



Memorandum

To: Town of Eagle Planning
From: Eagle Ranch HOA and DRB
Subject: Eagle Ranch PUD Minor Amendment
Date: October 10, 2024

Project Narrative:

The Eagle Ranch DRB has been working the past few months to consolidate the various and separate neighborhood Design Guidelines into one comprehensive set. This consolidation also included some updates to clarify areas that were previously ambiguous while also removing potentially contradictory situations. As work on this consolidation and update progressed, the topic of “Building Envelopes” frequently became the topic of discussion. The current Eagle Ranch PUD requires that lots over 0.5 acres in designated filings establish a building envelope of 16,500 sq. ft in order to limit site disturbance. The original intent was that these 16,500 sq. ft. building envelopes would protect wildlife habitat. The PUD Guides states :

Building Envelopes:

Home site construction disturbance on any lot over 1/2 acre that is located within Eagle Ranch Filings 8, 22, 24, and 25 shall be limited to 16,500 square feet.

As used in this document, the term “building envelope” shall be deemed to include the residence, any allowable outbuildings, driveways, walkways, patios and landscaped areas.

All portions of a lot outside of the designated 16,500 square feet building envelope shall be retained in its natural state to maintain undisturbed native vegetation as wildlife habitat. No grading, vegetation manipulation or landscaping shall be permitted on these lands, except for wildfire hazard mitigation requirements approved by the Design Review Board and in accordance with the requirements of the Town of Eagle and noxious weed control. Underground utility crossings shall be permitted but must be revegetated to a natural condition subject to Design Review Board and Town approval.

Similar language existed within the Design Guidelines, Wildlife Mitigation and Enhancement Plan, and on plats for the filings named above.

As part of the Design Guidelines update, many parties asked us to clarify how Eagle Ranch uses the term “building envelope” and address the challenges with the limitations of allowing limited plantings outside the 16,500 envelope. Understanding that we were limited by the terminology of some of those original documents, the DRB preferred a term that was more reflective of what was intended by the term “building envelope” as used in the PUD Guide. We decided on the term “Limits of Disturbance Lots” or “LOD Lots” which more closely reflects how building envelopes were implemented. Additionally, one of the biggest challenges the DRB faces is dealing with the intermixing of wildfire landscaping requirements and the wildlife habitat protection. To simplify: Wildfire landscape

requirements do not allow trees to be located close to homes, while the wildlife requirements do not allow trees to be planted further from homes. The Wildlife Protection Board, which includes representatives from the Colorado Parks and Wildlife, Eagle Valley Wildland Fire, and the Town of Eagle, voted to amend the Wildlife Mitigation and Enhancement Plan to address this issue. Their language now states:

Portions of a lot outside of the designated 16,500 square feet limits of disturbance may be improved with minimal planting in accordance with the Eagle Ranch Design Guidelines and with approval from the Eagle Ranch Design Review Board and with recommendation from the appropriate wildfire agency. All plantings approved shall not be an attractant for wildlife and will follow the recommendations found in the Landscape Plantings List Addendum to the Eagle Ranch Design Guidelines. Additionally, portions of a lot outside of the designated 16,500 square feet limits of disturbance be disturbed for wildfire mitigation at the recommendation of the appropriate wildfire agency. Underground utility crossings shall be permitted but must be revegetated to a natural condition. (Wildlife Mitigation and Enhancement Plan, pg. 4)

The language now allows for minimal plantings to occur outside of the 16,500 sq. ft. Limits of Disturbance with approval from the ER DRB and the appropriate wildfire agency. To marry their language and that of the Design Guidelines, the Design Guidelines have been amended to read as follows:

2.2 Lots Governed by the 16,500 s.f. Limits of Disturbance (See Map - The Highlands and portions of The Uplands)

*As part of the original approvals of the Eagle Ranch annexation and subsequent PUD, some lots have additional restrictions on allowable limits of disturbance to preserve wildlife habitat. These lots are restricted to a total of 16,500 square feet of disturbance. These lots were originally called "Building Envelope Governed Lots," but building envelopes were not platted. **For the purpose of these Design Guidelines, these lots are referred to as Limits of Disturbance (LOD) Governed Lots.** The DRB does not have the ability to vary or amend these requirements unless there is agreement amongst the various governing bodies.*

As part of the Preliminary Plan submittal, the owner of LOD governed lots will designate the Limits of Disturbance not to exceed 16,500 square feet as follows:

1. *The Limits of Disturbance should be compact in shape to retain as much natural vegetation as practicable.*
2. *The Limits of Disturbance may not include slopes greater than 30% gradient.*
3. *All disturbance shall be contained within the Limits of Disturbance, including but not limited to site grading, construction impacts, buildings, driveways, walkways, patios, retaining walls, outbuildings, and landscaping.*
4. *Buildings within the Limits of Disturbance must also respect established setbacks.*
5. *No grading, disturbance, structures, vegetation manipulation, or landscaping shall be permitted outside the Limits of Disturbance without prior approval by the Town of Eagle and the DRB, with the exception of the following:*
 - a) *Street cut and fill slopes and utility crossings promptly revegetated to a natural condition.*
 - b) *Noxious weed control.*
 - c) *Wildfire mitigation with approved direction from the appropriate wildfire agency.*
 - d) *The DRB may approve limited plantings outside the designated Limits of Disturbance when a conflict arises between required minimum plantings and best practices for wildfire defensible zones. These limited plantings should not include species that attract wildlife (e.g. plants producing fruits or berries).*
6. *Prior to any construction on the site, the Limits of Disturbance will be fenced with an approved construction fence and silt fence that shall be maintained throughout the construction process.*

To address the allowance for limited plantings outside the building envelope and to address the more accurate terminology of changing “Building Envelope” to “Limits of Disturbance,” we would like to propose a minor amendment to the PUD as outlined in Section 9 of the ER PUD Guide.

The PUD amendment would include the following modification to Section C.9:

9. Limits of Disturbance:

Home site construction disturbance on any lot over 1/2 acre that is located within Eagle Ranch Filings 8, 22, 24, and 25 shall be limited to 16,500 square feet.

As used in this document, the term “limits of disturbance” shall be deemed to include the residence, any allowable outbuildings, driveways, walkways, patios and landscaped areas.

All portions of a lot outside of the designated 16,500 square feet limits of disturbance shall be retained in its natural state to maintain undisturbed native vegetation as wildlife habitat. No grading, vegetation manipulation or landscaping shall be permitted on these lands with the following exceptions:

- 1) The Design Review Board may grant approval for wildfire mitigation with direction from the appropriate wildfire agency.*
- 2) Underground utility crossings shall be permitted but must be revegetated to a natural condition subject to Design Review Board and Town approval.*
- 3) Noxious weed control with Design Review Board Approval and in accordance with the Town of Eagle.*
- 4) The Design Review Board may approve limited plantings outside the Limits of Disturbance in accordance with the Eagle Ranch Wildlife Mitigation and Enhancement Plan and the Eagle Ranch Design Guidelines.*

The following documents have been attached in support of this application:

- A letter from the Greater Eagle Fire Protection District in support of this change.
- A letter from Colorado Parks and Wildlife in support of this change.
- An updated copy of the PUD Guide with the areas of change highlighted. Please note that the dates highlighted will be changed to reflect the accurate and final date of Town approval.