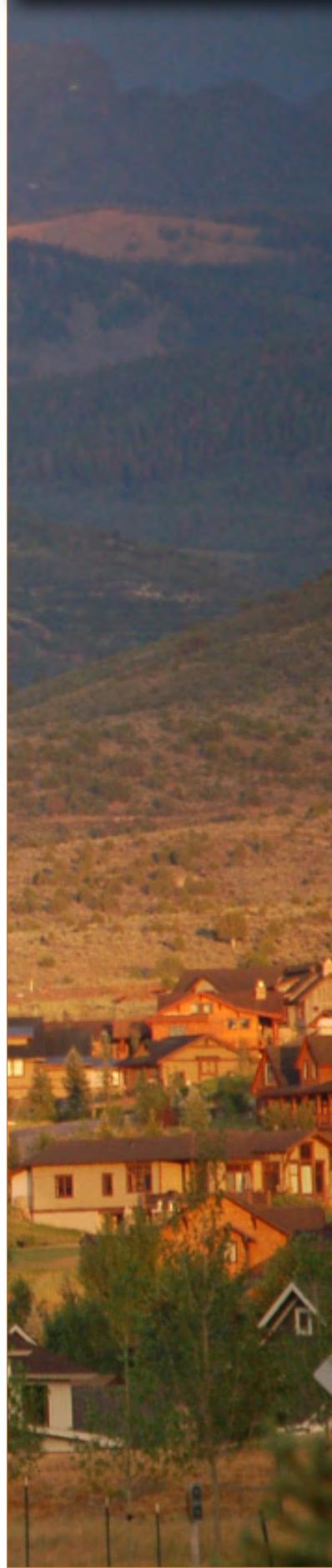


**CHAPTER 13:
Public Services
and Infrastructure**



Public Services and Infrastructure

Introduction

The Town of Eagle and Eagle County work diligently to provide public services and infrastructure that meet the needs and expectations of the community. The Town provides a range of services that include police protection, maintenance of streets and utilities, provision of water and wastewater treatment, maintenance of civic facilities (parks, open space, recreation amenities), building inspection, and a variety of general administration activities for properties within the Town's boundaries. Eagle County provides general administration and land use approvals on lands outside the Town's municipal boundary, and works with various land management agencies to main-

tain roads and travel routes on unincorporated lands. Law enforcement in the areas outside the Town boundary is provided by the Eagle County Sheriff. The Greater Eagle Fire Protection District provides fire protection services to property located within the Eagle Planning Area. Emergency medical services for the Planning Area are provided by the Western Eagle County Ambulance District. Both of these districts have stations within the Town of Eagle.

Adequate infrastructure is critical for the Town and County to provide public services in an efficient, sustainable, and equitable manner. Growth will result in demand for the expansion of existing facilities and services. In addition, changes

in community desires may result in demand for new facilities and services. Future growth areas, illustrated in the Future Land Use Map, are currently not adequately



Eagle's police force serves the needs of a growing population.

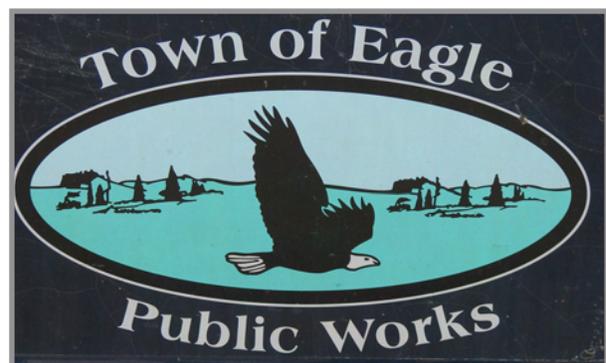
served by the Town's public infrastructure. The Town may not have the capacity to provide service to these areas with existing resources. In some areas within the older parts of town, in-fill and redevelopment could stress infrastructure and public services beyond existing capacities. The purpose of this chapter is to better define the challenges involved in providing public services and infrastructure, and to develop strategies for best meeting those challenges.

Level of Service Standards

The Town and the County evaluate their ability to provide public services and infrastructure by establishing Level of Service standards. These Level of Service standards are based upon the needs and expectations of the community and also consider the financial resources that are available. Chapter 4.14 of the Town's Land Use Code, (Assurance of Adequate Public Facilities), requires that adequate infrastructure is available to serve new development. The County has similar requirements enforced through its Land Use Regulations, with Level of Service standards for traffic found under *Section 4-620, Roadway Standards*. The Town and County should schedule periodic reviews of Level of Service standards to ensure that levels are adjusted to reflect community desires and needs.

Existing Conditions

Infrastructure and services are provided by a variety of entities, both public and private. The Town and County desire infrastructure and services that are up to date and meet acceptable levels of service. The following is a summary of the adequacy of various infrastructure systems and services.



1) Transportation

The Eagle Planning Area generally has acceptable levels of service for vehicular traffic except at certain intersections on Eby Creek Road and Grand Avenue during high volume periods of the day. Future growth will erode levels of service, with additional development in the Brush Creek valley and in the Town of Gypsum adding many vehicle trips to local roads. The Town and CDOT are currently studying capacity improvements for Eby Creek Road; the preliminary study was completed in late 2009 and construction level drawings will be complete by August, 2010. The Town is

planning for an East Eagle Interchange to serve future growth in the East Eagle Mixed Use Area. Future transportation planning efforts will largely be related to improvements on Grand Avenue. See Chapter 7 for additional information on Transportation improvements.

The Town has a good recreation path and sidewalk system, although improvements including a comprehensive sidewalk system in the Town Center, better connection from the West Eagle area to the Town Center, pedestrian access across I-70 on Eby Creek Road, pedestrian movement along Capitol Street and a pedestrian connection to town from the Eby Creek Mesa Subdivision are needed. Eagle County is working to provide a regional trail system to connect all urban and suburban areas of development in the county. Portions of that trail system still need to be completed within the Eagle Planning Area boundary.

2) Water

The Town currently has limited residual capacity at its Brush Creek Water Treatment Plant to serve existing approved subdivisions. If substantial demand is added to the system by new, large subdivision approvals, the Town will need to construct a secondary water treatment plant, known as the Lower Basin Water Treatment Plant. The preliminary study for the LBWTP will be complete by June, 2010. Construction level drawings are planned to be com-

plete by June, 2011. Water infrastructure would have to be enlarged in a number of already developed areas and/or extended past existing end points to serve future development identified within the Urban Growth Boundary.

The Town generally has a modern water distribution system. However, to meet prevailing fire flow standards, certain line replacements are necessary in the Town Center, the West Eagle area, and in specific areas of Chambers Avenue. The Town of Eagle should continue to work collaboratively with Eagle County, affected land management agencies and property owners to assure high quality source water in the Brush Creek Drainage. Division 4-6 of Eagle County's Land Use Regulations provides a variety of requirements and strategies related to water quality and stream corridor protection.

3) Wastewater

The Town recently completed the Wastewater Treatment Facility Expansion Project, which increased the treated capacity of its plant on lower Brush Creek from 0.63 to 1.65 million gallons per day. The expansion is expected to serve the next 20+ year period and the growth anticipated by current master planning efforts. Most wastewater collection lines are modern and have adequate capacity. However, older collection lines in the Town Center and West Eagle areas need to be replaced. Additionally, substantial



The Town of Eagle Wastewater Treatment Plant serves both incorporated and unincorporated areas.

upsizing of existing wastewater mains in the Chambers Avenue and Fairgrounds areas are necessary in order to support development within the East Eagle Mixed Use Area. Eagle County administers the installation of Individual Sewage Disposal Systems (ISDS) for land uses in unincorporated areas.

4) Town Provision of Water and Wastewater Services in Unincorporated Areas

The Town currently provides water and/or wastewater services in the Eby Creek Mesa Subdivision, Upper Kaibab Subdivision and water service to many properties along Brush Creek, including the Frost Creek Subdivision 5 miles south of town. *Section 4-690, Sanitary Sewage Disposal Standards* and *Section 4-680, Water Supply Standards* of Eagle County's Land Use Regulations provide

requirements for water and wastewater service to homes and development in unincorporated areas. At this time there are no plans to provide additional services to those areas or to expand services to areas beyond the Town's Urban Growth Boundary. The Town enforces an ordinance which requires properties requesting new water or wastewater service to annex to town (if contiguity requirements are met) or to execute a pre-annexation agreement. Additional service to unincorporated areas is dependent on the requirements of the ordinance, conformance with this Plan and proximity to the town's utility systems.

In the context of service to unincorporated areas, it is important to note that the Brush Creek Water Service Agreement, first promulgated in 1983 and since amended, obligates the Town of Eagle to provide a number of water taps to the Adam's Rib Ranch property if it should be developed. The ranch property consists of approximately 1,034 acres located in unincorporated Eagle County on the Brush Creek Valley floor south of the Town's Urban Growth Boundary. The zoning on the ranch is Resource (R). The Water Service Agreement originally provided 400 water taps to the Adam's Rib development in exchange for land to improve the Town's

water system. Since that time, with the development of Mill Park (now called the Bluffs), Frost Creek and Salt Creek, the number of available water taps has been reduced. One hundred and fifteen (115) taps currently remain to be allocated.

The Service Agreement does not require the Town to support any development proposal, only to supply water taps if the property is approved for development. The agreement stipulates that development cannot occur in specified “no build zones”, which include riparian areas, critical wildlife habitat and a Brush Creek Road setback.

There are a number of alternatives that could occur concerning the remaining 115 water taps:

- A. No development, in which case no water taps would be issued;
- B. Development compatible with resource zoning, in which only those taps needed for the approved density would be delivered (Conservation Oriented Development should be promoted);
- C. Significant up-zoning of the property where most or all of the taps would be issued (this scenario would not meet the intent of the 2010 Eagle Area Community Plan); or

- D. Transfer of the water taps to other property Adam’s Rib owns (JHY, Salt Creek or Frost Creek).

5) Recreation

The Town, in conjunction with Eagle County and the Western Eagle County Metropolitan Recreation District (WECMRD), has excellent recreation facilities and programming. Additionally, the dispersed recreational opportunities provided by the surrounding public lands continue to be listed in community surveys as one of the most important reasons people chose to live in the area. As Eagle grows, additional facilities and programming will be needed and joint planning between the County, WECMRD, the Forest Service, the Bureau of Land Management and the Town will be necessary. New residential development should include adequate recreational amenities at the neighborhood level. Lands are also available for additional public recreational facilities at both the Fairgrounds and the Pool and Ice Facility.

6) Schools

In June, 2009 the School District completed a “Long-Term Facility Demand and Property Analysis.” This study calls for an additional elementary school in the Eagle area, and also discusses the possible need for a future high school. Pursuant to its Adequate Public Facilities Ordinance, the Town requires new

development to meet Level of Service Standards for schools. This plan advocates that new schools built in the Eagle Planning Area should be located within the Urban Growth Boundary, and that they should be appropriately integrated into the community. Developers of large projects should meet with the School District early in the planning process to ensure that adequate school sites are appropriately identified for consideration. The shared use of school facilities has contributed positively to the Eagle community and shared uses are encouraged to continue and expand to the extent practical. The topic of schools and school capacities as they relate to population forecasts and master planning should be collaboratively and frequently reviewed by local officials as the area continues to grow.

7) Fire Protection and Emergency Medical Services

The Eagle Planning Area is served by the Greater Eagle Fire Protection District and the Western Eagle County Ambulance District. Both agencies have modern facilities, equipment and professional personnel. The Town of Eagle's Land Use Code has level of service standards for both fire protection and emergency medical service, which are currently being met. The Town and County support both agencies by applying impact fees to new development. The Fire District is now planning an additional station to better serve the upper Brush

Creek area. Future fire and medical service facilities should be located within the Urban Growth Boundary in a manner that efficiently serves the population in the Eagle Planning Area.

8) Storm Water Management

Stormwater management facilities in the town are owned and operated by the Town and private home owners associations. The Town's stormwater management goals have been twofold: to attenuate the increased runoff associated with urban development in order to reduce flood damage to downstream properties, and to remove pollutants from stormwater runoff before water enters natural waterways. Currently no development within the town is located within regulatory floodplains. Certain areas (the Terrace subdivision, the Lower Kaibab area, the Downtown area) are subject to nuisance flooding and minor property damage associated with runoff from nearby undeveloped steep hillsides. In newer subdivisions, the Town has required diversion and sedimentation structures to be constructed to mitigate these problems. Increasingly with new development, water quality has become more of a concern as greater value has been placed upon the cultural, ecological, and recreation values of natural waterways. Although storm water quality standards are difficult to define and implement, the Town strives to consider water quality during development reviews and to require the construction of water quality

mitigation measures with new development.

The County addresses storm water management and flood and debris flow hazards in unincorporated areas through its Land Use Regulations, specifically *Section 4-650, Drainage Standards* and *Section 4-420, Development in Areas Subject to Geologic Hazards*.

Financial Challenges

There are many funding challenges to providing public services and infrastructure. While some services are paid for through the collection of fees (building inspection, utilities), many others are not (police, administration, maintenance of streets, parks, etc.). Services



Eagle’s stormwater management includes storm drain (above) and diffuser (right) systems.

not funded through dedicated fees must be paid for through other means, typically with sales and property tax revenue. Whether a service is fee based or not, there may often be fluctuations in the revenue stream supporting service provision. Some infrastructure projects are funded through borrowing (i.e. the sale of bonds) with the intent that the debt will be repaid by the collection of impact or tap fees. These fees are often collected as development occurs; thus revenue necessary to repay debt fluctuates over time based on market conditions. For this reason the Town must exercise great care when constructing infrastructure projects that will result in long-term debt.

Most of the town's long-term debt is related to providing water and wastewater treatment facilities. Water and wastewater treatment plants are usually constructed to provide adequate capacity for a long period of time, often twenty years or more. This results in a large up front cost (and debt) that is paid for over time through the collection of fees. Two sources provide revenue for these funds: monthly service fees and tap fees. Monthly service fees provide a more consistent revenue stream, and are usually applied towards operating expenses. Tap fees are collected as new construction occurs and are thus more variable. Ideally tap fees are relied upon to pay down debt associated with growth, but the cyclical and fluctuating nature of de-

velopment results in tap fee revenue being variable. This leads to challenges with debt repayment. In order to ensure a steady revenue stream that allows for the continuous repayment of debt, the Town must also look towards service fees, and service fees must be adjusted to take this into account.

Growth generally brings with it the need and demand for expansion of services and infrastructure. Historically the Town has sought to have development pay its own way. This focus should continue. New "green field" development always requires additional infrastructure and the expansion of public services. The exact impact of green field development upon public services and infrastructure should be assessed during the review process and appropriate mitigation measures included in approvals. A variety of mechanisms should be used to ensure that new development is financially sustainable from a civic services perspective. Such mechanisms may include, but are not limited to:

- impact fees
- developer construction of infrastructure
- developer contributions
- utilization of metro or special districts to provide for funding and maintenance of services
- provision of services by owner's associations

In-fill and redevelopment of existing areas may often have impacts similar to green field development. Accordingly, the impacts of these types of development should be measured against the same standards used in evaluating green field development, and similar mitigation mechanisms implemented.

Funding services and infrastructure that serve both new growth and existing development is particularly challenging. With new growth there is always the opportunity to collect impact fees or require infrastructure construction, but there is no opportunity to go back in time to collect additional fees from existing developments. The Town must be exceptionally diligent in determining what mitigation measures are appropriate when new development is approved. In the case of serving existing development the Town must rely upon revenue from service fees or general tax collections. For larger infrastructure needs it may be necessary to explore the creation of special districts or other dedicated revenue sources so that existing development pays its fair share.

The review of all development applications should include a financial analysis for the purpose of determining if the Town can provide services and infrastructure in a sustainable way.

The Town's Capital Fund has limited revenue sources. There are three princi-

pal sources: street impact fees, use tax, and transfers from the General Fund. Both street impact fees and use tax are dependent upon new growth, so the revenue streams from these sources are variable. Transfers from the General Fund are limited and are largely dependent upon sales tax collection. In order for the Capital Fund to have income during low growth periods, the town needs to grow its sales tax base.

Other revenue sources are sometimes available to the Capital Fund. The Town occasionally receives partnership funding from outside agencies like WECMRD, Eagle County, and CDOT. The Town also has the option to have a voter approved property tax increase for a specific capital project.

Timing Challenges

It is necessary for the Town to be able to provide public services and infrastructure concurrently with new development. This is often challenging because growth may require infrastructure that takes years to plan and construct. Often private development is able to occur at a much faster pace than infrastructure can be planned and constructed. Development applications must be carefully evaluated to ensure that services and infrastructure will be provided concurrently with development. Often it is necessary to craft specific

phasing provisions in development approvals so that services keep pace with growth.

There can be a tendency to assume that development impacts will not be felt until years after a development begins. Experience has shown that this belief is usually false, and often the impacts during the initial construction of development equal the impacts expected as the project matures. Whenever possible, provisions should be made so that services and infrastructure are available at the outset of development projects. The Town should ensure that some or all fees are paid on a bulk, up-front basis.

Because infrastructure projects can be so lengthy to construct, the Town should plan major projects well in advance of need. If planning is appropriately conducted, construction can be better timed to allow needs to be met concurrent with development. It is far better to be proactive in planning for infrastructure than it is to play catch up after impacts have already occurred. Proactive planning also allows the Town to better assess and deal with the financial challenges described above.

Quantity Challenges

It is often necessary to build infrastructure that will serve growth well into the future. Estimating the rate of growth and the ultimate size of the community are challenges faced when deciding how much infrastructure to construct at any given time. This challenge can best be met by diligent estimation of future growth and infrastructure needs. The Town of Eagle through its Capital Facilities Planning regularly projects and monitors growth trends to ensure that necessary infrastructure is planned and constructed to accommodate new development. This Eagle Area Community Plan and the specific phasing plans approved with new development help the Town to meet this challenge.

Public Service and Infrastructure Goal #1: *Services and infrastructure in the Eagle Planning Area meet the demands and expectations of the community, and are provided in a manner that is equitable, timely, financially responsible and sustainable.*

POLICIES	RECOMMENDED STRATEGIES
<p>Public Service & Infrastructure Policy 1.1</p> <p>Seek solutions to limited existing infrastructure capacity.</p>	<ul style="list-style-type: none"> A. Continue programs that maintain and monitor the condition of existing road, pipe and other service systems. B. Develop a prioritized plan for the rehabilitation of existing infrastructure and the construction of expanded infrastructure. C. Evaluate and implement as practicable mechanisms for the funding of infrastructure projects that are in already developed areas of town where infrastructure is deficient.
<p>Public Service & Infrastructure Policy 1.2</p> <p>Position the Town and County to effectively meet the pace and demands of growth.</p>	<ul style="list-style-type: none"> A. Prepare population and growth estimates and update periodically. B. Maintain Level of Service Standards in the Town and County per community expectations. C. Continue to coordinate with appropriate special service districts to provide more efficient levels of service to residents within the Planning Area Boundary. D. Continue to support and/or implement engineering studies and sub-area planning efforts to prepare accurate estimations of the timing and quantity of future growth. E. Prepare capital and service plans in advance of growth so as to anticipate the financial implications and be able to deal with growth impacts proactively rather than reactively. F. Utilize and hold to appropriate phasing plans to ensure that the pace of growth does not exceed the Town’s ability to provide the necessary services and infrastructure. G. Require through an IGA or an MOU that applications for 1041 permits within the planning area boundary be mutually approved by the Town and County. H. Develop and execute a MOU between the Town of Eagle and Eagle County clarifying the preferred land use scenarios & the intended outcome of the Brush Creek Water Service Agreement.

<i>POLICIES</i>	<i>RECOMMENDED STRATEGIES</i>
<p>Public Service & Infrastructure Policy 1.3</p> <p>Ensure that new growth “pays its own way” to the degree possible.</p> <p>Evaluate all new development proposals for the impacts they create on both infrastructure and services.</p>	<ul style="list-style-type: none"> A. Based on the complexity or size of the proposed development, and as determined necessary by the Town Board of Trustees, require development applicants to include a financial analysis of the cost of providing town services to their project. B. Utilize a variety of mechanisms to ensure that new development properly mitigates its impacts on services and infrastructure that will be created. C. Take steps to ensure that the necessary infrastructure and services will be provided concurrently with, or in advance of, the arrival of development impacts. D. Periodically evaluate fee structures to ensure that growth based fees are adequately funding local services and infrastructure.
<p>Public Service & Infrastructure Policy 1.4</p> <p>Utilize appropriate mechanisms to require existing development to pay its fair share of service and infrastructure costs.</p>	<ul style="list-style-type: none"> A. Utilize town-wide tax and/or fee based revenues to provide infrastructure and services that serve the community as a whole. B. Consider the use of special improvement districts or similar instruments for funding infrastructure projects that primarily serve existing limited developed areas. C. Use a real estate transfer fee in larger development approvals for the funding of on-going needs and/or development mitigation.

