

Questions & concerns to address from 3/2/21-Planning and Zoning Zoom meeting regarding proposed land swap amendment: (A compilation from Soleil residents)

Regarding Code:

- 1) Regarding the 'Issues for Discussion' listed in the staff report and certificate of recommendation, please document the answers from the developer and/or staff that sufficiently answer these questions and provide to public with enough time to review and provide further comment on 4/6/21.

Planning Staff Comment - This will be addressed in the April 6th staff report, which will be made available to the public and P&Z on Friday, April 2nd.

- 2) Under Section 4.11.050.A.2., developer is noncompliant. 33 of the 34 households of Soleil and other neighbors have expressed their opposition to and pointed out the non-compliance. This non-compliance is not remedied by the landscape suggestions of the developer. Does P&Z concur with this noncompliance? If not, why? If so, why is this proposed amendment still being considered?

Planning Staff Comment - This will be discussed by P&Z on April 6th. They cannot answer this question outside of a Public Hearing. The Amendment is being considered because it is an active application. Staff is required to process all complete applications and present the information during a public hearing.

Applicant Comment - By our count of the petition sheets that are a part of the current public record there are far fewer than 33 Soleil households expressing opposition. The school and multi-family uses are already anticipated within the PUD. Residential use adjacent to other residential use is commonly accepted as compatible and the application commits to a 300-foot building setback with a landscaped berm to provide a significant visual buffer. Multi-family use adjacent to single family use is also commonly accepted as compatible. In fact, the Soleil PUD was amended in 2017 to change six single family lots adjacent to Haymeadow (and other single-family homes within Soleil) into four duplex lots (eight units). Soleil is also already adjacent to multi-family

development (Brush Creek Village Townhomes) and single-family homes in Eagle Ranch are adjacent to multi-family condo developments (Founders and West Village).

- 3) After hearing developer rep-Rick state that a new water supply would need to be installed at large expense, we disagree with the statement summary by staff that the developer proposal to move housing does not confer a special benefit per Section 4.11.050(3).

Applicant Comment - Section 4.11.050(3) states that the amendment is not granted solely to confer a special benefit upon any person. Abrika agrees that it, and the community will benefit from the swap.

- 4) Staff expressly stated that ALL 6 conditions for amendment need to be met. Developer does not meet ALL 6 conditions. Does the Town agree? If the Town feels differently please clarify?

Planning Staff Comment - All six conditions are evaluated in the March 2nd staff report and will be updated in the April 6th staff report based on the additional information provided by the applicant. We do not know if the Town decision makers agree yet or not, this is part of the public hearing process.

- 5) In using a piece of the 2010 EACP, developer states quote, "we are reminded of the town's desire to cluster density nearer the town core and to maintain the "country lane feel". However, staff report states the inconsistencies with that statement under condition 1 for Section 4.11.050.A.1-6--"except that clustering is primarily encouraged in and around established commercial centers. With a swap, the 'country lane feel' is lost and doesn't follow the clustering plan. Does the Town agree with this statement? Does the Town also agree that this disqualifies the proposed amendment due to not meeting these conditions and Codes?

Planning Staff Comment - The "country lane feel" referenced in the Plan is along Brush Creek Road. The Haymeadow development is setback significantly from Brush Creek Road. The March 2nd staff report addresses compliance with the 2010 Plan and the original PUD application was found to be in compliance with this plan.

- 6) Town of Eagle Planning Code 4.07.100A.3 states "Ensure that proposed developments and subdivisions promote a healthful and convenient distribution of population, the wise and efficient expenditure of public funds, including the funds of other governmental entities, as well as the adequate provision of essential public services, facilities and

requirements, including schools; and" Could the Town Staff please state how they PUD amendment is promoting a healthful and convenient distribution of population? The compact nature of the now proposed multi-family units into the 1st phase is not distributing population. The original PUD document which shows a spread of multi-family units in the different phases is a much better and healthful distribution of population.

Planning Staff Comment - This is discussed in the March 2nd staff report. Staff and the applicant have provided general responses for various development impacts, these will be much more thoroughly studied, only if the application is approved and a development permit application is submitted.

Town of Eagle Planning Code 4.07.100A.4 states, "Provide procedures for local review and evaluation of the environmental and social-economic effects of proposed development projects and subdivisions, including essential public and private services and facilities, prior to granting major development permits or subdivision approvals; and" The Developer PUD amendment has not even mentioned the effects of wildlife other than for the cabin part of the project. The original PUD document had a study on wildlife impacts which is now outdated, are they going to provide an update to reflect current conditions? Has there been a study to see how the wildlife would be affected by clustering all the multi-family housing together and how the added noise, lighting and pollution would affect them? This PUD amendment could also have serious effects on the Haymaker Trail, the sudden influx of population as opposed to the gradual increase could seriously damage the local trails.

Planning Staff Comment - The process discussed in the code here, relates to Development Permits and Subdivisions. Staff and the applicant have provided general responses for various development impacts, these will be much more thoroughly studied, only if the application is approved and a development permit application is submitted.

Applicant Comment - The Division of Wildlife provided referral comments and did not mention these concerns.

- 7) Could the Town Staff please provide feedback on how exactly the proposed amendment is in compliance with the 2010 Eagle Area plan points 2.2A thru F?

Planning Staff Comment - An evaluation of the 2010 Plan was provided in the March 2nd staff report, but 2.2A thru F are commented on below.

2.2.A. Promote the development of compact neighborhoods in close proximity to public transit options and established neighborhood retail centers.

Planning Staff Comment - There may be a public transit stop at Mountain Recreation in the future, as shown in the master plan. This would then place a more compact development in close proximity to a transit stop. There is no established retail center close to the [Haymeadow development](#).

2.2.B. As determined appropriate, work to Increase residential and commercial densities in established neighborhood retail center areas.

Staff Comment - This is an action item and does not apply to the application.

2.2.C. Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.

Staff Comment - This is an action item and does not apply to the application.

2.2.D. Identify specific redevelopment and infill opportunities on vacant or under-utilized lots in otherwise built-up areas through future sub-area planning efforts. Ensure that infill and redevelopment areas contain sufficient land for community facilities, recreation and government services as appropriate.

Staff Comment - Does not apply to this application.

2.2.E. Utilize Incentives Including public private partnerships, density bonuses and modification of development requirements to encourage Infill and redevelopment.

Staff Comment - Does not apply to this application.

2.2.F. Ensure residential Infill and redevelopment outcomes blend appropriately with the character and scale of surrounding neighborhoods.

Staff Comment - This doesn't truly apply to this application, as this is a PUD, not infill or redevelopment. But the evaluation of appropriate blending of character and scale will be evaluated both during Development Permits for each neighborhood and when Design Guidelines are submitted (also through the development permit process).

- 8) The 2010 and 2020 reports indicate that this development is zoned for single family housing and medium density housing - this proposed swap will be high density housing. Why after all the money spent on these reports, community input, council input is this zoning being ignored and the Town Staff allowing for the developer to re-zone it as they see fit?

Planning Staff Comment - The 2020 Comprehensive Plan is not applicable to this application. A PUD is its own zone district and is governed by the PUD guide and guided by the 2010 Plan. Haymeadow was already shown to conform with the 2010 Plan.

Applicant Comment - The Haymeadow PUD as already approved allows for up to 15 units per acre. The application proposes to place 112 units on 14 acres, or 8 units per acre, compared to 6.2 units per acre in Soleil.

- 9) For those P&Z members who may be thinking about voting for approval of the land swap, I would like to hear from each of them why they think this DOES NOT substantially adversely affect neighbors and why they think Town of Eagle Code Section 4.11.050 item #2 does not apply.

Planning Staff Comment - This is what will be discussed at the April 6th Public Hearing. We really have not heard from P&Z yet as we did not get to that portion of the hearing on March 2nd.

- 10) The concern for using only the 2010 EACP for compliance doesn't follow what has been asked of the developer in other areas. ie: developer required to submit a Joint Excavation Plan to comply with the Town's recently approved Joint Excavation Ordinance. Will the Town require compliance with 2010 EACP and recently passed 2020 Comprehensive Plans moving forward? If not, why? This development has been multiple years in the making and should comply with current standards moving forward, especially when proposed amendments are submitted. Does the P/Z agree? Stating that their application was submitted at an earlier date doesn't coincide with today's changes and focus for our Town.

Planning Staff Comment - The policies and regulations used to evaluate an application are only those in place at the time that an application is deemed complete.

- 11) The need for more housing has blinded those making decisions and taken a back seat to following standards currently in place. Per 2) of 4.11.050-Soleil, surrounding neighbors, and Town facilities will be affected “in a substantially adverse manner either the enjoyment of land abutting upon(Mountain Rec), adjoining or across a street from the PUD(Soleil) or public interest and 4) “does confer a special benefit to any person”-to both ECSD and developer. Staff, please state how you feel the developer and the ECSD with the developer incentives are not conferring special benefit?

Planning Staff Comment - This is discussed in the March 2nd staff report.

Applicant Comment - Abrika believes this is an opinion and is to be determined through the public process.

Regarding Staff:

- 12) Address through the Town’s atty, the developer proposal to offer 5 units to ECSD, that doesn’t allow others in need of housing that same opportunity. How can the developer legally limit this housing to ECSD employees only when ECSD will not own these units?

Planning Staff Comment - This is a private agreement between the Developer and ECSD for 5 additional units. These units would be provided separately from the LERP (Local Employee Residency Program).

Applicant Comment - Just as Abrika can reserve units for local residents under the LERP plan, Abrika can also reserve units for ECSD employees separately.

- 13) It appeared on Zoom many Planning and Zoning members had their minds made up to approve a swap. Why, and how did they come to that conclusion when not all information has been presented, and especially knowing such an overwhelming majority are opposed to this swap?

Planning Staff Comment - P&Z did not provide any deliberation or opinion on outcome on March 2nd. They did ask questions of the applicant and staff and they took Public Comment, that was all.

Applicant Comment - Question directed at P&Z, this was not our perception.

- 14) After reading the recently published information packet, it appeared the Town P/Z had all but rubber-stamped this swap. Does the Town P/Z feel differently now based on the 3/2/21 meeting? If so, why? If not, why not? This appears to be no different than the ECSB meeting vote in favor of the reallocation of the currently approved site to the proposed site, without any discussion. Following the leader of a meeting stating he was in favor and all others following suit without discussion, doesn't sit well at all. The decision should be a joint all-inclusive decision by elected or appointed officials taking the lead from those who they represent. In this case, it didn't seem like that at all. Instead, the developer is providing incentives to entice a swap and our representatives seem to be going along to get along. State otherwise to convince me this isn't happening.

Planning Staff Comment - The application will be evaluated based on the Code standards and conformance with the 2010 Plan. P&Z will discuss public comment and the staff report on April 6th and make a recommendation to Council, Council will then make the decision on this application.

Applicant Comment - Question directed at P&Z, this was not our perception.

- 15) Within their report to the P/Z Commission Town Staff stated that if this development were to stay as-is then the School parcel will need to be irrigated until it is developed? Why does this need to be irrigated? Could the Town please highlight other instances of undeveloped land in Eagle which needs irrigating? Also, who will be responsible for irrigating the 2+ acres which will form the buffer zone between the multi-family housing and the Soleil development? This will require permanent irrigation which will be a significant cost and amount of water.

Planning Staff Comment - It was part of the Annexation and Development Agreement that the Developer would need to Irrigate this portion of the property until ECSD was ready to develop and build a school. Should the request be approved, the Developer and then the

HOA would be responsible for irrigating/maintaining the 2+ acre buffer area between Soleil and the proposed multi-family housing.

Applicant Comment - Irrigating this field until development is required by the Approved Annexation and Development Agreement. The buffer zone will be irrigated by Haymeadow using our non-potable irrigation system at no cost to the Town or Soleil. A school site would have significantly more permanently irrigated space.

- 16) Can Town Staff please explain why they think it is acceptable to swap a more valuable piece of land with infrastructure in place for a less valuable piece of land with no infrastructure in place? If the Town wants to make the argument that the swapped land will eventually have infrastructure, then please explain how they are planning on ensuring the Developer does not walk away from building on any parcels after Phase 1? This seems at the moment like a financial burden and risk for the Town of Eagle and their residents in the swapping the land and basically taking the Developer on their word that they will not declare bankruptcy and walk away?

Planning Staff Comment - Staff outlined the criteria for PUD amendments, the standards in the regulations do not deal with this topic. A subdivision improvement agreement will be required to complete Infrastructure for all land within the Haymeadow PUD, including the proposed school site.

Applicant Comment - Abrika has committed to ECSD & TOE to install the necessary infrastructure to the new school site when notified by ECSD of their intent to develop the site. The development is debt-free; therefore, bankruptcy is by definition impossible.

- 17) The Town has recently requested proposals for consulting services from planning firms to assist in updating Land Use and Development Code. The RFP expresses issues that include the Town admitting to many flaws and contradictions within the Code, that the development process is onerous, outdated, and confusing and puts the Town at risk. How can the Town in good faith, approve such a significant proposed PUD amendment based on these issues? If the Town is still considering this proposed amendment, that would be disconcerting. However, if so, please wait until this RFP is awarded and in place to create less chance of the issues mentioned or potential legal ramifications that may follow.

Planning Staff Comment - Council has not placed a moratorium on development, therefore staff must process all complete applications.

Developer Concerns:

- 18) The developer provided the Soleil residents a day and ½ notice for a meeting to discuss something that has lasting effect on us and surrounding residents of Eagle. In that meeting, he avoided our concerns and didn't answer the tough questions. Is this the way we want to allow an out of state developer to operate and change our Town? The developer has shown other mismanagements as well. For such a huge development that will change the landscape of Eagle forever, is the Town the least bit concerned with this latest ploy of the developer to attempt a swap simply for his financial benefit?

Planning Staff Comment - Previous Community Development staff had asked the developer to meet with Soleil as a way to present their Ideas to their nearest neighbor, but there was no regulation or requirement that they do so. Developers are not required to provide any type of notice outside of the Town's land use application process. As seen in the staff report, staff focuses on plans and policies to evaluate an application.

Applicant Comment - Abrika personally handed out information sheets regarding the proposal in July of 2020. Brandon offered to discuss the proposal with anyone at any time and provided his email address for doing so. In July, Abrika discussed scheduling a meeting with Soleil to present our plan but asked the HOA to wait until we had a complete site plan with renderings so that the meeting could be most productive. Abrika offered to delay submission of its application with the TOE until that meeting took place. The owner and development team took questions until there were no other questions at this meeting. Please provide any questions that were asked that you felt were not answered and we would be happy to answer them.

- 19) The developer is trying to stall the inevitable, spending more money. His underestimating the costs for the buildout and other requirements such as more water to the area, should not be dumped on the Town or surrounding neighbors in the form of proposed amendments to help him. Keep the approved plans in place! Stop the swap and have them

start building what the Town needs-more housing, as approved. No changes in school location for them to make more money and cause a snowball-effect of issues!

Applicant Comment - We agree that the Town needs more housing.

- 20) Developer clarification as to why they have not started building any of the lower income housing in A1, A, B, or C if their first priority is to supply the Town the needed supply of workforce housing as soon as possible? Instead, they have created more waste of time and resources with a proposed amendment that clearly is for financial benefit.

Applicant Comment - Our Annexation and Development Agreement and infrastructure plan requires us to start from A1 and work our way out towards the back of the property. We have not begun work on vertical construction in A1 because this swap would change and enhance the design of the currently improved multi-family tracts.

- 21) The developer is the one not allowing the necessary workforce housing needed to be built. Instead, he is stalling to attempt a tweak of the currently approved plans to make more money for himself. The Town could stop this by denying this proposal and having developer comply with the current approval. Has the Town put mandates on the developer for completion of each neighborhood section within a certain timeframe? If not, why? Are there any time completion commitments in place at all? If not, why?

Planning Staff Comment - The Annexation and Development Agreement is a public document. The ADA will be added to the Active Land Use Files page if anyone would like to review it. There are a significant number of triggers that the Developer is required to meet, but no set timeframes.

Applicant Comment - There are no requirements to complete neighborhoods by any certain timeframe. No developer would or could commit to a specific timeframe on a project of this scale.

- 22) By the Developer's own admission, they are far off with the plans and actually moving forward with any physical building. By the time any structures are built probably the earliest being in 2 years this is not going to be solving any housing crisis as there are multi other developments already moving forward which are solving this issue.

Applicant Comment - Abrika has never made these comments being attributed to us. We have design drawings in place for the architecture

and would begin vertical construction no later than the Spring of 2022 following approval of the swap. While we wish the housing crisis would simply go away in two years, it will not. The 2018 Housing Needs study identified a need for 7,970 new housing units by 2030. The study found that there were 2,110 households in the 60-100% AMI range (max price \$316k at the time) and 2,120 households in the 100-140% AMI range (max price \$443k at the time) that wanted to buy a home, and a total of only 63 listings in those price points in the entire valley.

- 23) If providing multi-family housing is of primary importance, these are the units that should be constructed first within the parameters of the original plan. There is no reason the rest of the town should be affected by the lack of infrastructure planning of the developer.

Applicant Comment - This is not a matter of lack of planning. In fact, Abrika planned for this possibility in its current infrastructure design. This is simply a response to the changing needs of the ECSD and the lack of any housing inventory in Eagle.

Related to Mountain Recreation:

- 24) Has Mountain Rec's opposition to this swap been acknowledged at all? They are a big caveat with future plans and this entire process. Many studies took place that resulted in the school's location where it is now. This seems to be getting forgotten and not good business for the Town of Eagle and its residents.

Planning Staff Comment - Staff quoted Mountain Rec extensively in the staff report from March 2nd.

Applicant Comment - Abrika is not aware of any study that was done to determine the optimal location for the school.

- 25) Mountain Recreation a public entity has spent money on producing the concept for the proposed Eagle facility improvements. They have spent money on consultants, reports, conceptual plans and cost estimates all based on the existing land parcels and having shared facilities with the school. Is the Developer or the Town of Eagle prepared to pay this money back to taxpayers for what is a potentially a waste of money now? Mountain Recreation are also moving forward

with the fundraising and ballot measures for this which is significantly further ahead than the Developer is with their plans.

Planning Staff Comment - As seen in the staff report, staff focuses on plans and policies to evaluate an application.

Applicant Comment - Abrika reviewed the Mountain Rec plan and the school swap land layout was chosen to minimize conflict with the Mountain Rec plan. One ball field would need to move to a nearby open area, but the core amenities are unaffected.

- 26) Answer the questions, address concerns presented by Willy Powell on Zoom.

Planning Staff Comment - Staff believes that Willy's questions were addressed during the meeting on March 2nd. If there are additional questions that Soleil would like answered please let us know.

Applicant Comment - Please state the specific question. Abrika recalls that Willy asked if the ECSD had an opinion on this swap, to which we responded that their Land Use Committee stated to the Town that they prefer the new location although recognize this as a Town decision.

Regarding the SWAP of land:

- 27) Look into the request for land value of both the current school site and proposed and provide that to the public. (public comments by Al Musser?)

Planning Staff Comment - As seen in the March 2nd staff report, staff focuses on plans and policies to evaluate an application.

Applicant Comment - We're not aware of a requirement for the TOE to verify land values, but the value of the new site would likely be greater than the current site due to the increased size (4 acres larger). While Mr. Musser is correct that the new site is not currently improved, Abrika is required to improve it when the ECSD intends to build a school. The land is not comparable to the land sold at Hockett Gulch, as suggested by Mr. Musser, because it is not entitled with the right to build 500 housing units.

- 28) Please expand or have the developer expand on why single-family housing lots cannot be a viable location for this workforce housing if we currently have an overabundance of single-family residences? (follow up to Bill Nutkins and Jesse Gregg?) P&Z members asked these

questions of Rick and he avoided answering. The simple answer-it would cost developer more money. Truly it's not about housing for them, it's about money.

Applicant Comment - There are a total of 8 single family and 5 duplex lots created in Filing 1. There is not enough space in the location of the existing single-family lots to accommodate multifamily housing and the associated parking with the required setbacks from Sylvan Lake Rd or the internal road. To convert these lots into a MF parcel, we would need to remove the Filing 1 infrastructure in the alley (gas, sewer and non-potable) and in both Sylvan Lake Road and Red Peak Road (water, broadband and electric). These utilities have also been designed to serve future filings and Neighborhood A1 Phase 2 so replacement lines would be required to be installed in the roadway which would require removal and replacement of the road, curb and sidewalks.

- 29) Please address or have the Fire Department address the potential dangers of having a fire department directly across the street from a school during emergency calls situations simultaneously occurring with school start/end and carpool etc., exiting onto a busier Brush Creek Road with a stop sign or round-about on this street and Ouzel, which potentially will cause a backup of traffic in this area.

Planning Staff Comment - The Fire District has been a referral agency on this project since the application was submitted in October. Thus far, they have declined to comment. Staff emailed the Fire District on Friday, March 26, 2021, we are awaiting a written response from the Fire District.

Fire District Comment -

- 30) Rick stated the developer proposes a new school site only 3000ft from the Mtn Rec area. It is actually one mile away, or 5,280ft. What else was stated incorrectly by the developer? This distance between the rec facilities and proposed school, creates issues for students.

Planning Staff Comment - Staff calculates this distance at roughly 3,367 ft (as a crow flies) and roughly 4,210 ft (if trying to follow future roads and guestimating where the school might be on both parcels). Exact distance is almost impossible to measure as we don't know where the school will be regardless of which parcel it is eventually built on.

Applicant Comment - Rick did not state the new site was 3000ft from Mtn Rec, Rick stated that the new school site is 3000ft from the current school site.

- 31) The developer in their original approval process stated that all LERP units would be dispersed in a reasonable manner throughout each neighborhood. Approving their new proposed amendment directly contradicts that and goes against the Eagle Area Plan of diversity throughout.

Planning Staff Comment - There was a condition of approval in the staff report noting that LERP would be reviewed during time Development Permit application, should this application be approved.

Applicant Comment - The LERP units would be frontloaded, which is beneficial for the Town, but would still be spread among multiple locations within A1 and A2.

- 32) Regarding the quality of workmanship of any workforce housing built, are there Town standards to follow? Building costs are ever increasing. To build a 900 sq ft unit and keep it within an affordable price-point has implications of workmanship that will not hold up over time. Is this how Eagle wants to satisfy our housing needs? Could such a large PUD development with a new proposal to have ALL workforce housing at the entrance follow what Eagle is trying to implement long-term?

Planning Staff Comment - The developer will need to follow the design and architectural standards for buildings in the PUD that they will submit to the Town for approval prior to the construction of any dwelling units. In addition, they will need to submit Major Development Permit applications for certain multi-family buildings. They will also need to abide by all Construction Rules and Regs adopted by the Town and enforced by the Building Department.

Applicant Comment - Contrary to the implications of this statement, we believe being a part of the “workforce” is a positive and look forward to providing affordable housing options to those that currently have none. We have shown renderings of the finish quality we plan and do not intend for these units to be low-quality.

- 33) If hearing correctly, Jesse Gregg stated that he was not understanding why the swap would happen at all when the use of other areas within Haymeadow could be an option. Please expand further on

this idea, especially on behalf of the Soleil homeowners and many others adversely affected with the proposed swap location. Prefer both a Town and developer response.

Planning Staff Comment - Planning staff has asked this question previously as well. The response has been, both from the previous Director of Public Works and the Developer, that there isn't enough land already subdivided and served by the existing infrastructure to move some of the density to land other than at the school site. That site is the only area both large enough to accommodate the density and infrastructure ready (this primarily has to do with water pressure).

Applicant Comment - As stated above, the single family lots are not a possible location for increased density due to the small size of that parcel, setback requirements from the existing roadways, and in-place infrastructure.

- 34) Why can't the current school site and park be reapportioned in acreage where it is now if the school district wants more land?

Planning Staff Comment - There's nothing to say that it couldn't be. Neither the School District nor Mountain Rec has approached the Town to have this discussion.

Applicant Comment - It could, but the Town would have a smaller park parcel.

- 35) It seems that in the Zoom meeting, there was a question of the exact number of units to be moved to the school parcel. By our count, we came up with 304 units. Can we get a clarification on the exact number of units?

Planning Staff Comment - 146 multi-family dwelling units were originally planned for Neighborhood A1. The developer has removed 48 MF units from Neighborhood B and 64 MF units from Neighborhood C. The resulting MF swap is for 112 MF units from Neighborhoods B + C. This results in a new MF unit total for Neighborhood A1 of 258 units. The exact number of units that Haymeadow is requesting to transfer is 112.

Applicant Comment - 112 is the exact number of units to be moved to the school parcel. This is clearly stated in the application. The site plan shown to Soleil and P&Z with 188 units is for 19.5 acres, 14.3 is the school parcel and 5.2 is an already approved multi-family development tract within Haymeadow that would be built with or without the swap.

76 units on 5.2 acres is already approved, we would be adding 112 units to the 14.3 acres and combining the parcels to make a more efficient site plan.

- 36) Was a water analysis conducted when the original PUD was approved? If not, why not? If so, how much extra capacity was available in the current system to allow for supplying 304 additional units? What will be the burden on the current water system given that so many more units will be using the existing water infrastructure. How would this impact the rest of the town's residents?

Planning Staff Comment - This was calculated at time of 1st Subdivision Final Plat.

Applicant Comment - A water analysis was conducted for the project and the first phase. The 112 additional units in the first phase will not impact the rest of the town's residents.

Regarding Traffic Issues and Field Street:

- 37) Who pays for the traffic study? The overall traffic issues external to Haymeadow in the surrounding area should be taken into consideration, as well as all Eagle streets feeding in and out of this area, including traffic patterns to/from Hwy 6/Grand Ave.

Planning Staff Comment - The developer pays for any studies required by the Town and directly related to a land use application. A Town-wide traffic study would need to be paid for by the Town. There is currently a Grand Avenue Corridor Study underway, which will evaluate traffic on Grand Avenue.

Applicant Comment - Haymeadow paid for the traffic study, using the same traffic engineer that the Town of Eagle uses. The traffic study did take into consideration traffic external to Haymeadow.

- 38) The developer rep-Rick Pylman stated on Zoom that Field Street will not be a thru-street per their proposed swap and/or with any other part of the development, ever. Please state the Town's position or associated agencies regarding this issue.

Planning Staff Comment - Field Street is a public street. In Mountain Rec's plan, Field Street is shown dead ending in an overflow parking lot. In the approved Haymeadow PUD, there was the potential for an emergency access route from roughly the vicinity of Field Street

through to the road that the school would be on (perpendicular to the Sylvan Lake Road extension).

Public Works Comment -

Applicant Comment - Abrika is not proposing any extension of Field Street.

- 39) Traffic studies are 8 years old and should not be used to try to push something through like this large proposed change. New studies need to take place including surrounding traffic feeder areas, external to Haymeadow. Will this happen? Will these traffic studies be performed by an independent firm, not associated with the developer?

Staff Comment - Public Works and Planning staff reviewed and discussed the previous Traffic Study as well as the updated traffic Memo, it was felt that the Traffic Study did adequately address the external impacts of Haymeadow, but did not provide enough information regarding traffic patterns and impacts internal to the development. This information is detailed in the March 2nd staff report.

Applicant Comment - The prior traffic study assumed full buildout of all approved properties in Eagle, including an assumption of buildout on what is now the Hardscrabble conservation easement.

- 40) The traffic study needs to consider all the weekend leisure traffic to Sylvan Lake and the all the cyclists that use this route and having a roundabout near Ouzel Lane could potentially cause accidents.

Planning Staff Comment - Staff believes that the existing impacts to Brush Creek Road were adequately addressed in the traffic study.

Applicant Comment - The location of the school will not change the configuration of the intersection at Ouzel Lane and Brush Creek Road.

- 41) School runs from August thru May-most students would likely ride their bikes to the currently approved location and therefore less traffic than a multi-unit housing development and only for 9 months/year. This will help with traffic issues, contrary to a large housing installation.

Planning Staff Comment - The additional internal traffic impacts requested by Public Works should help us to better evaluate these concerns.

Applicant Comment - The updates to the traffic study will incorporate an analysis of walking and biking traffic. Both sites are connected by 10-

foot-wide bike paths over a short distance and while some households may be further away, others will be closer.

- 42) Starting salary for an ECSD teacher appears to be \$42K. With that salary, what teacher can afford a \$400K 1- or 2-bedroom unit on their own? This type of housing will lead to more people living together in these smaller units, creating even more traffic and parking issues. More people, more cars. Elevate Eagle Comprehensive Plan provides data of 2.96 people per household. Vehicle count will potentially be even higher in this area. And the developer's proposed 3 story units to be placed in the current school location does not have nearly enough parking to accommodate.

Applicant Comment - The ECSD Housing Master Plan states "For many years, District employees have identified housing as one of the biggest challenges to living and working in Eagle County." The Master Plan states a goal of providing 120 housing opportunities for ECSD employees and defines "affordable" as less than \$412,000 (140% AMI or \$105,000 for two people). Haymeadow will be required to meet the same parking code as all other developments.

- 43) We also agree that moving these units farther north does not alleviate many of the issues, especially the traffic issue. As residents of Field St. who were told at time of purchase that Field St. would remain terminated at its current location. We feel our home value will be negatively impacted if this becomes a through street. We remain strongly opposed to this swap.

Applicant Comment - As previously stated, Abrika is not proposing any extension of Field Street.

Cabin Issues:

- 44) Clarify who would renovate, own, maintain, and potentially profit from any venues at the manager's cabin? If the profit would go to developer, then the Town should definitely take into consideration the public comments made regarding the Pavilion not at capacity.

Planning Staff Comment - The developer would renovate, own, maintain and potentially profit from the Cabin. The Cabin would not become Town Property at any point; the developer will maintain full

control over this property and will dedicate a different piece of property to the Town for Open Space. The Pavilion is not an equal comparison, as it is not privately owned and operated. This was addressed in the March 2nd staff report.

Applicant Comment - Abrika would renovate, own, maintain, and potentially profit from any venues at the manager's cabin. The venue would not compete with the Pavilion. The venue would primarily compete with other destination locations for weddings like Piney Lake, not smaller local events.

- 45) My comment is for the developer-following historic preservation and landmarks, why not attempt to get it on the registry and renovate the cabin with that intent and for the Town of Eagle historical preservation, instead of trying to renovate to make an extra buck?

Applicant Comment - We believe that Eagle will benefit from having this events space and have very strong support from local wedding and events related businesses for this amendment. All new ventures have risks, but we do plan to profit from the cabin as all businesses do when they invest in improvements.

Additional Information:

- 46) Also attached-more signatures for public record of those in OPPOSITION to the proposed swap. (cover letter plus 3 pages)

Thank you.

3/9/21