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August 20, 2019

Brian Rose - 10 Acre Holdings, LLC  
Doug Pratt - Land Studio, Inc  
[via e-mail]

Re: 10 acre PUD - Referral Response Review Comments

Dear Brian and Doug-

Thank you for your patience while Eagle County staff completed its review of your response to comments generated through the referral period. Please see the attached memo that outlines additional comments from Planning, Engineering, and Sustainable Communities.

Please note that the first section of comments are a recap of initial comments from the Planning Department and includes an indication of whether the comment has been resolved or needs additional consideration.

Please let me know if you have questions on the contents of the attachment and we can arrange a meeting to discuss.

Thank you very much,

Morgan Landers, AICP  
Associate Planner

CC: Morgan Beryl, Community Development Director  
Julie Pranger, Staff Engineer

## 10-acre PUD Referral Review Comments from Eagle County

8/20/2019

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### Planning Department Referral Review Comments

The following is a review of the first round of referral comments from the Planning Department. If staff believes the comment has been resolved by the applicant's revisions, the word "Resolved" will follow the comment. If further discussion or action is requested, additional comments and recommendations will be in *italics*.

1. Access and circulation design differ between the application and the Town of Basalt's recommendations. Confer with the Town and modify the application accordingly. *Staff is awaiting further communication from the Town of Basalt following the August 20th Planning Commission hearing. Per the initial referral letter from the Town of Basalt, Eagle County staff is supportive of the current alignment of the access drive into the property due to the mitigation measures proposed by the applicant and the low volume of traffic anticipated by the project. Staff is also supportive of the revised pedestrian crossing treatments and speed monitoring proposed by the applicant in the revisions submitted July 17, 2019.*
2. Adjust density calculations throughout the application to reflect 9 units instead of just 5 units. *Resolved*
3. On page 23, Item 6.7., need to adjust the density calculation. *Resolved*
4. On page 24, calculations in the table will change if the building envelopes are reduced in area. *Resolved*
5. Corrective Action: Table will likely need amending if the building envelopes change. 50% lot coverage is quite high. This percentage has been referenced in adjoining property owner correspondence as a concern. *Resolved*
6. On Page 26, Table 4 will need to be amended if the building envelopes are modified. *Resolved*
7. On page 28, Item 2., It would clarify the paragraph if the applicant referenced the actual payment amount of the mitigation fee in lieu. *The applicant has revised the proposal for compliance with Eagle County Housing Guidelines and the proposal is still in review by the department. See Eagle County Housing Department referral review letter dated August 6, 2019.*
8. On page 47, Item 10.3, the density calculations need to be adjusted accordingly to reflect 9 units. In Item 10.5, the applicant needs to clarify if they intend to build the footpath along Willits Lane and if so, to what standard? Is this still consistent with Town of Basalt's requirements for access permit? *Resolved*

9. EC will need to see the wetlands analysis to determine the extent and impacts, if any, of the delineated wetlands. Building envelopes may need to be adjusted accordingly. *Resolved*
10. On Page 61, the application discusses the dedication of ROW and proposed improvements stipulated by the Town of Basalt. The application will need to be modified in response to those negotiations. *Still pending, see staff comment #1.*
11. On Page 76, the application discusses that new irrigation systems will be provided. Need to clarify if this is in a valve to the property line, in a ditch, etc? Is it flood irrigation or piped and sprinkled? *Resolved, see engineering comments*
12. The application proposes one approved wood burning device. The comments from Environmental health recommend no wood burning devices w/in the subdivision. Applicant may wish to address this conflict. *Resolved*
13. On Page 95, the application references allowed uses, specifically ADUs on specific lots. If the location of the ADUs change to differing lots as an application change, this list should be revised accordingly. *Resolved*
14. On Page 116 (s) In the final plat and associated documents, the presence of sink holes should be noted for the benefit of future lot purchasers. *Resolved, see engineering comments*
15. During the final platting process, the applicant shall provide a cost estimate for the total cost of the the landscape improvements and provide security accordingly. *Resolved*
16. On page 130, #4, as previously mentioned Env. Health has recommended no no devices shall be permitted. Applicant may wish to discuss this matter. *Resolved*
17. On page 142, Section 4-640 references the design for a 3 foot wide gravel path along Willits Lane. This is inconsistent with the Town's request. As negotiations advance with the Town, please modify this section of the application. *Resolved, the path has been removed and the pedestrian access has been moved north.*
18. On page 153, #1, references the payment of certain fees at the time of Building permit. A plat note or similar reference should be made on the Final Plat to inform future lot buyers. *Although this direction was given in the original review comments, staff has determined that plat notes are only used for indication of impact fees in special circumstances. This should not be included in the plat notes for the project.*
19. On page 154, the Sustainable Community index, Revisions may be warranted in response to the referral comments from the sustainability Department staff. See *Sustainable Communities comments below.*
20. E.2.3 - "Minimum Lot area" Is that really intended to be lot area for each lot on the plat? *The applicant has removed the term "minimum" from the PUD Guide. Staff believes that a minimum lot area is important in the event that the lot*

*dimensions shift slightly during final plat and recommends a minimum lot area of one (1) acre.*

21. E.2.4 Common Open Space and Recreation Area - Some of the intended uses for the recreation area seem a little far fetched such as hiking, fishing and cross country skiing. *Resolved*
22. E.2.5 - Multi-part comment
  - a. Allowed Uses - Since some of the nomenclature in the list is very specific is it appropriate to reference a definition, either in Section 2 of the LUR or somewhere else. *For further clarification, staff is requesting a further delineation between primary and secondary (or accessory) uses in order to provide clarity to the intent of the PUD. As currently written, the PUD allows for just solar or wind power without a primary residential use. Staff does not believe that is the intent of the applicant and recommends providing some clarity around uses.*
  - b. Is it appropriate to have no limit on the number of animals, and livestock in particular, for lots of this size? *Staff acknowledges that the limitations on animals and livestock will be provided for in the CC&Rs for the project. Staff is supportive of that approach.*
  - c. The sole performance standard for dust may not be sufficient to minimize the impacts of wind and dust. Other potential impacts include odor, pests, etc. Do you anticipate placing more regulations in the CCR's? *Resolved*
23. E.2.8 - Dimensional Limitations - 50% is high for lot coverage. Especially when coupled with no limit on the number of structures. Is there some reasonable way to limit the size and number while still maintaining flexibility and marketability? This issue could prove to be a hot button. Also not clear on the motivation for the 30% exceedance in the building appurtenances. *Resolved*
24. E.2.15 - Recycling - While this provision is well intended it is unenforceable. *Resolved*
25. E.2.16 Drainage, Stormwater Drainage, Erosion, Sediment and Siltation Control - It would seem appropriate to add language that requires ongoing compliance (future lot buyers and builders) to comply with all LUR in Article 4 - Site Development Standards. *Resolved, see engineering comments*
26. Need a second arrow to define both sides of the recreational easement. Clarify if the gravel pedestrian path is intended to be on both sides of the road and the cul de sac. *Resolved*

Additional referral review comments from the Planning Department:

1. Please reformat the PUD Guide as a standalone document with a cover page and independent numbering. A good example of format is the recent 6 West PUD

approved by Eagle County found here:

[https://www.eaglecounty.us/Planning/Documents/PUDs/R18-002\\_VIA\\_PUD\\_aka\\_6\\_West\\_PUD\\_Amendment/](https://www.eaglecounty.us/Planning/Documents/PUDs/R18-002_VIA_PUD_aka_6_West_PUD_Amendment/)

2. The footnote on page 2 of the PUD Guide can be removed as it is a duplicate of E.1.2.
3. The definitions section of the PUD Guide under E.1.8 should be pulled out as a separate section and moved earlier in the document after General Information. Definitions should be used only for items that are not defined by ECLUR or that are variations to definitions in ECLUR.
  - a. The lot coverage definition is the same as ECLUR and can be removed.
  - b. Home Business vs. Home Occupation - The definition for Home Business as provided in the PUD Guide is difficult to enforce and manage. Staff recommends removing the definition from Section E.1.5 so that the provisions of ECLUR Section 3-310 F.1 prevail.
4. Fencing - Section 4.1.3.2 states that exclusion fences shall not be constructed within setbacks. Please clarify what is meant by "exclusion fences". If this is a specific term, please include a definition in the definitions section of the PUD Guide. In addition, as written, the PUD Guide currently allows for a full perimeter privacy fence of 8 ft high on each property. Staff does not believe this to be the intent of the applicant and requests that this section be revised to clearly identified permitted locations and heights for fencing.
5. Minor and Major Modifications - Due to the scope and scale of the project, staff recommends that the language in these sections be simplified. Staff recommends the following language:
  - a. Minor deviations to the PUD may be approved by the Planning Director in accordance with Eagle County Land Use Regulations. Amendments or major modifications to the PUD Preliminary Plan or PUD Guide shall be processed in accordance with Article 5 of the Eagle County Land Use Regulations for Amendment to Preliminary Plan for PUD.
6. Minor Modification of setback variation for sink holes - Engineering and Planning staff would like to request a call with the applicant and the geotech engineer to review the sinkhole information provided prior to supporting this request.
7. In Section E.1.8 of the PUD Guide, please add clarifying language to make it clear that the square footage maximum applies to the gross square footage of all agricultural buildings on the lot.
8. As the PUD Guide is currently written, development of Lot 4 will be limited by the type and amount of development of the recreation area. For example, ponds are considered impervious surfaces. Therefore, the square footage of impervious surface of the pond will deduct from the allowed impervious coverage for Lot 4.

Staff does not believe that this is the intent of the applicant and recommends that clarifications be included in the PUD Guide.

9. As currently written, the PUD Guide allows for a 12SF sign for each property on all lots (i.e. home business signage). Staff believes the applicant intends for this to be for the open space/recreation signage only and recommends that the language be revised to clarify. Staff recommends that additional signage not be permitted for home businesses/home occupations.
10. For ease of use, staff recommends that the various limitations and restrictions outlined for ADUs in the PUD Guide be grouped into one section of the guide, rather than spread throughout the document.
11. For ease of use the Dimensional Limitations section in the PUD Guide should group FAR, Lot coverage, and Impervious Coverage elements, rather than jumping back and forth.
12. Staff recommends the removal of references to specific documents or “guides” published by agencies or organizations as these documents may go out of print, be revised, or be discontinued for a variety of reasons.

## **Engineering Referral Review Comments**

### **1. PUD Guide**

- a. Remove the sentence, "Any additional stormwater runoff caused by the keeping of livestock must be managed in place within the lot the livestock are kept on," from section E.1.5. Any future stormwater and/or drainage requirements shall be head to the prevailing Eagle County Land Use Regulations and Development Standards.
- b. Remove section E.1.15 from the PUD Guide in its entirety. The intent of this section is currently enforced through the Eagle County Land Use Regulations and is duplicative in nature.
- c. Remove section E.1.16 from the PUD Guide in its entirety. The PUD automatically defaults to the Eagle County Land Use Regulations for any item the PUD is silent to.

### **2. Drainage Report**

- a. The culvert under Willits Lane, conveying flow from the Sopris Meadows Subdivision, is referenced as both 12" in diameter and 16" in diameter throughout the report (page 2, page 4, and the Routing Diagram). Please confirm the diameter of this culvert and confirm that 1 cfs is an accurate 100-year flow estimate.
- b. The Existing Easterly Basin section on page 4 of the drainage report references a 1.7 acre portion of the property that appears to align with basin EB-2. Basin EB-2 has an area of 1.006 according to sheet 8 of the

construction plans. Please ensure this information is consistent and correct.

- c. The On-Site Sub-Basins section, on page 5, identifies 3.66 impervious acres based on 45% of impervious area on lots 2-5. While 3.66 is an accurate number, this acreage spans lots 1-5 (25% Lot 1 and 40% lots 2-5) and it is not clear why the information has been presented in this manner. This should read, "the impervious area for Lots 1-5 is defined at 45%."
- d. The Operations and Maintenance section does not address the proposed detention ponds. Please include. This information should include the access needs for necessary equipment.
- e. The flow length for sub-catchment basin 12S appears to be 340' rather than 275'. Please confirm all flow length have been taken from the most hydraulically remote point. A diagram indicating remote point and flow path is recommended although not required.
- f. The Summary for Subcatchment 1S: Ex-Overall Pasture, on pages 6 and 18 of the HydroCAD report, identifies the time of concentration for the 50' sheet flow section as 11.1 minutes. What formula was used for this calculation? For a 50 ft length at .08 ft/sec, I calculate a tc of 10.42 minutes. This value was also used for subcatchments 1S and 12S on various other pages.
- g. As per Eagle County Land Use Regulation (ECLUR) Article 4 Section 4-620.K.3, driveway culverts must adequately convey the 25 year storm. Please confirm the proposed 12" diameter is sufficient.

### **3. Construction Plans**

- a. As per ECLUR Article 5 Section 5-240.F.3.(10), a detailed grading plan is required. This grading plan must support the Proposed Drainage Plan and include all proposed swales, detention ponds, and other conveyance structures.
- b. The drainage swale design(s) must comply with the Mile High Flood Control District's Urban Storm Drainage Criteria Manual: Volume 3 or other published reference manual. Please provide a detailed cross-section and indicate the placement and design of the swales on the grading plan.
- c. The construction plans do not provide design information for the proposed detention ponds. Please provide. Detention pond designs should comply with the Mile High Flood Control District's Urban Storm Drainage Criteria Manual: Volume 3 or other published reference manual.

- d. The grading plan must account for the off-site drainage from Sopris Meadow Subdivision. A swale, or other conveyance structure, along the 50' setback between Lot 3 and Willits Lane right-of-way is recommended to preserve the building envelope.
- e. The boundaries of the drainage areas on the Proposed Drainage Plan (sheet 9) appear to follow property lines rather than proposed swales. The arrows representing flow directions and the drainage area boundaries do not appear to match. Please ensure the grading plans and drainage areas are consistent.
- f. The proposed drainage plan indicates that drainage will discharge to the existing discharge locations to the north. There are no platted drainage easements dedicated to the public in the River Ranch Subdivision. Lot 2 of River Ranch Subdivision has a platted 20' wide ditch easement. Typically the word "ditch" is used to refer to an irrigation ditch. It is not clear that you may legally discharge to this subdivision. Please provide proof of a drainage easement or other legal permission for the point(s) of discharge.
- g. Is Willits Lane crowned, sloped, or otherwise constructed in such a way that off-site drainage from the road enters the 10 Acre PUD? If so, this off-site drainage must be accounted for in the drainage report and construction plans. Please revise the report accordingly if off-site drainage is to be accommodated.
- h. Eagle County requires a minimum of 8" ABC under asphalt/HBP road surfaces. Please correct on sheet 7.

#### **4. Grammar and Typographic Corrections**

- a. PUD Guide: The word "parcel" in section E.1.17.2 should not be capitalized.
- b. PUD Guide: The word "engineer" should be capitalized in "Eagle County engineer" in bullet 3 of section E.1.17.2.
- c. PUD Guide: The second bullet in section E.1.9 should read, "2 parking spaces...". There is currently an "s" missing in spaces.

#### **5. Recommendations**

- a. Final Plat: The preliminary plat has not been reviewed in full as it is not a standard of approval for Sketch/Preliminary; however, a cursory check indicates there are missing access, utility, drainage, maintenance, and other easements that will be required at Final Plat.
- b. Final Plat: A drainage easement to convey the offsite drainage from Sopris Meadows Subdivision will be required at Final Plat.

## Sustainable Communities Referral Review Comments

1. Section E1.11 of the PUD Guide: While I realize the applicant has eliminated the allowance for wood burning devices as part of the PUD in response to Environmental Health's preliminary comments, allowing for EPA Step 2 certified wood burning devices such as pellet stoves and boilers which achieve 2.0 grams per hour for catalytic and noncatalytic stoves are encouraged to be included, which can protect clean air, climate action plan, and locally produced biomass and forest health projects. Attached is a fact sheet regarding the EPA Air Rules for New Residential Heaters.
2. Section E1.13 of the PUD Guide: Please remove the second sentence from this section, or provide further clarification for alternatives to meeting the 50% renewable energy for Lot 1 of the PUD. As currently written, it is perhaps a bit too ambiguous for staff to be able to determine compliance if the specified path is not followed or achieved.
3. Section E1.13 of the PUD Guide: Regarding electric vehicle charging infrastructure, please include the following language:
  - a. *Newly constructed structures with a dedicated attached or detached garage shall facilitate future installation and use of electric vehicle chargers. For each dwelling unit, a 208/240-volt individual branch circuit or a listed raceway to accommodate a future individual branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the electric vehicle charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel or subpanel circuit directory shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.*