

From: [Lisa Key](#)
To: [Todd Whipple](#)
Cc: casem@legacylw.com; [Justin Penner](#); [Ryan Andrade](#); [Save](#); [Permit Center](#); [Megan Edwards](#); [Luke Michels](#); [Amy Mullerleile](#)
Subject: 1st Review Comments re Reasonable Use Exception for Legacy Ridge West Phase F
Date: Monday, March 24, 2025 1:15:00 PM
Attachments: [Grading Plan Sheet.pdf](#)
[image001.emz](#)
[image004.png](#)

Todd-

After reviewing the Reasonable Use Request as referenced above, please be advised that we will need additional information.

- The reasonable use request should encompass all new lots and new roadways proposed, not just those west of Valley Vista. Notably, the newly proposed lots east of Valley Vista were either proposed as common open space or “private common area”, not to be developed (see graphic, below).

- Please provide an updated Grading Plan Sheet (see attached), with an overlay of the existing 30% slopes indicated in red, and the identified erodible soils in blue.

- Please provide data on the % of the 392,000 CY of proposed cut that will be removed from existing areas of 30% slope.
- Please provide data on the % of the 360,000 CY of fill that will be placed in areas of existing 30% slope.
- While you make a reasonable argument for financial considerations regarding the difficulty of the site as a basis for increasing the number of lots in order to make the development of the site economically viable as a justification for a reasonable use determination, you provide no data/cost information to support the claim.
- Because it is unclear how much impact the excavation/fill will have on areas of 30% and identified erodible soils, how can it be determined that this alteration to the geo-hazardous areas is the minimum necessary to allow reasonable use?

Please note that the burden of proof is on the applicant to demonstrate that denial of the reasonable use exception would deny reasonable use of the property, and the requested exception is the minimum necessary to allow reasonable use. Please provide additional data to address last two bullets. Note: It is my understanding that the applicant is considering reducing the area/volume of cuts to 30% slope, which results in a reduction in the number of developable lots. A comparison of the current application to the revision may provide an avenue to make a case that the applicant is seeking to minimize the extent to which a reasonable use exception is needed.

Please also note that the following will be required as a condition of any reasonable use exception:

- Before any construction permits are given, the geotechnical reports should be updated to address the newest proposed cut/fill, lot layout, and road layout plans.
- All cuts/fills will need to be monitored during construction by the geotechnical engineer to make sure the construction aligns with the geotechnical recommendations. Rock cuts will need to be observed by the geotechnical engineer for any problematic rock discontinuities, or other slope stability issues that may be observed in the field, and the geotechnical engineer will need to certify the construction prior to final plat.
- A geotechnical report/ letter will be required for each home site, to include slope setbacks for each structure.
- Building envelopes for each lot shall be depicted on the final plat.

Please let us know if you have any questions.

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