



## TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: April 15, 2024

Project Name: Red Mountain Ranch (RMR) Subdivision Sketch Plan – Parcels 1 & 2

Owner: Rodrigo Cortina of Griffin Development

Applicant Rep.: Doug Newby of Tres Birds

Prepared by: Jessica Lake, Planner, Community Development Department

The Eagle Community Development Department is issuing the following Referral Response Summary Report. If you have any questions or concerns regarding any comment, contact me or the individual agency 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

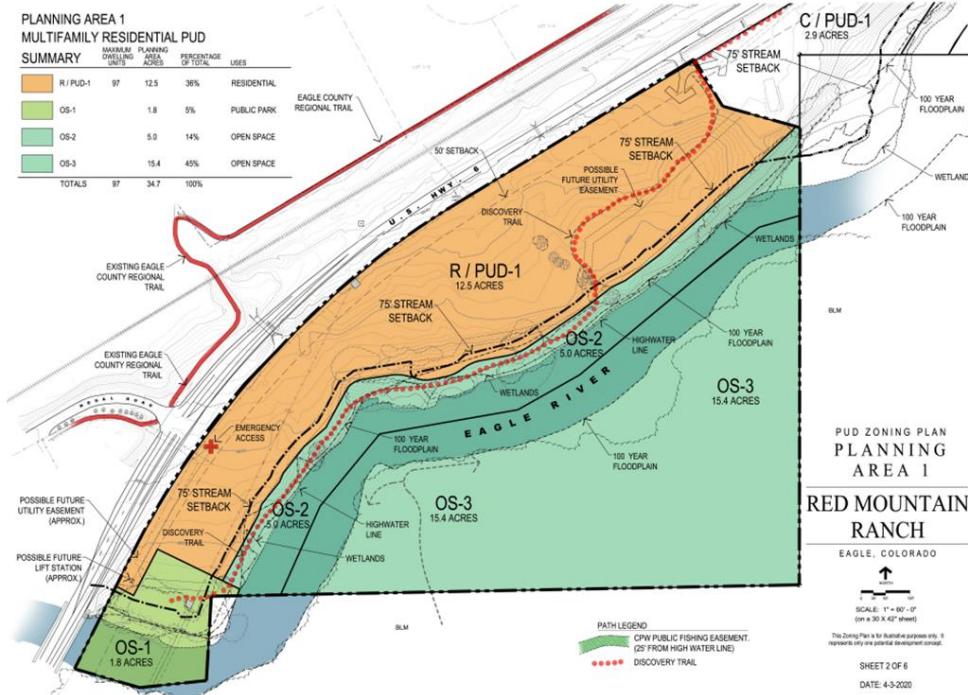
Community Development – Jessica Lake: [jessica.lake@townofeagle.org](mailto:jessica.lake@townofeagle.org) / Sydney Dynek: [sydney.dynek@townofeagle.org](mailto:sydney.dynek@townofeagle.org)

Scope of Review and General Comments: Review comments are based on the information provided and reviewed against the applicable PUD or Code requirements. Review and referral comments will ideally be responded to on this form, or within the project narrative. For a Subdivision Sketch plan application, it is not necessary to update the plans to reflect referral comments. Staff, Planning and Zoning Commission and Town Council will primarily need to understand how the applicant plans to address the comments in future applications.

1. At time of MDP application, provide the following plans with applicable Code information: Site Plan; Elevations; Parking Plan (Section 4.12.030.A.); Landscape Plan (Section 4.11.030.); and Lighting Plan (Section 4.13.020.B.). The Project Information, currently included on the Cover Sheet, is great, please include this info on future submittals. We will provide checklists for all of the requested plans.

A. **Noted**

ZONE LOT INFORMATION	ACRES
PLANNING AREA 1 TOTAL SIZE	34.7 ACRES
OS-1 LOT SIZE	1.8 ACRES
OS-2 LOT SIZE	17.5 ACRES
OS-3 LOT SIZE	15.4 ACRES
PLANNING AREA 2 TOTAL SIZE	5.5 ACRES



2. Sketch Subdivision Plan Set: Project Information: Zone Lot Information: OS-2 Lot Size should be 5 acres, not 17.5 acres. Please review all documents to ensure consistency with naming. PUD Guide and Zoning Plan show R/PUD-1, OS-1, OS-2, and OS-3 within Planning Area 1. Staff believes all OS's refer to Open Space tracts, please advise if this is not correct.
  - A. **Noted, plans were referencing the Eagle Parcel Map which does not show OS-2 as a separate parcel. Future submissions will correctly list the different parcels and Open Space areas. All OS (Open Space) areas will remain as Open Space.**
3. Development Narrative: Does Planning Area 1 allow for housing within OS-2? Uses in the PUD Guide indicate only the discovery trail, a fishing easement, natural vegetation management and improvements of the native ecosystem, seem to be the only allowed uses within this unplatated Open Space tract. R/PUD-1 is 12.5 acres and up to 97 units are able to be developed within that.
  - A. **OS-2 will remain unplatated Open Space and will only be used for the uses defined in the PUD Guide. All development will occur in R/PUD-1.**
4. We expect PZ and Town Council to have questions about the shared amenity building that will house mail and parcel delivery. How will mail and parcels arrive at the amenity building?



- A. Mail and parcel delivery truck to the amenity building. Development is trying to avoid delivery trucks driving throughout the site, truck just delivers to the one central location.
- 5. What is proposed for the further subdivision of Planning Area 1?
  - A. OS-1 and OS-3 have been platted.
  - B. When is OS-2 to be platted?
    - 1) Discuss with Town of Eagle when this will happen
  - C. 12' wide easement for Discovery Trail to be dedicated at first post development subdivision plat.
    - 1) Noted
  - D. Planning Area 1 is going to be split into separate parcels based on individual residential lots/structures. Space between the residential lots will remain as HOA owned land to be maintained by the HOA.
- 6. The RMR design guidelines speak to property owners needing an ILC. The Town is moving towards using improvement survey plats (ISP) to satisfy this requirement as they provide greater accuracy. Please align the design guidelines to match this.
  - A. Noted
- 7. In the Design Guidelines, Section 3.5.7 regarding exterior roofs and walls speak to these being "10% better than Code", can you please elaborate on what this means?
  - A. This section of the design guidelines is focused on the thermal performance of exterior assemblies. Rather than stating that exterior assemblies need to meet a certain number, the design guidelines require assemblies to perform 10% better than what the current energy code requires. This allows the performance requirements to change/adjust when the Town of Eagle adopts future energy and building codes.
- 8. We understand that the Town's Code is quite new and the PUD Guide is the top tier document for guiding development on the property. Can you please explain how the PUD Guide and the Design Guidelines are speaking with the Town's Municipal Code?
  - A. The Town's Municipal Code governs the construction and code requirements for all of RMR. All buildings will have to comply with the outline requirements listed in the Town code. The PUD guide acts most like RMR's zoning code. Which outlines allowable uses, density, setbacks, lot coverage, etc. The design guidelines act as an extra set of regulations for development on any of the RMR parcels. These guidelines are focused on a larger cohesive design style and performance criteria across the RMR development. All development must meet requirements set forth in all three governing documents prior to approval/construction.

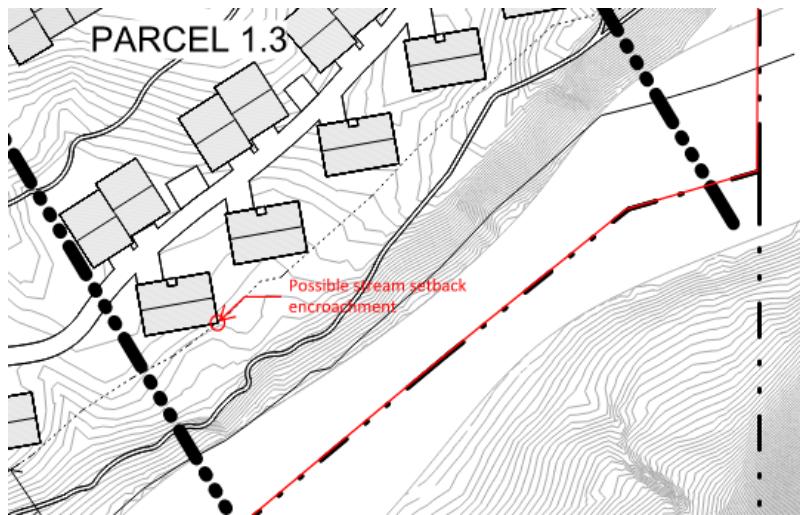
PUD Zoning Requirements:

- 9. Planning Area 1 (R/PUD-1)
  - A. Setbacks Parcel 1: Most measurements were meeting or exceeding the requirement, however, it's pretty close in some areas. Staff recommends adding additional space, so that measurements are clearly exceeding the minimum requirements. Proposed structures do not encroach on the setbacks required along the river. With future applications, lots and structures will be clearly identified in regards to setbacks.



1) Stream setback is defined as a 75 foot strip of land measured horizontally from the high water mark on each side of the river, or the limits of the 100 year floodplain, whichever provides the greater separation from the river.

1. **Noted**



2) No projections are allowed into either the 100 year floodplain or stream setback.

1. **Noted**

3) For MDP, please clearly designate both the 75' stream setback and the 100-year floodplain on the site plan.

1. **Noted**

4) Confirm that the non-habitable surface parking areas, garages, etc. are not within the 25' minimum setback requirement from Hwy 6. Hwy 6 is not clearly designated on the site plan. Please confirm that all surface parking areas will be a minimum of 25' from Hwy 6.

1. **Along the 50' setback from Hwy 6, the first 25' does not contain any parking areas, garages, etc. Contained within the next 25' is, parallel parking designated for residential units, snow storage, and planting areas.**

5) If OS-2 is to be platted, then rear setbacks are unable to be confirmed at this time. If OS-2 is not to be platted, how does the applicant plan to designate between R/PUD-1 and OS-2?

1. **OS-2 is not to be platted.**

B. PUD Requirement: *within the 12.5 acres designated as R/PUD-1, there should be 4 acres designated as parks, open space or buffer zones for a ratio of 68% development area to 32% of buffer zone and*



*common open space* – describe how you plan to show that this requirement is met or exceeded within the Major Development Plan.

- 1) Spaces between residential units will be designated as buffer zones within the HOA guidelines, while other HOA owned areas will be designated as open space/parks.

C. What are parcels 1.1, 1.2 and 1.3 meant to designate on SDP-09 through SDP-12?

- 1) Parcels 1.1, 1.2, and 1.3 designate different planning areas used by the design team. These were designated to provide enlarged views of the site plan with the ability to reference specific areas more easily.

D. Is a density transfer planned for the unused density in parcel 1 to any other parcels? If yes, what stage in the development is this planned for?

- 1) Yes. At this point, density transfer has not been determined to which future parcel's development.

**10.** Elevation plans are required at applicable Major Development Plan to determine heights in Parcels 1 and 2.

A. **Noted**

**11.** Planning Area 2 (C/PUD-1)

A. Setbacks Parcel 2: Staff cannot determine that the setbacks for any existing or proposed structures in Planning Area 2 meet the requirements in the PUD Guide.

- 1) Both 75' stream setback and the 100-year floodplain should be clearly designated on the site plan.

1. **Noted**

- 2) Confirm that the non-habitable surface parking areas are not within the 25' minimum setback requirement from Hwy 6. Hwy 6 is not clearly designated on the site plan. Please confirm that all surface parking areas will be a minimum of 25' from Hwy 6.

1. **Currently our site plan has parking within the 25' setback from Hwy 6. We will be addressing this setback in the PUD amendment for Parcel 2**

- 3) It appears that the proposed hotel building may be closer to the rear lot line than the 10' minimum.

1. **The rear lot line runs parallel to Hwy 6, with a 50' setback to any building. Please expand on the 10' lot line referenced above.**

- 4) The existing Greenhouse appears to be closer to the side lot line than the 7.5' minimum.

1. **Noted**

B. At time of MPD, provide site coverage chart for Parcel 2/Planning Area 2.

- 1) **Noted**

C. Common Open Space requirement for Parcel 2 is 2.6 acres or 47%.



1) How will conformance to this requirement be shown?

1. Meeting the common open space requirements on Parcel 2 might be difficult given the overall footprint of the building on Parcel 2 has increased significantly. Consider addressing the open space requirements in the PUD amendment for Parcel 2.

2) PUD Guide Table 1 (p.5) has an incorrect percentage of 42% (should be 47%) – staff recommends including this in the proposed PUD Amendment.

1. **Noted**

PUD Use Review:

**12. Planning Area 1 (R/PUD-1)**

- Staff has not identified any uses proposed for Parcel 1 that aren't included on the Permitted Uses list.
- Are any ADU's proposed to be built with the 11 single-family homes?

1) **No ADU's are currently being proposed with the single-family homes.**

**13. Planning Area 2 (C/PUD-1)**

- In the Development Narrative, Parcel 2 is described as including an outdoor event space, which is not a currently listed use. Will new uses be part of the PUD Amendment? If yes, what will be added?
- Confirm that no residential is currently proposed for Parcel 2.

1) **Confirmed**

- Max Density for parcel 2: is the PUD Amendment to include a request to increase the commercial use density from 10,000 sf to ~55,000 sf?
  - 1) **The PUD amendment will address the change in uses allowed, changing the boutique hotel definition, commercial use density, open space requirements, and setback from Hwy 6**

Chapter 4.10 Site Layout and Site Structure Design Standards

Explain how the following Site Layout and Site Structure Design Standards are met or will be met in the application.

**14. Section 4.10.040.A.: Standards for Residential Development: *Residential development shall meet the requirements of Section 4.10.030 and following provisions as applicable.***

**15. Section 4.10.040.B.6: Private Outdoor Space:** In addition to complying with the required open space dedication requirement, private outdoor space shall be provided in compliance with this Section unless the site is located within 500 feet of an improved public park, plaza, or other open space and are connected by a continuous sidewalk that complies with the ADA.

**16. Planning Area 1 (R/PUD-1)**

- The PUD Guide says ADUs are a use by right in Planning Area 1 and the draft Design Guidelines say ADUs are not allowed in PA 1. Please demonstrate alignment between these.
  - 1) **ADU's are allowed in Planning Area 1, the Design Guidelines will be adjusted to match the PUD Guide.**



- B. The R/PUD-1 Setbacks in the draft Design Guidelines don't match the PUD Guide, please rectify this.
  - 1) Currently, the setbacks set forth in the PUD guide are a bit larger than what we have in the Design Guidelines, particularly at the front setback, which would most affect the townhomes and duplexes. Team should consider a minor PUD amendment to Parcel 1 now that the site plan is closer to being figured out.
- C. The parking standards in the PUD and the standards written onto the illustrated site plans and draft Design Guidelines do not match.
  - 1) The PUD outlines that parking is required per the Town code. Currently the site plan and tables provided in the Sketch Subdivision Set match what is required per the Town code. Parking outlined in the Design Guidelines refers to the required garage parking spaces across the parcels, and otherwise references back to the Town code. Please expand on where the parking standards do not match.
- D. Section 3.6.1 of the draft Design Guidelines speaks to the Town's Code and then imposes separate height standards for dwelling units, it would be helpful to clarify what the standard will be here.
  - 1) The Design Guidelines reference the Town Code for how to measure building height, but the maximum height is provided within the RMR PUD guide. The design guidelines put an additional requirement on the allowed number of stories across the development, by limiting 3-story buildings to a certain height away from the Eagle River. This preserves sightlines for other residents to the river while allowing for larger density farther away from the river corridor.

#### 17. Planning Area 2 (C/PUD-1)

- A. C/PUD-1 Setbacks in the draft Design Guidelines don't match the setbacks specified in the PUD Guide, please rectify these.
  - 1) Adjust the Setbacks for Parcel 2 in the PUD Amendment.
- B. The draft Design Guidelines speak to ADUs in Planning Areas 1 and 3-6 but there is no direction about ADUs in Planning Area 2. The Red Mountain Ranch PUD Guide allows accessory dwelling units to owner-occupied single family dwellings as a use by right in C/PUD-1. Please clarify if C/PUD-1 will or will not allow for ADUs.
  - 1) C/PUD-1 will allow for ADU's, however, no ADU's are currently planned for Planning Area 1. Planning Area 2's current design does not have any dwelling units, so no ADU's are currently proposed on Planning Area 2.
- C. On page SDP-13 depicting Parcel 2 in the Sketch Subdivision Set, please clarify what the "party pad" is. What is the purpose of this space, is it accessory to the hotel or for community use in general? Also what are the proposed materials for it?
  - 1) Currently there is an outdoor event space existing on Planning Area 2 near the Eagle River. This area has and will continue to be used for events, hotel use, and when not occupied by a private function, general community use. It is currently constructed of crusher-fines and a retaining wall constructed of large boulders. There is a desire from the development to



construct an overhead shade/rain structure to allow for events year round.

#### Chapter 4.11 Landscaping, Screening, and Fencing Standards

Explain how the following Landscaping, Screening, and Fencing Standards are met or will be met in the application.

**18.** Section 4.11.030.A: Landscape Plan Required. *A landscape plan shall be submitted for all developments as determined under Applicability. The applicant shall provide landscape, irrigation, and grading plans.*

A. **Noted**

**19.** Section 4.11.030.B: Landscape Materials. *Low-water, drought-tolerant, adaptive plants shall be used for all new landscaping. It is strongly encouraged to use fire-wise plants wherever possible. Materials shall be suitable for the local climate. Fruit bearing trees or shrubs shall be prohibited to limit conflict with wildlife, unless a maintenance plan is included with the landscape plan.*

A. Section 4.11.030.B.2: Minimum Plant Specifications. *All plant materials installed to meet the requirements of this LUDC shall meet the following minimum size requirements:*

*a. Trees: minimum caliper of 3 inches. b. Shrubs: minimum of 5 gallons.*

i. **Noted**

**20.** Section 4.11.030.C: Landscaping within the Public Right of Way. *A landscape plan specific to the streetscape area shall be included on any required landscape plan for review and approval by the Public Works Director.*

A. **Noted**

**21.** Section 4.11.050.A.1: Landscaped Islands or Rain Gardens Required: *In all zone districts, landscaped islands, rain gardens, or a combination of both shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives.*

A. **Noted**

**22.** Requirements of the PUD Guide that need to be addressed at the time of Major Development Plan are:

A. Setting minimum and maximum standards for planting within residential and public spaces (Section 14.0 C.1)

1) **Noted**

B. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques (Section 14.0 C.2)

1) **Noted**

C. Controlling the spread of noxious weeds and invasive plant species (Section 14.0 C.3)

1) **Noted**

D. Speaking to the enhanced setbacks, use limitations, and vegetation management for the riverfront area (Section 14.0 C)



1) **Noted**

E. The Highway 6 perimeter landscape screening and berms (Section 14.0 C)

1) **Noted**

**23.** At time of Major Development Plan, will need to see the fencing design standards spoken to in the Red Mountain Ranch PUD Guide 14.0 E and Town Land Use & Development Code Section 4.11.070.

A. **Noted**

Chapter 4.12 Parking and Loading Standards:

Explain how the following Parking, Access and Loading Standards are met or will be met in the application.

**24.** Will EV charging be provided in garages, for the hotel, any other locations on the property?

A. **Minimum amounts of EV charging is required per Colorado Bill HB23-1233. RMR will meet with minimum requirements outlined in this bill, as well as any particular requirements established by the Town of Eagle. Residential units will be EV ready, which will allow for individual owners to install EV chargers if desired.**

**25.** Section 4.12.060.D.1-3. On-Street Parking requirements

**26.** Section 4.12.070.2.a-b. Access Standards

**27.** Section 4.12.070.B. *Parking areas or spaces shall be located on the same lot as dwelling or on a common lot associated with the dwelling for residential detached, attached and multifamily up to 8 units.*

A. **Each dwelling has a garage included in the design. Additional spaces to meet the parking requirements set forth by the Town of Eagle, are located in common lots.**

**28.** Section 4.12.070.C. *Maneuvering: Projects that require parking areas with more than six parking spaces shall provide maneuvering areas that accommodate ingress and egress from the lot by forward motion of vehicles. A request may be made to the Director to allow parking for such projects with parking that backs out directly onto a street if an applicant can show this is a safe alternative.*

A. **Additional parking spaces for residential units are located in common lots along Private roads within RMR development. These spaces will need to be back out directly onto a street given the space restrictions. The developer/design team could loop in a traffic engineer to discuss the speed at which people are traveling through the site as well as the safety of backing out onto the roads.**

**29.** Section 4.12.070.C.2. *Outdoor parking areas shall not exceed four percent grade and shall not be less than one percent grade and shall be pitched away from habitable structures unless otherwise approved by the Director. Also, the grade of access ways and driveways shall not exceed 4% within 100-ft of the intersection with a public street unless otherwise approved by the Director.*

A. **Noted**

**30.** Parking Spaces (uncovered, garage, or carport): confirm that all stall sizes meet the following requirements:

A. **Each off-street parking space shall cover an area not less than nine feet wide and 19 feet long, except for designated compact spaces, which will be no less than eight feet wide and 16 feet long. No more than 20% of the total spaces required shall be compact.**



1) Confirmed

B. *Parallel parking spaces shall be a minimum of 22 feet in length.*

1) Confirmed

31. Section 4.12.090. Applications for Major Development Permit will need to comply with the following loading standards, as applicable.

A. *Uses with a minimum gross floor area (GFA) of 15,000 square feet (measured cumulatively when the uses are located in a single structure) that require deliveries or service by truck and that are not contiguous to an alley, shall have an off-street delivery truck berth at least 14 feet wide and 30 feet long with a vertical clearance of at least 15 feet, in addition to the required parking area.*

1) Noted

B. *Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the off-street loading berth shall be designed so that delivery vehicles using the loading area do not obstruct traffic movements in the parking area or in the public right-of-way.*

1) Noted

C. *All on-site loading spaces that are within or abut a residential district or intervening alley shall be completely screened from the adjacent residential lot by building walls or by a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height.*

1) Noted

32. Planning Area 1 (R/PUD-1)

A. Staff does not have any concerns with the parking analysis provided:

#### PARKING STANDARDS

UNIT TYPE	BEDS	UNIT COUNT	PARKING REQUIRED	TOTAL PARKING REQUIRED	GARAGE PROVIDED PARKING	TOTAL GARAGE PARKING	ADDITIONAL PROVIDED PARKING	TOTAL PROVIDED PARKING
TH TYPE 1: END UNIT	3	6	3 PER UNIT	18	2 PER UNIT	12	6	18
TH TYPE 1: MIDDLE UNIT	3	12	3 PER UNIT	36	2 PER UNIT	24	12	36
TH TYPE 2: END UNIT	3	10	3 PER UNIT	30	2 PER UNIT	20	10	30
TH TYPE 2: MIDDLE UNIT	3	16	3 PER UNIT	48	1 PER UNIT	16	32	48
DUPLEX	4	12	3 PER UNIT	36	2 PER UNIT	24	12	36
SINGLE FAMILY	4	11	3 PER UNIT	33	2 PER UNIT	22	11	33
<b>TOTALS</b>		67		201		118	83	201

33. Planning Area 2 (C/PUD-1)



A. Analysis was not provided for Parcel 2. In order to provide a parking analysis or review one, we would need to understand all the uses proposed on the parcel and the size of each use. Staff has provided an example table below, for reference only.

1) **Noted.** Without knowing whether or not the proposed Parcel 2 building would be allowable under a PUD amendment the design team did not go into the detail required per the Town code. The parking lot that is currently designs takes into consideration 1 space for every hotel room, as well as additional spaces for BOH and public areas within Parcel 2.

Parking	Required		Size of Use in SF	Total Required	Total Provided
Boutique Hotel (per PUD Guide Parking)	1 per Guest Room		n/a	60	
Commercial Greenhouse	1 per 1,000 sf of site area		2,237	3	
Restaurant	1 per 200 sf		5,000	25	
Commercial Kitchen	1 per 600 sf		1,000	2	
Office, Accessory	1 per 400 sf		400	1	
General Retail, > 10,000 sf, local	1 per 400 sf for the first 2,000 sf + 1 per 300 sf over 2,000 sf up to 10,000 sf total		2,000	5	
					92 total parking spaces (SDP-17)
Bicycle Parking	Short Term	Long Term		Total Required	Total Provided
Lodging	Not Required	Min. 2	n/a	0 short term 2 long term	
Eating and Drinking Establishments	Min. 2+ 1/5,000 sf GFA	Min. 2+ 1/per 12,000 sf GFA	6,000	3 short term 3 long term	
Office	Min. 2+ 1/20,000 sf GFA	Min. 2+ 1/10,000 sf GFA	400	3 short term 3 long term	

#### 4.13 Outdoor Lighting

Explain how the following Outdoor Lighting Standards are met or will be met in the application.

**34.** Section 4.13.020.A: *Manufacturer specifications (i.e., cut sheets) shall be provided that detail light fixture type (e.g., full cutoff, cut-off, lantern, flood, wall pack), light fixture source (e.g., incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, Correlated Color Temperature (CCT), and wattage for all proposed lighting to determine compliance with minimum standards.*

A. **Noted**

**35.** Section 4.13.020.B.1: *Lighting plans, showing compliance with this Section, shall be provided for any residential development with more than two units and any mixed-use or non-residential development of 10,000 square feet or more or any development providing 30 or more parking spaces.*



A. Please demonstrate how the light fixture outputs adhere to the Code's requirements in the units of measurement of foot candles or lumens.

1) **Noted**

**36. Section 4.13.040. A: General Lighting Standards.**

A. Section 4.13.040.A.3.: *Lighting Output Levels: Lighting levels for any project shall not exceed the following maximum outputs in initial lumens: (See Table 4.13-1: Maximum Lighting Output Levels)*

1) **Noted**

B. Section 4.13.040.A.4.a *Lighting Design- Full Cutoff Fixtures: All light fixtures are required to have full cutoff design, as illustrated in Figure 13-A: Illustration of cutoff options. Fixtures shall be downcast and opaquely shielded. Appropriate cutoff is measured by light trespass. If the source can be seen beyond the property line, the fixture will be deemed to be not sufficiently shielded and in excess of cutoff requirements.*

1) **Noted**

**4.14 Sustainability, Resilience, and Hazards**

Explain how the following Sustainability, Resilience, and Hazards Standards are met or will be met in the application.

**37. Section 4.14.010: Natural Hazards and Environmentally Sensitive Lands: *Land subject to natural hazards shall not be developed or approved for development until plans that identify approaches or mitigation that will prevent such conditions from endangering life, health and other property, as required by this Section, are submitted to and approved by the appropriate decision-maker. Natural hazards include without limitation flooding and geologic hazards.***

**38. Geologic Hazards**

A. Please refer to the CGS comments regarding this section. All CGS comments must be addressed at Major Development Plan or Preliminary Plan, whichever comes first.

**39. Water Body & Riparian Buffer**

A. At time of Major Development Plan, the riparian setback, streamside zone, and outer buffer zone will need to be depicted relative to the proposed developments on the submitted plan sheets to demonstrate conformance with the standards described in Section 4.14.050.

1) **Noted**

B. At time of Major Development Permit, the requirements and standards dictated in Section 10.0 of the RMR PUD Guide will also need to be addressed, including but not limited to the stream setbacks and permissible activities as outlined.

1) **Noted**

**40. The Riparian Area Management Plan will need to be submitted prior to the application for a Development Permit for R/PUD-1.**

A. **Noted**

**41. Section 4.14.040.B.1: Wildlife Impact Review Required: *All development subject to this Section shall be designed so it does not adversely impact wildlife and wildlife habitats or that such adverse impacts have been avoided or fully mitigated. The review criteria used to determine if this standard has been met are in Section 4.14.040D. Proposed developments that will or may have an adverse impact on wildlife and wildlife habitats shall have a Wildlife Conservation Plan. The Wildlife Conservation Plan shall incorporate existing studies previously prepared***



by the Colorado Department of Natural Resources and Colorado Parks & Wildlife. All development shall consult with Colorado Parks & Wildlife prior to preparing the application's Wildlife and Conservation Plan.

A. Noted

42. Section 4.14.040.C.1: Buffers: All development shall have a setback of 100 feet or greater from any identified critical wildlife habitat area or migration corridor subject to the approval of Colorado Parks & Wildlife. All developments shall provide visual and audio screening as deemed necessary by Colorado Parks & Wildlife.

A. Noted

43. Section 4.14.040.E.1: Wildlife Conservation Plans: The applicant shall submit a wildlife conservation plan prepared under the direction of a qualified wildlife biologist.

A. Noted

#### 4.15 Subdivision Design and Improvement Standards

Explain how the following Subdivision Standards are met or will be met in the application.

44. Lot and block design and access are not applicable to this application in the traditional sense. However, if what is shown at time of subdivision creates lots (for single family homes, as an example), then lot design shall meet the dimensional standards of the applicable zone district (PUD district). Where individual water or sewage systems are proposed, lot sizes shall be in conformance with the current standards of the Colorado Department of Public Health and Environment.

A. Noted, design team to look at CDPHE requirements

45. Solar access and passive heating/cooling is noted as a priority in the Narrative, will solar be installed on all dwelling units? If not, indicate the level of solar readiness for residential units. Will solar be installed on any of the commercial buildings? At this time, solar will not be installed on residential units. Residential units will be solar ready, which is referenced within the Design Guidelines. Dwelling units will have space dedicated on the roof to accommodate solar panels, a designated conduit line, and area for inverter within the garage. At this time, it is unknown if solar panels will be installed on the commercial buildings.

A. Are at least 30% of the residential units planned to be solar-oriented?

1) All residential units on Parcel 1 will be solar-oriented with direct access to solar access and passive heating/cooling strategies.

46. As noted by Public Works and CDOT, any development requiring access onto a State highway shall obtain a permit for such access from the Colorado Department of Transportation before the issuance of any Town development permit.

A. Noted

47. All necessary access easements shall be granted to the Town prior to approval of the first Major Development Plan. Access easements will be located within the 50-foot setback from the Highway 6 right-of-way line. Additional land may need to be conveyed to the Town for the construction of any roadway improvements on Highway 6 required by CDOT.

A. Noted, Ownership would rather approval at building permit not at Major Development Plan. Discuss

#### 4.08.070. PUD Amendments



**48.** Please clarify the proposed scope of the PUD Amendment for Planning Area 2.

A. Are allowed uses being modified?

1) Other than redefining Boutique Hotel, Planning Area 2 would need to discuss with the Town whether the outdoor event space requires adding an allowed use.

B. Re-define Boutique Hotel – current definition allows for a non-residential structure with no more than 30 rooms, expanded to allow for up to 60 rooms.

1) Does increasing the number of hotel rooms increase the maximum commercial density of 10,000 sf?

1. In response to the desire for a boutique hotel in the Town of Eagle, RMR Parcel 2 would need to increase the maximum commercial density. It is unclear whether or not the commercial density is referring to overall Gross Square Footage of the building, or the Gross Footprint of the building. Depending on the definition, the square footage would need to be adjusted.

2) Does increasing the number of rooms change the EQR approved for the property?

1. The EQR approved for Parcel 2 exceeds the amount of water demand and consumption, even with the increased density of rooms/program.

**49.** Based on assumptions that uses may be modified and the amount of increase in commercial square footage, it is likely that the PUD Amendment would be a Major PUD Amendment.

A. Noted

**50.** A Major PUD Amendment is reviewed and recommended by the Planning and Zoning Commission and is reviewed and decided on by Town Council.

**51.** Approval criteria used by P&Z and Town Council is as follows:

A. The PUD Final Plan meets the approval criteria for a rezoning, pursuant to Section 4.17.080.D.6.a.;

1) The Rezoning is consistent with the Comprehensive Plan Future Land Use Plan for the project site, as well as any applicable area or corridor plans;

2) The Rezoning promotes at least two Comprehensive Plan goals; and

3) The Rezoning presents the Town with an opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the Town achieve a balance of land use, tax base, or housing types consistent with the Town's overall planning and economic development goals.

B. The PUD Final Plan complies with the approved PUD concept Plan and the requirements of Chapter 4.08, Planned Unit Development District; and

C. The PUD Final Plan meets all applicable standards of this LUDC not expressly modified by the PUD application.

**52.** Proposed schedule for a Major PUD Application submitted in 2023, under the old code (the review process for staff is similar, and while the approval criteria has changed, the overall timeline should be similar) – in the example below, it is roughly 4 months from application submittal until the Town Council Public Hearing, this also accounted for the holidays.

A. Monday, September 18th – Application Submitted

B. Monday, October 2nd – Application deemed complete

C. Thursday, October 26th – Review comments back from agencies



- D. Friday, October 27th – Planner compiles comments and sends to applicant
- E. Friday, November 3rd – Updated application submitted
- F. Friday, November 10th – Public Notice sent to paper and property owners
- G. Thursday, November 16th – Notice published in newspapers
- H. Tuesday, December 5th or December 19th – Planning & Zoning Commission Public Hearing
- I. Tuesday, January 9th – Town Council Public Hearing

**53. Application Materials required for our example project are as follows:**

- A. Application Form
- B. Application Fees and Deposits
- C. Proof of ownership of the land proposed for development. This land shall be under one ownership or shall be the subject of a joint request for PUD review by the owners of all property to be included.
- D. Project Narrative, describing the project/written summary of the modifications requested and a statement setting forth the reasons for the proposed modifications, its compliance with the applicable review criteria, any impacts to the surrounding area, a statement about whether or not this application changes any open space that has already been dedicated to the Town or is proposed to be dedicated to the Town, and any other relevant information.
- E. Surrounding and interested property ownership report (with labels)
- F. Redlined PUD Guide
- G. Updated Zoning Plan (if applicable)
- H. Any other documents requested by the Town Planner during the review process.

**Building Department – Eddie Wilson: [eddie.wilson@townofeagle.org](mailto:eddie.wilson@townofeagle.org)**

Commented [SD1]: SD ping

1. Permanent addressing must be created and approved before they apply for a building permit.
  - i. An address plan shall be submitted with the Major Development Permit application and will be reviewed and approved as part of that review process.

1) **Noted**

**Engineering/Public Works – Ryan Johnson: [ryan.johnson@townofeagle.org](mailto:ryan.johnson@townofeagle.org)**

See attached and below for Public Works comments:

The comments attached to this document are the initial comments generated from the Public Works review of the submitted Red Mountain Ranch Subdivision Sketch Plan. Additional comments on the materials will be provided through the development review processes. The applicant should review the comments and make adjustments to plans and reports as necessary and provide comment responses.

**General Comments**

1. As the plan develops the survey should be used as the background for the design sheets and generally the basis for design.
  - i. **Noted**



2. What are these designations noting, they don't appear to be drawn as a separate parcel or land. Is this a phasing designation or a planning area?
  - i. **Parcels 1.1, 1.2, and 1.3 designate different planning areas used by the design team. These were designated to provide enlarged views of the site plan with the ability to reference specific areas more easily.**
3. Evaluation of the existing culvert structure will be necessary if the intention is to use the culvert as pedestrian connectivity. Evaluation at a minimum should include: **Noted**
  - i. Hydraulics
  - ii. Surfacing of pedestrian path.
  - iii. Height
  - iv. Lighting
  - v. CDOT approval
  - vi. Maintenance requirements and agreements with CDOT
4. Existing wetlands areas should be delineated. Is that effort part of the RAMP?
  - i. **Existing wetlands have been identified and will be clearly identified on future submissions**

Water and Wastewater Comments:

5. All utility crossings of Highway 6 will require a CDOT utility permit. Evidence of this permit will need to be submitted.
  - i. **Noted**
6. All utility crossings of the Union Pacific Railroad will require a utility crossing permit. Evidence of this permit will need to be submitted.
  - i. **Noted**
7. Has the existing infrastructure for sanitary sewer in Nogle Road been analyzed for capacity from the proposed development?
  - i. **Yes, Ownership to gather information.**
8. Were the water system connections off site previously analyzed for capacity/pressure?
  - i. **Yes, ownership to gather information**
9. Alignments of sanitary sewer force main and water lines will need to be verified with existing easements, or easements will need to be procured.
  - i. **Noted**
10. The location of the westerly lift station will need to be out of the 100-year floodplain. This station will need to have backup power and be located in an area that is conducive for maintenance of all components of the facility.
  - i. **Noted**



#### Street Network Comments

11. As noted in the PUD all streets within the property shall be private streets, however, where access to public amenities is necessary a public access easement along the roadway should be granted.

12. Private street and intersection alignment and geometrics should be modified. **Noted**

- i. Show street centerlines and Indicate curvature of the roadways.
- ii. Curves should be tangent to the preceding curves or lines.

13. There is inconsistency from the road sections and plan view width of the proposed roads. This should be reconciled.

- i. Minimum street widths should comply with fire access standards.

1) **Design team and ownership to coordinate with the Town of Eagle fire department on road widths and design going forward**

- ii. Where street parking is provided along the road the width should comply with the parking and loading standards.

1) **Noted**

14. Cul de sac diameter should meet IFC standards or be coordinated with the Fire department.

- i. **Noted**

15. Parking should be accommodated for public access to Parcel OS-1 open space.

- i. **Per ownership, this was dedicated as part of the size of OS-1, the development will not have to provide parking. Design team was under the understanding that the Town would be providing parking at OS-1 and that it would not need to be accommodated on Parcel 1**

#### Traffic Impact Comments

16. The site will need to receive a CDOT Access Permit and comply with the conditions of the permit.

- i. Submit the permit once received.

1) **Noted**

17. CDOT has indicated that permits for this area may have expired and updated traffic study and permit application may need to be resubmitted. Please coordinate with Brian Killian Region 3 access manager.

- i. **Noted**

18. The submitted Background Traffic Assumptions indicate that an access management plan was being developed, does the proposed access comply with the results of the access management plan.

- i. **Yes**

19. Was a traffic study that evaluated project impacts completed with PUD efforts? If so submit that



documentation, if not a traffic report will need to be completed.

- i. Traffic study was completed, need to update with new programming for P1 and P2.

#### Floodplain Comments

20. The survey notes that the floodplain is per a document from Alpine Engineering Inc. Provide that stamped source document or update the survey to show the currently effective FEMA floodplain mapping.

- i. Ownership to gather information

21. Show the floodway location on the plans.

- i. Noted

22. Where is this path in proximity to the 100-year floodplain. Construction of this path should not place fill within the floodplain without further evaluation.

- i. The PUD guide allows for the discovery trail to be constructed within the 75' setback from the high-water mark of the river. The trail can be constructed to not interfere with the 100 and 500 year floodplain, but will be located within the 75' setback from the river and will most likely require minimal fill for accessibility.

#### Stormwater Management Comments

23. A Drainage Report will be required for this development.

- i. Noted

24. Detention ponds that also serve as irrigation ponds are not allowed in Colorado without the appropriate water rights. The commingling of these waters is generally not acceptable, and facilities should be separated.

- i. Noted, RMR does have water rights that allow for use of raw-water diverted from the Eagle River to be used for irrigation purposes. The developer/design team will need to discuss whether or not the rights allotted to RMR allow for the comingling of these water uses.

25. Due to the site's proximity to the Eagle River stormwater detention will not be necessary as long as the stormwater facilities are designed to convey the 100-year storm. Water quality will be a primary concern prior to discharge to the river.

- i. Water Quality ponds are an encouraged method of providing water quality.
- ii. Noted, the design team has designed the detention ponds to improve the water quality before entering the Eagle River, and any flow that discharges from sites across Hwy 6 will flow through drainage paths to improve quality before entering the river.

26. The site has several large upstream basins that discharge through it. The site plan should accommodate these drainage patterns. The Drainage Report will need to analyze all offsite basins.

- i. Noted

27. Collection of stormwater in rain barrels should have an education component for the future homeowners.



i. **Noted**

Geohazard/Geotechnical Comments

28. The submitted letter will not be sufficient information pertaining to geological hazards as the process continues.

i. **Noted**

29. Portions of this site are indicated to have corrosive soils or are directly adjacent to areas with such indication on the Eagle County Geologic Hazards Map.

i. **Noted**

30. Geotechnical reports prepared by a licensed engineer are required for construction. The report should address corrosive soils and potential for settlement, along with other typical geotechnical report items such as pavement sections and foundation design parameters.

i. **Noted**

**Garfield & Hecht, Town of Eagle Water Council – Mary Elizabeth Geiger: [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com)**

1. The max number of EQRs for the entire development was determined in the ADA/PUD for calculating the water rights dedication. As long as the larger hotel does not exceed the EQRs allocated for Parcels 1 and 2 in the approval documents, they will not owe any additional water or cash in lieu.

i. **Noted. The current design shows that even with the larger development on Parcel 2, the development is far below the water rights dedicated.**

2. The Utilities Plan talks about using one stormwater detention pond as an irrigation pond – this is not allowable.

i. **See above, development/design team need to discuss path forward if this the case.**

3. The Water Demand document talks about the raw water to be used for irrigation/landscaping as being pumped from various points along the Eagle River. The Town still needs to file a water court case for the water rights that were dedicated upon annexation. The Town will need the GPS location for each of these points of diversion from the river and the property owner/developer can't operate these points of diversion until the water court case is completed – this information ASAP for ALL parcels. In addition, if the property owner/developer wants to have a water feature (pond) on the property that was NOT contemplated as part of the calculation of the water rights dedication requirements, then we would need to know the size and location (a pond for just irrigation control purposes that is drained every 72 hours doesn't count).

i. **Noted, ownership to gather information.**

**Greater Eagle Fire District – Randy Cohen: [rcohen@GEFPD.org](mailto:rcohen@GEFPD.org)**

1. GEFP has no comments at this time, but reserves the right to provide comments at a later date and on future applications.

**Commented [SD2]: SD- send email to Randy and give him a quick call after**



Colorado Geologic Survey –Jill Carlson: [CGS\\_LUR@mines.edu](mailto:CGS_LUR@mines.edu)

See below memo comments and attached full memo and map from Colorado Geologic Survey dated April 11, 2024.

1. CGS disagrees with the March 15, 2024 statement by Griffin Development LLC / Eagle Meadows Colorado LLC that “...there are no geological hazards existing on the development sites known as Red Mountain Ranch PUD PA1 & PA2.” CGS reviewed a previous Red Mountain Ranch PUD Zoning Map/Development Plan and Subdivision Sketch Plan; comments were provided in letters dated April 13 and October 24, 2018. Although not included with the current referral documents, CGS has on file and reviewed the following in 2018:
  - i. Preliminary Subsoil Study, Parcel 1, Red Mountain Ranch, U.S. Highway 6, East of Eagle, Eagle County, Colorado (HP Geotech Job No. 115 548A, February 29, 2016), and
  - ii. **Noted**
2. Preliminary Subsoil Study, Parcel 2, Red Mountain Ranch, U.S. Highway 6, East of Eagle, Eagle County, Colorado (HP Geotech Job No. 115 548B, February 29, 2016).
3. Erosion and slope stability setback from Eagle River. The sketch plan shows a 75-ft building setback from the “Average High Water Line.” I georeferenced sheet SDP-04, Overall Utilities Plan (because it shows proposed buildings and the 75 ft. setback line on one sheet). It appears that the 75 ft. setback is inadequate in some areas; the 75-ft setback line is quite close to or within the 100-year flood hazard zone limits in several areas (see attached figure), which appears to provide insufficient protection from erosion-related damage and potential slope instability. I am working on an analysis using CWCB’s Fluvial Hazard Zone delineation tool and will try to follow up. In the meantime, CGS recommends that the town request verification by a qualified professional that proposed buildings are located a sufficient distance from the Eagle River 100-year flood hazard limits plus an erosion setback, or reconfiguration of the lot/building layout to reduce the risk of damage caused by erosion and slope instability.
  - i. **Noted**
4. Geologic hazards and development constraints discussed in 2018 reviews of Red Mountain Ranch but not yet addressed include: Water-soluble evaporites, sinkholes, and ground subsidence. The surficial deposits are underlain by Eagle Valley Evaporite. HP Geotech’s reports identify the potential for sinkhole activity, but indicate that no sinkholes were observed. Sinkholes are clearly visible on other Red Mountain Ranch parcels to the east of Parcels 1 and 2, and past re-working of surface soils or other ground disturbance may have obscured evidence of sinkholes on the subject parcels. Historical evaporite-related sinkhole activity in Colorado has been initiated or renewed by the addition of surface water from activities such as irrigation and irrigation ditch leakage. Any activity that leads to increased or ongoing addition of new water (this includes landscape irrigation) to the subsurface in areas underlain by Eagle Valley Evaporite has the potential to exacerbate evaporite-related sinkhole activity.
  - i. In addition to the potential hazards posed by surface collapse of previously unidentified underground voids, the variability of soil properties within 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.

ii. **Noted**

5. Compressible/collapsible/hydrocompactive soils. HP Geotech identified soils with low bearing capacity and potential for collapse upon wetting. HP Geotech makes reasonable preliminary recommendations for mitigating damage associated with compressible or collapsible soils, but additional investigation consisting of drilling, sampling, lab testing and analysis is needed based on current development plans to better define the depth and extent of collapsible/compressible soils and to develop site-specific mitigation strategies.

i. **Noted**

**Public Utilities Commission – Pam Fischhaber:** [pamela.fischhaber@state.co.us](mailto:pamela.fischhaber@state.co.us)

1. The PUC has no comments regarding this project.

**Colorado Department of Transportation – Kandis Aggen/Brian Killian:** [kandis.aggen@state.co.us](mailto:kandis.aggen@state.co.us) / [brian.killian@state.co.us](mailto:brian.killian@state.co.us)

1. The CDOT access permits associated with this project have expired. The applicant will need to re-apply for access permits and provide an updated traffic study.

i. **Noted**

**Colorado Parks and Wildlife – Brian Wodrich:** [brian.wodrich@state.co.us](mailto:brian.wodrich@state.co.us)

1. CPW looks forward to the opportunity to provide comments if and when this project comes up for a PUD amendment and approval.
  - i. CPW has concerns regarding the boat ramp – the Town would suggest facilitation of a conversation between CPW, the Town and the developer to discuss advantages and disadvantages associated with the boat ramp at an appropriate time in the overall Red Mountain Ranch review process.
  - ii. CPW will review and provide comments on the RAMP during the review process for the Major Development Plan application for Parcel 1 or at an earlier stage depending on formal application of a final draft of the RAMP.

1) **Noted**

**Eagle River Coalition – James Dilzell & Bill Hoblitzell:** [dilzell@eagleriverco.org](mailto:dilzell@eagleriverco.org)



1. Comments are summarized below. Please see the attached document for the full commentary.

i. Stormwater

1) This development proposes to manage all foreseeable stormwater volumes on-site via swales and detention/infiltration ponds, with no planned drainage connections to municipal stormwater infrastructure being contemplated. Although detailed engineering designs were not reviewed by ERC, in general this treatment paradigm is excellent for this type of development in this landscape setting, and likely to be strongly protective of water quality in the adjacent Eagle River.

ii. Riparian Area Management Plan

1) ERC strongly applauds RMR in targeting strong setback goals as an important component of its development footprint, and hopes Eagle will continue to maintain or exceed this example with all additional developments that are likely to occur westward throughout the town's River Corridor Planning Area.

2) The only caveat is the plan only provides recommendations at this point and it remains unclear to what extent all recommendations (such as seasonal use restrictions or pet restrictions) will be implemented and enforced, either at Town of Eagle code level, or at RMR POA/HOA covenant level.

3) Given the sheer number of residents that will permanently live in the RMR development, a network of unsanctioned social trails will inevitably be created and pet use can alter wildlife behavior, if unmanaged. The creation of a sanctioned and managed trail with seasonal use and pet control restrictions is the most realistic mitigation. However, it should be understood that wildlife values and functions in these portions of the river corridor in Eagle are likely to be forever altered and diminished as a result of development. These riparian Best Management Practices (i.e. pet leash, seasonal closure, etc.) are only effective to the extent that they are well-implemented and enforced, therefore, until an implementation plan and enforceable mechanism is implemented, success remains an open-ended question.

1. **Noted**

iii. Water Use: Irrigated landscapes

1) Red Mountain Ranch Phase 1 is reflective of this reality by avoiding large amounts of irrigated turf and instead providing a shared functional lawn area for Townhome and Duplex Units (Parcel 1-2 Water Demand Study, Page 3). However, little is mentioned about turf at the single-family units of RMR either in this planning area, or future planning areas. It is somewhat unclear and perhaps 'between the lines' from this plan whether the individual single-family units in PA1/PA2 and future homes in PA3-7 will have significant turfgrass landscaping components, and if so, how much?

1. **Individually owned turfgrass landscaping is strongly discouraged throughout RMR by**



the design guidelines, and max sizes have been noted for all future development. It is the development's goal to provide common HOA managed turf areas to be used by all residents.

2)As a starting point in this conversation, it is reasonable for Town of Eagle to follow the lead of other Eagle River water users like the City of Aurora (which, along with Colorado Springs, utilizes approximately 7% of the total Eagle River flow annually through the Homestake Diversion project) and limit functional turf at new residences to < 500 sq ft per dwelling, prohibit front yard turf, and ban non-functional turf at private residences along edgings, road frontages, and other non-essential border locations.

iv. Water Use: Ponds

1)ERC strongly questions the need for wet ponds in new developments in our area, as they provide a continuous and unnecessary evaporative water loss throughout the warm season and frequently provide good habitat for the reproduction of non-native nuisance species, which then are at high risk of escapement to local streams. This is a challenge in existing local ponds, even in state-managed parks like that of Gypsum Ponds.

2)However, the wet pond contemplated by RMR for PA-1 is relatively small and closely integrated with the overall stormwater management system; it is unlikely to be much of an issue. Given that what occurs at one development is often precedent setting for later developments, ERC encourages Eagle's planning staff to apply a generally critical view to unnecessary surface ponds in all new developments that may occur throughout the River Corridor Plan area, as well as in the Brush Creek corridor in other new developments.

1. **Noted, per other comments, the use of an irrigation/stormwater pond seems to be in question and thus would possibly eliminate the wet pond.**

Eagle County – David McWilliams & Bill Gibson: [bill.gibson@eaglecounty.us](mailto:bill.gibson@eaglecounty.us)

1. Planning Comments

- i. A Landscape Plan was not provided in the application materials for referral agency review. Riparian corridor preservation, snow storage, and minimizing improvements on steep sloped properties are County priorities.

1) **Landscape plans are included at the end of the Sketch Subdivision set.**

2. Sustainable Communities Comments

- i. The Eagle County Office of Wildfire Mitigation has rated this parcel as a LOW wildfire hazard. This rating is based on fuel types present, topography, slope, access, water supply, and existing and proposed improvements. Although rated as LOW, ignition resistant construction and defensible space are vital to protecting homes during a wildfire. Subsequently, we provide the following recommendations for any new construction on this property:

1)Fire resistive construction on all new structure(s), including roof, siding, eaves, and deck.



- 2) The implementation of a Fire-Free-Five, a five-foot space of noncombustible landscaping and/or gravel mulch at the base of exterior walls and decks to prevent surface fire spread towards structures.
- 3) Using native, low-growing plant and shrub species, and promoting aspen growth when possible; refrain from planting conifers within 30 ft of structure.

4) **Noted**

- ii. Development of this nature within unincorporated Eagle County would trigger Eagle County's dual access provision. We recommend the incorporation of a secondary access route to ensure that residents can safely exit the subdivision in the case of an evacuation or emergency and to support appropriate infrastructure for fire suppression and emergency evacuation.

1) **Noted. Secondary emergency access had originally been planned at the end of Nogal Rd, the design team plans to present this as an emergency access point in future submittals.**

**3. Open Space and Natural Resources Comments:**

- i. Page 11 in the Riparian Area Management Plan mentions grading. Per Section 10 on page 21 in the PUD Guide, grading is prohibited within the stream setback. It is unclear whether the grading on page 11 in the Riparian Area Management Plan refers to grading within the stream setback or upland. We recommend this be clarified.

1) **Per exception A in Section 10, footpaths not exceeding 3' in width following a route which minimizes disturbance and formed of generally natural, pervious materials are allowed within the stream setback.**

- ii. Page 13 in the Riparian Area Management Plan states "Provisions for in-stream fish habitat restoration are also included in the PUD Guide." However, it does not appear the provision for in-stream fish habitat restoration is provided in the PUD guide. We recommend information be provided in the PUD Guide and in the Riparian Area Management Plan on in-stream fish habitat restoration.

1) **Noted**

- iii. Specific sections of the Eagle County Comprehensive Plan outlined below relate to the Application, with Eagle County Open Space and Natural Resources staff recommendations below the pertinent sections:

1) Wildlife Concerns

3.7.2.a - The integrity, quality and interconnected nature of critical wildlife habitat in Eagle County should be preserved;

3.7.3.d - Development in areas critical to the continued well being of Eagle County's wildlife populations should not be allowed;

3.7.3.e - Where disturbances to wildlife habitat cannot be avoided, development should be required to fully mitigate potential negative impacts;



3.7.5.g - Wildlife friendly measures should be incorporated into the design of individual home sites and neighborhoods;

3.7.5.h - Measures designed to protect wildlife from contact with human activities and disturbances should be implemented and enforced;

3.7.5.i - Access to public lands and opportunities for public land recreation should be balanced with the need to preserve quality wildlife habitat

2) To reduce human-wildlife conflict, Eagle County staff suggest installing wildlife exclusion fencing around areas where proposed community / demonstration gardens will be located.

3) Eagle County staff recommend providing signage communicating rules about staying on designated trails and river access points and dog leash and pet waste requirements.

4) To reduce human-wildlife conflict, we discourage the use of fruit-bearing trees and shrubs in the Landscape Plan for residential and commercial uses upland and outside of the stream setback areas that can serve as an attractant and food source to bears.

a) River and Riparian Habitat

3.6.4.h - Aquatic and riparian habitats should be protected from agricultural, industrial and development related impacts

b) River Recreation

3.6.5.i - Water-related recreation should be encouraged where appropriate at a level that will not damage related resources, ecosystems and environments.

To protect wildlife, viewsheds, and river recreation users' experience, we recommend a revegetation plan for riparian areas to include screening (i.e., tall vegetation) from the river looking onto the property.

iv. While not a part of this Application, Eagle County Open Space and Natural Resources staff do not recommend adding the proposed boat ramp in the proposed location as the location is not conducive to a boat ramp. The river is shallow on the north side of the Eagle River with a strong current during high water. Additionally, there are two close public boat ramps located downstream to the property. The area may be more suited for the public amenities of a permanent public walk and wade fishing easement with a parking lot instead of the boat ramp.

1) **All the above is noted**

**Eagle County School District (ECSD) – Sandra Farrell: [sandra.farrell@eagleschools.net](mailto:sandra.farrell@eagleschools.net)**

1. It is our understanding that this proposal is the first phase of development for the Red Mountain Ranch PUD that was approved in 2020. At the time the PUD for Red Mountain Ranch was approved, Eagle County Schools provided a referral letter requesting cash in lieu of land dedication. It is our understanding that the Red Mountain Ranch Annexation and Development agreement from 2020 also stipulates that the applicant will provide cash in lieu to the District. The District's request would remain unchanged – that the applicant provide a cash in lieu dedication for the project in accordance with the Town's school land dedication regulations.



- i. In accordance with Section 4.15.060.E. of the Land Use Code, payment in lieu fees to the School District will be assessed at time of major residential or partial residential development or major residential or partial residential subdivision.
- ii. **Agreed, timing of payment per the Annexation is at issuance of building permit.**

### Next Steps

A Review Meeting is scheduled before the Planning & Zoning Commission on May 21, 2024 and before Town Council on June 11, 2024. This comments report with applicant responses will be attached to the staff memo for P&Z's and Town Council's review.

If you have any questions concerning comments on your project or the development review process, please feel free to contact me at [jessica.lake@townofeagle.org](mailto:jessica.lake@townofeagle.org) or (970) 328-9627. I am generally more accessible via email do to current meeting schedules.