

## Written Public Comment to Eagle County Commissioners

The planning process takes great care to ensure that developers/applicants have the opportunity to submit proposals that have a strong chance for approval due to the many opportunities to work with County staff to understand potential regulatory issues or other concerns. Often, this works well and provides the Planning and County Commissioners with the necessary information to make sound decisions.

However, if a group of residents has concerns, or opposes a project, the current process lacks the balance necessary to be truly democratic. At present, County staff really cannot discuss a proposal until it has been formally submitted. On the surface, this makes sense because the specifics are not necessarily known until submission. Yet, in the time before the submittal, the applicant has met with County planners to discuss concept and initial plan, and has also had the input of various County experts: engineers, environmental staff, etc.

In this process, the applicant has the opportunity to lobby significantly for the value of the proposal, which is only natural. We know enough about psychology to know that the group who leads the narrative often controls the outcome. Often, by the time those with concerns have an opportunity to speak with County staff, a solid case has been made in favor of the project.

Additionally, when there is a public meeting, the developer pitches the project to Planning and County Commissioners with detailed power point, maps, and other visuals – this usually lasts over an hour. Those who may oppose a project, or hope to influence a scaled back version, are given two minutes to state their position. While several people may have the chance to speak, public supporters are also given the same opportunity, resulting in a gross imbalance in the process.

In many cases, neither the applicant nor the County staff have the benefit of knowing the property well by living there every day, so including these folks more robustly in the process may create fewer us/them scenarios. All members of the community: officials, staff, developers, and regular residents will benefit from a more inclusive process, as it will result in decisions which more community members can support.

### **Recommendations: (these apply to applications for which concern has been communicated by neighbors or citizen groups)**

1. Planning staff conduct a site visit prior to preapplication meeting. This will provide a valuable visual so that planners may better understand concerns about project.
2. Meet with concerned citizens around the time of the preapplication meeting to gain clarity about the validity of concerns. Often, those opposed to a project are typecast as NIMBY, opposed to any change, or in some cases portrayed in an unfair negative light by the developers. Please take the time to assess the concerns within the context of the proposal on a specific site within the area as described in the MidValley Community Plan prior to offering feedback to the developer.

3. The MVCP cites a conformance/compatibility matrix (Chapter 2, page 16) to be used in evaluating PUD, SUP, and other applications. Prioritize completing this assessment tool, so that all members of the community have a better understanding of what compatibility means to County staff and officials.

4. Review the public hearing format and consider how to create more balance of “air-time” for those who may have concerns about or oppose a project. Clearly, these meetings cannot last forever, so perhaps consider limiting public comments to those opposed, and those in favor can do so in writing. There are many other ways to achieve better balance, though completely balanced may not be feasible.

5. Articulate the role of Community/Master plans in the process. Consider the zoning regulations as defining what *can be done*, and the plans describing what *should be done* given the unique character and feel of neighborhoods and established areas.

The efforts of Eagle to review the planning process and consider the balance of input from developers and neighbors/residents are greatly appreciated



## Community Development

Kris Valdez, Senior Planner

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July 3, 2019

Andy Davies  
[via email]

### **Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.**

Dear Andy:

Thank you for your active participation and public comment on the Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined some of the ways we are internally addressing improving public process. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration.

As you know, this process improvement amendment is focused on bringing existing regulations into compliance with state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines. Under direction of the Eagle County Board of County Commissioners, Eagle County staff can consider analyzing many of the comments you have provided during the full rewrite of Eagle County's Land Use Regulations.

1. **Site Visits:** As part of improving our internal review processes, we have added the inclusion of staff planner site visits for special use permits, planned unit developments, and any other applications for which we receive concerned public comment. Please also be aware, that the Eagle County Board of County Commissioners has the ability to conduct a site visit prior to hearing land-use files at their discretion.
2. **Meeting with concerned citizens prior to pre-application meetings:** We are encouraging applicants to meet with adjacent neighbors and broader neighboring groups to understand citizen concerns and configure their applications in a way that meets both the applicant's and the community's needs. Additionally, as we receive written public comment or questions, we are routinely forwarding these concerns to the applicant so they will discuss with the commentator and attempt to address their concerns.
3. **Mid-Valley Community Plan Matrix:** As of May 2019, the Eagle County Planning Division has been re-organized to provide more capacity for improved customer service and on-going long-range planning. Over the next few years, Eagle County residents will have the opportunity to participate in multiple long-range planning efforts. Part of the long-range planning program will include following up on Eagle County related action items.
4. **Public Hearing Format:** Eagle County's public hearing format is driven by due process requirements as outlined in federal and state case law. Eagle County does not have flexibility in this regard.

- 5. Articulation of the role of Community/Master plans in the process:** Eagle County's existing review standards for most project proposal types include conformance with the Eagle County Comprehensive Plan and relevant master plans. However, as part of our long-range activities over the next year, we seek to further strengthen our long-range documents to provide clarity on what conformance means and where flexibility should be provided to allow for innovation as planning best practices continue to evolve.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

A handwritten signature in blue ink that reads "Kris Valdez". The signature is written in a cursive style with a large initial "K" and "V".

Kris Valdez, MURP, AICP  
Senior Planner



Kris Valdez &lt;kris.valdez@eaglecounty.us&gt;

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## Comments on interim land use code revisions

1 message

Laura Smith &lt;lsmith@aspenmusic.org&gt;

Mon, Jun 17, 2019 at 2:10 PM

To: Kris Valdez &lt;Kris.Valdez@eaglecounty.us&gt;, Morgan Beryl &lt;morgan.beryl@eaglecounty.us&gt;

Hello, Kris and Morgan!

Thanks for your thoughtful preliminary revisions to the land-use code and for accepting input from the community.

I really appreciate these proposed changes, and really applaud the efforts to help regular community members who are substantially affected by land-use proposals better participate. It is hard! The professionals who spend all day every day on this work have a depth and breadth of knowledge/relationships the neophyte participant simply cannot match. However, it is often the community members whose daily lives are being most changed by what is proposed and who have the most intimate knowledge of the areas.

I really support many of the changes proposed, particularly 1) deleting the allowance of no diligent pursuit of addressing referral comments, 2) extending the analysis period of final applicant submission review prior to hearings, and 3) increasing the Public Notice Period for Planning Commission files. I think these will all be a real help to balancing a process between developers and regular community members.

A few additional comments:

1. If I'm reading it right, 5-210 E. notes that "adjoining properties" and "adjacent properties" be noticed by mail with 15 days before a public meeting. I have two (three!) comments on this:
  - a. Timing: I know 15 days might feel like a lot when this is one's full-time job, but this is a really short period of time for a layperson neighbor to understand what is going on. I recommend that impacted properties are notified at the time of the referral, and *again* at 15 days before a public meeting. I don't see any reason for them to not be notified at the time the application goes live and is available to the public, and this would give the average person much more time to understand what is going on.
  - b. Who is notified: The code refers to "adjacent" and "adjoining" properties, but from experience I can see that this doesn't adequately reach all those substantially impacted by possible developments. I would suggest that there is a wider radius, or different standard applied, like "all properties visually or auditorily impacted," or, if it must be more scientific, I would suggest all properties within a mile radius (at least that radius in the Resource zone). One of the largest impacts of developments seems to be traffic and that is a huge impact on people much further away than adjacent properties. I don't think the current guideline serves the public with such a limited scope of who is noticed.
  - c. Other: I would also suggest that the county develops a pamphlet that gets mailed along with public notices with the basic information on how to learn about what is going on – who to call, what documents to read, a short description of how this works, etc. It would also be enormously useful for there to be an email list-serv created for projects that would send out notices at key junctures like when the application goes public, when the staff report is available, when there is a site visit, when meetings are scheduled, etc. It really can feel daunting to figure this all out when one just gets a meeting notice out of the blue. I sense you two are hoping to help address that and additional materials (and web pages) could really be a help.

One more comment about timing: Again, for the average layperson neighbor who is not a professional working full-time on a development project, five days is a really short time to get, read, digest, and be prepared to comment on a staff

report. Can this timeline be extended to 15 days? I understand about being expedient, but my observation has been that members of the community simply need more time and help than current allotted to get involved at their best. I would hope this would be time well spent in better engaging the community.

Again, I really appreciate what I see you doing here both to make the process easier for minor developments and to bring the community in to participate more productively with major ones that deeply affect their lives.

I'd love to talk through any of these things more, if appropriate.

Meanwhile, thank you for listening and I look forward to participating more in your process this summer.

Hope you both are doing well.

Best,

Laura

Laura Smith

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## Community Development

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July 3, 2019

Laura Smith  
[via email]

### **Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.**

Dear Laura:

Thank you for your thoughtful response to the proposed Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined some of the ways we are internally addressing improving public process. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration.

As you know, this process improvement amendment is focused on bringing existing regulations into compliance with state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines. Under direction of the Eagle County Board of County Commissioners, Eagle County staff can consider analyzing many of the comments you have provided during the full rewrite of Eagle County's Land Use Regulations.

Thank you for your support of deleting the allowance of no diligent pursuit of addressing referral comments, extending the analysis period of final applicant submission review prior to hearings, and increasing the Public Notice Period for Planning Commission files. We hope these amendments improve the public process for land use files.

- 1. Public Review Timelines:** We hear your concerns regarding the timeline to review project materials and staff reports in five (5) working days. The request to increase this timeline to 15 days would require the staff and an applicant to have materials ready a month in advance of the hearing. This would increase the length of time it takes for a land use application to be reviewed by the Eagle County Board of Commissioners by a measurable amount, and is something that would need to be fully vetted prior including in the regulations.
- 2. Adjacent Property Owner Notification:** To improve the public process, Eagle County made some adjustments to our adjacent property owner notification in May 2019. This includes requiring all applicants to generate their adjacent property owner notification list from the Eagle County GIS department, who uses a 300 foot buffer radius to generate the list. This buffer is extended to accommodate roads, rivers, and other public travel easements to ensure all appropriate neighbors are captured. Eagle County is also working towards an improved referral notification process that will allow appropriate organizations

such as non-profits and Homeowner Associations to be referral agents for projects within their districts. The County hopes to launch this new system in July 2019.

3. **Education:** Thank you for the suggestion that Eagle County develop a process pamphlet to go along with adjacent property owner notification outlining how to access important information, who to contact, and how to provide meaningful public comment. Eagle County will investigate pursuing this suggestion. Additionally, the Eagle County Planning Division is currently conceptualizing the creation of a monthly e-newsletter, new educational materials, and other community engagement methods so residents of Eagle County will have more advanced information, and greater opportunities to engage with applicants prior to public hearings. In the meantime, Eagle County will consider updating the adjacent property owner notification letter to include many of the items you suggest.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

A handwritten signature in blue ink that reads "Kris Valdez". The signature is written in a cursive, flowing style.

Kris Valdez, MURP, AICP  
Senior Planner



Kris Valdez &lt;kris.valdez@eaglecounty.us&gt;

## LUR Amendments

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

Wed, May 22, 2019 at 1:27 PM

To: Morgan Beryl <morgan.beryl@eaglecounty.us>, Kris Valdez <Kris.Valdez@eaglecounty.us>

Cc: Allison Kent <allison@mpgvail.com>, Christina Andrews <christina.andrews@eaglecounty.us>, Beth Oliver <beth.oliver@eaglecounty.us>

Hello Kris and Morgan and the Planning Commission:

Thank you for sharing the proposed amendments to the Land Use Regulations. I reviewed these over the weekend and have not developed full responses yet but wanted to provide you with some initial comments.

First thank you for your efforts to improve the regulations. The entire set of County Land Use Regulations are a disaster and I realize it's hard to address one issue without ripping of the bandaid and correcting everything. I am trying to focus my comments here on areas that are consistent with the areas you are addressing, like application materials and process.

Comments on Article 5:

- Page 5-17: I like your change to Determination of Completeness
- Page 5-17: While the changes to sufficiency for PUD's doesn't shorten the period of time, at least it is clear and can support that
  - I don't think the language about the amount of time given to an applicant to correct a sufficiency issue is reasonable. There could be something identified that takes more than 60 days to address (i.e., it is mid winter and a wetland delineation is required). I would suggest 180 days and the use of the "may" instead of "shall" so that the staff has the option to consider it withdrawn but is not obligated to withdraw it. If you withdraw it, does the applicant get the application fees back? Those could be \$15,000 or more.
- The County, in this day and age, should not require paper copies of anything to be submitted. It should be digital/PDF. If someone on your staff wants printed copy, they can print it.
- Page 5-19: Section g needs to remain in the could in some fashion. You cannot have staff or an outside agency delay a project by refusing to come to agreement with the staff. Some issues may not be reasonably with staff and the applicant should have the right to have the Planning Commission and BOCC make a judgement. It almost feels like staff could be preventing due process by restricting these rights. I think new language can be developed to address this issue.
- Page 5-20: section 6. I thought there were state statutes regulating the amount of time a county has to process an application. I could be wrong.
- Page 5-26: I think the changes to staff interpretation section are good.
- Page 5-37: PUD application materials. I believe this section needs to be amended allowing the Planning Director to waive or postpone certain application materials as there will always be circumstances where some items are not reasonably necessary. I believe this is critical as applicants are spending thousands of dollars preparing materials that are not necessary due to the nature of the PUD. Everyone thinks of PUDs as one size fits all, but that is not the case. A PUD application could involve an existing building or developed property as an example.
  - A boundary survey should not be required with e PUD Preliminary Plan application. A final plat will be required to implement the PUD which is a boundary survey so you are requiring a lot of survey work up front before a PUD is approved that is unnecessary. The County's zoning map is not a survey accurate document either. Many times, right-of-way will be granted with a PUD so the boundaries are going to change anyway.
  - Landscape Plan: Additionally, I believe the requirement for a detailed landscape plan which requires a cost estimate, erosion control and a maintenance plan at PUD Preliminary Plan is unreasonable. This is something that should be either required with a final plat or with a construction set of plans. A PUD provides the zoning for the property. The final buildings and phases are usually not known until later. A cost estimate is only necessary for Subdivision Improvement Agreement at final plat for public area plantings. The code makes no sense and this should be corrected now. A conceptual landscape plan is reasonable at PUD preliminary plan.
- Page 5-72: Subdivision Preliminary Plan: Same comments as above allowing submittal requirements to be waived for preliminary subdivision. **Ironically, in this section only a conceptual landscape plan is required.**
- Changes to minor, exemption, and amended final plat are great.
- Certificates look great

I hope these comments are helpful to the review process. I am unable to attend the meeting today but will try to attend future meetings.

**Dominic F. Mauriello, AICP**

**Mauriello Planning Group, LLC**

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## Community Development

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July 3, 2019

Dominic Mauriello

[via email]

### **Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.**

Dear Dominic:

Thank you for your comments to the proposed Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined how your comments have been addressed in the updated proposed process improvement amendment. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration. As you know, this process improvement amendment is focused on bringing existing regulations into compliance with state and federal requirements as well as clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines.

Thank you for your support of the amendments associated with the Determination of Completeness and the clarification to sufficiency, staff interpretation, and making appropriate files for minor subdivision, subdivision exemption, and amended final plat administrative approvals. We hope these amendments improve the public process for land use files.

1. **Sufficiency Review Timeline:** Staff agrees with this comment and is adding language into the land use regulations stating that, *"If the applicant fails to submit a thorough response within sixty (60) days and has not communicated a viable reason for delay to the Planning Director or assign, then the application shall be considered withdrawn and returned to the applicant."* This allows an applicant to have greater time to address sufficiency comments and not have the application automatically withdrawn.
2. **Paper and Electronic Copies of Application Materials:** Eagle County staff is supportive of a future state where we can accept submissions on an electronic basis, however, at this time we still require paper copies. In recent years we have removed the requirement of hard copies to all referral agencies which greatly reduced the burden on the applicants. Over the next few years, Eagle County plans to pursue some form of digitization that reduces the amount and types of hard copy materials we require.
3. **Resolution of Referral Comments:** The staff understands your concerns as it relates to possible delays in processing files for hearing. Eagle County staff is ensuring complete applications are being heard by the planning commission and the Board of County Commissioners and will be able to clearly understand which referral comments were not addressed and why. Eagle County will help to identify if referral comments are not germane

to the land-use file, help facilitate stakeholder meetings between referral agents and the applicant if desired, and will allow land use files to continue to move through the process even if referral comments cannot be resolved between the referral agents and the applicant. This will allow staff to fully analyze the application and provide a thoughtful, standard driven analysis and recommendation to Eagle County's elected and appointed officials.

4. **Timeline for Reviewing Applications:** Thank you for your comment. The 60-day timeline is being put back in the land use regulation amendment.
5. **Waiving of Submittal Materials:** Thank you for your comment. A sentence is being added into the land use regulation amendment allowing the Planning Director or the County Engineer the ability to waive these submittal requirements for a Planned Unit Development file as well as a Subdivision Preliminary Plan file based on a submitted justification by the applicant.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

A handwritten signature in blue ink that reads "Kris Valdez". The signature is written in a cursive, flowing style.

Kris Valdez, MURP, AICP  
Senior Planner



June 25, 2019

Ms. Morgan Beryl, Director  
Department of Community Development  
Eagle County  
500 Broadway  
Eagle, CO 81631

RE: Proposed amendments to the Land Use Regulations

Dear Morgan:

The purpose of this letter is to provide comment on the proposed amendments to Article 5 of the Land Use Regulations and general observations on the land use regulations.

**Article 5/Administration**

5-210 D. 3.

As explained to me by Kris Valez, this new step involves an applicant meeting with staff to walk through material to be provided with a land use application, and at that meeting a determination of completeness is made. I support this approach. That said, when I read the proposed language my interpretation was that an applicant requested this meeting after having submitted an application (as per D. 1.). Your intention is good, but the language is not clear. Correlating this new section with D. 1. could be helpful. Or adding language to D. 3. make it clear how this initial step is to work would be helpful. A more nuanced comment - the last sentence refers to a determination being made as to whether the application is adequate for referral. Isn't the determination on referral to be made as part of the Determination of Sufficiency?

5-210 D. a.

The 60-day period for correcting deficiencies is a short period of time. I understand setting some time limit so applications do not linger, but 60 days is unnecessarily short. Further, what does it mean to say an application is "considered withdrawn"? For example, what happens to application fees?

5-210 D. 4. b.

This would seem to be a good opportunity to move away from hard copies and instead accept electronic files for submittals.

5-210 D. 4. (I think this section would now be 5-210 D. 5)

I have had and continue to have a major problem with this entire section. It puts the burden on the applicant to remedy all concerns, deficiencies and recommendations of the planning department and each referral response as a requisite to going to hearing. Further, if the applicant does not respond and/or remedy appropriately within prescribed timeframes the application shall be considered withdrawn. These provisions put the control of an application directly in the

hands of staff or a referral agency. While I agree with the approach of working with staff and referral agencies to resolve issues, the reality is that an applicant may not reach agreement with staff or a referral agency on the issues or concerns they may have. In this case it is patently unreasonable to deny an applicant the opportunity to present their project to the Planning Commission and BOCC.

5-220 B.

I would question why timeframes for responses to a request for interpretation have been deleted.

### **General Comments**

The need for a major overhaul to the land use regulations has been discussed for many years. From our discussion a few weeks ago, you explained that the intention of these proposed amendments is to initiate some basic changes to how files are processed in order to see how things work once amendments are in place. I understand that. But I do see other nuanced changes proposed to the regs, such as how traffic impacts fees would exempt lots legally created prior to 2001. That may a fine change to make, but it does beg the question – why not address other aspects of the regulations that warrant change? One example of such a change would be the parking standard that requires parking spaces to be 10' wide. I suspect there are many other examples of where the regs could be improved. The overhaul to the land use regs will take a long time, it seems we are missing an opportunity to make other needed changes as a part of these proposed amendments.

I cannot emphasize enough the importance of amending the entire land use regulations and hope that a comprehensive update to the regs will be initiated soon. Things like redundancy in the review process (having to address review criteria for a PUD and address review criteria for a zone change, when the criteria have significant overlap); requiring architectural information as part of a PUD when the process lacks review criteria from which to evaluate architecture; and my personal pet peeve of having to provide a landscape and irrigation plan with a PUD Sketch Plan submittal come to mind. These and many other aspects of the regulations are in dire need of attention.

Thank you for taking this first step and for the opportunity to comment on these proposed amendments.

Regards,

Tom Braun



## Community Development

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July 3, 2019

Tom Braun  
[via email]

### Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.

Dear Tom:

Thank you for your comments to the proposed Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined how your comments have been addressed in the updated proposed process improvement amendment. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration. As you know, this process improvement amendment is focused on bringing existing regulations into compliance with updated state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines.

Thank you for your comments regarding the need for a complete update to the Eagle County Land Use Regulations. As you state, a comprehensive and thoughtful analysis of our regulations is one of the next major steps the Eagle County Community Development will make in the coming months.

1. **Completeness Check Clarification:** Thank you for highlighting an area for greater clarification and for your support of this change in process. Staff has updated the language to read:

***Determination of Completeness.** As part of application initiation, the Applicant shall request an in person meeting with the Planning Director for a determination as to whether an application is complete. An application shall be deemed complete when it contains the following: (1) submittal and completion of all applicable application forms; (2) submittal of all required supporting application information; (3) submittal of all required fees. Once determined complete, the Application will be processed within five (5) working days for sufficiency review. The Planning Director will not make a determination at this meeting as to whether or not there is adequate detail for referral of the file.*

The last sentence in this section you reference is for clarification purposes. A main focus of this process improvement amendment is to increase clarity and expectations for applicants.

2. **Sufficiency Timeline:** As part of this process improvement amendment, the amount of time applicants have to respond to sufficiency comments has been increased. The existing regulations require a response within 60 calendar days, while the process improvement amendment language proposes 60 working days. This change would provide an additional

24 days for applicants to respond to sufficiency comments. When an application is considered withdrawn, it means the file has essentially been closed and fees are not refundable. However, to provide flexibility and notice to the applicant, staff has added new proposed language to this section which reads: *"If the applicant fails to correct the deficiencies within sixty (60) working days of receiving the notice of sufficiency comments, and has not communicated a viable reason for delay to the Planning Director or assign, the application shall be considered withdrawn."*

3. **Paper and Electronic Copies of Application Materials:** Eagle County staff is supportive of a future state where we can accept submissions on an electronic basis, however, at this time we still require paper copies. In recent years we have removed the requirement of hard copies to all referral agencies which greatly reduced the burden on the applicants. Over the next few years, Eagle County plans to pursue some form of digitization that reduces the amount and types of hard copy materials we require.
4. **Resolution of Referral Comments:** The staff understands your concerns as it relates to possible delays in processing files for hearing. Eagle County staff is ensuring complete applications are being heard by the planning commission and the Board of County Commissioners and will be able to clearly understand which referral comments were not addressed and why. Eagle County will help to identify if referral comments are not germane to the land-use file, help facilitate stakeholder meetings between referral agents and the applicant if desired, and will allow land use files to continue to move through the process even if referral comments cannot be resolved between the referral agents and the applicant. This will allow staff to fully analyze the application and provide a thoughtful, standard driven analysis and recommendation to Eagle County's elected and appointed officials.
5. **Timeline for Interpretations:** The change to this section is to provide some necessary flexibility within reason to staff to support their ability to meet the many expectations and requirements of the Community Development Department.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

A handwritten signature in blue ink that reads "Kris Valdez". The signature is written in a cursive, flowing style.

Kris Valdez, MURP, AICP  
Senior Planner



Kris Valdez &lt;kris.valdez@eaglecounty.us&gt;

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**Fwd: Survey Requirement Item 9**

2 messages

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**Kelly Miller** <kelly.miller@eaglecounty.us>  
To: Kris Aoki <Kris.Valdez@eaglecounty.us>

Mon, May 20, 2019 at 3:38 PM

Just to keep you in the loop of conversations.  
And comments.

Kelly Miller, PLS, CfdS  
Eagle County Engineering  
Phone 970-328-3566

----- Forwarded message -----

From: **Brent Biggs** <brent@peakland.net>  
Date: Mon, May 20, 2019 at 3:32 PM  
Subject: RE: Survey Requirement Item 9  
To: Kelly Miller <kelly.miller@eaglecounty.us>

Maybe worded: "Land Survey Plat, including ties to the newly constructed foundation..." so that there is no confusion on what the county wants to see. Might be confusing to someone 20 years from now. You might get a LSP just showing boundary only.

In Beaver Creek, Arrowhead, Red Sky.... there are no setback requirements, only building envelopes. Again, just trying to avoid any confusion. Just a thought for conversation. I mentioned it to Kris the other day and she thought it might be a good idea to include the words "building envelope."

Thanks,

Brent

**From:** Kelly Miller [mailto:kelly.miller@eaglecounty.us]  
**Sent:** Monday, May 20, 2019 3:13 PM  
**To:** Brent Biggs  
**Subject:** Re: Survey Requirement Item 9

Well here is my thinking on this one. A Land Survey Plat is a boundary survey that is what we are trying to identify.

An Improvement Survey Plat would end up being showing the location of all structures, visible utilities, fences, hedges, or walls situated on the described parcel and within five feet of all boundaries of such parcel, any conflicting boundary evidence or visible encroachments, and all easements, underground utilities, and tunnels for which properly recorded evidence is available.

There is nothing saying you can't show a foundation location on a Land Survey Plat, you still need to show conflicting boundary evidence or visible encroachments but not all the other items listed.

That is why I said that an Improvement Survey Plat was a little overkill and an Improvement Location Certificate does not give you a boundary survey.

Setbacks are different on different pieces of land and how it is zoned and what type of road the parcel adjoins. So setback lines would cover all types the way I see it?

This is my two cents let me know if you don't agree with my thinking.

Kelly Miller, PLS, CfedS  
Eagle County Engineering  
Phone 970-328-3566

On Mon, May 20, 2019 at 12:36 PM Brent Biggs <[brent@peakland.net](mailto:brent@peakland.net)> wrote:

Kelly,

Shouldn't this read "Improvement Survey Plat" instead of "Land Survey Plat"? A land survey plat would not show the foundation location. Another thought, should it read 18" of a setback line, platted building envelope or an HOA, PUD approved building envelope or home site circle? Just some thoughts.

Thanks,

Brent

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**Kris Valdez** <[kris.valdez@eaglecounty.us](mailto:kris.valdez@eaglecounty.us)>  
To: Kelly Miller <[kelly.miller@eaglecounty.us](mailto:kelly.miller@eaglecounty.us)>

Tue, Jun 18, 2019 at 2:45 PM

Hi Kelly,

As County Surveyor, could you please provide a formal response to Brent's comments to the LUR changes?

Thank you!

Kris

[Quoted text hidden]

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*Please note that beginning **July 15** the Community Development Department will have **new walk-in hours**. The office welcomes walk-in customers between 8 a.m. and 4 p.m. Monday through Friday, except holidays.*

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## Community Development

Kris Valdez, Senior Planner

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July 3, 2019

Brent Biggs  
[via email]

### Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.

Dear Brent:

Thank you for your comments to the proposed Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined the updates made to the proposed process improvements amendment based on your recommendation. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration. As you know, this process improvement amendment is focused on bringing existing regulations into compliance with state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines.

1. **Land Survey Plat:** Thank you for reaching out for greater clarification on the specification of a land survey plat and an improvement survey plat. Per the County Surveyor, a land survey plat is appropriate when determining a setback line rather than an improvement survey plat because an improvement survey plat is required to show the location of all structures, visible utilities, fences, hedges, or walls situated on the described parcel and within five feet of all boundaries of such parcel, any conflicting boundary evidence or visible encroachments, and all easements, underground utilities, and tunnels for which properly recorded evidence is available. This is an increased cost to the property owner and not necessary to determine if the structure is encroaching into the setback. However, the comment regarding adding the building envelope as a setback line is appropriate and will be added to the revised version of the land use regulation process improvement amendment.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

Kris Valdez, MURP, AICP  
Senior Planner

Formatting is really onerous. Looking up one issue is not bad but when writing an application where I'm addressing dozens (hundreds?) of sections it becomes quite cumbersome. If I want to reference this section, I have to page up to figure out it's parent section, then figure that parent's parent...

Also, the numbering convention is a bit much...as there's multiple nested levels, when I type out references, I'm thinking, letters or numbers? Roman or Arabic numbers? Lower case or upper case? parantheses or not? periods?

Also, the indentation leaves not much space on the page.

I think the following number system would be more streamlined (borrowed from the residential code):

R804.3.2.1.1 Eave overhang

Also, this kind of numbering system would allow skipping the indentation

commitments and present water supply capabilities, including but not limited to: *(orig. 03/28/06)*

- (aa)** A summary of water rights owned and controlled by the entity *(orig. 03/28/06)*
- (bb)** The anticipated yield of the rights in an average and a dry year *(orig. 03/28/06)*
- (cc)** The present demand and anticipated demand for current commitments not yet being supplied *(orig. 03/28/06)*
- (dd)** The uncommitted firm supply *(orig. 03/28/06)*
- (ee)** A map of the entity's service area *(orig. 03/28/06)*

**dd.** If individual well water systems are proposed, a report must be prepared by a Professional Engineer or Geologist indicating the availability of groundwater, which includes the depth to the groundwater supply throughout The report must address the water quality, rates of delivery and long-term yield of such wells. The cumulative effect upon existing water rights due to the use of individual domestic wells shall be considered in the report. *(orig. 03/28/06)*

**(ii)**

Sanitary Sewage Disposal - If public collection and treatment systems or the use of On-Site Wastewater Treatment Systems (OWTS) are to be provided, the details of the collections system, treatment facilities and individual components shall be provided including: *(orig. 03/28/06) (amd. 07/29/14)*

- aa.** Public Treatment - Agreement to serve from a public sewage treatment provider and evidence to support that the provider possesses adequate sewage treatment capability and capacity to serve the proposed subdivision; *(orig. 03/28/06)*
- bb.** The nature of the legal entity which will own and operate the sewer system shall be described, as well as the proposed method of financing; *(orig. 03/28/06)*
- cc.** If sanitary sewage disposal will be accomplished by On-Site Wastewater Treatment Systems

This wording (pertaining to water supply) is duplicated on page 5-74. Addressing duplicated sections is difficult for application writing. I suggest making this section its own section and referencing this as necessary. Duplication can get really messy if there's rewrite and one version gets updated and not another by accident (this applies to both applicants and author of the regs ). This type of duplication occurs multiple times throughout this article. An example of successfully avoiding duplication successfully is reference to Section 5-210.D.2., Minimum Contents of Application - this was really helpful. (Consolidation of information into Section 5-210 in general was very helpful). Article 4 avoids this duplication, which is also helpful.

- (5) **Extension of Sketch Plan Approval.** Approval of a Sketch Plan for PUD shall be voided and extinguished unless the applicant can demonstrate by competent substantial evidence that failure to proceed with the development of the application was:
- a. Beyond the applicant's control;
  - b. The development complies with these Land Use Regulations and the Comprehensive Plan; and
  - c. There is a reasonable likelihood the next step in the development application will be submitted in the next two (2) years.

comprehensive hyperlinks would be helpful. It would be helpful too to have the table of contents hyperlinked

No request for extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than thirty (30) calendar days prior to the date the Sketch Plan for PUD is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. (*am.11/08/05*) (*am.05/08/12*)

### 3. Preliminary Plan for PUD.

- a. **Application Contents.** An application for a Preliminary Plan for PUD shall contain the materials specified in Section 5-210.D.2., Minimum Contents of Application, and the following information:

- (1) Overall development plan.
- (2) Application for zone amendment.
- (3) PUD guide setting forth the proposed land use restrictions and standards of development.
- (4) Wildlife Analysis pursuant to Section 4-410.
- (5) Geologic Hazards Analysis pursuant to Section 4-420.
- (6) Ridgeline Visual Analysis pursuant to Section 4-450.
- (7) Detailed Landscape Plan pursuant to Section 4-220.
- (8) Environmental Impact Report pursuant to Section 4-460.
- (9) Vegetation Management Plan pursuant to Section 4-430. (*orig. 12/17/02*)
- (10) Any other information required with Sketch Plan approval and the following application materials: (*am. 03/28/06*)
  - a. Preliminary Utility Plan, pursuant to Section 4-430, 4-670, 4-680 and 4-690. Plans shall be prepared at the same scale as the Preliminary Plan including: (*orig. 03/28/06*)

I would find a table of requirements helpful rather than it being written out longhand. For example, the table would have along the top the various types of applications (PUD Prelim Plan, Prelim Plan for Subdivision, etc) applications. And along the side would be sections that need to be addressed (Wildlife Analysis, geo Hazards). I find tables concise and much easier to navigate, as exemplified by Table 3-300 or 3-340. I believe consolidating information into tables where reasonable leads to a concise and easier-to-interpret code. I find footnotes help create tables that would otherwise be otherwise challenging to write

- D. Minimum Land Area.** There shall be no minimum land area limitation on the designation of lands with a Planned Unit Development (PUD) zone district designation, provided that a PUD designation should not be granted solely to permit variances for development of a single lot, building or use.
- E. Location.** A Planned Unit Development (PUD) zone district designation may be established on any land located in unincorporated Eagle County that complies with all of the applicable standards of this Section.
- F. Procedure.**
- 1. Overview of Development Review.** An applicant proposing to develop a Planned Unit Development (PUD) shall obtain approval for a Sketch Plan and a Preliminary Plan for PUD pursuant to the procedures and standards of this Section. Following the approval of the Preliminary Plan for PUD, the applicant shall submit an application for Final Plat for Subdivision, in compliance with the requirements of Section 5-280, Subdivision.

- a. Sketch Plan.** The purpose of sketch plan review is for the applicant, the County and the public to evaluate and discuss the basic concepts for development of the proposed PUD, and to consider whether development of the property as a PUD will result in a significant improvement over its development as a conventional subdivision. It is the time when determinations should be made as to whether the proposed PUD substantially complies with these Land Use Regulations and is in substantial conformance with the Eagle County Comprehensive Plan, Area Community Plans and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management, and is generally compatible with the existing and currently permissible future uses of adjacent land and other lands that may be substantially impacted.

It is also the opportunity to reach general agreement on such issues as the appropriate range of units and commercial space for development; the types of use, dimensional limitations and other variations that may be considered; the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems. The outcome of sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval for a Preliminary Plan for PUD from the County. (am.11/08/05) (am.05/08/12)

- b. Preliminary Plan.** The purpose of preliminary plan review is for the applicant to respond to the issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan. The preliminary plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County. The preliminary plan shall include a guide to the development of the PUD (hereinafter, the "PUD Guide"), specifying the limitations that will guide the future development of the property.

**Zone District Map Amendment.** The preliminary plan application shall be accompanied by an application for an Amendment to the Official Zone District Map,

same issue as previous page. It would be nice if this type of information was built into a table. Also information on when a 1041 permit is required. Figuring this type of info required a lot of discussion with staff.

- 2. **Topography.** Existing and proposed topography at reasonable contour intervals, to provide necessary detail of the site. Existing and proposed areas of fifteen (15) to thirty (30) percent and greater than thirty (30) percent slope shall be identified. The map should extend a minimum of one hundred (100) feet beyond the property line and show the location of the property line. The map should show elevations, dimensions, location, extent and slope of all proposed grading including building site and driveway grades and the boundary limits of clearing and grading.
- 3. **Plans.** Plans of all drainage features, paved areas, retaining walls, cribbing, planting, temporary or permanent soil erosion control measures, or other features to be constructed in connection with or as part of the proposed development. As applicable, design drawings of sediment controls, temporary diversions, and practices used shall be provided. A brief description, including specifications, shall also be provided of how the site will be stabilized after construction is completed.
- 4. **Storage Areas.** The location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage. Details on spill containment structures shall be provided where storage of these materials is planned. The location of soil stockpiles and snow storage areas shall also be shown, along with the location of any temporary roads designed for use during construction period.
- 5. **Construction Schedule.** The plan shall describe the expected starting and completion dates including the installation and removal time periods of and the duration of exposure of each area prior to the sediment control measures.
- 6. **Calculations.** Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.
- 7. **CDPS and/or NPDES Permit.** Evidence of compliance with state and federal requirements to obtain a Colorado Discharge Permitting System (CDPS) and/or National Pollutant Discharge Elimination System (NPDES) permit for construction sites disturbing one (1) acre or more. The CDPS is administered by the State of Colorado under the authority granted by the US Environmental Protection Agency in accordance with the Clean Water Act and the National Pollutant Discharge Elimination System. (am. 05/01/07)

Standardizing all sections. It seems many sections of the code have purpose, applicability, standards, plans subsections. It would be more consistent if all sections conformed to such a structure

**SECTION 4-670 UTILITY AND LIGHTING STANDARDS**

- A. **Utility Easements.** Easements acceptable to the utility provider shall be shown on the plat and construction plans, in compliance with the utility provider's design standards. Where utilities are not provided within a dedicated road right-of-way, easements of not less than twenty-five (25) feet shall be provided in the proposed development for accommodating water lines, sanitary sewers and stormwater drainage, unless, in the case of stormwater drainage easements, the drainage study indicates that additional easement width is necessary. The minimum width of easements for power lines, telephone lines and other utilities shall be fifteen (15) feet. The suggested form and contents of said easement dedication is found in Appendix of these Regulations.

<b>TABLE 3-340</b> <b>SCHEDULE OF DIMENSIONAL LIMITATIONS</b> <i>(am. 9/27/99) (orig. 07/17/06) (am. 05/01/07) (am. 05/15/07)</i>								
Zone District	Minimum Lot Area Per Use <sup>1</sup>	Maximum Lot Coverage (Developable land) <sup>2,12</sup>	Maximum Floor Area Ratio <sup>2,12</sup>	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Min. Stream Setback <sup>3</sup>	Max. Height <sup>4</sup>
<b>Residential Zone Districts</b>								
<b>Fulford</b>	5,000 s.f. <sup>5</sup>	Buildings: 15% All Impervious Materials: 25%	0.35:1	The greater of 10' or half the height of the tallest building on the lot <sup>7</sup>	The greater of 10' or half the height of the tallest building on the lot <sup>7</sup>	The greater of 10' or half the height of the tallest building on the lot <sup>7</sup>	75'	28'
<b>RMF</b>	Single Family: 6,000 s.f. <sup>8,9</sup> Multi Family <sup>7</sup>	Buildings: 40% All Impervious Materials: 60%	0.50:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	45'
<b>RSM</b>	8,000 s.f. <sup>8,9</sup>	Buildings: 25% All Impervious Materials: 45%	0.40:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
<b>RSL</b>	15,000 s.f. <sup>8,9</sup>	Buildings: 20% All Impervious Materials: 35%	0.20:1	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
<b>RR</b>	2 acres <sup>8,9</sup>	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
<b>AL</b>	5 acres <sup>8,9</sup>	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'
<b>AR</b>	10 acres <sup>8,9</sup>	No limitation	No limitation	Arterial Street: 50' Collector Street: 50' Local Street: 25'	The greater of 12.5' or half the height of the tallest building on the lot	The greater of 12.5' or half the height of the tallest building on the lot	75'	35'

A big gap in zoning between 15,000 sq ft and 2 acres. Cliff Simonton cited this a deficiency. This leaves requirements for large residential lots (1 acre give or take) largely unaddressed



## Community Development

Kris Valdez, Senior Planner

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[www.eaglecounty.us](http://www.eaglecounty.us)

July 10, 2019

Brian Rose

[via email]

### Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.

Dear Brian:

Thank you for your comments to the proposed Eagle County Land Use Regulation Process Improvements Amendment. Below, in response to your comments, Eagle County staff has outlined how staff may address your comments through the upcoming full regulation rewrite. Additionally, your public comment letter will be included in Eagle County's staff report supplemental to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration. This process improvement amendment is focused on bringing existing regulations into compliance with updated state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines.

1. **Overall Formatting:** Thank you for highlighting an area for improvement for the formatting of Eagle County's Land Use Regulations. As the County moves forward with the future rewrite of the regulations, formatting and online searchability with comprehensive clickable links will be investigated. The County will also consider standardizing section organization, and utilization of tables and images where appropriate. It is Eagle County's intention to provide a much more user friendly document upon completion of the rewrite.
2. **Duplication of Information:** Thank you for highlighting an area of confusion for applicants. Eagle County staff is aware that as the regulations have been updated throughout the years, duplications and sometimes conflicting direction exists. Current practice is to utilize the most recently amended section, if duplication or conflicting direction arises. This issue is another area of focus for the full regulation rewrite.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

Kris Valdez, MURP, AICP

Senior Planner



Christina Andrews <christina.andrews@eaglecounty.us>

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## Re: LUR updates comment

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Morgan Beryl <morgan.beryl@eaglecounty.us>

Wed, Jul 10, 2019 at 12:54 PM

To: Christina Andrews <christina.andrews@eaglecounty.us>

*Please note that beginning **July 15** the Community Development Department will have **new walk-in hours**. The office welcomes walk-in customers between 8 a.m. and 4 p.m. Monday through Friday, except holidays.*

### **Morgan Beryl**

Eagle County Government

Community Development Director

(o) 970.328.8750

(c) 970-471-9533



----- Forwarded message -----

From: **Rick Pylman** <rick@pylman.com>

Date: Wed, Jul 10, 2019 at 12:43 PM

Subject: LUR updates comment

To: Morgan Beryl <morgan.beryl@eaglecounty.us>

Hello Morgan:

Thank you for the time you have taken with the LUR update process, your efforts to meet personally with key stakeholders, including myself, is much appreciated.

My apologies for the lateness of this comment, an issue was recently brought to my attention that I did not pick up in my initial review of the regulations. I am concerned that the elimination of Section 5-210 subsection g may create some question in process going forward, especially if the overall LUR update/re-write takes a long time to complete.

I did review the PC video of May 22 and there is a good discussion of this issue between Commissioners Moffet, Mayer and yourself describing the intent of the deletion. I

understand and agree that an applicant should show diligence in addressing referral and staff issues prior to initiating the hearing process. However, given the very specific roles of review agencies and various county departments there will be times when an applicant may not be able to address all issues to staff's liking. At that point in time there needs to be an ability to "agree to disagree" and schedule hearings with the Planning Commission and BOCC. This may result in a recommendation of denial or in conditions which an applicant disagrees with, but allows the application to move forward to the decision makers.

I am concerned that the elimination of subsection g without language to explicitly describe this ability to move forward may be interpreted by future staff as a road block to scheduling hearings.

i would request that some form of language be inserted to clarify this concern.

Thank you for the opportunity to comment at this late stage.

Thank you.

Rick Pylman  
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EAGLE COUNTY

**Community Development**

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July 18, 2019

Rick Pylman  
[via email]

**Re: Public Comment on Eagle County Land Use Regulation Process Improvement Amendments.**

Dear Rick:

Thank you for your comments on the proposed Eagle County Land Use Regulation Process Improvements Amendment. We appreciate your recognition of staff's efforts to coordinate with stakeholders and understanding the intent of this process improvement amendment. Below, in response to your comments, Eagle County staff has outlined how your comments may be addressed in the updated proposed process improvement amendment. Additionally, your public comment letter will be included in Eagle County's staff report to the Eagle County and the Roaring Fork Valley Planning Commissions and the Eagle County Board of County Commissioners for their review and consideration. As you know, this process improvement amendment is focused on bringing existing regulations into compliance with updated state and federal requirements, clarifying expectations and predictability for applicants and the public as well as right-sizing our review timelines.

1. **Resolution of Referral Comments:** The staff understands your concerns as it relates to possible delays in processing files for hearing. Eagle County staff is ensuring complete applications are being heard by the planning commission and the Board of County Commissioners and will be able to clearly understand which referral comments were not addressed and why. Eagle County will help to identify if referral comments are not germane to the land-use file, help facilitate stakeholder meetings between referral agents and the applicant if desired, and will allow land use files to continue to move through the process even if referral comments cannot be resolved between the referral agents and the applicant. This will allow staff to fully analyze the application and provide a thoughtful, standard driven analysis and recommendation to Eagle County's elected and appointed officials.

As part of the Eagle County Planning Commission unanimous recommendation of approval of this amendment to the Board of County Commissioners, the staff was directed to reinsert and amend Section 5-210.D.4.g. The Commissioners recommended that the language be amended to allow applicants to move forward to hearing, with the caveat that staff receives all required submission materials to ensure complete applications. This language has been drafted and will be presented to the Board of County Commissioners for their consideration.

Thank you again for participating in this process. Eagle County greatly appreciates your feedback and willingness to work together to improve the public process for all Eagle County residents.

Regards,

Kris Valdez, MURP, AICP  
Senior Planner

Subject: Planning Process

To: [eagleadmin@eaglecounty.us](mailto:eagleadmin@eaglecounty.us) <[eagleadmin@eaglecounty.us](mailto:eagleadmin@eaglecounty.us)>

Dear Eagle County Commissioners,

I am writing to let you know that I am pleased the County is putting resources to reviewing and revising the Eagle County Land Use Codes. I have been unable to attend the meetings due to work conflicts, but I have watched them and spoken to a neighbor who was able to attend one of the planning sessions in El Jebel.

Earlier this year, I had the opportunity to learn more about the process due to an application in my neighborhood. As we embarked on the journey of learning about the process, many people told us to give up because neighbors don't have real voice in the process and are immediately written off as NIMBY. I did not accept that and assumed that most people working for the County or elected to office have good intentions.

I was proven right and the County staff and elected officials demonstrated listening with open minds and created a work session for neighbors and applicant to have a conversation in the presence of planning staff with the focus on understanding competing points of view. It is my opinion, that without that work session, there would have been divisive public meetings that would have been unproductive.

In listening to the most recent meeting focused on what happens when an applicant and referral agency disagree, and whether the applicant should go directly to the public process, I see both sides and offer the following option. In this case, County staff host a work session so that they have the benefit of hearing both points of view, and the two parties participate in a facilitated discussion. In my professional experience, this may lead to a compromise that cannot be seen in a public forum. If there continues to be disagreement, then it goes to the public process.

While I realize this may add a layer that planning professionals may find cumbersome, it is critically important for non-planning professionals to be heard. Given the public process in which the applicant may take an hour or more with professionally designed visuals and a lot of paid workhours to develop a presentation, the public is given just two minutes to express concern, often in meetings that are held during the work day or when

child care is an issue. This inherent imbalance favors applicants and discourages public participation

As a County that is committed to encouraging community engagement, this seems like a reasonable step in creating the space for community members to engage.

Again, I appreciate the effort to generate codes and processes that send a message to the public that their voices matter.

Sincerely,

Andy Davies

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Innovation and Strategy Manager  
County Manager's Office  
Eagle County Government  
contact me - m/sms (970) 406-1601 or [@bwilliams](#)  
Twitter - [@EagleCounty](#)  
Facebook - [Eagle County FB Page](#)

**Kris Valdez** <[kris.valdez@eaglecounty.us](mailto:kris.valdez@eaglecounty.us)>

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**FW: Planning Process**

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**Laura Smith** <[lsmith@aspenmusic.org](mailto:lsmith@aspenmusic.org)>  
To: Kris Valdez <[kris.valdez@eaglecounty.us](mailto:kris.valdez@eaglecounty.us)>

Tue, Jul 23, 2019 at 9:29 AM

Here it is.

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**From:** Andy Davies  
**Sent:** Sunday, July 21, 2019 10:46 AM  
**To:** [eagleadmin@eaglecounty.us](mailto:eagleadmin@eaglecounty.us)  
**Subject:** Planning Process

Dear Eagle County Commissioners,

We have been following the discussions regarding the planning process and possible courses of action when there is disagreement regarding referral comments and an applicant's need to mitigate these concerns. We believe the question centers on the appropriate next step in this situation. We believe in the value of bringing the two sides together in a facilitated conversation guided by County Planning Staff. We believe this is an environment that creates space for reasonable and respectful discourse focused on inquiry and compromise, rather than advocacy and divisiveness. If this discussion does not lead to compromise, then staff can incorporate the notes of the meeting in their staff report, so Commissioners (Planning and County) get the benefit of the discussion.

We want to provide our perspective as the County works to revise the planning process to streamline the current codes and processes which have been adopted over time, often causing confusion for planning professionals, developers, and the residents who are impacted by the decisions made. Our belief is that the RFV side of Eagle is at an inflection point due to massive growth over the past 15 years, and deepening pressure for more growth. Our hope is that the good work of the County to revise the process will encourage productive resident engagement as we work together to achieve SMART Growth.

Unfortunately, most of us are unable to attend meetings in Eagle due to work commitments, but we appreciate the opportunity to view meetings online. Please note that our lack of attendance at meetings in Eagle during the day are not an indication of lack of interest, just a lack of time.

Sincerely,

Andy Davies

On behalf of Hooks Spur Neighborhood Collaborative