

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2016 - 061

APPROVAL

*Commissioner Ryan
moved to approve.*

OF AN AMENDMENT TO THE ANGLERS PLANNED UNIT DEVELOPMENT

FILE NO. PDA-6028

WHEREAS, on or about February 17, 2016 the County of Eagle, State of Colorado, accepted for filing an application submitted by Spine & Ortho Surgery Center, LLC (hereinafter "Applicant") for an amendment to the Anglers Planned Unit Development ("PUD"), and;

WHEREAS, the Board of County Commissioners approved the original Anglers PUD on August 25, 2015, and;

WHEREAS, the Applicant's request with this PUD Amendment is to: 1) Shift the centerline of the private road serving the nine-lot subdivision approximately 5-feet to the north of the location depicted in the original PUD approval; 2) Relocation and redesign of the public access parking area; 3) Reduction of Common Area Open Space by 2,685 square feet and; 4) Clarification of the allowable uses within the Secondary Stream Setback.

WHEREAS, notice of the Planned Unit Development Amendment was given to all proper agencies and departments as required by the *Eagle County Land Use Regulations* (hereinafter the "ECLURs"), Section 5-210.E, and;

WHEREAS, at its public hearing held on May 18, 2016, the Eagle County Planning Commission, based upon its findings, in a vote of 4:1 recommended approval with conditions of this proposed PUD Amendment, and;

WHEREAS, at its public hearing held on June 14, 2016, the Eagle County Board of Commissioners (hereinafter the "Board"), considered the proposed Planned Unit Development Amendment, associated plans, the statements and concerns of the Applicant, the Eagle County Planning Department, Engineering staff, other interested persons, and the recommendation of the Eagle County Planning Commission, and;

WHEREAS, at its regular meeting on June 14, 2016, the Board voted unanimously to approve the Planned Unit Development Amendment request with conditions as listed herein and authorized the Chair to sign on its behalf the foregoing resolution evidencing such approval; and,

APPROVED AS TO FORM
By: Christina [Signature] Keth Oliver
Eagle County Attorney's Office
By: _____
Eagle County Commissioners' Office

WHEREAS, the Amended Anglers PUD Guide is attached to this Resolution as Exhibit 'A'; and,

NOW, THEREFORE, based on the evidence, testimony, exhibits, and study of the Comprehensive Plan for the unincorporated areas of Eagle County, as well as comments of the Eagle County Community Development Department, comments of public officials and agencies, the recommendations of the Planning Commission, and comments from all interested parties, the Board finds as follows:

1. That proper publication and public notice was provided as required by law for the hearings before the Planning Commission and the Board.
2. That all standards required for Amendment of a Planned Unit Development have been met as required by the Eagle County Land Use Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado:

THAT this PUD Amendment (Eagle County File No. PDA-6028) described herein, is hereby **approved**, subject to the following conditions

1. Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in public meeting shall be adhered to and considered conditions of approval.
2. Prior to the recording of the Planned Unit Development Guide (PUD) with the Resolution of Approval, the PUD Guide shall be amended to exclude fire pits, portable fire pits, and hot tubs from the Secondary Stream Setback. The PUD Guide shall state, "Home structures and related foundations and roof overhangs over 24 inches are prohibited, provided permeable decks, permeable patios, and deck caissons and footers are permitted." The following language shall also be added to the PUD Guide in regards to the drainage easements between the homes adjacent to the Eagle River,

"The purpose of the drainage easements centered on the property lines between each of the river lots is to allow for multiple dispersed shallow drainage swales to convey surface runoff generated from the new street and lots above and to provide necessary drainage away from constructed units. The drainage plan intent is to maintain multiple low-flow discharge points in lieu of combining all the runoff into one or two large discharges. The easements between the homes define the area in which the drainage must be conveyed. The drainage route should be constructed and maintained as drainage swales utilizing terracing and landscaped retention design as necessary to facilitate natural infiltration and impedance of large stormwater events. Landscape features and retaining walls designed in harmony with the purpose of the drainage plan are permitted within these easements. Non permeable surfaces are not allowed within the drainage easement except for roof overhangs 24" in length or less."

3. For purposes of calculation of the fee-in-lieu of school land dedication, the determination of land value is to be done in accordance with the provisions of the County's Land Use Regulations and the land valuation and amount of the school land dedication shall be determined prior to or as a part of the final plat process for Anglers PUD.
4. The developer of the Anglers PUD (the "Developer") and/or Anglers PUD homeowners' association (the "Anglers HOA") is responsible for construction and maintenance of all improvements for the Anglers PUD including, but not limited to, roadway improvements and traffic control devices. The Developer and/or Anglers HOA is additionally responsible for the construction of all six parking spaces in the Parking Lot and maintenance of all six of the parking spaces in the Parking Lot.
5. The owner of the Property shall grant a permanent public access easement along the entire width of Anglers Way from Miller Ranch Road extending to 20' west of the western most parking space in the Parking Lot (the "Public Access Easement"). The Access Easement shall be made available for pedestrian and vehicular access and for the use and enjoyment of the public. The Public Access Easement shall be depicted on the Final Plat for Anglers PUD. The Public Access Easement shall be incorporated into an easement agreement, which shall be executed by the owner of the Property prior to approval of the Final Plat for Anglers PUD.
6. The owner of the Property shall grant an emergency access easement to align with the platted emergency access easement depicted on the Final Plat for Miller's Creek PUD, recorded at Reception No. 665173, prior to approval of the Final Plat for Anglers PUD. The Anglers PUD emergency access easement shall be depicted on the Final Plat for Anglers PUD. The Developer shall construct and maintain, within that emergency access easement, a gated access road to accommodate the Eagle River Fire Protection District's emergency service vehicles. The materials to be used for construction of the access road and the width of the access road shall meet the specifications of the Eagle River Fire Protection District. The Developer shall confer with the Eagle River Fire Protection District to determine the width of the access road, the materials to be used in construction of the access road and the type of Knox Box and gate to be used between the Miller's Creek PUD and Anglers PUD developments prior to construction of the access road. Adjacent to the Emergency Access, a sign shall be installed identifying emergency access and prohibiting obstruction of the emergency access.
7. The Developer shall submit complete designs for roadways and sidewalks within Anglers PUD (construction plans) simultaneously with the application for the Final Plat for Anglers PUD. The Eagle County Engineer will determine if the

construction plans are adequate prior to approval of the Final Plat for the Anglers PUD.

8. The Developer shall design, grade and construct at its sole expense and to County specifications a six space public Parking Lot (the "Parking Lot") within the Anglers PUD. The Parking Lot shall be constructed at the earlier of (a) the issuance of the ninth building permit of the Anglers PUD; or (b) twenty-four months after the issuance of the first building permit of the Anglers PUD. The location of the Parking Lot, the plans for the Parking Lot and the materials to be used in construction of the Parking Lot shall be approved by the Eagle County Engineer and the Eagle County Open Space Director prior to approval of the Final Plat for Anglers PUD. The Parking Lot shall not be used by Anglers PUD for overflow or guest parking.
9. The Applicant and/or Developer shall grant a permanent easement for the location of the Parking Lot on PUD Property prior to the approval of the Final Plat for the Anglers PUD (the "Permanent Easement"). The Permanent Easement shall also include an existing natural surface trail approximately two (2) feet wide (the "Trail"). The PUD Developer and/or the Anglers PUD HOA shall improve, reconstruct and realign, as necessary, the Trail to County specifications at its sole expense, using dirt or crushed gravel. The PUD Developer and/or the Anglers PUD HOA shall install erosion bars, grade reversals, or other similar materials or devices in areas where deemed necessary to create stability and prevent erosion of the Trail. The Trail shall begin at the Parking Lot, traverse across Anglers PUD Property within the Easement Area and continue through the Open Space Property to the Eagle River. The plans for the Trail and the materials to be used in construction and improvement of the Trail shall be approved by the Eagle County Engineer and the Eagle County Open Space Director prior to approval of the Final Plat for the Anglers PUD. Completion of the Trail shall occur at the earlier of (a) the issuance of the ninth building permit of the Anglers PUD; or (b) twenty-four months after the issuance of the first building permit of the Anglers PUD. The Trail shall be made available to and is for the use of the public for pedestrian recreational trail access to and from the Open Space Property. The Permanent Easement shall be depicted on the Final Plat for Anglers PUD. The Permanent Easement shall be incorporated into an easement agreement, which shall be executed by the owner of the Property prior to approval of the Final Plat for Anglers PUD.
10. The owner of the Property shall grant a pedestrian and vehicular access easement across the PUD Property for ingress and egress from the Parking Lot to the Berry Creek/Miller Ranch Open Space Property for the maintenance and management of the Open Space Property by the County. (The "County Access Easement"). The County Access Easement shall also be depicted on the Final Plat for Anglers PUD. The County Access Easement shall be incorporated into an easement agreement which shall be executed by the owner of the Property prior to approval

of the Final Plat for Anglers PUD. No roads shall be installed from the PUD Property to the Berry Creek/Miller Ranch Open Space Property.

11. The PUD Developer and/or the Anglers HOA shall construct a sidewalk within the Permanent Easement from the east end of the Parking Lot to the sidewalk at Miller Ranch Road. The sidewalk shall be an attached sidewalk and shall be the same width as the sidewalk on Miller Ranch Road. The sidewalk shall be constructed simultaneously with the Parking Lot.
12. A Subdivision Improvements Agreement shall be executed at the time of approval of the Final Plat for the Anglers PUD for work associated with the improvements for Anglers PUD, including but not limited to the roadway improvements, traffic control devices, the sidewalk, the Trail, and the Parking Lot. The Developer shall provide collateral in the form of a letter of credit acceptable to the County Attorney's Office in the amount of the estimated cost of construction of said improvements.
13. The Applicant, its designee, the Developer, or the owner of the Property shall cause the Property to be cleared of all nonconforming uses within nine (9) months from the date of approval of the PUD, and no later than May 25, 2016.
14. The owner of the Property shall grant a sportsman easement to Eagle County on that part of the Property which encompasses the northern portion of the Eagle River bottom from the surveyed southern boundary of the Anglers PUD Property in the Eagle River to the high water mark of the Eagle River. The sportsman easement shall be for the benefit and use of the public for fishing and rafting the Eagle River, including standing on the river bottom as it traverses through the surveyed boundary of the Anglers PUD Property. No member of the public shall have any right to access such sportsman easement across any other Anglers PUD Property. The sportsman easement shall be granted prior to approval of the Final Plat for Anglers PUD and shall be depicted on the Final Plat for Anglers PUD. The Applicant acknowledges that the portion of the Eagle River bottom from the center of the Eagle River to the south is private property owned by Riverstone Subdivision, as depicted in the Amended Final Plat for Riverstone, at Reception No. 881628, and is not subject to use by the public under said sportsman easement.
15. Within three months of completion of construction of the Parking Lot, the Developer shall have a sign created and installed, at its expense, which visually depicts at a minimum a survey accurate map of the Anglers PUD sportsman easement relative to the Riverstone PUD property. The Developer shall cause the sign to be installed adjacent to the Parking Lot. The sign shall state that the south portion of the Eagle River bottom is private property and that users of the Anglers PUD sportsman easement shall remain within the easement area. The Developer or the Anglers HOA shall reimburse the County for annual maintenance of the sign upon receipt of an invoice for the same. The Developer shall consult with the

Eagle County Open Space Department regarding the size, design and location of the sign prior to installation of such sign by the Developer. The sign shall be double-sided, so as to be visible from the Eagle River and the Parking Lot on the Open Space Parcel.

16. The Developer shall adhere to one of the two following options to satisfy the Eagle County Affordable Housing Guidelines: (1) all nine lots in the Anglers PUD shall be subject to the Eagle County's "Resident Occupied For Sale Housing" deed restrictions, including a 0.67% (two-thirds of one percent) transfer fee for "non-Eligible Households" (as the terms "Resident Occupied For Sale Housing" and "non-Eligible Households" are defined in the Eagle County Affordable Housing Guidelines and Administrative Procedures) as amended on May 14, 2014. These deed restrictions shall be for a term of 50 years with an extension of an additional 50 year period subject to Board of County Commissioners approval; or (2) the Developer shall provide enough affordable housing credits to satisfy Eagle County's affordable housing requirements, pursuant to the provisions of the Eagle County Affordable Housing Guidelines and Administrative Procedures as amended on May 14, 2014. These credits shall be provided to the County prior to the Developer receiving a building permit for any lot on the Anglers PUD Property.
17. Information concerning site-specific groundwater levels shall be required at the time a building permit application is submitted for any lot in Anglers PUD and, if shallow groundwater is found to preclude full-depth basements, then site-specific analyses showing that a proposed lot is not exposed to a slope stability hazard shall be required prior issuance of a building permit.
18. Site-specific geotechnical reports shall be required at the time a building permit application is submitted for any lot in Anglers PUD.
19. The Anglers HOA shall be established prior to the sale of any lots or units within Anglers PUD. The Anglers HOA shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly owned, and secure adequate liability insurance on the land. Membership in the Anglers HOA shall be mandatory for all landowners within the PUD.
20. In accordance with the waiver granted by the Community Development Director, a Detailed Landscape Plan as defined in Section 4-220.C of the Eagle County Land Use Regulations shall be provided for review with the application for Final Plat.
21. The following note is required on the Final Plat for Anglers PUD:
"Site Development: Site designs were not submitted for review of compliance

with Eagle County Site Development Standards. Prior to the issuance of any building permits for the parcels created by this plat, the owners shall demonstrate to the County Engineer the site plan complies with all Eagle County Site Development Standards. If the Site Development Standards cannot be met, a Variance from Improvement Standards shall be obtained. There is no guarantee of a variance approval. The final decision by the County Commissioners will weigh the hardship of the applicant versus the impact to public safety."

22. The permanent easement agreement referenced in conditions 5, 9, and 10 above in a form acceptable to the County will be executed by the parties prior to final plat.

THAT, the Board directs the Department of Community Development to provide a copy of this Resolution to the Applicant.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

Moved, Read and ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 26 day of July, 2016, nunc pro tunc to the 14th day to June 2016.



COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Leah J. Smolton
Clerk to the Board of
County Commissioners

By: J. McQueeney
Jeanne McQueeney
Chair

Jill H. Ryan
Jillian H. Ryan
Commissioner

Kathy Chandler-Henry
Kathy Chandler-Henry
Commissioner

Commissioner Chandler-Henry seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner McQueeney
Commissioner Ryan
Commissioner Chandler-Henry

ay
ay
ay

This resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado



[Handwritten signatures and text, including "Commissioner McQueeney"]

EXHIBIT 'A'

**First Amendment of the
Anglers PUD Guide**

June 14, 2016

Eagle County Statement of Applicability

Except as expressly provided within this Official Development Plan, development of this property shall conform to the Eagle County Land Use Regulations in effect at the time of platting and building permit application.

Eagle County Statement of Flexibility

The graphic drawings contained in this Official Development Plan are intended to depict general locations and illustrate concepts of the textural provisions of this Official Development Plan. During the platting process the Planning Director may allow minor variations for the purpose of establishing:

- a. Final road alignments
- b. Final configuration of lot and tract sizes and shapes
- c. Final building envelopes
- d. Final access and parking locations
- e. Landscaping adjustments

All open areas shown are conceptual and may vary in shape, size and location during more detailed phases of design. Final allocation of open lands will be determined at time of Final Plat. In particular, the final location, size and configuration of trail corridors, park, and amenity areas may vary at the Final Plat and will be based upon final grading and site design.

Angler's PUD Guide, as amended June 14, 2016

A. **Specific Development Standards of the Anglers PUD:**

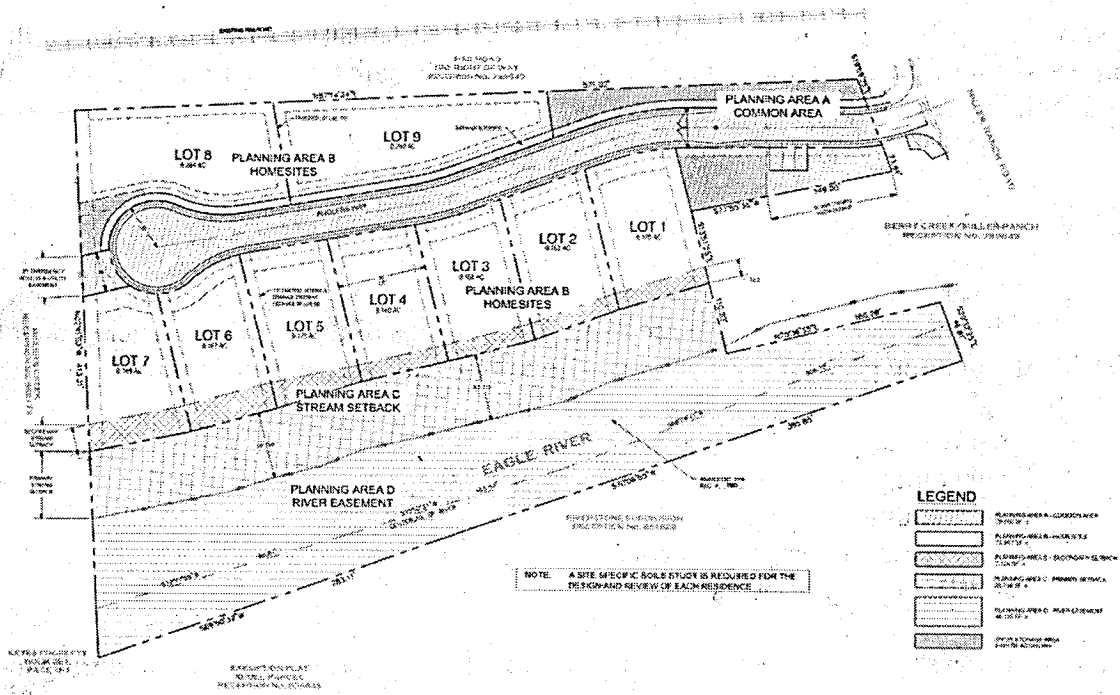
This Planned Unit Development guide ("PUD Guide") defines specific development standards for the Anglers PUD. The specific standards of this PUD Guide shall supersede any conflicting standards of the Eagle County Land Use Regulations ("ECLUR").

B. **Purpose of the Anglers PUD Guide:**

Building permits or other similar permits for development within the Anglers PUD should be reviewed in advance for conformance with the specific standards of this PUD Guide.

C. **Effective Date:** The effective date of this PUD Guide is June 14, 2016 ("Effective Date").

D. **Planning Area Standards:** The Anglers PUD consists of the following Planning Areas A, B, C and D ("Planning Areas") as generally depicted below, and as formally delineated on the Anglers PUD Preliminary Plan, Eagle County Clerk and Recorder Reception # 201611681



1. **Planning Area A – Common Area:**

- (a) **Area Description:** Planning Area A consists of the common areas and road right-of-way of the Anglers PUD. Planning Area A is approximately 29,660 square feet in size.
- (b) **Permitted Uses:** Pursuant to the Community Standards, the following uses shall be permitted within Planning Area A:
 - Private Roadway Right-Of-Way and Ingress/Egress Access, Signage, Lighting, Landscaping, Fencing/Berming, Community Entrance Gate, Emergency Access Gate, Wildlife, Snow Removal, Drainage, Utilities, and Solar. Planning Area A shall allow not less than three and not more than six public parking spaces, sidewalks, and trails for use to access the public open space.

2. **Planning Area B – Single-Family Residential Homesites:**

- (a) **Area Description:** Planning Area B consists of the nine (9) home sites of the Anglers PUD. Planning Area B is approximately 74,967 square feet in size.
- (b) **Permitted Uses:** Pursuant to the Community Standards, the following uses shall be permitted within Planning Area B:
 - Each of the nine (9) home sites may contain one single family dwelling per home site, for a maximum total of nine (9) single family dwelling units for the Anglers PUD.
 - Additional ancillary uses include Signage, Lighting, Landscaping, Fencing/Berming, Wildlife, Snow Removal, Drainage, Utilities, and Solar.
 - Accessory dwelling units or ADUs are not permitted.
- (c) **Dimensional Limitations:**
 - **Minimum Lot Size:**

<u>Land Use Summary</u>			
<u>Parcel</u>	<u>Area</u>	<u>Use</u>	<u>Address</u>
Lot 1	0.17 acres	Single Family	TBD Anglers Way
Lot 2	0.15 acres	Single Family	TBD Anglers Way
Lot 3	0.15 acres	Single Family	TBD Anglers Way
Lot 4	0.15 acres	Single Family	TBD Anglers Way
Lot 5	0.16 acres	Single Family	TBD Anglers Way
Lot 6	0.16 acres	Single Family	TBD Anglers Way
Lot 7	0.16 acres	Single Family	TBD Anglers Way
Lot 8	0.28 acres	Single Family	TBD Anglers Way
Lot 9	0.28 acres	Single Family	TBD Anglers Way

- **Maximum Floor Area:** 4,250 square feet. The calculation of maximum floor area shall exclude any enclosed garage and below-grade basement (including the exclusion of any walkout basements).
- **Minimum Front Yard Setback:** 15 feet.
- **Minimum Rear Yard Setback:** 7.5 feet (note – the minimum rear yard setback does not apply to Lots 1 thru 7 due to the application of the minimum stream setback).
- **Minimum Side Yard Setback:** 7.5 feet; provided the east side yard setback of Lot 1 and the west side yard setbacks of Lot 7 and Lot 8 shall be 10 feet.
- **Minimum Stream Setback:** Please see the stream setback as provided for in Planning Area C, below.

- Maximum Building Height: 35 feet.
- Parking: Each developed home site must include a minimum of two (2) enclosed garage parking spaces and an additional minimum of two (2) uncovered spaces (which may be located in front or alongside of the garage, and within a front/rear yard setback).
- Measurement: Maximum Building Height (excluding chimneys and flues) shall be measured vertically at any given point along the sides of the building to the midpoint between the eave line and the peak of the main roof form. The average of the combined heights of all sides of the building shall not exceed the maximum specified height. Setbacks shall be measured to the face of building, excluding roof overhangs that do not exceed twenty-four (24) inches deep.

3. **Planning Area C – Stream Setback:**

(a) Area Description: Planning Area C consists of the stream setback, of which the component parts are:

- Primary Stream Setback: The Primary Stream Setback is 50 feet measured from the high- water mark of the Eagle River, as delineated on the Final Plat. The Primary Stream setback includes approximately 23,759 square feet of area.
- Secondary Stream Setback: The Secondary Stream Setback is between an additional 12.5 feet and 20 feet beyond the primary stream setback, as delineated on the Final Plat. The Secondary Stream Setback contains approximately 7,127 square feet, which is also a part of Planning Area B.

(b) Permitted Uses: The following uses shall be permitted within Planning Area C:

- Primary Stream Setback: The primary stream setback shall exist predominantly in its natural habitat, provided:
 - Restorative and erosion prevention grading is permitted within the Primary Stream Setback to restore a more naturally gradual grade between the terrace above and the hillside transition to the Eagle River below, and to decrease the velocity of erosion- causing runoff. Notwithstanding, such restorative and erosion prevention grading is limited to occurring within the furthest, or northern most, 10 feet of the primary stream setback.
 - Rejuvenation of the natural habitat is permitted, including restoration of natural grasses, shrubs and trees, removal of manmade accumulated debris, and removal of overhead electrical/utilities.
 - Drainage is permitted (pursuant to the Anglers PUD drainage plan).
 - Underground Utility installation and maintenance is permitted.
 - Home structures, foundations, decks, and patios are prohibited.
 - Manicured and/or irrigated landscaping or pathways are prohibited. Temporary irrigation not to exceed two (2) years may be allowed only for establishment of natural habitat restoration: Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) are prohibited.
- Secondary Stream Setback:
 - Restorative and erosion prevention grading is permitted within the

Secondary Stream Setback to restore a more naturally gradual grade between the terrace above and the hillside transition to the Eagle River below, and to decrease the velocity of erosion-causing runoff.

- Grading for walkout basements is permitted.
- Rejuvenation and periodic maintenance of the natural habitat is permitted, including restoration of natural grasses, shrubs and trees, removal of manmade and natural accumulated debris, removal of overhead electrical/utilities, tree and brush trimming and pruning.
- Drainage is permitted (pursuant to the Anglers PUD drainage plan).
- Underground Utility installation and maintenance is permitted.
- Fencing/Berming is permitted.
- Home structures and related foundations and roof overhangs over 24 inches are prohibited, provided permeable decks, permeable patios and deck caissons and footers are permitted.
- Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) within the Secondary Stream Setback is limited to no more than 250 square feet per lot.

4. **Planning Area D – River:**

(a) **Area Description:** Planning Area D consists of the area below the high water mark of the Eagle River as it traverses the Anglers PUD. Planning Area D is approximately 48,115 square feet in size.

(b) **Permitted Uses:** Planning Area D shall exist in its natural habitat, provided rejuvenation of the natural habitat is permitted; including restoration of natural grasses, shrubs and trees, removal of manmade debris, removal of overhead electrical/utilities. Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) is prohibited.

5. **Community Standards:** The described uses of Planning Areas A and B are subject to the following additional standards (“Community Standards”):

1. **Signage:**

(a) **Project Entry Monument and Sign:** A project entry monument and sign shall be limited in quantity to one, located at the entrance to the community on the east side of the Anglers PUD and shall not exceed thirty-two (32) square feet in size and the maximum height shall not exceed eight (8) feet.

(b) **Residential Identification Signage:** Residential identification signage shall be limited to one per dwelling unit and individual letters/numbers shall not exceed six (6) inches in height.

(c) **Directional Signage:** Signs shall be allowed throughout the Property where necessary to provide direction to residents and guests, provided such directional signs shall be limited in size to four (4) square feet and limited in quantity to four (4).

(d) **Other Allowed Miscellaneous Signs:** Standard temporary or permanent signage

erected by a public entity or utility is permitted. In addition, limited temporary signage approved in advance by the HOA may also be permitted.

2. Lighting: All exterior lighting within the Anglers PUD shall be directed downward or be shielded.
3. Landscaping: The common area landscaping of the Anglers PUD shall be maintained by the HOA. The minimum landscaping requirements per developed home site are:
 - (e) Two (2) coniferous trees Minimum size – 6' to 8'
 - (f) Four (4) deciduous trees Minimum size – 2" caliper measured four feet from the ground
 - (g) Six (6) shrubs Minimum size – 5 gallonAny irrigated areas within the Anglers PUD shall be initially landscaped with sufficiently deep topsoil to permit deep root growth.
4. Storage: Trailers, campers (whether on a truck or one which can be towed), snowmobiles, boats, other recreational equipment, snow removal equipment, and other similar equipment shall be stored inside the residence or its garage. Outside storage of this or similar equipment is prohibited.
5. Fencing/Berming: A community perimeter fence/berm is permitted.
6. Community Entrance Gate: A community entrance gate is permitted.
7. Emergency Access Gate: Parking in the driveway of the emergency access gate is prohibited at all times. The emergency access gate shall be kept clear of snow and shall not be used for snow storage so as preclude emergency access.
8. Wildlife: All domestic pets within the community must be restrained when outside of the units. Garbage disposal precautions shall conform with standard best practices and Eagle County rules and regulations to limit access to bears and other wildlife.
9. Snow Removal: The community driveway of the Anglers PUD is a private road and the maintenance thereof, including snow removal, shall be the responsibility of the HOA.
10. Drainage: Drainage is permitted (pursuant to the Anglers PUD drainage plan).
11. Underground Utility: Underground Utility installation and maintenance is permitted.
12. Solar: Solar is permitted.
13. Public Access Parking: The public parking is for benefit of the Open Space only and not for Anglers guests. No overnight parking is allowed.
14. Drainage Easements: The purpose of the drainage easements centered on the property lines between each of the river lots is to allow for multiple dispersed shallow drainage swales to convey surface runoff generated from the new street and lots above and to provide necessary drainage away from constructed units. The drainage plan intent is to maintain multiple low-flow discharge points in lieu of combining all the runoff into one or two large discharges. The easements between the homes define the area in which the drainage must be conveyed. The drainage route should be constructed and maintained as drainage swales utilizing terracing

and landscape retention design as necessary to facilitate natural infiltration and impedance of large stormwater events. Landscape features and retaining walls designed in harmony with the purpose of the drainage plan are permitted within these easements. Non permeable surfaces are not allowed within the drainage easement except for roof overhangs 24 inches in length or less.

6. **Homeowners Association**: A homeowners association or other similar governing body (“HOA”) shall be created and may impose additional restrictions and limitations on the Anglers PUD.

EXHIBIT 'B'

Anglers PUD Variation Summary					
	Variance	ECLUR Standard	Street	Applicant Comment	Eagle County Staff Comments
ROW/Easements					
1	30' ROW	50' ROW	Private Road for Anglers PUD	<i>Applicant requests the sidewalk easement run the length of Anglers Way along the north side of the road as shown on the submitted engineering plans and that the approved right-of-way width remain as currently approved. The proposed sidewalk easement is 6-feet in width.</i>	During the Planning Commission hearing, the Planning Commission and applicant suggested the elimination of the internal sidewalks and sidewalk easements completely following a proposal from the applicant to construct all six (6) spaces in the Parking Lot, to construct a sidewalk from Miller Ranch Road connecting to the Parking Lot, and constructing a natural path from the Parking Lot down to the Eagle River. After consideration, staff agrees with this recommendation.
Sidewalks					
1	To not construct at this time.	6' Detached Sidewalks required for both sides of Anglers Way	Private Road for Anglers PUD	<i>Propose to maintain the variance as previously approved leaving sidewalks as an option for the Developer/HOA</i>	During the Planning Commission hearing, the Planning Commission and applicant suggested to eliminate the internal sidewalks and sidewalk easements completely following a proposal from the applicant to construct all six (6) spaces in the Parking Lot, to construct a sidewalk from Miller Ranch Road connecting to the Parking Lot, and constructing a natural path from the Parking Lot down to the Eagle River. After consideration, staff agrees with this recommendation.