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Commissioner Johnson moved adoption of the following Resolution:

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 96 - 118

APPROVAL OF THE  
PRELIMINARY PLAN FOR THE  
KNUDSON RANCH PLANNED UNIT DEVELOPMENT

FILE NO: PD-337-96-P

WHEREAS, on or about March 12, 1996, the County of Eagle, State of Colorado, accepted for filing an application submitted by Summit Habitats Inc. and Evan DeMuth (hereinafter "Applicant") for approval of a Planned Unit Development Preliminary Plan for the Knudson Ranch Planned Unit Development, File No. PD-337-96-P, for the parcels of land described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the applicant requested the approval of a Planned Unit Development (PUD) Preliminary Plan as described in the above referenced application and approved by the Board of County Commissioners (hereinafter "the Board") on May 28, 1996; and as further described in the Knudson Ranch PUD Guide, attached hereto; and

WHEREAS, public hearings were held by the Board on May 28, 1996, and

WHEREAS, based on the evidence, testimony, exhibits, study of the Master Plan and Open Space Plan for the unincorporated areas of Eagle County, comments of the Eagle County Department of Community Development, comments of public officials and agencies, the recommendation of the Eagle County Planning Commission, and comments from all interested parties, the Board finds as follows:

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- 1) Proper publication and public notice was provided as required by law for the hearing before the Planning Commission and the Board of County Commissioners, and;

In accordance with Section 2.06.13, Planned Unit Development District:

- 2) Standards and Requirements
  - a) The PUD is consistent with the intent of the Master Plan, Open Space Plan and the policies therein.
  - b) The design and construction of the PUD includes adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space.
  - c) While there may be no fixed setbacks and lot widths, the County Commissioners may require such setbacks, lot widths, and space between buildings as necessary to provide adequate access and fire protection, to insure proper ventilation, light, air, and snowmelt between buildings, and to insure that the PUD is compatible with other development in the area.
  - d) Open space for the PUD has been planned to produce maximum usefulness to the residents of the development for purposes of recreation, scenery, and to produce a feeling of openness. All areas designated as common or public open space pursuant to the requirements of this section are accessible, as appropriate, by proper physical and legal access ways.
  - e) The developer shall provide within the PUD central water and sewer facilities as may be required by the County Commissioners, the Colorado Department of Health, and the local health authorities.
  - f) Not Applicable; The development has been designed to provide for necessary commercial, recreational and educational facilities conveniently located to residential housing.
  - g) Clustered housing and other buildings has been encouraged to promote maximum open space and economy of development and variety in type, design and layout of buildings.
  - h) Maximum height of structures has been established by the approved PUD plan.

3) Criteria for Evaluation of the PUD:

a) Open Space

It is recommended that a minimum of 25 percent of the total PUD area shall be devoted to open air recreation or other usable open space, public or quasi-public.

b) Residential Density

Density shall be limited as required by the County Commissioners upon consideration of the Master Plan and individual characteristics of the subject land.

c) Density of Other Uses, Not applicable

The density of uses other than residential shall be limited as required by the County Commissioners upon consideration of the Master Plan and individual characteristics of the subject land.

d) Architecture

Each structure in the Planned Unit Development shall be designed in such a manner as to be compatible with other units in the area, yet to avoid uniformity and lack of variety in structural designs among the PUD.

e) Mixed Uses

The PUD shall be designed, insofar as practicable when considering the overall size of the PUD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.

f) Minimum Area has been met.

g) Maintenance of Open Space

No PUD shall be approved unless the County Commissioners are satisfied that the landowner(s) have provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives and parking which, in the opinion of the County Commissioners, is best calculated to insure maintenance of such area.

h) Employee Housing

This residential housing development will provide for mid-range housing.

7) Preliminary Plan Review

- a) In addition to the standard items considered in subdivision review, the Planning Commission and County

Commissioners shall consider the following in their review of the Preliminary Plan:

- (1) Adequacy of Final Environmental Impact Statement; The environmental assessment is adequate.
- (2) Any information requested or required by the County Commissioners upon approving the Sketch Plan; The Sketch Plan condition has been met.
- (3) Application for appropriate zone change; The existing zoning is PUD.
- (4) The PUD control document. This document formally establishes the permitted land uses and must be filed with the Clerk and Recorder.

2.18.02 PRELIMINARY PLAN REVIEW

3) The Planning Commission and County Commissioners shall consider the following in their review of a Preliminary Plan:

- a) The Preliminary Plan is in conformance to the Sketch Plan and any information requested or required by the County Commissioners upon approving the Sketch Plan has been provided.
- b) The Preliminary Plan conforms to these and other applicable regulations, policies and guidelines.
- c) The staff has reviewed reports on file and others as available pertaining to geologic, soils, wildfire, flood and airport hazards, mineral resource areas and significant wildlife areas and has considered the guidelines and recommendations as prepared by the appropriate agency, to mitigate hazards and to protect resources.

In accordance with Section 2.14.04 Review of Zone District Amendments:

- a) That the rezoning is consistent with the Master Plan and that the area in question possesses the geological, physical and other environmental conditions compatible with the characteristics of the use requested and that the advantages of the use requested outweigh the disadvantages; and

- b) Conceptual evidence that the land has access and can be serviced with water and sewage disposal systems appropriate with the zone district being sought; and
- c) That at least one of the following criteria is met:
  - (1) That the area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;

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

THAT, the application for approval of the Knudson Ranch Planned Unit Development Preliminary Plan be and is hereby conditionally granted for 26 units, with the following :

1. The Final Plat application shall include a letter of commitment from the Arrowhead Metropolitan District confirming adequate water supplies to service this development.
2. The Final Plat application shall include a reclamation plan and cost estimates for the cut slope above the units.
3. The Final Plat shall include a plat note restricting any future development of Planning Area 2, Open Space\Protected Wildlife Habitat Area, with the exception of picnic facilities in the northern portion of the aspen grove and a trail extending from the residential development south to the existing trail.
4. The Colorado Department of Transportation Access Permit must be issued prior to the approval of the final plat.
5. The cash in lieu of land dedication to the school district must be paid prior to the approval of the final plat.

THAT, the Knudson Ranch Preliminary Plan submitted under this application and hereby approved, does not constitute a "Site Specific Development Plan" as that phrase is defined and used in C.R.S.24-68-101, *et seq.*

THAT the Board hereby directs the Department of Community Development to enter this amendment on the appropriate page(s) of the Official Zone District Map and record the change in the Office of the Eagle County Clerk and Recorder.

The Board further finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the inhabitants of the County of Eagle, State of Colorado.

MOVED, READ, AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its meeting held the 18th day of June, 1996, nunc pro tunc the 28th day of May, 1996.

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

ATTEST:

*Sara J. Fisher*  
BY: *Sara J. Fisher*  
Sara J. Fisher  
Clerk of the Board of County Commissioners

*George A. Gates*  
BY: *George A. Gates*  
George A. Gates, Chairman

*James E. Johnson, Jr.*  
BY: *James E. Johnson, Jr.*  
James E. Johnson, Jr. Commissioner

*Johnnette Phillips*  
BY: *Johnnette Phillips*  
Johnnette Phillips, Commissioner

Commissioner *Phillips* seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner James E. Johnson, Jr. *Yes*  
Commissioner Johnnette Phillips *Yes*  
Commissioner George A. Gates *Yes*

This Resolution passed by *unanimous* vote of the Board of County Commissioners of the County of Eagle, State of Colorado.

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EXHIBIT A

**KNUDSON RANCH PUD GUIDE**

**PURPOSE**

The purpose of this PUD Guide is to ensure orderly development of the property in accordance with the standards, restrictions and regulations which govern the development of land within the Knudson Ranch PUD.

The Knudson Ranch PUD authorizes a total of 26 dwelling units on 10.45 acres of land. Development within the PUD is administered by the Eagle County Department of Community Development based on the provisions contained within this Guide. Building construction within the Knudson Ranch PUD is governed by the Eagle County Building Resolution as amended from time to time.

The Knudson Ranch PUD has been divided into two planning areas. Each Planning Area shall have a land use designation and specific land use controls.

**DEFINITIONS**

- A. **Knudson Ranch PUD.** The Knudson Ranch PUD is a zone district authorized by the Eagle County Commissioners pursuant to the Planned Unit Development Act and the Eagle County Land Use Regulations and contains all the property described in Exhibit A.
- B. **Building Height.** The distance measured vertically, from the finished grade at any given point to the top of a flat roof, or mansard roof or to the midpoint between the eave line and the peak of a gable, gambrel, hip, shed or similar pitched roof, and measured to the peak of roofs which exceed a slope of 12:12.
- C. **Home Occupation.** Home Occupation means any lawful use conducted entirely within a dwelling or storage facility which is incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.
- D. All other terms referenced within this guide shall be defined by the definitions used in the Eagle County Land Use Regulations.

**PLANNING AREA 1 - RESIDENTIAL**

- Permitted Uses:
- Residential dwelling units
  - Parking and access drives
  - Home occupations
  - Streams, water features, ponds
  - Accessory utility structures
  - One maintenance/ storage facility
  - Picnic facilities
  - Recreational facilities accessory to residential use
  - Dog runs/Common dog kennel
  - Temporary construction/Sales office. This use shall only be allowed from the issuance of the original building permit until the issuance of the last Certificate of Occupancy

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Maximum Density: 26 dwelling units

Maximum Building Height: 35 feet

Building Setbacks: Front - 20 feet  
Side - 15 feet  
Rear - 15 feet  
Building setbacks shall apply only to the PUD perimeter property lines. Internal property lines created for phasing delineation or individual unit ownership shall not apply. Unenclosed decks may encroach one half the distance into a required building setback.

Maximum Lot Coverage: Buildings: 20%  
All impervious materials: 50%

Sign Code: Property/Project Identification Sign:  
One property/project identification sign shall be allowed at the primary access to the property. The sign shall be located outside of the intersection clear zone area as defined in Section 2.23 of the Eagle County Land Use Regulations. The sign information shall be limited to identification of the property and the use of the property. Maximum size shall be 20 square feet. Maximum height shall be 8 feet from existing grade. If a light source is utilized it shall be an indirect ground mounted source.

Lighting: Exterior light fixtures with a visible light source will be prohibited. All exterior lighting fixtures shall be of a hidden source design and will be either building mounted, freestanding bollards no more than 48" in height or a maximum of five pole mounted fixtures no higher than 14' from grade. All exterior light fixtures will be subject to final review and approval of the Arrowhead Design Review Board.

Water Conservation: The Knudson Ranch conceptual landscape plan philosophy emphasizes the use of indigenous materials and elements that complement the natural landscape of the site. Plant materials incorporated into the landscape plan include native wildflower species, indigenous shrubs, and aspen and spruce trees.

All residential lawn and landscape areas will be developed and maintained as common property. An automatically



controlled, timed, underground irrigation system will be integrated into the common landscape area and will be designed to efficiently deliver water to plant materials.

A professional landscape installation, maintenance, and irrigation company will design, install and perform regular seasonal maintenance on the irrigation system to maintain peak efficiency.

The irrigation system will include backflow preventers and remote electrical control valves. Drip zones will be incorporated where appropriate and pop up heads that conserve water through efficient spray patterns will be utilized. Routine mid-day watering will be prohibited.

Prior to development of detailed construction drawings and documentation the Knudson Ranch PUD developer, their employees and subcontractors shall become familiar with the types of technology available for reducing water use without significantly compromising quality of service, and the potential water and energy savings that can be realized through the technology.

Every effort will be made to select appliances and fixtures that represent a high level of quality while incorporating water saving technologies.

#### PLANNING AREA 2 - OPEN SPACE / WILDLIFE

Planning Area 2 is subject to a seasonal closure in order to preserve and protect wildlife values. No human use will be permitted within Planning Area 2 from December 1 through June 30, inclusive, other than (1) any required maintenance of the Dodo Spring, and (2) daytime use of the picnic facilities, which may commence on or after May 15.

- |                          |  |
|--------------------------|--|
| Permitted Uses:          | Picnic deck/unenclosed shade structure/gazebo<br>Recreational trails<br>Water features/ponds/drainage improvements<br>Landscape improvements |
| Maximum Density:         | There is no residential density assigned to this Planning Area.  |
| Maximum Building Height: | 18 feet  |
| Building setbacks:       | Front - 20 feet<br>Side - 15 feet<br>Rear - 15 feet<br>Building setbacks shall apply only to the PUD perimeter                               |

property lines. Internal property lines created for phasing delineation or individual unit ownership shall not apply. Unenclosed decks may encroach one half the distance into a required building setback.

Maximum Lot Coverage:

Buildings: .05%  
All impervious materials: .05%

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Chairperson

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_ as Clerk of the Board of County Commissioners of Eagle County, Colorado.

\_\_\_\_\_

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EXHIBIT A

LEGAL DESCRIPTION

KNUDSON PARCEL

A parcel of land situated in the W 1/2 NW 1/4 of Section 11 in the E 1/2 NE 1/4 of Section 10, in Township 5 South, Range 82 West of the Sixth Principal Meridian, lying southwesterly of the southwesterly right-of-way line of U.S. Highway No. 6 & 24, said parcel is described as follows: Beginning at a point on the southwesterly right-of-way line of said highway, whence the Section Corner common to Section 2,3,10, and 11 in said Township and Range, bears: N 07°24'07" E 859.15 feet; thence S 73°22'19" E 177.88 feet along said right-of-way line; thence S 17°27'00" W 100.00 feet; thence S 72°33'00" E 100.00 feet; thence N 17°27'00" E 100.00 feet to a point on said right-of-way line; thence S 72°53'19" E 194.09 feet along said right-of-way line; thence S 73°20'23" E 117.46 feet along said right-of-way line; thence S 16°39'00" W 772.75 feet; thence N 73°05'00" W 589.42 feet; thence N 16°39'00" E 772.92 feet to a point on said right-of-way line, the point of beginning, together with any and all water and water rights appurtenant to or used upon or in connection with the above described property.  
The above described parcel of land contains 10.22 acres, more or less.

DEMUTH PARCEL

A parcel of land in the NW 1/4 of the NW 1/4 of Section 11, Township 5 South, Range 82 West of the Sixth Principal Meridian, which is described as follows: Beginning at a point on the proposed south right-of-way line of State Highway No. 4 from whence the Northwest corner of Section 11, Township 5 South, Range 82 West of the 6th P.M., bears N 4°19' W 909.4 feet; thence S 17°27' W 100 feet; thence S 72°33' E 100 feet; thence N 17°27' E 100 feet; thence N 72°33' W 100 feet to the point of beginning, containing 0.23 acres, more or less.

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