



# PLAN CORRECTIONS REPORT PDSP-009022-2019 FOR EAGLE COUNTY GOVERNMENT

**EAGLE COUNTY**

**PLAN ADDRESS:** 35427 Hwy 6

**PARCEL:** 210504409001

**APPLICATION DATE:** 03/18/2019

**DESCRIPTION:** Kudel Property

**CONTACTS**

Representative

**Name**

Dominic Mauriello

**Company**

Mauriello Planning Group

**Address**

P.O. Box 4777  
Eagle, CO 81631

**PLANNER**

**Name**

Sean Hanagan

**Phone**

(970) 328-8748

**Email**

sean.hanagan@eaglecounty.us

**PUD Sketch Preliminary Referral Review v.1**

REVIEW ITEM	STATUS	DUE DATE
1. Referral - Housing Comments: Housing Comment 1 Corrective Action: See referral letter: 2019 06 04 Referral letter_Kudel	Denied	06/05/2019
2. Referral - Planning Comments: Planning Comment #1 Corrective Action: Planning Staff is not in support of the variance for FAR/Lot Coverage/Setbacks. Please revise plan to reduce the degree of variation. Comments: Planning Comment #2 Corrective Action: Public Benefit is not commensurate with the variations being requested. Comments: Planning Comment #3 Corrective Action: PUD does not include water conservation methods in alignment with ERWSD. Please update PUD guide to outline measures.	Denied	06/05/2019
5. Referral - Assessors	Completed	06/05/2019
6. Referral - External Agencies	Completed	06/05/2019
7. Referral - Sustainability	Completed	06/05/2019
8. Referral - Addressing	Completed	06/05/2019
9. Referral - Environmental Health	Completed	06/05/2019
10. Referral - Engineering Comments: Engineering Comment #1 Corrective Action: Title Commitment: Per the easement document at Book 222 Pg 221, it appears that Holy Cross Electric has a 20' foot easement. Only a 10' easement is shown at the top of bank. Please provide information on how this encumbrance to the property will be impacted and remedied. . Comments: Engineering Comment #2	Denied	06/05/2019

## PLAN CORRECTIONS REPORT (PDSP-009022-2019)

Corrective Action: Application Section VII. Review of Criteria for the PUD (ECLUR Section 5-240.F.3.e):

Item 3 Dimensional Limitations: Engineering does not support the rear yard and stream setback reduction do to geologic concerns with slope stability. Engineering has reviewed the referral letter provided by Colorado Geological survey and has found no supporting information in the geotechnical report to indicate that development in such close proximity to the steep slope is suitable.

Item 7 Adequate Facilities: An emergency vehicle access has not been provided per ECLUR Section 4-620.J.9.c.1. and a discussion and demonstration of how it has been addressed has not been include. For example, an emergency vehicle turnaround has not be provided for the driveway over 150 feet in length. Please provide a response detailing emergency vehicle access, hydrant locations, etcetera coordinated with the local fire authority having jurisdiction.

Item 8 Improvements: It states there are no deviations from the County Improvement Standards. The following items need to be corrected or addressed.

(a) Per ECLUR Section 4-140.I.1, the required driveway width is 12 feet for a single lane and 20 foot for a two-way driveway. The driveway servicing more than 1 residence is a two-way drive and does not meet the width. Additionally, behind the parking for Lot 1D, there is not sufficient width (12 feet) to access the snow storage area. Parking plan was only shown on the landscape plan.

(b) Internal Pathways:

-Per ECLUR Section 4-140.L and 4-620.J, safe and efficient pedestrian circulation shall be provided to transit facilities. A urban residential road requires a detached sidewalk adjacent to the roadway. As the road segment between highway 6 and the driveways serve more than 3 units, the applicant should provide a sidewalk or request a variation from this standard.

-Per ECLUR Section 4-630.B.1, the minimum width of a detached sidewalk is 6 feet.

(c) See Emergency Vehicle Turnaround comment above.

(e) Per ECLUR Section 4-140.K, please demonstrate conformance with the snow storage requirements.

Item 12 Open Space: slopes that are greater than 30% cannot be counted toward open space. The Tract A hillside appears to have been counted in the open space totals though it exceeds 40% grade.

Item 13 Natural Resource Protection:

- Per ECLUR Section 4-420: Please see letter from Colorado Geologic survey and comment above on geohazard concerns.

- In the Environmental Impact Report or a sperate document prepared by a qualified profession, please provide a discussion of the impacts of reduction of the stream setback from 75 feet to the discussed setback. Please address all of the FONSI criteria listed in ECLUR Section 3-340.C.6.b.1.

Comments: Engineering Comment #3

Corrective Action: PUD Guide:

- In Planning Area 1 under A.4, please described the front yard setback as '(from the right-of-way for Highways 6)' to reduce future confusion.

- The Planning areas allow fencing as a permitted use but the architectural guidelines do not. Please clarify.

- Planning Area A (& under uses in the Review criteria section on pg 14) states that Stormwater Management will be allowed on Tract A. Tract A is the steep slope and is discussed elsewhere, like the EIR, as not being impacted. Tract B is where the drainage report shows drainage infrastructure on the open space. Please explain. Staff doesn't support encroachment into the already reduced stream setback for drainage infrastructure.

- Please include the enforceable water efficiency measures suggested by the ERWSD in their conditional capacity to serve letter.

Comments: Engineering Comment #4

Corrective Action: Please provide site distance analysis given the landscaping berm in the ROW.

Recommendation(s) Recommend the following conditions:

1- A CDOT Access Permit and a CDOT special use permit for the landscape berm must be obtained prior to building permit approval.

2 - All Public improvements to include sidewalks, utilities, roadways, etc. must be completed prior to any type of certificate of occupancy on any of the residences.



# PLAN CORRECTIONS REPORT ZC-009023-2019 FOR EAGLE COUNTY GOVERNMENT

**EAGLE COUNTY**

**PLAN ADDRESS:** 35427 Hwy 6

**PARCEL:** 210504409001

**APPLICATION DATE:** 03/20/2019

**DESCRIPTION:** Kudel Property

**CONTACTS**

	<b>Name</b>	<b>Company</b>	<b>Address</b>
Applicant	SHIRLEY KUDEL REVOCABLE TRUST SHIRLEY KUDEL REVOCABLE TRUST	SHIRLEY KUDEL REVOCABLE TRUST	Po Box 219 Edwards, CO 81631
Representative	Dominic Mauriello	Mauriello Planning Group	P.O. Box 4777 Eagle, CO 81631

**PLANNER**

	<b>Name</b>	<b>Phone</b>	<b>Email</b>
	Sean Hanagan	(970) 328-8748	sean.hanagan@eaglecounty.us

**Zone Change Referral Review v.1**

<b>REVIEW ITEM</b>	<b>STATUS</b>	<b>DUE DATE</b>
1. Referral - Sustainability	Completed	06/05/2019
2. Referral - Environmental Health	In Review	06/05/2019
3. Referral - External Agencies	In Review	06/05/2019
4. Referral - Planning	Denied	06/05/2019
5. Referral - Engineering	Denied	06/05/2019

Comments: Engineering Comment #1  
 Corrective Action: In accordance with 5-230.B.4.h, Engineering has reviewed the referral letter provided by Colorado Geological survey and has found no supporting information in the geotechnical report to indicate that development in such close proximity to the steep slope is suitable. Please provide an adequate setback from the steep slope.  
 Comments: Engineering Comment #2  
 Corrective Action: 5-230.D.3 Public benefit:  
 - Per 5-240.F.3.e, all slopes of Tract A that exceed 40% and do not qualify to be counted as Open Space.  
 - The applicant is requesting a reduction in the stream setback, ECLUR Section 3-340.C.6, to reduce the amount of land that is already required to be protected by the ECLUR. Therefore, Staff does not view this as public benefit.

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**Re: Kudel Project**

2 messages

**Roussin - CDOT, Daniel** <daniel.roussin@state.co.us>

Thu, Apr 11, 2019 at 10:53 AM

To: Dominic Mauriello &lt;dominic@mpgvail.com&gt;

Cc: Dan Roussin &lt;daniel.roussin@dot.state.co.us&gt;, Kari Schroeder &lt;kari@mcdowelleng.com&gt;, "Berschauer, Joel" &lt;joel.berschauer@state.co.us&gt;, Nicole Mosby &lt;nicole.mosby@eaglecounty.us&gt;

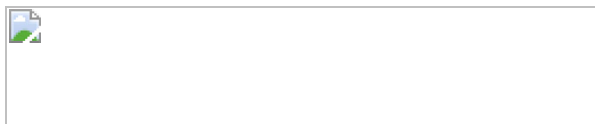
Thanks for the update Dominic. As you know, CDOT will require a new access permit for this project. In terms of access, I would like to move the access as far west as possible. I am also interested to hear what Kari recommends about the striping in front of the access.

Landscaping - I would like the landscape berm to be no higher than 3 1/2 feet. I would prefer the trees to be off CDOT ROW. However, I will send to landscape person to review your landscaping plans and I assume there will be irrigation for the landscaping. he sidewalk special use permit will need come form Eagle County since they will need to maintain this sidewalk. I have talked to Eagle County about this.

Thanks

Dan

Dan Roussin  
Permit Unit Manager  
Traffic and Safety



P 970.683.6284 | F 970.683.6290

[222 South 6th Street, Room 100, Grand Junction, CO 81501](#)[daniel.roussin@state.co.us](mailto:daniel.roussin@state.co.us) | [www.codot.gov/](http://www.codot.gov/) | [www.cotrip.org](http://www.cotrip.org)

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On Wed, Apr 10, 2019 at 8:49 AM Dominic Mauriello <dominic@mpgvail.com> wrote:

Hi Dan:

Hope you are doing well. I am working on the four lot subdivision in Edwards known as the Kudel project. I know Kari discussed with you the proposed access and the closure of the two existing access points to the property.

I wanted to give you a heads up that also as part of the plan we are proposing a 5' wide sidewalk within CDOT right-of-way to access the existing bus stop and sidewalk that exist to the east. We are also modifying the existing landscape berms to create a 3'-4' landscape berm along with some landscaping within the CDOT right-of-way.

We are in the PUD process for these four homes and CDOT will be receiving a referral notice in the coming weeks but I wanted to give you heads up.

We will be submitting an application to CDOT for a Special Use Permit to allow these uses.

Please forward to the appropriate parties at CDOT as you see fit.

Attached are the civil drawings and a landscape plan.

Thank you,

**Dominic F. Mauriello, AICP**

**Mauriello Planning Group, LLC**

PO Box 4777

2205 Eagle Ranch Road

Eagle, Colorado 81631

970-376-3318 cell

[www.mpgvail.com](http://www.mpgvail.com)

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**Dominic Mauriello** <dominic@mpgvail.com>

Thu, Apr 11, 2019 at 11:35 AM

To: "Roussin - CDOT, Daniel" <daniel.roussin@state.co.us>

Cc: Dan Roussin <daniel.roussin@dot.state.co.us>, Kari Schroeder <kari@mcdowelleng.com>, "Berschauer, Joel" <joel.berschauer@state.co.us>, Nicole Mosby <nicole.mosby@eaglecounty.us>

Thanks Dan.

The access was moved as far to the west as we could possibly move it and I believe Kari was able to confirm that it works. kari can call you to discuss further.

I look forward to the comments from the landscape person. Yes there would be irrigation. We hope that we can make the landscaping work.

Thanks,

**Dominic F. Mauriello, AICP**

**Mauriello Planning Group, LLC**

PO Box 4777

2205 Eagle Ranch Road

Eagle, Colorado 81631

970-376-3318 cell

[www.mpgvail.com](http://www.mpgvail.com)

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# COLORADO GEOLOGICAL SURVEY

1801 Moly Road  
Golden, Colorado 80401



Karen Berry  
State Geologist

May 23, 2019

Sean Hanagan  
Eagle County Community Development  
P.O. Box 179  
Eagle, CO 81631

**Location:**  
SW SE SE Section 4  
and NW NE NE Section 9,  
T5S, R82W of the 6<sup>th</sup> P.M.  
39.6385, -106.5743

**Subject: Kudel PUD (PDSP-9022, ZC-9023)**  
**Eagle County, CO; CGS Unique No. EA-19-0005**

Dear Mr. Hanagan:

Colorado Geological Survey has reviewed the Kudel PUD referral. I understand the applicant proposes four single family lots on approximately 1.4 acres located immediately south of the Eagle River, west of Miller Ranch Road in Edwards. The referral documents include a Review of Site Conditions, Proposed Kudel Property Redevelopment, 35427 U.S. Highway 6 (H-P/Kumar, January 29, 2019).

**CGS is concerned about potential slope instability**, including erosion, undercutting, shallow slope creep, and slumping of the slope between the Eagle River and proposed homes. Calculations based on a DEM (digital elevation model) generated from high resolution LiDAR data indicate very steep, 47% to 78%, slopes of approximately 25 to 28 feet in overall height below the proposed lots. Section V. Zoning Analysis and List of Deviations (page 10 of the PUD application) indicates that the stream setback and property lines are proposed to coincide with the top of the bank, and the rear building setback is proposed to be five feet from the property line. The building footprints on proposed Lots 1A and 1D, and one of the deck footings on proposed Lot 1B as shown on the architectural site plan are within about one foot of the 5 ft. property line setback.

The proposed 5 ft. setback is less than the building code-required setback (height of slope  $\div$  3, or 25 to 28 feet  $\div$  3 = a minimum setback of approximately 8 to 9.5 feet, in accordance with Section 1808.7.2, Foundation setback from descending slope surface, of the 2015 International Building Code adopted by Eagle County in 2016). An alternate setback may be permitted by the building official, but such decision should be based on a geotechnical investigation demonstrating that the intent of Section 1808.7 would be satisfied, considering soil and bedrock engineering properties, slope height, slope gradient, load intensity, and erosion characteristics of the slope material. H-P/Kumar (page 2) recommends a "set-back from the edge of the steep slope down to the river to allow for proper surface drainage away from the residences and for some erosion of the slope over time," but does not recommend a specific setback or provide any engineering basis for the reduced, 5 ft. setback. **In the absence of a specific setback recommendation and justification by the applicant's geotechnical consultant, the code-required setback (nine feet would be a valid average) for foundation footings should be adhered to.**

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.  
Engineering Geologist

A handwritten signature in black ink, appearing to read "Jill Carlson".



# Memorandum

To: Sean Hanagan, Eagle County Planning  
Sean.hanagan@eaglecounty.us

From: Mick Woodworth, Fire Marshal Eagle River Fire  
970-736-5064 mwoodworth@eagleriverfire.org

CC:

Date: May 31, 2019

Re: Kudel Project

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Sean,

I have reviewed the Kudel application. I have the following comments/questions:

1. Lot coverage- The concern of thee lot coverage and the smaller set backs on the sides of 5 feet put the next building in a fire exposure situation. Which means that the building next to fire can become involved by conduction, convection and radiant heat creating the second emergency. The 10-foot space between structures will make it difficult for ladder work.
2. Rear setback- The rear set back of 5-feet is mostly on one building but as in comment 1, there is not enough room for ladder deployment at the small set back locations
3. Is driveway right in right out? Will Hwy 6 lines change for a left in?
4. Which Metro District will this be in?

Thanks for allowing our comments. I look forward to discussing the above.

Mick Woodworth, Fire Marshal

Eagle River Fire Protection District

**EAGLE COUNTY HOUSING AND DEVELOPMENT AUTHORITY**

500 Broadway  
P.O. Box 850  
Eagle, Colorado 81631  
Phone: (970) 328-8775  
Fax: (970) 328-8787



June 4, 2019

Sean Hanagan  
Senior Planner – Eagle County Government  
500 Broadway  
Eagle, CO 81631

Re: Kudel Property Housing Plan

Dear Sean:

Following are my referral comments regarding PDSP-009022-2019 Kudel Property. The Kudel Property PUD should comply with the Eagle County Affordable Guidelines (“Guidelines”) as any development that proposes to create more than three units or lots trigger housing mitigation. To comply with the Eagle County Affordable Housing Guidelines, a project should provide 25% of total units or lots or 15% of the total square feet of the project, whichever is greater, as affordable housing. 25% of 4 units is 1 unit. Because the Kudel property is a Small Residential Project (has a unit count under 10) as defined in Section 3.04 in the Guidelines, staff ran the Small Residential Project calculation below. The per unit calculation is higher, to comply with the Guidelines the developer can choose to build 1 Price Capped unit or 2 Resident Occupied units with a 2% transfer fee if the unit is sold to a non-eligible household.

Small Project Calculation 6.9			
Unit	Unit Size (SF)*	Average Size of DR Unit	SF in Excess of Avg DR Unit
1	5,000	n/a	-
2	5,000	n/a	-
3	5,000	n/a	-
4	5,000	1,126	3,874
	20,000		3,874
Mitigation Rate based on Square Footage			15%
Total Square Feet of Affordable Housing required			581
* Units must be listed in ascending order from smallest unit to largest unit.			

In reviewing the applicant’s proposal, the applicant contends that only the net new unit count, in this case 2 units, should be the unit count by which the Guidelines are applied. The Guidelines do not account for a “net new” trigger, the applicability of the Guidelines is triggered only by projects with more than 3 units. Staff strongly encourages the applicant to comply with the Guidelines by providing 1 Price Capped unit or 2



Resident Occupied units with a 2% transfer fee if the unit is sold to a non-eligible household, rather than 4  
Resident Occupied units with a 1% transfer fee.

If I can provide additional information, please do not hesitate to contact me.

Sincerely,

Tori Franks  
Real Estate and Development Manager