eagle County, Colorado as described in the approved Red Mountain Ranch PUD Zoning Plan.

Development within the PUD is administered by the Town of Eagle through the provisions of this PUD Guide and through the review and approval of specific Development Plans for each Planning Area. Building construction within the PUD is governed by the applicable Town of Eagle ordinances, rules, regulations and codes. Approval of this plan constitutes a vested property right pursuant to section 24-68-103, C.R.S., as amended. This PUD Guide and exhibits shall constitute a site-specific development plan and creates a vested right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended, for a period of 20 years.

The approved Red Mountain Ranch PUD Zoning Plan Sheets 1 - 7 dated _____, 2018 are attached to this PUD Guide as Exhibit A.

2. DEFINITIONS:

Unless otherwise defined below, all terms used in this document shall be as defined by the Town of Eagle Land Use Regulations or by common and ordinary use as defined by the Merriam-Webster Dictionary New Edition 2016.

A. Red Mountain Ranch PUD

The Red Mountain Ranch PUD is a zone district authorized by the Town of Eagle Ordinance No., Series of 2014, and containing the property commonly known as Red Mountain Ranch.

B. Bed and Breakfast Lodge

A dwelling unit or lodge building that contains no more than six guest rooms where short term lodging, with or without meals, is provided for compensation.

C. Planning Areas

Areas as indicated on the approved Red Mountain Ranch PUD Zoning Plan for development, the development of which shall be regulated by this Red Mountain Ranch PUD Guide and by specific Development Plans. These Planning Areas are listed as

Planning Area 1, Planning Area 2, Planning Area 3, Planning Area 4, Planning Area 5-B, Planning Area 5, Planning Area 6 and Planning Area 7.

E. Special Use

Special Use shall be as defined in Section 4.05 of the Town of Eagle Land Use and Development Code.

F. Short Term Rental

Short Term Rental shall be defined as the rent or lease of a residential property for a term of less than 30 days.

G. Active Recreation

Common areas within the PUD which include useable open space; improved common recreational amenity areas such as pools and fitness facilities; picnic sites; playgrounds; open turf and lawn areas that are sufficient in size to support recreational sports activities; trails and adjacent open spaces not required for direct access to dwelling units or commercial facilities, if connected to a regional system or established trail network; and similar areas as determined by the Town Planner.

H. Buffer Zones and Common Open Space

The term buffer zones and/or open space as used in this document is intended to describe areas within development parcels that have been designed to meet Conservation Oriented Design and Cluster Residential design concepts by creating open space and buffers within and around development areas. Buffer zone and open space lands shall be natural or formal landscape areas or parks that are held in common ownership by the master homeowner association of the greater neighborhood. Lands under ownership of private residences or individual building homeowner associations shall not count toward buffer zone requirements.

I. Farmer's Market

A farmers' market is a physical retail marketplace intended to sell foods directly by farmers to consumers. Farmers' markets may be indoors or outdoors and typically consist of booths, tables or stands where farmers sell fruits, vegetables, meats, cheeses, flowers, plants, and/or prepared foods and beverages. Retail offerings may also include crafts and other non-perishable items. Farmer's markets typically occur over one or two days per week on a seasonal basis.

3. TOWN OF EAGLE OPEN SPACE STANDARDS AND REQUIREMENTS:

Town of Eagle Municipal Code Section 4.11.030. - Standards and requirements.

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.

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.

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.

4. PUD PLANNING AREAS:

A. Planning Area 1:

1. R/PUD-1

1. Purpose:

To provide sites for a variety of residential land uses including single family, duplex, townhomes, condominiums and apartments at a maximum density of 97 dwelling units.

The design of residential neighborhoods in this district is intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional requirements of the community. In general, residential density should be higher at the west end of the property and transition to lower density to the east.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 12.3 acres designated as R/PUD -1 there should 4 acres designed as parks, open space or buffer zones for a ratio of 78% development area to 32% of buffer zone and common open space.

The R/PUD-1 lands are intended to be served by Town of Eagle municipal water and wastewater system.

2. Uses by Right:

- a. Single family homes.
- b. Duplex building (two units)
- c. Multiple family residential, including condominiums, townhomes, flats or apartments, and single family or duplex cluster units on specifically designated lots.
- d. Accessory dwelling unit to owner-occupied single family dwelling.
- e. Other uses which the Town Planner find to be compatible.
- f. A Homeowner Association owned enclosed storage building. *Variation from Town of Eagle R/PUD listed uses*
- g. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
- h. Wastewater lift station and associated improvements.

3. Special Uses:

- a. Day care of more than 8 children.
- b. Special Events. *Variation from Town of Eagle R/PUD listed uses*

4. Accessory uses:

- a. Home occupation.
- b. Parks, playground, pools, greenbelt.
- c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*

- d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
- e. Day care of less than 8 children
- f. Detached garages
- g. Other uses which the Town Planner find to be compatible.

5. Minimum Building Setback Requirements:

- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right-of-way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. *Variation from Town of Eagle residential setback standards of 12.5 feet.*

- c. Rear/River: The rear yard setback shall be 10 feet from internal property lines.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot building river setback shall be allowed. Formal landscaping and soft surface trails may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.

- d. Supplementary setback requirements: Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:

40 feet for multi-family structures. *Variation from Town of Eagle R/PUD listed uses (35 feet)*
35 feet for single family and duplex structures and accessory/storage buildings.

- 7. Maximum Lot Coverage: To encourage clustering, small lots and the provision of common open space while integrating Conservation Oriented Design and Residential Cluster Design techniques there are no maximum lot coverage restrictions.

8. Maximum Density:
The maximum density shall not exceed 97 dwelling units.

2. OS-1

1. Purpose:
To provide a site for a small public riverfront park with publicly accessible soft surface footpaths extending east along the river. OS-1 shall be dedicated to the Town of Eagle at the first post-development permit subdivision plat filed within Planning Area 1. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed.
2. Uses by Right:
 - a. Park, playground, picnic shelters, trails, restrooms, recreation areas and associated parking.
 - b. Utility lines and wastewater lift station.
 - b. Other uses which the Town Planner find to be compatible.
 - c. Accessory uses customarily appurtenant to uses by right listed above.
3. Special Uses:
 - a. Special Events. Variation from Town of Eagle R/PUD listed uses
4. Minimum Building Setback Requirements:
 - a. Front: Highway 6 shall be considered the front setback. Buildings such as picnic shelters and restrooms, shall maintain a 25-foot setback from the Highway 6 right-of-way line. Internal roads, parking, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle residential setback standards of 50 feet from arterial road.
 - b. Side: The side setback for picnic shelters and buildings shall be 7.5 feet.
 - c. Rear/River: The average high water mark of the Eagle River shall be considered the rear and river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot building river setback shall be allowed. Formal landscaping and park improvements may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to

30 inches into any required setback.

5. Maximum Building Height:
20 feet
6. Maximum Lot Coverage: There are no maximum lot coverage restrictions.
7. Maximum Density:
There is no allowed density.

3. OS-2

1. Purpose:
The purpose of OS-2 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the R/PUD -1 Homeowners Association. A public trail easement of 12 feet in width shall be created for the soft surface Discovery Trail. The exact trail location will be determined at Development Permit approval for R/PUD-1 and the easement shall be dedicated at the first post development subdivision plat filed for Planning Area 1. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None

4. OS-3

1. Purpose:
The purpose of OS-3 is to describe specific uses for the land within Planning Area 1 that is south of the river. OS-3 shall be dedicated to the Town of Eagle at the first post-development permit subdivision plat filed within Planning Area 1.

Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There shall be no overnight camping allowed on OS-3. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the

- health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.

- 3. Special Uses:
 - a. None

B. Planning Area 2 The Farm: C/PUD

1. C/PUD-1

- 1. Purpose:

To provide a land for a neighborhood center area allowing for small scale residential and commercial uses with a focus on walkability from existing and future residential density and proximate public and educational uses. This area has the potential to include a river view restaurant that would serve the greater Eagle community as a unique tourism asset and community gathering spot.

The C/PUD-1 lands are intended to be served by Town of Eagle municipal water and wastewater system.

- 2. Uses by Right:
 - a. Single family, duplex and/or multi-family residences. *Variation from Town of Eagle C/PUD listed uses*
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Bed & Breakfast Lodge.
 - d. Restaurant.
 - e. Retail.
 - f. Farmer's market
 - g. Short term rental. *Variation from Town of Eagle C/PUD listed uses*
 - h. Community gardens and small animal farm. *Variation from Town of Eagle C/PUD listed uses*
 - i. Greenhouses. *Variation from Town of Eagle C/PUD listed uses*
 - j. Existing or restored historic buildings. *Variation from Town of Eagle C/PUD listed uses*
 - k. Day use parking. *Variation from Town of Eagle C/PUD listed uses*
 - l. Other uses which the Town Planner find to be compatible.
- 3. Special Uses:
 - a. Day care of more than 8 children.
- 4. Accessory Uses:
 - a. Home occupation.
 - b. Parks, playground, recreation areas, pools, greenbelt.
 - c. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - d. Day care of less than 8 children
 - e. Detached garages
 - f. Other uses which the Town Planner find to be compatible.

5. Density:
Up to 10 residential units and 10,000 square feet of commercial use. **Variation from Town of Eagle C/PUD listed uses as there is no FAR allowance based on lot size**
6. Minimum Building Setback Requirement:
- a. Front: Highway 6 shall be considered the front setback. All buildings shall maintain a 25-foot setback from the Highway 6 right of way line. Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle commercial setback standards of 50 feet from arterial road.
 - b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. The side setback for commercial buildings shall be 12.5 feet.
Variation from Town of Eagle commercial setback standards of 12.5 feet.
 - c. Rear/River: The rear yard setback shall be 20 feet. **Variation from Town of Eagle commercial rear setback standards of 25 feet.**

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75 foot building setback.
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
7. Maximum Building Height:
40 feet for multi-family and commercial structures.
35 feet for single family and duplex structures and accessory/storage/greenhouse buildings.
8. Maximum Site Coverage:
Building: 20%
All impervious: 40%
As this standard is applied to C/PUD-1 site coverage shall be measured against the entire parcel of 2.9 acres. This standard will not apply to internal lots created to define building or lot ownership.

2. OS-4

1. Purpose:

The purpose of OS-4 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark as well as for the upland area extending north to Highway 6.

This area shall be owned and maintained by the R/PUD -1 Homeowners Association. A public trail easement of 12 feet in width shall be created for the soft surface Discovery Trail along Highway 6. The exact location of the trail will be determined at Development Permit approval for C/PUD-1 and the easement shall be included with the first post-development permit subdivision plat filed within Planning Area 2. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Soft surface trails with limited river access points
- b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.
- d. Existing historic buildings may be maintained and restored in place.

3. Special Uses:

- a. None

C. Planning Area 3 Nature Center: C/PUD**1. C/PUD-2**

1. Purpose:

To provide a land area for an environmental education facility, employee housing and open space. C/PUD-3 is intended to be donated or conveyed to a non-profit entity that will operate an environmental education center.

The C/PUD-2 lands are intended to be served by Town of Eagle municipal water and wastewater system. No development permit will be issued until these services are available.

2. Uses by Right:

- a. Buildings for environmental education and programming. *Variation from Town of Eagle C/PUD listed uses*
- b. Single Family, Duplex or Multi-family residential. *Variation from Town of Eagle C/PUD listed uses*
- c. Outdoor recreation facilities. *Variation from Town of Eagle C/PUD listed uses*
- d. Open sided shade shelters. *Variation from Town of Eagle C/PUD listed uses*
- e. Existing, restored or relocated historic buildings. *Variation from Town of Eagle C/PUD*

- listed uses
- f. Landscape improvements, soft surface trails & interpretive signs. *Variation from Town of Eagle C/PUD listed uses*
 - g. Pedestrian bridge over the Eagle River. *Variation from Town of Eagle C/PUD listed uses*
 - h. Other uses which the Town Planner find to be compatible.
3. Special Uses:
 - a. None
 4. Minimum Building Setback Requirement:
 - a. Front: Highway 6 shall be considered the front setback. All buildings shall maintain a 25-foot setback from the Highway 6 right of way line. Internal roads, driveways, parking, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback. *Variation from Town of Eagle commercial setback standards of 50 feet from arterial road.*
 - b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. The side setback for commercial buildings shall be 12.5 feet. *Variation from Town of Eagle commercial setback standards of 12.5 feet.*
 - c. Rear/River: The rear yard setback shall be 20 feet.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback. *Variation from Town of Eagle commercial rear setback standards of 25 feet.*
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
 5. Maximum Building Height:
40 feet for commercial, educational and multi-family structures. *Variation from Town of Eagle R/PUD listed uses (35 feet)*
35 feet for single family and duplex structures.
 6. Density Allowance:
A maximum of 6 dwelling units not to exceed a total of 6,000 of floor area.
10,000 square feet of enclosed education and programming space. *Variation from Town of Eagle C/PUD listed uses as there is no FAR allowance based on lot size*
 7. Maximum Site Coverage:
The C/PUD-2 area has been tightly defined and is adjacent to a significant open space

parcel in OS-5. The maximum building and lot coverage ratios have been developed in recognition of this adjacent open space.

Building: 30%

All impervious: 70%

2. OS-5

1. Purpose:

The purpose of OS-5 is to describe specific uses for open space land on both sides of the Eagle River designated as OS-5.

This intent for this area is to provide open space in conjunction with the environmental education facility located on C/PUD-2. OS-5 shall be owned and maintained by the same owner as C/PUD-2. OS-5 should not be subdivided as a separate parcel from C/PUD-2. The soft surface discovery trail traverses OS-5. The exact trail location will be determined at Development Permit approval for C/PUD-2 and a 12-foot wide easement shall be recorded upon completion of the path improvements. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Open sided shade shelters. *Variation from Town of Eagle C/PUD listed uses*
- b. Existing, restored or relocated historic buildings. *Variation from Town of Eagle C/PUD listed uses*
- c. Interpretive signs. *Variation from Town of Eagle C/PUD listed uses*
- d. Pedestrian bridge over the Eagle River. *Variation from Town of Eagle C/PUD listed uses*
- e. Soft surface trails with limited river access points.
- f. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- g. Planting of native vegetation to improve or protect the native ecosystem.
- h. Other uses which the Town Planner find to be compatible.

3. Special Uses:

- a. None

4. Setbacks:

- a. Front: Highway 6 shall be considered the front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Internal roads, driveways, and trails shall be allowed within the front setback.
Variation from Town of Eagle commercial setback standards of 50 feet from arterial road.
- b. Side/rear: 10 feet.

- c. Eagle River: The average high water mark of the Eagle River shall be considered the river setback. The setback shall be 75 feet for shade shelters or relocated historic buildings.

D. Planning Area 4: R/PUD

1. R/PUD-2

- 1. Purpose:
To provide sites for the balance of 153 units allowed in Planning Areas 1-7 but no more than thirty-five (35) units.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Lands adjacent to Highway 6 would be an appropriate location for buffer and open space areas. Within the area of 9.1 acres designated as R/PUD -2 there should be 4.1 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Internal roadways serving Planning Area 3, 4 and 5B would be allowed within the open space/buffer zones.

The R/PUD-2 lands are intended to be served by Town of Eagle municipal water and wastewater system. No development permit for residential uses will be issued until these services are available. 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.

- 2. Uses by Right:
 - a. Single family, duplex or multi-family townhome dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Campground .
Variation from Town of Eagle R/PUD listed uses
 - e. Other uses which the Town Planner find to be compatible.
- 3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast. *Variation from Town of Eagle R/PUD listed uses*
- 4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*

- e. Day care of less than 8 children
- f. Detached garages, sheds and other similar buildings.
- g. Other uses which the Town Planner find to be compatible.

5. Minimum Building Setback Requirements:

- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road. Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

Variation from Town of Eagle residential setback standard of 50 feet from arterial road.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. Variation from Town of Eagle residential setback standard of 12.5 feet.

- c. Rear/River: The rear yard setback shall be 20 feet.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.

- d. Supplementary setback requirements: Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:
40 feet for multi-family structures. Variation from Town of Eagle R/PUD listed uses (35 feet)
35 feet for single family and duplex structures and accessory/storage buildings.
Variation from Town of Eagle R/PUD of 35 feet

7. Maximum Lot Coverage:
- a. Building - 50%
 - b. All impervious materials - 70%

OS-6

1. Purpose:
The purpose of OS-6 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 4 Homeowners Association. A public trail easement of 12 feet in width shall be dedicated to the Town of Eagle for the soft surface Discovery Trail. The location of the trail will be determined at Development Permit approval for R/PUD-2 and the easement shall be included in the first post-development subdivision plat filed within Planning Area 4. OS-6 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None.

E. Planning Area 5B: Eagle River Park: P/PUD**1. P/PUD**

1. Purpose:
To provide a land area for a recreation site to be dedicated to the Town of Eagle. This park will provide parking and access to the existing public fishing easement located between the average high water mark and the centerline of the river.

Planning Area 5B may be served by an on-site wastewater disposal system.
2. Uses by Right:
 - a. Outdoor recreation facilities.
 - b. Park and picnic facilities including open sided shade shelter.
 - c. Boat ramp.
 - d. Public restrooms.
 - e. Dog park.
 - f. Parks, playground, greenbelt.
 - g. Existing, restored or relocated historic buildings.
 - h. Day use parking.
 - i. Other uses which the Town Planner find to be compatible.
3. Minimum Building Setback Requirement:
There shall be a 25-foot building setback from Highway 6 and a 75-foot building and parking area setback from the average high water mark of the Eagle River. A boat ramp

and associated improvements and a soft surface trail may be located within the Eagle River setback.

4. Maximum Building Height:
20 Feet.
5. Density Allowance:
N/A
6. Maximum Site Coverage:
N/A

F. Planning Area 5: R/PUD

1. R/PUD -3

1. Purpose:
To provide sites for no more than fifteen (15) single family or duplex units.

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.

Access to R/PUD-3 will be directly from Highway 6.

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.

2. Uses by Right:
 - a. Single family and duplex dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Other uses which the Town Planner find to be compatible.
Variation from Town of Eagle R/PUD listed uses
3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast. *Variation from Town of Eagle R/PUD listed uses*
4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.

- c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - e. Day care of less than 8 children
 - f. Detached garages, sheds and other structures.
 - g. Other uses which the Town Planner find to be compatible.
5. Minimum Building Setback Requirements:
- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.
Variation from Town of Eagle residential setback standard of 50 feet from arterial road.
 - b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet.

Variation from Town of Eagle residential setback standards of 12.5 feet.
 - c. Rear/River: The rear yard setback shall be 20 feet.

The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
6. Maximum Building Height:
35 feet.
7. Maximum Lot Coverage:
- a. Building - 50%
 - b. All impervious materials - 70%

OS-7

1. Purpose:
The purpose of OS-7 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-7 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None.

OS-8

1. Purpose:
The purpose of OS-8 is to describe specific uses for an open space buffer area. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. There are no buildings or formal improvements allowed other than those specifically listed below. An access road from R/PUD-3 may traverse through OS-8 to provide access to R/PUD-4.
2. Uses by Right:
 - a. Formal landscape areas.
 - b. Parks, playgrounds and recreation areas.
 - c. Natural vegetation and landscaping.
 - d. Open sided shade shelters and picnic areas.
 - e. Roads and driveways.
 - f. On-site Wastewater Treatment System.
3. Special Uses:
 - a. None

G. Planning Area 6: R/PUD**1. R/PUD-4**

1. Purpose:
To provide sites for no more than twenty-five (25) single family or duplex units.

Site planning should follow the principles of Conservation Oriented Development and

Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 14.8 acres designated as R/PUD -4 there should be 6.7 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Buffer and open space zones may include on-site wastewater systems and internal roads.

R/PUD-4 will have direct Highway 6 access.

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-4 will be required to connect to such system. Should R/PUD-4 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

2. Uses by Right:
 - a. Single family or duplex dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Other uses which the Town Planner find to be compatible.
3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast.
4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - e. Day care of less than 8 children
 - f. Detached garages, sheds and other structures.
 - g. Other uses which the Town Planner find to be compatible.
5. Minimum Building Setback Requirements:
 - a. Front: Highway 6 shall be considered the primary front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet.
Variation from Town of Eagle residential setback standards of 12.5 feet.
- c. River: The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.
- d. Setbacks from internal property lines shall be:
Front: 25 feet from edge of private road asphalt.
Side: 12.5 feet.
Rear: 20 feet.
- e. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:
35 feet.

7. Maximum Lot Coverage:
a. Building - 30%
b. All impervious materials - 50%

OS-9

- 1. Purpose:
The purpose of OS-9 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-9 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
- 2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the

- health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
- a. None

H. Planning Area 7: R/PUD

1. R/PUD-5

1. Purpose:
To provide sites for no more than nine (9) single family homesites.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. As the eastern-most development area and the lowest density planning area there should be a significant amount of open space and buffer zones. Within the area of 15.8 acres designated as R/PUD -5 there should be a ratio of 50% of development area and 50 % of buffer zone and common open space. Internal access roads may be located within open space and buffer zones.

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-5 will be required to connect to such system. Should R/PUD-5 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

R/PUD-5 will have direct access from Highway 6.

2. Uses by Right:
- a. Single family dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. **Variation from Town of Eagle R/PUD listed uses**
 - d. Day use public parking for fishing access **Variation from Town of Eagle R/PUD listed use**
 - e. Other uses which the Town Planner find to be compatible.
3. Special Uses:
- a. Day care of more than 8 children.
 - b. Bed and breakfast.
4. Accessory uses:
- a. Home occupation.

- b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - e. Day care of less than 8 children
 - f. Detached garages, sheds and other structures.
 - g. Other uses which the Town Planner find to be compatible.
5. Minimum Building Setback Requirements:
- a. Front: Highway 6 shall be considered the primary front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle residential setback standards of 50 feet from arterial road.
 - b. River: The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.
 - c. Setbacks from internal property lines shall be:
Front: 25 feet from edge of private road asphalt.
Side: 12.5 feet.
Rear: 20 feet.
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
6. Maximum Building Height:
35 feet.
7. Maximum Lot Coverage:
- a. Building - 30%
 - b. All impervious materials – 50%

OS-10

1. Purpose:
The purpose of OS-10 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-10 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.

3. Special Uses:
 - a. None

I. Planning Area Summary Chart

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

5. TEMPORARY USES

Temporary uses including, but not limited to construction staging, project sales office, and pre-development temporary uses such as, but not limited to, corporate team building events, day outfitter programs, and agricultural uses may be permitted in all Planning Areas in accordance with Town of Eagle Land Use and Development Code Section 4.04.100 B. Temporary Uses.

6. DENSITY TRANSFER PROVISION

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.

7. STREET STANDARDS

All streets are anticipated to remain private. Private street standards will be detailed as part of future Development Plans and subdivision applications for each Planning Area.

7. TRAIL STANDARDS

Soft surface trails shall be a minimum of four (4) feet wide and constructed of crusher fines or similar materials, as approved by the Town of Eagle.

Hard surface common area trails shall be a minimum of six (6) feet wide and constructed of a durable hard surface such as asphalt or concrete. Sidewalks connecting parking areas to residential units may be a minimum of four (4) feet in width.

Trail grades should not exceed a 10% grade however sections no longer than 100 feet may exceed 15% where significant grade changes must be accommodated. Cross section grades should not exceed 2% for paved trails and 4% for soft surface trails.

9. PARKING REQUIREMENTS

All uses within Red Mountain Ranch will be subject to the parking standards of the Town of Eagle Land Use & Development Code. Any accessory dwelling associated within a single family residence shall have one dedicated on-site parking space. A Bed and Breakfast Lodge use as defined in this PUD Guide shall provide one parking space per guest room.

10. 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 each PUD Development Plan application shall include a detailed plan outlining compliance with the housing program.

11. DESIGN REVIEW

Design guidelines shall be prepared which will establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for

each PUD Planning Area within Red Mountain Ranch. These guidelines shall be approved and in place for any area of the Red Mountain Ranch PUD prior to the approval of any Subdivision Final Plat for that area.

The appropriate home owners association for each Planning Area identified in this PUD Guide, with the exception of Planning Area 5B, Town Park and Planning Area 3, Nature Center, shall establish a Home Owners Association Board that shall have authority and responsibility over the design review process for the Planning Areas within such association. It is anticipated that there will be three separate homeowner associations; one for Planning Areas 1 and 2, one for Planning Area 4 and one for Planning Areas 5, 6 and 7.

All projects requiring a Town of Eagle building permit shall adhere to the standards of this PUD and, where not specifically covered, the provisions of the Town of Eagle Land Use Code.

Applicants for all new buildings or building modifications, residential landscaping or residential landscaping modifications, as defined in the adopted design guidelines, shall submit such proposals for review and approval by the appropriate Home Owners Board.

The Town of Eagle shall not issue a building permit without prior approval by the Home Owners Board as demonstrated by drawings stamped as approved by the Home Owners Board.

1. **Architectural Design Standards:**

The site design concept for Red Mountain Ranch Planning Area 1 is to create a pedestrian friendly, walkable integrated neighborhood with a variety of housing types.

The architecture of the Red Mountain Ranch community will both integrate with and enhance the beauty of the Town of Eagle and the Eagle River corridor.

Design Guidelines will:

- a. 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;
- b. Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the plan;
- c. Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
- d. Control massing of buildings to be appropriate in scale and context;

2. **Environmental Building Practices:**

Each Planning Area should include guidelines that address state of the art environmental building practices.

- a. Low environmental impact and energy efficiency approaches to site planning, design, landscaping and construction are highly encouraged.
- b. Owners are encouraged to review LEED guidelines published by the US Green

Building Council (www.usgbc.org) which encourage energy efficiency, resource efficiency and healthy indoor air quality.

- c. Passive and active solar is highly encouraged. Hot water and photo voltaic solar panels are encouraged to be well planned and integrated in to the architectural design. Panels should be installed in the same plane as the roofs and close to flush with the roof. Solar panels and all associated mounting brackets and hardware shall be all black. No bright shiny metal elements are allowed.

3. **Landscape Design Standards:**

Landscape Design Standards will be written and adopted as an integral part of the overall design guidelines. The intent of the landscape design guidelines will be provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces of the Red Mountain Ranch PUD. This will be accomplished by:

- a. Setting minimum and maximum standards for planting within residential and public spaces.
- b. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques.
- c. Controlling the spread of noxious weeds and invasive plant species.

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

4. **Illumination Design Standards:**

Illumination design standards for residential and public uses shall be included within the approved design guidelines. The intent of these standards will be to provide compliance with adopted Town of Eagle lighting requirements and appropriate dark sky practices.

5. **Fencing Design Standards:**

Fencing design standards shall be included within the approved design guidelines. The intent of these standards will be to provide a compatible appearance among residential properties and to regulate the structure, location, height, color and materials of fencing prior to installation. Where appropriate and as required, wildlife friendly fencing will be specified.

12. SIGNS

Sign regulations shall meet the Town of Eagle sign code; unless a comprehensive Red Mountain

Ranch Sign Program is approved by the Town of Eagle.

13. DOGS AND PET CONTROL

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept in residence, a fenced yard, an electronically fenced yard, dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the lot's building envelope if an envelope is required, and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals will be immediately removed from the subdivision until adequate structures can be built.

At no time are dogs to be allowed to run freely, other than within designated leash free dog parks. Red Mountain Ranch shall be subject to any and all leash laws and other pet regulations as adopted by the Town of Eagle.

Any additional pet restrictions adopted by Red Mountain Ranch owners through other documents such as declarations, covenants and restrictions, design guidelines or rules and regulations will be enforceable by the entity designated for such purpose and will not be enforced by The Town of Eagle.

14. TRASH RECEPTACLES

Single family and duplex residences within the Red Mountain Ranch PUD shall be restricted from storing or leaving trash receptacles outside overnight. Trash receptacles shall be placed outside on the day of pick-up and shall be returned to an indoor location the same day.

Multi-family buildings shall provide wildlife resistant trash enclosure structures consistent with the approved Design Guidelines.

15. CONFLICTS & INTERPRETATIONS

The specific provisions of this Guide shall supersede those of the Town of Eagle Land Use Regulations. However, where the Guide does not address an issue, the specific provisions and definitions of the Town of Eagle Land Use Regulations shall prevail. In cases of dispute or ambiguity, the Board of Trustees shall act to interpret.

In interpretation of a finding of another use found to be compatible by the Town Planner, when compatibility or consistency with the Town's goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission or Board of Trustees for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.

16. AMENDMENTS TO THE RED MOUNTAIN RANCH PUD GUIDE

It is anticipated that modifications or amendments to this PUD Guide will be necessary from time to time. This PUD Guide provides for two types of modifications or amendments: minor and major.

A. Minor Modifications:

Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Red Mountain Ranch. Minor modifications include, but are not limited to internal road alignment alterations, minor adjustments to parcel boundaries, building envelope or lot line changes, and additions of land uses not previously listed but determined to be similar to listed uses. Changes to Planning Area boundaries are limited to no more than 10% in area to be considered a minor amendment.

Minor modifications may be authorized by the Town of Eagle Town Planner upon written request. The Town Planner shall act upon any minor modification request within 30 days of such a request. Any decision by the Town Planner may be appealed in writing to the Eagle Board of Trustees within 30 days of such decision.

B. Major Modifications:

Major modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project.

Major modifications shall include:

1. Any increase in the total number of residential units.
2. Any change or addition to the land use designation of any Planning Area within the PUD, except as provided above.
3. Any additional of land into the PUD.

Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be heard in public hearing by the Board after receiving a recommendation from the Planning and Zoning Commission. The Town Board shall approve the modification if it is found that the modification is consistent with the efficient development of the entire PUD and does not substantially affect the enjoyment of land abutting the PUD or the public interest.

Approved by Red Mountain Ranch Partnership, Ltd. this _____ day of _____, 2017.

By: _____

Approved by Mervyn Lapin Revocable Trust this _____ day of _____, 2017.

By: _____

TOWN of EAGLE Signature block:

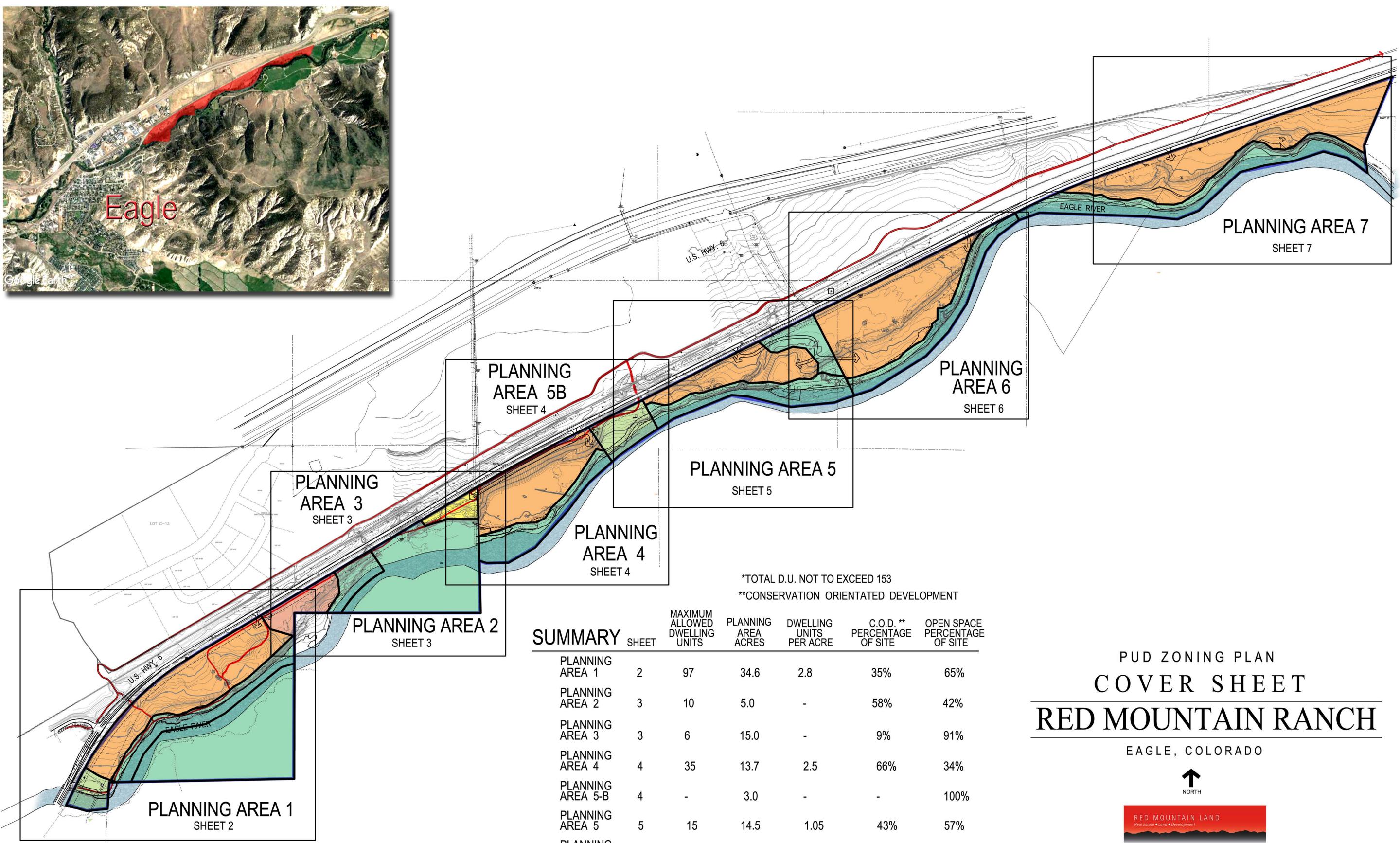
Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this _____ day of _____, 2017.

_____, Mayor

ATTEST:

Town Clerk

**EXHIBIT G:
PUD Zoning Plan Map
(ATTACHED)**



*TOTAL D.U. NOT TO EXCEED 153
**CONSERVATION ORIENTATED DEVELOPMENT

SUMMARY SHEET	MAXIMUM ALLOWED DWELLING UNITS	PLANNING AREA ACRES	DWELLING UNITS PER ACRE	C.O.D. ** PERCENTAGE OF SITE	OPEN SPACE PERCENTAGE OF SITE
PLANNING AREA 1	97	34.6	2.8	35%	65%
PLANNING AREA 2	10	5.0	-	58%	42%
PLANNING AREA 3	6	15.0	-	9%	91%
PLANNING AREA 4	35	13.7	2.5	66%	34%
PLANNING AREA 5-B	-	3.0	-	-	100%
PLANNING AREA 5	15	14.5	1.05	43%	57%
PLANNING AREA 6	25	20.0	1.25	74%	26%
PLANNING AREA 7	9	24.5	.36	64%	36%
TOTALS	*	130.3	1.17	47%	52%

PUD ZONING PLAN
COVER SHEET
RED MOUNTAIN RANCH

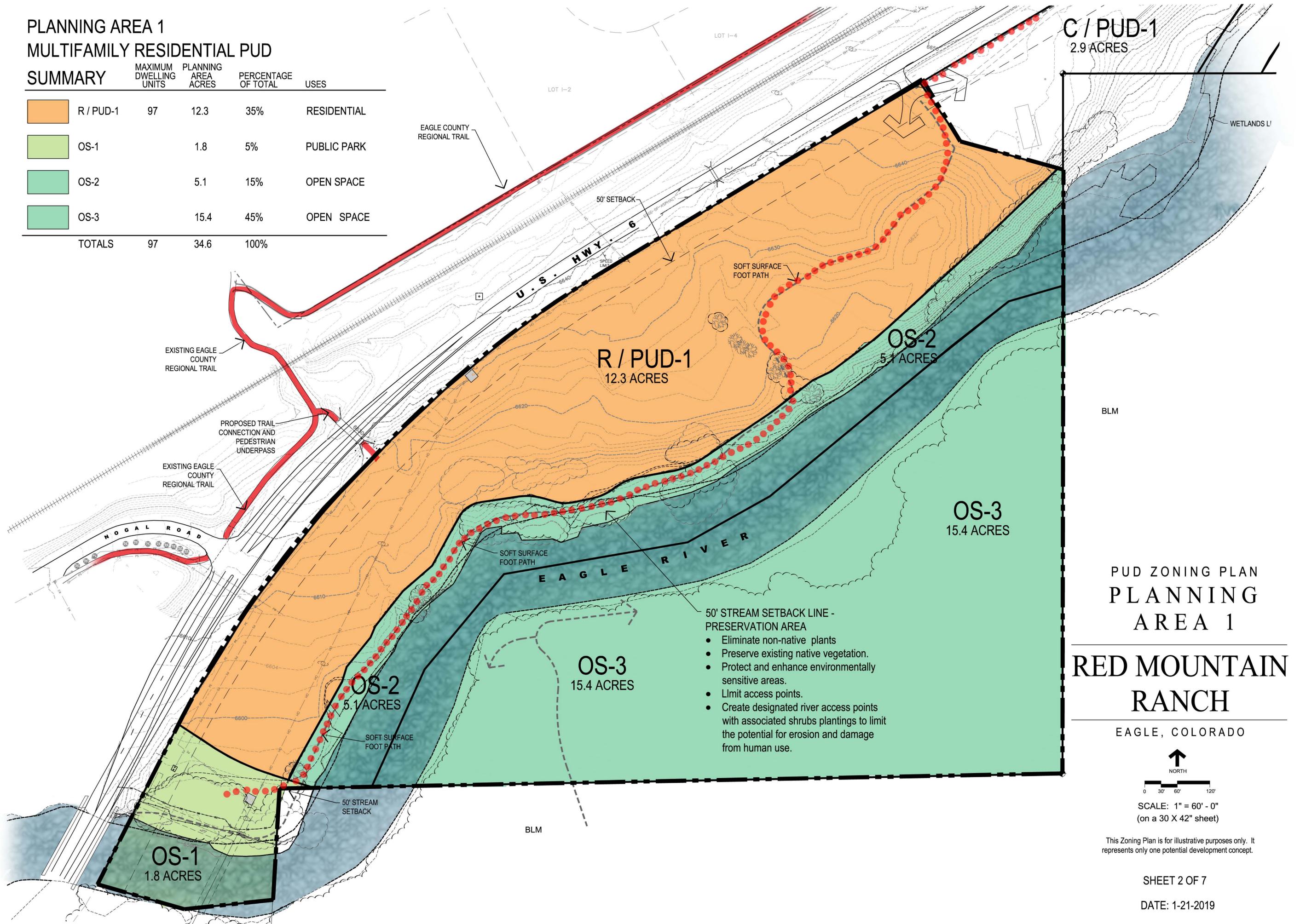
EAGLE, COLORADO



This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

**PLANNING AREA 1
MULTIFAMILY RESIDENTIAL PUD**

SUMMARY	MAXIMUM DWELLING UNITS	PLANNING AREA ACRES	PERCENTAGE OF TOTAL	USES
 R / PUD-1	97	12.3	35%	RESIDENTIAL
 OS-1		1.8	5%	PUBLIC PARK
 OS-2		5.1	15%	OPEN SPACE
 OS-3		15.4	45%	OPEN SPACE
TOTALS	97	34.6	100%	



C / PUD-1
2.9 ACRES

R / PUD-1
12.3 ACRES

OS-2
5.1 ACRES

OS-3
15.4 ACRES

OS-2
5.1 ACRES

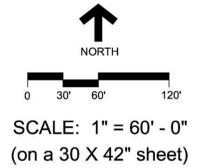
OS-3
15.4 ACRES

OS-1
1.8 ACRES

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD ZONING PLAN
PLANNING AREA 1
RED MOUNTAIN RANCH**

EAGLE, COLORADO



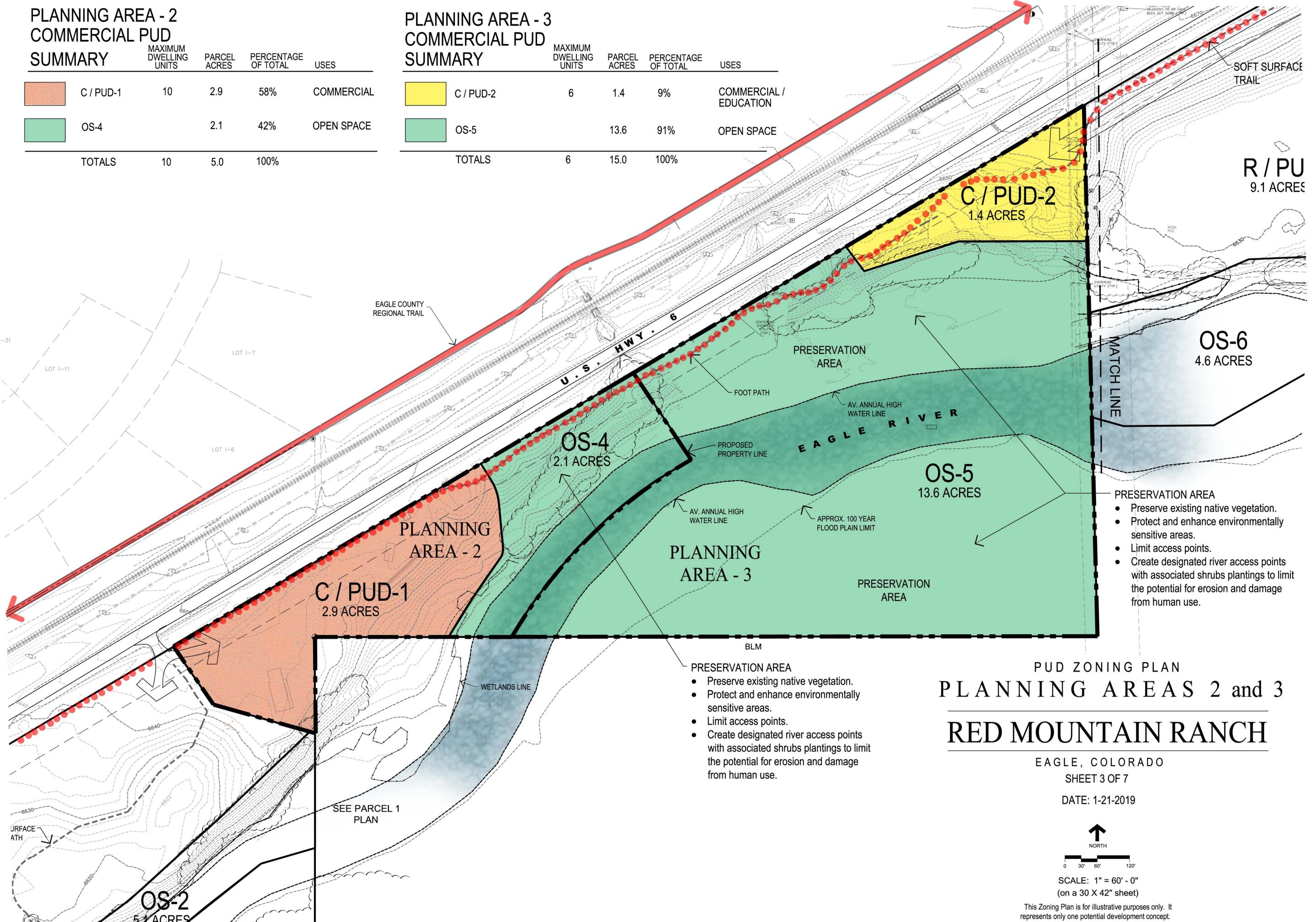
This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

**PLANNING AREA - 2
COMMERCIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
	C / PUD-1	10	58%	COMMERCIAL
	OS-4	2.1	42%	OPEN SPACE
TOTALS		10	100%	

**PLANNING AREA - 3
COMMERCIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
	C / PUD-2	6	9%	COMMERCIAL / EDUCATION
	OS-5	13.6	91%	OPEN SPACE
TOTALS		6	100%	

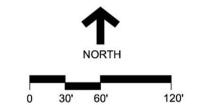


- PRESERVATION AREA**
- Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

- PRESERVATION AREA**
- Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD ZONING PLAN
PLANNING AREAS 2 and 3
RED MOUNTAIN RANCH**

EAGLE, COLORADO
SHEET 3 OF 7
DATE: 1-21-2019

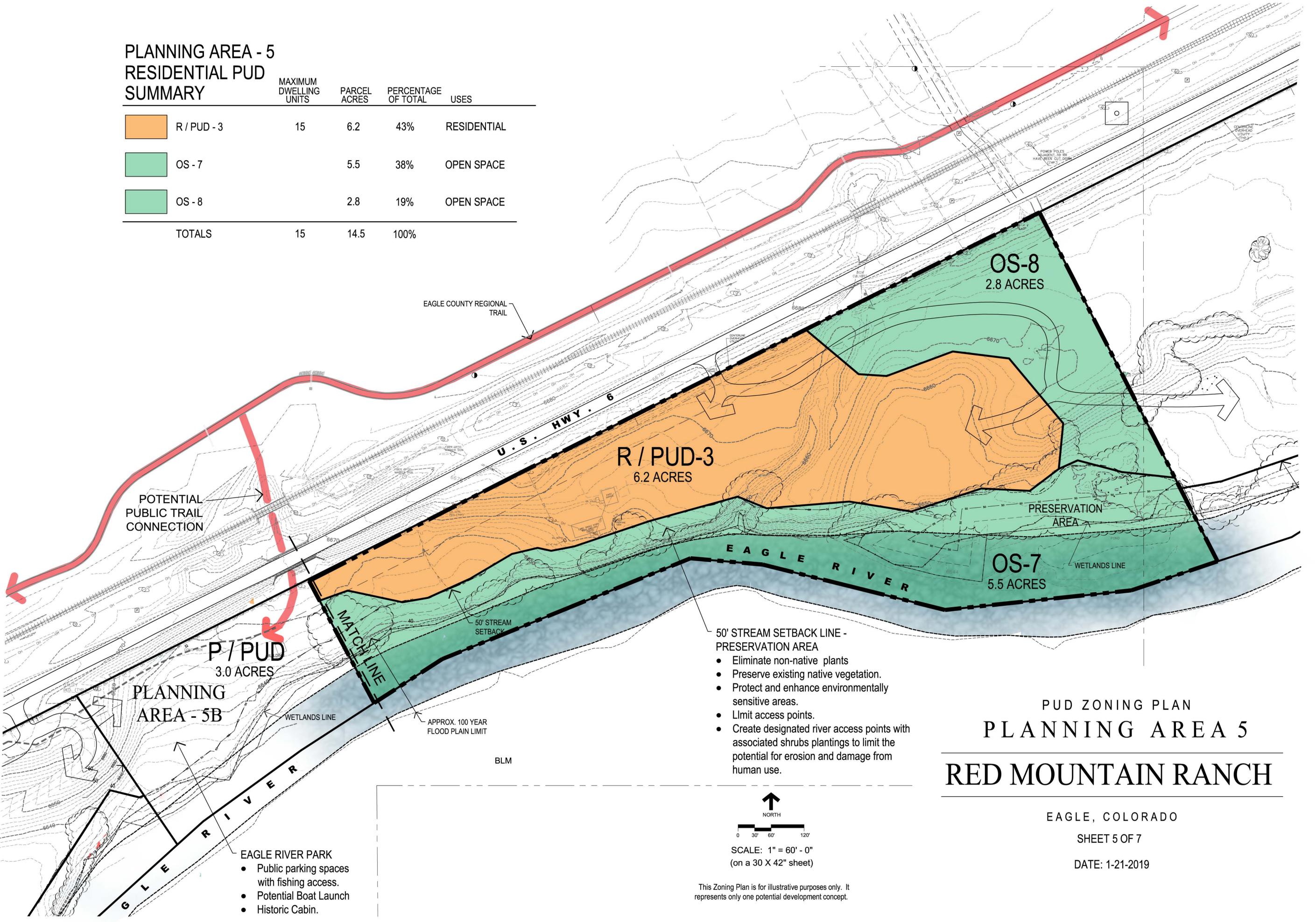


SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

**PLANNING AREA - 5
RESIDENTIAL PUD
SUMMARY**

	MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES	
	R / PUD - 3	15	6.2	43%	RESIDENTIAL
	OS - 7		5.5	38%	OPEN SPACE
	OS - 8		2.8	19%	OPEN SPACE
TOTALS		15	14.5	100%	



POTENTIAL PUBLIC TRAIL CONNECTION

P / PUD
3.0 ACRES

PLANNING AREA - 5B

MATCH LINE

U.S. HWY. 6

R / PUD-3
6.2 ACRES

OS-8
2.8 ACRES

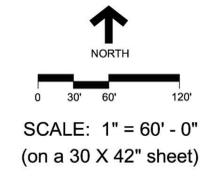
OS-7
5.5 ACRES

50' STREAM SETBACK LINE - PRESERVATION AREA

- Eliminate non-native plants
- Preserve existing native vegetation.
- Protect and enhance environmentally sensitive areas.
- Limit access points.
- Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

PRESERVATION AREA

WETLANDS LINE



This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

PUD ZONING PLAN
PLANNING AREA 5
RED MOUNTAIN RANCH

EAGLE, COLORADO
SHEET 5 OF 7
DATE: 1-21-2019

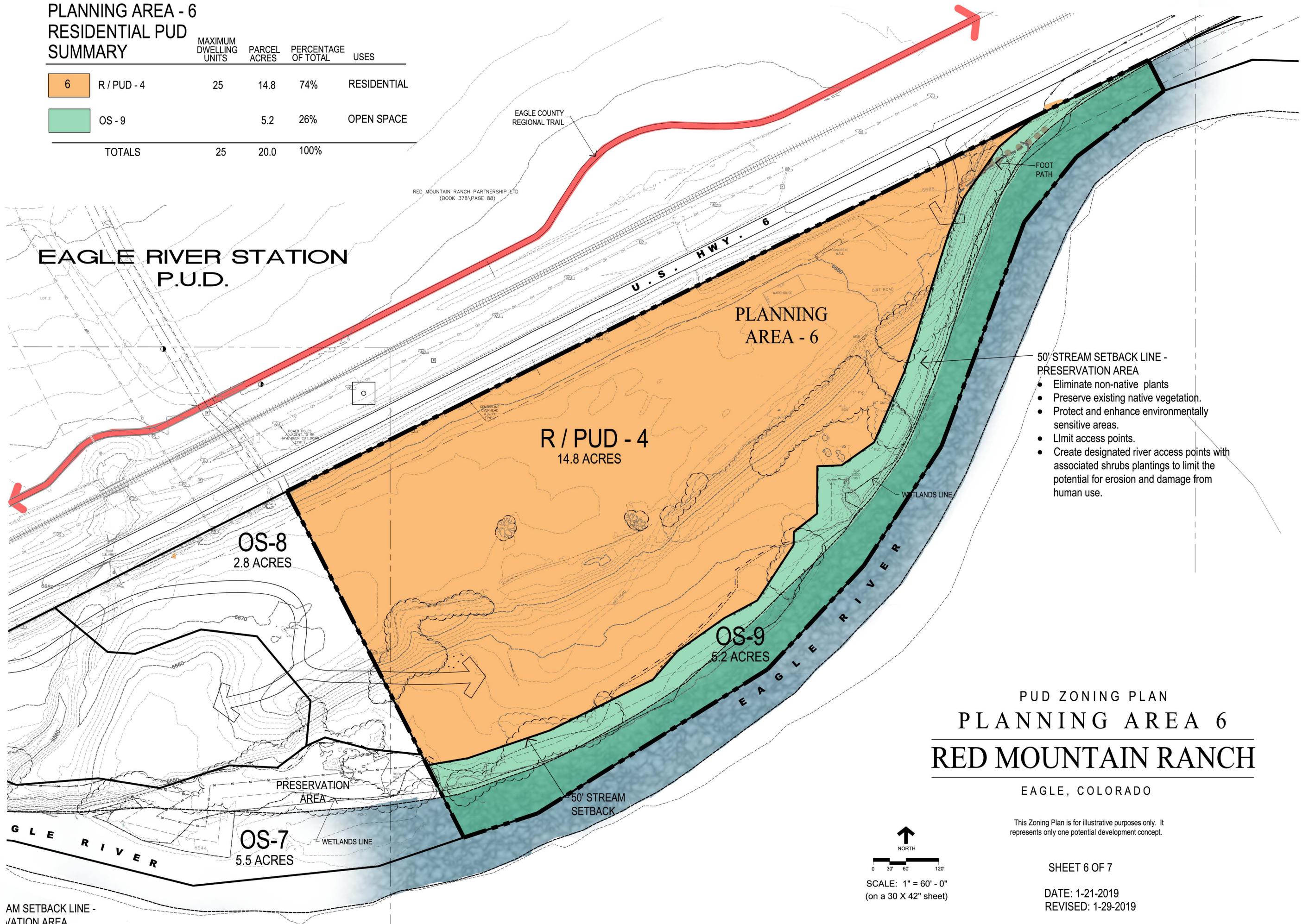
- EAGLE RIVER PARK
- Public parking spaces with fishing access.
 - Potential Boat Launch
 - Historic Cabin.

APPROX. 100 YEAR FLOOD PLAIN LIMIT

BLM

**PLANNING AREA - 6
RESIDENTIAL PUD
SUMMARY**

		MAXIMUM DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	USES
6	R / PUD - 4	25	14.8	74%	RESIDENTIAL
	OS - 9		5.2	26%	OPEN SPACE
TOTALS		25	20.0	100%	

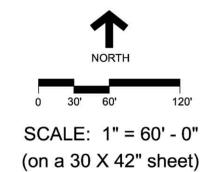


- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**PUD ZONING PLAN
PLANNING AREA 6
RED MOUNTAIN RANCH**

EAGLE, COLORADO

This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.



SHEET 6 OF 7

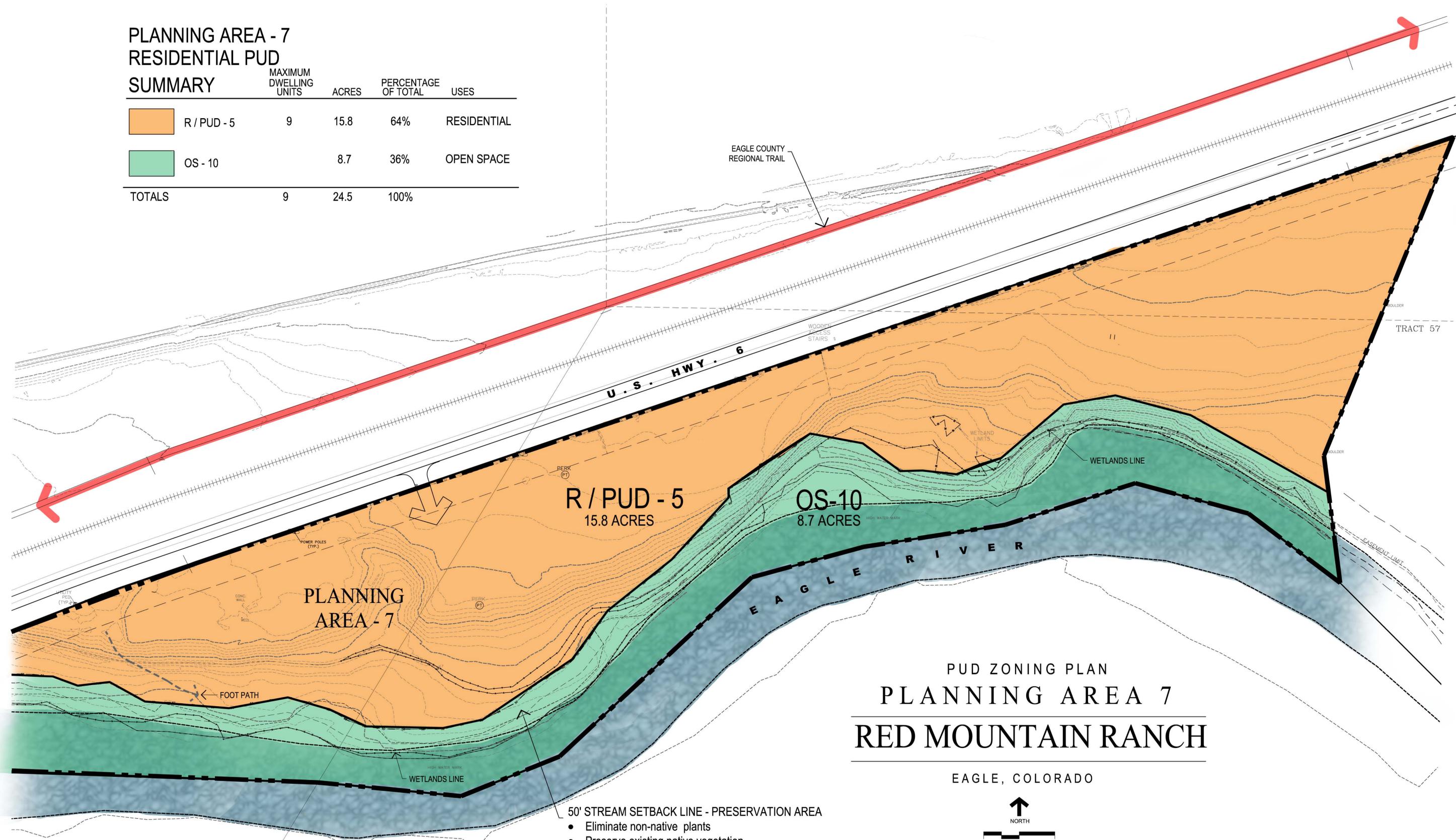
DATE: 1-21-2019
REVISED: 1-29-2019

AM SETBACK LINE -
VATION AREA

**PLANNING AREA - 7
RESIDENTIAL PUD**

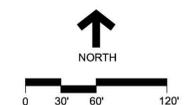
SUMMARY

	MAXIMUM DWELLING UNITS	ACRES	PERCENTAGE OF TOTAL	USES
 R / PUD - 5	9	15.8	64%	RESIDENTIAL
 OS - 10		8.7	36%	OPEN SPACE
TOTALS	9	24.5	100%	



PUD ZONING PLAN
PLANNING AREA 7
RED MOUNTAIN RANCH

EAGLE, COLORADO



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

This Zoning Plan is for illustrative purposes only. It represents only one potential development concept.

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

**EXHIBIT H:
PUD Guide
(ATTACHED)**

**PUD GUIDE FOR
THE RED MOUNTAIN RANCH PLANNED
UNIT DEVELOPMENT**

Exhibit B to the Annexation and Development Agreement

January 30, 2019

***Notes in red are intended for Town of Eagle review purposes and are not intended to be included in the final approved version.**

**APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT
PURSUANT TO SECTION 24-68-103, C.R.S., AS AMENDED**

1. PURPOSE:

The purpose of the Red Mountain Ranch PUD Guide is to serve as the governing land use regulations which will control the development of the Red Mountain Ranch PUD. The PUD Guide will serve as the “Zone District Regulations” for the PUD and is in conformance with Section 4.11.030 of the Town of Eagle Land Use and Development Code.

The Red Mountain Ranch 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 within the Town of Eagle, Eagle County, Colorado as described in the approved Red Mountain Ranch PUD Zoning Plan.

Development within the PUD is administered by the Town of Eagle through the provisions of this PUD Guide and through the review and approval of specific Development Plans for each Planning Area. Building construction within the PUD is governed by the applicable Town of Eagle ordinances, rules, regulations and codes. Approval of this plan constitutes a vested property right pursuant to section 24-68-103, C.R.S., as amended. This PUD Guide and exhibits shall constitute a site-specific development plan and creates a vested right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended, for a period of 20 years.

The approved Red Mountain Ranch PUD Zoning Plan Sheets 1 - 7 dated _____, 2018 are attached to this PUD Guide as Exhibit A.

2. DEFINITIONS:

Unless otherwise defined below, all terms used in this document shall be as defined by the Town of Eagle Land Use Regulations or by common and ordinary use as defined by the Merriam-Webster Dictionary New Edition 2016.

A. Red Mountain Ranch PUD

The Red Mountain Ranch PUD is a zone district authorized by the Town of Eagle Ordinance No., Series of 2014, and containing the property commonly known as Red Mountain Ranch.

B. Bed and Breakfast Lodge

A dwelling unit or lodge building that contains no more than six guest rooms where short term lodging, with or without meals, is provided for compensation.

C. Planning Areas

Areas as indicated on the approved Red Mountain Ranch PUD Zoning Plan for development, the development of which shall be regulated by this Red Mountain Ranch PUD Guide and by specific Development Plans. These Planning Areas are listed as

Planning Area 1, Planning Area 2, Planning Area 3, Planning Area 4, Planning Area 5-B, Planning Area 5, Planning Area 6 and Planning Area 7.

E. Special Use

Special Use shall be as defined in Section 4.05 of the Town of Eagle Land Use and Development Code.

F. Short Term Rental

Short Term Rental shall be defined as the rent or lease of a residential property for a term of less than 30 days.

G. Active Recreation

Common areas within the PUD which include useable open space; improved common recreational amenity areas such as pools and fitness facilities; picnic sites; playgrounds; open turf and lawn areas that are sufficient in size to support recreational sports activities; trails and adjacent open spaces not required for direct access to dwelling units or commercial facilities, if connected to a regional system or established trail network; and similar areas as determined by the Town Planner.

H. Buffer Zones and Common Open Space

The term buffer zones and/or open space as used in this document is intended to describe areas within development parcels that have been designed to meet Conservation Oriented Design and Cluster Residential design concepts by creating open space and buffers within and around development areas. Buffer zone and open space lands shall be natural or formal landscape areas or parks that are held in common ownership by the master homeowner association of the greater neighborhood. Lands under ownership of private residences or individual building homeowner associations shall not count toward buffer zone requirements.

I. Farmer's Market

A farmers' market is a physical retail marketplace intended to sell foods directly by farmers to consumers. Farmers' markets may be indoors or outdoors and typically consist of booths, tables or stands where farmers sell fruits, vegetables, meats, cheeses, flowers, plants, and/or prepared foods and beverages. Retail offerings may also include crafts and other non-perishable items. Farmer's markets typically occur over one or two days per week on a seasonal basis.

3. TOWN OF EAGLE OPEN SPACE STANDARDS AND REQUIREMENTS:

Town of Eagle Municipal Code Section 4.11.030. - Standards and requirements.

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.

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.

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.

4. PUD PLANNING AREAS:

A. Planning Area 1:

1. R/PUD-1

- 1. Purpose:
To provide sites for a variety of residential land uses including single family, duplex, townhomes, condominiums and apartments at a maximum density of 97 dwelling units.

The design of residential neighborhoods in this district is intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional requirements of the community. In general, residential density should be higher at the west end of the property and transition to lower density to the east.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 12.3 acres designated as R/PUD -1 there should 4 acres designed as parks, open space or buffer zones for a ratio of 78% development area to 32% of buffer zone and common open space.

The R/PUD-1 lands are intended to be served by Town of Eagle municipal water and wastewater system.

- 2. Uses by Right:
 - a. Single family homes.
 - b. Duplex building (two units)
 - c. Multiple family residential, including condominiums, townhomes, flats or apartments, and single family or duplex cluster units on specifically designated lots.
 - d. Accessory dwelling unit to owner-occupied single family dwelling.
 - e. Other uses which the Town Planner find to be compatible.
 - f. A Homeowner Association owned enclosed storage building. *Variation from Town of Eagle R/PUD listed uses*
 - g. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - h. Wastewater lift station and associated improvements.
- 3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Special Events. *Variation from Town of Eagle R/PUD listed uses*
- 4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*

- d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
- e. Day care of less than 8 children
- f. Detached garages
- g. Other uses which the Town Planner find to be compatible.

5. Minimum Building Setback Requirements:

- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right-of-way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. *Variation from Town of Eagle residential setback standards of 12.5 feet.*

- c. Rear/River: The rear yard setback shall be 10 feet from internal property lines.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot building river setback shall be allowed. Formal landscaping and soft surface trails may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.

- d. Supplementary setback requirements: Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:

40 feet for multi-family structures. *Variation from Town of Eagle R/PUD listed uses (35 feet)*
 35 feet for single family and duplex structures and accessory/storage buildings.

7. Maximum Lot Coverage: To encourage clustering, small lots and the provision of common open space while integrating Conservation Oriented Design and Residential Cluster Design techniques there are no maximum lot coverage restrictions.

8. Maximum Density:
The maximum density shall not exceed 97 dwelling units.

2. OS-1

1. Purpose:
To provide a site for a small public riverfront park with publicly accessible soft surface footpaths extending east along the river. OS-1 shall be dedicated to the Town of Eagle at the first post-development permit subdivision plat filed within Planning Area 1. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed.
2. Uses by Right:
 - a. Park, playground, picnic shelters, trails, restrooms, recreation areas and associated parking.
 - b. Utility lines and wastewater lift station.
 - b. Other uses which the Town Planner find to be compatible.
 - c. Accessory uses customarily appurtenant to uses by right listed above.
3. Special Uses:
 - a. Special Events. **Variation from Town of Eagle R/PUD listed uses**
4. Minimum Building Setback Requirements:
 - a. **Front:** Highway 6 shall be considered the front setback. Buildings such as picnic shelters and restrooms, shall maintain a 25-foot setback from the Highway 6 right-of-way line. Internal roads, parking, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle residential setback standards of 50 feet from arterial road.
 - b. **Side:** The side setback for picnic shelters and buildings shall be 7.5 feet.
 - c. **Rear/River:** The average high water mark of the Eagle River shall be considered the rear and river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot building river setback shall be allowed. Formal landscaping and park improvements may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.
 - d. **Supplementary setback requirements:**
Roof eaves, bay window elements and similar features may encroach up to

30 inches into any required setback.

5. Maximum Building Height:
20 feet
6. Maximum Lot Coverage: There are no maximum lot coverage restrictions.
7. Maximum Density:
There is no allowed density.

3. OS-2

1. Purpose:
The purpose of OS-2 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the R/PUD -1 Homeowners Association. A public trail easement of 12 feet in width shall be created for the soft surface Discovery Trail. The exact trail location will be determined at Development Permit approval for R/PUD-1 and the easement shall be dedicated at the first post development subdivision plat filed for Planning Area 1. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None

4. OS-3

1. Purpose:
The purpose of OS-3 is to describe specific uses for the land within Planning Area 1 that is south of the river. OS-3 shall be dedicated to the Town of Eagle at the first post-development permit subdivision plat filed within Planning Area 1.

Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There shall be no overnight camping allowed on OS-3. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the

- health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.

- 3. Special Uses:
 - a. None

B. Planning Area 2 The Farm: C/PUD

1. C/PUD-1

- 1. Purpose:

To provide a land for a neighborhood center area allowing for small scale residential and commercial uses with a focus on walkability from existing and future residential density and proximate public and educational uses. This area has the potential to include a river view restaurant that would serve the greater Eagle community as a unique tourism asset and community gathering spot.

The C/PUD-1 lands are intended to be served by Town of Eagle municipal water and wastewater system.

- 2. Uses by Right:
 - a. Single family, duplex and/or multi-family residences. *Variation from Town of Eagle C/PUD listed uses*
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Bed & Breakfast Lodge.
 - d. Restaurant.
 - e. Retail.
 - f. Farmer's market
 - g. Short term rental. *Variation from Town of Eagle C/PUD listed uses*
 - h. Community gardens and small animal farm. *Variation from Town of Eagle C/PUD listed uses*
 - i. Greenhouses. *Variation from Town of Eagle C/PUD listed uses*
 - j. Existing or restored historic buildings. *Variation from Town of Eagle C/PUD listed uses*
 - k. Day use parking. *Variation from Town of Eagle C/PUD listed uses*
 - l. Other uses which the Town Planner find to be compatible.

- 3. Special Uses:
 - a. Day care of more than 8 children.

- 4. Accessory Uses:
 - a. Home occupation.
 - b. Parks, playground, recreation areas, pools, greenbelt.
 - c. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - d. Day care of less than 8 children
 - e. Detached garages
 - f. Other uses which the Town Planner find to be compatible.

5. Density:
Up to 10 residential units and 10,000 square feet of commercial use. Variation from Town of Eagle C/PUD listed uses as there is no FAR allowance based on lot size

6. Minimum Building Setback Requirement:

- a. Front: Highway 6 shall be considered the front setback. All buildings shall maintain a 25-foot setback from the Highway 6 right of way line. Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle commercial setback standards of 50 feet from arterial road.
- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. The side setback for commercial buildings shall be 12.5 feet.
Variation from Town of Eagle commercial setback standards of 12.5 feet.
- c. Rear/River: The rear yard setback shall be 20 feet. Variation from Town of Eagle commercial rear setback standards of 25 feet.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75 foot building setback.

- d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

7. Maximum Building Height:
40 feet for multi-family and commercial structures.
35 feet for single family and duplex structures and accessory/storage/greenhouse buildings.

8. Maximum Site Coverage:
Building: 20%
All impervious: 40%
As this standard is applied to C/PUD-1 site coverage shall be measured against the entire parcel of 2.9 acres. This standard will not apply to internal lots created to define building or lot ownership.

2. OS-4

1. Purpose:

The purpose of OS-4 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark as well as for the upland area extending north to Highway 6.

This area shall be owned and maintained by the R/PUD -1 Homeowners Association. A public trail easement of 12 feet in width shall be created for the soft surface Discovery Trail along Highway 6. The exact location of the trail will be determined at Development Permit approval for C/PUD-1 and the easement shall be included with the first post-development permit subdivision plat filed within Planning Area 2. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Soft surface trails with limited river access points
- b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- c. Planting of native vegetation to improve or protect the native ecosystem.
- d. Existing historic buildings may be maintained and restored in place.

3. Special Uses:

- a. None

C. Planning Area 3 Nature Center: C/PUD

1. C/PUD-2

1. Purpose:

To provide a land area for an environmental education facility, employee housing and open space. C/PUD-3 is intended to be donated or conveyed to a non-profit entity that will operate an environmental education center.

The C/PUD-2 lands are intended to be served by Town of Eagle municipal water and wastewater system. No development permit will be issued until these services are available.

2. Uses by Right:

- a. Buildings for environmental education and programming. *Variation from Town of Eagle C/PUD listed uses*
- b. Single Family, Duplex or Multi-family residential. *Variation from Town of Eagle C/PUD listed uses*
- c. Outdoor recreation facilities. *Variation from Town of Eagle C/PUD listed uses*
- d. Open sided shade shelters. *Variation from Town of Eagle C/PUD listed uses*
- e. Existing, restored or relocated historic buildings. *Variation from Town of Eagle C/PUD*

parcel in OS-5. The maximum building and lot coverage ratios have been developed in recognition of this adjacent open space.

Building: 30%

All impervious: 70%

2. OS-5

1. Purpose:

The purpose of OS-5 is to describe specific uses for open space land on both sides of the Eagle River designated as OS-5.

This intent for this area is to provide open space in conjunction with the environmental education facility located on C/PUD-2. OS-5 shall be owned and maintained by the same owner as C/PUD-2. OS-5 should not be subdivided as a separate parcel from C/PUD-2. The soft surface discovery trail traverses OS-5. The exact trail location will be determined at Development Permit approval for C/PUD-2 and a 12-foot wide easement shall be recorded upon completion of the path improvements. Fishing shall be allowed by fly fishing and catch and release only, no commercial guided fishing shall be allowed. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:

- a. Open sided shade shelters. **Variation from Town of Eagle C/PUD listed uses**
- b. Existing, restored or relocated historic buildings. **Variation from Town of Eagle C/PUD listed uses**
- c. Interpretive signs. **Variation from Town of Eagle C/PUD listed uses**
- d. Pedestrian bridge over the Eagle River. **Variation from Town of Eagle C/PUD listed uses**
- e. Soft surface trails with limited river access points.
- f. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
- g. Planting of native vegetation to improve or protect the native ecosystem.
- h. Other uses which the Town Planner find to be compatible.

3. Special Uses:

- a. None

4. Setbacks:

- a. Front: Highway 6 shall be considered the front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Internal roads, driveways, and trails shall be allowed within the front setback.
Variation from Town of Eagle commercial setback standards of 50 feet from arterial road.
- b. Side/rear: 10 feet.

- c. Eagle River: The average high water mark of the Eagle River shall be considered the river setback. The setback shall be 75 feet for shade shelters or relocated historic buildings.

D. Planning Area 4: R/PUD

1. R/PUD-2

- 1. Purpose:
To provide sites for the balance of 153 units allowed in Planning Areas 1-7 but no more than thirty-five (35) units.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Lands adjacent to Highway 6 would be an appropriate location for buffer and open space areas. Within the area of 9.1 acres designated as R/PUD -2 there should be 4.1 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Internal roadways serving Planning Area 3, 4 and 5B would be allowed within the open space/buffer zones.

The R/PUD-2 lands are intended to be served by Town of Eagle municipal water and wastewater system. No development permit for residential uses will be issued until these services are available. 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.

- 2. Uses by Right:
 - a. Single family, duplex or multi-family townhome dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Campground .
Variation from Town of Eagle R/PUD listed uses
 - e. Other uses which the Town Planner find to be compatible.
- 3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast. *Variation from Town of Eagle R/PUD listed uses*
- 4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*

- e. Day care of less than 8 children
- f. Detached garages, sheds and other similar buildings.
- g. Other uses which the Town Planner find to be compatible.

5. Minimum Building Setback Requirements:

- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road. Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

Variation from Town of Eagle residential setback standard of 50 feet from arterial road.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet. Variation from Town of Eagle residential setback standard of 12.5 feet.

- c. Rear/River: The rear yard setback shall be 20 feet.

The average high water mark of the Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.

- d. Supplementary setback requirements: Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

- 6. Maximum Building Height:
40 feet for multi-family structures. Variation from Town of Eagle R/PUD listed uses (35 feet)
35 feet for single family and duplex structures and accessory/storage buildings.
Variation from Town of Eagle R/PUD of 35 feet

- 7. Maximum Lot Coverage:
 - a. Building - 50%
 - b. All impervious materials - 70%

OS-6

1. Purpose:
The purpose of OS-6 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 4 Homeowners Association. A public trail easement of 12 feet in width shall be dedicated to the Town of Eagle for the soft surface Discovery Trail. The location of the trail will be determined at Development Permit approval for R/PUD-2 and the easement shall be included in the first post-development subdivision plat filed within Planning Area 4. OS-6 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None.

E. Planning Area 5B: Eagle River Park: P/PUD

1. P/PUD

1. Purpose:
To provide a land area for a recreation site to be dedicated to the Town of Eagle. This park will provide parking and access to the existing public fishing easement located between the average high water mark and the centerline of the river.

Planning Area 5B may be served by an on-site wastewater disposal system.
2. Uses by Right:
 - a. Outdoor recreation facilities.
 - b. Park and picnic facilities including open sided shade shelter.
 - c. Boat ramp.
 - d. Public restrooms.
 - e. Dog park.
 - f. Parks, playground, greenbelt.
 - g. Existing, restored or relocated historic buildings.
 - h. Day use parking.
 - i. Other uses which the Town Planner find to be compatible.
3. Minimum Building Setback Requirement:
There shall be a 25-foot building setback from Highway 6 and a 75-foot building and parking area setback from the average high water mark of the Eagle River. A boat ramp

and associated improvements and a soft surface trail may be located within the Eagle River setback.

4. Maximum Building Height:
20 Feet.
5. Density Allowance:
N/A
6. Maximum Site Coverage:
N/A

F. Planning Area 5: R/PUD

1. R/PUD -3

1. Purpose:
To provide sites for no more than fifteen (15) single family or duplex units.

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.

Access to R/PUD-3 will be directly from Highway 6.

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.

2. Uses by Right:
 - a. Single family and duplex dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. **Variation from Town of Eagle R/PUD listed uses**
 - d. Other uses which the Town Planner find to be compatible.
Variation from Town of Eagle R/PUD listed uses
3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast. **Variation from Town of Eagle R/PUD listed uses**
4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.

- c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
- d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
- e. Day care of less than 8 children
- f. Detached garages, sheds and other structures.
- g. Other uses which the Town Planner find to be compatible.

5. Minimum Building Setback Requirements:

- a. Front: Highway 6 shall be considered the primary front setback. All habitable buildings shall maintain a 50-foot setback from the Highway 6 right of way line. Non-habitable buildings including garages, and surface parking areas shall maintain a 25-foot setback from the Highway 6 right-of-way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

Variation from Town of Eagle residential setback standard of 50 feet from arterial road.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet.

Variation from Town of Eagle residential setback standards of 12.5 feet.

- c. Rear/River: The rear yard setback shall be 20 feet.

The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.

- d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:
35 feet.

7. Maximum Lot Coverage:

- a. Building - 50%
- b. All impervious materials - 70%

OS-7

1. Purpose:
The purpose of OS-7 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-7 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
3. Special Uses:
 - a. None.

OS-8

1. Purpose:
The purpose of OS-8 is to describe specific uses for an open space buffer area. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. There are no buildings or formal improvements allowed other than those specifically listed below. An access road from R/PUD-3 may traverse through OS-8 to provide access to R/PUD-4.
2. Uses by Right:
 - a. Formal landscape areas.
 - b. Parks, playgrounds and recreation areas.
 - c. Natural vegetation and landscaping.
 - d. Open sided shade shelters and picnic areas.
 - e. Roads and driveways.
 - f. On-site Wastewater Treatment System.
3. Special Uses:
 - a. None

G. Planning Area 6: R/PUD

1. R/PUD-4

1. Purpose:
To provide sites for no more than twenty-five (25) single family or duplex units.

Site planning should follow the principles of Conservation Oriented Development and

Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. Within the area of 14.8 acres designated as R/PUD -4 there should be 6.7 acres designed as open space or buffer zones for a ratio of 55% of development area and 45 % of buffer zone and common open space. Buffer and open space zones may include on-site wastewater systems and internal roads.

R/PUD-4 will have direct Highway 6 access.

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-4 will be required to connect to such system. Should R/PUD-4 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

2. Uses by Right:
 - a. Single family or duplex dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Other uses which the Town Planner find to be compatible.
3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast.
4. Accessory uses:
 - a. Home occupation.
 - b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - e. Day care of less than 8 children
 - f. Detached garages, sheds and other structures.
 - g. Other uses which the Town Planner find to be compatible.
5. Minimum Building Setback Requirements:
 - a. Front: Highway 6 shall be considered the primary front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

Residential buildings not fronting Highway 6 shall maintain a 10-foot setback from their internal front property line.

Variation from Town of Eagle residential setback standards of 50 feet from arterial road.

- b. Side: The side setback for single family homes and duplex buildings shall be 7.5 feet. The side setback for multi-family buildings shall be 7.5 feet.
Variation from Town of Eagle residential setback standards of 12.5 feet.
- c. River: The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback. Soft surface trails, natural vegetation restoration, landscape and vegetation maintenance, removal and restoration shall be allowed within the 50-foot preservation area setback.
- d. Setbacks from internal property lines shall be:
Front: 25 feet from edge of private road asphalt.
Side: 12.5 feet.
Rear: 20 feet.
- e. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

6. Maximum Building Height:
35 feet.

7. Maximum Lot Coverage:
- a. Building - 30%
 - b. All impervious materials - 50%

OS-9

- 1. Purpose:
The purpose of OS-9 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-9 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.
- 2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the

- health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.
- 3. Special Uses:
 - a. None

H. Planning Area 7: R/PUD

1. R/PUD-5

- 1. Purpose:
To provide sites for no more than nine (9) single family homesites.

Site planning should follow the principles of Conservation Oriented Development and Cluster Residential design as articulated in the Eagle Area Community Plan and in the Town of Eagle River Corridor Plan. The design should provide for clustered areas of development areas and integrate buffer zones and formal or informal open space areas within the plan. As the eastern-most development area and the lowest density planning area there should be a significant amount of open space and buffer zones. Within the area of 15.8 acres designated as R/PUD -5 there should be a ratio of 50% of development area and 50 % of buffer zone and common open space. Internal access roads may be located within open space and buffer zones.

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-5 will be required to connect to such system. Should R/PUD-5 develop prior to extension of such service the maximum density will be based on the proposed OWTS capacity.

R/PUD-5 will have direct access from Highway 6.

- 2. Uses by Right:
 - a. Single family dwelling units.
 - b. Accessory dwelling unit to owner-occupied single family dwelling.
 - c. Short term rentals. *Variation from Town of Eagle R/PUD listed uses*
 - d. Day use public parking for fishing access *Variation from Town of Eagle R/PUD listed use*
 - e. Other uses which the Town Planner find to be compatible.
- 3. Special Uses:
 - a. Day care of more than 8 children.
 - b. Bed and breakfast.
- 4. Accessory uses:
 - a. Home occupation.

- b. Parks, playground, pools, greenbelt.
 - c. Model homes and sales office. *Variation from Town of Eagle R/PUD listed uses*
 - d. Pedestrian and bicycle trails. *Variation from Town of Eagle R/PUD listed uses*
 - e. Day care of less than 8 children
 - f. Detached garages, sheds and other structures.
 - g. Other uses which the Town Planner find to be compatible.
5. Minimum Building Setback Requirements:
- a. Front: Highway 6 shall be considered the primary front setback. All buildings shall maintain a 50-foot setback from the Highway 6 right of way line.

Internal roads, driveways, signs, landscaping, grading, berms and utility structures shall be allowed within the front setback.
Variation from Town of Eagle residential setback standards of 50 feet from arterial road.
 - b. River: The Eagle River shall be considered the river setback. All buildings and parking areas shall meet a 75-foot river setback except where the river bank is more than 15 feet above the high water line and then a 50-foot river setback shall be allowed. Formal landscaping may be allowed in the zone between the 50-foot stream preservation area and the 75-foot building setback.
 - c. Setbacks from internal property lines shall be:
Front: 25 feet from edge of private road asphalt.
Side: 12.5 feet.
Rear: 20 feet.
 - d. Supplementary setback requirements:
Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
6. Maximum Building Height:
35 feet.
7. Maximum Lot Coverage:
- a. Building - 30%
 - b. All impervious materials – 50%

OS-10

1. Purpose:
The purpose of OS-10 is to describe specific uses for the river corridor and the adjacent 50-foot land from the average high water mark. This area shall be owned and maintained by the Planning Area 5, 6 and 7 Homeowners Association. OS-10 includes a public fishing easement from the average high water mark to the centerline of the river. There are no buildings or formal improvements allowed other than those specifically listed below.

2. Uses by Right:
 - a. Soft surface trails with limited river access points
 - b. Natural vegetation management and removal of non-native species to maintain the health of the native ecosystem.
 - c. Planting of native vegetation to improve or protect the native ecosystem.

3. Special Uses:
 - a. None

I. Planning Area Summary Chart

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

5. TEMPORARY USES

Temporary uses including, but not limited to construction staging, project sales office, and pre-development temporary uses such as, but not limited to, corporate team building events, day outfitter programs, and agricultural uses may be permitted in all Planning Areas in accordance with Town of Eagle Land Use and Development Code Section 4.04.100 B. Temporary Uses.

6. DENSITY TRANSFER PROVISION

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.

7. STREET STANDARDS

All streets are anticipated to remain private. Private street standards will be detailed as part of future Development Plans and subdivision applications for each Planning Area.

7. TRAIL STANDARDS

Soft surface trails shall be a minimum of four (4) feet wide and constructed of crusher fines or similar materials, as approved by the Town of Eagle.

Hard surface common area trails shall be a minimum of six (6) feet wide and constructed of a durable hard surface such as asphalt or concrete. Sidewalks connecting parking areas to residential units may be a minimum of four (4) feet in width.

Trail grades should not exceed a 10% grade however sections no longer than 100 feet may exceed 15% where significant grade changes must be accommodated. Cross section grades should not exceed 2% for paved trails and 4% for soft surface trails.

9. PARKING REQUIREMENTS

All uses within Red Mountain Ranch will be subject to the parking standards of the Town of Eagle Land Use & Development Code. Any accessory dwelling associated within a single family residence shall have one dedicated on-site parking space. A Bed and Breakfast Lodge use as defined in this PUD Guide shall provide one parking space per guest room.

10. 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 each PUD Development Plan application shall include a detailed plan outlining compliance with the housing program.

11. DESIGN REVIEW

Design guidelines shall be prepared which will establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for

each PUD Planning Area within Red Mountain Ranch. These guidelines shall be approved and in place for any area of the Red Mountain Ranch PUD prior to the approval of any Subdivision Final Plat for that area.

The appropriate home owners association for each Planning Area identified in this PUD Guide, with the exception of Planning Area 5B, Town Park and Planning Area 3, Nature Center, shall establish a Home Owners Association Board that shall have authority and responsibility over the design review process for the Planning Areas within such association. It is anticipated that there will be three separate homeowner associations; one for Planning Areas 1 and 2, one for Planning Area 4 and one for Planning Areas 5, 6 and 7.

All projects requiring a Town of Eagle building permit shall adhere to the standards of this PUD and, where not specifically covered, the provisions of the Town of Eagle Land Use Code.

Applicants for all new buildings or building modifications, residential landscaping or residential landscaping modifications, as defined in the adopted design guidelines, shall submit such proposals for review and approval by the appropriate Home Owners Board.

The Town of Eagle shall not issue a building permit without prior approval by the Home Owners Board as demonstrated by drawings stamped as approved by the Home Owners Board.

1. Architectural Design Standards:

The site design concept for Red Mountain Ranch Planning Area 1 is to create a pedestrian friendly, walkable integrated neighborhood with a variety of housing types.

The architecture of the Red Mountain Ranch community will both integrate with and enhance the beauty of the Town of Eagle and the Eagle River corridor.

Design Guidelines will:

- a. 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;
- b. Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the plan;
- c. Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
- d. Control massing of buildings to be appropriate in scale and context;

2. Environmental Building Practices:

Each Planning Area should include guidelines that address state of the art environmental building practices.

- a. Low environmental impact and energy efficiency approaches to site planning, design, landscaping and construction are highly encouraged.
- b. Owners are encouraged to review LEED guidelines published by the US Green

Building Council (www.usgbc.org) which encourage energy efficiency, resource efficiency and healthy indoor air quality.

- c. Passive and active solar is highly encouraged. Hot water and photo voltaic solar panels are encouraged to be well planned and integrated in to the architectural design. Panels should be installed in the same plane as the roofs and close to flush with the roof. Solar panels and all associated mounting brackets and hardware shall be all black. No bright shiny metal elements are allowed.

3. **Landscape Design Standards:**

Landscape Design Standards will be written and adopted as an integral part of the overall design guidelines. The intent of the landscape design guidelines will be provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces of the Red Mountain Ranch PUD. This will be accomplished by:

- a. Setting minimum and maximum standards for planting within residential and public spaces.
- b. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques.
- c. Controlling the spread of noxious weeds and invasive plant species.

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

4. **Illumination Design Standards:**

Illumination design standards for residential and public uses shall be included within the approved design guidelines. The intent of these standards will be to provide compliance with adopted Town of Eagle lighting requirements and appropriate dark sky practices.

5. **Fencing Design Standards:**

Fencing design standards shall be included within the approved design guidelines. The intent of these standards will be to provide a compatible appearance among residential properties and to regulate the structure, location, height, color and materials of fencing prior to installation. Where appropriate and as required, wildlife friendly fencing will be specified.

12. SIGNS

Sign regulations shall meet the Town of Eagle sign code; unless a comprehensive Red Mountain

Ranch Sign Program is approved by the Town of Eagle.

13. DOGS AND PET CONTROL

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept in residence, a fenced yard, an electronically fenced yard, dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the lot's building envelope if an envelope is required, and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals will be immediately removed from the subdivision until adequate structures can be built.

At no time are dogs to be allowed to run freely, other than within designated leash free dog parks. Red Mountain Ranch shall be subject to any and all leash laws and other pet regulations as adopted by the Town of Eagle.

Any additional pet restrictions adopted by Red Mountain Ranch owners through other documents such as declarations, covenants and restrictions, design guidelines or rules and regulations will be enforceable by the entity designated for such purpose and will not be enforced by The Town of Eagle.

14. TRASH RECEPTACLES

Single family and duplex residences within the Red Mountain Ranch PUD shall be restricted from storing or leaving trash receptacles outside overnight. Trash receptacles shall be placed outside on the day of pick-up and shall be returned to an indoor location the same day.

Multi-family buildings shall provide wildlife resistant trash enclosure structures consistent with the approved Design Guidelines.

15. CONFLICTS & INTERPRETATIONS

The specific provisions of this Guide shall supersede those of the Town of Eagle Land Use Regulations. However, where the Guide does not address an issue, the specific provisions and definitions of the Town of Eagle Land Use Regulations shall prevail. In cases of dispute or ambiguity, the Board of Trustees shall act to interpret.

In interpretation of a finding of another use found to be compatible by the Town Planner, when compatibility or consistency with the Town's goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission or Board of Trustees for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.

16. AMENDMENTS TO THE RED MOUNTAIN RANCH PUD GUIDE

It is anticipated that modifications or amendments to this PUD Guide will be necessary from time to time. This PUD Guide provides for two types of modifications or amendments: minor and major.

A. Minor Modifications:

Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Red Mountain Ranch. Minor modifications include, but are not limited to internal road alignment alterations, minor adjustments to parcel boundaries, building envelope or lot line changes, and additions of land uses not previously listed but determined to be similar to listed uses. Changes to Planning Area boundaries are limited to no more than 10% in area to be considered a minor amendment.

Minor modifications may be authorized by the Town of Eagle Town Planner upon written request. The Town Planner shall act upon any minor modification request within 30 days of such a request. Any decision by the Town Planner may be appealed in writing to the Eagle Board of Trustees within 30 days of such decision.

B. Major Modifications:

Major modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project.

Major modifications shall include:

1. Any increase in the total number of residential units.
2. Any change or addition to the land use designation of any Planning Area within the PUD, except as provided above.
3. Any additional of land into the PUD.

Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be heard in public hearing by the Board after receiving a recommendation from the Planning and Zoning Commission. The Town Board shall approve the modification if it is found that the modification is consistent with the efficient development of the entire PUD and does not substantially affect the enjoyment of land abutting the PUD or the public interest.

Approved by Red Mountain Ranch Partnership, Ltd. this _____ day of _____, 2017.

By: _____

Approved by Mervyn Lapin Revocable Trust this _____ day of _____, 2017.

By: _____

TOWN of EAGLE Signature block:

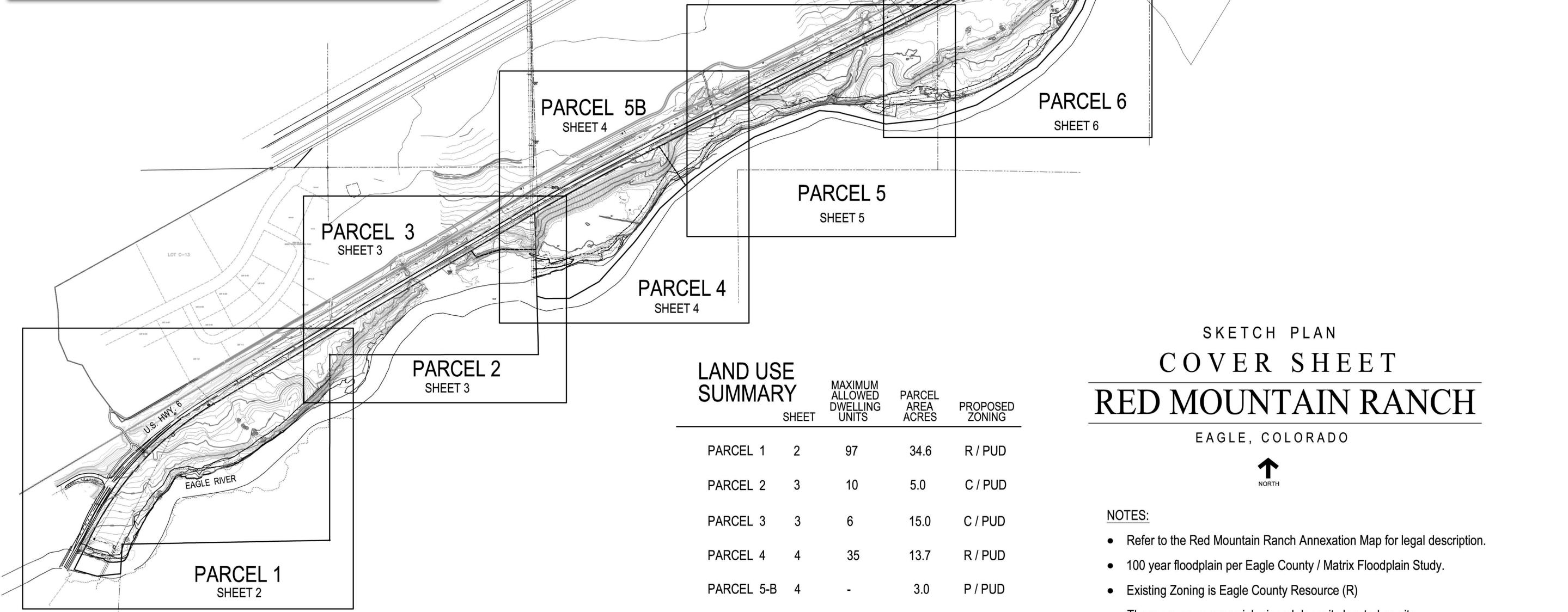
Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this _____ day of _____, 2017.

_____, Mayor

ATTEST:

Town Clerk

EXHIBIT I:
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	
		<small>*TOTAL D.U. NOT TO EXCEED 153</small>		

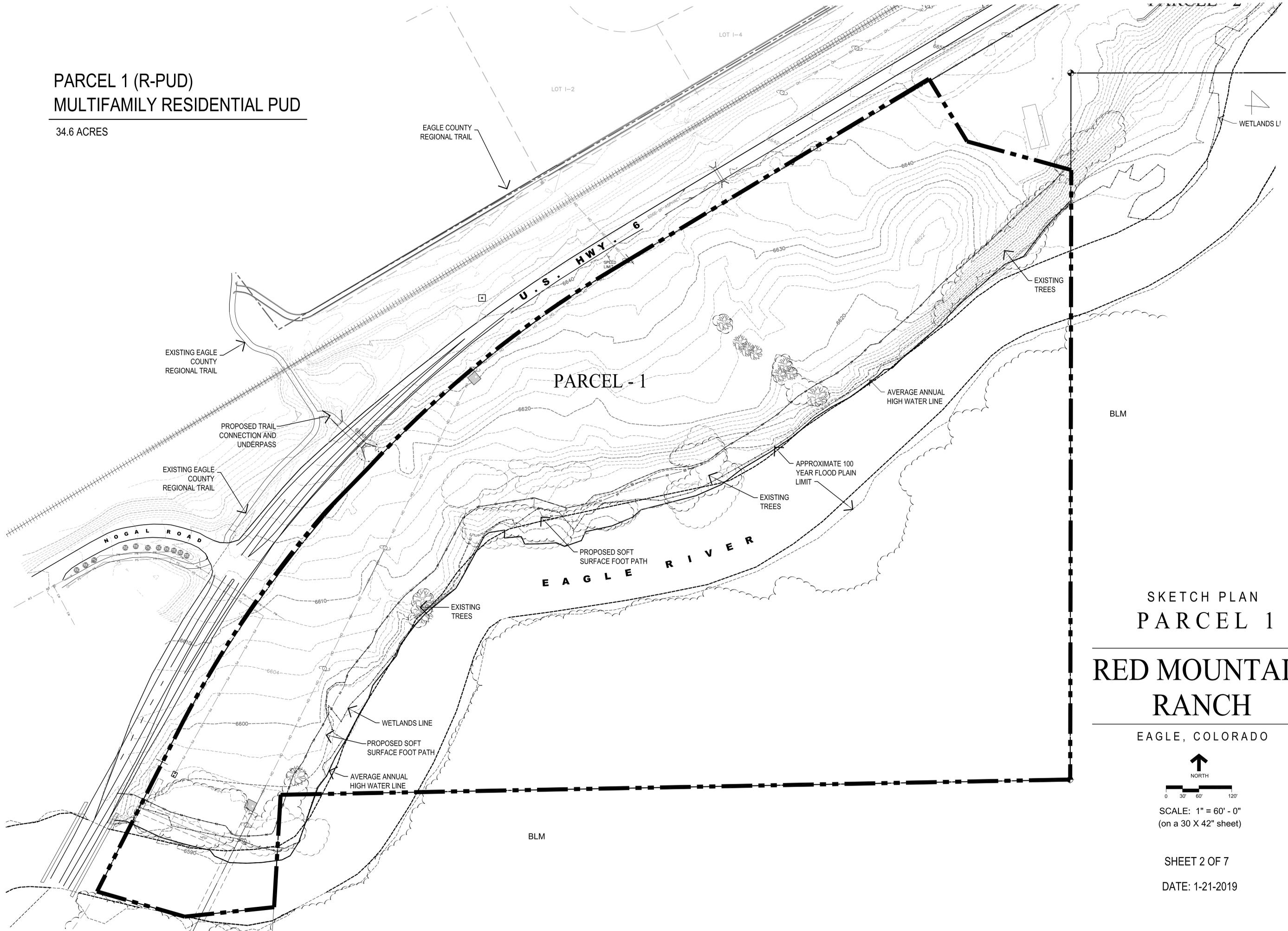
SKETCH PLAN
COVER SHEET
RED MOUNTAIN RANCH
 EAGLE, COLORADO

↑
NORTH

- 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.

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

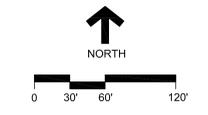
34.6 ACRES



SKETCH PLAN
PARCEL 1

**RED MOUNTAIN
RANCH**

EAGLE, COLORADO



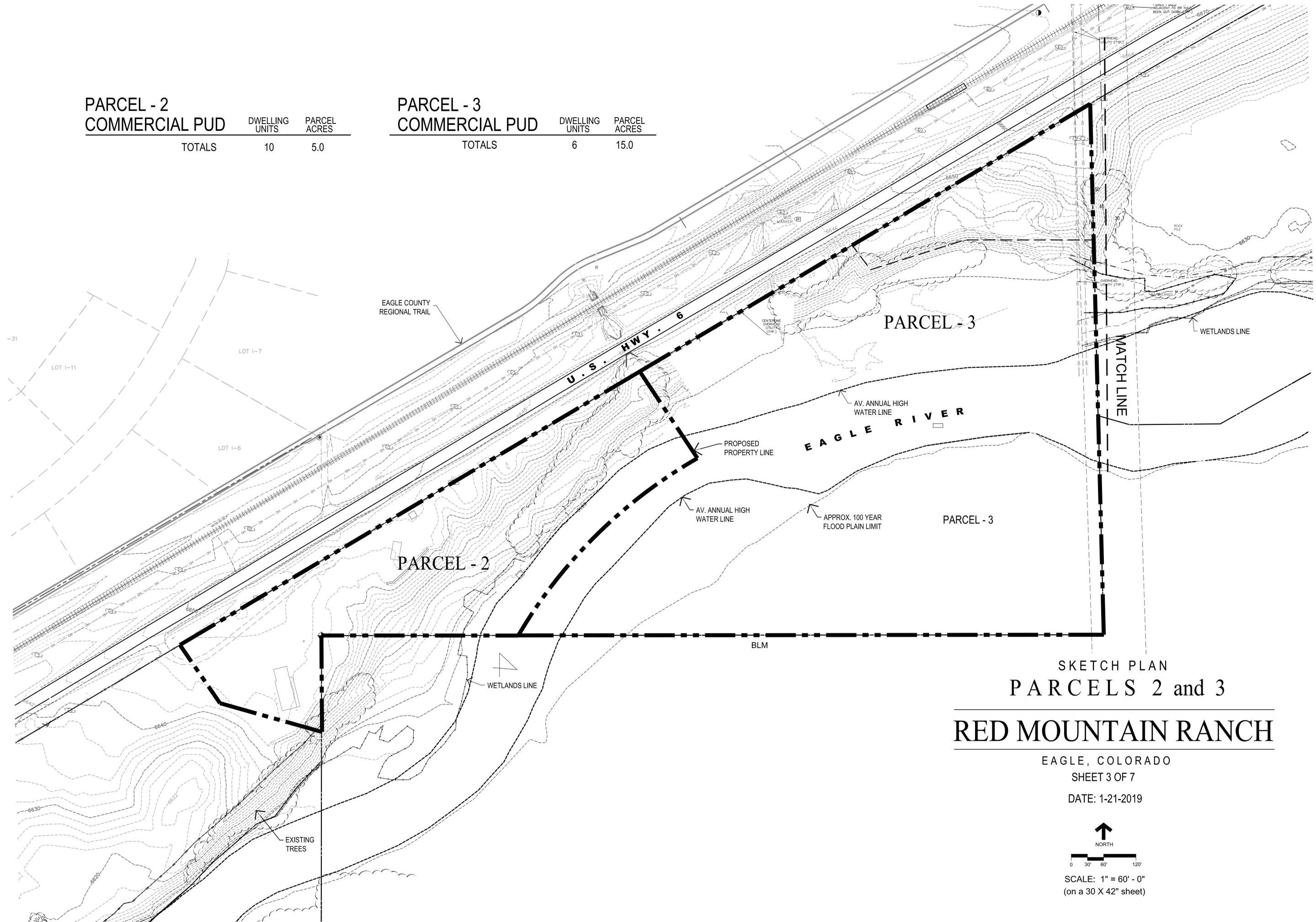
SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

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
TOTALS	6	15.0



SKETCH PLAN
PARCELS 2 and 3
RED MOUNTAIN RANCH

EAGLE, COLORADO

SHEET 3 OF 7

DATE: 1-21-2019

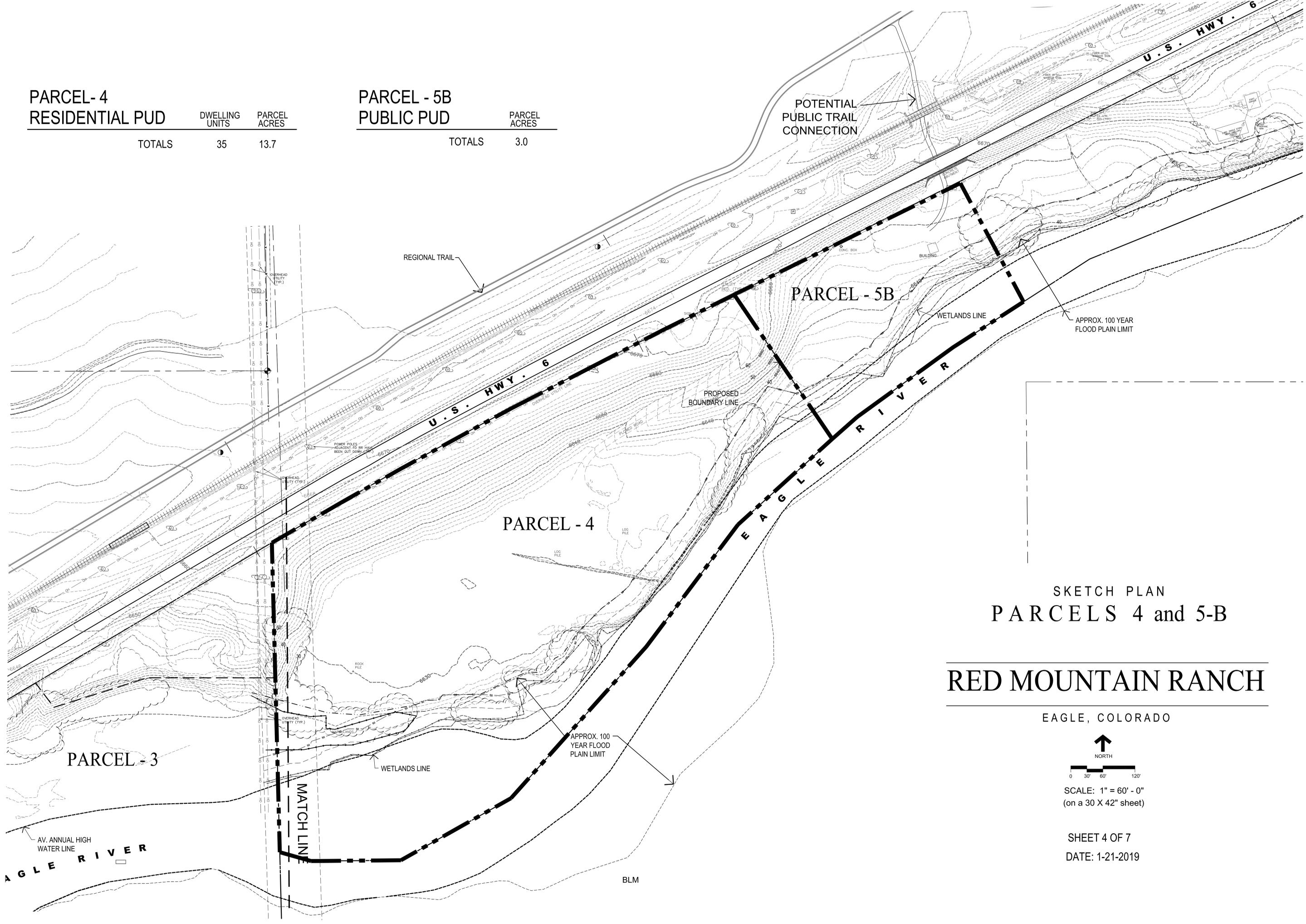


0 30' 60' 120'

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

PARCEL - 4 RESIDENTIAL PUD	DWELLING UNITS	PARCEL ACRES
TOTALS	35	13.7

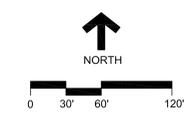
PARCEL - 5B PUBLIC PUD	PARCEL ACRES
TOTALS	3.0



SKETCH PLAN
PARCELS 4 and 5-B

RED MOUNTAIN RANCH

EAGLE, COLORADO

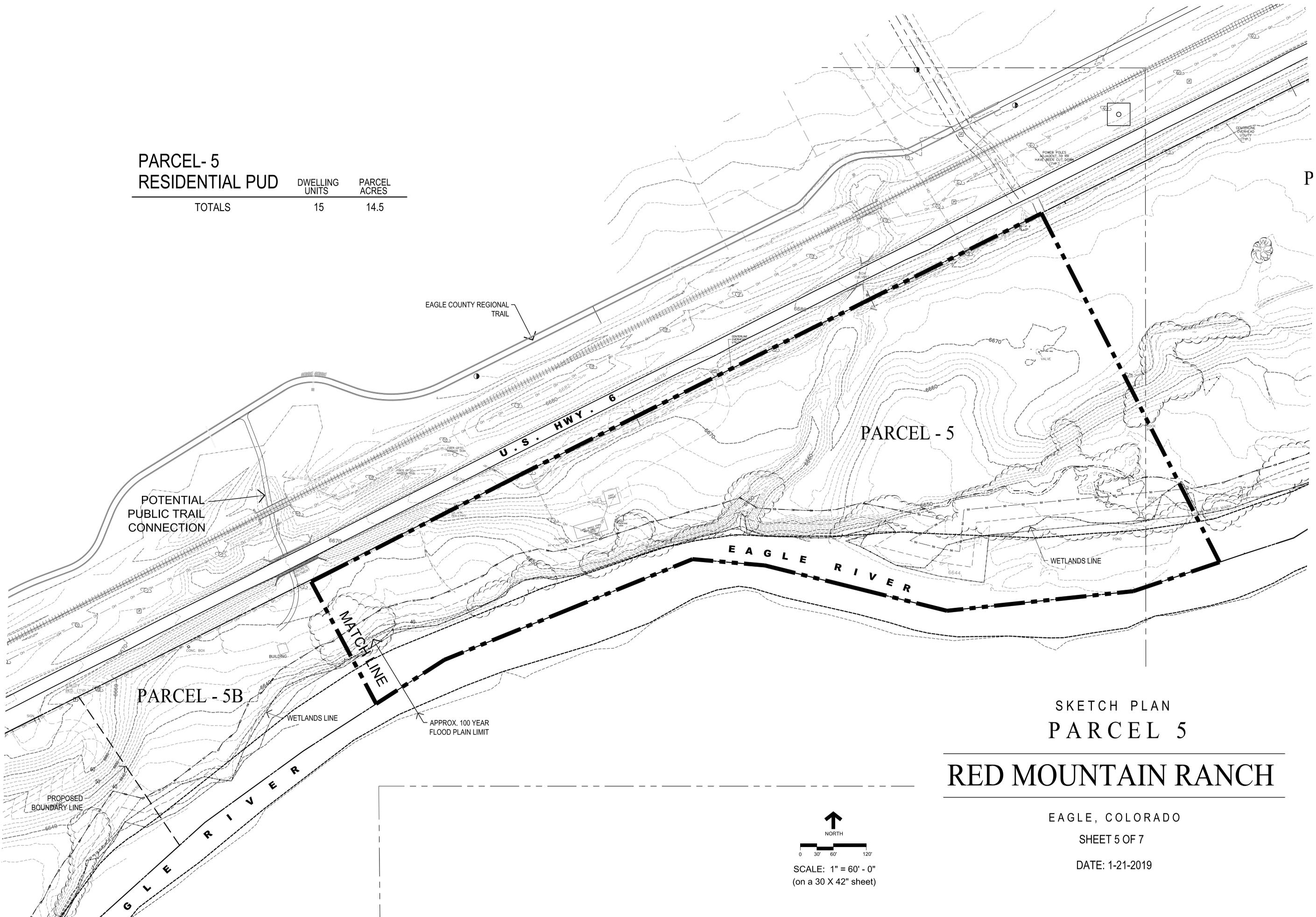


SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

SHEET 4 OF 7
DATE: 1-21-2019

**PARCEL - 5
RESIDENTIAL PUD**

	DWELLING UNITS	PARCEL ACRES
TOTALS	15	14.5



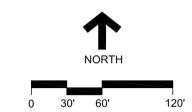
SKETCH PLAN
PARCEL 5

RED MOUNTAIN RANCH

EAGLE, COLORADO

SHEET 5 OF 7

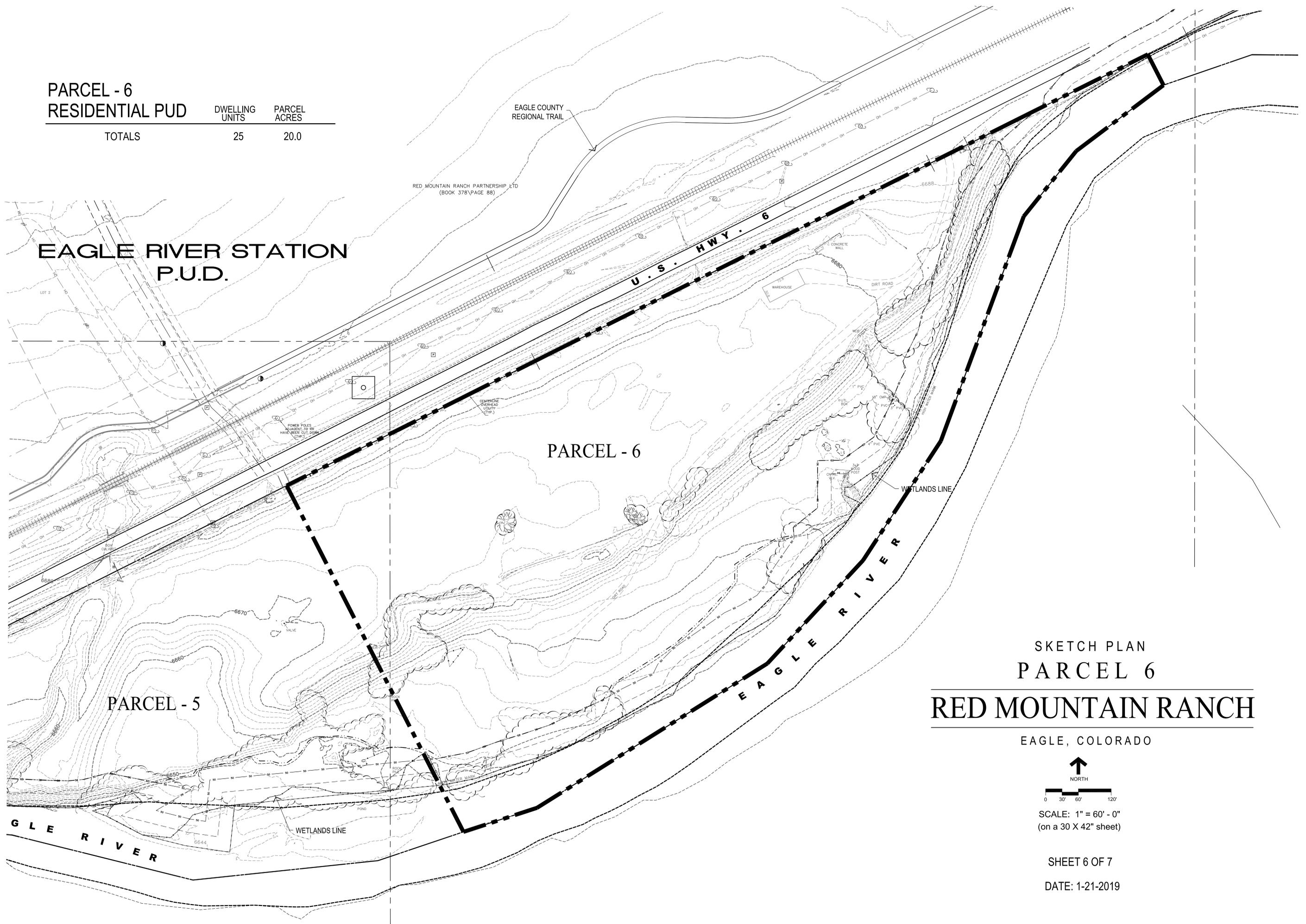
DATE: 1-21-2019



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

**PARCEL - 6
RESIDENTIAL PUD**

	DWELLING UNITS	PARCEL ACRES
TOTALS	25	20.0



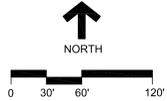
**EAGLE RIVER STATION
P.U.D.**

PARCEL - 6

PARCEL - 5

SKETCH PLAN
PARCEL 6
RED MOUNTAIN RANCH

EAGLE, COLORADO



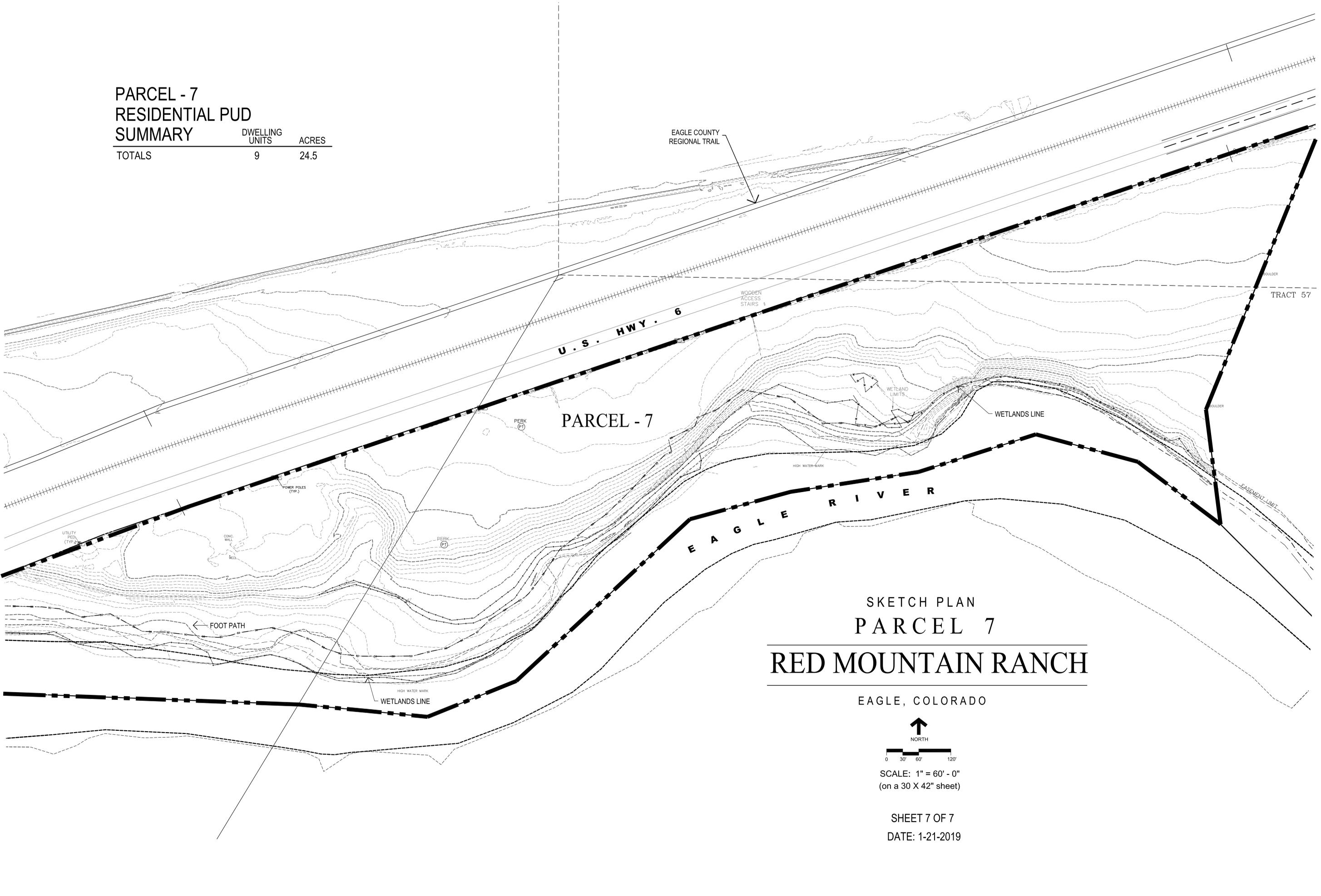
SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

SHEET 6 OF 7

DATE: 1-21-2019

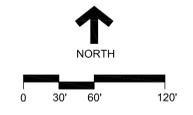
PARCEL - 7
RESIDENTIAL PUD
SUMMARY

	DWELLING UNITS	ACRES
TOTALS	9	24.5



SKETCH PLAN
PARCEL 7
RED MOUNTAIN RANCH

EAGLE, COLORADO



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

SHEET 7 OF 7
DATE: 1-21-2019

EXHIBIT J:
Exception Request
(ATTACHED)

RED MOUNTAIN RANCH

Request for Exception to the Eagle Area Community Plan

June 2017

RED MOUNTAIN RANCH

Request for Exception to the Eagle Area Community Plan

Prepared for:

Red Mountain Ranch Partnership, Ltd.
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

Economic Analysis:

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

Planner:

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

Traffic Engineer:

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

Engineer:

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

Landscape Architecture & Site Design

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

Water Attorney:

Balcomb & Green
818 Colorado Avenue
Glenwood Springs, CO 81601

Land Use Attorney

Eric Heil
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

The purpose of this report is to provide information relative to a request for an Exception to the Eagle Area Community Plan (“EACP”).

Red Mountain Ranch Partnership, Ltd. has applied for Town of Eagle annexation and for approval of a PUD Zoning Plan, Subdivision Sketch Plan and Annexation of the Red Mountain Ranch property.

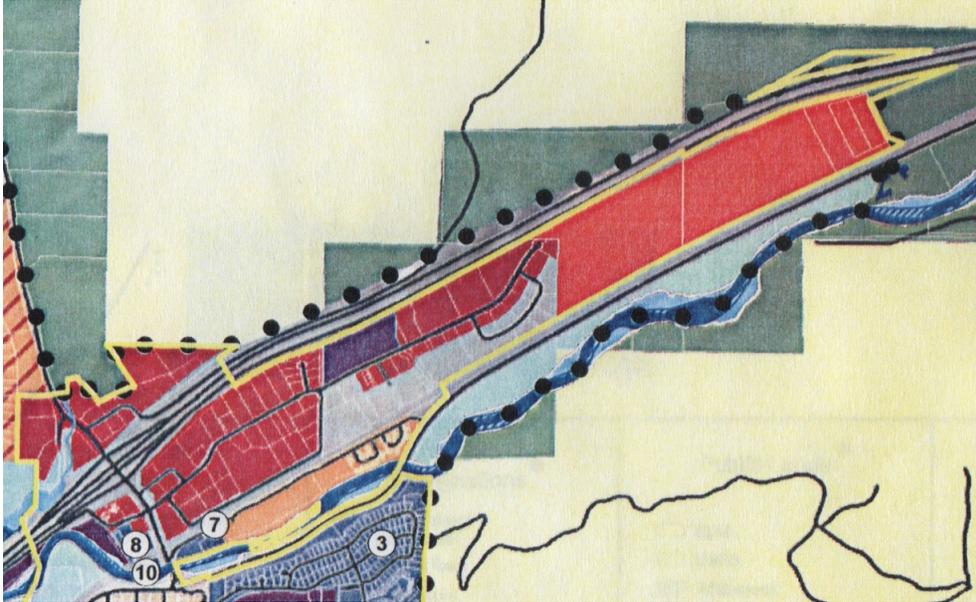
Red Mountain Ranch consists of a 130.835 acre property located along the Eagle River just east of the Town of Eagle downtown core area. The western boundary of the property starts at the first Highway 6 bridge crossing of the Eagle River east of town and extends east approximately 2.05 miles. The parcel is generally located between the Eagle River and Highway 6, with some land extending south of the river.

The Red Mountain Ranch property is currently contiguous to but outside of the Town of Eagle municipal boundary and 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. The adjacent lands across Highway 6 to the north have been annexed to the town as a part of the Eagle River Station PUD.



VICINITY MAP

The Red Mountain Ranch lands, with the exception of Parcels 6 and 7, fall within the Urban Growth Boundary defined within the Eagle Area Community Plan. Parcels 6 and 7 are located adjacent to but outside of the mapped EACP Urban Growth Boundary. The adjacent graphic is a portion of the EACP Urban Growth Boundary Map and shows the Eagle River Station and Red Mountain Ranch properties. The Urban Growth Boundary is outlined in black dots.



The EACP contains in its Appendix A a specific procedure for request of an Exception to the plan and includes six criteria by which to evaluate such a request.

By providing a comprehensive concept plan for the entire 130 acre property, including Parcels 6 and 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. 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 residential fabric of the Town of Eagle.

The Red Mountain Ranch plan proposes a maximum of 153 units on 130 acres of land for an overall density of 1.17 units per acre. The plan proposes a total of 96 multi-family units and 57 single family and/or duplex units. Almost all of the multi-family is located in the first phase of development, located on Parcel 1, closest to the community core. This area, in conformance with both the EACP and the River Corridor Plan, includes the highest density, 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 overall concept plan, including the concept plans for Parcels 6 and 7, evolved out of a careful analysis of the Eagle Area Community Plan and the Town of Eagle River Corridor Plan.

The concept 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 decreasing density culminates in Parcel 6 and 7, which are designed as single-family neighborhoods. Parcel 6 is a single family neighborhood of ten homes on 19.2 acres for a density of almost 2 acres per homesite. Parcel 7 further decreases in density and is proposed as a single family neighborhood of seven homes on 24.5 acres, for a density of 3.5 acres per unit.

The procedure for an Exception to the EACP is detailed in Appendix A of the EACP and entails a formal request to the Town of Eagle Planning Commission and a referral for comment to the Eagle County Planning Commission. Appendix A includes the following criteria for review of a request for an exception.

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

Applicant response:

The Urban Growth Boundary line designated in 2010 recognized the property boundary of the Eagle River Station project and was intentionally set at the location of the I-70 interchange and the connection road to Highway 6. This accurately delineates and encompasses the ownership boundary of the ERS parcel. However, extending the line northward to the river centerline bisects the ownership of the Red Mountain Ranch property. Parcel 6 and 7 extend just beyond the growth boundary. An annexation of only a portion of the Red Mountain Ranch property will require subdivision action to create a property line along the town and county boundary and will leave a small portion of Red Mountain Ranch outside of the town. This creates a unique and unusual situation of annexing a portion of a property under single ownership. The Urban Growth Boundary would be more logically located at the existing east property line of Parcel 7. The Red Mountain Ranch lands may then be reviewed and governed in a comprehensive manner under a single PUD and with a single annexation agreement.

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

Applicant response:

The Red Mountain Ranch concept plan has been designed to meet the goals, policies and strategies of the EACP and of the more recent Town of Eagle-River Corridor Plan. The concept plan is in harmony with the eleven planning concepts integral to the EACP Vision Statement, and with the six factors of influence of the Land Use Chapter. The EACP defines the Land Use in this area as Conservation Oriented Development and the Red Mountain Ranch concept plan has been designed to meet the description of this desired land use as well as to meet the River Corridor Plan description of Cluster Residential. The overall Red Mountain Ranch plan is defined by a decreasing density as the property trends east. The proposed plan for Parcel 6 includes ten homes on approximately twenty acres for a two acre per home density. Parcel 7 proposes seven homes on twenty-four acres for a density of 3.5 acres per home.

These densities are lower than the similar neighborhoods to the east, within Eagle County, that include one and two-acre lots with little to no common areas.

3. The proposed land use is clearly in the public interest, and addresses a viable public need, and

Applicant response:

The proposed land use is residential and is similar in design and density to the lands adjacent to the east that are located outside of the Urban Growth Boundary. Parcels 6 and 7 are not the undisturbed or large tract agricultural lands described in the EACP. These are smaller parcels isolated by the river and the highway and have been heavily disturbed by previous land uses. The Parcel 6 area is 19.2 acres and is physically isolated by the river contours and Highway 6. Parcel 6 is the site of a former gravel pit operation and has been heavily disturbed. Parcel 7 is also isolated from contiguous lands by the river and Highway 6 and is 24.5 acres in size.

The proposed low density residential land use is in keeping with the character of the area and meets a need for low density semi-rural homesites.

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

Applicant response:

The proposed concept plan clusters homes and creates significant amounts of open space and has a minimal effect upon natural resources, traffic, infrastructure or Town and County services. The visual quality of the area will be very much in keeping with the existing character of the area. The inclusion of Parcel 6 and Parcel 7 allows the overall concept plan to include significant open space dedications, town park dedications and the preservation of other open spaces throughout the overall layout of the property. Without Parcels 6 and 7 in the annexation and PUD the concept plan for the other areas may need to be re-designed to meet overall objectives.

In addition to the open space and recreation contributions of the overall PUD Concept Plan Parcel 6 and Parcel 7 each include a site specific public benefit. Years ago Red Mountain Ranch partnered with Colorado Parks and Wildlife to create a public fishing easement along a portion of the Eagle River. This lease includes several designated access points. Currently fisherman park along the shoulder of Highway 6 to get to the river at these access points. This creates a dangerous situation for the river users and for bicyclist along Highway 6. The proposed concept plans for Parcel 6 and Parcel 7 each include designated off-street parking spaces for river users. These parking spaces will provide a tremendous safety improvement over the existing condition.

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

Applicant response:

Parcel 6 and 7 are on the interface between the Eagle River Corridor Character Area and the Eastern Gateway Character Area. The concept plan has been designed to adhere to the planning principles of the Eagle River Corridor area and with the more specific and more recent Town of Eagle – River Corridor Plan.

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.

Applicant response:

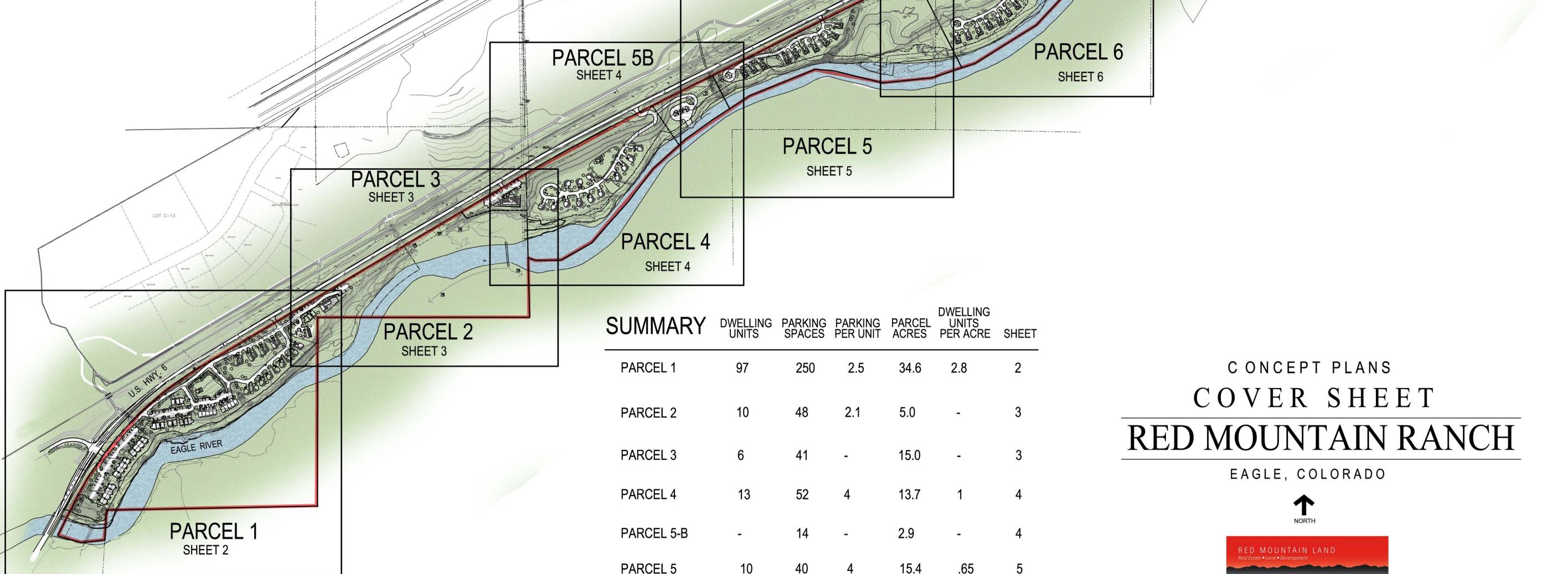
The concept plans for Parcels 6 and 7 propose a low density that is in conformance with this criteria. The overall concept plans for Red Mountain Ranch (see attached) consolidates densities on the parcels closer to town. This is in conformance with both the EACP and the Town of Eagle-River Corridor Plan. The plans allow for a clustering of units and a preservation of a significant amount of common open space. As these parcels come through the PUD Development Permit level of review they will be required to designate the single family home lot lines and common open areas. The PUD Development Permit process will require the submittal of site specific vegetation and riparian management plans and low impact design drainage plans that will ensure adequate protections for the sensitive lands of the respective sites.

In summary, this request for exception to the Eagle Area Community Plan should be reviewed in context with the overall Red Mountain Ranch application for annexation and PUD Concept Plan review. These applications provide additional information and detail to the overall concept plan that is important to understanding the comprehensive nature of the overall project and supports the above criteria for approval of an exception.

The Red Mountain Ranch PUD Concept Plan graphics are attached to this application. The full application has been submitted under separate cover and will be made available for the review of this specific request.



VICINITY MAP



SUMMARY	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	SHEET
PARCEL 1	97	250	2.5	34.6	2.8	2
PARCEL 2	10	48	2.1	5.0	-	3
PARCEL 3	6	41	-	15.0	-	3
PARCEL 4	13	52	4	13.7	1	4
PARCEL 5-B	-	14	-	2.9	-	4
PARCEL 5	10	40	4	15.4	.65	5
PARCEL 6	10	40	4	19.2	.52	6
PARCEL 7	7	28	4	24.5	.28	7
TOTALS	153	513	-	130.3	1.1	

CONCEPT PLANS
COVER SHEET
RED MOUNTAIN RANCH

EAGLE, COLORADO



These concept plans are for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

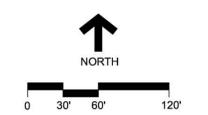
PARCEL 1 SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	
1-A	CONDOMINIUMS 2 STORY BUILDINGS 1 & 2 BEDROOM UNITS	48	96	2	3.5	13.7
1-B	4 and 6 PLEX 2 STORY BUILDINGS 2 BEDROOM UNITS	22	48	2.2	2.6	8.4
1-C	TOWNHOMES 2 STORY BUILDINGS 2 BEDROOM UNITS	10	46	4.6	1.6	6.2
1-D	DUPLEX 2 STORY BUILDING 2 & 3 BEDROOM UNITS	8	32	4	2.5	3.2
1-E	SINGLE FAMILY 1 STORY BUILDINGS 2 & 3 BEDROOM UNITS	9	36	4	2.3	3.9
OS	OPEN SPACE				22.1	
TOTALS		97	250	2.5	34.6	2.9



CONCEPT PLAN PARCEL 1 RED MOUNTAIN RANCH

EAGLE, COLORADO



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

This concept plan is for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

SHEET 2 OF 7

DATE: 5-16-2017

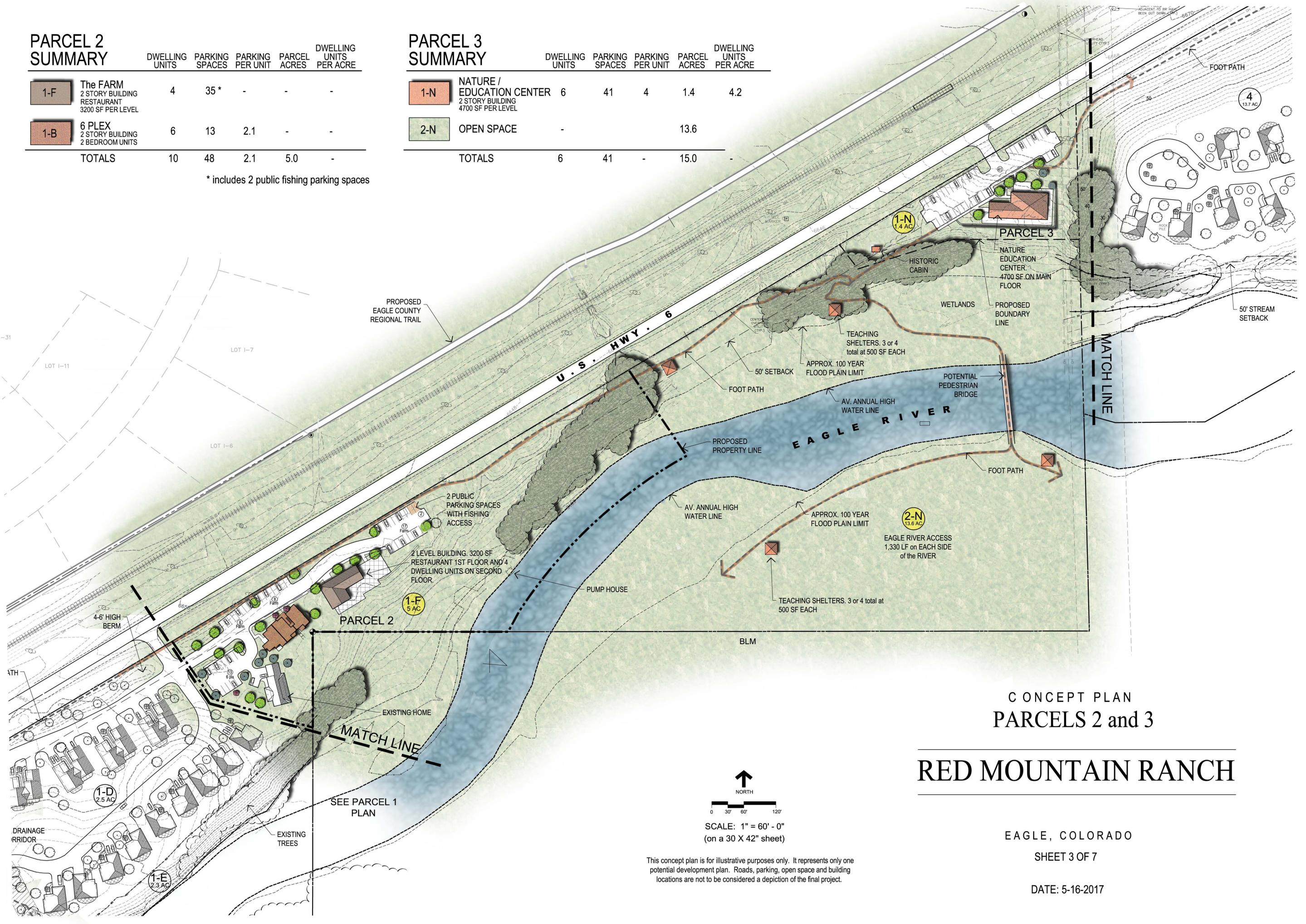
PARCEL 2 SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
1-F	The FARM 2 STORY BUILDING RESTAURANT 3200 SF PER LEVEL	4	35 *	-	-
1-B	6 PLEX 2 STORY BUILDING 2 BEDROOM UNITS	6	13	2.1	-
TOTALS		10	48	2.1	5.0

* includes 2 public fishing parking spaces

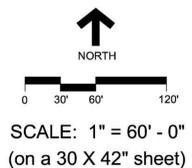
PARCEL 3 SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE
1-N	NATURE / EDUCATION CENTER 2 STORY BUILDING 4700 SF PER LEVEL	6	41	4	4.2
2-N	OPEN SPACE	-	-	13.6	-
TOTALS		6	41	-	15.0



CONCEPT PLAN PARCELS 2 and 3

RED MOUNTAIN RANCH



This concept plan is for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

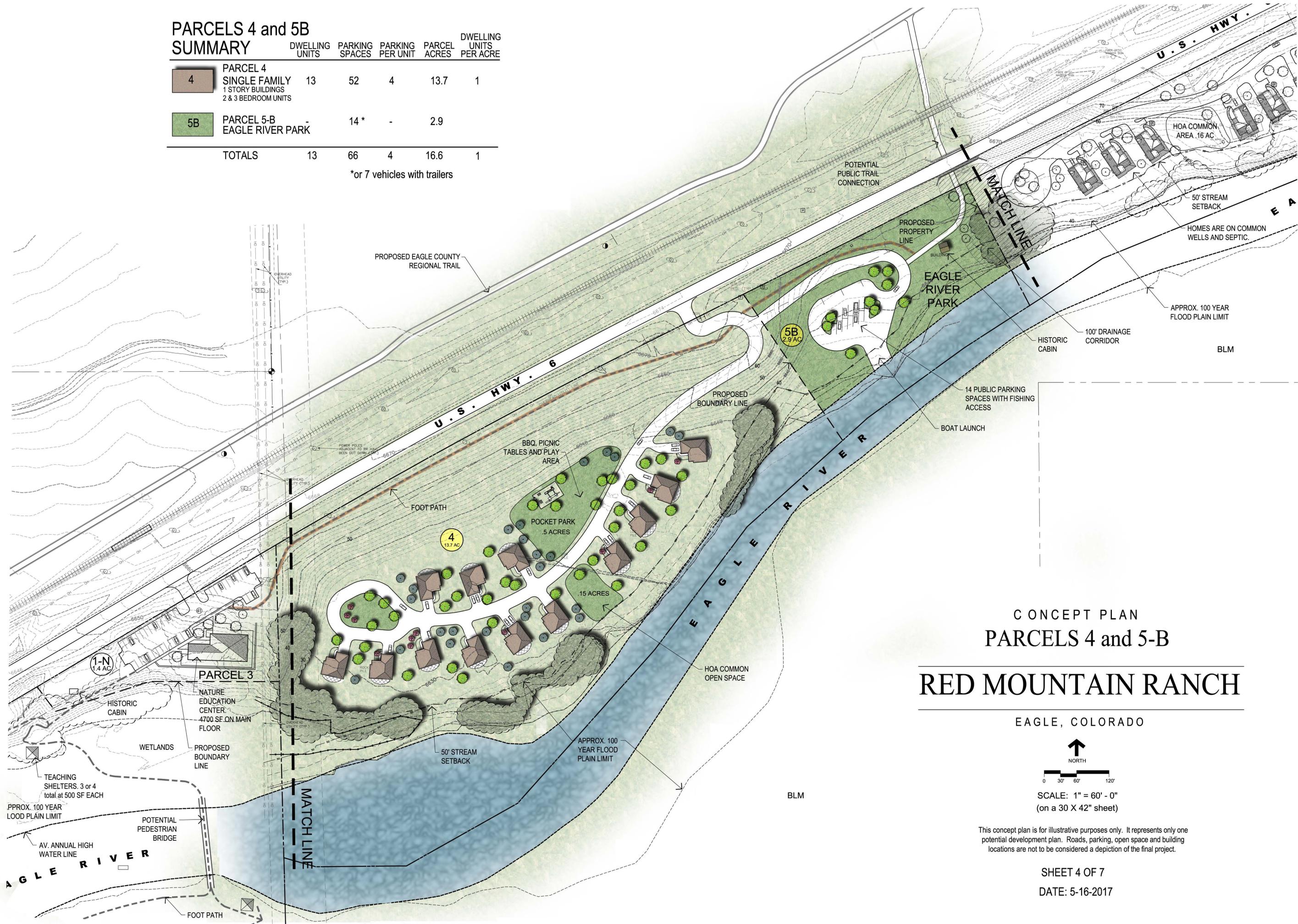
EAGLE, COLORADO
SHEET 3 OF 7

DATE: 5-16-2017

PARCELS 4 and 5B SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	
4	PARCEL 4 SINGLE FAMILY 1 STORY BUILDINGS 2 & 3 BEDROOM UNITS	13	52	4	13.7	1
5B	PARCEL 5-B EAGLE RIVER PARK	14*	-	2.9		
TOTALS		13	66	4	16.6	1

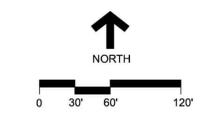
*or 7 vehicles with trailers



CONCEPT PLAN PARCELS 4 and 5-B

RED MOUNTAIN RANCH

EAGLE, COLORADO



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

This concept plan is for illustrative purposes only. It represents only one potential development plan. Roads, parking, open space and building locations are not to be considered a depiction of the final project.

SHEET 4 OF 7
DATE: 5-16-2017

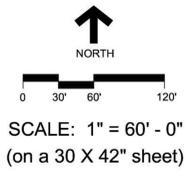
PARCEL 5 SUMMARY

	DWELLING UNITS	PARKING SPACES	PARKING PER UNIT	PARCEL ACRES	DWELLING UNITS PER ACRE	
5	SINGLE FAMILY	10	44	4	15.4	.64



CONCEPT PLAN PARCEL 5 RED MOUNTAIN RANCH

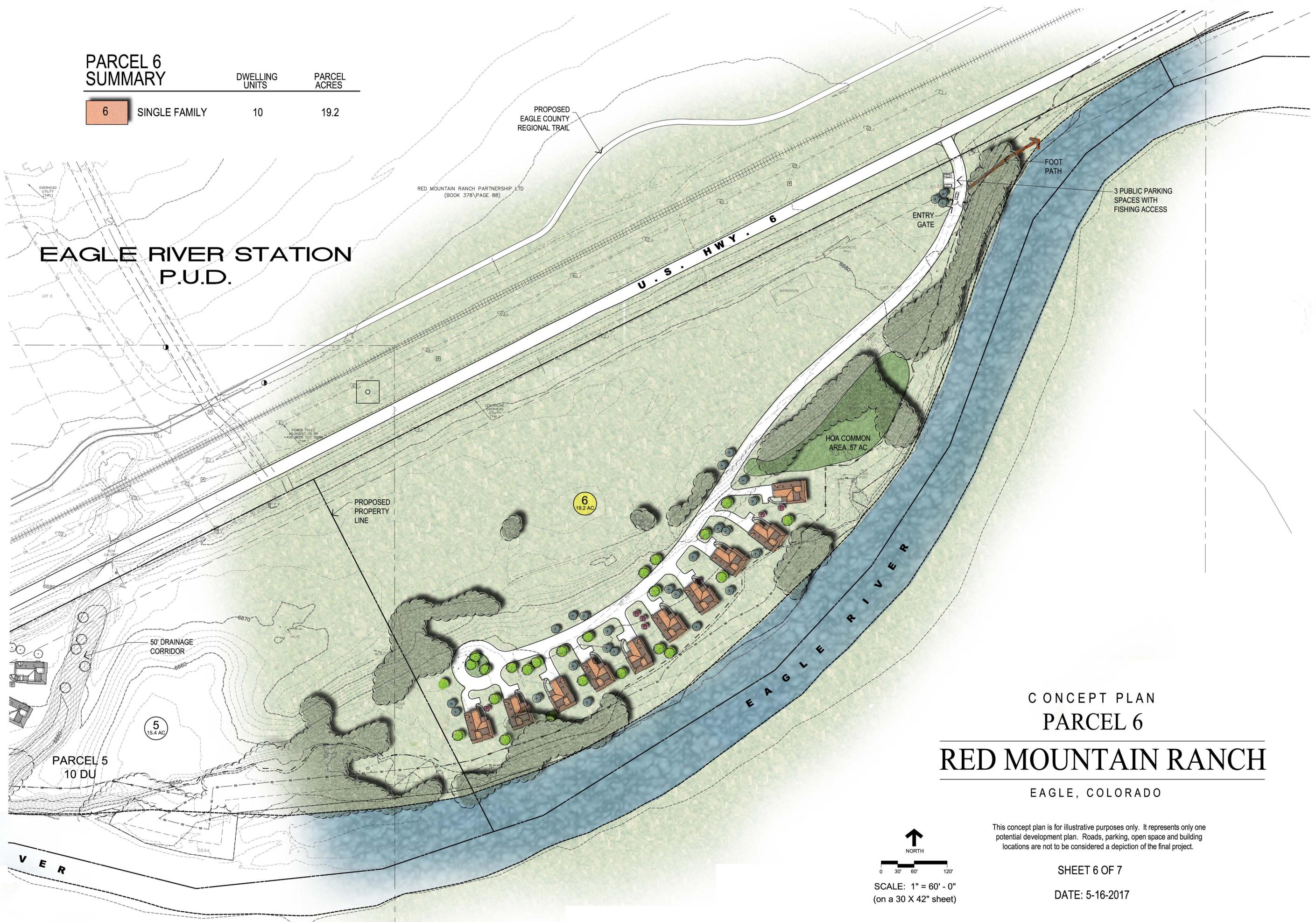
EAGLE, COLORADO
SHEET 5 OF 7
DATE: 5-16-2017



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**PARCEL 6
SUMMARY**

	DWELLING UNITS	PARCEL ACRES
6 SINGLE FAMILY	10	19.2



**EAGLE RIVER STATION
P.U.D.**

RED MOUNTAIN RANCH PARTNERSHIP LTD
(BOOK 378\PAGE 88)

U.S. HWY. 6

ENTRY GATE

FOOT PATH

3 PUBLIC PARKING
SPACES WITH
FISHING ACCESS

HOA COMMON
AREA, 57 AC

6
19.2 AC

PROPOSED
PROPERTY
LINE

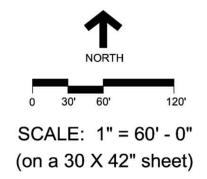
50' DRAINAGE
CORRIDOR

5
15.4 AC

PARCEL 5
10 DU

EAGLE RIVER

CONCEPT PLAN
PARCEL 6
RED MOUNTAIN RANCH
EAGLE, COLORADO

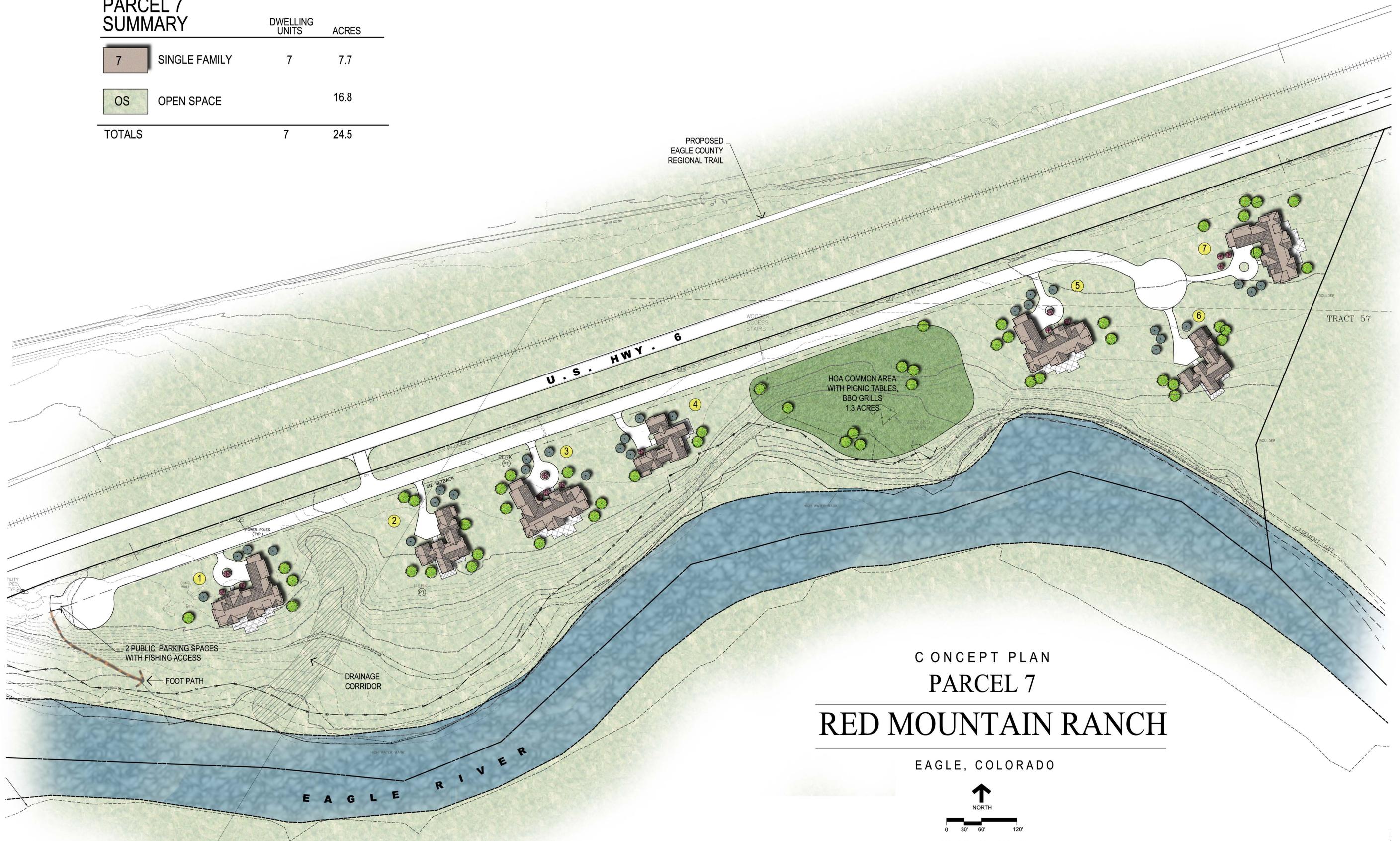


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SHEET 6 OF 7
DATE: 5-16-2017

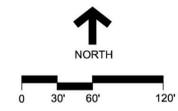
**PARCEL 7
SUMMARY**

		DWELLING UNITS	ACRES
7	SINGLE FAMILY	7	7.7
OS	OPEN SPACE		16.8
TOTALS		7	24.5



**CONCEPT PLAN
PARCEL 7
RED MOUNTAIN RANCH**

EAGLE, COLORADO



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

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**DIAMOND STAR
RANCH**

SHEET 7 OF 7
DATE: 5-16-2017



MEMORANDUM

TO: Cliff Simonton
FROM: Rick Pylman
DATE: November 8, 2017
RE: RMR Exception schematic plans

The October 11, 2017 memo to the Planning Commission regarding the Red Mountain Ranch Eagle Area Community Plan Exception request raised concerns with potential impact upon the scenic character of the river corridor and with potential impacts to the Eagle River riparian corridor.

This project will be reviewed by the Town of Eagle as a sketch/concept plan and the building layouts depicted are meant as no more than a sketch level density/character study. The concept plan is not meant to be reviewed as an actual development plan and the end result will likely look much different. Following an annexation and concept plan approval each Planning Parcel will then go through a detailed Development Plan review with specific site planning, site specific environmental review and will be required to develop a site specific riparian management plan and stormwater management plans.

While it is certainly appropriate for Eagle County staff to raise scenic and riparian corridor concerns it is very early in the process to try and make any specific finding on compliance with the EACP in regard to these plan elements.

The applicant believes that the scenic and riparian corridor EACP elements will be met as the concept plans progress through the multi-phase Town of Eagle planning process. The Town of Eagle will utilize both the Eagle Area Community Plan and the Eagle River Corridor Plan as critical review criteria throughout their planning process. The ultimate goal of the applicant is to design a series of plans that meet or exceed all of the river corridor and riparian goals of these two comprehensive planning documents. Eagle County will be a referral agency to the Town of Eagle review process and will be able to review specific plans for conformance with the Eagle Area Community Plan.

Following conversation and meetings with Eagle County and Town of Eagle staff we have developed this supplemental set of schematic plans that address in greater principle the treatment of the scenic and riparian corridor. These plans will be included as an integral part of the formal concept plan submittal to the Town of Eagle.

This set of plans show potential development pods on a more conceptual level and detail some of the scenic and riparian protection principles that will be utilized as detailed design progresses. The applicant will commit to a requirement that a detailed riparian management and stormwater management plan be submitted with each Development Plan application.

The Red Mountain Ranch concept plans have been designed as seven separate planning parcels. These parcels are defined by physical characteristics and are not related to current parcel or ownership lines.

Parcels 1 through 7 extend along the Eagle River from the bridge across the river east of Eagle to the eastern end of Parcel 7 for approximately 2 miles for a total of 130.3 acres. All of the acreage is south of Highway 6.

Parcels 1-5 cover about 1.2 miles (60%) and Parcels 6-7 about 0.8 miles (40%) of the Eagle River.

Parcels 1 and 2 are owned by a separate partnership from Parcels 3 through 7.

The Town's Growth Boundary is an approximate extension of the eastern boundary of the Eagle River Station property line which was annexed into the Town of Eagle. This boundary line is about one-third into Parcel 6 and does not follow the legal parcel ownership line.

The Eagle River Corridor Plan recommends density of 135 to 150 dwelling units within the EACP Urban Growth Boundary, with the highest densities located closest to Town.

Red Mountain Ranch Partnership (11 partners) and Merv Lapin (3 partners) have agreed to donate the Nature Preserve to Walking Mountain, the Park (boat launch) to the Town of Eagle, and will provide the 10% Local Employee Residence Program (LERP) to the Town of Eagle.

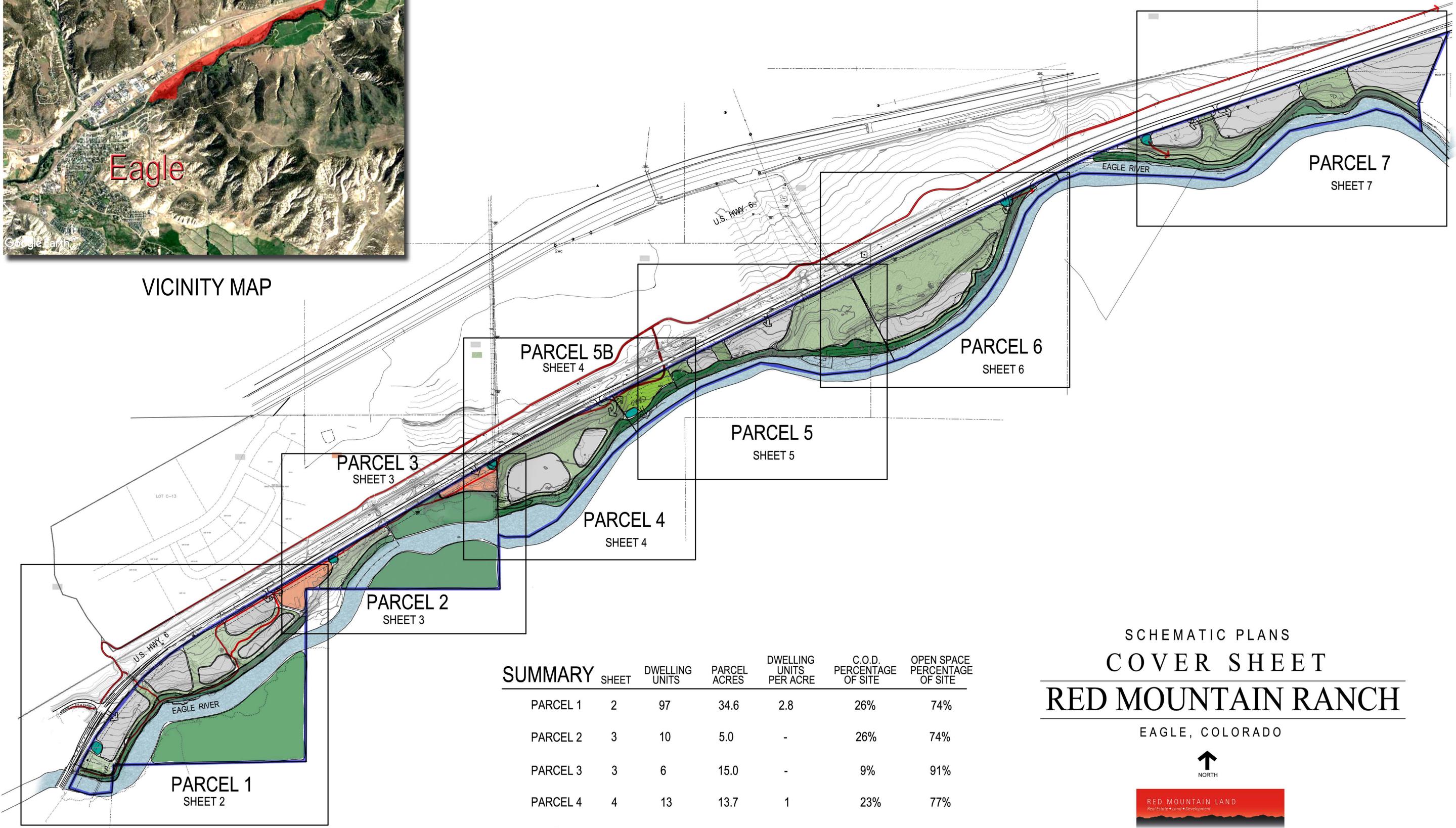
In addition to the above, the land owner will require that an additional 15% of the residential units be committed to Eagle County residents as restricted Resident Occupied as an additional public benefit for Parcels 6 and 7 being annexed into the Town of Eagle.

The River Corridor Plan calls for density of 135-150 units for Parcel 1 - 5. The concept application proposes 153 units for total of Parcels 1 - 7. This represents three additional units on the additional 43.7 acres of Parcel 6 & 7. The proposed area of Conservation Oriented Development totals approximately 24% of the site with 76% of the site proposed as some form of open space or preservation area.

The applicant believes planning the entire RMR partnerships ownership allows for a comprehensive public benefit package that would not be possible if either partnership moved forward separately.



VICINITY MAP



SUMMARY SHEET	DWELLING UNITS	PARCEL ACRES	DWELLING UNITS PER ACRE	C.O.D. PERCENTAGE OF SITE	OPEN SPACE PERCENTAGE OF SITE
PARCEL 1 SHEET 2	97	34.6	2.8	26%	74%
PARCEL 2 SHEET 3	10	5.0	-	26%	74%
PARCEL 3 SHEET 3	6	15.0	-	9%	91%
PARCEL 4 SHEET 4	13	13.7	1	23%	77%
PARCEL 5B SHEET 4	-	2.9	-	-	100%
PARCEL 5 SHEET 5	10	15.4	.65	19%	81%
PARCEL 6 SHEET 6	10	19.2	.52	17%	83%
PARCEL 7 SHEET 7	7	24.5	.28	36%	64%
TOTALS	153	130.3	1.1	23.3%	76.7%

SCHEMATIC PLANS
COVER SHEET
RED MOUNTAIN RANCH

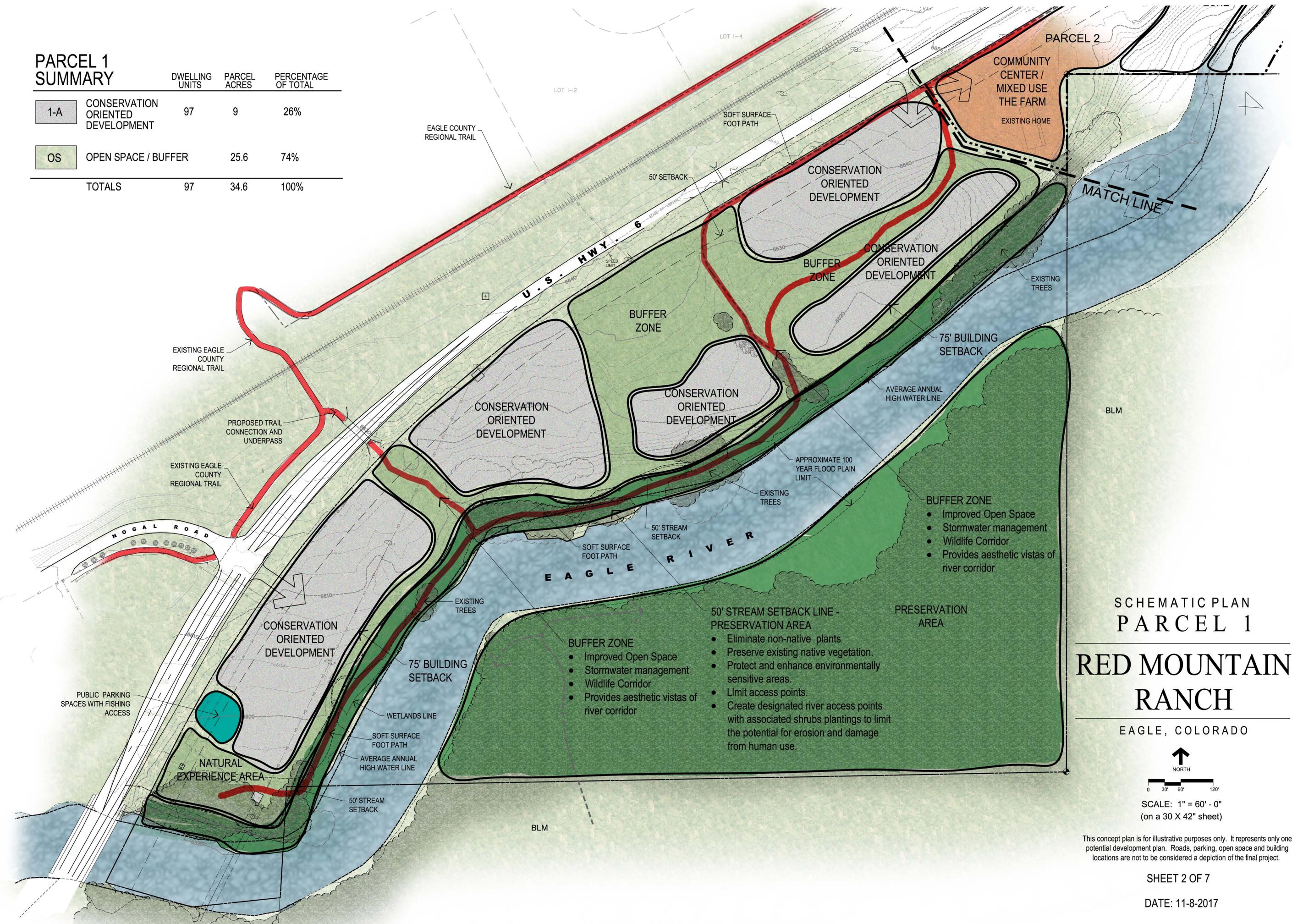
EAGLE, COLORADO



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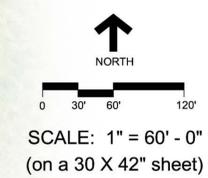
**PARCEL 1
SUMMARY**

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL
1-A CONSERVATION ORIENTED DEVELOPMENT	97	9	26%
OS OPEN SPACE / BUFFER		25.6	74%
TOTALS	97	34.6	100%



SCHEMATIC PLAN
PARCEL 1
**RED MOUNTAIN
RANCH**

EAGLE, COLORADO



- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.
- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor
- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor

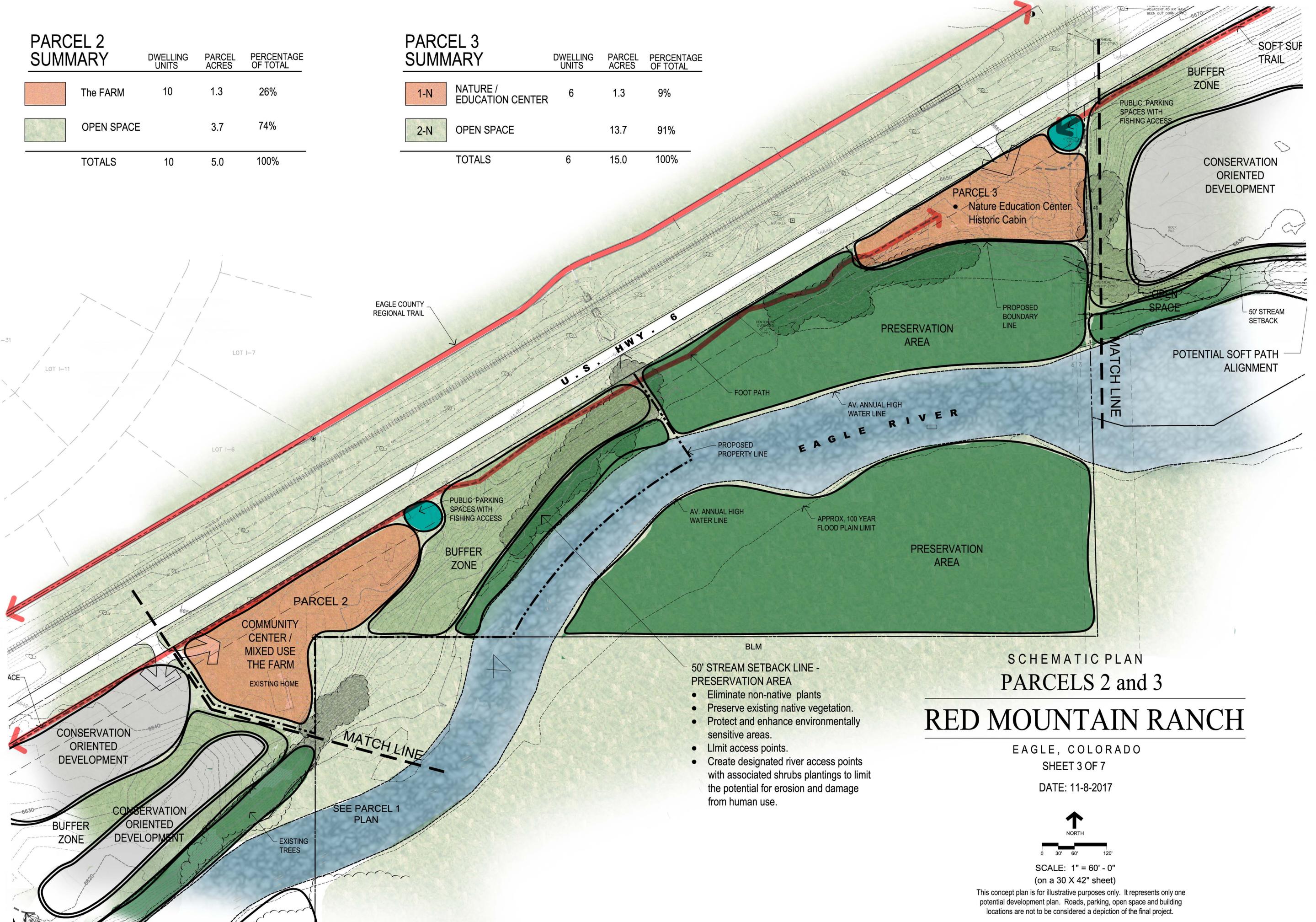
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PARCEL 2 SUMMARY

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL
 The FARM	10	1.3	26%
 OPEN SPACE		3.7	74%
TOTALS	10	5.0	100%

PARCEL 3 SUMMARY

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL
 1-N NATURE / EDUCATION CENTER	6	1.3	9%
 2-N OPEN SPACE		13.7	91%
TOTALS	6	15.0	100%

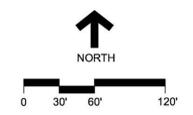


- 50' STREAM SETBACK LINE - PRESERVATION AREA
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

SCHEMATIC PLAN PARCELS 2 and 3

RED MOUNTAIN RANCH

EAGLE, COLORADO
SHEET 3 OF 7
DATE: 11-8-2017

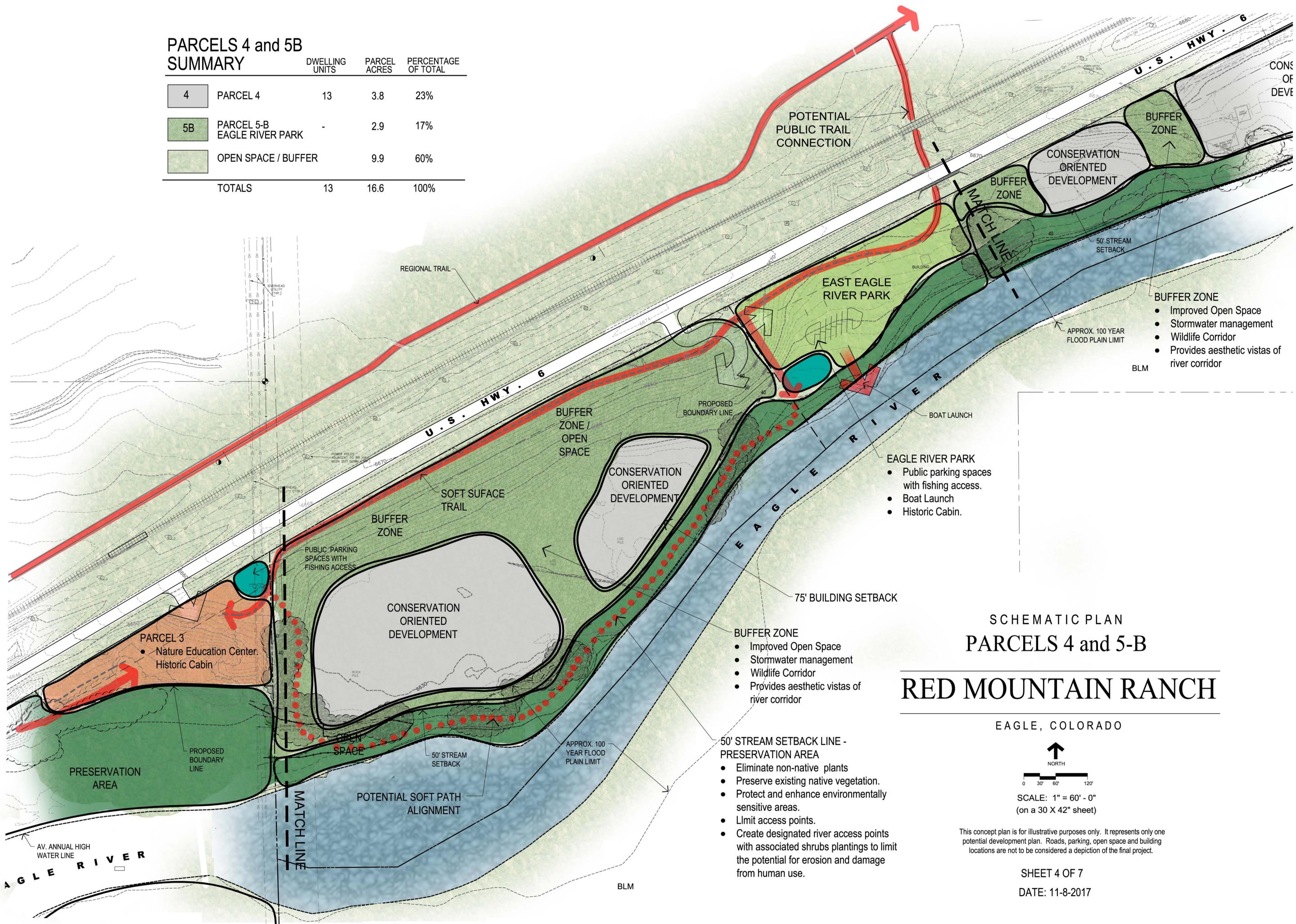


SCALE: 1" = 60' - 0"
(on a 30 X 42" sheet)

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PARCELS 4 and 5B SUMMARY

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL	
4	PARCEL 4	13	3.8	23%
5B	PARCEL 5-B EAGLE RIVER PARK	-	2.9	17%
	OPEN SPACE / BUFFER	9.9	60%	
TOTALS		13	16.6	100%



- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor
- BLM

- EAGLE RIVER PARK**
- Public parking spaces with fishing access.
 - Boat Launch
 - Historic Cabin.

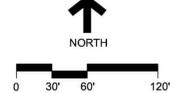
- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor

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 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

SCHEMATIC PLAN PARCELS 4 and 5-B

RED MOUNTAIN RANCH

EAGLE, COLORADO

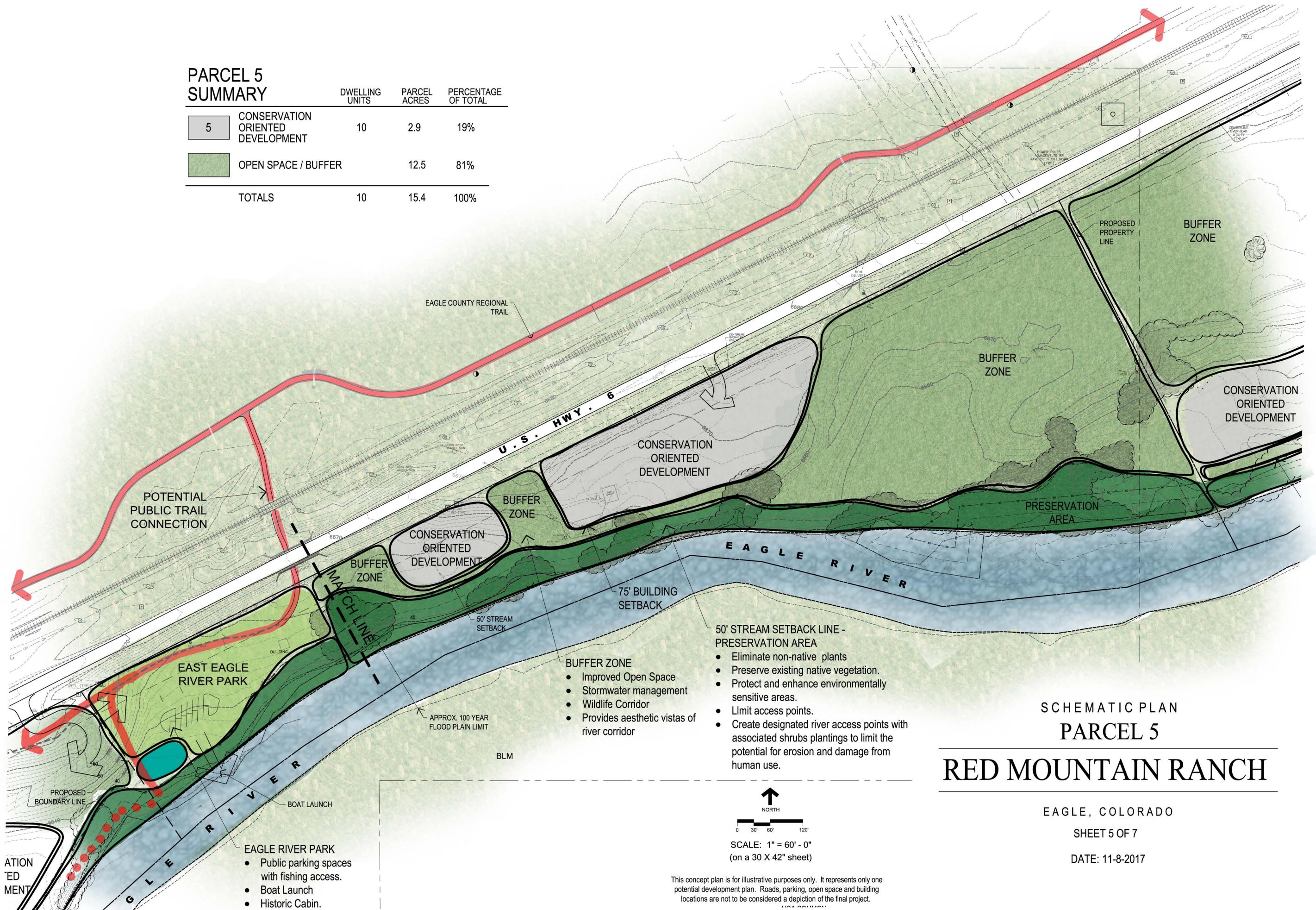


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PARCEL 5 SUMMARY

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL
5 CONSERVATION ORIENTED DEVELOPMENT	10	2.9	19%
OPEN SPACE / BUFFER		12.5	81%
TOTALS	10	15.4	100%



- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

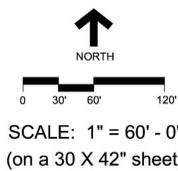
- EAGLE RIVER PARK**
- Public parking spaces with fishing access.
 - Boat Launch
 - Historic Cabin.

SCHEMATIC PLAN PARCEL 5 RED MOUNTAIN RANCH

EAGLE, COLORADO

SHEET 5 OF 7

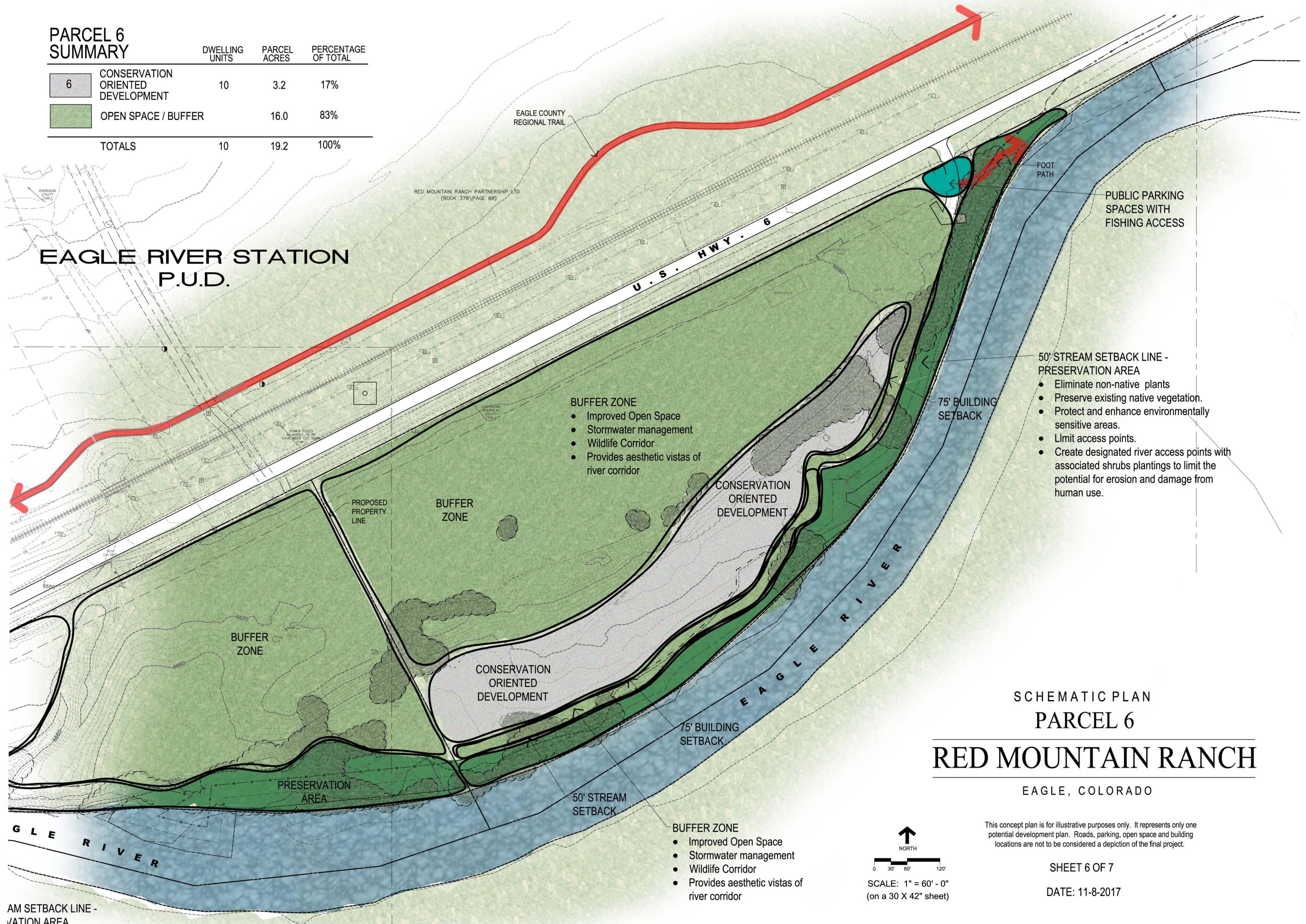
DATE: 11-8-2017



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**PARCEL 6
SUMMARY**

	DWELLING UNITS	PARCEL ACRES	PERCENTAGE OF TOTAL
6 CONSERVATION ORIENTED DEVELOPMENT	10	3.2	17%
OPEN SPACE / BUFFER		16.0	83%
TOTALS	10	19.2	100%



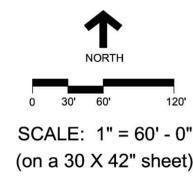
- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor

- 50' STREAM SETBACK LINE - PRESERVATION AREA**
- Eliminate non-native plants
 - Preserve existing native vegetation.
 - Protect and enhance environmentally sensitive areas.
 - Limit access points.
 - Create designated river access points with associated shrubs plantings to limit the potential for erosion and damage from human use.

- BUFFER ZONE**
- Improved Open Space
 - Stormwater management
 - Wildlife Corridor
 - Provides aesthetic vistas of river corridor

**SCHEMATIC PLAN
PARCEL 6
RED MOUNTAIN RANCH**

EAGLE, COLORADO



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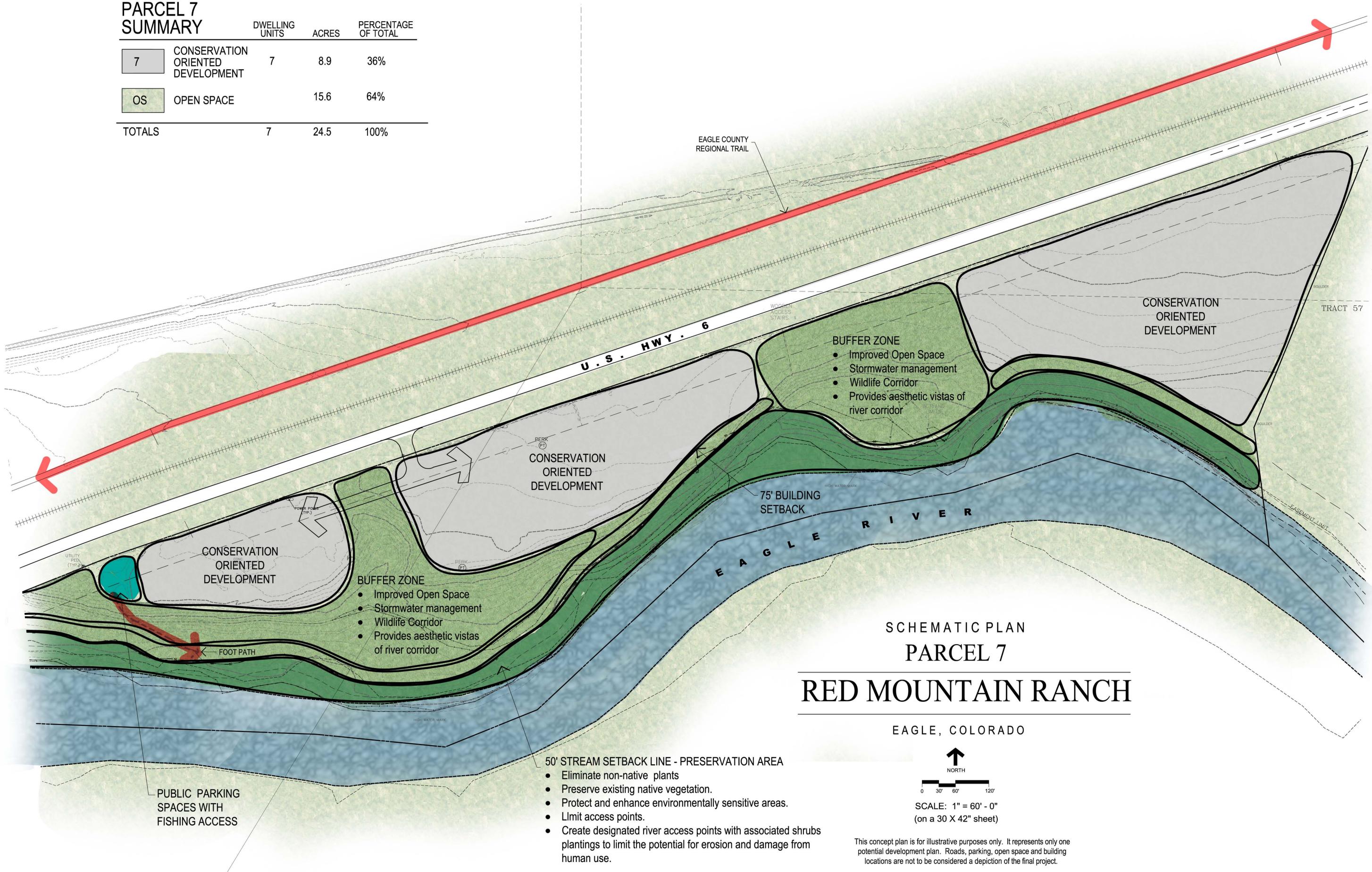
SHEET 6 OF 7

DATE: 11-8-2017

AM SETBACK LINE -
VATION AREA

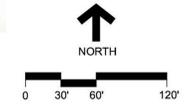
PARCEL 7 SUMMARY

	DWELLING UNITS	ACRES	PERCENTAGE OF TOTAL
7 CONSERVATION ORIENTED DEVELOPMENT	7	8.9	36%
OS OPEN SPACE		15.6	64%
TOTALS	7	24.5	100%



SCHEMATIC PLAN PARCEL 7 RED MOUNTAIN RANCH

EAGLE, COLORADO



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

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**EXHIBIT K:
Housing Memo
(ATTACHED)**

October 30 2018

To: Morgan Landers, Carrie McCool -Town of Eagle

From: Merv Lapin- Eric Eves- Spencer Blair- Red Mountain Ranch Partnership LLLP

RE: Options for Housing requirements

As discussed in our weekly meetings we remain open to “thinking outside the box” with the Town of Eagle to investigate and participate in alternative options of addressing the housing demand. We would like to submit this memo in order of our preference to our file as options to satisfy the Town Local Employee Residency Program requirement for the RMR annexation.

Option #1- Wilson Lofts- East Eagle Interchange Lot 1 dedication to Town of Eagle

We would like to propose the dedication of this 7.58 ac parcel to the Town at the time of Annexation and PUD Zoning for the Red Mountain Ranch planning areas. The details of the dedication would be included in the Annexation and Development Agreement and state that the land donation would satisfy the LERP requirement for all planning areas.

Attached is our engineer’s projection showing that 50 units could be built on this parcel. Based on our recent experience multifamily land in the Town of Eagle has a value of roughly \$25,000-\$40,000 per residential unit.

Wilson Lofts Parcel Description

Lot 1 Eagle Interchange East Subdivision is a 7.58-acre parcel of land that was annexed into Eagle and subdivided as a part of the overall commercial development project that includes the City Market, Comfort Inn, FirstBank, the Market Street development and the various other commercial lots northeast of the I-70 interchange.

The parcel is located to the north of the City Market site, on a hillside that includes a developable, relatively flat bench of land above City Market. Due to the elevation change from adjacent commercial properties, the land is more appropriately zoned residential. The land is currently zoned Commercial General. Access to the site is via a private access easement adjacent to the Comfort Inn Hotel and has easy access to I-70, public transit and services.

We believe that an affordable housing project in this location would help to attract and keep workers in Eagle. In 2007 we took the Wilson Lofts project through a PUD Zoning change and development approval. We created a conceptual design for a residential townhouse project. The project received a 7-0 vote for preliminary plan approval from both P/Z and Town Trustees (file #PUD07-01 January 8, 2008). The Town would be in the best position to rezone this land so that it worked for a workforce housing developer. As with any development parcel this project has the challenge of the cost of access. However, a developer receiving free land would have a cost per unit that would be considerably below market

Attached is a layout for around 50 smaller units that would be more geared toward work-force housing. Pedestrian access or a staircase down to City Market could be incorporated into the project. Utilities are located in the northeast corner of City Market

Option #2- Cash in Lieu. As discussed in our weekly meetings we would need to come up with a fair and reasonable calculation for the Cash in Lieu should this be an alternative the Town would like to pursue. As we have discussed Eagle Counties calculations for Cash in lieu would not work as it was created to be punitive in order to encourage developers to build the housing onsite. As we mentioned above, based on our recent experience in land sales and our own development multifamily land in the Town of Eagle has a value of roughly \$25,000- \$40,000 per residential unit.

Option #3-LERP- Build housing onsite. As we have submitted in our PUD Zoning Plan & Subdivision Sketch Plan Application Red Mountain Ranch fully intends to comply with the Local Employee Residency Program adopted within the Town of Eagle Land Use and Development Code 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 with this program. 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.

Thank you,
Merv Lapin
Eric Eves
Spencer Blair
Red Mountain Ranch Partnership LLLP

EXHIBIT L:
Variations Memo
(ATTACHED)



MEMORANDUM

TO: Morgan Landers, Town of Eagle Community Development
Stephanie Stevens, McCool Development Solutions

FROM: Rick Pylman

DATE: January 29, 2019

RE: RMR PUD Zoning vs Town of Eagle Zone Districts

The purpose of this memo is to respond to a request from town staff to provide a description of why the PUD zoning process is preferable over the application of existing Town of Eagle zone districts and to provide a general explanation of the need for variations in the PUD Guide from the standard allowances and limitations of the Town of Eagle Zone Districts.

The Red Mountain Ranch property is located outside of the current municipal boundaries of the Town of Eagle but is included in the study area of the Town's two primary master plan documents; the Eagle Area Community Plan ("EACP") and the Town of Eagle River Corridor Plan ("River Corridor Plan").

The EACP was initially adopted in 1996 and following a significant public process was updated and re-adopted in 2010. The River Corridor Plan was adopted after a significant planning and public input process in December of 2015. This document is the Town of Eagle's primary guiding document for land use in and adjacent to the Eagle River corridor. The plan encompasses 3.4 miles of the Eagle River corridor and provides land use direction for approximately 307 acres of land.

The Town of Eagle Municipal Code states that the PUD *"is a large land area designed for development as a unit, where uses and innovations in design and layout of the development provide public benefits over standard, uniform lot and block patterns and design features."*

The stated purposes of a PUD in the Town of Eagle Municipal Code Section 4.11.020 is to *"encourage innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space; promote the most appropriate use of the land; preserve open space as development occurs; and to provide*

for necessary commercial, recreational and educational facilities conveniently located to housing.”

The Town of Eagle Municipal Code, including the zoning code, has not yet been updated to function appropriately with the two Town of Eagle master planning documents. The two primary land use themes these documents designate for the Red Mountain Ranch property are Conservation Oriented Development and Cluster Residential. An additional theme of the River Corridor Plan for Red Mountain Ranch is a specific suggested density with a decreasing density as the property extends eastward.

The primary reason for utilizing the PUD Zoning approach instead of the Town of Eagle conventional zoning is to be able to incorporate these planning principles into the overall design of Red Mountain Ranch. The utilization of the existing Town of Eagle residential zoning would not provide any initial direction or assurance at annexation and zoning that these design principles would be followed.

The clustering of residential use and the conservation and preservation of specifically defined areas is more difficult to direct under the existing zone district standards of the municipal code. The proposed mix of unit types and the mix of residential and commercial and residential and educational uses as proposed in PA-2 and PA-3 is not allowed under the existing zone district standards.

The use of the PUD Zoning Plan allows each proposed neighborhood to indicate how specific areas of the property will be conserved as open space and where development will be clustered. Specifically, the PUD Zoning Plan vs. conventional zoning allows the designation of all the 50-foot corridor along the river as common open space. This is a tremendous benefit over using standard zoning techniques.

The PUD Zoning Plan is very clear in describing the open space and buffer zone requirements for each development area. The intent of this open space/buffer zone requirement is to allow applicants to design, and the town to review, development proposals in conformance with the Conservation Oriented Design and Cluster Residential concepts articulated in the Town of Eagle master planning documents. This would not be possible under standard zoning. Standard zoning would rely on development standards such as minimum and maximum lot sizes and maximum lot coverage ratios. The requirement of a certain percentage of open space/buffer zone within each development area assures that the design will include clustering and open space areas throughout each development area. This will allow the creativity, flexibility and innovation in building arrangements and lot sizes that does not occur under a standard lot and block layout created by standard zoning. This embodies the very reason to use the PUD process, as stated in the town code, to *“encourage innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space; promote the most appropriate use of the land; preserve open space as development occurs; and to provide for necessary commercial, recreational and educational facilities conveniently located to housing.”*

Additional benefits allow the imposition of a maximum density, regardless of the land area, as opposes to the blanket unit per acre allowance of standard zoning. This also allows the PUD Zoning Plan to direct a decreasing level of density towards the east, as called out in the River Corridor Plan.

The PUD Zoning Plan also identifies a greater river setback than the town standard and identifies a comprehensive river corridor pedestrian trail, called out in the River Corridor Plan as the Discovery Trail.

The proposed PUD Guide includes variations from the typical town zone districts including some uses not yet defined in the town code, such as model home and temporary sales office and a variation from height to allow a 40' building. Short term rental is an example of a term defined in the PUD Guide that is not yet defined in the town municipal code. Short term rental has been allowed with mot areas of the RMR PUD. 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 this use in the PUD Guide all future owners understand that the use is allowed and defined.

The use of a PUD Guide also provides significant limitations in both density and uses that would not be in place with standard zoning. The PUD Guide limits both residential and commercial densities in a much more specific way than current zoning would allow and limits many of the allowed uses that are typical in residential and commercial zone districts.

The proposed concept in Planning Area 1 is to allow for a mix of residential unit types while developing formal recreation areas and preserving open space and buffer zones. The plan meets the description of the land use in the River Corridor Plan and addresses the concepts of Conservation Oriented Development and Cluster Residential. The PUD Zoning Plan and PUD Guide identifies an area for a public park, identifies a significant preservation area on the south side of the river and creates a requirement for buffer zones that meet the land use concepts of Cluster Residential development.

Planning Area 2 presents an opportunity that does not currently exist within the Town of Eagle for a riverfront restaurant and community gathering spot that could include, among other uses; short term rentals, community gardens and demonstration farm, greenhouses and temporary uses. None of these mixed use or agricultural based uses are allowed under the existing commercial zoning and are therefore listed as a variation from the existing town standards. The PUD Guide also provides significant limitations in residential and commercial density and on commercial land uses that would not be in place with standard zoning.

Planning Area 3 is proposed for dedication to and use by an educational institute such as Walking Mountains Science School. This type of use does not fit into any of the existing town zone districts. The mix of residential and educational uses are all listed as a variation from the town standards. The PUD Guide provides significant limitations in density that and land uses that would not be in place with standard zoning.

Planning Area 4 is a proposed residential neighborhood with a specific density maximum of 35 units, which is a maximum of 2.5 units per acre. This maximum is based upon the maximum allowable density of 153 units for the overall property, in conformance with the density range suggested in the River Corridor Plan. This use of a maximum density would not be possible under the standards of the existing town zone districts. The PUD Guide creates a requirement for buffer zones that support conservation oriented development and cluster residential planning concepts.

The PUD Guide lists variations for uses such as short term rentals, model homes, temporary sales office and accessory buildings that are not listed in standard town residential zone districts. The maximum building height is proposed as 40 feet. The town residential standard is 35 feet.

Planning Area 5 is a low density residential area that meets most of the standards of the town's low density residential districts. However, there is a significant density gap between the town zone district of Residential Low (4 units/acre) and Rural Residential (2 acres/unit). The proposed one unit per acre density limitation of PA-5 falls between these zone district allowances, beyond that of the corresponding town zone district. The PUD Zoning Plan indicates the areas for conservation and for cluster development.

The PUD Guide lists variations for uses such as short term rentals, model homes and accessory buildings that are not listed in standard town residential zone districts.

Planning Area 5B is the proposed town park and could utilize a standard town public area zone district.

Planning Area 6 is also a low density residential neighborhood of 25 homes on 20 acres for a 1.25 unit per acre maximum density. Again, this limitation through the PUD Zoning falls between the density allowances of standard town zone districts. The PUD Zoning allows the plan to indicate the potential development areas and identifies the lands for buffer zones.

The PUD Guide lists variations for uses such as short term rentals, temporary sales office, model homes and accessory buildings that are not listed in standard town residential zone districts.

Planning Area 7 provides for a maximum of 9 units on 24.5 acres, again, a low density residential district of one unit per 2.7 acres. This density falls between the standard town zone district of one unit per two acres and one unit per thirty-five acres. The PUD Zoning Plan and PUD Guide for this neighborhood identifies significant areas of open space and buffer zones and gives direction to cluster residential design principles.

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.

In summary, the use of the PUD Zoning allows for a design that meets the goals of the guiding master plan documents in both land uses and in direction to conservation oriented

development and residential clustering. The PUD process allows for uses not identified in the existing standard town zone districts, allows for mixed uses and creates a functional land use plan that is responsive to this unique river corridor site. The proposed variations are generally recognizing more modern standards and land uses that are not recognized in the existing town code.

If standard zone district were imposed upon the property many of these design details would be required to be hashed out in the subdivision and development permit process. The subdivision regulations are not necessarily the appropriate format for some of these land use issues and the low density single family neighborhoods would not necessarily trigger a development permit process. The PUD Zoning allows for a comprehensive overview of the entire property and provides early direction to the design of future development plans.

EXHIBIT M:
Open Space Overview Memo
(ATTACHED)



MEMORANDUM

TO: Morgan Landers, Town of Eagle Community Development
Stephanie Stevens, McCool Development Solutions

FROM: Rick Pylman

DATE: January 21, 2019

RE: RMR Open Space Overview

As requested, the attached excel spreadsheet detail the quantity of open space as required by the two different areas of the town municipal code. The proposed open space for Red Mountain Ranch, between the proposed land dedications, formal park areas, conservation of sensitive lands and the proposed open spaces buffers to promote cluster residential planning principles equals 52% of the site. This is well in excess of the minimum 20% open space requirement.

This high percentage of open space is a function of following the guiding master plan documents and of the unique riverfront aspect of this property.

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 proposed plan also includes designation of all of the riverfront property, from the centerline of the river to 50 feet from the average highwater mark, as protected open space. Much 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.

Each of these elements of the plan as are identified in the Town of Eagle River Corridor Plan and the proposed plan meets the recreation design elements described in the River Corridor Plan.

The land use regulations state that 75 % of the required 20% open space area must have a slope of less than 10%. This equates to an area of 19.5 acres. Over 19.5 acres of the proposed open space meets this land requirement.

The land use regulations also require that the Red Mountain Ranch PUD provide at least 9.75 acres of lands as active recreation. The dedicated public parks, the public trails and the connections to the greater trail system, the public fishing easement and the activation of the river by creating a 'town" or "day" run from boat ramp to boat ramp allows the plan to meet this requirement.

Red Mountain Ranch

PUD Open Space and Park Land Dedication Analysis

Total Project Area 130.835 acres

REQUIRED

Municipal Park Land Dedication

Total Units	153	MF units
# of people (2.5/unit)	382.5	people
Required Acres (.012)	4.59	acres
Public/Private 50%	2.295	acres each

PROPOSED

Total Public Dedication	2.295	acres
PA-1 Town Park	1.8	acres
PA-1 south of river	15.4	acres
PA-5B Riverfront Park	3	acres
		acres
subtotal	20.2	acres
Balance	17.905	acres
Required Land <10% slope (80%)	1.836	acres
Provided land under 10% slope	2.68	acres
Total Private Dedication	2.295	acres
PA_3	13.6	acres
		acres
Balance	11.305	acres

PUD OPEN SPACE

Required 20% of total area		26.167	acres
Proposed:			
PA-1		5.1	acres
PA-2		2.1	acres
PA-4		4.6	acres
PA-5		8.3	acres
PA-6		5.2	acres
PA-7		8.7	acres
Subtotal		34	acres

Required Min. Useable w/ Limited Slope (75%)	19.62525	acres
Required Active Recreation (50%)	9.812625	acres
Provided Useable	19.93	acres
Provided Active Recreation	* acres	

* Not yet designed or determined, this will be a function of PUD Development Plan .

EXHIBIT N:
Wildlife Report
([LINK](#))

EXHIBIT O:
Geotech Report
([LINK](#))

EXHIBIT P:
Traffic Report
([LINK](#))

EXHIBIT Q:
Utility Report
([LINK](#))

EXHIBIT R:
Drainage Report
([LINK](#))

EXHIBIT S:
Water Rights Analysis
([LINK](#))

EXHIBIT T:
EQR Assessment
([LINK](#))

EXHIBIT U:
Existing Slope Exhibit
([LINK](#))

EXHIBIT V:
Access Management Plan
(Draft)
[LINK](#)

EXHIBIT W:
Town of Eagle Referral
Response Summary Report
dated June 27, 2018
(ATTACHED)

TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: June 27, 2018

Project Name: Reserve at Hockett Gulch PUD
Owner: Red Mountain Ranch Partnership, LTD
Applicant: Mervyn Lapin
Prepared by: Carrie McCool, Planning Consultant for the Town of Eagle

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

REFERRAL COMMENTS SECTION

Community Development

Carrie McCool, Town Planning Consultant

carrie@mccooldevelopment.com

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

General

1. While much of the information that is required for a Subdivision Sketch Plan is illustrated on the PUD concept plan or provided in the supplemental reports, these are not one in the same and should be treated as separate application packages with different materials and maps that will be reviewed based on different criteria. Please refer to §4.12.010 for Sketch Plan Submittal Requirements and provide the pertinent information required by Code with your resubmittal.
2. Much of the information provided within the written narrative's project description should be moved to the PUD Guide document as this is the overall zoning document for the property and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code. Please revise the PUD Guide to incorporate standards related to roads, circulation & traffic; utility services; phasing; land dedication; fire protection & emergency services; local employee residency program; architectural design; and drainage into the PUD Guide.
3. Revise "parcel" labels to be "planning areas" instead of "parcels" as to not confuse the zoning with subdivision or annexation plats.
4. As per the April meeting with CDOT and final determination by the Town of May 14, 2018, an Access Master Plan is required with your resubmittal.

Annexation Agreement

Since the Town Board has accepted the resolution for annexation, please begin working with Staff to draft the Annexation Agreement. The agreement shall address required public improvements that are necessary to provide streets, water and sewer, storm drainage, crossings, public land dedication, public services and the like, as not to cause undue burden on existing residents or the Town. For your convenience, an Annexation Agreement Template is attached to this Referral Response Summary Report.

Annexation Impact Report

1. The utility information is difficult to read on the concept plans that were provided with the Annexation Impact Report, which have been provided to fulfill C.R.S. 31-12-108.5. Please revise so that present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation are clearly shown, in addition to boundaries and land use patterns as required.
2. Include a letter from the school district documenting the effect of annexation upon the school district and estimated school land dedication required. The Annexation Impact Report shall reflect the specific requirements of the school district.
3. Please note – Town Staff will need to complete a revised copy of the Annexation Impact Report at least 20 days prior to the Town Board hearing on the annexation. As such, it is imperative to address comments 1 and 2 above in your resubmittal.

PUD Zoning and Density

1. Provide a Planning Area Summary Chart that delineates the following per Planning Area:
 - Uses
 - Gross Acreage
 - Percentage of total site
 - Maximum FAR
 - Maximum DU per acre
 - Maximum DUs
 - Maximum site/lot coverage
 - Common open space
 - Private open space
 - Percentage active recreation open space
2. Every PUD shall be divided into one or more PUD zone districts with one more of the designations allotted in §4.11.030.B. Based on the written narrative you have provided, it appears that you desire the zone the entire 130-acre site to Residential PUD (R/PUD). Staff is concerned that some of the uses proposed throughout are not consistent with residential zoning and are more commercial in nature. Please evaluate the uses and explore the incorporation of Commercial PUD (C/PUD) zoning on Parcels 2 and 3, which are noted on the concept plan to be reserved for “The Farm” and a “Nature/Education Center” or provide justification for more residential-based PUD zoning. Whether or not C/PUD zoning is proposed, the floor area ratio for a commercial PUD should be consistent with PUD Code which limits commercial FAR to 1.7:1; and the maximum floor area shall not exceed 30,000 feet within commercial planning areas combined. Please provide density and dimensional standards for the commercial uses proposed within each planning area. FAR should be presented in the same fashion within the PUD (1.7:1) versus setting forth maximum square footages (See Comment #10 on page 4 regarding requested relief from minimum Code requirements).

3. Please revise the Uses by Right and Special Uses throughout the PUD Guide to match the terminology of uses defined in §4.04 of Town Code. For example, utility service structures and buildings should be listed as “utility substation” per §4.04. R/PUD permitted uses shall be the same as those set forth for R, RR, RL RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible.
4. Some of the proposed uses do not match the designation of permitted or special use per §4.04, and some are not typical uses listed in Code. For example, restaurant and retail uses are considered special uses in typical residential zone districts, but they are proposed as permitted uses by right in your PUD; and greenhouses are proposed, but are not a typical use in Town Code nor have they been defined in the PUD Guide. As such, please re-evaluate the use list to match R, RR, RL RM, RMF and RH zone districts (or commercial CBD, CL or CG, if parcels 2 and 3 are revised to C/PUD per comment 2 above) or revise your written narrative to specifically identify which uses are unique to your development, ensure each use is clearly defined (either by Code or in the PUD Guide), and outline the request for deviations from Code narrative for consideration by the Planning Commission and Town Board.
5. Please remove the Use by Right listed as “Additional uses determined by the Town Planner to be similar in uses by right listed above” as this is inconsistent with the uses allotted for PUD’s in §4.11.030.B.1. If you would like to keep a flexibility statement for uses, please revise to state, “Other uses which the Planning Commission and Town Board find to be compatible.”
6. Please delete references to function in the use listings (i.e., irrigation, ditches, and landscaping, temporary construction staging areas, landscaping improvements, day use parking, etc.).
7. Dimensional standards need to be included in the PUD documents to address maximum du/ac, minimum lot area, minimum lot area per dwelling unit, minimum usable open space per dwelling unit, etc. Maximum site/lot coverage should be allotted for in each commercial and park/open space planning area, in addition to residential. The lot/site coverage as currently proposed appears to be lower than standard code requirements, and Staff is especially concerned for areas that allow a wide array of uses. For example, parcel 1 includes no maximum coverage or minimum lot area restrictions, but allows for single-family, two-family, and multi-family dwellings. It is essential for yards, landscaping, open space and buffers be allotted for each site. To allow flexibility, Staff recommends incorporating dimensional standards by use, rather than by planning area.
8. The future design standards should define the relationship of buildings to the street, paths, and other amenities. This must be adequately addressed considering the PUD is proposed to serve as the zone district regulations for the PUD and would supersede all land use regulations found in the Town’s Land Use and Development Code and other areas of the Municipal Code. Staff is concerned about the reliance on a design review board, as it can become cumbersome and difficult for the Town to regulate/implement. Instead, the incorporation of more detailed design standards within the PUD Guide is required to ensure review, implementation and regulation by the Town. Additionally, design standards shall be reviewed prior to the Development Plan phase, to ensure uniformity throughout the overall development, instead of a parcel-by-parcel basis. If creating a design review board is still desired, please provide justification for creating the design review board and include a description of their role in the development review process, staffing and funding.
9. Since multi-family, two-family, and single-family dwellings are proposed in multiple planning areas, consider setting forth maximum densities for each with provisions for a 10% density transfer within/between the planning areas to allow for flexibility in addressing market conditions. There is a concern that there are limited design standards to address the

different characteristics of the differing residential land uses and densities. For example, the entire planning area could develop as a single-family residential development on any size lot – there are no minimum lot area requirements delineated. Per §4.05.010.A.3.a, multiple-family dwellings are allowed at a maximum density of one dwelling unit per 2,000 square feet of lot area provided that in addition to all other applicable standards and requirements, the lot area shall include a minimum of 300 square feet of useable open space as defined in this Title, per dwelling unit. If multifamily, two-family and single-family dwelling are allowed by right, there needs to be design and dimensional standards (minimum lot area requirements, lot frontage, percentage of usable open space per dwelling unit, etc.) set forth for each use accordingly.

10. When relief from minimum Code requirements are requested (i.e., uses, parking, park and school land dedication, water rights, tap fees, lighting, building heights, etc.), provide justification/evidence that the requested 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 purpose of §4.11 (see §4.11.010).

Open Space

1. Please delineate slopes of open space areas to meet the requirement for seventy-five percent (75%) of common open space shall have a slope of 10 percent (10%) or less and shall lend itself to utilization for recreational purposes.
2. At least one-half (1/2) of said common open space shall be developed for active recreation which may include play fields, tennis courts, picnic sites, and similar recreation sites. Please provide detailed area calculations to show how this criteria is being satisfied.
3. Provide standards for trails (i.e., trail width, materials, construction, etc.).
4. Please revise the PUD Guide to state that the open space areas are zoned for open space. The dedication of an open space easement can be dedicated at time of platting.
5. Provide a Municipal Land Dedication Table and Map. The table shall delineate the planning area, acreage, percentage of site, use, party/organization that would be accepting the dedication (i.e., BLM, Walking Mountain, Town, etc.). The map shall depict all of the land dedication within the project area.
6. Once all open space comments above are addressed, we will be in a better position to discuss the municipal land dedication provisions to be set forth in the PUD Guide.

PUD Perimeter

Please provide perimeter landscape standards within the PUD Guide. The Town would like to see landscape standards that require native plantings and efficient landscaping with specific limitations on installation of sod.

Street Standards

Please provide street standards within the PUD Guide.

Maintenance & Commonly Owned Land

Please provide the draft HOA covenant with your resubmittal, which clearly defines proposed ownership and maintenance of common land, and details of the design review board composition.

Phasing

Please revise the phasing schedule within the PUD Guide to show when each stage of the project will be started and completed, on and off-site improvements constructed, and the required open space and recreational areas are installed. The planning area boundaries should match the phasing plan. As a reminder, 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 the Code at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase of the development is consistent with the Town's goals and policies.

Parking and Loading

Deferring to Town of Eagle parking standards for uses proposed within the PUD is supported. Please note that the current proposal does not indicate any parking on the concept plan in relation to park/open space uses; however, the written narrative eludes that some parking will be provided. Please clarify intended parking requirements for all uses on the concept plan.

Local Employee Residence Program

1. Please address the Local Employee Housing Residency Requirements in more detail in the PUD Guide. While you have noted in your narrative that the 10% requirement will be met, Staff is still unsure of how and where the housing will be located based on the materials provided, except that 6 of the 16 required affordable housing units will be designated on parcel 3. Per §4.04.120.E.3, Local Employee Residences shall be distributed throughout the proposed development, to the extent possible. Please provide justification/evidence on why this would not be possible.
2. Per §4.04.120.F, please submit a Local Employee Residency Plan. The Plan shall contain sufficient information to allow the Town to determine the Plan's compliance with Chapter 4.04 and the Town's Local Employee Residency Requirements and Guidelines (see §4.04.120). The local Employee Residency Plan shall include, but shall not be limited to, the information specifically required by the Town's Local Employee Residency Requirements and Guidelines (i.e., number of local employee residences provided, mix of units, location and character of local employee residences, schedule for construction of local employee residences and deed restrictions).

Eagle Area Community Plan

Please revise all plans and provide a point-by-point response on how the comments from the Eagle County Planning Commission have been or will be addressed throughout all required planning documents. (See attached Eagle County Planning Commission Memorandum).

Open Space

John Staight

john.staight@townofeagle.org

1. I very much support the idea of combining the boat ramp, farm-to-table dining / outdoor entertainment area, Walking Mountains nature center, and potential campground into one consolidated area.
2. I do feel the boat ramp should be concrete ramp that can accommodate rafts.
3. The campground should have a bathroom and sites that are for tents, vans, and pop-up style campers. This the style of travel boaters and mountain bikers typically prefer. The demand for large bus-like RV's is already met by the River Dance RV park west of Gypsum.
4. Bicycle access from the boat ramp area to the ECO Trails paved recreation path need to occur.
5. The farm-to-table restaurant should have the river as a focal point and should be and attractive outdoor patio style venue.

Section 2.2.G 'Street Standards'

1. This section states that the design of the internal parking and street system will generally meet the Town of Eagle street design standards, will remain private and be maintained by the appropriate neighborhood HOA. Experience has shown that many HOAs later request that private streets be made 'public' and that the local jurisdiction take over maintenance (repair, plowing etc.) If the Town's street design standards are not explicitly followed, any future request for the streets to be made 'public' should be denied.

Section 3.11 'Roads and Circulation/Traffic' and Appendix D – 'Traffic Analysis'

1. An initial 'trip generation' analysis has been prepared for Parcels 1 & 2 only (copy in Appendix D). The application states that detailed traffic analyses will be provided for future parcels as these are submitted for development permit. Proposed development for those parcels is relatively minimal (13 units or less per parcel) as shown on the current plans dated 5/16/2017.
2. The report should eventually analyze all proposed access locations and need for auxiliary turn lanes.
3. The report should be updated if the number of access points or unit densities are revised.
4. Adequate sight distance analysis will need to be provided for each entrance during development permit review, at latest.

Section 3.12 'Utility Services' and Appendix F – 'Utility Report'

1. Owner proposes to connect Parcels 1 & 2 to the Town's water and sanitary sewer system. An updated hydraulic analysis will need to be prepared if unit densities are increased during future plan revisions.
2. The proposed sanitary system serving Parcels 1 and 2 will connect to the existing public system on Nogal Road via a pump station and force main. The proposed sanitary sewer lift station, force main and all gravity sewer lines connecting to the lift station shall be privately owned, maintained and operated. The Town will not accept ownership of, nor maintain the system.
3. Additional analysis of the existing sewer main at Nogal Rd may be required to verify adequacy during development permit review.
4. The proposed 12-inch waterline loop connection from Parcel 1 to Marmot Lane should be moved eastward and tie to the existing waterline at the east end of Chambers Ave.

Appendix G – 'Drainage Report'

1. The proposed methodology is acceptable.
2. Due to the project's proximity to Eagle River, it is recommended to grant a waiver of requirements for stormwater quantity control.
3. If infiltration/percolation is proposed for stormwater quality control, additional soil testing may be required to verify infiltration rates.

Eagle Police

Joe Staufer, Chief of Police

jstaufer@townofeagle.org

- Annexation should continue from Nogal Road to the land. I would not recommend annexing any portion of HWY 6, as the hillside between Church/Eby Creek roundabout east up HWY 6 to the bridge has always been unstable. CDOT should put in a retaining wall. It would be the responsibility of the Town if we took HWY 6. Additionally, I don't think the Town needs another bridge to maintain.

- A large roundabout or traffic signal should be installed at Nogal Road and HWY 6 for continued flow into the Red Mountain Ranch area. Emergency access routes should be considered for each “neighborhood” within the subdivision, as proposed.
- I would caution driveway access onto HWY 6 east of Nogal Road, as the elevation changes on the Highway provide for limited distance and sighting. The speed limit right after Nogal Road increases to 55 MPH. A traffic/speed study could reveal additional limitations.
- I would encourage the entire subdivision having privately maintained roadways. This would provide for HOA control of the area, lower liability for town improvements and street maintenance, as well as resolving parking/sidewalk shoveling matters via HOA rules (as opposed to using TOE bandwidth).
- A private neighborhood “pocket park” would be a great addition.
- Please complete a chart regarding impact fees for public safety for all minor and major developments and include a strategy based on the following:
 - Use 1.8 police officers for each 1K residents (national numbers are 2 officers per 1K, but -.02 change based on rural area & number CFS).
 - Unless you already have a standard in place, please calculate the 1.8 officer/1K residents based on the following: studio and one bedrooms = 2 residents, single family homes with two bedrooms = 3 residents, three bedrooms = 4, four bedrooms =6. Any auxiliary unit or one bedroom finished basement = 2.
- Camping considerations
 - I recommend an upper-scale campground with facilities
 - A volunteer or part-time camp host is necessary
 - A sustainability plan should be presented
 - A code enforcement officer may assist with the camp host
 - Additional addendums to our TOE Code should be considered to help alleviate issues and concerns associated with campgrounds
- Check the 100 year flood plan to ensure homes/camp ground locations are not in the “path.”
- I believe the developer was going to add a project which would “benefit the community.” A daycare center would be a nice consideration.
- If a reconsideration for a multi-family building is considered in a subsequent phase, could you please determine if the developer would be willing to sell a unit at cost for TOE employee housing.

I think this is a good project and should add to the character of our community!

Colorado Geological Survey

Kevin McCoy

kemccoy@mines.edu

The Colorado Geological Survey (CGS) has reviewed the Red Mountain Ranch PUD zoning plan and subdivision sketch plan application referral. With this referral, CGS reviewed the following documents:

- Schematic plans for Red Mountain Ranch (Red Mountain Land, 11-8-2017; 7-sheets)
- Red Mountain Ranch PUD Zoning Plan & Subdivision Concept Plan Application (Pylman & Associates, Inc., June 14, 2017), including:
 - Preliminary Subsoil Study Parcel 1, Red Mountain Ranch (HP Geotech, February 29, 2016)
 - Preliminary Subsoil Study Parcel 2, Red Mountain Ranch (HP Geotech, February 29, 2016)
 - Preliminary Subsoil Study Parcel 3, Red Mountain Ranch (HP Geotech, February 29, 2016)
 - Preliminary Subsoil Study Parcel 4, Red Mountain Ranch (HP Geotech, February 29, 2016)

The proposed development includes a mix of housing, commercial, recreation, and open space preservation on approximately 130.8 acres of land along the Eagle River extending approximately 2.05 miles east from the Highway 6 bridge crossing. CGS understands that housing and commercial development would occur on the terraces and former gravel mine areas between Highway 6 and the Eagle River with recreation and open space areas occupying the lower-lying areas extending down to the north bank of the river, and that development south of the Eagle River would be limited to recreation and open space. The documents indicate that Parcels 1 and 2 will be connected to the Town municipal water system and that provision of municipal water service to Parcels 3 through 7 for in-house use will depend on as-yet unplanned extension of Town services. The applicant proposes to utilize on-site well and wastewater facilities for in-house use if Town services are not extended within a five year time frame.

CGS reviewed the above-listed documents and performed a “desktop study” using publicly available geologic and soils data and high resolution (~ 1-m) lidar-based digital terrain data. CGS visited the proposed development area on April 11, 2018. General observations for Parcels 1 through 6 were made from outside the property boundary along the shoulder of Highway 6. A public fishing access point was used to access Parcel 7 for more detailed inspection of a potential sinkhole feature spotted while driving on Highway 6. CGS’s review comments follow.

CGS agrees with HP Geotech that compressible soils, potentially unstable steep slopes (between the terraces and the river), potential for sinkhole development, and flood potential of low lying areas are potential hazards and/or constraints to development that affect most of the parcels to varying extents. CGS has the following additional comments regarding potential hazards and/or constraints:

1) Potential for Sinkholes/Evaporite Karst

Based on the available information, sinkhole development associated with the Eagle Valley Evaporite could potentially occur on any of the parcels. HP Geotech’s reports identify the potential for sinkhole activity, but indicate that no sinkholes were observed. CGS observed three potential sinkhole features in Parcel 7 during the April 11th field visit, two of which are also visible in the lidar data (Figure 1). Past re-working of surface soils in the other parcels (especially in the old aggregate quarries) may have covered up evidence of sinkholes in the other parcels.



Figure 1. A conspicuous sinkhole in Parcel 7 is visible in the lidar data (left, red arrow) and in the field (right); the pictured sinkhole is approximately 18 feet in diameter at the surface based on GIS measurements using the lidar data. Another very subtle feature observed in the field that may be a completely filled sinkhole is also visible in the lidar data

(left, yellow arrow). These two features are approximately in line with a relatively recently repaired section of pavement on Highway 6. A much smaller sinkhole feature that was also observed in the field cannot be easily identified on the lidar data.

In addition to the potential hazards posed by surface collapse of previously unidentified underground voids, the variability of soil properties within old buried sinkholes can lead to structural damage from uneven foundation settling. Based on the potential for past and/or future sinkhole activity, it would be prudent to perform additional evaluation of sinkhole hazard, and to evaluate the feasibility of mitigation alternatives to reduce subsidence-related risks. Typical mitigation techniques include engineered, rigid foundation design, geotextile ground reinforcement, strain isolation trenches, stabilization by grouting and backfilling, and/or deep foundations.

Historical evaporite-related sinkhole activity in Colorado has been initiated or renewed by the addition of surface water from activities such as flood irrigation and irrigation ditch leakage. CGS is not aware of any studies on the relationship between septic leach fields and sinkhole development, but cautions that any activity that leads to increased or ongoing addition of new water to the subsurface in areas underlain by Eagle Valley Evaporite has the potential to exacerbate evaporite-related sinkhole activity.

Future owners/managers/ operators of the proposed residences/facilities should be made aware of the potential for sinkhole development, since early detection of building distress and timely remedial actions are important factors in reducing the cost of building repairs should an undetected subsurface void start to develop into a sinkhole during or after construction.

2) Potential for Compressible or Collapsible Soils

HP Geotech identified some soils with low bearing capacity and potential for collapse upon wetting. HP Geotech has made reasonable recommendations for mitigating hazards associated with compressible or collapsible soils, which should be followed.

3) Slope Stability and Potential for River Erosion/Undermining

CGS agrees with HP Geotech that potential instability of the slopes at the edges the terraces near the river are potential hazards, especially during floods. HP Geotech suggests developing setbacks from these slopes based on a 1.5 horizontal to 1 vertical line from base of slope; CGS agrees that this is a reasonable recommendation and should be followed. CGS further recommends an evaluation of potential bank erosion that may occur along the base of these terraces during flooding of the Eagle River to identify any areas that may be subject to destabilization by undercutting. Engineered erosion control measures should be recommended for any such areas identified.

HP Geotech's recommendations regarding grading and erosion protection of permanent cut and fill slopes should be followed. HP Geotech indicates that rockfall from embankment construction may be a concern and should be considered; CGS agrees that any construction activities and/or post construction conditions that create new hazards to the proposed development should be mitigated. CGS also recommends evaluating and mitigating any potential hazards (e.g. rockfall) to users of the riparian recreation and open space areas that may be created or exacerbated by development on the terraces.

4) Low-lying areas near the 100-yr. floodplain boundary and Shallow Groundwater

While CGS recognizes that proposed residential and commercial development is outside the mapped 100-year flood plain, CGS is concerned about potential for inundation of areas that may be very near the 100-year flood elevation and/or exposed to bank erosion during flooding.

CGS is also concerned about feasibility of basements in the lower-lying areas like Parcel 4, or the western portions of Parcel 1. Shallow groundwater encountered by HP Geotech was generally limited to the western part of Parcel 1 during their field investigation, but CGS is also concerned about potential elevated groundwater levels associated with flood conditions. CGS recommends a minimum three foot (preferably five foot) separation distance between shallowest seasonal water levels (including maximum anticipated flood stage of the Eagle River) and lowermost floor levels of habitable structures. Due to risks of water infiltration into below-grade spaces, damp/moldy conditions, and hydrostatic loads on below-grade walls and floors, below-grade construction (crawl spaces and basements of any depth) should not be considered feasible in any part of the proposed development area where this separation cannot be ensured.

5) Uncontrolled/Undocumented Fill

HP Geotech encountered various thicknesses of uncontrolled fill during their investigation, with significant thicknesses (up to ~20 ft.) in parts of the old aggregate quarry areas. Any uncontrolled or undocumented fill should be completely removed and re-compacted following HP Geotech's recommendations. If removal of the significant thicknesses of fill is infeasible, alternative foundation designs should be considered (e.g. deep foundations).

6) Foundation Design

HP Geotech's recommendations regarding engineered, reinforced foundation elements, or deep foundations should be followed. The applicant's geotechnical engineering consultant should evaluate the need for corrosion protection for any deep foundation elements that contact or penetrate the Eagle Valley Evaporite unit.

7) Wells and Water Quality

CGS does not regulate water quality issues and does not typically comment on wells, water quality, or water supply in our land use reviews; however, because of the nature and extent of the Eagle Valley Evaporite beneath the site, CGS is concerned that individual groundwater wells may not be feasible. As shown on the geologic map and cross-section (USGS MF-2361), the site is underlain by relatively shallow alluvial deposits over considerable thicknesses of Eagle Valley Evaporite. Based on HP Geotech's borings, it is unlikely that a well would encounter any appreciable water bearing unit (e.g. alluvial aquifer) that was not within the Eagle Valley Evaporite. According to the Groundwater Atlas of Colorado (CGS SP-53.), groundwater in the Eagle Valley Evaporite is "generally not usable for domestic, agricultural, or livestock use" with Total Dissolved Solids in excess of 10,000 mg/L, Sodium + Potassium concentrations in excess of 3,700 mg/L, and Chloride concentrations in excess of 5,500 mg/L. CGS recommends that the Town request the applicant to evaluate groundwater quality/feasibility of well water as a drinking water source, or explore alternative water sources before attempting to develop areas that will not be immediately tied into Town utilities.

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

Eagle County Paramedic Services

Peter Brandes

pbrandes@ecparamedics.com

I have reviewed the sketch plan and don't have any issues with it from our standpoint.

Eagle River Watershed Council

Holly Loff, Executive Director

Bill Hoblitzell, Water Resources Program Advisory Staff

loff@erwc.org

bill@lotichydrological.com

Thank you for the opportunity to provide comments regarding the Red Mountain Ranch (RMR) proposed annexation and PUD project. Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Upper Colorado and Eagle River basins through research, education and projects. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity. Although a project like RMR will impact the community of Eagle in a variety of ways, our comments remain specifically concerned with potential impacts to stream and aquatic ecosystem health.

The sketch plan proposes a variety of housing types and densities between Highway 6 and the Eagle River east of Town of Eagle, although the final number and layout across the 7 contiguous parcels is not yet determined. Although wetlands and 100-year floodplain limits (more often referred to currently as the Special Flood Hazard Zone) are indicated on the sketch plan, at the level of current planning it is difficult to understand the exact acreages of these ecologically important aquatic systems that will be directly impacted. We look forward to completion of the Riparian Management Plan specified for new PUDs in the River Corridor Plan.

Recognizing the numerous positive values associated with healthy streams by area residents, Eagle County and its municipalities have incorporated a number of protective measures in its zoning and development statutes. Eagle County zoning code includes 75' stream setbacks, limitations to floodplain development, stormwater treatment requirements, and other rules. Town of Eagle has instituted a less-protective 50' setback (TOE Zoning code 4.04.100 H-2 Live Stream Setbacks), which is specifically identified as the building setback target by the plan authors. Once annexed, the development will be subject to town code rather than county.

It should also be noted, that even within an undeveloped setback, maintenance of naturalized riparian vegetation and wetland conditions maintain strongly functional water quality buffers from the development, but the incursion of soft surface trails, pedestrian access, pets, etc. will likely permanently diminish these areas' values for terrestrial and aquatic-dependent wildlife. ERWC recognizes that within municipal areas, protecting water quality and realizing socially desirable values like stream access will sometimes outweigh additional aquatic-dependent values like wildlife.

Recognizing the inherent value of the river corridor to both town and county residents, ERWC strongly recommends the more stringent 75' setback requirement be inherited from county zoning onto any newly annexed town lands, especially in the clustered residential zones identified by the Eagle River Corridor plan to the east and west of the urban core. In fact, US EPA has previously recommended an even larger 100' undeveloped riparian corridor for the protection of water quality. We understand that special use areas such as the river park and boat ramp will necessarily require incursions to near stream habitats and exemptions from some zoning in order to ensure social values like recreation access are successfully maintained, but we greatly discourage other similar exemptions for general development with the project-at-large.

Currently in the Towns of Vail and Avon, water quality impacts to aquatic life have been identified and linked to near-stream development, increases in near-stream impervious areas, and lack of functional riparian buffer. Gore Creek has been placed on the state's 303(d) of impaired waters and the town is currently investing several million dollars in attempted corrective actions. It would be short-sighted to further transmit similar impacts to the still-developing communities downstream, when the knowledge and regulatory opportunities exist to proactively avoid water quality degradation.

As development plans proceed, we hope that developers and municipal planners will continue to maintain high commitments to Low Impact Development techniques to reduce site stormwater runoff and promote infiltration of site runoff to alluvial groundwater rather than direct to receiving streams. Both the RMR sketch plan and Eagle River Corridor Plan identify these goals, but until actual final engineering plans are developed and approved, we are aware that much

can change in the name of efficiency and costs, and we hope all parties will remain vigilant in achieving these stream-protective goals.

We have additional concerns with the potential for Individual Sewage Disposal Systems (ISDS, or septic tanks) specified for the eastern-most parcels. Septic systems are frequent sources of non-point source pollution to groundwater and nearby surface streams, including increased levels of nitrates, fecal coliform bacteria and other infectious pathogens. Although these areas are low-density residential clusters, their near-stream location and the inevitable continuing creep of development east of the existing Chambers Avenue commercial areas makes it questionable as to why any ISDS use should continue to be allowed east of town. We recommend any annexation and PUD approval specify that all development is required to be on city sewage.

We look forward to the additional level of detail in any continuing development plans to better understand the full level of aquatic impacts that may arise as Eagle continues to grow along the river corridor. If you have additional questions on our comments or require additional information, please contact ERWC.

Eagle County Environmental Health

Raymond Merry

ray.merry@eaglecounty.us

Thanks for the opportunity to comment on this file. I tried to locate an official Eagle County response but was unable to find anything. Since this development is adjacent to a couple of miles of the Eagle River, and since phases 3 - 7 may involve the use of on-site wastewater treatment systems (OWTS), I thought it would be appropriate for me to comment on behalf of Environmental Health. I understand that sketch plan is a conceptual level of review so I'll try and keep my comments brief and high level as well.

Regarding the use of OWTS, it will be very important at subsequent phases to understand the best locations for soil treatment areas and design the rest of the uses (structures, roads, paths, etc.) around these areas. Eagle County requires a site and an alternate site for soil treatment areas be identified through our subdivision process. This may be a good idea for you to consider so there is adequate area available in the event the primary area fails. Alpine Engineering makes reference to a specific manufacturer and type of OWTS to be considered.

I think it would be important to specify that all OWTS be designed to accomplish a treatment level of TL3N. This level of treatment can be accomplished through the use of the technology recommended by Alpine Engineering, if the system is plumbed using a specific configuration. It is also very important to consider having all OWTS managed by a single entity that can design, install, maintain and replace them while providing periodic reports regarding their functionality and performance.

It will be very important to mitigate the non-point source pollution caused by urbanization in general. It is noted that there is a network of soft paths that run the entire length of the development. Inasmuch as the riverine environment is a popular amenity, our experience is that access to the river from adjacent paths is one of the factors contributing to stream impairment as evidenced in the Gore valley. The Riparian Management Plan (RMP) as proposed by Alpine Engineering is a good tool to help protect the riparian and wetland areas, but should include restoration provisions should unanticipated damage occur. Restricting river access to specifically designed and designated areas should also be incorporated into the RMP. I'd recommend that you also consider provisions be placed in the PUD guide to regulate the use of pesticides and avoid manicured lawns beyond the river setback. Alpine Engineering's Drainage Plan is designed to intercept pollutants to help protect water quality but it doesn't hurt to have things like this addressed in the PUD for added protection and local enforcement. We encourage the Town to work with the applicant to develop a water quality monitoring program that can demonstrate to you that the Best Management Practices (BMPs) recommended for the

development are performing as expected. This additional water quality information can feed into our watershed-wide efforts to understand temporal changes to water quality and aquatic life as we urbanize while allowing us to better direct and prioritize mitigation strategies.

Please contact me should you have further questions or would like to discuss.

ECO Transit & Trails

Jared Barnes

jared.barnes@eaglecounty.us

On behalf of ECO Transit and ECO Trails, please accept the following comments regarding the Red Mountain Ranch PUD Zoning Map/Development Plan and Subdivision Sketch Plan:

1. ECO Transit: ECO Transit's current transportation services, and near term growth plans, do not serve or intend to serve this development parcel. The proposed PUD plans do not appear to provide any infrastructure for mass transportation which is consistent with ECO Transit's service.
2. ECO Trails: The Eagle Valley Trail's alignment is across Highway 6 as depicted in the conceptual plans provided. The applicant is proposing 2 connection points to the Eagle Valley Trail across I-70 and the UP Railroad Corridor. ECO Trails supports these connections and the overall pedestrian connectivity in the conceptual plan. However, the obligation to construct the connections should not be the responsibility of ECO Trails, but that of the developer or Town of Eagle.

Please let me know if you have any questions or concerns.

Greater Eagle Fire Protection District

Randy Cohen

rcohen@GEFPD.org

-
1. Road sizes accessing home sites must be in accordance with IFC 2015, including apparatus turn arounds (2015 IFC, appendix D)
 2. Homes not on the TOE municipal water supply must have an NFPA 1142 water cistern to allow for rural firefighting.

Colorado Division of Water Resources

Megan Sullivan

megan.sullivan@state.co.us

Thank you for the opportunity to review and provide comments regarding the water supply for the above referenced project. From the information provided in the application materials, this application is for approval of a PUD zoning plan, subdivision sketch plan and annexation for a 130.835 acre parcel just east of the Town of Eagle (Town) along the Eagle River. The proposal is comprised of seven individual planning parcels with a total of 153 dwelling units, 3,200 square feet of commercial space, an environmental education center, public and private open space, active and passive park parcels, recreation areas and trails.

From the application materials, the Town's municipal water and sewer services are currently able to serve Parcels 1 and 2. The Applicant indicated that ability to serve letters will be acquired from all utility providers under Preliminary Plan of Development Permit. As proposed, the Town will provide only the potable supply for in-house use and outdoor usage will be provided by a non-potable irrigation system that will draw water from the Eagle River. The Applicant has indicated that the non-potable system will be provided under water rights owned by Red Mountain Ranch. Since the details of the water rights were not provided, we can only note that the water rights must be operated in accordance with the decree(s) granting the water right(s) and they will be administered within Colorado's water rights priority system. Depending on their priority, the

water rights may be subject to curtailment at times when the available supply in the river is insufficient to fulfill water rights that are senior in priority to the Applicant's.

The other parcels, Parcels 3-7, currently do not have municipal water and sewer service available. The Applicant has indicated that an extension of water and sanitary sewer into and through the Eagle River Station parcel may allow for the future extension of these services to Parcels 3 and 7. However, this application proposes that Parcel 5 be allowed to develop at any time utilizing on-site wells and on-site sewage disposal system. Parcel 5 is proposed to have ten single family lots. Concurrent with the development of Parcel 5 would be the dedication of a town park on a 2.9 acre Parcel 5B, which may be developed with a well and septic system or vault system. The types of water use and water demands for the park were not identified.

Parcels 3, 4, 6 and 7 would be restricted from development until municipal water and sewer services are available to serve the parcel or until the proposed five year utility extension period has ended. If municipal water and wastewater service are not available within five years from the date of annexation, then the Applicant has indicated that these parcels would be served by on-site wells and wastewater disposals systems. Parcel 3 is proposed to become an Environmental Education Center. Parcels 4, 6 and 7 will have single family lots (thirteen on Parcel 4, ten on Parcel 6 and seven on Parcel 7). The amount irrigation (if any) proposed for Parcels 3-7 was not indicated.

Wells in this area would withdraw groundwater that is hydraulically connected to the Eagle River which is tributary to the Colorado River. The Colorado River basin is over appropriated in this area. Since any wells within this project would be considered to be a junior diversion in the water rights priority system, the withdrawal of groundwater to serve any part of this project would cause out of priority depletions to the stream system and injure senior water rights. Therefore, wells used to provide water for any part of this project could not be constructed and operated without a Water Court decreed plan for augmentation and well permits. Please be aware that the timeframe for obtaining approval from the Water Court can be a multi-year process. Well permits that allow for the construction and subsequent operation of wells will only be issued after Water Court approval of a plan for augmentation is obtained. We recommend that the Town require the Applicant to provide a copy of an approved plan for augmentation prior to final approval of any parcel that would be supplied by wells. Please also be aware that permits for wells that are exempt from administration in the water rights priority system would not be available for any of the parcels.

If you or the applicant has any questions concerning this matter, please contact me in this office for assistance.

Western Eagle County Metropolitan Recreation District

Janet Bartnik

jbartnik@wecmrd.org

All in all, there is a nice use of nature/the river. The amount of open space dedication proposed helps with the lower amount of parkland dedication proposed....much of the open space is on the south side of the river, inaccessible to homeowners without driving west on Hwy 6 to cross the river on the west end of the development. I like the foot path, although I hope the soft surface will be along the river and anything within the development will be chat or paved to ensure it meets ADA accessibility requirements. Anyhow, here are some comments to consider:

1 – I don't know how this works in Colorado, but I'd like to see if there is a way for appropriate segments of open space dedicated to the Town or Eagle County Open Space to ensure it can be available to the general public. I've already seen here where open space held by private HOAs can be seen as private open space by the residents and that can be tricky for the public to know where to go and where not to, or can cause hiccups in accessing open space from one parcel the to the adjacent ones. Maybe that is already a given, but I thought I'd toss it out there.

2 –The amount of public park land (“Eagle River Park”) is really pretty small (only 2.9 acres couched between parcels 4 & 5). Worse, the “pocket parks” and “HOA common ground” spaces definitely favor the more expensive housing, creating disparity across the development in proximal access (a potential social equity issue). Parcel one projects 97 dwelling units with access to approximately 1.7 acres split across 2 spaces, while parcel 6 offers .57ac for 10 dwelling units, and the 7 dwelling units in parcel 7 have the benefit of 1.3 acres.

From a density perspective (using SF/MF density averages I used to use in MO):

Parcel 1 97DU x 2.0people/DU = 194 people accessing 1.7 acres

Parcel 6 10DU x 2.6people/DU = 26 people accessing .57 acres (more than double the amount of park space per Parcel 1 resident)

Parcel 7 7DU x 2.6people/DU = 18 people accessing 1.3 acres (more than 10 times that of parcel 1 residents)

3 – The “pocket parks” drawn on westerly parcels are not defined as to ownership. They should indicate whether they are to be dedicated to the Town or if the HOA will retain ownership.

4 – If the “pocket parks” are to be dedicated to the Town, I recommend you not accept them.

Maintenance on such small parcel strewn across a 2.5mile stretch would be challenging.

5 – A little crazy talk here.....is there any way the developer could be coaxed into providing a pedestrian bridge somewhere along the river corridor to allow access to the open space proposed for “public access”? I would be more inclined to allow the developer to use the acreage as justification for less park land dedication if there were easier access to it.

6 – Just a question – has Walking Mountains already been approached and confirmed interest in accepting the Parcel 3 nature center space?

Colorado Parks and Wildlife

Perry Will

Craig Wescoatt, Wildlife Manager

craig.wescoatt@state.co.us

Colorado Parks and Wildlife has had an opportunity to review the Red Mountain Ranch proposal and appreciates the opportunity to provide the following comments and recommendations. While there is no designated “critical wildlife habitat” within the proposal boundaries this should not diminish the importance of the Eagle River corridor as both a movement corridor for mule deer and elk, a variety of smaller mammals, and as the most diverse habitat available for Colorado’s wildlife. Almost 90% of all the wildlife species within Colorado have spent a portion of their life in riparian habitat.

There is one aspect of this proposal that needs additional addressing. The Eagle River Fishing Lease, a lease in perpetuity, is an intricate part of this property. While the east end of this proposal is outside that lease there is substantial section of “leased” river that adjoins and is accessed through this property. Within the lease are three designated access points for the public to cross private property and access the river. There had been no direct conversation between Red Mountain Development and CPW to discuss if the conditions of the lease; access points and signage shall remain the same or if there needs to be some consensual changes. This is an important public fishing lease and should remain a viable aspect of the development.

This proposal should be commended for certain aspects from a wildlife perspective. First, the “clustering” of the development on the west end of the property and nearer the Town is a recommendation that is often proposed by CPW,

secondly the phasing of the development so portions of the property remain undisturbed (or disturbed only at current level) is also beneficial to wildlife, and the incorporation or future incorporation of bear proof trash plans and dog control are also proactive and beneficial.

The primary wildlife value within this property is maintaining or improving the riparian to preserve wildlife movement, wildlife diversity, and provide high quality habitat for a variety of species which often get overlooked, small mammals, nesting birds, raptors, amphibians and reptiles. The concern with this proposal is the river is the focus for most other activities, trail systems paralleling and accessing the river for the public a boat ramp, new fishing access and home development. Without structured management of these activities; this property's wildlife values become diminished. Riparian habitat has been devastated along the Eagle River from previous PUD developments and that should be regulated.

The proposal states that there is a very low density of dwelling units per acre being proposed, a total of 1.17/acre overall and substantially less units per acre if you look at the last and furthest east phases. While the number of units is fairly low the roads and internal pedestrian trail connection systems, the small commercial complex, and other amenities will all greatly increase the impacts on the property. Even the low density housing on the east end of the proposal may fragment the property to the point that there are no wildlife values.

While well over the recommended percentage of property has been set aside as open space, there is minimum value to wildlife. The acreage on the South side of the river which currently sees minimal disturbance will become an access point from Town to the river, an increase to impacts to wildlife. The "significant" areas of sensitive lands to preserve the north-south movement of wildlife are not large enough to be considered actual movement corridors for migrating ungulates (deer and elk) and south to north to south movement will probably become a moot point as the property known as Eagle River Station will as some time also be developed. The movement needs to preserve within the river corridor and the north south movement occurs on the east end of the property; if wildlife movement is a concern.

The proposal has designated that the portion of river through the development will be "flies" only and a designated catch and release fishery. This will not be in accordance with the regulations on the remainder of the Eagle River and has not biological basis. This can be developed as a PUD or Town of Eagle recommendation but there is no legal enforcement from CPW. The same would be true of the catch and release regulation. If data can be obtained to support this recommendation, then that could be presented to the Wildlife Commission for a regulation change.

There are currently boat ramps and take outs in fairly close proximity to this property. Adding a boat ramp at this location is just one more impact to the riparian and should be assessed to determine the actual need and value this provides to a community.

Colorado Parks and Wildlife would make the following recommendations concerning the Red Mountain Ranch Development PUD:

- Maintain or increase setbacks from the riparian to a minimum of 75 feet
- Develop the pedestrian trail outside the wetland and riparian habitat designations and maintain vegetative screening between the path and river
- Designate and limit access points to the river from the development, plant or restore native vegetation to discourage unlimited and unplanned river access
- Consider seasonal restrictions on trail use dependent upon wildlife use of the river corridor
- Cluster homes on all parcels, even the low density eastern end, to minimize fragmentation and allow a movement corridor for wildlife

- River parking and access, consider a reservation system (on-line) to reserve use on sections of this property, control of fishing pressure and parking availability could be addressed
- Living with Mountain Lions and Black Bear information should be provide to all buyers
- CPW will be indemnified from all damages to plantings
- Landscaping should be comprised of native riparian species for all shrubs and trees
- Fencing should be prohibited, minimized and if deemed necessary constructed to wildlife friendly standards unless for human safety reasons.

As a referral agency we hope to provide recommendations and provide concerns that may help make this proposal more successful. CPW will attend any meetings that we are requested and provide explanations or further information regarding our comments; please let us know. Contacts for CPE on this project will be Craig Wescoatt, craig.wescoatt@state.co.us or 947 0354 or Taylor Elm at taylor.elm@state.co.us.

Eagle County Planning Commission
Cliff Simonton, Eagle County Acting Agent/Senior Planner

Comments/Recommendation attached.

Next Steps

The Town is committed to assisting applicants through the development review process. We are looking forward to collaborating with the Project Team on how to best address the comments to ensure the purpose of §4.11 is captured in the PUD documents thereby facilitating an efficient public hearing process and ultimate build out of a vibrant mixed-use development. As such, Town Staff will make themselves available for weekly conference calls to collaborate on how to best address comments or issues as they arise. Since the Development Review Team meets on Tuesdays, Staff suggests we schedule weekly conference calls on Mondays. Please contact Carrie McCool, Town Planning Consultant to schedule regular conference call times. For formal resubmittals, the Project Team shall address all of the Town Staff, and external referral agency comments then resubmit the following:

1. A point-by-point letter which states how all of the comments (including external referral comments) have been addressed; and
2. Revised PUD, Sketch Subdivision Plat, and other documents along with digital files.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Carrie McCool at 303.378.4540 or via email at carrie@mccooldevelopment.com.

ATTACHMENTS

1. Annexation Agreement Template
2. Eagle County Planning Commission Memorandum

ANNEXATION AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2017, by and between _____, hereinafter referred to as ("Owner"); and the Town of _____, a Municipal Corporation in the State of Colorado, hereinafter referred to as (the "Town").

WITNESSETH:

WHEREAS, the Owner desires to annex to the Town the property more particularly described on Exhibit A attached hereto and incorporated herein by reference ("the Property"); and

WHEREAS, the Owner has executed a petition to annex the Property; and

WHEREAS, it is to the mutual benefit of the parties to enter into this Annexation Agreement (this "Agreement"); and

WHEREAS, Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions and other regulations of the Town, as they may be amended from time to time.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND THE COVENANTS HEREINAFTER SET FORTH, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Owner shall be required to subdivide the property and dedicate additional right-of-way for _____ build out of _____ feet from its current boundaries to the Town of _____ prior to or concurrent with the submittal of a Development Plan.
2. Annexation shall be contingent upon the incorporation with the _____ Sanitation District for sewer servicing.
3. The Owner shall dedicate necessary land area for utilities as required by the Town of _____ to accommodate the undergrounding of overhead power lines prior to or concurrent with the submittal of a Subdivision Plat.
4. The Owner shall be responsible for all future utility extensions and public improvements

associated with future development of the Property.

5. Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the Town's ordinances, resolutions, or policies or as a waiver of the Town's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the Town and its inhabitants; nor shall this Agreement prohibit the enactment or increase by the Town of any tax or fee as authorized by law.
6. In the event of a material breach of any provision of this Agreement, the non-breaching party may ask a court of competent jurisdiction to enter a writ of mandamus, temporary or permanent restraining orders, temporary or permanent injunctions, or orders of specific performance, to compel the breaching party to perform its duties under this Agreement.
7. The parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the same.
8. This Agreement and all amendments shall be recorded with the Clerk and Recorder of _____, Colorado, and shall be a covenant running with the land, and shall be binding upon all persons or entities having an interest in the Property.
9. This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may be amended by the Town and the Owner. Such amendments shall be in writing.
10. As used in this Agreement, the term "Owner" shall include any transferees, successors, or assigns of the Owner, and all such parties shall have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original parties thereto.
11. As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any Town ordinance, resolution, or policy is intended to refer to any

subsequent amendments or revisions to such ordinance, resolution, or policy, and the parties agree that such amendments or revisions shall be binding upon Owner, and the Property, subject to any applicable provisions for valid, pre-existing non-conforming uses.

- 12. The Owner acknowledges that the annexation of the Property is subject to the legislative discretion of the Board of Trustees of the Town. No assurances of annexation have been made or relied upon by the Owner. In the event that, in the exercise of its legislative discretion, the annexation of the Property is not approved, this Agreement shall be null and void and of no further force and effect.
- 13. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of _____, State of Colorado.
- 14. Notices. Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three days after being sent by regular first class mail:

To the Owner:

To the Town:

- 15. In the event it becomes necessary for either party to bring any action to enforce any provision of this Agreement or to recover any damages from the other party as a result of the breach of this Agreement, including, but not limited to, defective work, and the party that prevails in such litigation, the other party shall pay the prevailing party its reasonable attorney's fees and costs as determined by the court.

TOWN OF _____

By: Mayor _____

ATTEST

By: Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The above and foregoing was acknowledged before me this ____ day of _____,
2017 by _____ as Mayor of the Town of _____.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____.

Notary Public

PROPERTY OWNER

By:

By:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The above and foregoing was acknowledged before me this ____ day of _____,
2017, by _____ as Owner of the Property.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____.

Notary Public



MEMORANDUM

EAGLE COUNTY PLANNING COMMISSION

To: The Town of Eagle Planning and Zoning Commission and the
Town of Eagle Board of Trustees

From: Eagle County Planning Commission
Acting Agent, Cliff Simonton, Senior Planner

Date: December 1, 2011

RE: Request for Exception to Eagle Area Community Plan, proposing modification to
the Town of Eagle's Urban Growth Boundary as part of the Red Mountain Ranch
development proposal.

Red Mountain Ranch Partnership Ltd. is proposing residential development on 130 acres located along the Eagle River beginning just east of Eagle at the US Highway 6 Green Bridge and ending approximately two (2) miles further east (upstream). Conceptual plans propose a mix of dwelling unit types clustered along the river in "parcels" of decreasing density moving from west to east, with the greatest density and intensity of use occurring on Parcel 1 (closest to town). Space for a riverfront park, a boat ramp, an educational center and an integrated trails system is proposed. Access to developed areas would be from US Highway 6. At this time, domestic water and wastewater service from the Town of Eagle is proposed for development on Parcels 1 and 2; no domestic water or wastewater service is proposed for parcels further east.

The land in question is presently located in unincorporated Eagle County, and annexation of the property to the Town is being requested as part of the proposal. Much of the land is located within the Town's Urban Growth Boundary (UGB), as established by the 2010 Eagle Area Community Plan, but development parcels 6 and 7 are located outside of (to the east of) the UGB. Incorporating Parcels 6 and 7 into the Town's UGB would extend the UGB approximately one (1) mile further east than its present location.

The 2010 Eagle Area Community Plan provides future land use guidance for the property in question. As assigned by the Community Plan, the land proposed for development that is within the UGB has a Future Land Use (FLUM) Designation of “Conservation Oriented Development”; the land outside the UGB to the east has a designation of “Agricultural Rural”. Intents and character expectations for these FLUM designations are detailed in Chapter 4 of the Plan. Additionally, land within the growth boundary is located in the River Corridor Special Character Area; the land outside is located in the Eastern Gateway Special Character Area. Chapter 5 of the Plan provides “planning principles” that further define master planning expectations for each of these “special character areas”.

During their initial review, Town of Eagle Planners determined that the proposed expansion of the UGB to the east along the Eagle River varied enough from purpose and intent of the Master Plan that the granting of “Exception to the Master Plan” should be required as part of the Town’s approval process. Upon review, County Staff agreed with the Town’s position on this matter. Appendix A of the Eagle Area Community Plan provides guidance relative to the Granting of an Exception to the Plan, and lists six (6) criteria, all of which must be met for an exception to be granted. In terms of process, the following is detailed:

“Proposals for **Exceptions to the Plan** will be reviewed by both the Town and County Planning Commissions. For those Exceptions proposed within the Town of Eagle Urban Growth Boundary, or those involving annexation of properties to the Town, the Town Planning and Zoning Commission will take the lead, obtain comment from Eagle County and ultimately render a decision. For those Exceptions outside the Urban Growth Boundary that do not involve annexation to the Town, the Eagle County Planning Commission will take the lead, obtain comment from the Town of Eagle and ultimately render a decision.”

The Eagle County Planning Commission met at its regularly scheduled meeting the afternoon of November 15, 2017, to review the above referenced Request for Exception. Following careful evaluation of the proposal, the Eagle County Planning Commission offers the following recommendations for each of the 6 criteria, all of which must be met:

Criteria # 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.

Discussion: A number of development schemes have been developed and proposed for the Red Mountain Ranch property through the years, and some level of development was anticipated on that part of the property closer to town during the 2010 master planning process. The Town’s Urban Growth Boundary (UGB) was established to indicate the possible future annexation of the property between Highway 6 and the river as far east as the then-planned eastern boundary of the Eagle River Station. The Eagle River Station development has since failed to materialize. Residential development outside the Urban Growth Boundary (represented as Parcels 6 and 7 in the development application) was not considered or advocated by the 2010 Master Plan.

No substantive changes have occurred to land use or services available east of the Town of Eagle that would support the need to expand the present day Urban Growth Boundary further east. To the degree that future extensions of the Town's domestic water and wastewater systems to this area might represent a "unique or extraordinary situation or opportunity", Criteria # 1 could possibly be met. The opportunity to comprehensively plan for the development (and preservation) of properties under unified ownership along the Eagle River might also represent a "unique or extraordinary situation or opportunity", although it is noted that present-day ownership patterns in the area were in place when the UGB was drawn in 2010.

Planning Commission Recommendation, Criteria #1.

Since the adoption of the 2010 Eagle Area Community Plan, no substantive changes have occurred to land use or services available east of the Town of Eagle that would create "a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted" As such, the proposed expansion of the Town's Urban Growth Boundary further to the east along Highway 6 to accommodate residential development would **not** be the result of a "unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted". The opportunity to comprehensively plan for the development (and preservation) of properties under unified ownership along the Eagle River east of the town **could** represent a "unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted".

Criteria # 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.*

An extension of the Growth Boundary further east would result in development of homes in a "conservation oriented" configuration along the Eagle River on Parcel 6, and in three "conservation oriented" pockets of homes on a bench elevated above the Eagle River on Parcel 7. Homes on Parcel 6 may be largely out of view from Highway 6, but residential activity in close proximity to riparian habitats will result. Homes on Parcel 7 will be highly visible from Highway 6.

The Planning Commission evaluated the nature of improvements proposed as part of the proposal to extend the growth boundary further east relative to the goals, policies and strategies of the 2010 Eagle Area Community Plan, and also reviewed FLUM designation descriptions and the Special Character Area "Planning Principles" provided by Chapters 4 and 5 of the Plan, and would offer the following assessment and recommendation:

From Chapter 3, Land Use

Policy 2.1 *Future Development should occur within the Town's established Urban Growth Boundary.*

An exception to the plan is being considered for the expansion of the Town's Growth Boundary to the east. Should the UGB be allowed to expand, development on Parcels 6 and 7 would occur within the Town's Urban Growth Boundary.

Policy 2.2 *New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs.*

Development on lands located to the east of the present growth boundary could be designed to be compact, preserving open space and attributes of high conservation value. It is not anticipated that lands proposed to be included in the extended Town Boundary will be adjacent to other developed areas within the foreseeable future. It is similarly not anticipated that town infrastructure and/or services will be extended to these properties.

Policy 3.1 *Assure adequate access to and appropriate mobility options within all developed areas.*

Lands proposed to be included in the extended Town Boundary have good access to State Highway 6, but mobility options for future residents will be limited given the considerable distance of the properties to daily service destinations. No public transportation is presently available along Highway 6 east of Eagle. The regional bike trail travels on the north side of the Railroad ROW north Highway 6 and, and if connected in a safe fashion to proposed development would provide biking connectivity to the town, but again, the distance is considerable. The development of the Eagle River Station property may one day bring services closer to the subject properties. Until that time, residents on lands proposed to be included in the extended Town Boundary would be highly reliant on the personal automobile.

Policy 4.1 *Preserve high quality agricultural lands, public lands, wildlife resources, forest resources and viewsheds.*

Development on lands located to the east of the present Growth Boundary could be designed in a manner that would preserve riparian and other native vegetation (wildlife resources) and may be configured in a manner that preserves quality viewsheds, although development on Parcel 7 will change the nature and quality of views on that property.

Policy 5.2 *Avoid/correct improvements and land uses that are not compatible with natural systems or features of the natural landscape.*

Development on lands located to the east of the present growth boundary could be designed in a manner that would be compatible with natural systems and/or features of the natural landscape.

From Chapter 4, Future Land Use Map (FLUM)

Lands located to the east of the present growth boundary have been provided a FLUM designation of Agricultural/Rural. The Master Plan lists a number of “intents” for areas with this FLUM designation, including several pertinent to this proposal:

A. Preserve the rural open character

Development proposed on Parcel 6 could be largely hidden from view, and as such could have minimal impact on rural character experienced by travelers on Highway 6. The rural character presently experienced by river recreationalists may be negatively impacted on this parcel, however, given the close proximity of homes to the river. Development on Parcel 7 will be highly visible, introducing clustered residential development into an open rural area where no development presently exists.

B. Avoid up-zoning (retain Resource zoning)

If approved and annexed by the Town, these properties will be obviously be re-zoned to meet Town zoning requirements.

E. Preserve /manage the quality of natural resources

Improvements on Parcel 7 would be located away from sensitive river environments. Developed areas on Parcel 6, however, may not provide adequate buffer between sensitive habitats and residential activities. On-site septic systems, as may be required, would be a concern given close proximity to the Eagle River.

K. Support Town ordinances related to water service in these areas

Staff is concerned that much of the development proposed is not slated to receive domestic water or waste water services from the Town. The County is not familiar with Town ordinances relative to the operation of on-site septic systems within Town boundaries.

Chapter 5, Special Character Areas

Criteria # 5 expressly targets Chapter 5, *Special Character Areas*. Please see related discussion under the Criteria # 5 heading on pages 9 and 10.

No applicable policies were found in Chapter 6, *Community Design and Appearance*, or Chapter 7, *Transportation, Mobility and Circulation*

From Chapter 8, Natural, Scenic and Environmentally Sensitive areas:

Policy 1.4 *Development should avoid impacts to environmentally sensitive areas*

Please note earlier comments regarding potential impacts to riparian zones on Parcel 6. The development area defined for Parcel 6 could be altered to provide a more significant buffer to protect sensitive river environments.

Policy 1.5 *Protect and enhance wildlife habitats and movement corridors*

Again, the development area on Parcel 6 could be located to preserve a more significant natural buffer along the Eagle River, protecting riparian habitat and safe routes for wildlife movement along the river corridor.

Policy 1.6 *Maintain the quality of valued viewsheds and view corridors.*

Development on Parcel 6 could be strategically clustered to generally preserve the quality of existing viewsheds and view corridors. Development on Parcel 7 will be highly visible, and will change the nature and quality of views in the area.

From Chapter 9, Open Space, Recreation and Trails

Policy 1.1 *Protect lands of high conservation value or recreation value as open space*

Development on lands east of the existing growth boundary (Parcels 6 and 7) could be designed with open space that protects lands of high conservation value, particularly lands harboring native vegetation in proximity to the Eagle River. Public parking spaces will enhance safety for fishermen seeking to access the river, but homes in close proximity to the river and may diminish the existing quality of river recreation experiences.

Policy 1.2 *Support enhanced or expanded parks, trails and recreation*

Parks and trails on lands east of the present Growth Boundary may be included in future development plans. Some public parking for river access is proposed.

Policy 2.1 *Acquire appropriate access to open space and river/stream corridors*

Access to the Eagle River is already allowed through most of the river corridor east of the Town of Eagle through a lease agreement between the property owner and Colorado Parks and Wildlife. Enhancements to that access are proposed, allowing river users to park in areas other than in turn outs along US Highway 6. Future access points should be tailored to protect sensitive environments.

From Chapter 10 Housing

Policy 1.1 *Address the need for affordable housing.*

It is assumed that affordable/workforce units by definition will not be available on Parcels 6 or Parcel 7. Affordable/workforce housing would be less appropriate on these properties given their remote location, distance from services.

Policy 1.2 Promote the creation of a wide range of housing units, single family, multi-family, etc.

A variety of housing types could be included in development designs for Parcels 6 and 7. It is anticipated these properties will support higher-end housing.

No directly applicable policies were found in Chapter 11, *Economic Development*, Chapter 12, *Historic Preservation*, or Chapter 13, *Public Services and Infrastructure*

The above sampling may have missed policies and strategies in the Eagle Area Community Plan that are relevant to the process of granting an Exception to the Master Plan for the extension of the Town's Urban Growth Boundary to the east. ~~Additional study and review of the goals, policies and strategies of the Master Plan prior to a final determination by the Town is strongly recommended. Should this request for Exception be approved, a thorough review and analysis of all guiding statements in the Eagle Area Community Plan is strongly recommended.~~

Planning Commission Recommendation, Criteria # 2:

The location and design of improvements east of the current Growth Boundary **could be** made to conform to the goals, policies and strategies of the Plan (as selected from Chapters 3, 4, 8, 9 and 10) to the greatest degree possible. Strategic clustering and the preservation of a significant open space buffer along the river corridor is strongly encouraged to this end.

Criteria # 3: *The proposed land use is clearly in the public interest, and addresses a viable public need.*

Lands east of the Urban Growth Boundary are highly valued for their open rural character, as are riparian zones along the Eagle River for their contribution to wildlife, water quality, ecosystem integrity and recreation. Parcels 6 and 7 would not be appropriate for affordable housing given lack of mobility options and distance from services. Public parking spaces proposed for river access provide minimal additional benefit to a small user group in an area that is already open to the public for fishing. ~~We do not believe that the expansion of the Town's Urban Growth Boundary to the east is in the public interest, nor will related improvements address a viable public need.~~ If it can be demonstrated that development on Parcels 6 and 7 will be necessary to offset the cost of providing public benefits on Parcels 1, 2, 3, 4 and 5, then a link to "public interest" and "viable public need" could be established, supporting the proposed expansion of the UGB.

Planning Commission Recommendation, Criteria # 3:

~~The proposed expansion of the Town's Urban Growth Boundary to the east that would allow residential development on lands of rural character and/or in close proximity to sensitive riparian habitats is not "clearly in the public interest" nor would it address a viable public need.~~

~~This assessment does not consider any "benefit relationships" that may exist between development on these lands and development proposed within the Town's present day growth boundary to the west.~~

If it can be demonstrated that development on Parcels 6 and 7 would be necessary to offset the cost of providing public benefits on Parcels 1, 2, 3, 4 and 5, then a link to "public interest" and "viable public need" **could be** established, supporting the proposed expansion of the UGB.

Criteria # 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.

While negative impacts resulting from the extension of the Growth Boundary could be largely minimized through conscientious site design, others may persist. While public benefits associated with development further east than the present day Growth Boundary have not been clearly identified, "public interest" and "viable public need" for the expansion of the UGB to capture lands further east **could be** established if it is determined that development on Parcels 6 and 7 would be necessary to offset the cost of providing public benefits on development parcels closer to town.

~~All properties developed should be served by the Town's domestic water and wastewater systems, such that County services are not unduly burdened.~~

Planning Commission Recommendation, Criteria # 4:

Potential impacts to natural resources, traffic, visual quality, infrastructure, recreational amenities or Town or County services from development **may be** minimized on properties east of the Town's present day Urban Growth Boundary. While the public benefit of development in this area has not been clearly demonstrated, "public interest" and "viable public need" for the expansion of the UGB **could be** established if it is determined that development on Parcels 6 and 7 will be necessary to offset the cost of providing public benefits on development parcels closer to town.

Criteria # 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.

Lands east of the present day urban Growth Boundary are located within the *Eastern Gateway Character Area*. Applicable “Planning Principles” from Chapter 5 include:

C. Promote the conservation of private properties as open space.

Considerable open space is proposed as part of this development application. Please note earlier comments regarding the need for strategic placement of open space to achieve resource protection and recreation enhancements.

D. Limit new development to that provided by current zoning, with improvements positioned and designed to preserve the open rural character of the area.

As this is a proposal to extend the Urban Growth Boundary of the Town, zoning would clearly be modified should this adjustment be approved. Residential development in this area would impact the open rural character that presently exists.

F. Preserve the quality of the Eagle River Corridor and related habitats.

Please note earlier comments regarding potential impacts to river corridor character and sensitive habitats. The quality of the corridor and associated riparian habitats may be diminished by the introduction of homes in close proximity.

It is difficult to fully assess adherence to this criteria given the conceptual nature of information submitted. An adjustment of the growth boundary to the east would necessitate a similar extension of River Corridor Character Area boundary as well, requiring adherence to related guiding principles detailed in Chapter 5.

Planning Commission Recommendation, Criteria # 5:

With careful consideration of river corridor character and the need to protect related habitats, development east of the present day Growth Boundary **could be** made to adhere to the planning principles for the East Gateway Special Character Area, and subsequently the River Corridor Character Area, to the greatest degree possible.

Criteria # 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.

The target property is located on the periphery of the existing Growth Boundary. No separate larger piece of land has been identified upon which a consolidation of densities and/or a transfer of development rights will be provided such that the vast majority of the land will be left in open space with adequate protections in place. However, significant open space is being proposed within the development boundary.

Planning Commission Recommendation, Criteria # 6:

The target property **is** located on the periphery of the Growth Boundary. ~~, but~~ If it is determined that open space set aside within the development boundary satisfies “the consolidation of densities and/or a transfer of development rights on a larger piece of land ~~has not been provided~~ such that the vast majority of the land is left in open space with adequate protections in place”, then this criteria for granting an exception **could be met.**

EXHIBIT X:
Applicant's Response to
Referral Comments dated
October 12, 2018
(ATTACHED)

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 AND FOLLOW UP ON 8/14 MEETING ARE NOTED IN DARK ORANGE TEXT.

Applicant responses dated 10/12/18 are noted in blue text.

**TOWN OF EAGLE
REFERRAL RESPONSE SUMMARY REPORT**

ISSUED: June 27, 2018

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

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

On August 14, 2018 Town staff hosted a meeting at the owner's request to discuss the following:

- I. Overview of August 3rd Memo – Initial Response to June 27, 2017, Referral Response Summary Report (Addressed in this document)
- II. Workforce Housing – Update on memo/information to Eric as discussed at June 19th Meeting (Addressed in this document) **The applicant will meet the requirements of the Town of Eagle LERP program and will work with the town staff to investigate alternative methods to address the housing demand.**
- III. Permanent Camping – Update on status of research conducted from June 19th Meeting (Addressed in this document) **The application does not propose any form of camping use.**
- IV. Access Management Plan Progress - Applicant confirmed the Plan will take six weeks to complete. Town Staff needs to review the final draft as it may impact other aspects of the review) **The access management plan is underway with CDOT and town staff.**
- V. Water Model/Demand (Confirmed applicant is working on demand analysis) **The applicant will work with town staff and consultants on the water demand model.**

Other Topics of Discussion:

Walking Mountain. Applicant intends on including Walking Mountain in next submittal. Town Staff noted that the applicant would need to demonstrate the public benefit within the revised submittal documents as well as the public benefit of parcels 6 and 7. Further, permanent camping provides a significant public benefit to the community. Walking Mountain has expressed interest in Planning Area 3 and has discussed this with town staff. **Walking Mountains will make a presentation regarding community programming and the public benefits of their programming.**

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

Vesting. Applicants will be requested 30-year vesting. Town Staff noted that the methodology for said request shall be included in the resubmittal documents. **The applicant's attorney will work with the town attorney to address vesting through the annexation agreement. The applicant proposal is for a 20-year vesting.**

Septic/Well Proposal. Public Works/Engineering will review the proposal; however, they want to ensure the protection of the river and have suggested tying into town's sewer system. Town Staff noted that we will need to follow up with Public Works/Engineering as they heard it was infeasible to tie into the town's system. Public Works/Engineering also recommended the applicant investigate costs of installing elaborate ISDS systems like the County required on Frost Creek. **The applicant will work with town staff to review and develop OWTS plans and specifications.**

ADUs. The applicant will include provisions to allow ADUs in the resubmittal. Town Staff noted that it was appropriate to mirror standards from Eagle Ranch. **The PUD Guide has been amended to include ADU's with standards similar to the Eagle Ranch PUD.**

Annexation Agreement and Development Agreement Template. Template agreements are attached to this document.

Next Steps. The applicant will submit address comments in a revised submittal which will include the Access Management Plan. **The applicant and the town attorney will work together on an annexation agreement as the plan progresses through the review process.**

REFERRAL COMMENTS SECTION

Community Development

Carrie McCool, Town Planning Consultant

carrie@mccooldevelopment.com

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

General

1. While much of the information that is required for a Subdivision Sketch Plan is illustrated on the PUD concept plan or provided in the supplemental reports, these are not one in the same and should be treated as separate application packages with different materials and maps that will be reviewed based on different criteria. Please refer to §4.12.020 for Sketch Plan Submittal Requirements and provide the pertinent information required by Code with your resubmittal.

Applicant's Response per letter dated 7/27: This seems to be a topic for further conversation. While there are certainly two separate approval actions required there is an understanding in the municipal code that the two applications may be reviewed concurrently. The creation of a complete and separate application package may create a significant redundancy in information and may make the review process more cumbersome and confusing to the public.

Perhaps there is a way to re-format the single package that better explains and lays out the separate information but allows for review of that information in a comprehensive manner. The applicant will, of course, amend the application as directed by staff but believes there is some detailed conversation that will allow us to understand the goal of the staff and to save us all time as we determine the most efficient way to structure the information.

Staff Response 8/16: Yes, you may reformat the single package in a way that relays the information that is required for each application type. The main takeaway is to provide (and label appropriately to match Code) the following as separate plan maps: 1) PUD Zoning Plan, 2) PUD Development Plan (if requested at this time), and 3) Sketch Plan (if requested at this time), as well as all supporting documentation for each application type.

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[Applicant response 10/10/18:](#) This single package application has been formatted to include separate PUD Zoning and PUD Sketch Plan maps. This is not an application for PUD Development Plan. Section 4 of the narrative addresses the Subdivision Sketch Plan description and submittal requirements.

PUD Zoning Plan Map. The purpose of the PUD Zoning Plan is to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town's long-range planning documents and purposes of the Code and to provide basis for PUD zoning. Per §4.11.040(B)(1) this PUD Zoning Plan shall depict:

1. Boundary of proposed PUD
2. Topography
3. Existing and proposed street system with approx. ROW widths
4. Proposed zoning
5. Densities & types of uses within the PUD and their locations
6. Common space areas and park land areas
7. Location of utilities and existing development of the land

[Applicant response 10/10/18:](#) As we have discussed, the PUD Zoning Plan has been revised to include all of the above information with the exception of the proposed street system layout and widths. The street system design will be a part of the PUD Development Plan applications.

PUD Development Plan Map. While we understand that PUD Development Plan approval will not be requested at this time, it's important to note that the document referred to as "DRAFT PUD Plan for the Red Mountain Ranch Planned Unit Development" (PUD Guide) dated May 2017 would fulfill the requirements of a PUD Development Plan with a few additions to demonstrate conformance with §4.07 Development Standards. Please let us know if you would like to explore the option of submitting this document which would eliminate the need for duplicative public hearings.

[Applicant response 10/10/18:](#)f This application does not include a request for PUD Development Plan.

Sketch Plan Map. Sketch Plan review is a function of subdivision (i.e., process of splitting up or assembling land development. Think of lots, blocks, or tracts.) and the first step of the subdivision process in Eagle. All requests for the subdivision of land shall comply with the Subdivision Regulations and shall include review of a sketch plan, a preliminary subdivision plan and a final plat. The Sketch Plan should contain all information as outlined in §4.12.020(A)(2)(f). Based on the August 14th conference call, it sounds like the owners may not be ready to commence the subdivision process. This is absolutely fine as there is no requirement to subdivide the property at time of zoning. As a reminder, however, no development permit or building permit will be issued before the required final subdivision plat has been approved and recorded. Also note, Major Development Plan Review and approval (see §4.06.070) is required for all Planned Unit Developments.

Each of the plan maps require different information and while much of it may be overlapping, we need to follow Code requirements for each application type in order to properly relay the information to our decision-makers, ensure accurate record-keeping and expedite future processes (i.e., Preliminary/Final Plat, Development Plan and Development Permits).

[Applicant response 10/10/18:](#) Sketch Plan maps conforming to Section 4.12.020A2F are included with this revised application.

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

8. Much of the information provided within the written narrative's project description should be moved to the PUD Guide document as this is the overall zoning document for the property and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code. Please revise the PUD Guide to incorporate standards related to roads, circulation & traffic; utility services; phasing; land dedication; fire protection & emergency services; local employee residency program; architectural design; and drainage into the PUD Guide.

Applicant's Response per letter dated 7/27: Prior to a complete re-write of the PUD Guide we would like to talk through the goal of the staff here and make sure we are all in agreement on the appropriate structure of the narrative, the PUD Guide at this Zoning Plan level of review and the forthcoming annexation agreement. If there is similarly formatted PUD Guide that the staff would like to use as an example that would be helpful to review.

Staff Response 8/16: What you are calling the "PUD Guide" is really the PUD Development Plan. Staff recommends relabeling PUD Plan (PUD Guide) dated May 2017 to "PUD Development Plan for the Red Mountain Ranch Planned Unit Development" and address all Development Standards in 4.07 and the Standards and Requirements in §4.11.030 in the PUD Chapter.

[Applicant response 10/10/18:](#) A revised PUD Guide based on the PUD Zoning Plan application and as per our weekly discussions has been included in the revised application.

9. Revise "parcel" labels to be "planning areas" instead of "parcels" as to not confuse the zoning with subdivision or annexation plats.

Applicant's Response per letter dated 7/27: Point well taken, we will amend all reference to "parcels".

Staff Response 8/8: Great. Thank you.

[Applicant response 10/10/18:](#) This request is addressed in this revised application.

10. As per the April meeting with CDOT and final determination by the Town of May 14, 2018, an Access Master Plan is required with your resubmittal.

Applicant's Response per letter dated 7/27: Staff and applicant are currently working through the scope of services of the access plan and will coordinate on the schedule of the final product.

Staff Response 8/8: Great. Thank you.

[Applicant response 10/10/18:](#) As we have discussed, the Access Management Plan is in process and town staff has been engaged in the discussions. Meetings with CDOT and Town staff have been productive and the process is moving forward. We expect a draft will be available for review later this month. This document will be completed as the review process continues.

Annexation Agreement

Since the Town Board has accepted the resolution for annexation, please begin working with Staff to draft the Annexation Agreement. The agreement shall address required public improvements that are necessary to provide streets, water and sewer, storm drainage, crossings, public land dedication, public services and the like, as not to cause undue burden on

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

existing residents or the Town. For your convenience, an Annexation Agreement Template is attached to this Referral Response Summary Report.

Applicant's Response per letter dated 7/27: We are happy to begin working with the staff on the annexation agreement as you wish and agree that an understanding of the elements of the Annexation Agreement is important now. However, we would prefer to focus on working together on completing these requests for more information and moving the application review towards the Planning Commission public hearing process. The specific details of the Annexation Agreement may be better understood after the application has been through the Planning Commission process.

Staff Response 8/16: Thank you. Town Staff is committed to working with you on addressing the 'big picture' items and refinement of the PUD Zoning Plan and PUD Development Plan that will ultimately inform the parameters of the future Annexation Agreement.

Applicant response 10/10/18: After we initiate the review process for the PUD Zoning Plan the applicant and the Town staff will begin to work together on the Annexation Agreement.

Annexation Impact Report

1. The utility information is difficult to read on the concept plans that were provided with the Annexation Impact Report, which have been provided to fulfill C.R.S. 31-12-108.5. Please revise so that present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation are clearly shown, in addition to boundaries and land use patterns as required.

Applicant's Response per letter dated 7/27: We will add labels to a set of maps as requested for inclusion with the Annexation Impact Report.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: The Subdivision Sketch Plan maps include a general note on utilities that should address this comment for the staff Annexation Impact Report. There are no street, water mains, sewer interceptors and outfalls, other utility lines and ditches other than the overhead utility lines shown on the maps. There are no proposed street designs at this level of review. The PUD Zoning Plan indicates the proposed land use patterns.

2. Include a letter from the school district documenting the effect of annexation upon the school district and estimated school land dedication required. The Annexation Impact Report shall reflect the specific requirements of the school district.

Applicant's Response per letter dated 7/27: The TOE Municipal Code includes a formula for determining the school land dedication requirement. The applicant will provide those calculations to the Town of Eagle for inclusion in the Annexation Impact Report.

Staff Response 8/16: Thank you. As discussed on the August 14th conference call, we anticipate formal comments from the School District on the next referral (1st resubmittal).

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

[Applicant response 10/10/18](#): The revised application includes the school land dedication calculation based upon the maximum density.

3. Please note – Town Staff will need to complete a revised copy of the Annexation Impact Report at least 20 days prior to the Town Board hearing on the annexation. As such, it is imperative to address comments 1 and 2 above in your resubmittal.

Applicant's Response per letter dated 7/27: Duly noted, thank you.

PUD Zoning and Density

1. Provide a Planning Area Summary Chart that delineates the following per Planning Area:
 - Uses
 - Gross Acreage
 - Percentage of total site
 - Maximum FAR
 - Maximum DU per acre
 - Maximum DUs
 - Maximum site/lot coverage
 - Common open space
 - Private open space
 - Percentage active recreation open space
 -

Applicant's Response per letter dated 7/27: The applicant will create and add a chart to the application. Some of this level of detail exceeds the general level of detail of a PUD Zoning Plan and may be expressed as a potential range.

Staff Response 8/16: Agreed. The level of detail is required due to the complexity of the proposed PUD and needed for the decision-makers to fully evaluate the annexation request. With that being said, the proposal to include this data in range form is acceptable.

[Applicant response 10/10/18](#): The revised application includes a Planning Area Summary Chart with the requested information, with the exception of active recreation area. The PUD Zoning Plan level of review does not include this level of design detail. That will be detailed in the PUD Development Plan applications.

2. Every PUD shall be divided into one or more PUD zone districts with one more of the designations allotted in §4.11.030.B. Based on the written narrative you have provided, it appears that you desire the zone the entire 130-acre site to Residential PUD (R/PUD). Staff is concerned that some of the uses proposed throughout are not consistent with residential zoning and are more commercial in nature. Please evaluate the uses and explore the incorporation of Commercial PUD (C/PUD) zoning on Parcels 2 and 3, which are noted on the concept plan to be reserved for "The Farm" and a "Nature/Education Center" or provide justification for more residential-based PUD zoning. Whether or not C/PUD zoning is proposed, the floor area ratio for a commercial PUD should be consistent with PUD Code which limits commercial FAR to 1.7:1; and the maximum floor area shall not exceed 30,000 feet within commercial planning areas combined. Please provide density and dimensional standards for the commercial uses proposed within each planning

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area. FAR should be presented in the same fashion within the PUD (1.7:1) versus setting forth maximum square footages (See Comment #10 on page 4 regarding requested relief from minimum Code requirements).

Applicant's Response per letter dated 7/27: The PUD designations are an area of the land use regulations that are particularly awkward given the mixed use nature of certain areas of the proposed plan. However, the various planning areas may be easily enough designated with these PUD sub titles. In the commercial and educational/civic areas the intention is to limit the square footage to absolute maximums. Given the large size of the parcels and the strict limitation on square footage of the proposed uses the use of Floor Area Ratios may be confusing and misleading. Let's talk about whether FAR regulations are appropriate to the specific proposals.

Staff Response 8/16: We understand the uniqueness of your proposal; however, we'll need to match code maximums for commercial space however you decide to break the planning areas up. You could certainly add PUD sub titles as referenced and limit the square footage of commercial and educational/civic areas as well, but please also set forth maximum FAR's that match code requirements for PUD's. If you'd like to vary from code requirements, you may propose to do so how you see fit. Please specifically outline any requested variation and provide justification as noted in Comment 10.

[Applicant response 10/10/18:](#) The application has been revised to address this comment. Each Planning Area has been Designated with the town code PUD sub-titles. The PUD Guide has been revised to note each use and development standard that is a variation from the Town PUD standard. The PUD Guide has been written to further restrict the broad allowable uses of the Town PUD standard to provide for the most appropriate land uses for the property.

3. Please revise the Uses by Right and Special Uses throughout the PUD Guide to match the terminology of uses defined in §4.04 of Town Code. For example, utility service structures and buildings should be listed as "utility substation" per §4.04. R/PUD permitted uses shall be the same as those set forth for R, RR, RL RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible.

Applicant's Response per letter dated 7/27: The application will be revised to match the terminology of the land use regulations. About the second request, let's talk about how to best describe and limit the allowable uses.

Staff Response 8/16: Thank you for committing to matching the terminology of Code. We are certainly open to discussing permitted uses in more detail. Staff recommends that you revise the application to reflect all desired uses, and clearly identify how and why the request varies from the specific PUD district (whether it be designated as Residential or Commercial PUD). It will be up to the Planning Commission and Town Board to approve the uses as presented.

[Applicant response 10/10/18:](#) The PUD Guide has been revised to reflect the existing terminology of the municipal code to the degree possible. The uses that are not listed under the Town PUD standard are noted.

4. Some of the proposed uses do not match the designation of permitted or special use per §4.04, and some are not typical uses listed in Code. For example, restaurant and retail uses are considered special uses in typical residential zone districts, but they are proposed as permitted uses by right in your PUD; and greenhouses are proposed, but are not a typical use in Town Code nor have they been defined in the PUD Guide. As such, please re-evaluate the use list to match R, RR, RL RM, RMF and RH zone districts (or commercial CBD, CL or CG, if parcels 2 and 3 are revised to C/PUD per comment 2 above) or revise your written narrative to specifically identify which uses are unique to your

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development, ensure each use is clearly defined (either by Code or in the PUD Guide), and outline the request for deviations from Code narrative for consideration by the Planning Commission and Town Board.

Applicant's Response per letter dated 7/27: The proposed uses and mix of uses does not directly correlate to existing Town of Eagle zone districts. That is, of course, the purpose of the PUD designation. The application will be revised to more clearly state how these proposed uses may differ from the standard TOE zone district uses.

Staff Response 8/16: Perfect. As long as the application clearly states the variations from Code standards, the Planning Commission and Board can review at their discretion.

Applicant response 10/10/18: The PUD Guide has been revised to reflect the existing terminology of the municipal code to the degree possible. The uses that are not listed under the town PUD standard are noted.

5. Please remove the Use by Right listed as "Additional uses determined by the Town Planner to be similar in uses by right listed above" as this is inconsistent with the uses allotted for PUD's in §4.11.030.B.1. If you would like to keep a flexibility statement for uses, please revise to state, "Other uses which the Planning Commission and Town Board find to be compatible."

Applicant's Response per letter dated 7/27: The application will be revised as requested.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: The PUD Guide has been revised as requested.

6. Please delete references to function in the use listings (i.e., irrigation, ditches, and landscaping, temporary construction staging areas, landscaping improvements, day use parking, etc.).

Applicant's Response per letter dated 7/27: Let's discuss the use listings and revise as appropriate. The applicant agrees that many of these uses may not be necessary to list, however, some uses, such as temporary construction staging, may be appropriate to include.

Staff Response 8/16: Sounds good. While staff is open to further discussion, we advise that you take a stab at a revised application and include the uses that you believe to be appropriate. Just be sure to provide further explanation for those that may not be defined in the Code or that might typically be construed as a function.

Applicant response 10/10/18: The PUD Guide has been revised as requested to the degree the applicant believes is appropriate.

7. Dimensional standards need to be included in the PUD documents to address maximum du/ac, minimum lot area, minimum lot area per dwelling unit, minimum usable open space per dwelling unit, etc. Maximum site/lot coverage should be allotted for in each commercial and park/open space planning area, in addition to residential. The lot/site coverage as currently proposed appears to be lower than standard code requirements, and Staff is especially concerned for areas that allow a wide array of uses. For example, parcel 1 includes no maximum coverage or minimum lot area restrictions, but allows for single-family, two-family, and multi-family dwellings. It is essential for yards,

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landscaping, open space and buffers be allotted for each site. To allow flexibility, Staff recommends incorporating dimensional standards by use, rather than by planning area.

Applicant's Response per letter dated 7/27: May we please discuss the appropriateness and level of detail of these standards for inclusion at the PUD Zoning Plan level. The incorporation by use instead of by planning area may work well for this and we are interested in discussing that in more depth.

Staff Response 8/16: Agreed. Some dimensional standards are appropriate at review of PUD Zoning Plan in order to fully evaluate the densities and uses as proposed. At minimum, you'll need to show compliance with the PUD standards and requirements set forth in §4.11.030 and §4.07. By setting forth dimensional standards and limitations by use, rather than by planning area, this could control the different types of development should a planning area with multiple uses allowed develop more residential than commercial in nature than expected or vice versa.

Applicant response 10/10/18: The PUD Guide has been revised to include dimensional standards requirements and those that vary from the Town PUD standard are noted.

8. The future design standards should define the relationship of buildings to the street, paths, and other amenities. This must be adequately addressed considering the PUD is proposed to serve as the zone district regulations for the PUD and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code. Staff is concerned about the reliance on a design review board, as it can become cumbersome and difficult for the Town to regulate/implement. Instead, the incorporation of more detailed design standards within the PUD Guide is required to ensure review, implementation and regulation by the Town. Additionally, design standards shall be reviewed prior to the Development Plan phase, to ensure uniformity throughout the overall development, instead of a parcel-by-parcel basis. If creating a design review board is still desired, please provide justification for creating the design review board and include a description of their role in the development review process, staffing and funding.

Applicant's Response per letter dated 7/27: Let's discuss the level of design standards that would be appropriate to the PUD Zoning Plan.

Staff Response 8/16: Agreed. At minimum, you'll need to show compliance with the PUD standards and requirements set forth in §4.11.030 and §4.07. These standards can be broader than what would be expected at Development Plan/Development Permit level but should be comprehensive and address the overall vision for the entire development to understand how the different uses can coexist and retain compatibility while creating a unified image throughout.

Applicant response 10/10/18: The revised application addresses the standards of Section 4.11.030 and 4.07. The applicant believes that the establishment of individual Planning Area Design Guidelines and Design Review Boards as a part of the Development Plan application is appropriate.

9. Since multi-family, two-family, and single-family dwellings are proposed in multiple planning areas, consider setting forth maximum densities for each with provisions for a 10% density transfer within/between the planning areas to allow for flexibility in addressing market conditions. There is a concern that there are limited design standards to address the different characteristics of the differing residential land uses and densities. For example, the entire planning area could develop as a single-family residential development on any size lot – there are no minimum lot area requirements delineated. Per §4.05.010.A.3.a, multiple-family dwellings are allowed at a maximum density of one dwelling unit per

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2,000 square feet of lot area provided that in addition to all other applicable standards and requirements, the lot area shall include a minimum of 300 square feet of useable open space as defined in this Title, per dwelling unit. If multifamily, two-family and single-family dwelling are allowed by right, there needs to be design and dimensional standards (minimum lot area requirements, lot frontage, percentage of usable open space per dwelling unit, etc.) set forth for each use accordingly.

Applicant's Response per letter dated 7/27: Again, let's discuss the level of detail and how to structure that detail in the PUD Guide that would be appropriate to the PUD Zoning Plan.

Staff Response 8/16: Agreed. See comment response under Comment 7 above.

[Applicant response 10/10/18:](#) The application details maximum densities for each Planning Area and details how density may be shifted between Planning Areas.

10. When relief from minimum Code requirements are requested (i.e., uses, parking, park and school land dedication, water rights, tap fees, lighting, building heights, etc.), provide justification/evidence that the requested 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 purpose of §4.11 (see §4.11.010).

Applicant's Response per letter dated 7/27: The applicant will review the application for any areas where this issue may occur and make sure there is an adequate discussion of the variations.

Staff Response 8/8: Thank you. Just remember that the intent of PUDs is to allow innovative design and promote a higher quality living environment. Please explain how this development is unique and will provide benefit to our community over strict application of the regulation varied from. At this point, the vision is a little unclear.

[Applicant response 10/10/18:](#) The PUD Guide has been revised to identify variations from the Town PUD standards for uses and development standards. There are no proposed variations in the PUD Zoning Plan from the parking, water rights, tap fees, lighting. The open space dedication requirements have been described in detail.

Open Space

1. Please delineate slopes of open space areas to meet the requirement for seventy-five percent (75%) of common open space shall have a slope of 10 percent (10%) or less and shall lend itself to utilization for recreational purposes. [This has been delineated on a series of maps included in the appendix. The application meets this standard.](#)
2. At least one-half (1/2) of said common open space shall be developed for active recreation which may include play fields, tennis courts, picnic sites, and similar recreation sites. Please provide detailed area calculations to show how this criteria is being satisfied. [The application includes detailed calculations on the open space requirements. The application does not meet the standard of proposing 9.75 acres of active recreation with a slope of 10 percent \(10%\) or less.](#)
3. Provide standards for trails (i.e., trail width, materials, construction, etc.). [The Discovery soft surface trail is proposed as a 12-foot easement with a 6 foot wide crusher fines path surface.](#)

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4. Please revise the PUD Guide to state that the open space areas are zoned for open space. The dedication of an open space easement can be dedicated at time of platting. [Planning Area 3 is proposed as a Commercial PUD and Planning Area 5B, the town park, is designated as a Public PUD to meet the categories of the municipal code as requested by town staff. PUD Development Plans and the companion subdivision process will define exact boundaries of open space parcels for dedication of land and/or easements.](#)
5. Provide a Municipal Land Dedication Table and Map. The table shall delineate the planning area, acreage, percentage of site, use, party/organization that would be accepting the dedication (i.e., BLM, Walking Mountain, Town, etc.). The map shall depict all of the land dedication within the project area. [The open space areas that are proposed for dedication to the Town of Eagle are the 1.2 acre town park and all of the land south of the river in Planning Area 1 and the entirety of Planning Area 5B. Planning Area 3 is proposed for dedication to a non-profit educational/cultural facility such as Walking Mountain Science School. These areas are depicted on the PUD Zoning Plan map set and described in the project narrative.](#)
6. Once all open space comments above are addressed, we will be in a better position to discuss the municipal land dedication provisions to be set forth in the PUD Guide.

Applicant's Response per letter dated 7/27: The description of the PUD Zoning Plan process in Section 4.11.04 does not seem to support the development of this level of development detail. However, the PUD Zoning Plan may identify large areas of open space and delineate development areas from open space or buffer zones. More discussion of these areas and the addition of specific open space/recreation requirements and trail standards may be incorporated into the PUD Zoning Plan. The applicant will provide open space area calculations and provide a list of land dedications as proposed. As we continue to work with staff to accommodate ideas and concepts regarding the proposed uses on Planning Area 4 and 5b some of these issues remain undetermined.

Staff Response 8/16: Thank you for the robust discussions on open space and municipal land dedication on the August 14th conference call. Once your team has solidified the specific open space and recreational amenities proposed, we'll be in a better position to provide input on the best way to present the information so it can be reviewed most efficiently. It is our understanding that the owners will not be including permanent camping within the project. Staff requests that formal notification be provided in the resubmittal that permanent camping will not be included in the project.

[Applicant response 10/10/18:](#) The application has been revised to address the open space requirements and dedications as we have been discussing in our weekly conferences.

PUD Perimeter

Please provide perimeter landscape standards within the PUD Guide. The Town would like to see landscape standards that require native plantings and efficient landscaping with specific limitations on installation of sod.

Applicant's Response per letter dated 7/27: The PUD Perimeter (4.11.030 F) requirement will be addresses in the narrative and on the plan set. Much of the PUD perimeter is defined by the river corridor and no formal landscape improvements would be appropriate. The applicant agrees that a native palette and limitation of sod would be appropriate along the highway perimeter.

Staff Response 8/16: Thank you.

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[Applicant response 10/10/18](#): The PUD perimeter standard has been addressed as appropriate in the revised application. Specific landscape design details will be a part of the PUD Development process.

Street Standards

Please provide street standards within the PUD Guide.

Applicant's Response per letter dated 7/27: The application will be revised to add street standards.

Staff Response 8/16: Thank you. As noted above, the PUD Guide should be relabeled to PUD Development Plan.

[Applicant response 10/10/18](#): As we have discussed, street standards have not been addressed at this level of PUD Zoning Plan review. Street standards will be included as a part of the PUD Development Permit applications.

Maintenance & Commonly Owned Land

Please provide the draft HOA covenant with your resubmittal, which clearly defines proposed ownership and maintenance of common land, and details of the design review board composition.

Applicant's Response per letter dated 7/27: Draft HOA covenants seem more appropriate to the PUD Development Plan level of review.

Staff Response 8/16: §4.11.030 – Standards and Requirements apply to all PUDs. §4.11.030(D)(1) Maintenance of Open Space #1 states that “an organization shall be established, subject to the approval of the Town Attorney, which is responsible for ownership, permanent care, and maintenance of open spaces and recreational areas and facilities.”

[Applicant response 10/10/18](#): The PUD Zoning Plan commits that appropriate organizations will be created to provide maintenance of common open space in conformance with this standard.

Phasing

Please revise the phasing schedule within the PUD Guide to show when each stage of the project will be started and completed, on and off-site improvements constructed, and the required open space and recreational areas are installed. The planning area boundaries should match the phasing plan. As a reminder, 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 the Code at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase of the development is consistent with the Town's goals and policies.

Applicant's Response per letter dated 7/27: The phasing plan will include a general sequence of development and include some restrictions on when certain planning areas may move into PUD Development Plan. Specific dates on both initiation and completion of phases will be market driven. The PUD Development Plan, when submitted, will be the document that is structured to ensure that open space and recreation dedications are made and improvements are installed concurrently with residential or commercial uses.

Staff Response 8/16: It sounds like the reference to PUD Development Plan here is actually the Major Development Plan application that does indeed come later in the development review process (at time of Development Permit). The PUD

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Standards and Requirements specifically require phasing to be addressed with PUD review. Please refer to §4.11.030(H) that reads:

“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 this chapter 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.”

[Applicant response 10/10/18](#): The application discusses the timing of certain land dedications as a part of the overall phasing plan. Section 3.13 describes the phasing and Section 3.14 describes the proposed land dedication timing.

Parking and Loading

Deferring to Town of Eagle parking standards for uses proposed within the PUD is supported. Please note that the current proposal does not indicate any parking on the concept plan in relation to park/open space uses; however, the written narrative eludes that some parking will be provided. Please clarify intended parking requirements for all uses on the concept plan.

Applicant's Response per letter dated 7/27: The PUD Zoning Plan may be amended to reflect a plan for public park parking. However, specific details and designs will be a part of each appropriate PUD Development Plan.

Staff Response 8/16: Whatever parking is proposed, please note that Town Staff will review the proposal pursuant to §4.07.140. - Parking standards.

[Applicant response 10/10/18](#): Duly noted.

Local Employee Residence Program

1. Please address the Local Employee Housing Residency Requirements in more detail in the PUD Guide. While you have noted in your narrative that the 10% requirement will be met, Staff is still unsure of how and where the housing will be located based on the materials provided, except that 6 of the 16 required affordable housing units will be designated on parcel 3. Per §4.04.120.E.3, Local Employee Residences shall be distributed throughout the proposed development, to the extent possible. Please provide justification/evidence on why this would not be possible.
2. Per §4.04.120.F, please submit a Local Employee Residency Plan. The Plan shall contain sufficient information to allow the Town to determine the Plan's compliance with Chapter 4.04 and the Town's Local Employee Residency Requirements and Guidelines (see §4.04.120). The local Employee Residency Plan shall include, but shall not be limited to, the information specifically required by the Town's Local Employee Residency Requirements and Guidelines (i.e., number of local employee residences provided, mix of units, location and character of local employee residences, schedule for construction of local employee residences and deed restrictions).

Applicant's Response per letter dated 7/27: The PUD Zoning Plan narrative describes the applicant's intent to meet the requirements of the LERP program. The PUD Development Plan is the appropriate level of detail for further review of these requirements.

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Staff Response 8/16: Town staff is very supportive of land dedication approach to fulfilling LERP requirements and likes the proposed site location above City Market. We are looking forward to reviewing the final proposal in the revised submittal materials.

Applicant response 10/10/18: The revised application addresses the LERP proposal in both the narrative and the PUD Guide.

Eagle Area Community Plan

Please revise all plans and provide a point-by-point response on how the comments from the Eagle County Planning Commission have been or will be addressed throughout all required planning documents. (See attached Eagle County Planning Commission Memorandum).

Applicant's Response per letter dated 7/27: Section 5 of the application will be revised to specifically reference the appropriate comments of the Eagle County Planning Commission.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: Section 6 (formerly 5) of the application address the conformance of the application with the Eagle Area Community Plan. The application narrative and the PUD Zoning maps post date the writing of that memo dated December 1, 2017 and the many details of the project have been revised in an attempt to comprehensively address the Eagle County comments.

EXHIBIT Y:
Town of Eagle Referral
Response Summary Report
dated November 19, 2018
(ATTACHED)

TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: November 19, 2018

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

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

REFERRAL COMMENTS SECTION

Community Development

Stephanie Stevens, Town Planning Consultant

stephanie@mccooldevelopment.com

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

Technical

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

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

PUD Zoning and Density

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

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

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

Open Space

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

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

Utilities

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

Street Standards

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

Local Employee Residence Program

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

School Land Dedication

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

Subdivision

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

Fiscal Impacts

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

Water Rights

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

Access Management Plan

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

Open Space

John Staight

john.staight@townofeagle.org

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

Engineering/Public Works

Jerad Parker

jerad@townofeagle.org

Deron Dirksen

deron@townofeagle.org

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

OVERALL

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

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

WATER

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

WASTEWATER

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

EAGLE RIVER / STORM WATER / RIPARIAN

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

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

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

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

ROADS

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

Water Engineering

Michael Erion, Water Engineer

merion@resource-eng.com

Mary Elizabeth Geiger, Water Attorney

megeiger@garfieldhecht.com

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

ECO Transit and Trails

Jared Barnes

jared.barnes@eaglecounty.us

ECO Transit and ECO Trails have no further comments.

Colorado Geological Survey

Kevin McCoy, Engineering Geologist

kemccoy@mines.edu

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

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

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

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

Colorado Parks and Wildlife

Perry Will

Memo attached.

Next Steps

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

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

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

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



COLORADO

Parks and Wildlife

Department of Natural Resources

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

October 30, 2018

Town of Eagle

Morgan Landers, Town Planner

Colorado Parks and Wildlife (CPW)

Perry Will, Area Manager

Red Mountain Ranch PUD Zoning Map and Subdivision Sketch Plan

Ms. Landers,

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

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

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



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

Sincerely,

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

Perry Will

Area Manager

EXHIBIT Z:
Planning and Zoning
Commission Minutes dated
February 19, 2019 – Zoning
and Site-Specific Development
Plan, and Community Plan
Exception
(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 ERCPC designates the property as Cluster Residential.

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

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

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

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

STAFF REPORT AND PERSENTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q & A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

DELIBERATION

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

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

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

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

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

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

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

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

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

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

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

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

Richards seconded. All voted in favor.

S18-02 Red Mountain Ranch Subdivision Sketch Plan (Request for continuance to March 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.

3/5/2019

Date



Jason Cowles – Planning and Zoning Commission Chair

3.5.19

Date



Dawn Koenig- Admin Technician

**EXHIBIT AA:
Planning and Zoning
Commission Minutes dated
March 5, 2019 – Subdivision
Sketch Plan
(ATTACHED)**



**Planning and Zoning Commission
Meeting Minutes
March 5th, 2019**

PRESENT

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

STAFF

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

ABSENT

Charlie Perkins
Bill Nutkins

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 was called to order by Jason Cowles at 6:31p.m.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the February 19th, 2019 meeting. Commissioner McFall seconded. All others present voted in favor. The motion passed.

PUBLIC COMMENT

Annie Eagan of 215 Howard Street said she has been talking to members of the community about her concerns with exponential increase in traffic that would result from all of the development projects that have been recently approved or are in the approval process. She said that people are very concerned that too much development is going to be approved and that traffic is going to greatly impact quality of life for those who live in Eagle. She said that she has been told that there has been a new traffic study that is currently being reviewed by the town. Eagan requested that the Planning Commission and Town Board refrain from approving anymore new development projects until town engineering staff has a chance to review the traffic study so that new approved developments can be done with knowledge of traffic impacts.

She indicated that there are about 2,100 units in Eagle alone that are in the development review stage or in the process of being built and several more in Gypsum which will impact Hwy 6. She said that all of this new development will put strains on the existing roads and roundabouts. She said that the people she has been talking to are freaked out and concerned about the resulting impacts of all the new development.

LAND USE FILES

S18-01 Haymeadow Subdivision Filing 1(Request for continuance until March 19th)

Cowles opened file S18-01 a 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. He noted that staff has requested a continuance of this file and asked Landers to update the Commission on the request. Landers said that when the initial public notice for the hearing this evening was sent at a staff did not realize mineral rights notifications have a longer notification requirement than standard land use notifications. She said the regular notification requirement is 15 days and the mineral rights notification requirement is 30 days. She said the request to continue the hearing is a result of this longer public notification time frame. She said at the hearing on March 19th, the applicants will be present, a staff report, and other supplemental materials will be presented as well.

Cowles noted that there were several members of the public present at the hearing whom he presumed were there to offer public comment on this file.

Landers offered to give a quick overview of the files that are going to be heard by both the TBOT and the Planning Commission in the coming weeks related to the Haymeadow project. She also offered to provide her contact information and additional information on the files after the hearing. Landers also said that she is happy to meet with people one-on-one as well if requested.

Landers said that there are two items related to Haymeadow being brought before the Town. There is a file related to their annexation agreement being heard by the TBOT on the 12th; a request for an extension of the construction start date, she said. Landers said that the Planning Commission will hear the subdivision file on March 19th and the TBOT will hear it on April 9th.

DELIBERATION

Hoiland made a motion to continue file S18-01 to the hearing on March 19th. McFall seconded. All voted in favor.

S18-02 Red Mountain Ranch Subdivision Sketch Plan

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

STAFF REPORT AND PERSENTATIONS

Landers presented an overview of the file including the applicant, location, zoning, and current use. She presented a summary of the project and presented slides on each of the parcels and the respective boundaries.

Landers presented the standards for approval for a subdivision sketch plan. She stated that in general, the plan needs to be in conformance with the Towns goals policies and plans.

Landers said that the Eagle Area Community Plan (EACP), Eagle River Corridor Plan (ERCP), and the Town of Eagle Strategic Plan were taken into consideration to assess whether the proposed Subdivision

Sketch Plan conforms to the town's goals policies and procedures. 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 a re-cap of conditions of approval for the PUD that the commission approved at their last meeting.

She stated that staff recommends approval of file S18-02 with the following condition:

1. If file PUD18-01 Red Mountain Ranch PUD is not approved, the sketch plan will become void.

Q & A

Hood asked if the TBOT approves the PUD with different conditions, will the sketch plan need to be approved again. Landers said no, the sketch plan just needs to be in conformance with the PUD requirements.

McFall asked if the conditions of approval for the PUD would need to be repeated with the approval of the sketch plan. Landers said that it is not necessary.

Cowles asked what the next steps will be. Landers said that the next step would be the subdivision and final plat for the seven planning areas followed by development permits for Planning Areas One and Two.

PUBLIC COMMENT

Annie Egan asked for clarification on the next steps. Landers said that the Planning Commission made a recommendation of approval for the PUD at their last meeting. She said the TBOT will hear the file at the meeting on March 26th.

DELIBERATION

Hood made a motion to approve file S18-02 with the following staff recommended condition:

1. If file PUD18-01 Red Mountain Ranch PUD is not approved, the sketch plan will become void.

Richards seconded. All voted in favor.

TOWN BOARD OF TRUSTEE UPDATE

Landers said that file PUD18-02 for the Reserve at Hockett Gulch will be heard by the TBOT on Tuesday, March 12th. She reported that the results of the Home Rule survey were presented at their last meeting. Landers said that Eric Johnson was sworn in as the new Municipal Court Judge.

OPEN DISCUSSION

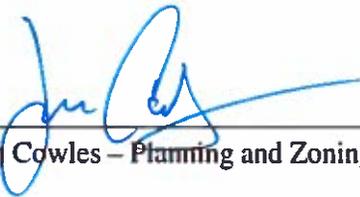
Gregg said he saw RFP for pool and ice rink expansion. He asked Landers to provide details. She said that the Town is partnering with Mountain Recreation to do a master plan for the pool and ice rink facility including the Haymeadow dedication area. Landers said that Assistant Town Manager Bill Shrum is heading up this project for the town and that he could provide further details.

Hood asked for details about the traffic study that was mentioned by Anne Eagan. Landers said that the town collected a series of traffic counts at about seven or eight locations throughout town. She said the Town Engineering Staff is currently reviewing a report from a 3rd party traffic engineering firm they are working with. Landers said that the results of this traffic study will help inform the Comp Plan.

ADJOURN

Commissioner McFall made a motion to adjourn and Commissioner Gregg seconded. All voted in favor. The meeting adjourned at 7:05PM.

3/19/17
Date



Jason Cowles – Planning and Zoning Commission Chair

3.19.19
Date



Dawn Koenig- Admin Technician