



4/12/21

**Scot Hunn, Planner**

Town of Minturn

970-827-5645

scot@hunnplanning.com

**RE: Belden Application – Referral Comments Response**

Dear Mr. Hunn,

The following document contains all referral responses and clarifying responses, answer to referral agent questions, and or commentary that serves to further enhance our application. Please note, these responses/referral agency comments are in no particular order.

With kindest regards,

A handwritten signature in blue ink that reads "Jena Skinner". The signature is fluid and cursive, with the first name "Jena" being more prominent than the last name "Skinner".

Jena Skinner, AICP

**TOWN OF MINTURN – 02/24/21**

Scot Hunn, Town Planner

The Belden Place Planned Unit Development Preliminary Plan application was sent out on a 21-day referral starting on February 1, 2021 and ending on February 22, 2021. You should have received a Dropbox link containing all referral agency comments received by the Town to date; the following letter summarizes the Town of Minturn Planning Department's, as well as the Town Attorney's comments.

**1. PUD Plan and Preliminary Plat – General Comments:**

- The land plan and draft preliminary (final) plat are based, in-part, on subdividing duplex, tri-plex and townhome lots prior to construction. As a result, some of the PUD Guide regulatory items addressing setbacks and lot coverage may be overly complicated or confusing. Also, this approach does not follow the processes established in the subdivision regulations of the Minturn Municipal Code. Typically, lots or tracts of land are created (first subdivision filing) followed by construction of duplex, tri-plex and/or townhome units, which are then re-subdivided as foundations and party walls are constructed. Staff respectfully suggests that you consider revising the preliminary plat document to create duplex, tri-plex and townhome lots and tracts that 1) are larger; 2) are sized to accommodate a multi-unit structure; and 3) which allow can be further subdivided following construction. This may also serve to ensure that lot (building) coverage and impervious coverage limitations are calculated based on a larger "parent" parcel in accordance with the Minturn Municipal Code, thus reducing the total number of lots in the "Setbacks" Table or the "Building Coverages" Table as well as the total number of different cover limits.
- Staff supports the land plan, particularly the variation in lot sizes, unit sizes and types permissible using the PUD process. Staff also notes that, overall, the proposed number and layout of lots has not changed significantly from Concept Plan for PUD review in spring 2020. However, one observation is that, similar to the complexity noted (above) with regard to the number of different lot and impervious coverage limits depending on lot size, the various setbacks – tailored to each lot – presented on the plat and in the "Setbacks" Table may make enforcement more complicated than necessary. Staff respectfully requests that you consider establishing building envelopes on the plat – essentially where the setbacks are shown currently on the draft plat (and which correspond to the placement of homes as depicted on the Site Plan C.110) – and eliminate the need for setback standards in the PUD Guide document.

**APPLICANT RESPONSE:**

*Thank you. Our initial motivation was to be consistent with Code; however, we agree that building envelopes would be simpler. We have switched over to building envelopes and these changes are now reflected applicable documents, including the PUD Guide.*

**2. PUD Guide – General Comments:**

- Overall, the PUD Guide is well written and provides the type of information needed to properly administer and enforce the PUD. That said, please consider adding the following sections to the Guide:
  - Applicability
  - Conflicts (between the PUD Guide and Minturn Municipal Code/other regulations).
  - Parking Requirements

- Major and Minor Amendments
- If a new section is added for Major and Minor PUD Amendments, suggest that this section also include language – introducing the section - from the Minturn Municipal Code describing what constitutes a “major” amendment and what the process will be:
  - *“Changes in use resulting in more intensity of development, major rearrangement of lots into areas not previously containing development, overall increases in development intensity or density, and decreases in the area or provisions for open space will require approval by the Town Council following the procedures of this Article for the submittal of a PUD preliminary plan; however, certain submittal requirements shall be waived if determined by the Planning Director and deemed unnecessary given the information already on file with the Planning Department. At a minimum, a revised development plan shall be submitted showing the proposed changes to the plan. An amendment to a PUD may be filed by any owner within the PUD, subject to any homeowner association rules and regulations.”*
- Suggest that definitions (Section III) of the PUD Guide document not include regulatory language (i.e., define the term or word, but place associated regulatory language elsewhere in the document).

#### APPLICANT RESPONSE:

*Please see the attached PUD Guide, which embraces and incorporates your suggestions.*

#### 3. PUD Guide – Specific Revisions/Comments (by page):

- Page 1 – “Accessory Dwelling Unit”: Suggest removing “and is only permitted in single-family homes if parking is available for this additional use; or, if the occupant declares to the Association that they neither own or will own a vehicle (e.g. dependent family member not able to operate a vehicle).”
- Page 1-2 – “Building Height (Definitions): Suggest revising the building height definition to remove weighted average calculation methods. Because the Developer appears to already know what the maximum building height of any structure on the property will be at this juncture (the Developer is controlling the design, sourcing and on-site installation/ construction of the structures), you may, instead, consider increasing the maximum proposed building heights (shown in the Building Height Table on page 7) as needed (as a variation to Town standards) and prescribe the same or similar building height calculation method that is used by the Town (a non-weighted average calculation) whereby structure height is measured to the mid-point of sloping roof elements.
- Page 3 – “Duplex” (Definitions): Suggest the definition, second full paragraph, be revised to read “For purposes of dwelling unit definition each duplex residence counts as a dwelling unit, with a maximum of two dwelling units per duplex structure.” (This may address prohibition of ADUs in duplex structures.)
- Page 4 – “Habitable Space” (Definitions): Suggest removing this definition because the Town does not regulate or restrict habitable space, generally, and the PUD does not seek to regulate maximum or minimum floor area or habitable space.
- Page 5 – Building Placement and Setbacks: Suggest revising this section to accomplish the following:
  - “minor” and “major” encroachments and what happens if a proposed encroachment doesn’t meet the definition of “minor” (will major amendments to building envelopes be permitted?)

- Suggest the following revision: instead of “...patios and landings less than 30” at ground level,” consider revising to read: “...patios and landings less than 30” above the surrounding natural or finished grade,” and consider providing a graphic showing how this would be measured.
- Will other utility installations or equipment (alternative energy improvements, utility boxes or similar) be permitted to encroach outside building envelopes/setback areas?
- Page 7 – Setback Notes Table: Note 1 states that if a sidewalk is present on a lot, the setback is measured to “back of curb of Silver Loop ROW” but in other sections (Building Placement and Setbacks, page 5) the document states that setbacks are measured to the property line (which for practical purpose is the same as ROW lines) or that front setbacks are measured from the “internal edge of sidewalk” to account for required parking space dimensions. This (ensuring that minimum space is provided for parking of vehicles) is supported by staff; however, it will be helpful to clarify and be consistent with regard to how setbacks will be measured. This is perhaps another reason to consider creation of building envelopes – taking into account minimum separation distances between structures as well adequate parking stall dimensions at the front of structures – rather than typical setbacks. Last, consider adding requirements and illustrations to ensure that patios and other improvements permitted to encroach into setbacks/outside of building envelopes allow for the proper installation of utilities as well as proper drainage.
- Page 7 – Setback Notes Table: Notes 2 & 3 may be removed if you choose to create building envelopes Page 7 – Setback Notes Table: Note 4 regarding Christiansan Residence. Staff suggests that because this home does comply with underlying zoning (South Town Residential) but is now being proposed as part of the PUD, you may consider creating a building envelope to reflect the setbacks used when the home was constructed and which will be used to regulate any future development or additions/improvements on that lot; and, therefore, that you remove reference to “AS BUILT.”
- Page 7 - Building Height: Suggest revising or eliminating statement about “Zero degree flat roofs” or provide illustrations showing how flat roof elements can be successfully used. This information may be better positioned under the “Architectural Design Controls” starting on page 8. Also, please consider adding a description of what the minimum acceptable roof pitch will be (2:12, 4:12?) in the PUD.

#### APPLICANT RESPONSE:

*Please see the attached PUD Guide. All suggestions have been implemented, with the exception of building height. We feel that given the nature of the designed roofs, it is impractical to have a single point of height measurement at this juncture; however, we are still exploring a more simplified method of measuring height, per your suggestion, so this may change as we get closer to final designs. At a minimum, we will provide a height calculation with each building permit should we be approved with the calculation proposed.*

*In my experience in dealing with PUDs, it is not uncommon to have unique methods of calculating height, as this design nuance is a direct reflection of a flexible design element for this particular location and development. In a town that totes being eclectic as a goal and as part of its cultural identity, allowing our project to be ever so slightly different is in alignment with this mentality- especially since we are not really breaking the mold or the heights of the surrounding community should be as embraced as a variety of building materials, or articulated roof design in general.*

- Page 7 – Building Coverages Table: Note 1 specifies that sidewalks constructed on private lots will not count toward impervious coverage for individual lots. Where in the PUD Guide or other documents will impervious surface for the development be quantified? Also suggest that you consider revising the Preliminary Plat document to ensure that property lines are established inboard or to the interior of right-of-way lines created for roads, sidewalks (to avoid a situation where some property owners own property to the street - including sidewalks – and others do not). Additionally, suggest removing Note 2 – if Lot 17 is being included within the PUD, staff suggests that this lot should be similarly regulated; that deferring to the Minturn Municipal Code may complicate administration and enforcement.
- Page 8 – Permitted Uses: General comment to consider breaking this section up by lot types, rather than by structure types. In other words, consider organizing this as “Single Family Lots,” and “Duplex/Tri-plex/Multi-family Lots” rather than structures; then, provide a listing of which lots are designated for each type of residential use.
- Page 8 – Permitted Uses: General comment to consider inclusion/listing of “alternative energy” or even specifically “solar energy installation” to the list of allowed uses; this may require discussion of standards or size limitations (i.e., “small scale” verses “large scale” installations; or, “architecturally integrated” installations) elsewhere in the PUD Guide or Design Guidelines.
- Page 8 – Permitted Uses Single-Family Table: Request that reference to ADU on Lot 17 not being considered as a dwelling unit be removed. Also, the definition of ADU within the PUD Guide defines ADUs as dwelling units whether integrated within a structure or not. (Note: ADUs will count toward density per the Minturn Municipal Code particularly for the calculation of water taps, water system improvement fees and fees-in-lieu of water rights (if applicable). Also, could ADUs be accommodated on other single-family lots if parking requirements are met? Last, please be advised that the Town will not enforce private covenants requiring Association approval for day care home uses; suggest removing this statement from the PUD Guide.
- Page 8 – Permitted Uses Tracts A, B, C Table: Request that the note is revised to only list what the permissible uses are; remove suggested parking restrictions or references to the development plan; or, add a graphic depicting the parking arrangement (to be updated upon final approval of development plans). Please note: parking use within open space areas pursuant to Sec. 16-15-140.(b)(3)(a) –Areas that do not count as open space, of the Minturn Municipal Code, will negatively affect open space calculations.
- Page 8 – Architectural Design Controls: Suggest revising “See also PUD Design Standards” to “See also Belden Place Design + Use Guidelines.”
- Page 8 – Architectural Design Controls: Under (1), a. (2) Staff supports your approach to ensure architectural interest throughout the neighborhood. Staff respectfully asks that you consider revising this statement “Each residence shall have at least two (2) elevations...” to read “Each unit model shall have...” or “Each residential structure type shall have...” to reflect what staff believes you are proposing – predetermined model types that need to be differentiated through elevation architecture? (This same revision should be made for “Duplex/Tri-plex or Multifamily Structures” on page 9).
- Page 9 – Architectural Design Controls: Under (1) b., (2) and (2) b. (2) please ensure that this sentence is consistent in both sections – “Zero degree flat roofs are prohibited. Roofs shall be sized and pitched accordingly in consideration of solar technology and/or drainage.” (Note: “...and/or drainage” appears in (2)b(2), but not in (1)b(2)).

- Page 9 – Materials: please consider adding language for roofing and/or siding materials (or specific to metal roofing materials) that restricts the use of reflective finishes; or, which encourages non-reflective or flat finishes.
- Page 10 – Landscaping: Suggest revising minimum planting requirement to meet or exceed the minimums prescribed in the Minturn Municipal Code (e.g., 1 tree per 1,000 sq. ft. of lot area; this would in most instances in the PUD mean that lots would receive two to three trees). Staff also appreciates the requirement for minimum of two shrubs per lot (something not required by the MMC).

#### APPLICANT RESPONSE:

*Please see the attached PUD Guide, which embraces and incorporates most of your suggestions.*

*One note on the landscaping: because the site is tight and we are very conscious about our costs, HOA costs, and individual homeowner overhead costs, and of course, the consciousness of Firewise best practices, we are offering 1 tree per 1,200 sf of lot plus 2-shrubs as a compromise to current 1-tree per 1,000 sq. ft of property. The reason: lilac bushes (example) grow very well and quite tall on this site, and will be more effective for privacy reasons. Please note that the landscaping plan has been updated to incorporate more suitable vegetation, as well as details on quantities.*

*Summary: 1 tree per 1,200 sq. ft = 84 trees. 1 tree per 1,000 sq ft. = 101 trees. In addition to the 86 trees we have planned, we will have 60 shrubs. If you consider 60 shrubs as 4-shrubs per tree, we break even on vegetation (per underlying code) and on smaller lots, they'll be responsibly landscaped. Additionally, we'll also be adding playground elements to the central open space. Our first landscaping bid is over \$400,000 for this project. That means with landscaping and just the underlying open space lands, our project will be contributing over 1-million in assets for this project.*



*Properties before:*

- Page 10 – Signs: Suggest revisions to include:
  - Illustration of proposed temporary signs and showing dimensions/measurement methods.
  - Temporary Subdivision Sign – suggest this be limited to one (1) “Site Development Sign” per the Minturn Municipal Code sign regulations. Such signs will also require approval by the Town via sign permit application. Maximum height shall not exceed ten (10’) feet above grade per MMC.
  - Please provide information if possible regarding the proposed location of Permanent Subdivision Sign(s). (Note: the MMC permits one such sign per residential subdivisions but do provide a process to gain approval for multiple signs if there are multiple access drives).
  - Any lighting associated with temporary or permanent subdivision signage will be required to be indirect; no spot lighting will be permitted unless the fixture is full cutoff, and no uplighting will be permitted.
  - Post-construction signage will be subject to Town of Minturn regulations; please note this in this section.



- Pages 10-11 – Lighting: Please review Section 16-17-180 of the Minturn Municipal Code to ensure the language in the code is consistent with the PUD standards particularly with regard to uplighting of flags and/or model homes. Suggest that the MMC permits lighting of the United States flag but with limitations. As a reminder, the Town will not enforce private covenants (in instances where PUD states that lighting can be approved by the Association).
- Page 11 – Storage: Staff supports the intent of this section and applauds the applicant for providing controls on storage and trash containers in the PUD Guide. Suggest the following revisions or considerations:
  - Will trash containers for residential use be required to be stored in a garage or similar enclosure when not put out for collection?
  - Suggest clarifying language related to the removal of temporary construction uses 90 days following completion of construction of the final building; may want to tie this to within 90 days of receipt of a Temporary Certificate of Occupancy, or prior to Certificate of Occupancy, whichever occurs first.
  - In paragraph 2 suggest removing “Miners Base Camp” and replacing with “Belden Place Planned Unit Development.”
- Page 11 – Other Provisions: Suggest removing statement that “at no time shall there be relief from its governance.” PUD zoning could change or be eliminated in the future; suggest either removing this statement or supplementing by stating that it can only be relieved through rezoning action by the Town or something to that effect.
- Page 12 – Other Provisions: Please revise the statement (first sentence of the third paragraph from the top of page) and/or paragraph regarding enforcement; the Town will be the entity enforcing the PUD while the Association will enforce any private covenants.
- Page 14 – Other: Staff may have further comments after conferring with Eagle County (Housing and Development Authority) on this provision to exempt Miner’s Base Camp LLC from housing program requirements. Initially, this does not appear to support the goals of the Town unless the developer is required to provide required deed restricted housing to meet the overall requirement prior to the developer purchasing and exempting units.
- Page 14 – Other: staff is not in support of the buyout provisions primarily as the Town does not currently have a “housing fund” and will have no practical use for buyout fees if paid.

#### APPLICANT RESPONSE:

*We have incorporated your suggestions, and the PUD guide has been updated accordingly with the exception of the housing fund contributions. Since Article 26 allows for cash-in-lieu payments, this would logically go into that fund. In order to create truly affordable housing in Minturn, it is almost impossible to rely solely on the public to create anything less than 140 AMI. We would like to discuss this suggested mechanism with you further if you still have concerns, as it may be a means to assist the Town in buying down units, buying restrictions, or offsetting land costs in the future in order to help in the price-gap that exists throughout our valley currently.*

#### 4. Design Guidelines:

- General Comment: The guidelines are well thought out and drafted in a manner that future residents or builders wanting to build in Minturn North will understand the design intentions and process for gaining approval. That said, the Town has historically not

encouraged separate, HOA controlled architectural/design review boards or processes independent of the Town of Minturn Design Review Board.

- General Comment: Will the Design Guidelines provide a process for major and minor deviations to setbacks or building envelopes?
- General Comment: Creation of a separate architectural control committee within PUDs in the Town has historically been met with concern over loss of control (by the Planning Commission/Town of Minturn DRB) over design of projects. This (formation of a separate ACC) may be of concern to the Planning Commission and/or Town Council during the review of the application. Also, please note that the Town will not enforce private covenants or architectural requirements.

**APPLICANT RESPONSE:**

*Please see updated documents.*

5. Declaration of Covenants:

- Section 10.14 – Restriction on Signs and Advertising Devices: Suggest this section be revised to include reference to Town approval of signage where applicable; also, this section references election sign restrictions or guidelines but the Design Guidelines do not address election signage. Suggest this section be revised to defer to the provisions of the Minturn Municipal Code.
- Section 10.15 – Outbuildings: Suggest that outbuildings be addressed in the PUD Guide and/or Design Guidelines to ensure that any outbuildings (particularly those not requiring a building permit) count toward overall lot coverage for individual lots.
- Section 10.16 – Trash Removal Restriction: suggest that all garbage cans, trash cans or receptacles shall be maintained and stored in an enclosed area such as a garage, trash enclosure or fenced/screened area.

**APPLICANT RESPONSE:**

*Please see updated documents.*

6. Housing Plan:

- Although the Town has not yet received referral comments from the Eagle County Housing and Development Authority, staff believes the County may have comments aimed at ensuring that the proposed deed restrictions and overall housing plan comply with the Town's housing guidelines and administrative provisions.
- Housing Plan should include restrictions (or a reference to Article 26 restrictions) on short-term rental for any deed restricted or designated local's housing.
- This section (Attainable Housing Program) states that the selection of deed restricted units will be at the discretion of the developer. Staff respectfully suggests that the type and location of deed restricted units reflect the Applicant's stated goals of developing the PUD to provide variety and opportunity – at different price points – for home ownership in the Belden Place neighborhood. Likewise, details regarding the timing of the provision of required deed restricted units should also be considered prior to public hearings before the Planning Commission.
- As a further community benefit and to offset proposed density (and variations in lot coverage, open space provisions) consider a commitment to deed restrict a percentage of units of varying types and sizes/price points as "Locals Only" or resident occupied.
- Please provide explanation or rationale behind the proposed allowance for Miners Base Camp LLC to purchase units and be exempt from the housing program.



- Regarding Selling of Properties (Tier Sales) on page 14, does this section need to specify that these provisions apply to the initial sales and all subsequent sales?
- Item 'd' on page 14 references a sunset provision; the Town is not aware of any intent via the Town's housing guidelines or administrative procedures to sunset any housing related regulations or requirements. Please remove reference to sunset provisions.

**APPLICANT RESPONSE:**

*The Housing section has been updated and now reads much clearer than originally written. We understand that Staff may have additional commentary in lieu of the Eagle County Housing Department as no referral comments were provided to the Belden Place team. We are very excited to offer a plan that exceeds the expectations of the housing plan. We also implore Staff to use the efforts put forth by Belden to support variations to our proposed density- needed to accomplish pricing goals, site design flexibility including but not limited to minimum lot size, building height, lot coverage, impervious coverage, setbacks and landscaping; and also, a waiver to the construction use tax and support of a reduced school land fees contribution. All of these graces help keep purchase prices down (Sec.16-26-110). Without relief, a private developer simply cannot afford to build less than "luxury" in Minturn without assistance from a jurisdiction. The land costs, driven high by an unregulated real estate market, are ridiculous and out of control in Minturn and most places upvalley.*

7. Landscape Plan:

- As noted earlier, the landscape standards (minimums) specific to tree plantings listed in the PUD Guide and as reflected on the proposed landscape plan (Sheet C.120) appear to be below the minimum requirements for residential developments pursuant to the Minturn Municipal Code. Suggest revising the landscape plan to ensure that minimums are met or request a variation to standards.

**APPLICANT RESPONSE:**

*As mentioned previously, we have updated the landscaping plan to reflect the suggestions from staff and also from a local grower so we can ensure we will have a beautiful, more affordable and responsible, subdivision.*

*Once more, we feel that our landscaping program results in the same, if not more vegetative effect for this neighborhood using the addition of shrubs and trees as a requirement.*

8. Open Space Plan:

- The Open Space Plan (Sheet C.132) shows several open space areas totaling 20,633 sq. ft. of open space. Of note, the area running along the south side of Silver Loop and to the north of the multi-family structures, as well as the area located between Silver Loop and the tot-lot include areas for parking. According to the Minturn Municipal Code, such areas for parking do not count as open space.
- The Open Space Plan does not appear to meet the minimum required for a PUD. Section 16-15-160. - PUD/preliminary development plan; Planning Commission review, subsection (1) (n) states the following:  
"A minimum of twenty-five percent (25%) of the gross land area shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way and minimum yard setbacks shall not be counted when determining usable open space. Water

bodies, lands within critical wildlife habitat, riparian ecosystems and one-hundred-year floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.”

Staff suggests that subsection (h) of the same section of the MMC also states that additional density (over that permitted by underlying zoning) may be offset by increased land dedication for open space, recreation or other public amenities.

At 20,633 sq. ft. of open space (which may, actually, be less considering reductions for areas shown as parking), the PUD offers approximately 17.5% of the required open space dedication. Understanding that you have proposed this project as a locals “attainable” housing project; and, acknowledging the inherent tension between dedication of open space and density when attempting to deliver a project that may be affordable or attainable, staff still suggests that it is likely not sufficient to rely on nearby public lands (USFS or Conservation Easements) to satisfy the open space requirement. This was an issue during the Conceptual Review before the Planning Commission and staff respectfully suggests that it may well remain an issue with respect to the Planning Commission and/or Town Council making positive findings of Preliminary Plan for PUD standards.

One alternative would be to reduce the total number of lots. The most impactful revision in this regard would be to eliminate Lots 26 and 27 to increase the size of the tot-lot and to provide more improvements within this recreation area.

Unless revised to show a minimum of 25% usable open space, this (open space dedication) should be listed as a variation to Town standards in a separate document listing all proposed variations of the PUD.

#### APPLICANT RESPONSE:

*As mentioned in the application, there is an inherent conflict between affordability and financially deficit assets like open space. In order to offer more open space that costs private monies to maintain, would result in the loss of housing units. If we lose housing units, the cost must be absorbed into the sale price of the remaining units, which further separates the attainable pricing we are desperately trying to achieve. If we lose units and increase open space, it also pushes the overhead on the residents and further increases the cost to the owners of now more expensive units. But what truly doesn't make equitable and logical sense is that Minturn has one (1) 100% useable open space that can be used by anyone in town: Little Beach Park and Amphitheater. I did some rough measurements and calculations, and was surprised at my findings.*

*Using Google Earth, I roughly measured the valley floor of Minturn. I did not eliminate roads, so this number includes the highway and town streets). The result was about 4,969,535 sq ft. If you multiply that by the required x 25%, 795,126 sq ft of developed open space would be required for the Town. Little Beach Park and Amphitheater, the only space that can be used by anyone, is 19,564 sq ft- pretty much the same size as what we are offering for a population of 123 (assumed is an average of three (3) persons per household). 19,564 divided by 4,969,535 = 0.003936 or 0.393% open space for a population of 1,001 people (US Census, 2019). We have 18% open space directly affecting 41 units or 123 people of Belden Place. Further, the rule of thumb is to provide each lot with a minimum of 200 sq. ft of exterior space, per household, for each unit- which has also been achieved.*

While we completely support the investment of community assets like open space and feel they are absolutely necessary, it is a 100% deficit to the economics of the development- especially since the Town will not be performing maintenance of this space. This is where the conflict arises between affordability and requiring adherence to an arbitrary amount of open space when this property is also neighboring tax-payer funded open space (Boneyard) and National Forest lands. How is it that 1,001 persons in Minturn may use these lands without commentary from referral agents, but 123 persons may impact what the Town already has? We anticipate that many buyers will already be living in Minturn as well. We are not anticipating that Belden Place will be purchased by 100% of people from out of town. But let's look at the real cost of the onsite investment of our open space. The above image demonstrates how much the land is worth- without landscaping. Additionally, we are offering parking spaces- which are not counted towards the open space calculation per Town Code, but should be. These spaces allow persons outside of Belden Place to come and utilize the central greenspace for play dates, or for a change of pace. These spaces also are a deficit (high cost of free parking), but we know they are necessary for the enjoyment and functionality of the Belden Place neighborhood.

Upwards of a million dollars for onsite open space is a substantial investment we are offering, and we hope Staff, Planning Commission, and the Town Council will allow for a variation to the 25% open space requirement under the premise of fairness, equitability, and affordability.



#### 9. Environmental Impact Report:

- Page 3 of the report by Wynn Ecological Consulting LLC states that "A Stormwater Management Plan will be prepared according to Best Management Practices (BMP) guidelines as required by Article 4, Division 4 of the Natural Resource Protection Standards of Eagle County." Such standards may be above and beyond the Town's own standards which may be appropriate. However, staff suggests that the Minturn Municipal Code also

includes stormwater design requirements and standards (Appendix C – Engineering Standards of the MMC) and these should be consulted and referenced in any management plans and reports as well.

**APPLICANT RESPONSE:**

*Please see engineering documents, as provided by Timberline Engineering.*

10. Will Serve Letters:

- Please confirm that the letter by Mick Woodworth, FM, Eagle River Fire Protection District dated May 18, 2020 is still valid. Specifically, Mr. Woodworth's letter and declaration that the District can and will serve Belden Place PUD is predicated on the plans reviewed at that time; that if the plans change the letter is void. Please verify that Mr. Woodworth has reviewed the plans submitted to the Town for Preliminary Plan.

**APPLICANT RESPONSE:**

*This has been confirmed, and the letter has been updated for this application. We have been working with the fire department throughout this endeavor.*

Town Engineer:

Comments from Town Engineer, Jeff Spanel, Intermountain Engineering, are attached and have been provided to the Applicant on February 23, 2021.

Town Public Works:

1. Would like to try to loop the water line.
2. Central open space should be a snow dump in the winter.
3. Individual lots snow storage isn't quite feasible.
4. Detention ponds in corners of development are great.
5. Curb stops for water service should be in a relatively same spot relative to the lot for easy finding.
6. Isolation valves should be considered at two places on the loop so that not every homeowner is affected should there be a leak and water needs to be shut off.

**APPLICANT RESPONSE:**

*Please see revised engineering materials. We have been in constant conversations with Intermountain to ensure we meet or exceed their expectations.*

Town Attorney:

1. Final Plat:
  - Certificate of Dedication and Ownership
    - Roads and Open Space should be dedicated to the HOA, and dedicated for the purpose of Public Access and Use. Any other common elements should be dedicated to the HOA.
    - All new easements (see specific feedback below) should be contained in the CDO and dedicated to specific entities (i.e. the Town, the HOA, ERWSD, etc.), not only described in Easement Notes.
  - Additional Necessary Certificates
    - Lienholder Certificate: ANB Bank
  - DOT recorded December 19, 2018 as Reception No. 201821567
  - Assignment of Leases and Rents recorded December 19, 2018 at Reception No. 201821568.

- Eagle River Water and Sanitation District Certificate to accept new and vacate existing sewer easements. Please confer with ERWSD as to form.
- General Notes
  - 1) (iii) Reference to Lots 29 through 32 includes Lot 30, which no longer exists but is described in Duran Subdivision lots.
  - 5) easement should be in Notes for Created Easements and in Certificate of Dedication and Ownership. Dedicate to HOA.
  - 6) Strike (III) HOA By-laws and (IV) HOA Articles of Incorporation – neither should be recorded; if recorded, plat cannot be made subject to these documents.
  - 7) Change “exempt from” to “not subject to” side building setbacks.
  - 8) Town code requires resurvey and administrative replat at time of foundation. Strike note.

#### APPLICANT RESPONSE:

*I have looked in the municipal code, I cannot find where it is required that to split a townhome or a duplex you have to use the administrative process. According to the State of Colorado for surveying, what we are proposing- creating internal lots with our final plat, is allowable. Our Surveyor, Matt Slagle, also confirmed this with Kelly Miller, the County Surveyor elect. While it is not typical, it is legal as far as we know. Lot 7 is the exception and will undergo a replat, as the units will be condominiumized.*

*This is an important factor that reflects Article 26, 16-26-130.c: Timing of Occupancy. We discussed financing with the bank, and they have confirmed they cannot offer loans when the units have not been split. We want ALL potential buyers to have the ability to access funds for a deposit on a unit, so anyone can reserve their unit regardless if they do not have cash to do so. Waiting until the units are constructed will be problematic for some to access deposit funds, and because we are using modular construction, we anticipate that the houses will go up very quickly. Our goal is to have an attainable and equitable system for purchasers. Some buyers will not have multiple thousands of dollars sitting around waiting to be used as a deposit, and will have to obtain this money from loans. We want all people to have an opportunity to engage in home ownership from the onset of entitlement.*

- Notes for Created Easements
  - These easements should be dedicated in the Certificate of Dedication and Ownership
  - 9) Sewer easement should be dedicated to Eagle River Water and Sanitation District
  - Notes 10 and 11 are redundant and unclear as to purpose for each.
    - Blanket easement is not permissible.
    - Need to be clearly depicted on plat sheets.
    - Permanent maintenance and access type rights should be dedicated to the HOA as developers often forget to convey the easement later.
    - More temporary installation, construction access and improvement rights can be addressed in “Developer Rights” provision of HOA Covenants.
    - Note 11 reference to an unrecorded Site Plan is not acceptable.
- Additional Easements to be Vacated or Depicted
  - ERWSD easement on Lot 31 recorded November 18, 2011 at Reception No. 201121532.
  - Apparent overhead utility line easements as may be depicted on Improvement Location Certificate by Archibeque Land Consulting Ltd., dated 5- 18-18, No. 14190. Please confer

with Xcel regarding these overhead lines and any recorded or unrecorded easements they may claim.

- Additional Lots to be Created
  - Lots 7 and 17 should be subdivided further to provide for additional open space parcels to be dedicated to the HOA, as depicted on C.132.
  - Note: Christiansan residence appears to encroach into 50 foot “no build” setback depicted on Plat Sheet 3, Lot 17.

**APPLICANT RESPONSE:**

*Lot 7 will have more open space once the condo map has been completed, as we will need to create General Common Elements and/or Limited Common Elements at that time. This will be done upon the administrative replat for the property. We cannot further subdivide Lot 17 due to the purchase agreement with the Christiansans, and as such, we have placed a no-build area to ensure this space is open. The no-build area setback has been corrected to 25’.*

2. Title Commitments:

- Must be updated within 30 days of execution.

**APPLICANT RESPONSE:**

*At the time of initial submittal, all title commitments were valid. We affirm nothing has occurred since that time that would modify the information contained with these documents.*

3. Subdivision Improvements Agreement and other legal matters:

The Town has a form Subdivision Improvements Agreement that we will provide shortly. We have reviewed your narrative and civil engineering sheets with an eye towards certain commitments being made that should be memorialized in a SIA in addition to the items contained in the Town’s form. These additional commitments and legal issues are discussed in the following section.

- Phasing. The Applicant needs to contemplate its phasing plan, not only as it relates to the sequencing of residential construction, but also to the construction of improvements. The narrative states at various points that this is a single phase project, but being constructed in three phases. We acknowledge that due to the limitation on water taps, phasing of residential construction will be necessary. But, if the Applicant intends to construct all improvements in a single phase, then it must secure all improvements until constructed and accepted by the Town. Developing an infrastructure phasing plan for improvements that tracks residential construction may limit the Applicant’s risk and better order the construction of improvements. An additional SIA would be necessary for the second phase of development.

**APPLICANT RESPONSE:**

*Given that the first lot to be developed- Lot 7 due to the largest need for excavation, it doesn’t make sense to phase our utility/improvements. In fact, it would be even more costly to phase them as either we’d have to stockpile materials somewhere, or, we’d buy remaining materials at a different time in an unregulated building material market, thus affecting the prices of the units. We will install the utilities in one phase and stub out connections to each lot so as each is developed, the units can be connected and sold.*

- Stormwater Drainage. We will need to further discuss cost sharing, dedication, maintenance, and ownership of any off-site drainage facilities, in addition to any cost-sharing. Further, it appears that the stormwater diversion facility being proposed from the



stormwater impoundment located on OS1 crossing Highway 24 will pass through the Town's Boneyard property to reach the river. The Boneyard Property is subject to a conservation easement with the Eagle Valley Land Trust, and for which Eagle County has certain rights. As such, EVLT has a right of notification and approval for any easements and holds all development rights upon the property. The Town can approach EVLT at the appropriate time to start discussions regarding this improvement and how it conforms with the purpose of the conservation easement.

- Stormwater Retention Ponds. Because most of these do not drain, but instead will evaporate or percolate, the HOA will need to be responsible for maintenance and cleaning out silt accumulations.
- Sidewalks. The discussion of sidewalks is of great interest to the Town as these amenities will need to meet Town standards and fit into the pedestrian network. This will be incorporated into the SIA. Additional discussions will be necessary to discuss the development's contribution to the Highway 24 sidewalk project along the property's frontage.

**APPLICANT RESPONSE:**

*We were under the impression that the Town has this area of Minturn targeted for a new sidewalk as a phase 2 of the sidewalks already installed to the west (our plans simply incorporated their plans). The sidewalk in front of our subdivision does not really benefit our residents, as access to the proposed bus stop can be achieved internally, via the eastern open space parcel. If we have to add a sidewalk that we thought was already planned, once again, it will affect the affordability of the residential units. We are already preparing to help the Town mitigate the stormwater across the Highway. The more costs a private developer has to absorb, the public (buyers in this case), will have to bare the brunt. I am not aware that anyone has had an assessment applied to their properties in phase 1 of the sidewalk improvements and thus, paid for sidewalks in front of their own properties. This is an unanticipated exaction.*

- Bus Shelter. The Town supports the Applicant's offer to assist with construction of a bus shelter. ECO Transit will need to be brought in to discuss its timeline for such work, engineering standards, and other matters.
- Crosswalk. The Town shares the Applicant's desire to locate a crosswalk within close proximity to such residential density. The process for obtaining Colorado Department of Transportation approval can be challenging. The Town and Applicant would need to work closely to accomplish this goal, as will be provided in the SIA.
- Public Land Access. The Town supports the Applicant's suggestion to provide public access onto neighboring federal public lands. This will require further discussion with the U.S. Forest Service regarding potential recreational impacts on the subject lands.

**APPLICANT RESPONSE:**

*We are not proposing access to National Forest lands, however; if the Forest Service would like to have an access from OS3, that could be a possible location but, since the hillside behind Belden is fairly steep, it may not be appropriate.*

- Open Space and Recreational Amenities. Please refer to notes regarding creation of additional open space parcels not depicted on the plat. Applicant should consider the phasing plan in the dedication of all open space parcels and construction of recreational amenities. Deeds should refer to public use of the open space parcels as the Town does not support the creation of private parks. Deeds must have restriction on further subdivision,

development, conveyance. Further discussion regarding any possible variance for open space dedication amounts.

- Construction Materials. FireWise construction materials use will be incorporated into the SIA.
- CDOT Access Permit. The Applicant needs to discuss its process for obtaining a CDOT Access Permit, which is required at Final Plat.
- Restrictive Covenants. A restrictive covenant should be recorded that limits the amount and timing of outdoor irrigation.
- Affordable Housing. A deed restriction will be necessary to enforce the community housing ordinance.

#### APPLICANT RESPONSE:

*The access permit has already been achieved (see attached). Since we will be using public water, any watering restrictions in place by the Town will also be applicable to Belden as well.*

#### 4. Belden Place Declaration and Bylaw Review:

Declaration of Covenants, Conditions and Restrictions for Belden Place (the "Declaration") and the Bylaws of Belden Place Owners Association, Inc. (the "Bylaws")

##### 1. THE DECLARATION.

Recitals: OK

§1.4(f): Definition of "Attached Residential Unit" ¶ This definition read with the Plat and the other lot, unit, and building definitions may be confusing. Plat identifies Lots as "Single Family" "Duplex" "Tri-plex" and "Multi-Family". Either the Declaration or the Plat should be revised to use the same defined terms. At a minimum, clarify whether Condominium Units are included or excluded from this definition.

Unintended confusion may arise from defining different types of Units, Lots and Buildings, consider following alternative definitions:

"Lot" refers to a platted parcel depicted on the Plat, which may be independently owned, whether improved or unimproved. Lot is synonymous with "Unit" as used in CCIOA.

"Unit" means a physical portion of the Community designed for separate ownership or occupancy, the boundaries of which are described in this Declaration or depicted on the Plat. The term shall refer to the land, if any, which is part of the Unit as well as any Improvements thereon. Each dwelling in a multi-dwelling building shall be a separate Unit.

To the extent that §1.4(u) "Improvements" incorporates buildings and all other structures that may be constructed on the Property, it may not be necessary to define the different types of buildings in the Declaration.

**§1.4(m):** Definition of "Common Expense", and the Declaration in general, could be more specific as to the costs, expenses and liabilities that are included. For example:

**"Common Expenses"** means:

- i. any and all of the Association's costs, expenses and liabilities including, without limitation, costs, expenses and liabilities incurred for (A) managing, operating, insuring, improving, repairing, replacing and maintaining the Property and the Common Area; (B) providing facilities, services and other benefits to Owners and their Guests; (C) administering and enforcing the covenants, conditions, restrictions, reservations and easements created in the Governing Documents, (D) levying, collecting and enforcing the Assessments; (E) regulating

and managing the Community; (F) operating the Association; (G) utilities not separately metered and billed directly to Unit Owners;

ii. other expenses declared to be Common Expenses pursuant to the Governing Documents or the Act, and expenses agreed upon as Common Expenses by the Association; and

iii. reserves for any such costs, expenses and liability.

**§1.4(n):** Definition of “Community” or “Belden Place” is not much different from “Property” and it may conflict with the CCIOA definition of “Community” at CRS 38-33.3-103(8).

**§1.4(q):** Definition of “Condominium Unit” - See comments on **§1.4(f)** above. May not be necessary to define this separately from Lot or Unit. If it is used, it should be revised to specify that Condo Units are Units with horizontal boundaries.

**§1.4(y):** Definition of “Multi-Family Building” - See comments on **§1.4(f)** above.

**§1.4(z):** Definition of “Multi-Family Lot” - See comments on **§1.4(f)** above.

**§1.4(hh):** Definition of “Single Family Detached Lot” - See comments on **§1.4(f)** above.

**§1.4(jj):** Definition of “Unit” - See comments on **§1.4(f)** above.

**§1.4(jj):** Definition of “Vacant Lot” - See comments on **§1.4(f)** above.

**§§1.4(##):** Add definitions:

“Allocated Interests” means the Association votes assigned to each Unit and the Common Expense liability allocated in Article III § 3.4.

“Guest” means an Owner’s family members, tenants, occupants, invitees, licensees, employees, contractors, or agents.

“Limited Common Elements” means portions of the Common Area allocated by the Declaration, or by operation of C.R.S. § 38-33.3-202(1)(b) or (1)(d), for the exclusive use of one or more Units but fewer than all of the Units.

“Managing Agent” means a person or entity that the Association may engage to perform certain duties, powers or functions as the Board may authorize from time to time.

Should also define: PUD; Mortgage; Mortgagee; First Mortgage; and First Mortgagee. § 2.4 Mechanic’s Liens. Language is fine, just seems misplaced under this Article – seems more of an Association Power or Use Restriction.

**§2.5(c) to (j):** Language is fine, but again, seems misplaced as these are clearly Association powers.

**§2.6** Disclaimer of Liability. See comments to **§2.4**

### ARTICLE 3. THE ASSOCIATION, MEMBERSHIP AND VOTING RIGHTS

- Consider inserting Association powers from §§2.4 and 2.5 in this Article.

**§3.4** Allocated Interests. In this provision, or in a new provision added to this Article, it would be prudent to address membership classes that exist or may be added so that, when appropriate, owners within a membership class get to vote on matters that only effect their class. For example, it would make some sense to distinguish classes based on type of residential Unit, i.e.: Condo; Duplex; Triplex; or Single Family. Another alternative would be to have a separate class for Condominium Units and another for all other types of ownership.

### ARTICLE 4. BOARD OF DIRECTORS

In addition to the comments on §3.4 above, it may be appropriate to provide for election of 1 Board member by a certain membership class, or each membership class, to ensure that each class is equally represented on the Board. For example, the Condominium Unit Owners’ right to elect at least 1 Board member should be reserved.

**§5.3** Annual Assessment. Consider increasing the vote necessary to veto the budget from a majority to 67% or higher.

**§5.4** Special Assessment. Clarify that Special Assessments may be levied for maintenance, repair or replacement of existing “Improvements” within the Common Area, or for construction of new capital improvements. Recommend removing provisions for ratification pursuant to the budget ratification process provided for in CRS 38-33.3-303(4).

- Requiring Owner approval for special assessments is impractical for any Association, more so for Mountain Communities due things like extreme weather and high percentages of disengaged second homeowners, and will impede the Board’s ability to efficiently manage the Property. Consider excluding Special Assessments for Common Expenses incurred in emergencies from any Owner approval vote requirement. If Owner approval is going to be required for any Special Assessment, lower the approval requirement to something like a majority of a quorum of Owners, or set a dollar amount limit for special assessments that may be levied without Owner approval. Another alternative would be to require a majority of Owners to approve special assessments for capital improvements, and exclude expenses related to maintenance, repair or replacement of existing “Improvements” within the Common Area from owner approval requirements.

**§5.7** – specify a minimum amount of interest or late fee to be charged if the Board does not promptly establish those amounts.

**§5.10** – Clarify that the Working Capital contributions are due upon any sale of a Unit at any time. Additionally, the working capital fund does not need to be held in a segregated account, it can be held with the Association’s reserves or operating funds, and need only be distinguished as a line item in the Association’s budget, balance sheet, or other financial records.

**§6.4** – The last sentence providing that any request for architectural approval that the ARC does not approve or deny within 30 days is “deemed denied” may be invalid or otherwise unenforceable to the extent a denial without a written explanation conflicts with earlier parts of this provision, and because such a denial would very likely be arbitrary and capricious.

**§6.6** – 6 months may be insufficient in an area where the outdoor building season is 3-4 months. It may also unintentionally overburden the ARC if all requests for approval for projects that require warmer temperatures are made in Nov/Dec/Jan.

**§6.10** - Anything that purportedly “waives” or “releases” a person’s right to sue may be invalid regardless of inclusion in the Declaration. To the extent that indemnity as to the parties and matters addressed in this section is not addressed elsewhere, this provision should be revised to address indemnification. If such indemnification is addressed elsewhere, this could be deleted.

**§7.1(b)** - Should clarify what additional real or personal property lying outside the Community could the Association assume the obligation to maintain or repair.

**§7.3** – Should clarify that the Association may enter a Unit and perform necessary maintenance or repair work to the Unit or Common Area Improvements adjacent thereto, without prior written notice, in the event of an emergency to protect another Unit or Common Area Improvements from damage.

**§9.2(a)** – *See §7.1(b)* comment, this provision should address any insurance obligation the Association may have for property lying outside of the Community.

**§9.13** - *See comment to §6.10 above.* It is unclear what the purpose of this section 9.13 is.

**§9.18** – *See comment to §5.4,* and note that collection of the expenses addressed in this section are probably already included in §5.4. At a minimum, recommend removing provisions for ratification pursuant to the budget ratification process provided for in CRS 38-33.3-303(4).

**§10.1** – Recommend removing last 2 sentences to the extent it suggests any right to selectively enforce the Governing Documents, which is prohibited under applicable law. Alternatively, replace the last 2 sentences with the following:

*Failure to enforce any provision of this Declaration or other Governing Documents shall not operate as a waiver of any such provision or of any other provision of this Declaration.*

**§10.1(a)** – Revise, restrictions on use of a Unit must be in the Declaration. See CRS 38-33.3-205.

**§10.1(b)** – Revise, the Declaration can only be amended by the Owners in most circumstances. See CRS 38-33.3-303(3).

**§10.9** – Generally - Unit occupants are permitted to park certain emergency vehicles within the Association if the resident is a member of a volunteer fire department, a law enforcement employee or an emergency service provider employee; parking the emergency vehicle at the residence is a condition of employment; and parking the emergency vehicle does not obstruct emergency access or unreasonably interfere with use of streets, driveways or guest parking. See C.R.S. § 38-33.3-106.5

**§10.9(g)(h)(i)** – These provisions could probably be stated in Rules and Regs rather than the Declaration.

**§10.14** – Regulating the display of flags and political signs is restricted by C.R.S. § 38-33.3-106.5

#### **ARTICLE 11. DISPUTE RESOLUTION PROCEDURES**

- Suggest providing for Claims to mediated by a mediator mutually agreeable to the parties, then JAG or JAMS if they cannot agree.

- Could limit requirement to use JAG for mediation of Construction Defect Claims.

**§11.5(c)** – only mandate arbitration for Construction Defect Claims.

OTHER DECLARATION NOTES:

- Add Article/provisions regarding Mortgagee Rights

#### **2. THE BYLAWS**

**§2.1** – Second sentence: revise because the current language conflicts with language in 2.3(c) which contemplates ownership by more than 1 person. Also state whether there are multiple classes of membership if Declaration is revised accordingly.

**§3.5** - This provision is not necessary and may be in conflict with CCIOA and/or Nonprofit Act requirements that Meeting Notices be given to all Owners/Members. Regardless of an Owner/Member's right to vote, which may be suspended, they still have a right to attend and participate in discussion at all meetings.

**§3.8** - This is fine, but note that the minimum quorum requirement is 20%.

**§3.11** – Suggest revising to state: "A secret ballot is required for all contested Board positions, and also any other vote if requested by 20% or more of Owners. When a vote is conducted by secret ballot neutral third parties, or randomly selected non-candidate Owners, will count ballots. The results of the vote will be reported without reference to names, addresses, or other identifying information."

**§4.1** - Will the initial Board appointed by the Declarant consist of 3 directors? If not, state how many will initially serve during the Declarant Control Period. Suggest revising to make increases or decreases to the number of Board members by amendment of the Bylaws. Include reference to election of specific number of Board members by a specific membership class if appropriate Declaration changes are made.

#### **APPLICANT RESPONSE:**

*See updated documents.*

5. Affordable Housing Deed Restriction

The developer needs to facilitate referral comments from Eagle County Housing. If the referral indicates that resident/employee occupied housing is the appropriate form of housing mitigation, the Town has a form resident/employee occupied deed restriction.

**APPLICANT RESPONSE:**

*We have not received comments from Housing; however, as previously mentioned, we have amended our housing plan per the PUD Guide and welcome further comments from Staff in lieu.*

Jena, this is a well thought out application and is organized in a manner that allowed staff and other referral agencies to review multiple sections and reports. As with any application of this type, the amount of information and levels of detail necessary to ensure proper review and, therefore, good decision making, is incredible and time consuming to fully review. We appreciate your patience as we have done our best to review the application in a timely manner and to provide thorough and thoughtful comments aimed at making sure the PUD can be developed and regulated in the best possible manner if ultimately approved by the Town.

As you review these comments and make necessary revisions to the PUD Preliminary Plan, PUD Guide, or Declarations of Covenants, please keep in mind that these documents will provide the backbone for the Town's and the HOA's ability to implement and enforce the terms of the PUD. Our comments are provided in this spirit to ensure clear interpretation and enforcement of the documents and, therefore, the practical application of the design and regulatory intent of the PUD.

Last, as staff and the Planning Commission continue to review the plans, additional comments from staff may be offered as suggestions or requirements to be addressed prior to or during any final plan application, Final Plat and/or Subdivision Improvements Agreement review.

**APPLICANT RESPONSE:**

*Once more, thank you for your detailed review. We look forward to engaging in further discussions with the Town.*

**TOWN ENGINEER – 02/23/21**

Jeffery M. Spanel PE, Inter-Mountain Engineering

We reviewed the January 25, 2021 Belden Place Preliminary Plan submittal and offer the following comments:

Survey:

1. Final Plat (Preliminary)

- a. Date must appear through the Surveyor's Seal on every sheet.
- b. Sheet 3: Lines through text diminish clarity. A larger scale would be better on the Final Plat.
- c. The land plan and PUD Guide standards for setbacks and lot coverage for duplex, tri-plex and townhome lots is based on subdivision of duplex, tri-plex and townhome lots now, rather than waiting until the party walls are constructed. Minturn Municipal Code provides for an administrative replat once the foundations have been poured. The applicant needs to follow the process described under the Code. Please remove General Note 8.
- d. New easements need to clearly identify their use, purpose and dimension.
- e. There is a dashed line around the perimeter of the lots (width varies). Does this identify an easement or a setback? Please identify and label the purpose on the plat.



- f. The blanket utility easement note does not work as stated. It identifies an exception as the "...building site areas as depicted on the Timberline Engineering site plan dated January 15, 2021...". The Timberline site plan is not a recorded document. These easements need to be clearly dimensioned on this plat or established on a subsequent plat amendment creating the individual lots after the foundations are in place.
  - g. The Plat does not identify pre-existing easements. Existing easements must be shown. If they are to be abandoned by virtue of this plat, proper labeling and certificates must be included.
  - h. The Surveyor must Provide closure and area calculations for each LOT and PARCEL.
  - i. The legal title description is based on the previous plats, but the boundary is shown on the drawing with surveyed bearings and distances based on found monuments accepted by the Surveyor. Please include a detailed legal description with surveyed bearings and distances in the Certificate of Dedication and Ownership following the title description.
  - j. The legal description is a chore to match up with the four title commitments. If possible, please provide a combined commitment with the final plat submittal.
2. Topographic Map
- a. The northern portion of lot 29 does not reflect the recent construction, and is not a true representation of existing conditions.
  - b. Contour 7924 dies out in the middle of the project.

Engineering Documents:

1. Demolition Plan (Sheet C.101):
- a. General note says all onsite utilities to be abandoned unless otherwise noted.
  - b. The overhead power line on the north is labeled to be abandoned; the one along the south property line is not labeled. Are these utility lines necessary to serve adjacent properties? If they are necessary, appropriate easements are required.
  - c. Please label the specific utilities to be abandoned.
  - d. Easements are required for all utilities that are to remain.
  - e. Existing water taps must be abandoned at the main – please provide details.
  - f. The note "Additional services are likely to exist" is of concern – please provide details of the risk and how this is to be dealt with.
2. Snow removal & storage plan (C.111):
- a. Snow storage equal to approximately 10% of the road surface area is proposed. The HOA needs to be prepared to dispose of snow off-site should it become necessary.
3. Proposed Easements (Sheet C.133 & C.134):
- a. The separate, overlapping easements for water, sewer and shallow utilities are confusing and cumbersome – please clearly identify the use, purpose and dimensions or consider combining these into a single utility easement.
  - b. The blanket easements should be created after the foundations are in place.
  - c. Belden Way & Silver Loop are shown as road rights of way. These streets do not meet municipal requirements, and as such, should be private streets maintained by the homeowner's association. Public access easements must be provided over & across all streets.
  - d. A 20-foot-wide utility easement suitable for future water main connections must be extended from the proposed water easement to the south and west property lines.

4. Fire Hydrant Locations (sheet C.201)
  - a. The location of the hydrants as well as the distance from the hydrants to structures must be approved by the Fire Marshal.
  - b. The fire flow calculations should be based on the total square footage under a single roof, including garages, not the square footage allocated to single units.
5. Utility Plans:
  - a. Please provide an Overall Utility Plan:
  - b. Please clarify the plan view on the plan & profile drawings by shading back all but the pipeline in the profile.
  - c. All utilities should be shown on all utility plans, both in plan & profile to identify conflicts.
  - d. Water taps are to be constructed as “Wet Taps” and coordinated with Public Works”
  - e. Please provide copies of the sewer plans approved by the ERWSD.
6. Grading & Drainage Plans:
  - a. The drainage plan shows drainage being directed to three ponding areas, two retention ponds on the north and a stormwater management pond at the southeast corner of the development.
    - i. The retention ponds do not drain, but rather rely on evaporation & percolation to empty. Because the ponds will collect silt and debris, regular maintenance by the homeowner’s association will be required.
    - ii. The storm management pond will be used to settle contaminants prior to discharge. This pond would discharge through a proposed culvert crossing US 24 and continuing in a drainage swale to the Eagle River at the northeast end of the Boneyard property.
    - iii. Design details for the discharge structure need to be provided.
    - iv. Detention ponds are not being proposed for the PUD as a result of the significant reduction in storm-water drainage impacts to neighboring properties.
  - b. The Minturn Master Drainage Plan calls for the future construction of a drainage diversion channel across Forest Service Property at the base of the mountain. The drainage swale would flow both north & south to new culvert crossings of US 24 roughly 2000 feet north and 1600 feet south of Belden Place. As a result of this diversion channel not being available, the Belden Place drainage plan calls for the construction of a new culvert crossing US 24. Belden Place suggests the new US 24 crossing as an alternative to the drainage diversion channel. With proper planning of the drainage west of US 24, it may be possible to direct drainage from the properties in this area to this single crossing and eliminate the drainage diversion channel. They are requesting Minturn pay for this culvert. This idea could be mutually beneficial and merits consideration. We recommend the Town consider this alternative.
  - c. The new culvert across US 24 could be utilized to improve the design of Belden Place. It appears the culvert crossing could be lowered allowing a storm sewer connection to be extended to the two retention ponds, limiting their use to storm water management. The design would have to be completed in detail all the way to the river.
  - d. The underground parking garage at the rear of the property does not drain. The garage floor elevation is above the bottom of the retention pond and needs to be addressed.
7. Roadway Plans:

- a. The 10-foot lane widths proposed are narrower than the typical 11 feet. The National Association of City Transportation Officials suggests that travel lane widths of 10 feet generally provide adequate safety in urban settings while discouraging speeding.
  - b. The pavement section should be increased to 3 ½ inches of asphalt over 8 inches of aggregate base as recommended in the geotechnical report.
  - c. Sidewalks are proposed as 3-feet wide. Section 1.01 of the Town Roadway Design Standards require 5-foot walks. ADA compliant ramps must be provided at cross walks and any other locations required to meet ADA requirements.
  - d. Turning Movements (Sheets C.404& C.405). Both the fire and trash truck movements track onto and over the curbs. Roadways must be revised such that these vehicles stay inside of the roadway without tracking onto curbs or landscaping.
  - e. Garage ramp (sheet C.403).
    - i. The ramp into the garage shows a 16% grade with steep breakover angles. Please demonstrate the break over angles are suitable for passenger vehicles.
    - ii. A 16% grade the ramp needs to be heated to assure year-round access.
  - f. Please note that the final approved and signed CDOT Access Permit will be required prior to Final Plat Approval.
  - g. A sidewalk along US 24 adjacent to the development is required. The walk is to be in accordance with the Town Master Plan for South Minturn. As the walk would not be connected to an existing walk at this time, a cash in lieu contribution may be appropriate.
  - h. We understand you approached CDOT regarding a cross walk on US 24. A safe cross walk from Belden Place to the other side of US 6 should be provided and the Town will support this request to CDOT.
8. Construction Cost Estimate:
- a. Cost Estimate. Several unit prices used in the estimate appear lower than current market prices. A few examples follow:
    - i. 8" DIP water main is estimated at \$68/LF; current bids are coming in at \$91/LF.
    - ii. 8" Sewer main is estimated at \$56/LF; current bids are coming in at \$69/LF
    - iii. Mountable Curb is estimated at 20/LF; current bids are coming in at \$27/LF
    - iv. Please provide the basis for the estimate.
  - b. Phasing:
    - i. Belden Place appears to be eligible for 18 water taps under the current moratorium.
    - ii. If the development is to be phased, the cost estimate will need to be revised to reflect the phasing and a phasing plan will be required.
9. Construction Requirements & Specifications are incomplete:
- a. Please provide general requirements for construction i.e., hours of work, limits of construction, inspection requirements, safety requirements; etc.
  - b. Please provide roadway construction specifications.
  - c. Minturn requires water line construction to conform to ERWSD standards. Please revise the water construction specifications accordingly.

**APPLICANT RESPONSE:**

*Please see revised and updated engineering documents.*

**EAGLE COUNTY SCHOOL DISTRICT – 02/25/21**

Sandra Mutchler, Chief Operations Officer Eagle County School District RE50J

Thanks for the opportunity to comment on the proposed Belden Place PUD. Below are our comments with respect to anticipated student generation from this development, the ability of local schools to accommodate these students, and a request of the Town to ask the developer to make a cash in lieu of land dedication to Eagle County Schools.

**Student Generation**

Our understanding is that the project includes 40 new dwelling units of various types (not including the proposed ADU's). Based on analysis of similar projects in Minturn and elsewhere in the District, the following student generation is estimated:

Elementary - 14 students  
Middle School - 5 students  
High School - 6 students

Base on a recent update to our school enrollment forecasts, schools that serve Minturn are expected to have a capacity sufficient to accommodate these estimated students.

**Requested School Dedication**

State statutes allow local jurisdictions to adopt ordinances requiring school land or cash in lieu dedications for new subdivisions or development projects. The purpose of this dedication is to provide resources (in the form of land or cash) to a school district necessary to serve the residents of a proposed development. Eagle County and the Towns of Vail, Avon, Eagle, and Gypsum have adopted school dedication ordinances. While the District has the capacity to serve students from this project, students from this project will impact school facilities. While we understand Minturn does not have a dedication ordinance, ECSD requests the Town to work with the developer to provide a cash in lieu school dedication for this project.

The Town's review criteria for a PUD considers the ability of infrastructure and public services to adequately serve the proposed development. While currently, ECS has sufficient capacity in surrounding schools, additional students from this project will contribute to the need for capital improvements at these facilities. For this reason, we would appreciate the developer providing a cash-in-lieu school dedication for this project.

Using the Eagle County school dedication regulation, the land dedication for the project would be as outlined below. Note that the proposed ADU's are not included in these calculations given the low likelihood these units would be occupied by families.

**Housing Units Rate Dedication Acreage**

9 single-family homes .0151 acres/unit .1359 acres  
8 duplex units .0025 acres/unit .02 acres  
8 townhome units .0054 acres/unit .054 acres  
15 stacked TH units .0054 acres/unit .081 acres  
Total .2869 acres

The County regulation bases the cash-in-lieu amount on the appraised per acre valuation of the land, assuming full market value after platting. The dedication fee would be .2869 acres times the per-acre valuation. We appreciate your consideration of this request and look forward to discussing this with you further.

**APPLICANT RESPONSE:**

*We understand this request, and wish to contribute consistently in how the Taylor Street Townhomes, Minturn Duplexes, Cross Creek development, and Minturn North were assessed, or, a bit more fairly as we anticipate many of the buyers will already have children in the school system. With our third attainable housing buyers program- Level 1, we hope to sell homes to existing Minturnites first, those already in Eagle County, then to the public. With 60% of our units restricted to qualified buyers, we feel that the implication that all children will be new to the school system is unrealistic. Using the Eagle County formula is also THE highest calculation as well, using assumed values of lots after platting. We simply cannot afford to implement the recommended formula. We would like to speak with the Town and School District about this further.*

**EAGLE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT – 02/24/21**

Morgan Beryl, Community Development

Thank you for the opportunity to participate in the referral process of the following parcel numbers: (collectively, the “Properties”):

1. 210335101041,
2. 210335101040,
3. 210335101038,
4. 210335106001,
5. 210335106002; and,
6. 210335106003

This interagency referral is known as file number IAR-9134-2021 for Eagle County records. Eagle County appreciates the extension to finalize comments for the Town of Minturn.

The six Properties are within the Town of Minturn. County records indicate three parcels are entirely surrounded by the Town of Minturn’s jurisdiction and three parcels share property lines with Eagle County jurisdictional land. Parcels 210335101038, 210335101040, and 210335101041 are within the Town of Minturn; however, they border parcel number 210334200001, a parcel in Eagle County’s Resource Preservation (RP) zone district approximately 515 acres in size.

Eagle County review of the Belden Place PUD Application Narrative (the “Application Materials”) dated January 28, 2021, finds the proposal is for mixed density housing units within the Town of Minturn, four of which are deed restricted (Application Materials, PUD Guide, page 12). The Application Materials also state the proposal includes a community green space. The proposal is pursued by creating a Planned Unit Development (PUD) zone district. Please consider the following comments from Eagle County as the project is reviewed:

1. The Application Materials state the proposal is being developed to create affordable housing opportunities to locals (Application Materials, page 3). Buyer restrictions, or deed restrictions, will prevent the units from being purchased by second home owners.(Application Materials, page 3).

The Eagle County 2005 Comprehensive Plan (the “Comprehensive Plan”) contemplates the importance of quality, affordable housing in the community. The Comprehensive Plan Section 3.4.7. - Policies and Recommended Implementation Strategies for Housing , lists 16 recommended policies and 88 recommended strategies to implement those policies that are focused on housing needs in Eagle County.

Policy “a” states, “Affordable workforce housing should be located near job centers” (Comprehensive Plan Section 3.4.7., Policy “a”).

Policy “b” states, “Housing projects created through public/private partnerships should result in affordable, price capped units that are restricted to only local residents and/or employees in Eagle County” (Comprehensive Plan Section 3.4.7., Policy “b”).

Further, the 2017 Eagle County Strategic Plan (the “Strategic Plan”) lists the County’s mission, vision, and core values. Goal 2 of the Strategic Plan is for Eagle County to be a great place to live for all. This section includes objectives and values based on encouraging “more affordable housing choices, including types and price levels” (Strategic Plan, page 7).

Staff finds the proposal conforms and helps implement the Comprehensive Plan as well as the Strategic Plan. Although this proposal is not within the County’s jurisdiction, the County would like to state support of a project to expand access to housing options for residents, and increasing the amount of housing stock available in the County within a Town, provided all jurisdictional standards for land use approval are reviewed and met through the Town of Minturn’s land use application process.

2. These parcels are located within the Town of Minturn. Furthermore, Eagle County does not have an area specific Area Community Plan or Future Land Use Maps (FLUM) for the greater Minturn area. Therefore, staff finds the Belden Place PUD proposal does not conflict with the County’s designation for any future development on the Properties.
3. The Comprehensive Plan includes a section with policies and recommended strategies aimed at environmental quality. The Comprehensive Plan, Section 3.9.6. - Policies and Recommended Implementation Strategies for Environmental Quality , Policy “d” states, “Energy efficiency and the reduction of overall energy consumption should be a primary goal for future operations and developments in Eagle County.”

It is recommended the applicants consider this policy by looking into ways to partner with Xcel Energy for residential renewable energy programs. More information on residential programs can be found here:

[https://www.xcelenergy.com/programs\\_and\\_rebates/residential\\_programs\\_and\\_rebates/renewable\\_energy\\_options\\_residential](https://www.xcelenergy.com/programs_and_rebates/residential_programs_and_rebates/renewable_energy_options_residential) (NOTE - LINK DOES NOT WORK- JSD)

Adopting renewable energy programs with Xcel Energy meets policies in the Comprehensive Plan as well as the Climate Action Plan for sustainable goals in the Climate Action Plan for the Eagle County Community.



Sustainable Communities Department Comments:

1. Eagle County as a partner in the Climate Action Collaborative recommends that the Town of Minturn adopt the 2021 International Building Codes, including the 2021 International Energy Conservation Code (the "IECC") beginning in January 2022. The IECC 2021 code will ensure tight building envelope and efficient equipment standards are followed. The Eagle County Community (including Avon, Vail, Eagle, and Eagle County) will be adopting the IECC 2021 code and encourage the same for the Town of Minturn to maintain consistency with building standards across our community. In addition to the IECC 2021 code, Eagle County recommends Minturn encourage the "above building code" all-electric construction standards outlined below. This recommendation is the basis of the comments located in this section.
2. The PUD Design Guidelines include Section N - Wind and Solar Energy , which state, "Wind and solar energy devices may be approved with written permission of the [Architectural Review Committee]" (Application Materials, PUD Guidelines, page 11).

Eagle County adopted the Climate Action Plan for the Eagle County Community (the "Climate Action Plan") in 2016. The Climate Action Plan includes goals and strategies for reducing greenhouse gas emissions throughout the County by 25% by 2025. In 2020 an update was added to the Climate Action Plan including the goal to reduce County emissions by 50% by 2030, using 2014 as the baseline. Leading strategies for reducing greenhouse gas emissions include:

- For new residential buildings, adopt "above building code" standards and provide incentives, including "net zero" codes, that are consistent across jurisdictional boundaries throughout Eagle County;
- Require the Solar Ready Appendix in the IECC 2015
- Require a 200 amp all-in-one Solar Ready electric panel as the minimum electric service provided to each home
- Require the rough-in for EV charging provided to each home
- Promote and incentivize efficient use of water in interior and exterior of residential buildings; and,
- Reduce [greenhouse gas emissions] 25% below 2014 levels in the residential buildings sector by 2025 (Climate Action Plan, Page 16).

Considering these goals and the limited opportunities for wind energy in the area, it is recommended the Town consider ways to encourage the integration of solar energy in the neighborhood through passive solar designs, and that rooftop solar be allowed in the PUD area as a use-by-right rather than requiring written approval from the Architectural Review Committee.

It is also recommended that the Town encourage "above-code" designs and construction such as tight and super-insulated building enclosures, advanced HVAC and other sub-systems, and low VOC finishes, that provide safe and healthy indoor environments while reducing overall energy uses and greenhouse gas emissions. Planning for electric supply and installing conduit for electric vehicle charging stations is encouraged to allow for low cost station installs and rapid adoption of low / no emission electric vehicles in our community.

3. The PUD Guide included in the Application Materials states, “Zero degree flat roofs are prohibited. Roofs shall be sized and pitched accordingly in consideration of solar technology and/or drainage” (Application Materials, PUD Guide page 9).

The Climate Action Plan includes recommendations as follows:

“For new residential buildings, adopt ‘above building code’ standards and provide incentives, including ‘net zero’ codes, that are consistent across jurisdictional boundaries throughout Eagle County” (Climate Action Plan, Page 16).

The Sustainable Communities Department recognizes the PUD Guide already incorporated solar-ready orientation into the design of the structures. The County encourages the Town to consider recommending additional climate conscious designs including “beneficial electrification” or all-electric design that eliminates health and safety risks from combustion of fossil fuels inside homes. Setting a goal of a ‘net-zero’ development means the development produces as much energy as it consumes. An example of a current “net-zero” development is the Basalt Vista Affordable Housing Partnership, powered and heated with grid supplied and onsite renewable energy.

4. The Eagle County Sustainable Communities Department also recommends the Town encourage the applicant to include efficient all-electric appliances such as air source heat pumps, heat pump water heaters, electric induction stoves, and other electric appliances as a design requirement in the PUD Guide, references available at Holy Cross Energy for appliance rebate standards, or IECC standards.

#### APPLICANT RESPONSE:

*While we wholeheartedly agree that these efforts are a wonderful goal, all “above and beyond” improvements typically add cost to the developer. Without contributions from grants or partnerships from jurisdictions etc., affordability will be affected. Until the culture switches and makes these efficiencies more affordable, and penalizes through the pocket, non-sustainable practices, green construction is a luxury on the front end. One in which sole private developers have a hard time achieving without assistance. Note: Holy Cross Energy is NOT the service provider for Belden Place.*

Open Space Department Comments:

The Application Materials discuss the proximity of public lands as an asset to this development’s location. Minturn Boneyard is owned and managed by the Town of Minturn per an Intergovernmental Agreement (the “IGA”) with Eagle County, and the County contributed significant financial resources to the protection of the Minturn Boneyard as open space for the general public in 2013. The Minturn Boneyard is also protected by a conservation easement held by Eagle Valley Land Trust, aimed at protecting the property’s conservation values of wildlife habitat, natural scenic features, and recreational access to the Eagle River in perpetuity.

1. Eagle County recommends the applicant consult with the Town, County and Eagle Valley Land Trust to ensure the conservation values of the property are maintained, while providing potential recreational improvements to the property as referenced in the IGA and management plan, that would better accommodate the increased use generated by the proposed development. A site plan to develop recreational river access on the property and improved public amenities was developed in 2014, but lacked funding to execute. Eagle County would be

glad to provide copies of the conservation easement, management plan, IGA, and site development plan to the applicant.

**APPLICANT RESPONSE:**

*Once more, 1,001 people have not been monetarily subject for providing funds to this open space area (Boneyard). Assuming that every single person of Belden Place will use the Boneyard is unrealistic, as currently, few people in town use this area at any one time as it stands. Additionally, we anticipate that persons already living in Minturn will be buying some of these units. We hope that the homeowners will want to volunteer to aid in maintaining this open space area, much like others in town already do. We are providing our own onsite open space that will be used more regularly than the Boneyard as we believe in onsite spaces. Again, the accumulation of additional costs to a private developer/development as an exaction, results in a further separation of affordability for local buyers.*

2. Minturn Boneyard will hopefully enhance the quality of life for residents in Belden Place PUD, but only if safe access across Highway 24 is provided. Together with appropriate local regulating bodies, the applicant should contemplate signage, crosswalks or other measures to ensure feasible safe access to the open space by residents, children and pets.

**APPLICANT RESPONSE:**

*Agreed. And not only for Belden Place. Once the 2<sup>nd</sup>-phase highway improvements go in, the sidewalk will be necessary for all persons walking toward Maloit Park/the school or persons taking the bus and needing to cross the road. We thank the Town for potentially assisting with this endeavor as CDOT has a history of not supporting road crossings as it affects traffic speeds, and having a jurisdiction assist with this is extremely helpful.*

3. Lastly, the applicant proposes that 18% of the property remain undeveloped as 'open space'; however the Town's requirement of 25% would likely be better suited to a development of this density. Additionally, two of the three open space areas are also identified as stormwater retention ponds, making the functional open space approximately 7,300 square feet (0.17 acres). A greater percentage of open space would enhance the livability of this community. Adjacent public lands to the south, east and across the street to the north, while certainly advantageous for the development's location, are intended for use by the broader public, and should not be in lieu of open space requirements within the development. As the applicant references, the United States Forest Service land to the south is also too steep to have practicable access from the development.

**APPLICANT RESPONSE:**

*See previous discussion. And to clarify, in no way are we suggesting the neighboring lands are in lieu of our open space contributions; rather, the neighboring lands offer an alternative to our proposed greenspaces for more active recreational purposes like hiking, biking, or river access- much like the rest of the town and out of town guests to the town are afforded without cost.*

**ECO Transit Department Comments:**

1. Throughout the Belden PUD project narrative (p. 5, 9-10, 11, 15, and 25) a new bus stop is referred to with discussions of sidewalks and crosswalks among other related improvements. ECO Transit's Minturn Route does provide service along Highway 24 between the Maloit Park and Vail Transportation Center. Currently, dual direction transit stops exist to the north of the subject property adjacent to 996 Main St (aka Lucero's). These transit stops are approximately

1/4 of a mile from the subject property with limited pedestrian infrastructure access from the subject property to the transit stops. ECO Transit has not been approached regarding the proposal for new or relocated bus stops. The developer should meet with ECO Transit staff to discuss the merits and feasibility of the proposed stop placement prior to scheduling a public meeting.

**APPLICANT RESPONSE:**

*The bus stops are shown on the phase 2 highway improvements, which preceded this development. We feel that alternative transportation is important, and are open to discussions with the Town and ECO Transit. We are fortunate that the Mayor of Minturn is the appointed official and liaison with ECO Transit. Right now, until the bus system is modified, there is no real incentive to take the bus as you can only take it early in the morning, and back through at dinner. You can't go visit Leadville for a few hours, or Vail in the middle of the day. Assuming most people will already have jobs, as is necessary to get loans for average workers to buy a home, this system isn't really advantageous to the average person. As we build population, this will change in time, so we have time to have further discussions.*

2. The application does not provide adequate clarification on who is responsible for the design, permitting, and construction of the various pedestrian and transit improvements along Highway 24 discussed in the project narrative or demonstrated in the engineering documents. ECO Transit requires compliance with its design standards (e.g. bus lanes, approach and acceleration tapers, bus stop pad dimensions, bus stop amenities) prior to acceptance of transit related improvements and provision of service.

**APPLICANT RESPONSE:**

*As previously mentioned, we were under the impression that these future improvements were phase 2 of the improvements that were installed in 2019 by CDOT and the Town of Minturn.*

**MARTIN AND WOOD CONSULTANTS – 02/20/21**

Cristy Radabaugh, P.E.

The Town of Minturn (Minturn) defines a Single Family Equivalent (SFE) as the amount of water used by a standard residential unit of 3,000 square feet or less with lawn and garden spaces of 2,000 square feet or less. In order to evaluate Minturn's ability to provide water service and determine the assessment of the payment for cash in lieu of water rights per Ordinance No. 02-2018 associated with the Belden Place Development, the number of SFEs associated with the project is needed. I can estimate the number of SFEs if the following information is received by the Town.

- Size of Residential Units: The estimated size and count of the residential units by category: single family homes, duplexes, triplexes, and other units (including accessory dwelling units). Note, the number of SFEs per unit will be increased if the residential unit is more than 3,000 square feet.
- Size of Irrigated Outdoor Areas: The estimated size of irrigated areas associated with the residential units (by type or by lot) is requested along with a description and size in square feet of common outdoor spaces, including greenways and parks, and any other outdoor spaces that could be irrigated within the proposed development.
- Water Uses for Other Purposes. If the proposed development includes water use for non-residential spaces, such as public bathrooms, a sales office, or commercial space, that information should also be provided to the Town. Please be as specific as possible - number of

toilets and urinals, size of the office and number of bathrooms and whether it will include a kitchen and/or laundry facilities, size of commercial space and anticipated type of business.

- If the developer is proposing a phased schedule associated with the project, the submitted information should clearly delineate which units and spaces are included in each phase of the project.

**APPLICANT RESPONSE:**

*We are working with the Town currently, and look forward to additional discussions and agreement for our water needs. Note: there are no public or commercial uses proposed that requires water.*

**EAGLE RIVER WATERSHED COUNCIL – 02/22/21**

Holly Loff, Executive Director and Bill Hoblitzell, Water Resources Program advisory staff

Thank you for the opportunity to provide comments regarding the Belden Place project. Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Eagle River and its tributaries in order to protect and enhance the high-quality natural and human values provided to our communities by rivers. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity.

The project application contemplates combining six existing parcels for redevelopment to create a new subdivision. The project has many admirable design features and seeks, in part, to address ongoing issues in local full-time residential housing and avoid loss of Minturn's small town character. Our comments remain focused primarily on impacts to aquatic ecosystems and community values associated with our region's excellent rivers and streams. As such, they are primarily focused on Belden Place's stormwater infrastructure design and potential increased human impacts to the Eagle River corridor through increased usage of the Boneyard Open Space as a de-facto 'backyard' for the new development's residents.

**Stormwater:**

The project's drainage report suggests that stormwater will predominantly be conveyed west towards the undeveloped USFS lands in the open space near the Martin Creek Trailhead, where it will be infiltrated to the valley bottom alluvium prior to entering the river. This is likely to provide strong water quality protections for surface water on the Eagle River, and infiltration of runoff rather than direct piping to surface waters. This is highly consistent with Low Impact Design/Green Infrastructure practices strongly promoted by ERWC. However, it should be noted that the limited wetlands occurring on this low-lying adjacent USFS site will to a large degree now functionally assume the role of treatment wetlands for the development, and it may be worthwhile to consult USFS aquatics staff on this prospect prior to approving this measure. (contact: [melvin.woody@usda.gov](mailto:melvin.woody@usda.gov))

The newly proposed P1 basin of approximately 20 acres on the northeast portion of the development will drain to an open space parcel where additional infiltration is anticipated prior to conveyance to the river. A small portion of this basin will be draining new impervious surfaces from Belden Place while the majority will remain as a pervious undeveloped surface. At times when infiltration capacity is exceeded and surface flows are generated, they will then be culverted under the highway and cross the Boneyard Open Space prior to discharging to the Eagle. The developer has proposed a culvert conveyance northwards across the Boneyard.

**APPLICANT RESPONSE:**

*We are pleased that we have a tentative joint agreement to deal with stormwater that goes above and beyond the impacts of Belden Place. The concern in dealing with water from the forest service lands is significant, and affects properties in addition to Belden Place. Equitably sharing in dealing with this situation is fair, and a great public benefit to South Minturn in general. We thank the Town for partnering on this aspect of this project.*

**Net Effects Of Belden Place And Potential Future Development In South Minturn:**

Stormwater drainage proposals for Belden Place have a good focus on infiltration whenever possible prior to conveyance to surface waters. We applaud the developers for this design paradigm, which is broadly consistent with Low Impact Development/Green Infrastructure concepts that strive to reduce the amount of polluted runoff entering streams from urban and suburban surfaces. These practices seek to utilize natural site characteristics to manage stormwater runoff, promote infiltration to groundwater over direct surface runoff, and avoid directly connecting impervious areas to streams.

Belden Place currently benefits largely from the undeveloped characteristics of adjacent public lands. However, the town should be highly cognizant that this is not necessarily a permanent condition. Development conversations regarding the USFS staff housing parcel, as well as the open lands near the Martin Creek trailhead, have occurred on multiple occasions in the past, and are likely to arise again in the future pending ongoing pressures tied to the region's housing issues and continually growing residential and visitor populations. It is highly reasonable to consider that both of these parcels (the USFS staff housing complex and the Martin Creek trailhead zone) may be transferred to private ownership and further developed at some point in the future. At this time, the cumulative impacts of impervious surfaces and stormwater runoff that overlap with the Belden Place Development will require significant consideration by town planners if negative water quality impacts to the Eagle River are to be avoided.

It is prudent to consider these potentials now and ensure that within Belden Place sufficient stormwater treatment spaces are reserved, and the potential need for active stormwater technologies and best management practices remain on the table at this site. It may not always be possible in the future for Belden Place to rely on nearby public lands to treat its stormwater runoff. Retrofitting active treatment appurtenances on the P1 and P2-P4 basins to accommodate potential future developments and loss of pervious coverages in these areas could be an expensive and logistically difficult prospect if access and adequate space for these infrastructure types are not considered now, well ahead of actual developments.

**Incursion Into Naturalized Open Spaces:**

As new developments increase the residential density, there is often a tendency for the human uses and traffic patterns of adjacent public spaces to change significantly. Increasing development in south Minturn is likely to increase use pressure on the Boneyard Open Space and Martin Creek Trail with attendant impacts such as new/increasing social trails, pet waste and impacts to riparian areas beside the Eagle River. Projects to address these uses such as formalizing trails, exclusions for vegetation protection and increased trash/dog waste pick-up by town staff, will incur increased financial costs to the town that may be unanticipated during the current development review. We encourage the town to consider these creeping impacts to the river and public open spaces and consider ensuring an appropriate long-term funding mechanism is in place prior to development



approval so that these costs are appropriately borne by the new development's residents, and not unintentionally transferred to the town over time.

**APPLICANT RESPONSE:**

*I always find it interesting that consideration of visitors and the general, non-residential public is not discussed to the same degree about public open space. I guarantee that if only Minturn residents were the sole users of adjacent public lands, trailheads like Meadow Mountain wouldn't be as "loved to death" as we experience currently. The Boneyard, for instance, is a stopping place for people driving through town coming down from Leadville, as I have personally witnessed time and time again the out of state plates that frequent the parking area. That being said, we appreciate these considerations, no doubt. Unfortunately, unless you charge visitors to use these places, locals will always bear the brunt of these impacts.*

**COLORADO PARKS & WILDLIFE – 02/15/21**

Matt Yamashita, Area Wildlife Manager

Thank you for giving Colorado Parks and Wildlife (CPW) an opportunity to provide comment on the proposed Belden Place PUD project. CPW has a statutory authority to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

The proposed action includes the development of 27 lots in southern Minturn, and is proposed to include 42 housing units of varying types and sizes. The proposed project also includes some small sections of open space and parks.

The proposed action site lies within and immediately adjacent to a variety of wildlife habitat. Furthermore, the development site exists within elk Data Analysis Unit (DAU) E-16, and mule deer DAU D-8. The E-16 DAU has been experiencing significant declines in elk populations, equating to a roughly 60% decline over the last 10 years. Additionally, as of the 2020 updated herd management plan for mule deer, the D-8 population is on a downward trajectory and is under CPW's established objective range. Subsequently, CPW has continued to reduce the mule deer population objective in the area to accommodate for human generated impacts and overall mule deer population decline.

CPW has also dramatically reduced hunting quotas for both elk and mule deer since the mid 2000s. Mule deer doe quotas have been reduced to negligible levels, while limited cow elk licenses have ostensibly been eliminated. These reductions in doe and cow quotas are in an attempt to protect the reproductive, fawn and calf-bearing portion of the herd. While these license reductions are an attempt to recover population levels, reproductive success and recruitment into the population has failed to rebound.

In addition to the pressing issues associated with local ungulate populations, the Eagle Valley has seen a significant increase in human-predator conflicts. These conflicts namely involve mountain lions and black bears. The Town of Minturn lies within the state's only designated Special Management Area.

(SMA) for mountain lions. Public reports of mountain lions in the SMA were rare 10-20 years ago. Now reports number in the hundreds annually and come from a variety of groups and members of the community. Minturn also lies within a human-black bear conflict area. Black bear conflicts in the Eagle Valley continue to rise compared to historic levels. These issues directly correlate with the human footprint on the landscape and increasingly require mitigating management actions by local governments.

Habitat loss, habitat fragmentation and human disturbance continue to be the most significant concerns in managing local wildlife in the Minturn area. While in-fill development, or redevelopment of areas minimizes the direct impacts and net loss of habitat, the indirect impacts to the resource stand to be far more significant. The Minturn, and Dowd Junction areas along with portions of the Highway 24 corridor have been identified or already slated for a variety of developments and infrastructure improvements. As with many of these proposed actions, CPW continues to encourage local governments to approach the assessment of impacts to wildlife and the surrounding landscape through a more holistic and comprehensive lens. Specifically, impacts generated by one particular development will likely be accentuated and heightened due to the impacts generated by other surrounding developments, and vice versa. As such, CPW encourages continued dialogue with town planning staff, and initial dialogue with the applicant to potentially better account for these comprehensive impacts.

The Environmental Impact Report (EIR), prepared by Wynn Ecological Consulting correctly notes the potential for indirect impacts. However, the report minimizes the extent to which indirect impacts affect wildlife. Indirect impacts are often far reaching and expand beyond just human-wildlife conflict, and may equate to habitat loss, habitat degradation, and can ultimately result in population decline of local herds. This is currently the case with the local E-16 elk herd. The increase in the human footprint associated with this proposed development stands to generate the aforementioned impacts. Specific to this proposed action and similar to other Minturn area development applications, this project lies within and adjacent to elk and mule deer migration corridors, elk winter concentration area, elk severe winter range, documented golden eagle nests, and canada lynx potential habitat. Given the high propensity for this proposed action to primarily generate and contribute to indirect impacts in the Minturn area, CPW offers the following recommendations:

- Construction & site disturbance should occur outside of the December 1 – April 30th timeframe, annually, to protect wintering elk.
- Open Space or natural sites disturbed during construction should be immediately reclaimed with a CPW-approved big game seed mix to provide adequate forage and reduce the potential for weeds. The site should be monitored for weeds on an annual basis.
- If any fencing is planned as part of, or in conjunction with this project, it is recommended that the fencing be constructed per CPW Wildlife Friendly fencing guidelines.
- Bear-proof trash canister covenant: The project area lies within a mapped black bear- human conflict zone. To help prevent habituation of black bears, CPW recommends all residences utilize bear-proof canisters and dumpsters. Furthermore, the development should provide secure enclosures for trash storage. CPW encourages enforcement of this practice to ensure effectiveness.
- Vegetation management on the parcel to minimize attractants for black bears, as well as minimize the visual cover available to mountain lions adjacent to buildings and dwellings.
- Adopt appropriate storm water drainage systems to avoid sediment loading into the Eagle River.

- Recommend anticipating the unplanned creation of social trails accessing adjacent National Forest. If this occurs, CPW suggests planning for (logistically and financially) the reclamation of such trails and addressing the issue through signage, education, and establishment and enforcement of HOA covenants to manage access to public lands emanating from the Belden Place parcel.
- Again, given the proximity of the development to elk severe winter range, and the planned increase in human density/activity, CPW recommends dialogue with the Town of Minturn, and the White River National Forest to entertain potential seasonal closures of the Martin Creek trail.
- CPW further recommends that the Town of Minturn explore financial funding mechanisms generated by this and future developments to help account for and potentially offset indirect and direct impacts associated with the developments, and to fund local conservation efforts by the Town of Minturn.
- Increasingly critical, CPW recommends the Town of Minturn adopt a holistic approach to assessing cumulative impacts to wildlife and natural resources in the local area. This locale is slated for a wide variety of actions in the near future that will result in both direct and indirect impacts to wildlife. CPW welcomes continued dialogue surrounding how to anticipate, minimize or avoid these impacts.

**APPLICANT RESPONSE:**

*We are proposing wildlife-proof trash receptacles, as are now standard with the trash provider for the Town of Minturn. While I have never personally witnessed large game in Minturn, we are actually glad that the slopes accessing forest service lands are not easily accessible from Belden so there are no accidental interactions from residents and large game is separated from human interactions in this area.*

**EAGLE RIVER WATER & SANITATION DISTRICT – 02/22/21**

Jason Cowles, Director of Engineering and Water Resources

Thank you for the opportunity to submit referral comments on the Belden Place PUD Preliminary Plan for a Planned Unit Development (PUD) and Zone Change (the “Project”) on behalf of the Eagle River Water and Sanitation District. Upon our review of the application materials provided by the Town, we submit the following comments:

- On November 5, 2020 we submitted an Ability to Serve letter to the Town requesting that the Town limit the issuance of building permits to no more than 85 net new SFEs effective from the date of that letter until the new Dowd Lift Station is operational due to current capacity limitations at Dowd Lift Station #4. The November 5, 2020 letter referenced 41 SFEs for the Project based upon our understanding of the project at the time. Upon review of the application materials, the District is now aware that the maximum allowed density for the Belden Place PUD would be 41.5 SFEs. Including the 1.5 existing SFEs for the Christiansen Residence and associated Accessory Dwelling Unit plus and the proposed nine single family homes, four duplexes, six triplexes, and one multifamily dwelling with five units, I can confirm that the District will be able to provide wastewater service for the maximum density of 41.5 SFEs subject to the completion of the Dowd Lift Station project.
- The District’s Construction Review Team is currently reviewing wastewater collection system infrastructure plans submitted by the Applicant and has requested a hydraulic analysis of the

proposed wastewater collection system improvements. Any changes to the design and layout of the proposed wastewater collection system, and subsequent changes to the proposed easements, made as part of that process should be incorporated in the final plat submittal prior to recording.

- Service to the Project requiring the extension of mainline infrastructure is subject to the District's Infrastructure Acceptance Process outlined in Article IX of the District's Rules and Regulations. Following the construction of wastewater collection system infrastructure by the Applicant and subsequent dedication of the infrastructure to the District, individual customers may connect to the wastewater collection system for service subject to the payment of all applicable impact fees.

#### APPLICANT RESPONSE:

*We are fortunate that the timing of ERWSD improvements are in alignment with Belden Place- or so we hope, as we have not gotten answer about timing as of yet. Our engineer is working with the ERWSD to ensure all proposed development is in accordance with their standards. With our first phase being Lot 7, and since we already have 15 sewer taps, we should be ok until the District catches up to our timeline. Hopefully...*

#### SGM – 02/19/21

Eric Petterson, Environmental Team Lead

SGM is providing this letter to document our review of the Belden Place PUD application as it relates to potential environmental impacts, on behalf of the Town. As part of this effort, we reviewed the PUD Narrative (Vail Land Company 2021), and the Environmental Impact Report (Wynn Ecological Consulting 2020). We offer the following as items that could use additional discussion or clarification.

**Black Bear.** The project occurs within black bear (*Ursus americanus*) habitats, and a CPW-mapped Bear-Human Conflict Area; black bears are already known to be an issue in Minturn. Bears will be an issue for the PUD, and the developer should take very protective steps to minimize the risks to residents and bears. CPW should also be consulted on minimizing bear issues.

**Reclamation and Noxious Weeds.** The EIR did not state that a survey for noxious weeds has occurred, but this area of Minturn is known to have weed issues. Early weed treatment through the use of suitable herbicides is strongly recommended prior to the start of construction to begin reducing the density and seedbank in the project area. A noxious weed management plan, with biannual treatments is recommended given the nearby native habitats, and very high likelihood that noxious weeds will expand their presence and spread into nearby habitats. As a reminder, noxious weeds must be managed, per Colorado statute.

In summary, we concur with the findings of the EIR, that this project would not have any notable environmental issues. Strict black bear stipulations should be in place, and we also recommend an aggressive noxious weed management strategy.

#### APPLICANT RESPONSE:

*Acknowledged. Since we will be regrading almost the entirety of the lots and implementing landscaping, noxious weeds will be easy to mitigate moving forward.*

**XCEL ENERGY – 02/19/21**

Britt Mace, Designer, Mountain Division

I see that the snow storage is located next to our transformers; however transformers and pedestals cannot be located in dedicated snow storage areas as that will lead to our above ground equipment to be buried in snow and could damage our equipment, delay outages and emergencies.

Also each transformer will need a 10x10' pocket easement and each pedestal will need a 5x5 pocket easement. The above ground equipment will not be installed on top of the newly installed electrical lines, they will be installed along the property lines offset from the electrical lines.

Other instructions for customer:

- You must apply for each address that will need service in the building and any common/house meters needed.
- (common/house meter usually runs common lights in stairwells, signs, snowmelt, irrigation, Etc.)
- Will need to know total loads for gas and electric to determine if main will need reinforcement for your project. If reinforcement is needed it will be at customer cost.
- Must let Xcel know if you need 3Ph or 1Ph power.
- If temp power is needed then a transformer will need to set in a permanent location and you must apply for temp power.
- New transformers on the lot must located 10' away from buildings, 20' away from doors (it does not look like we will have this from the garage doors on their site plans where they show the transformers) and 10' away from windows, reference Standards for Electric Installation and use (blue book) Xcel Energy Standard for Electric Installation and Use (Blue Book) Drawings CR-30A
- If the buildings do not own their own lot, and the lot is owned by HOA the meters will need to be located on the building at a single point of service.
- If house/common meter is needed, customer must run the electric service lateral to the Transformer or Pedestal (point of distribution).
- Meter Locations: Meters cannot be located inside the building and must be accessible. We do not allow ice or snow shields. Meters must be located under a non-drip edge and there shall be no adjacent rooflines, which will drip directly on or towards a neighboring meter installation. See Standards for Electric Installation and use (blue book) Section 4.3, under number 3, page 33 "Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties." Xcel Energy Standard for Electric Installation and Use (Blue Book).

Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request.

**APPLICANT RESPONSE:**

*In actuality, we DO have an application submitted to Xcel. This was received via email 02/22/21:*

*This email is to notify you that Xcel Energy does already have the applications for this project. We are currently in process of designing the Gas and Electric Utilities and will address the items in the letter during design.*

*If anything else is needed please do not hesitate to contact me.*

*- Stephen Watson*

*Xcel Energy | Responsible By Nature Design Contractor for Xcel Energy*

## **EHLERS PUBLIC FINANCE ADVISORS – 02/18/21**

James A. Mann, Senior Municipal Advisor

Ehlers has been requested to review the documents submitted respecting the proposed Belden Place PUD. Based on the development plans, it is understood that an additional 40 total dwelling units will be developed that consist of nine detached single-family units, four duplex units, two triplex-detached units, four triplex-attached units, and five row houses. It is anticipated that the development will generate approximately \$30.9 M of market valuation, result in an additional 120 Town residents and will be completed over a two-year build out period.

While Ehlers has not reviewed every document in the files transmitted, we focused our attention on the following documents for both an understanding of the development and the technical information regarding the impact to the Town:

- BP-Application 11-16-20
- PUD Design Guidelines
- PUD Guide 11-16-20
- C – BeldenPlaceFinancialImpacts
- C – BeldenPlaceFiscalIMPACTS2020
- D - Belden PUD Preliminary Plat Civil Set
- E – 2020-10-28 M1398 Belden Place Subdivision TIS

While we reviewed the above documents, the majority of our comments are related to the potential incremental town revenues and the revenue detail that was provided in the analysis prepared by Stan Bernstein and Associates, dated November 13, 2020.

In respect to the report on “Analysis of Potential Incremental Town of Minturn Revenues Generated, and General Fund Expenditures Incurred, as a Result of the Development of Belden Place” report, and supporting documentation, we offer the following comments:

- It does not appear that a market analysis has been undertaken to support either the planned absorption or the estimated values to be generated from the development. This document would be helpful in determining the validity of the numbers presented.
- Ehlers does not question the methodology used by Stan Bernstein and Associates related to the revenue and expense forecasting, however as it relates to several conclusions’ the Town may wish additional consideration for:
  - Additional personnel and equipment that may be necessary to meet the service needs of an additional 120 new residents and over what time frame
  - We do note that there is limited additional infrastructure that the Town will be responsible for in that internal development infrastructure will remain private
- The analysis assumes that 100% of the units will be occupied for a full year. The occupancy analysis should be further explored to ensure that the number is accurate. A review of the 2015-2019 Census data identifies that Eagle County as a whole has a 69.8% owner occupancy



rate. The assumption used in the analysis should be confirmed. [See comments regarding the PUD Guide 11-16-20]

- Based on the conclusions respecting the General Fund, it would appear that there will be a revenue net benefit from the development
- The calculations utilized for the Water Enterprise Fund do not reflect the Town's current rate methodology and thus are not accurate. Suggest that the analysis be updated to reflect current rate methodology and charges.

Other than the suggestion that the project absorption and values be supported by additional information, owner occupancy percent confirmation, and the updating of the benefit to the water enterprise, Ehlers believes that the from a pure financial position the project would appear to be a net benefit to the Town.

Within the PUD Guide 11-16-20, there is reference to the development meeting the Town's Community Housing Standards and Guidelines, Article 26 of the Town Code. The plan identifies that four units will be deed restricted to a sales price of 200% AMI affordability level. According to Census Bureau Quick Facts Data, in 2019 the area median income for the County was \$84,790, which would suggest a maximum household income of approximately \$170,000.

Further, there are additional restrictions included that direct ownership to Minturn and Eagle County full-time residents/qualified workforce/qualified retirees. There should be some clarification to the Attainable Housing Program, "Other" Sub 2, Sub d narrative as it was unclear what this provision means to Ehlers.

In the materials provided, we did not note any agreement with the Town respecting the proposed development. Ehlers would suggest that an agreement be drafted to address commencement and timing of the development, guarantees for any work done in the public right-of-way, etc.

#### **APPLICANT RESPONSE:**

*While we appreciate the evaluation of this firm, we feel that a market analysis is not necessary as there is no commercial proposed and we know that housing and the availability to purchase housing, is scarce in Minturn. We also feel we have a balanced housing plan, and should Eagle County or the Town of Minturn have the ability to contribute to this project, we would do even more to ensure its affordability, as that is one of our primary goals.*

#### **WQCO LLC – 02/17/21**

John Volk

I've reviewed the water drawings and everything looks good to me. All of the units have their own water service lines. The system has adequate main line isolation valves. The construction standards look good. It looks like a pretty straight forward design.

There are two service lines in this area that will need to be properly abandoned at the main. There is a 2" line that used to feed the trailers at 1251 Main and a 3" line that runs down the drive at the Duran house. From looking at the drawings the service lines that need to be abandoned should line up with the proposed 8" lines that are being installed.

**APPLICANT RESPONSE:**

*Please see updated engineering documents.*

**TRAIL ADVISOR – 02/17/21**

Ellie Caryl, Planner/Partner veraCity, LLC - Land Planning, Project Management, Administration

I assume I received the referral because I was added to the Referral list for the Minturn North PUD and remain on the list. Michelle and I will be talking soon about my services but my work on the Eagle Valley Trail is wrapping up as County staff takes over.

I did look over the Belden submittal and am very happy to see they will build a sidewalk along Highway 6 as one amenity. Otherwise I have no other comments. Looks like an interesting project

**APPLICANT RESPONSE:**

*Again, we are not proposing to build a sidewalk, rather; the sidewalk was already shown on improvements slated for/by CDOT and the Town.*

**COLORADO GEOLOGIC SURVEY – 02/17/21**

Amy Crandall, P.E. Engineering Geologist

Colorado Geological Survey has reviewed the Belden Place Planned Unit Development (PUD) referral. I understand the applicant proposes a 27-lot residential development of up to 42 dwelling units within 2.7 acres in Minturn. The site is adjacent to 1251 Main Street and bordered by Highway 24 on the north. With this referral, CGS received a request for review (Email dated February 1, 2021); Civil Plans (Timberline Engineering, January 15, 2021); Final Plat (Slagle Survey Services, January 18, 2021); Subsoil Study for Foundation Design (Kumar & Associates, Inc. (Kumar), September 18, 2019); Transportation Impact Study (TIS) (McDowell Engineering, LLC, October 28, 2020); Environmental Impact Report (Wynn Ecological Consulting, LLC, November 10, 2020); Drainage Report (Timberline Engineering, November 9, 2020); and other documents. The Kumar report references the Minor's Base Camp Subdivision, which (as noted on page 4 of the TIS report) was the previously planned development.

The site does not contain steep slopes or flood hazards, and landslides are not mapped within the project site. According to Eagle County 1041 geologic hazard mapping, the project site is "stable," and the existing slopes to the south of the site are "gentle to moderate." Kumar's report contains a valid description of subsurface conditions and soil engineering properties and makes appropriate recommendations for addressing the site's geotechnical constraints. However, CGS has the following comments.

Below-grade level and shallow groundwater. As noted on page 3 of Kumar's report, "Although free water was not encountered during our exploration, it has been our experience in mountainous areas that local perched groundwater can develop during times of heavy precipitation or seasonal runoff." As indicated on page 7 of the Drainage Report and sheet C.110 of the Civil Plans, the current PUD design includes a below-grade parking area at the south end of the site underneath the proposed triplexes. In a general statement within their report, Kumar recommends (page 6) that "below-grade construction, such as retaining walls, crawlspace and basement areas, be protected from

wetting and hydrostatic pressure buildup by an underdrain system.” CGS agrees with Kumar and recommends that the town require groundwater monitoring/observation. The piezometers should be monitored weekly during and shortly after the snowmelt period and immediately after any storms. A qualified hydrogeologist should review the groundwater information to determine post-storm groundwater levels, estimate groundwater flows, and design surface and subsurface drainage.

Undocumented fill. As noted on page 2, Kumar encountered approximately 1 to 5½ feet of undocumented sand and gravel fill materials in the borings. CGS agrees with Kumar on page 3 of their report, “The undocumented sand and gravel fill is unsuitable for shallow foundation support in its current condition” and “All existing foundations, slabs-on-grade, asphalt debris and undocumented fill should be removed from the proposed building footprint prior to construction.” CGS also agrees with Kumar’s recommendation (page 6), “All undocumented fill underlying proposed slabs-on-grade should be removed and replaced with structure fill...”

The project team should incorporate Kumar’s recommendations regarding the design recommendations (pages 3 through 6), underdrain system (page 6), site grading (page 7), and surface drainage (page 7) in project planning and design. As noted on page 9 of Kumar’s report, “we should provide continued consultation and field services during construction to review and monitor the implementation of our recommendations, and to verify that the recommendations have been appropriately interpreted.” CGS agrees with Kumar and recommends that Kumar review the currently proposed PUD and provide documentation confirming the validity of, or modifying their recommendations, specifically regarding the underground parking structure.

**APPLICANT RESPONSE:**

*Please see updated engineering documents.*