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Date: 09.22.2025

Project: Red Mountain Ranch (RMR) – Parcel 1

Submittal: Major Development Permit (MDP) & Preliminary Plan Review (PPR) – R2 Submittal

Attention: Richard J. Peterson-Cremer

R1 Comment Responses: Town of Eagle Attorney - KNH

Richard J. Peterson-Cremer,

Thank you for providing comments on the R1 MDP/PPR submittals for the Red Mountain Ranch (RMR) – Parcel 1. The following document contains the design team's responses to the comments dated **04.21.2025**. Your comments and our responses are written below in the following format:

Original comment; Rewritten in grey font.

Response: Written in black italics. Updated drawings will be noted here as applicable.

Please feel free to reach out to me directly with any questions or concerns regarding our comment responses.

Thank You,



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Comment Responses:

General Comments

Development Agreement

Many details in the application will need to be included in a comprehensive development agreement or subdivision improvements agreement, including construction and warranty of public improvements, payment of fees, and phasing of development, among other matters.

Response: *Acknowledged.*

Metropolitan District

It is our understanding that there will be a metro district for this property pursuant to ADA paragraph 7. While approval of a metro district service plan is a separate process from a land use application review, inclusion of its responsibilities and relationship to public infrastructure and owners associations will be helpful in better understanding the development as a whole.

Response: *Correct, a Metropolitan District will be established for this property. That process has been initiated and will benefit from input from the Town as it progresses. The project team will provide documentation associated with the Metro District as it becomes available, but with respect to wastewater, the intention remains that "The Town shall never be responsible for the ownership, operation or maintenance of private wastewater collection systems" per Section 6.b.iv of the ADA.*

Crossing Agreements

The Applications are contingent upon obtaining a crossing agreement from Union Pacific Railroad ("UPRR"). Our experience is that this is a lengthy process that requires significant negotiations with UPRR.

Response: *Acknowledged. Please see the updated "Other Entitlements Narrative" for a summary of these and other entitlements.*

Water Main Extension

We will need to discuss the phasing of the water main extension contemplated in ADA paragraph 6.a and the Town's desire to have a looped system for this phase.

Response: *Acknowledged. Although paragraph 6.a references Planning Area 6 (not part of the scope of this submittal) we would be happy to discuss the Town of Eagle's needs here at your convenience.*

Specific Application Requirements

1. Preliminary Plat

- a. There is no draft preliminary plat provided. This is necessary to understand the eventual subdivision plan and ensure that all necessary easements and public infrastructure are being dedicated.

Response: *The R2 submittal includes a Draft Preliminary Plat.*

- b. While townhomes can be platted at a later time pursuant to Section 4.17.100.F, duplexes and single family lots, as well as property to serve the townhome developments, will need to be platted prior to issuance of MDP.

Response: *Acknowledged. Please see the Draft Preliminary Plat (PPR Item 05d) included in the R2 submittal.*

- c. Plat should dedicate OS-1 to the Town pursuant to ADA paragraph 10.a as well as necessary easements to serve it and restrictive covenants.

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Response: Developer shall convey parcel OS-1 to the town by special warranty deed within 30 days of issuance of a Development Permit for Planning Area 1 pursuant to paragraph 10.a of the ADA

- d. Plat should dedicate easement for Discovery Trail.

Response: Acknowledged. Please see the Draft Preliminary Plat included in the R2 submittal.

- 2. Surrounding and interested property ownership report. Section 4.17.130.F.5.

- a. Not included in PP application.

Response: This item was included in the original submittal. It was identified as item "04_SurroundingPropertyOwners" and included both a vicinity map and spreadsheet to identify surrounding property owners. If that item is considered adequate, the design team can provide the associated physical notification labels at the Town's convenience.

- 3. Explanation of how the preliminary plan complies with the LUDC, comprehensive plan, and other town plans. Section 4.17.130.F.7.

- a. "General Development Information" submittal document does not address appear to address this requirement aside from passing cursory references in the Statement of Compatibility" to housing needs, sustainability, and connectivity. Applicant needs to analyze how the Applicant complies with applicable provisions of the Eagle County Land Use and Development Code, the Comprehensive Plan, applicable sub-area plan(s), and other applicable plans

Response: This item has been updated in the R2 submittal to address this comment

- 4. Title Commitment. Section 4.17.130.F.4.

- a. The title commitment provided is for OS-1 not Parcel 1. Please provide the updated title commitment that was used to develop the ALTA survey, which should also be used to develop the plat.

Response: The title commitment has been updated to address this comment and included in this submittal.

- b. Provided title provided links to the wrong plat (#310758) for Filing No. 4, not Filing No. 5 (#202020731).

Response: The title commitment has been updated to address this comment and included in this submittal.

- 5. Confirmation or list of any mineral interest owners of record in the county tax assessor's records or that have filed for notices with the Eagle County clerk and recorder (CRS §24-65.5-103). Section 4.17.130.F.9.a.

- a. The Mineral Rights Narrative submittal does not address the requirements of state law, CRS § 24-65.5-103, which requires the applicant to identify mineral estate owners not lessees of mineral rights. This refers to a "split estate" where minerals are owned by someone other than the surface owner, and as such would be entitled to notice under state law. Applicant needs to certify that it has researched the records of the Eagle County Clerk and Recorder to verify that there are no separate owners of the subsurface mineral rights to the property.

Response: There are no separate owners of the property or any related subsurface mineral rights to this property. The Title Commitment confirms this. Please see the updated Title Commitment included in the R2 submittal.

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6. Draft covenants and proposed articles of incorporation and bylaws for any planned Parcel 1 association(s). Section 4.17.130.F.9.f.
 - a. This has not been provided. We will need to review covenants to ensure that adequate maintenance responsibilities for non-town common element infrastructure have been appropriately apportioned to the association(s).

Response: Parcel 1 will likely include the Metro District (see previous response above) and an HOA. The project team is developing these associations concurrent with the site development and can provide draft covenants as they become available. However, none of these will conflict with the ADA which firmly places the responsibilities referenced above on the HOA (via Section 14) and the Metro District (via Section 6).