



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

DATE: February 11, 2013

PROJECT NAME: Haymeadow Annexation, Planned Unit Development and Subdivision

FILE NUMBERS: AN11-01 (Annexation), PUD13-02(Zoning Plan (ZP) and Development Plan (DP); S13-01(Sketch Plan (S) and Preliminary Plan (PP)); and RZ13-01

APPLICANT: Ric Newman, Abrika Properties, LLC

EXHIBITS: Exhibit A – Willy Powell Water Overview Letter
Exhibit B – Resource Engineering Water Memo
Exhibit C - Grand River Consultants Memo
Exhibit D –Street Maintenance Memo
Exhibit E – LERP Memo
Exhibit F – Applicant’s Proposal
Exhibit G – Applicant’s Haymeadow Road Maintenance
Exhibit H – Weighted Development Review Matrix
Exhibit I – Ownership and Maintenance Matrix
Exhibit J – Eagle Ranch Operations – Background Info

PUBLIC COMMENT:

1. Lonnie Leto Letter
2. Eagle County Letter

APPLICABLE SECTION(S) OF MUNICIPAL CODE: Section 4.06, Section 4.07 Section 4.11, Section 4.12 of Land Use and Development Code

STAFF CONTACT:

Tom Boni, Town Planner

LOCATION:

660 Acres east of the Pool and Ice Rink and north of Brush Creek Road.

REQUESTS:

1. Annexation of entire 660 acre property
2. Combined PUD Zoning Plan and Development Plan Review of 787 dwelling unit Planned Unit Development on 660 acres
3. Combined Subdivision Sketch and Preliminary Plan review of entire property with specific residential lots identified for a total of 69 single family and duplex units and 145 multi-family units in Neighborhood A-1 planned as the first phase of this Planned Unit Development.
4. Zone Change Review of entire property from Resource (Eagle County) to Residential Planned Unit Development (Town).
5. Site Specific Development Plan Approval granting vested property rights for a 20 year period is being requested.

BACKGROUND:

At the first Trustee hearing on December 10, 2013, the Applicant provided a comprehensive overview of the Haymeadow Planned Unit Development. The Topic for discussion at the first hearing was the PUD Guide. The applicant has met with staff to discuss comments made at the hearing and has agreed to revise the PUD Guide to address these comments.

At the second Trustee hearing on December 18, 2013, the Trustees reviewed open space, parks, trails, wildlife, lerp and geology. The Trustees also reviewed a rough draft of an Ownership and Maintenance Matrix.

At the third Trustee hearing on January 14, 2014, the Trustees reviewed traffic report, off site road improvements, water and sewer utilities. .

At the fourth Trustee hearing on January 28, the Trustees reviewed fiscal analysis report and a rough draft of the Consolidated Metropolitan District Service Plan. The applicant also presented a response to Off Site Roads requirements.

At this fifth hearing on February 11, the following topics are scheduled:

1. Water (Physical and Legal)

2. Applicant's Counter-Offer to Off-Site Road Improvements
 - a. Revisions to PUD (50 dwelling units)
 - b. LERP (50% Reduction)
 - c. Real Estate Transfer Assessment Fee (.15% Down Payment Assistance Program)

Attached as Exhibit I for your convenience is the draft of the Ownership and Maintenance Matrix. This has not been revised since it was presented to you in your packet for the January 14 Hearing but is helpful in understanding anticipated obligations of the Town/Metro District and Homeowners Association.

DISCUSSION

At this point in the process, staff believes that the Town and Applicant have reached agreement on the substantive concerns related to physical and legal water supply for the project. Attached for your review are memos from Willy Powell and Grand River Consultants.

However, in regards to off-site roadway construction, the applicant has put forward a proposal that requires direction from the Board of trustees. Staff has prepared two memos to assist the Trustees in providing direction on this matter:

1. Street Maintenance Costs for Haymeadow
2. LERP Framework

STANDARDS AND REQUIREMENTS:

In discussion with Town Attorney, in evaluating an Annexation Petition, the Trustees have considerable latitude in factors to consider and should use the Eagle Area Community Plan as the general guide. Chapter 10 of the Plan emphasizes the need to address the need for affordable housing. Chapter 13 includes a policy that new growth pays its own way to the degree possible. It also states that the Town must be exceptionally diligent in determining what mitigation measures are appropriate when new development is approved.

PUBLIC COMMENTS:

Lonnie Leto

STAFF RECOMMENDATION:

Recommend continuance of all files to February 25, 2014.

BOARD OF TRUSTEES:

1. Public Comment
2. Questions for Applicant
3. Questions of Staff
4. Trustee Comment



William Powell Consulting, LLC

Purpose of Conditions of Approval Items 21—29 of the PUD Zoning Plan/Sketch Plan Approval

Introduction

Conditions 21—29 of the Haymeadow approval relate to physical and legal water supply, which are highly interrelated. The studies assume full build-out of the subdivision pursuant to the Zoning Plan approval. Staff and applicant are in general concurrence on water matters.

Importantly staff has convinced the applicant that all water rights will be dedicated to the town. Initially the applicant had proposed the non-potable water rights be owned by the Metropolitan District. Last week the parties were able to come to a final decision on the matter. Concurrence on this matter will simplify the Water Section of the Annexation and Development Agreement, but follow-up agreements will be necessary. See below.

The plan for water use on the Haymeadow is to have potable water for all in-house use and irrigation for single family homes and duplexes. Multiple family developments, school lands, parks and open space lands will have irrigation provided with non-potable water.

Water rights appurtenant to the Haymeadow property are listed below. All ditches have multiple diversion amounts and priority of adjudication dates.

Hernage Ditch	50 acres
Mathews Ditch	286 acres
Wilkinson Ditch	163 acres
Love and White Ditch	57 acres

Estimated irrigated areas are as follows.

Potable irrigation in neighborhood pods	43.3 acres
Non-potable turf areas	109.7 acres
Non-potable rough areas—corridors, buffers	61.0 acres
Non-potable hayfields	114.4 acres

Purpose of Conditions

The purpose of the conditions can be summarized as follows.

- Evaluate water rights to determine adequacy to meet all intended uses.
- Assure municipal water rights dedication provides absolute assurance of success in water court and ability to serve.
- Assure flows in Brush Creek meet or exceed policies of the Brush Creek Management Plan.
- Assure out-of-priority diversions by the town are adequately replaced to the stream through conversion of senior irrigation rights to municipal uses and releases of storage water from sources in Brush Creek, the Eagle River, and the Colorado River.

To meet the purposes of the conditions the following studies are being performed.

Division of Water Rights

This analysis begins with evaluation of legal water rights appurtenant to the land and actual historic diversions of water used under the four ditches. Water court will only acknowledge the lesser of the two volumes, which generally means the claim on water is restricted to that which has been historically diverted and consumed by pasture grass.

Following concurrence on the amount of water that can be used, a division of water will be divided into two major categories in the following priority order: (1) municipal water for in-house use and single family/duplex irrigation; (2) non-potable uses for (a) water for multi-family irrigation, parks and school grounds (and perhaps important open space areas); and (b) open space areas.

See conditions 21, 22, 23, 24, 25.

Physical Flow and Importance of Brush Creek

Brush Creek is perhaps the town's most important asset because it provides most of its current and future municipal drinking water and irrigation supply. Physical flows have been important to the town both because of state minimum stream flow standards of 12 CFS (in this reach) and the town's policy of enhancing the historic water flow regime in Brush Creek, particularly in the mid-reach of the stream. Historically Brush Creek has had good flows in the upper reaches. Major ditches divert water in the upper reach, leaving the mid-reach with lower flows during dry and critically dry years. Flows are improved in the lower reaches due to surface and delayed groundwater return stream flows emanating from flood irrigation on agricultural fields. The Haymeadow property is in the mid-reach of the stream.

Because of the above historic conditions the town has instituted the Brush Creek Watershed Management Plan, which in part, requires irrigators to ratchet down agricultural diversions during dry and critically dry years. The town has agreements with Eagle Ranch and Kummer Development properties to institute the Management Plan and the Haymeadow property is a successor in interest because of Kummer's previous ownership.

One provision of the Brush Creek Watershed Management Plan is for the Haymeadow property, when developed, to provide a pump-back system to assure adequate flows in the mid-reach of Brush Creek. (Eagle Ranch has a pumpback system for the golf course lands and other associated lands. The pumpback was used in both 2002 and 2012.)

The parties have tentatively concluded the pumpback will not be necessary given the reduced demand for water within the development and the Town's ability to control the water rights and curtailments of certain open space areas during dry and critically dry years. See agreements below.

See conditions 21, 22, 23, 25, 26, 27, 29.

Water Storage

The applicant must provide water storage on-site or off-site (contract water on the Eagle River and Colorado River) to compensate for out of priority winter use and/or to replace the loss of delayed groundwater from the conversion of agricultural rights to municipal uses. On-site storage may be needed to supplement Brush Creek flows, if indicated in the water flow model. *See conditions 28, 29.*

Non-potable Supply Ownership and Maintenance

Staff and Applicant have agreed that, while the Town will own all water rights, the remaining infrastructure for delivering non-potable water will come under the ownership and maintenance of the Metropolitan District, including such facilities as: ditches, pipelines, ponds, pumping stations, etc.

Agreements

Many of the above understandings will become a part of the Annexation and Development Agreement. Follow-up agreement(s) will be necessary including a lease back agreement which defines which water rights will be used in which ditches, and any curtailment requirements to be implemented during dry and critically dry years. The lease back agreement may need to be modified occasionally as the subdivision builds out.



Resource Engineering, Inc.
909 Colorado Avenue
Glenwood Springs, CO 81601
(970)-945-6777 Voice
(970)-945-1137 Facsimile



Memorandum

To: Willy Powell, William Powell Consulting, LLC, Tom Boni, Town of Eagle
From: Michael J. Erion, P.E. *Michael J. Erion*
CC: Jon Stavney, Town of Eagle, Town Manager, Mary Elizabeth Geiger, Garfield & Hecht, P.C.
Date: February 7, 2014
Re: Review of Haymeadow Analysis of Water Rights, Brush Creek Streamflow, and Brush Creek Watershed Management Plan

This memorandum summarizes Resource Engineering, Inc.'s (RESOURCE) review of the technical analysis submitted by consultants for the Haymeadow Project related to water rights, Brush Creek streamflow, and the Town's Brush Creek Watershed Management Plan (BCWMP). RESOURCE, William Powell Consulting, LLC, Garfield & Hecht, P.C. and Town staff have had several meetings and conference calls with the Applicant, internal meetings, and individual analyses in the review of technical water issues and development of staff position on these issues. RESOURCE has reviewed the water related submittals by Alpine Engineering, Inc. (AEI), Hines, Inc. (Hines), and Grand River Consulting Corporation (GRC).

RESOURCE is in general agreement with the analysis and findings presented by AEI, Hines, and CRC regarding water rights, potable and non-potable water demands and depletions, changes to streamflow in Brush Creek and adherence to the requirements in the BCWMP. The primary conclusions include:

- Conditions of Approval Items 21-29 of the Haymeadow PUD Zoning Plan/Sketch Plan Approval have been adequately addressed in a series of memoranda and a summary memorandum prepared by GRC.
- Haymeadow has adequate senior water rights, with the addition of contract storage water and/or on-site storage for the proposed water uses within the project.
- All of the senior irrigation water rights associated with the property will be dedicated to the Town. In addition, an appropriate amount of contract storage water or on-site storage will be provided to offset winter depletions. This will ensure that the Town can adjudicate an appropriate water court application to serve the project's potable water demands.
- The project will enhance the flows in Brush Creek during the irrigation season due to less demand than historic agricultural practices and more efficient use of water.
- Non-irrigation flows in Brush Creek will be slightly reduced due to loss of historic delayed irrigation return flows from land dried up and/or converted to sprinkler irrigation. There is no foreseen impact to the health of the creek due to the level of flow in Brush Creek during the winter months.

- The goals, policies, and requirements of the BCWMP in general and specific to the Haymeadow property will be adhered to with the project. The function of the irrigation pumpback system required for this property can be replaced with operational management of diversions in addition to the reduced demand of the project versus historical demand.

Please call if you have any questions or need additional information.



MEMORANDUM

DATE: February 7, 2014

TO: Willy Powell, Michael Erion

FROM: Kerry Sundeen, Maria Pastore

SUBJECT: Summary of Water Rights and Physical Water Supply Analyses
Town of Eagle's Conditions of Approval for Haymeadow Property

The Town of Eagle Board (Town) identified specific conditions for approval of the Haymeadow Project (Project) on October 23, 2012. Conditions No. 21 through No. 29 of this document relate to "Water Rights and Physical Supply" considerations. On behalf of the Applicant, we have addressed these conditions in coordination with Town staff and their consultants. The results of our analyses are presented in two memorandums which are attached as exhibits. Exhibit 1 addresses Conditions No. 23 and No. 24 which relate to the historical use of water on the Haymeadow Property. Exhibit 2 addresses the remaining conditions and also summarizes the anticipated influence of the development to streamflow of Brush Creek.

Our primary observations associated with this review are summarized below. Please note that the attached memorandums have been substantially modified and updated in response to comments provided by Town staff and consultants.

Haymeadow Water Demands and Historical Water Use

The Project will divert and consume significantly less water than the existing agricultural irrigation on the property. We estimate that currently, about 1,070 acre feet of water is annually consumed by the irrigation of 556 acres of hay and pasture. At buildout, the Project will consume a total of about 675 acre feet of water per year (Table A). This represents a reduction in historical consumptive water use of about 38 %. The amount of water diverted for use on the Haymeadow property will decrease by a similar percentage. Most of the outside water demands for the Project will be supplied by a non-potable irrigation system. Potable water demands are about 15 % of the total water demands for the Project.

TABLE A Summary of Annual Water Consumption (acre feet)	
Historical Irrigation (556 acres)	1,070
<u>Haymeadow Project at Buildout</u>	
<i>Potable Water System</i>	105
<i>Non-Potable Water System</i>	<u>570</u>
Total at Buildout =	675

Adequacy of Water Rights

The Applicant will convey all water rights associated with the property to the Town. These water rights are senior and reliable. Through Water Court, the Town can transfer a portion of the acquired senior irrigation water rights to the Town's potable water diversion facilities on Brush Creek, in order to provide a reliable legal supply of potable water for the development. Excess water rights not required to serve the potable demands of the development will be leased back to the Project to provide a reliable supply of water for non-potable irrigation on the property. Water not anticipated to be required for future Haymeadow use (about 38 % of the annual consumptive use of the rights) will be available for other uses by the Town. Such uses may include leaving water in Brush Creek to enhance streamflow in dry periods.

During the non-irrigation season, the Project depletions could be out-of-priority to senior downstream water rights. We estimate that the total volume of winter time out-of-priority depletions will be approximately 1.8 acre feet during the January through March period (Table B). This estimate is subject to further refinement. The Applicant will provide contract water storage from a facility such as Wolford Mountain Reservoir, or on-site storage releases (if available), to offset these winter time out-of-priority depletions.

Changes in Streamflow

The Project will increase streamflow of Brush Creek during most times of the year, most importantly during the irrigation season in dry years in the critical stream reach below the Mathews Ditch. The increase in streamflow occurs because the reduction in irrigation water use will substantially exceed the residential water demands of the Project. Estimated changes in streamflow are illustrated for lower Brush Creek in Figure A. The pre-project streamflow data in Figure A is from a streamgauge operated by the Town.

The segment of Brush Creek that commonly has the lowest streamflow is below the Mathews Ditch near Ouzel Lane. The Town does not have base streamgage data for this site, however a series of instantaneous streamflow measurements have been made at this location. These measurements, along with the anticipated changes in streamflow that would have occurred on the date of the measurement, are presented in Table C.

As specified in the Brush Creek Watershed Management Plan (BCWMP), the Town has a goal of maintaining 12 cubic feet per second (cfs) of water in Brush Creek for environmental purposes. The Project will increase streamflow during most of the year, and will not cause the flow of Brush Creek to further decline during those critical dry periods when the flow of Brush Creek may already be less than 12 cfs. The Project may cause a small reduction in the flow of Brush Creek during some winter months that result from a reduction in the amount of delayed irrigation return flows to Brush Creek. These small decreases in flow will occur during the times of year when the flow to Brush Creek is substantially greater than the 12 cfs objective of the Town. At all other times, streamflow will be increased.

Brush Creek Pumpback

The Town has considered an irrigation water pumpback from lower Brush Creek as a potential mechanism to help maintain 12 cfs of water in Brush Creek at all times. We conclude that an improvement in streamflow equivalent to that from a pumpback can be achieved through an operational solution. Under this operational solution, non-potable irrigation diversions to the Project will be additionally reduced during periods with low streamflow, in an amount that would accomplish the same or greater benefit as a pumpback. The Town and the Applicant can integrate the appropriate diversion restrictions into the operational plan for the non-potable system, which will be governed by the lease-back agreement with the Town. Accordingly, in lieu of a Brush Creek pumpback, we recommend that the Town and the Applicant further reduce non-potable diversions to the Haymeadow Property during those infrequent dry periods in the future when 12 cfs may not occur. This operational alternative will avoid the construction of unnecessary irrigation improvements, and will avoid the additional energy use that would be associated with the operation of a pumpback.

Enclosures

FIGURE A
Brush Creek
Near Mouth / Violet Lane (cfs)

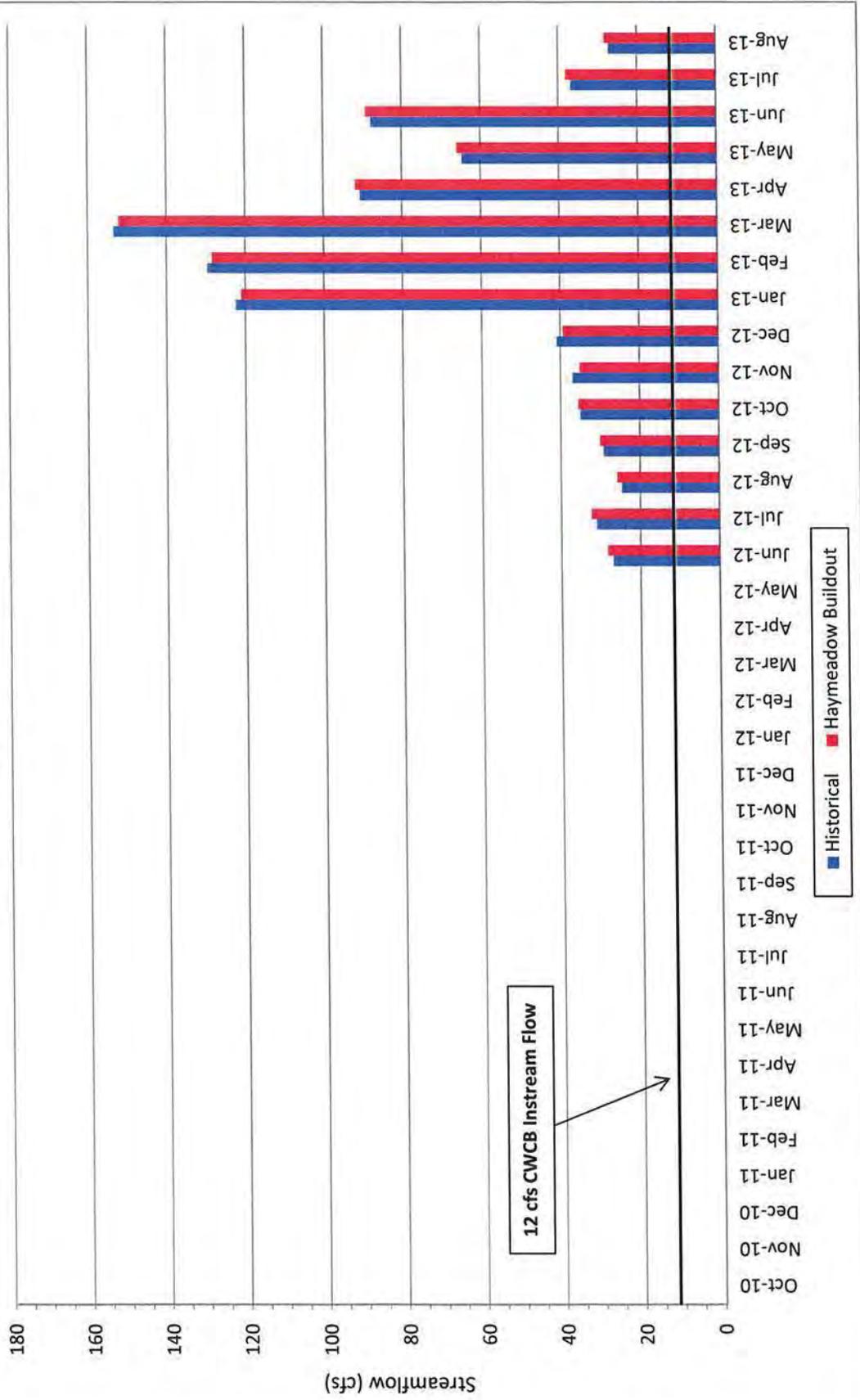


Table B Haymeadow Project Evaluation of Consumptive Water Use for Potable Water Supply System (Acre Feet)								
	(1)		(2)		(3)	(4)	(5)	(6)
	Consumptive Use of Haymeadow Project	Retiming of Lawn Irrigation Return Flow from Potable System	Net Depletion of Haymeadow Project	Dedication to Town of Consumptive Use Associated with 556.0 Acres of Historical Irrigation	Excess or Deficit Consumptive Use Associated With Remaining Haymeadow Water Rights			
January	1.4	1.0	0.3				-0.3	-0.3
February	1.2	0.7	0.5				-0.5	-0.5
March	1.4	0.5	0.9				-0.9	-0.9
April	3.2	-0.2	3.4				19.1	0.0
May	15.8	-3.2	19.0				153.4	0.0
June	20.9	-3.3	24.2				210.3	0.0
July	22.3	-2.4	24.7				225.5	0.0
August	18.5	-0.6	19.1				185.8	0.0
September	13.3	0.8	12.5				131.1	0.0
October	4.9	2.6	2.3				40.1	0.0
November	1.3	2.5	-1.1				1.1	0.0
December	1.4	1.6	-0.2				0.2	0.0
Annual	105.5	0.0	105.5			1070.6	965.0	-1.8

- (1) From Table 1, Grand River Consulting Condition #21, 22, 25, 26, 27, 28 and 29 memo dated February 7, 2014
- (2) Based on potable irrigation of 43.3 acres and lawn irrigation return flow factors provided by Resource Engineering
- (3) Column (1) minus Column (2)
- (4) Based on consumptive use of 1.93 feet per acre
- (5) Column (4) minus Column (3)
- (6) Any shortages from Column (5)

TABLE C			
Observed Brush Creek Streamflow and Projected Changes between Love & White Ditch and Squire & Hammond Ditch			
Date	Streamflow Measurement Location	Streamflow Pre-Haymeadow Project ¹ (cfs)	Streamflow Post-Haymeadow Project (cfs)
7/22/2008	Old Water Plant Ouzel Lane	72.6	76.2
		66.6	70.2
8/4/2008	Old Water Plant Ouzel Lane	41.4	45.0
		33.4	37.0
9/26/2008	Old Water Plant Ouzel Lane	34.6	38.3
		36.4	40.1
12/2/2008	Old Water Plant Ouzel Lane	29.1	28.4
		28.8	28.1
1/29/2009	Old Water Plant Ouzel Lane	24.8	24.1
		32.8	32.1
4/8/2010	Old Water Plant Ouzel Lane	22.7	26.7
		25.4	29.4
5/14/2010	Old Water Plant Ouzel Lane	26.1	29.9
4/20/2011	Old Water Plant Ouzel Lane	31.6	35.6
5/6/2011	Old Water Plant Ouzel Lane	47.9	51.7
		37.7	41.5
5/10/2011	Old Water Plant Ouzel Lane	78.4	82.2
5/19/2011	Old Water Plant Ouzel Lane	105.3	109.1
11/4/2011	Old Water Plant Ouzel Lane	30.7	30.0
5/1/2012	Old Water Plant Ouzel Lane	12.0	15.8
8/8/2012	Old Water Plant Ouzel Lane	4.7	8.3
		7.1	10.7
8/20/2013	Old Water Plant Ouzel Lane	10.4	14.0
		10.1	13.7
9/23/2013	Old Water Plant Ouzel Lane	52.3	56.0

Please note that estimated streamflow decreases are highlighted in red

¹ Streamflow measurements from Resource Engineering table dated 9/3/2013

EXHIBIT 1



MEMORANDUM

DATE: January 16, 2014

TO: Michael Erion

FROM: Maria Pastore, Kerry Sundeen

SUBJECT: Town of Eagle's Conditions of Approval for Haymeadow Property
Water Rights and Physical Supply Section – Conditions #23 and #24

This memorandum updates our previous January 6, 2014 that summarized and documented completion of the Town of Eagle's (Town) Conditions of Approval #23 and #24 regarding water use as outlined in the Water Rights and Physical Supply section of the Town letter dated October 23, 2012. There is only one update to the previous memo under Table 3 for the Wilkinson Ditch. The amount of absolute water rights owned by Haymeadow under the Wilkinson Ditch, Priority 455 QQ is 8.7522 cfs, *not* 11.3450 cfs as outlined in our previous memo. This change is reflected in this memo.

TOWN CONDITIONS OF APPROVAL – WATER RIGHTS AND PHYSICAL SUPPLY SECTION

Based on the pre-application meeting with Town staff and Haymeadow staff on August 13, 2013, the group agreed that the following conditions have been satisfied and should be documented in a memorandum provided by Grand River Consulting (GRC). Accordingly, outlined below are our responses to Conditions #23 and #24.

Condition #23. Agreement regarding the extent of historic irrigation beneath the various Haymeadow agricultural ditches.

Response to Condition #23. Staff from GRC and Resource Engineering (Resource) coordinated in the spring of 2011 via in-person meetings and through email to review and discuss the draft historic irrigation mapping under the Haymeadow ditches prepared in April 2011 by GRC. Resource provided comments to GRC, including GIS shapefiles of other historic irrigating mapping. Accordingly, GRC staff updated the initial mapping based on feedback from Resource. GRC and Resource staff agreed in principle to the final historic irrigation mapping under the Haymeadow ditches as illustrated in Figure 1 attached. Table 1 on the next page is a summary of the number of acres historically irrigated under these ditches associated with the Newman (Haymeadow), Allen/Jones (Town), and Kummer properties.

We conclude that the Haymeadow water rights have provided a reliable irrigation supply to about 556 acres of pasture on the Haymeadow Property (Table 1). An additional 3 acres has been irrigated on BLM land adjacent to the Haymeadow Property. We have not considered this irrigated area in this analysis.

Property	Hernage Ditch		Mathews Ditch		Wilkinson Ditch		Love & White Ditch		Total
	acres	% of total	acres	% of total	acres	% of total	acres	% of total	
Haymeadow	50	53%	286	96%	163	63%	57*	34%	556
Town	44	47%	11	4%	0	0%	0	0%	55
Kummer	0	0%	0	0%	96	37%	105	65%	201
Total =	94 acres		297 acres		259 acres		165 acres		815 acres

*Does not include additional irrigated area on BLM lands (3 acres, 1%)

Condition #24. Agreement regarding the ownership of water rights within the various Haymeadow agricultural ditches.

Response to Condition #24. Staff from GRC and Resource have agreed in principle to the ownership of water rights within the subject irrigation ditches between the Town and Haymeadow, specifically under the Hernage and Mathews Ditches since the Town has no ownership of water rights under the Wilkinson or Love & White Ditches. Table 2 illustrates the agreed upon split of water rights between the Town and Haymeadow, and Table 3 illustrates Haymeadow's ownership of water rights under the Wilkinson and Love & White Ditches.

Structure Name	Priority	Adj Yr	Approp Yr	Total Amount Decreed (cfs)	Amount Owned by Haymeadow (cfs)	Amount Owned by Town (cfs)		
						Case No. 07CW98	Case No. 05CW272	Total
Hernage Ditch	5	1889	1882	2.4000	1.6340			0.7660
	50	1889	1887	1.2000	0.2170			0.9830
	88	1889	1889	0.2800	0.1860			0.0940
	91	1889	1889	0.4000	0			0.4000
	168	1901	1895	0.0344	0			0.0344
	199	1901	1900	0.2054	0			0.2054
	455 VV	1936	1923	<u>9.2900</u>	<u>6.3260</u>			<u>2.9640</u>
			Total = 13.8098	8.3630			5.4468	
			<i>Percent Ownership (1889 - 1900) =</i>	<i>45%</i>			<i>55%</i>	
Mathews Ditch	13	1889	1883	1.8000	1.8000			0
	60	1889	1888	1.8000	1.8000			0
	82	1889	1889	1.4000	1.1820	0.1040	0.1140	0.2180
	171	1901	1886	0.6000	0.6000			0
	455 SS	1936	1923	<u>13.7400</u>	<u>13.7400</u>			<u>0</u>
			Total = 19.3400	19.1220			0.2180	
			<i>Percent Ownership =</i>	<i>84%</i>			<i>16%</i>	

¹ Assumes all Hernage and Mathews Ditch water rights are owned by the Town and Haymeadow Property

TABLE 3 Haymeadow Ownership of Absolute Water Rights Wilkinson Ditch and Love & White Ditch					
Structure Name	Priority	Adj Yr	Approp Yr	Total Amount Decreed (cfs)	Amount Owned by Haymeadow (cfs)
Wilkinson Ditch	132	1901	1882	4.8000	2.8180
	187	1901	1899	1.0000	0.5870
	455 QQ	1936	1923	<u>14.9100</u>	<u>8.7522</u>
				Total = 20.7100	12.1572
				<i>Percent Ownership =</i>	<i>59%</i>
Love & White Ditch	83	1889	1889	2.2000	0.8660
	134	1901	1883	2.6000	1.0230
	176	1901	1897	5.7000	1.8490
	298	1911	1911	0.2000	0
	455 PP	1936	1923	<u>9.7000</u>	<u>2.4120</u>
				Total = 20.4000	6.1500
			<i>Percent Ownership =</i>	<i>30%</i>	

Hernage Ditch. The water rights associated with the Hernage Ditch total 13.8098 cfs. Of this amount, the Town claims ownership of 5.4468 cfs and Haymeadow claims ownership of 8.3630 cfs (Table 2). Please note that in "Exhibit A" of the final deed with the Town allocating ownership of the Hernage Ditch priorities, a total of 5.4418 cfs is allocated to the Town, and a total of 8.3680 cfs is allocated to Haymeadow (Attachment 1). These totals differ slightly from the sum of the individual water rights in the deed and we have based Table 2 on the amount of the individual rights.

Mathews Ditch. It is our understanding that the water rights associated with Priority 82 are the main interest of the Town. These are the third most senior rights and total 1.4000 cfs. Of this amount, the Town claims ownership of 0.2180 cfs and Haymeadow claims ownership of 1.1820 cfs (Table 2). Haymeadow claims ownership of the remainder water rights under the Mathews Ditch that totals 17.9400 cfs. Accordingly, Haymeadow owns 19.1220 cfs of the water rights under the Mathews Ditch (Table 2).

Wilkinson Ditch. The water rights associated with the Wilkinson Ditch total 20.7100 cfs. Of this amount, Haymeadow claims ownership of 12.1572 cfs (Table 3).

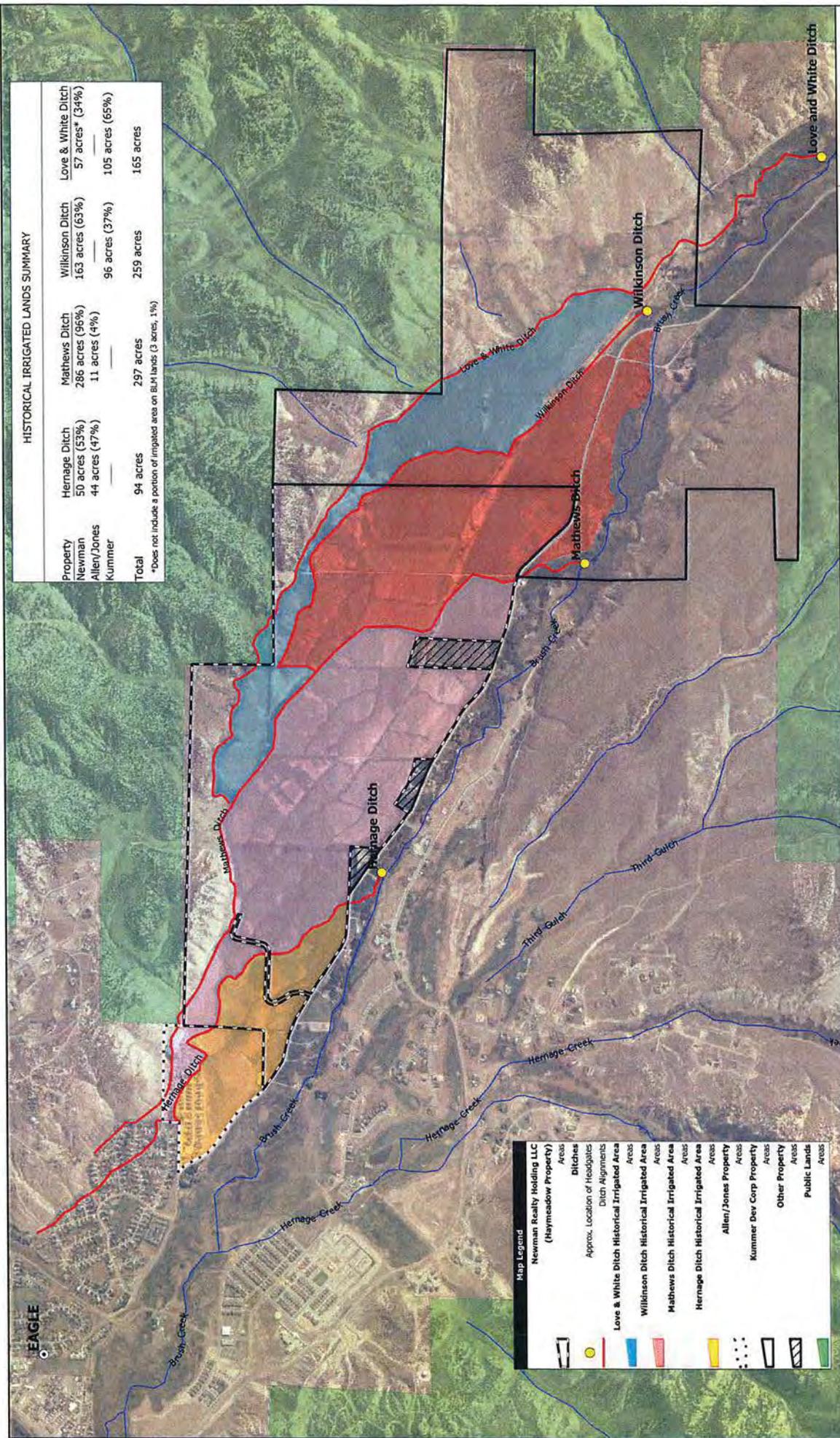
Love & White Ditch. The water rights associated with the Love & White Ditch total 20.4000 cfs. Of this amount, Haymeadow claims ownership of 6.1500 cfs (Table 3).

Mr. Michael Erion
January 16, 2014
Page 4

We hope this information is helpful. Please just let us know if you have any questions or clarifications.

MSP

Enclosures



HISTORICAL IRRIGATED LANDS SUMMARY

Property	Hernage Ditch	Mathews Ditch	Wilkinson Ditch	Love & White Ditch
Newman	50 acres (53%)	286 acres (96%)	163 acres (63%)	57 acres* (34%)
Allen/Jones	44 acres (47%)	11 acres (4%)	96 acres (37%)	105 acres (65%)
Kummer	94 acres	297 acres	259 acres	165 acres
Total	94 acres	297 acres	259 acres	165 acres

*Does not include a portion of irrigated area on BLM lands (3 acres, 1%)

Map Legend

Newman Realty Holding LLC (Haymeadow Property)	Area
Ditches	Area
Approx. Location of Headgates	Area
Ditch Alignments	Area
Love & White Ditch Historical Irrigated Area	Area
Wilkinson Ditch Historical Irrigated Area	Area
Mathews Ditch Historical Irrigated Area	Area
Hernage Ditch Historical Irrigated Area	Area
Allen/Jones Property	Area
Kummer Dow Corp Property	Area
Other Property	Area
Public Lands	Area

FIGURE 1
Haymeadow Property
Historical Irrigated Area Vicinity Map
 Eagle County, Colorado

Date: April 20, 2011
 Map By: M.P.
 File Name: haymeadow.mxd

0 1 mi

GrandRiver
 Consulting Corporation

EXHIBIT "A"

QUITCLAIM DEED OF WATER RIGHTS

This Quitclaim Deed of Water Rights dated this 23rd day of April 2013, is between ABRIKA PROPERTIES, LLC, a Florida limited liability company formerly known as NEWMAN REALTY HOLDING, LLC, ("Abrika") whose address is P.O. Box 772289 Ocala, FL 34477, and the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation (the "Town") whose address is P.O. Box 609, Eagle, CO 81631.

WHEREAS, Abrika and the Town are the sole owners of water rights decreed to the Hernage Ditch and the Mathews Ditch located in Eagle County, Colorado (the "Water Rights");

WHEREAS, Abrika and the Town desire to confirm their respective ownership of the Water Rights;

THEREFORE, for Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

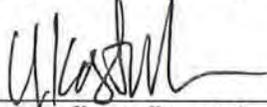
1. Ownership in Hernage Ditch. Abrika and the Town agree that their respective undivided ownership interests in the water rights decreed to the Hernage Ditch is as set forth on Exhibit A attached hereto and made a part hereof. The Town hereby quitclaims and conveys to Abrika, and Abrika hereby quitclaims and conveys to the Town, any interest they each may own in the Hernage Ditch and the water rights decreed thereto over and above their respective interests set forth in Exhibit A, it being the intent of the parties that they shall each own their respective undivided ownership interests set forth in Exhibit A attached hereto as a result of such conveyances.

2. Ownership in Matthews Ditch. Abrika and the Town agree that their respective undivided ownership interests in the water rights decreed to the Mathews Ditch is as set forth on Exhibit B attached hereto and make a part hereof. The Town hereby quitclaims and conveys to Abrika, and Abrika hereby quitclaims and conveys to the Town, any interest they may each own in the Mathews Ditch and the water rights decreed thereto over and above their respective interests set forth in Exhibit B, it being the intent of the parties that they shall each own their respective interests set forth in Exhibit A attached hereto as a result of such conveyances.

3. Other Priorities. Other water rights may be decreed to the Hernage and/or Mathews Ditches under priorities other than those identified in Exhibits A and B. Nothing in this Deed shall be deemed to constitute a disclaimer of either parties interests, if any, such other priorities: such priorities are simply not the subject of this Deed.

Executed as of the date first set forth above. Separate signature pages for the parties are attached hereto.

TOWN OF EAGLE, COLORADO,
a Colorado municipal corporation,
acting by and through its Board of Trustees

By: 
Name: Yuri Kostick, Mayor

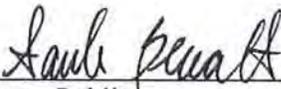
Attest:


Marilene Miller, Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 23rd day of
April, 2013 by Yuri Kostick as Mayor and
Marilene Miller as Town Clerk of the Town of Eagle, Colorado, a municipal corporation.

Witness my hand and official seal.


Notary Public

My commission expires: 8-29-2015



EXHIBIT A

**RESPECTIVE OWNERSHIP INTERESTS IN
HERNAGE DITCH WATER RIGHTS**

Priority No.	Adjudication Date	Appropriation Date	Total Amount Decreed	Amount Owned by Abrika	Amount Owned by Town
5	12/17/1889	05/01/1882	2.4000 cfs	1.6340 cfs	0.7660 cfs
50	12/17/1889	03/30/1887	1.2000 cfs	0.2170 cfs	0.9830 cfs
88	12/17/1889	08/21/1889	0.2800 cfs	0.186 cfs	0.0940 cfs
91	12/17/1889	10/11/1889	0.4000 cfs	0	0.4000 cfs
168	03/05/1901	05/03/1895	0.0344 cfs	0	0.0344 cfs
199	03/05/1901	05/20/1900	0.2054 cfs	0	0.2054 cfs
455 VV	10/03/1936	09/01/1923	9.2900 cfs	6.3260 cfs	2.9640 cfs
TOTALS			13.8098 cfs	8.3680 cfs	5.4418 cfs

EXHIBIT B

**RESPECTIVE OWNERSHIP INTERESTS IN
MATHEWS DITCH WATER RIGHTS**

Priority No.	Adjudication Date	Appropriation Date	Total Amount Decreed	Amount Owned by Abrika	Amount Owned by Town
82	12/17/1889	-7/30/1889	1.40 cfs	1.182 cfs	0.218 cfs

EXHIBIT 2



MEMORANDUM

DATE: February 6, 2014

TO: Ric Newman, Rick Pylman

FROM: Maria Pastore, Kerry Sundeen

SUBJECT: Haymeadow Project; Water Supply and Brush Creek Streamflow
Town of Eagle Conditions No. 21, 22, 25, 26, 27, 28 and 29

This memorandum summarizes our analysis of water supply requirements for the proposed Haymeadow Project (Project), and our assessment of the potential changes in Brush Creek streamflow that will result from the development. The following six conditions of the Eagle Town Board are addressed, in the order outlined below:

Condition 25 – Potable Water Demands

Condition 26 – General Description of Non-potable Irrigation System

Condition 21 – Completion of an Irrigation Return Flow Study

Condition 22 – Completion of a Lawn Irrigation Return Flow Study

Condition 29 – Water Flow Modeling of Brush Creek

Condition 27 – Assessment of a Brush Creek Pump Back

Condition 28 – Potential Use of On-Site Storage by Town

This analysis updates and replaces all prior draft memorandums that have been associated with the above conditions. Updates in the analyses have been made in response to comments by the Town and their consultants.

Background

It is our understanding that the applicant will convey all water rights that are associated with the Haymeadow Property to the Town, and that the Town will subsequently lease back a portion of these rights for the proposed residential, parks and open space, hay and pasture non-potable irrigation

requirements for the Project. Through this leasing process, the Town in collaboration with the Applicant will have control over how water is diverted from Brush Creek, and how water is allocated for future non-potable irrigation uses and for environmental purposes (i.e. Brush Creek streamflow). The analysis summarized herein represents a method of operating a non-potable irrigation system that balances future irrigation and environmental objectives. This method of operation is consistent with the Brush Creek Watershed Management Plan (BCWMP) and will result in an increase in the streamflow of Brush Creek during important low flow periods. The increase in streamflow will occur because future water demands of the development are substantially less than existing irrigation water demands on the property.

The ultimate allocation of water between future non-potable irrigation and Brush Creek streamflow will be based on actual development of the property and collaborative planning between the Town and the Applicant. If during critical dry periods, the Town determines a need to increase streamflow of Brush Creek beyond the increases illustrated in this analysis, the Town may further limit the amount of water that is made available for future non-potable irrigation uses through terms and conditions in the water leases.

Potable Water Demands (Condition 25)

Potable water will be diverted from Brush Creek via the Town's potable water supply system. Potable water uses will include in-house water and limited outdoor irrigation. We estimate that at Project buildout, total annual potable diversions will be about 440.6 acre feet per year (Table 1). Of this total about 105.5 acre feet of water will be consumed, and the remainder of the water will return to either Brush Creek or the Eagle River. As outlined below, the amount of water required for potable water supplies is substantially less than the amount of water required for non-potable irrigation. Consumptive water use associated with potable water use is about 15 % of the total consumptive water use of the Project.

Resource Engineering (Resource) reviewed Grand River Consulting's (Grand River) initial September 25, 2013 Condition #29 memo and requested several updates and modifications. Accordingly, the following updates to our initial potable water use assumptions have been made.

- The Haymeadow residential development "Occupants/Unit" assumptions were updated to include the following:
 - "Single Family" was updated from 3.2 occupants/unit to 3.5 occupants/unit
 - "Multi Family" was updated from 2.8 occupants/unit to 3.5 occupants/unit
 - "ADU units" was updated from 2.0 occupants/unit to 1.5 occupants/unit

- The Haymeadow potable irrigated area assumptions were updated to be consistent with the assumptions presented in the updated Alpine Engineering November 2012 report (revised August 15, 2013). Accordingly, the potable irrigated area increased from 40.43 acres to 43.30 acres (Table 1).
- Annual consumptive use of lawn irrigation has been increased to 2.07 feet

Based on the updated water use assumptions outlined above, total potable diversions are estimated to be about 440.6 acre feet per year. This estimate represents an increase in water use of about 12 % from our previous assessments.

General Description of Non-Potable Irrigation System (Condition 26)

The Haymeadow Property is currently irrigated by four irrigation ditches; the Love and White Ditch, the Wilkinson Ditch, the Mathews Ditch and the Hernage Ditch. All four ditches will be maintained and used for future non-potable irrigation purposes, including the irrigation of hay and pasture, landscape and open space areas, parks and community areas, school, multi-family developments and other common facilities.

Diversions will continue through the ditches for the irrigation of agricultural hay and pasture. In the near-term, large agricultural pasture areas will be irrigated. In addition, some water from the ditches will be routed to several small irrigation ponds via open space corridors (Figure 1) and subsequently pumped to irrigate landscape and common areas that will be served by a non-potable sprinkler irrigation system.

At Project buildout, the agricultural pasture irrigation will continue, but the area of hay and pasture irrigation will be substantially reduced. The amount of non-potable irrigation water required for open space, common areas and multi-family units will increase at buildout of the Project.

The typical non-potable irrigation diversions that are proposed at Project buildout are summarized in Table 2. Pursuant to the BCWMP, the Project may divert about 10.15 cfs from the upper three ditches.

While a total of 10.15 cfs may be diverted by these ditches pursuant to the BCWMP, it is estimated that diversions will typically total about 5.57 cfs, which is a substantially lesser amount. In addition, during critical dry periods, non-potable diversions may be further limited pursuant to lease conditions that may be required by the Town. Diversions by the Hernage Ditch are not specified in the BCWMP, but are anticipated to commonly be 1 cfs or less in the future.

A more detailed overview of the non-potable irrigation system entitled "Haymeadow Irrigation Water Source and System Assessment, August 15, 2013" has been prepared by Hines Inc.

Non-Potable Irrigation Demands and Irrigation Return Flow (Condition 21)

At Project buildout, the amount of area proposed to be irrigated by a non-potable water supply system is 295.5 acres. This represents a 47 % reduction in the area of land currently irrigated on the property, which is about 560 acres. The future non-potable irrigated area will consume about 570 acre feet of water per year, in comparison to the future potable system consumptive use of about 105 acre feet.

The reduction in irrigated area will affect the timing and amount of irrigation return flows that accrue to Brush Creek. In order to assess changes in Brush Creek streamflow, Grand River participated in a workshop with Resource and Town staff on January 10, 2014 to review the irrigation return flow assumptions under the Love & White Ditch, Wilkinson Ditch, Mathews Ditch and Hernage Ditch. Table 3 illustrates the percent of immediate (surface water) and delayed (groundwater) irrigation return that is assumed to accrue to key stream segments, as agreed upon by Resource and Town staff.

Other key assumptions associated with the irrigation return flow study are summarized in Table 4. Please note that based on Town comments, the future Haymeadow non-potable irrigated area was increased to include an additional 15 acres under the Hernage Ditch to account for continued irrigation of the school areas.

The results of the irrigation return flow study are integrated in the overall assessment of Brush Creek streamflow, which is presented later in this memorandum.

Lawn Water Return Flow (Condition 22)

Delayed return flows from lawn irrigation will accrue to Brush Creek and will have a minor influence on future stream flow. Resource provided us a methodology approved in the Town's augmentation plan in Case No. 05CW282 to calculate changes in streamflow associated with lawn irrigation return flow. The calculated changes in stream flow associated with lawn irrigation returns are summarized in Table 5. It is estimated that stream flow changes resulting from lawn water return flow will be less than 0.06 cfs.

Streamflow Modeling of Brush Creek (Condition 29)

Streamflow modeling of Brush Creek has been completed. This modeling provides an estimate of future changes in streamflow during build-out conditions for the Project. The modeling considers future

potable and non-potable water demands, and also considers future changes in pasture irrigation practices on the Haymeadow Property.

Study Sites and Study Period. On behalf of the Town, Resource provided the historical streamflow data that is the basis for this evaluation. Data was provided for the following four sites and time periods:

1. Brush Creek below Existing Water Treatment Plant Intake (continuous record from November 2011 through July 2013)
2. Brush Creek below Love and White Ditch (continuous record from October 2010 through July 2013)
3. Brush Creek at Ouzel Lane (instantaneous measurements of historical streamflow on sixteen days between July 2008 and September 2013)
4. Brush Creek near Mouth (continuous record from June 2012 through August 2013)

These four study sites are illustrated on the attached vicinity map (Figure 2).

Our original memorandum did not summarize streamflow changes at the Ouzel Lane streamgage because a continuous record of streamflow is not available for this location. This updated assessment describes the *relative* change in flow that can be expected at the Ouzel Lane site. In addition, pre-project and post-project streamflow at the Ouzel Lane site is summarized for the specific historical instantaneous streamflow measurements that have been made by the Town.

Study Results. The primary assumptions utilized in the study are summarized in Table 4. Post-project streamflow was calculated by the following process:

Brush Creek below Water Treatment Plant: Post-project flow equals historical streamflow minus the projected potable water demands of the development (Table 1).

Brush Creek below Love and White Ditch: Post-project flow equals historical streamflow minus the projected potable water demands of the development, plus the historical Haymeadow diversions under the Love and White Ditch, minus the projected future Haymeadow's diversions under the Love and White Ditch. The potential affect of delayed irrigation return flows were not considered at this site, as it is upstream of all area irrigated on the Haymeadow Property.

Brush Creek below Mathews Ditch at Ouzel Lane: Post-project flow equals historical streamflow minus projected potable water demands of the development, plus the historical Haymeadow diversions under the Love and White Ditch, Wilkinson Ditch, and Mathews Ditch, minus the projected future Haymeadow's diversions under the above three ditches. In addition the estimated changes in delayed irrigation return flow on the Haymeadow Property were estimated and considered for this location. In general, future Brush Creek streamflow is

projected to increase during the irrigation season, and slightly decrease in the non-irrigation season.

Brush Creek near Mouth: Post-project flow equals historical streamflow minus the projected potable water demands of the development, plus the historical Haymeadow diversions under the Love and White Ditch, Wilkinson Ditch, Mathews Ditch and Hernage Ditch, minus the projected future Haymeadow's diversions under the above four ditches. In addition the estimated changes in delayed irrigation return flow on the Haymeadow Property were calculated and considered for this location.

The estimated changes in streamflow for the period of supplied streamflow data are illustrated for the three study sites that have a continuous record of streamflow (Figures 3 through 5). Figures 3A through 5A illustrate the changes in streamflow at a full graphical scale. Figures 3B through 5B illustrate the same data at a magnified scale which allows enhanced visual presentation of low flow conditions. This period of study includes a wet year (2011) and a drought year (2012).

Typical changes in streamflow for lower Brush Creek and for the Eagle River are presented in Table 5. In Table 6, pre-project and post-project streamflow at the Ouzel Lane site is summarized for the specific historical instantaneous streamflow measurements that have been made by the Town.

This assessment is a planning level analysis. Actual changes in streamflow may vary from those illustrated in Figures 3 through 5, and summarized in the attached tables. However, we believe that the projected changes outlined herein provide a reasonable basis to understand the relative magnitude and timing of changes in flow that may be associated with development of the project. **Further, the ultimate allocation of water between future non-potable irrigation and environmental uses will be controlled by the Town via lease arrangements. If during critical dry periods, the Town determines a need to increase streamflow of Brush Creek beyond the increases illustrated in this analysis, the Town may further limit the amount of water that is made available for future non-potable irrigation uses.**

Condition 27 – Assessment of a Brush Creek Pumpback

The Town has adopted the BCWMP dated April 18, 2011. The plan describes specific goals, objectives and management direction for the Brush Creek watershed. Goal No. 1 of the plan is to "Maintain sufficient streamflow in Brush Creek to support and protect the Stream's aquatic environment". The plan relates this goal to the maintenance of 12 cfs of water in Brush Creek, consistent with the instream flow water right decreed to the Colorado Water Conservation Board. A pumpback that diverts water from lower Brush Creek (above the Squire and Hammond Ditch) for non-potable uses on the Haymeadow property is one of the management tools identified in the BCWMP.

The Haymeadow development will substantially improve low-flow conditions of the critical segments of Brush Creek that are most impacted by water diversions. Based upon the future amount of diversions proposed for the Project, and upon the streamflow modeling results outlined in the memorandum associated with Condition 29, we conclude that the proposed Haymeadow development is consistent with the BCWMP, and that the BCWMP objectives associated with a potential pumpback can be accomplished by operational alternatives that will avoid the construction, operation, and pumping costs associated with a pumpback. Our observations in this regard are summarized below.

BCWMP Strategy 1. Work with basin diverters to implement water conservation measures and reduce diversions through improved efficiencies such as converting flood irrigation to sprinkler irrigation.

Under buildout conditions, the Project will significantly increase streamflow of Brush Creek during the low flow irrigation season. As outlined in Table 6 and Table 7, we estimate that streamflow in the most critical low flow segment of Brush Creek (between the Love and White Ditch and the Squire and Hammond Ditch, as measured at the Ouzel Lane streamgage) will typically be increased by about 3.5 to 4.0 cfs during the April through October irrigation season. This increase will result from two primary factors; (1) the increased efficiency of irrigation diversions and water conservation through the non-potable water supply system, and (2) a substantial reduction in the area of land that will be irrigated.

The projected irrigation season increases in streamflow are conservative because we have likely overestimated the amount of water that will be actually be diverted for potable uses from upper Brush Creek. We have assumed that all potable diversions for the development will occur from the existing Upper Brush Creek treatment plant, while some portion of the potable water may actually be diverted from a new lower Brush Creek treatment plant at some point in the future. Additionally, we have assumed that all residential units will be fully occupied year-round which will not occur. In reality, potable diversions will likely be less, and the actual increase in streamflow during the irrigation season may be greater.

During the non-irrigation season, the Project is estimated to result in a reduction in streamflow of about 0.63 cfs to 0.73 cfs at this critical low flow location (Table 6 and Table 7). This reduction occurs in response to the additional upstream diversion of water during the winter for potable uses, and from the loss of some delayed irrigation return flows associated with a reduction in irrigated area. It is important to note that streamflow measurements made by the Town during the critically dry year of 2012 reflect that streamflows remain well in excess of the 12 cfs instream flow objective during the non-irrigation season, with or without the Project.

Based upon the above information we conclude that the Project is consistent with Strategy 1. The Project will reduce the amount of water diverted by large agricultural ditches, will improve

irrigation efficiencies, and will substantially increase the flow of Brush Creek during critical low flow periods.

BCWMP Strategy 2. Implement the Kummer Development Corporation (KDC) Irrigation Plan.

The KDC irrigation plan “was designed to sustain and/or enhance Brush Creek streamflows during dry periods”. The Project will operate in accord with the KDC irrigation plan, and the diversion of water for irrigation purposes will always be equal to or less than the allowable rates of diversion in the plan. Accordingly, the increase in Brush Creek streamflow associated with the Project will be greater than the increase in flow that was expected in the KDC irrigation plan. **Also, in association with the lease of water for non-potable purposes, the Town may further restrict the amount of diversions for non-potable uses.**

Wet and Average Periods. Table 2 outlines the maximum allowable diversions in the KDC irrigation plan for the three primary Haymeadow irrigation ditches. Based on the pro-rata ownership of the three ditches, we calculate that the Project can divert a maximum of 10.15 cfs combined through the Love and White Ditch, the Wilkinson Ditch and the Mathews Ditch. Non-potable irrigation diversions of the Project may total as much as 10.15 cfs when streamflow is high. However, the typical “base” amount of diversions by the Project through these three ditches will be substantially less than the allowable amount (a total of about 5.57 cfs). At buildout, non-potable diversions by the Project will be reduced to 5.57 cfs or less, whenever the streamflow of Brush Creek approaches 12 cfs objective (when streamflow is less than 16 cfs).

Critically Dry Periods. Allowable dry year diversions under the KDC irrigation plan are reduced. The allowable Project diversions during the mid-summer of critically dry years are calculated to total 7.62 cfs (Table 2). At all times when the flow of Brush Creek drops below 12 cfs, Project diversions will be reduced to a total of about 5.57 cfs. This rate of non-potable diversions is about 2 cfs less than the allowable diversion amount for the Project. These reduced diversions will additionally increase streamflow of Brush Creek during critically low flow periods. We also understand that the Town and other participants in the BCWMP would be required to implement water conservation measures during these low flow conditions, which would further enhance Brush Creek streamflow.

Modification to the Amount of Allowable Diversions. The BCWMP contemplates that the Town may review the effectiveness of the diversion limitations from time to time, and that mutually agreed upon revisions to the BCWMP may be made. We understand that the Project is committed to the goals in the BCWMP and will cooperate with the Town to modify the diversion limitations as needed.

Alternative to a Brush Creek Pumpback. The Project, and actions by the Town and other Brush Creek water users, will substantially increase streamflow during critically dry periods. The goal and function of the irrigation pumpback can also be achieved through operational management of irrigation diversions from Brush Creek. Since the Applicant will convey all water rights to the Town, the Town and the Applicant are collaborating to develop a plan to further reduce non-potable diversions from Brush Creek during those infrequent dry periods in the future when 12 cfs may not be satisfied. This operational alternative would occur in association with lease provisions for non-potable water rights that would require the further reduction of non-potable diversions during dry periods. This operational alternative will avoid the construction, operation, and pumping costs associated with a pumpback, and will satisfy the BCWMP objectives associated with a potential pumpback.

Condition 28 – Use of On-Site Storage by Town

This condition relates to the Town's possible use of water from the small amount of water storage that will be constructed as a component of the Project.

The construction of storage with any significant capacity is not planned. The small amount of planned water storage will be associated with a small amount of regulatory capacity for the non-potable irrigation of parks, open space and multi-family units. The storage will not have adequate capacity such that the release of water from storage would measurably change or improve streamflow of Brush Creek. The small amount of on-site storage may be helpful to replace the minor winter time depletions of the project that may be out-of-priority to senior downstream water rights (estimated to total about 2 acre feet). In the alternative, a lease of stored water from an existing facility such as Wolford Mountain Reservoir could be used to replace these winter time depletions.

Enclosures

FIGURES



FIGURE 2
 Town of Eagle
 Brush Creek Flow Measurement Sites Vicinity Map
 Eagle County, Colorado



Date: January 14, 2014
 Map By: M.P.
 File Name: haymeadow.map



FIGURE 3A
Brush Creek
Below Intake of Upper Water Treatment Plant (cfs)

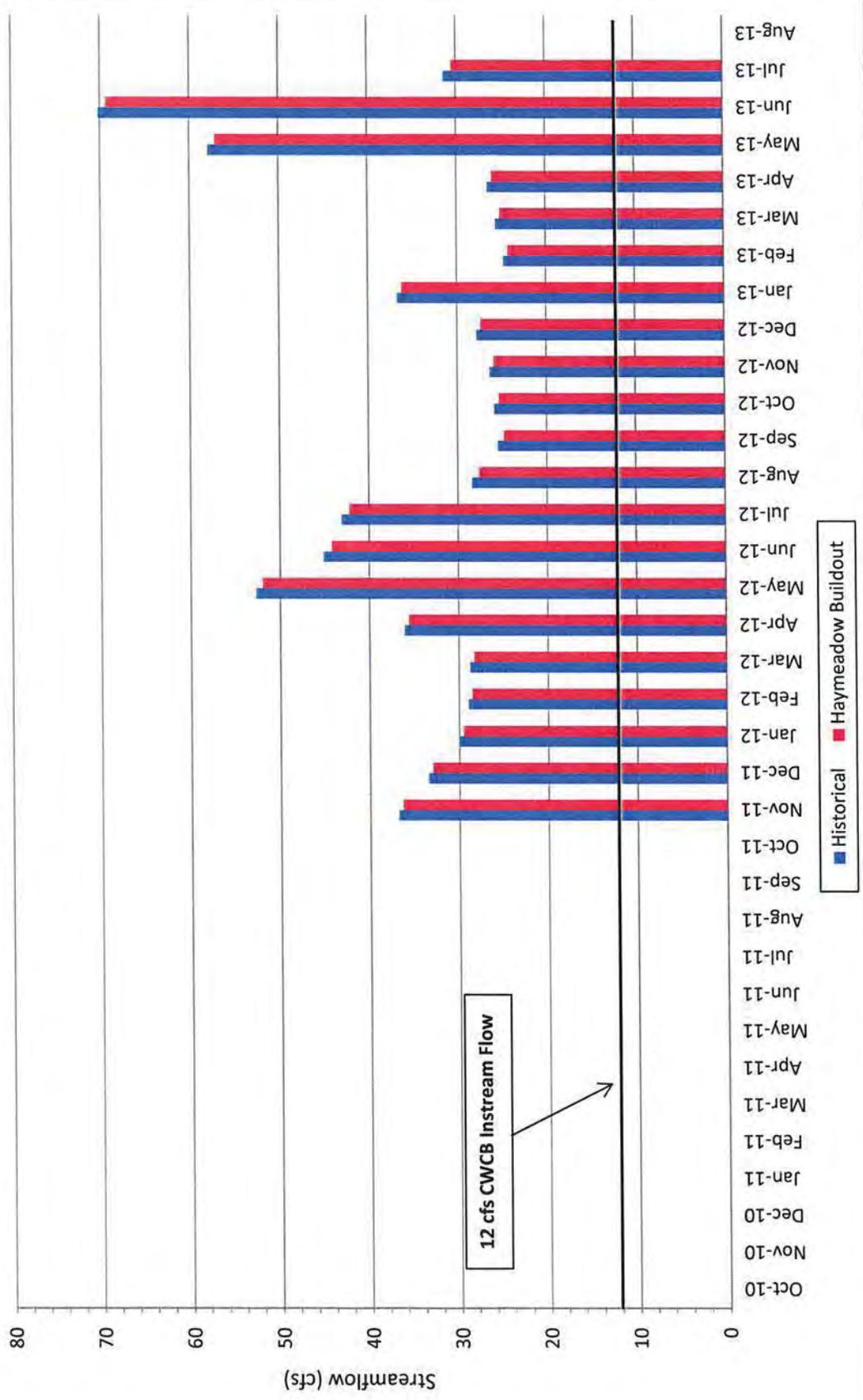


FIGURE 3B
Brush Creek
Below Intake of Upper Water Treatment Plant (cfs)

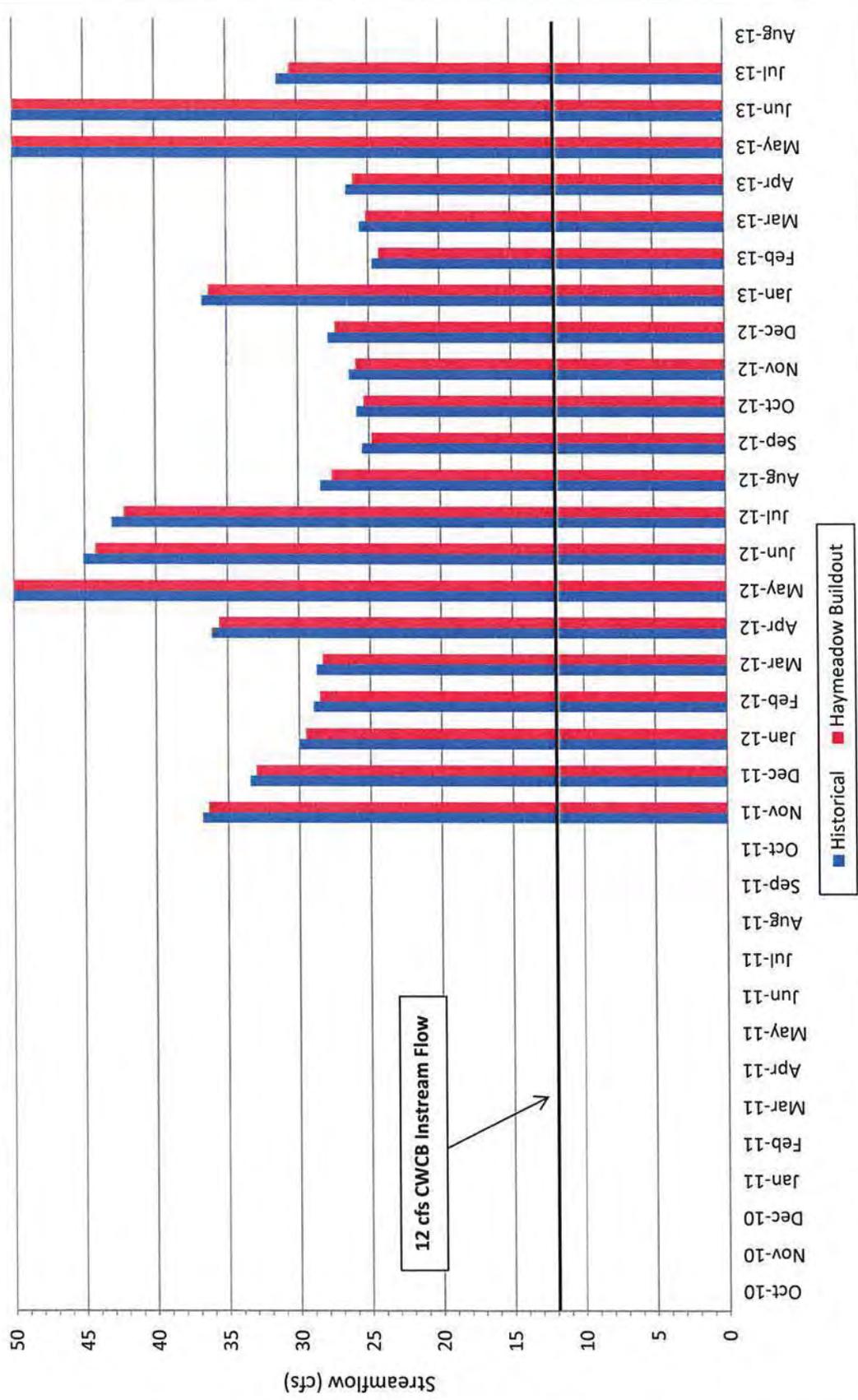


FIGURE 4A
Brush Creek
Below Love and White Ditch (cfs)

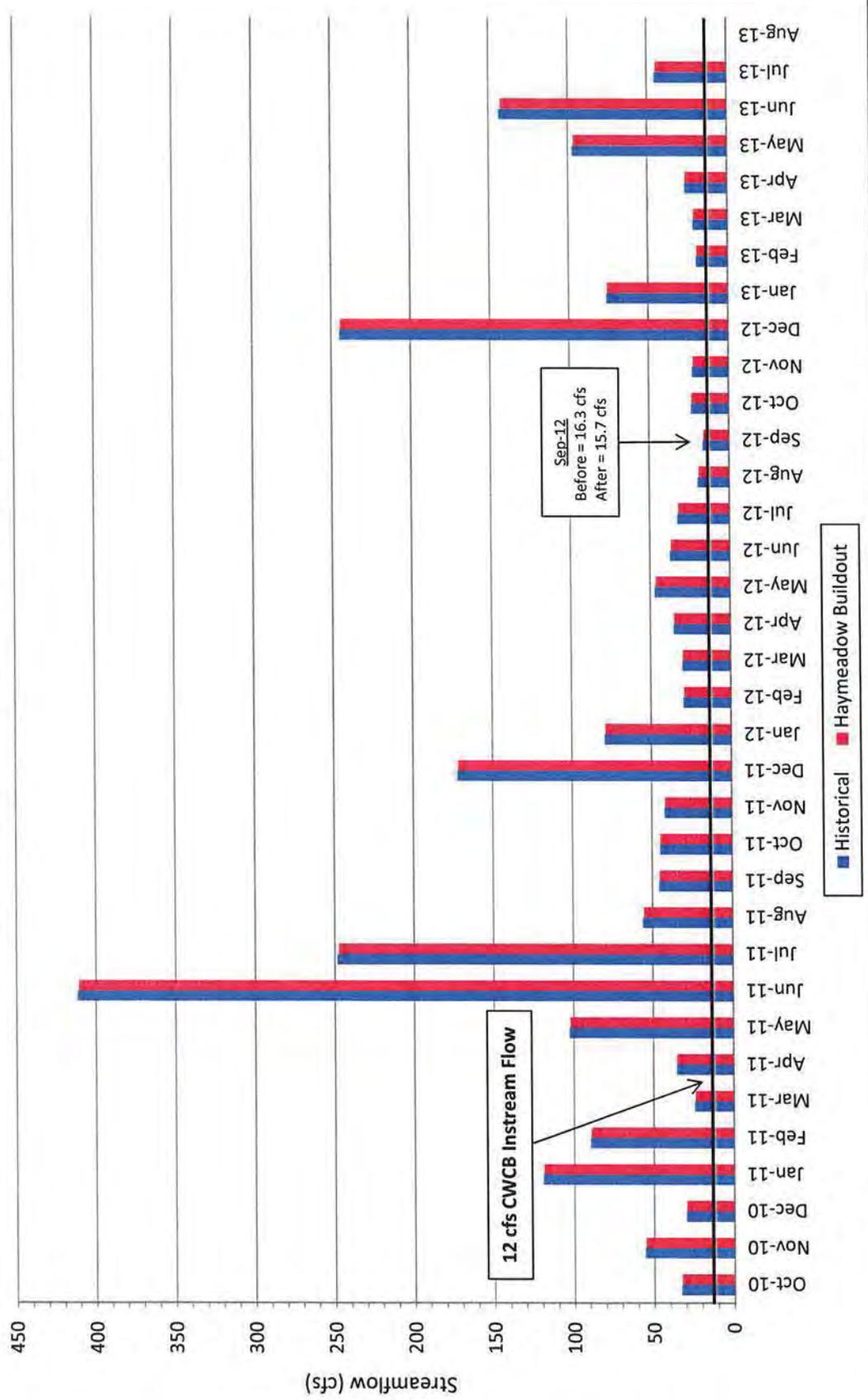


FIGURE 4B
Brush Creek
Below Love and White Ditch (cfs)

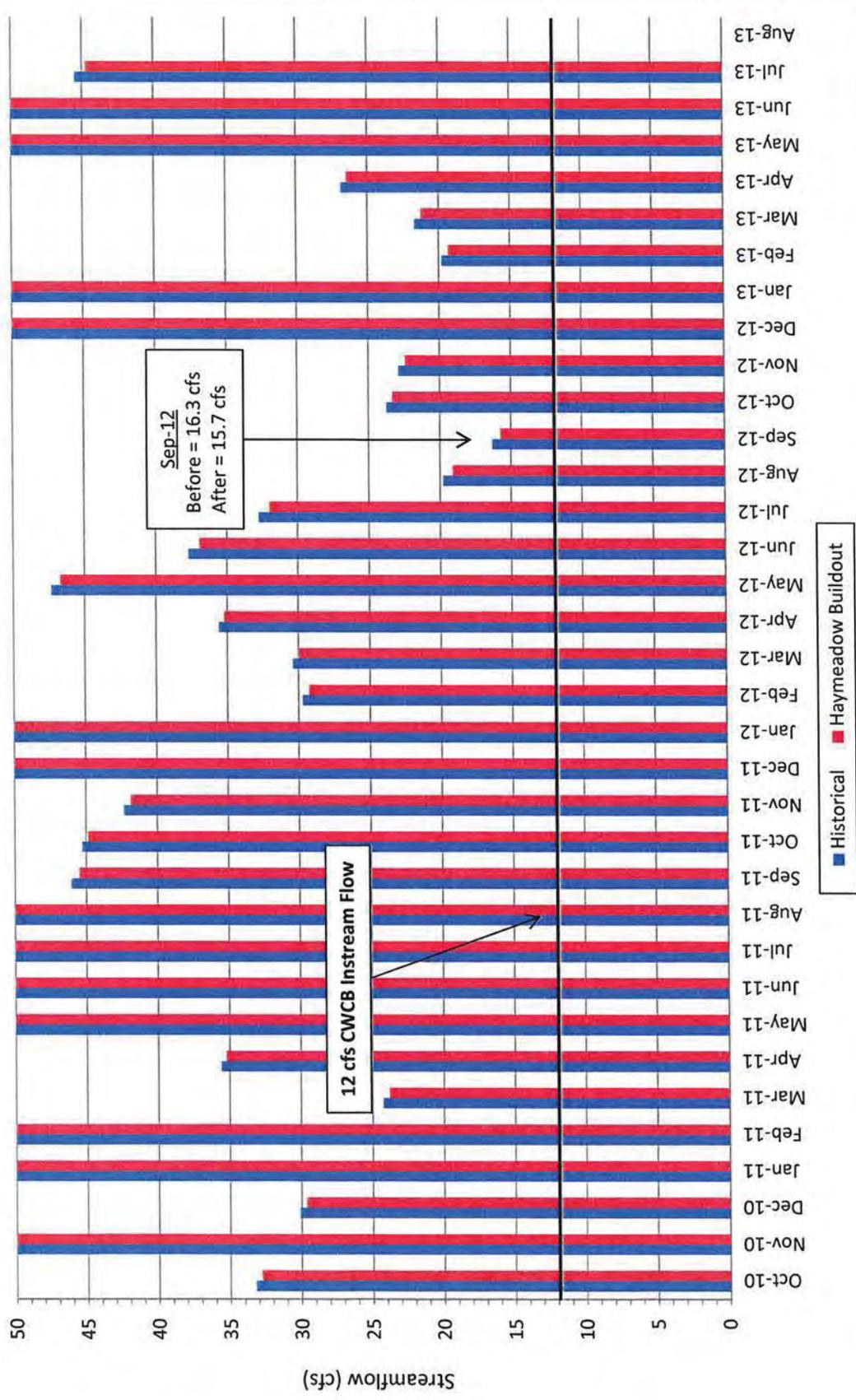


FIGURE 5A
Brush Creek
Near Mouth / Violet Lane (cfs)

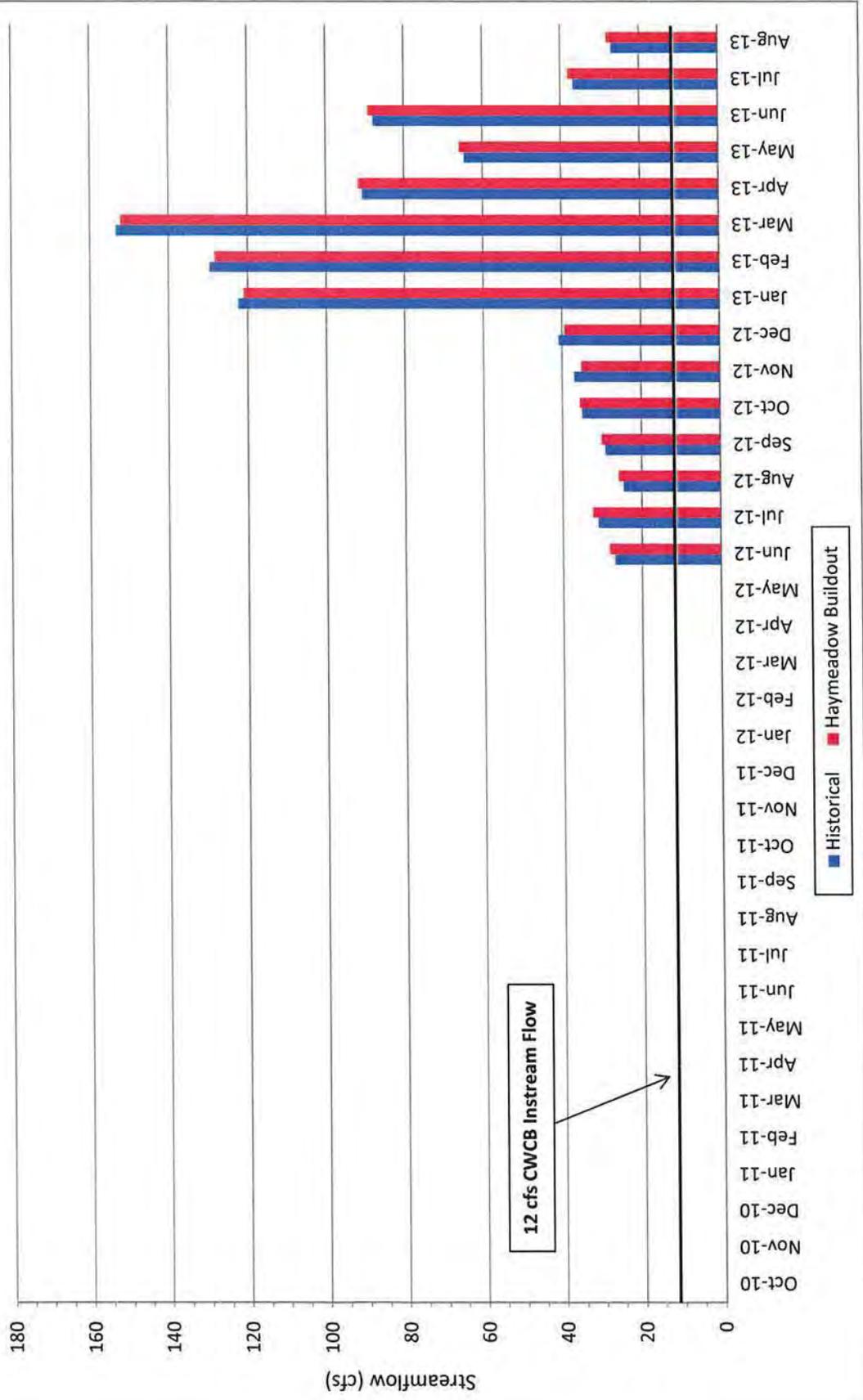
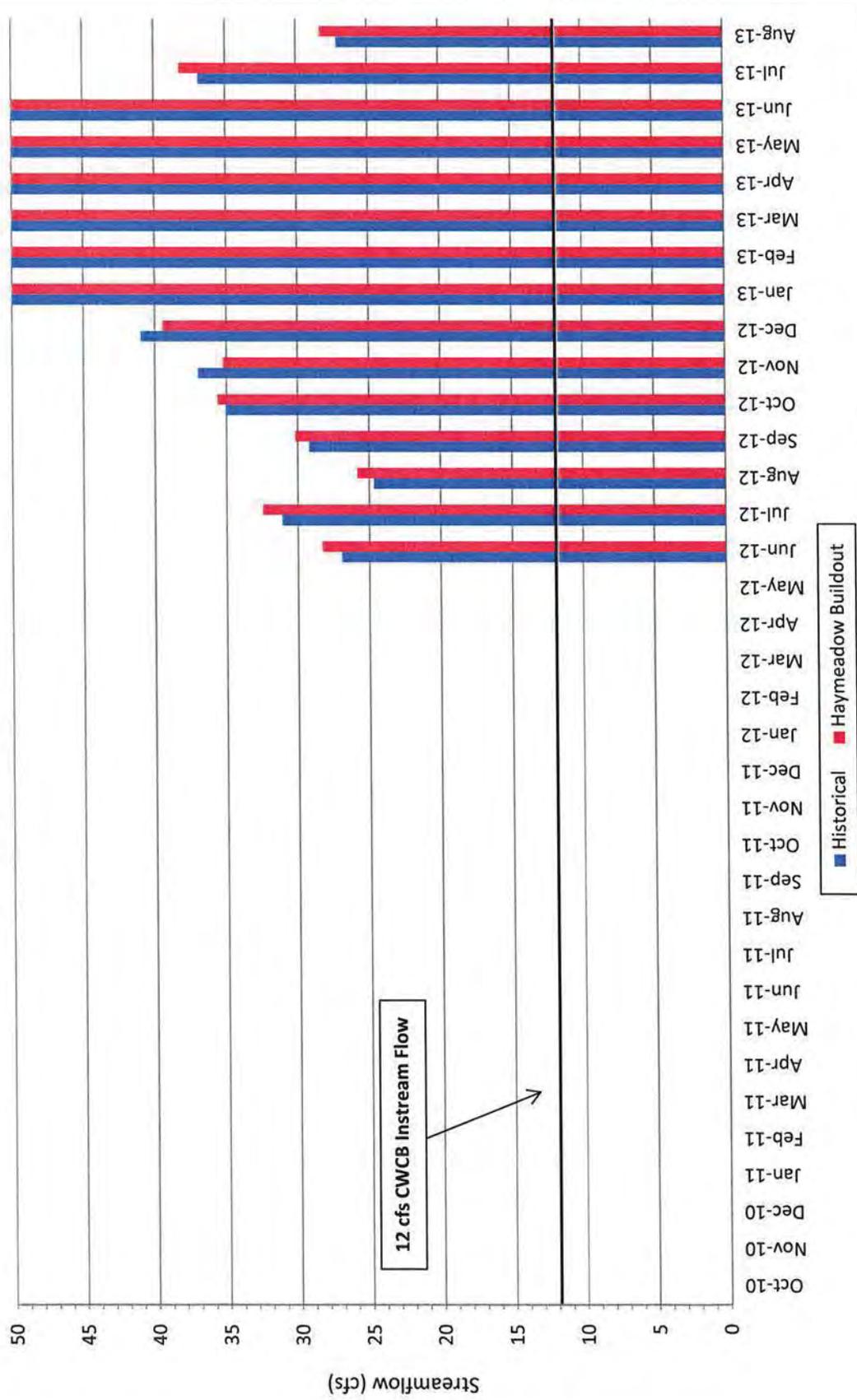


FIGURE 5B
Brush Creek
Near Mouth / Violet Lane (cfs)



TABLES

**TABLE 1
HAYMEADOW PROPERTY
POTABLE WATER DEMAND ESTIMATES**

RESIDENTIAL DEVELOPMENT			IRRIGATED AREA		
Unit Type	Units / Lot	Occupants / Unit	Maximum Occupants	Potable System	Irrigated Area (acres)
Single Family	442	3.5	1547		
Multi Family	345	3.5	1208		
ADU	66	1.5	99		
Community	1	10	10		
Events Pavilion	1	200	200		
K-8 School	1	600	600		
Fire Station	1				
ADU	5	2.8	14		
Total	862		3678		43.30

WATER REQUIREMENTS (ACRE FEET)

In House Use (gpcd) = 100
 School/Parks Use (gpcd) = 20
 Pavilion Use (gpcd) = 5
 Fire Station Use (gpcd) = 2,250

Irrigation Consumptive Use (ft) = 2.07
 Domestic C.U. = 5%
 Irrigation Efficiency = 75%

	In-House		Irrigation		Total Potable System	
	Diversions	Consumptive Use	Diversions	Consumptive Use	Diversions	Consumptive Use
January	27.3	1.4	0.0	0.0	27.3	1.4
February	24.7	1.2	0.0	0.0	24.7	1.2
March	27.3	1.4	0.0	0.0	27.3	1.4
April	26.4	1.3	2.5	1.9	29.0	3.2
May	27.3	1.4	19.2	14.4	46.5	15.8
June	26.4	1.3	26.1	19.6	52.6	20.9
July	27.3	1.4	27.9	20.9	55.2	22.3
August	27.3	1.4	22.8	17.1	50.1	18.5
September	26.4	1.3	16.0	12.0	42.4	13.3
October	27.3	1.4	4.7	3.5	32.0	4.9
November	26.4	1.3	0.0	0.0	26.4	1.3
December	27.3	1.4	0.0	0.0	27.3	1.4
Annual	321.4	16.1	119.2	89.4	440.6	105.5

TABLE 2 Allowable Maximum Diversions for Primary Irrigation Ditches Average and Wet Years When Streamflow Exceeds 16 cfs below the Love and White Ditch Cubic Feet Per Second (cfs)				
	(1)	(2)	(3)	(4)
Structure	Total Allowable Amount	Haymeadow Allowable		Typical Base Haymeadow Diversion
		% of Total	Amount	
Love & White Ditch	5.00	34%	1.70	1.00
Wilkinson Ditch	5.80	63%	3.65	1.99
Mathews Ditch	<u>5.00</u>	96%	<u>4.80</u>	<u>2.58</u>
	15.80		10.15	5.57
(1) Table 1 of Brush Creek Watershed Management Plan (2) Proportion of Historical Irrigated Area Located on Haymeadow Property (3) Column (1) times Column (3) (4) Typical Base Diversion by Haymeadow Project				

TABLE 3
Haymeadow Property
Irrigation Return Flow Assumptions

	Love & White Ditch		Wilkinson Ditch		Mathews Ditch		Hernage Ditch	
	Return Flow (60% Immediate; 40% Delayed)		Return Flow (60% Immediate; 40% Delayed)		Return Flow (60% Immediate; 40% Delayed)		Return Flow (60% Immediate; 40% Delayed)	
	% of Immediate return flow	% of Delayed return flow						
Below Intake of Upper Water Treatment Plant								
Historical	0	0	n/a	n/a	n/a	n/a	n/a	n/a
Future Build-Out	0	0	n/a	n/a	n/a	n/a	n/a	n/a
Ouzel Lane								
Historical	0	25	0	80	0	40	0	0
Future Build-Out	0	25	0	80	0	100	0	0
Near Mouth / Violet Lane								
Historical	100	100	100	100	100	100	100	100
Future Build-Out	100	100	100	100	100	100	100	100

TABLE 4
 Primary Operational and Technical Assumptions

1. Historical irrigated area on Haymeadow Property = 556 acres.
2. Future Haymeadow Property irrigated area with non-potable water supply system = 295.5 acres. This includes 15 acres for continued school irrigation under the Hernage Ditch pursuant to the Town's request.
3. Potable water demands (diversions) total 440.6 acre feet per year (Table 1).
4. Future non-potable irrigation diversions will be made through existing irrigation ditches. Irrigation diversions will typically occur at a rate of 1 cubic foot per second (cfs) per 50 acres, or less. When streamflow conditions in Brush Creek allow, additional non-consumptive diversions may be made through the non-potable system for recreational and aesthetic purposes. The streamflow modeling is based on the following non-potable irrigation diversions:
 - Love & White Ditch = 1.00 cfs
 - Wilkinson Ditch = 1.99 cfs
 - Mathews Ditch = 2.58 cfs
 - Hernage Ditch = 0.32 cfs
 - Total = 5.89 cfs**
5. Annual consumptive water use at the Haymeadow Property has been calculated to be 1.93 feet per acre for *pasture* irrigation based upon the Blaney-Criddle method modified with Pochop coefficients, and 2.07 feet per acre for *lawn* irrigation calculated by Resource Engineering.
6. The areas irrigated by the Love & White Ditch, Wilkinson Ditch, Mathews Ditch and Hernage Ditch are directly adjacent to Brush Creek, and we conservatively estimated that 60% of the irrigation return flow will accrue to Brush Creek as surface water return flow.
7. The remainder 40% of delayed irrigation return flows that may be routed to Brush Creek as groundwater was calculated with the Alluvial Water Accounting System program developed by Colorado State University's Integrated Decision Support Group, utilizing the following assumptions: Transmissivity = 25,000 gpd/ft, specific yield = 0.15, and average distances to the stream was calculated from a centroid for each primary irrigated area under historical and future build-out conditions. Table 3 also illustrates the percent immediate (surface water) and delayed (groundwater) irrigation return flow assumptions under each ditch agreed upon by Resource, Town staff and GRC in order to evaluate streamflow changes at Ouzel Lane.

TABLE 5
Estimated Changes in Brush Creek Streamflow at Haymeadow Project Buildout

HERNAGE DITCH TO BRUSH CREEK (cfs)					
	Impact of Development at Haymeadow Project Buildout				
	Net Changes Associated with Irrigation	Treated Potable Diversions	Lawn Irrigation Return Flow	Net Potable Impact	Net Streamflow Impact of Development
Jan	-0.87	0.44	0.02	-0.43	-1.30
Feb	-0.77	0.44	0.01	-0.43	-1.20
Mar	-0.65	0.44	0.01	-0.44	-1.08
Apr	1.66	0.48	0.00	-0.49	1.17
May	2.06	0.74	-0.05	-0.79	1.28
Jun	2.24	0.85	-0.06	-0.91	1.33
Jul	2.22	0.87	-0.04	-0.91	1.32
Aug	1.99	0.79	-0.01	-0.80	1.19
Sep	1.67	0.69	0.01	-0.68	0.99
Oct	1.11	0.52	0.04	-0.47	0.64
Nov	-1.32	0.44	0.04	-0.40	-1.72
Dec	-1.08	0.44	0.03	-0.42	-1.50

EAGLE RIVER BELOW WWTP (cfs)					
	Impact of Development at Haymeadow Project Buildout				
	Net Changes Associated with Irrigation	Net Potable Depletions	Lawn Irrigation Return Flow	Net Potable Impact	Net Streamflow Impact of Development
Jan	-0.87	0.02	0.02	-0.01	-0.88
Feb	-0.77	0.02	0.01	-0.01	-0.78
Mar	-0.65	0.02	0.01	-0.02	-0.66
Apr	1.66	0.05	0.00	-0.05	1.61
May	2.06	0.24	-0.05	-0.29	1.77
Jun	2.24	0.33	-0.06	-0.38	1.85
Jul	2.22	0.34	-0.04	-0.38	1.85
Aug	1.99	0.28	-0.01	-0.29	1.69
Sep	1.67	0.21	0.01	-0.20	1.48
Oct	1.11	0.08	0.04	-0.03	1.08
Nov	-1.32	0.02	0.04	0.02	-1.30
Dec	-1.08	0.02	0.03	0.00	-1.08

TABLE 6 Observed Brush Creek Streamflow and Projected Changes between Love & White Ditch and Squire & Hammond Ditch			
Date	Streamflow Measurement Location	Streamflow Pre-Haymeadow Project ¹ (cfs)	Streamflow Post-Haymeadow Project (cfs)
7/22/2008	Old Water Plant Ouzel Lane	72.6	76.2
		66.6	70.2
8/4/2008	Old Water Plant Ouzel Lane	41.4	45.0
		33.4	37.0
9/26/2008	Old Water Plant Ouzel Lane	34.6	38.3
		36.4	40.1
12/2/2008	Old Water Plant Ouzel Lane	29.1	28.4
		28.8	28.1
1/29/2009	Old Water Plant Ouzel Lane	24.8	24.1
		32.8	32.1
4/8/2010	Old Water Plant Ouzel Lane	22.7	26.7
		25.4	29.4
5/14/2010	Old Water Plant Ouzel Lane	26.1	29.9
4/20/2011	Old Water Plant Ouzel Lane	31.6	35.6
5/6/2011	Old Water Plant Ouzel Lane	47.9	51.7
		37.7	41.5
5/10/2011	Old Water Plant Ouzel Lane	78.4	82.2
5/19/2011	Old Water Plant Ouzel Lane	105.3	109.1
11/4/2011	Old Water Plant Ouzel Lane	30.7	30.0
5/1/2012	Old Water Plant Ouzel Lane	12.0	15.8
8/8/2012	Old Water Plant Ouzel Lane	4.7	8.3
		7.1	10.7
8/20/2013	Old Water Plant Ouzel Lane	10.4	14.0
		10.1	13.7
9/23/2013	Old Water Plant Ouzel Lane	52.3	56.0

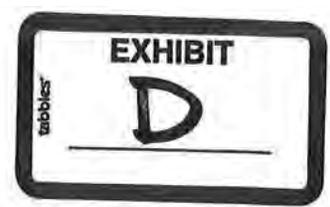
Please note that estimated streamflow decreases are highlighted in red

¹ Streamflow measurements from Resource Engineering table dated 9/3/2013

TABLE 7
Estimated Changes in Brush Creek Streamflow at Ouzel Lane
Haymeadow Project at Buildout
Cubic Feet per Second (cfs)

January	-0.69
February	-0.67
March	-0.63
April	4.04
May	3.79
June	3.61
July	3.57
August	3.65
September	3.75
October	3.94
November	-0.69
December	-0.73

TABLE 8 Allowable Diversions for Primary Irrigation Ditches July in Critically Dry Periods (Streamflow is Less Than 12 cfs below the Love & White Ditch) Cubic Feet Per Second (cfs)				
	(1)	(2)	(3)	(4)
Structure	Total Allowable Amount	Haymeadow Allowable		Typical Base Haymeadow Diversion
		% of Total	Amount	
Love & White Ditch	3.75	34%	1.28	1.00
Wilkinson Ditch	4.35	63%	2.74	1.99
Mathews Ditch	<u>3.75</u>	96%	<u>3.60</u>	<u>2.58</u>
	11.85		7.62	5.57
(1) Table 3 of Brush Creek Watershed Plan (2) Proportion of Historical Irrigated Area Located on Haymeadow Property (3) Column (1) times Column (3) (4) Typical Base Diversion by Haymeadow Project				



The Town of Eagle Public Works Department

MEMO

Date: February 6, 2014
To: Jon Stavney, Town Manager
From: Tom Gosiorowski, PE, Town Engineer
Kevin Sharkey, PE, Assistant Town Engineer
Re: Analysis of Street Maintenance Costs for the Haymeadow Project

At your request we have made an estimate of street maintenance costs for the Haymeadow project. This is somewhat of a broad-brush or "30,000 foot" level analysis, nevertheless I believe that this analysis may be useful in the context of considering the road maintenance cost burden and revenue forecasts associated with the Haymeadow project.

As you know, our Streets costs generally fall into two categories: Operations and Pavement Maintenance. Operations activities are funded by General Fund revenue (primarily sales tax) and Pavement Maintenance activities are funded through both the General and Capital Funds. Typical activities (or costs) associated with these two categories include:

Operations (General Fund)

Snow plowing
Street sweeping
Crack filling
Pavement markings
Lighting
Streets Department staff

Pavement Maintenance (General and Capital Funds)

Chip sealing
Pavement replacement
Concrete replacement (drain pans, curbs, sidewalks)

Generally the Operations activities are performed by Town Staff and Pavement Maintenance activities are contracted services.

We have concluded that the incremental cost increase to the Town for serving the Haymeadow project will be at least \$155,000/year for Operations and at least \$160,000/year for Pavement Maintenance.

The applicant has proposed that a 0.25% Real Estate Transfer Assessment (RETA) be directed to the Town, and projects that this 0.25% RETA will produce on average \$122,993/year at build-out. If it is desired for this RETA to cover the entire anticipated incremental Streets cost of \$315,000/year the RETA earmarked for the Town would need to be increased to approximately 0.64%.

The Town is able to adequately fund current Operations with current General Fund revenue levels. We can reasonably expect General Fund revenue to rise as population grows within the Haymeadow, thus we may be able to fund the incremental Operations cost increase with the corresponding incremental General Fund revenue increase. In this scenario we would need to make up a funding gap for only Pavement Maintenance costs and the RETA required to close this gap would be approximately 0.33%.

Discussion of our analysis follows.

The Town of Eagle Public Works Department

Operations Cost Analysis

Calculation of Operations costs was based on an analysis of our current cost to serve the Town's existing street system. Staff believes that the current quality of service provided to the community in Operations is acceptable; therefore an analysis based on current revenue and spending is valid. The 2014 Streets Budget is \$1,180,975. We removed certain costs not relevant to the Haymeadow from this budget, along with Street Resurfacing since Pavement Management costs were analyzed separately. Today there are 72.1 lane miles of roadway within the town. Using these numbers we calculated a unit cost of \$13,273/lane mile/year for Operations. The applicant provided information indicating that there will be 11.57 lane miles of streets within Haymeadow, thus the unit cost extension yields an annual Operations cost of \$153,588 for the Haymeadow project at build-out. The mathematics of these calculations is summarized in the following table:

2014 Streets Budget	\$1,180,975
Less RR ROW Lease	-\$12,000
Less Street Resurfacing	-\$200,000
Less Tree Management	-\$10,000
Less Weed Control	-\$2,000
Total Relevant 2014 Operations Expenditures	\$956,975
Total Lane Miles of Existing Roadway	72.1
Existing Operations Cost per Lane Mile	\$13,272.88
Total Haymeadow Lane Miles	11.57
Annual Incremental Operations Cost for Haymeadow	\$153,588

In considering this cost it is important to recognize that over time this amount will increase due to inflation, therefore any revenue source intended to fund these costs must also increase with inflation in some way (as a side note, the lack of inflation adjustment is the fundamental problem with the current gasoline tax revenue model in use in the United States and is the major cause of decreased roadway maintenance).

Pavement Maintenance Cost Analysis

We do not believe that the Town's current spending on Pavement Maintenance is adequate or desirable so we approached this analysis differently than we did for Operations costs.

The Town of Eagle Public Works Department

An adequate program of pavement maintenance should be based on a 20 year life cycle including two chip seals and one pavement reconstruction over that span. This life cycle repeats forever. Unit costs from previous Town projects are \$3.13/SY for chip seal (each) and \$32.56/SY for pavement reconstruction. Over the course of the 20 year life cycle this results in a total Pavement Maintenance unit cost of \$38.82/SY. Using pavement areas provided by the applicant along with this unit cost we are able to calculate the total cost over the 20 year life cycle for the Haymeadow project. With 82,641 SY of pavement in Haymeadow and the unit cost of \$38.82/SY we anticipate a total cost of \$3,208,754. Dividing this total cost by 20 years results in an incremental annualized cost of \$160,438 for Pavement Maintenance at Haymeadow.

As with Operations, Pavement Maintenance costs will increase over time due to inflation therefore any revenue source intended to fund these costs must also adjust with inflation.

Assumptions, Weaknesses, and Other Points of Consideration

This analysis is based upon build-out conditions. Analysis of costs during the development of the Haymeadow project is much more complex and is beyond the scope of this memo.

As stated above, the Operations Analysis is based upon providing the same quality of service as provided today. Should the community desire a higher level of service this cost analysis would become invalid.

There will be some scale of economy that comes into play as our Operations grow, but I do not believe that this will significantly alter the Operations unit cost and this has not been factored into our calculations.

Capital equipment costs are not fully captured in this analysis. The cost of leasing one road grader for snow removal is included in the Operations costs, but there are no costs associated with replacing equipment owned by the Town. Much of our heavy equipment is approaching the end of its service life and will need to be replaced at significant cost. Although we replace light trucks on a more frequent basis, this analysis did not attempt to annualize the cost of these equipment purchases. Growth of the town's street system will require additional equipment and this analysis does not capture the cost of these purchases.

The 20 year cycle of Pavement Maintenance activities is based upon the assumption of a high level of initial construction quality. Although we take great care to ensure that the roadways dedicated to the Town are built with high quality, this is always compromised to some degree by the developer's desire to minimize construction costs and the inability to completely mitigate all of the unknown subsurface soil conditions.

Although we have annualized Pavement Maintenance costs for the purpose of making an easy comparison with the RETA revenue, actual Pavement Maintenance costs will vary significantly by year. This creates a cash management dilemma that is not captured in the annualized costs presented here. This cash management dilemma is complicated by the inherently variable nature of the RETA revenue stream.

The Town of Eagle Public Works Department

This analysis does not capture the maintenance and replacement costs associated with sidewalks and recreation paths. Staff is attempting to craft a development agreement for Haymeadow that places the burden of these costs on either the Metro District or HOA. Any approval of Haymeadow that includes Town responsibility for this maintenance would significantly increase our projection of Pavement Maintenance costs.

We have taken the applicant's estimation of the revenue produced by the RETA as accurate. Should the RETA revenue differ from what is projected our calculation of the percentage RETA necessary to cover the Streets costs would be invalid.



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays



Memorandum

To: Board of Trustees
From: Tom Boni
Re: Haymeadow Local Employee Residency Program (LERP) Requirements
Date: February 11, 2014

We have been meeting with the applicant to discuss his proposal to substitute a .15% Real Estate Transfer Assessment Fee for participation in the Town's Local Employee Residency Program. The purpose of this memo is to provide the Board a framework for consideration of this proposal.

The extent of Abrika Properties' application for Special Review for a variance from the "strict application" of the Local Employee Residency Program's Requirements and Guidelines (LERP) by a Developer is unique for the Town of Eagle. The Bluff's Subdivision requested a land dedication to Habitat for Humanity in lieu of building vertical product. In their case, they were not constructing any vertical product. We have occasional requests for a variance from the "strict application" of various terms of the ordinance. Tracy Barber, as an owner of a LERP property, had requested relief from the deed restriction obligation in a resale situation during the depths of the Recession. Her application for a variance was not granted with the terms she had requested.

The Town Board of Trustees has some latitude in the "strict application" of various provisions of program's Requirements and Guidelines as outlined in this memo. The information provided below is provided to clarify that latitude.

A. ORDINANCES AND REGULATIONS

There are two documents pertinent to the Town's Local Employee Residency Program

1. Local Employee Residency Program, Requirements and Guidelines (Requirements and Guidelines) adopted by Resolution.

2. Ordinance of the Trustees codified in Section 4.04.120 of the Land Use and Development Code (Code).

(Portions of these documents are attached with appropriate sections highlighted for your convenience.)

The provisions of both of these documents are generally the same although there are two key differences worthy of note:

- The first is that there is a Special Review provision in the Requirements and Guidelines for a variance from the strict application of these Guidelines. This provision is not included in the Code.
- The second is statement in Section 4,04.120.E.3 of the Land Use and Development Code that “*a cash payment in lieu of Local Employee Residences shall not be permitted.*” This statement is not included in the Requirements and Guidelines and therefore is not subject to a variance.

Staff has discussed provisions of both the LERP Requirements and Guidelines and the Code with Ed Sands and he has indicated that the Trustees have the ability to grant a variance from the “strict application” of the Requirements and Guidelines provided requisite findings are made.

B. SPECIAL REVIEW - VARIANCE FROM LERP REQUIREMENTS AND GUIDELINES

The variance shall be based on:

1. Unusual hardship or special circumstance
2. Variance consistent with LERP’s intent and purpose

Findings:

1. Will not cause substantial detriment to public good
2. Will not substantially impair the intent and purposes of the (LERP) Requirements Guidelines
3. Consideration:
 - a. Substantial detriment to the public good – very subjective
 - b. Purpose of Program- less subjective:
 - i. Create affordable housing supply
 - ii. 10% affordable
 - iii. Product distributed throughout development
 - iv. Permanently affordable

C. SUMMARY OF LERP PURPOSE:

- Increase the supply of affordable housing to a broad range of citizens.
- Requirement that new residential development of ten (10) or more units provide at least 10% of housing that is affordable to lower and moderate income households as defined in the LERP Requirements and Guidelines.
- LERP units should be disbursed throughout new development and these units will be produced in proportion to the market rate housing in any new development.
- Affordable housing is a valuable community resource that needs to remain available to both current and future residents and employees. Therefore, units produced through this program will remain permanently affordable.

D. DISCUSSION

To assist the Trustees in their consideration of a variance to the LERP Program, the staff has prepared examples that illustrate four potential variations from the “strict application” from the Requirements and Guidelines from lesser to greater.

For instance where LERP would require 20 multifamily deed restricted condominiums, 10, townhouse deed restricted units and 10 single family deed restricted units as a proportional product mix,

1. A developer requests a variance to provide 35 deed restricted condominium units and 5 single family deed restricted units. *This would meet the substantial intent and be considered an acceptable variation to the strict application of the product mix requirement.*
2. A developer requests a variance to provide 50 condominium units between 900 and 1,200 sf. without deed restrictions. *This is primarily an interpretation of the LERPs purpose of providing permanently affordable housing. Would small square footage units without deed restrictions result in permanently affordable housing?*
3. A developer requests a variance to provide a down payment assistance fund to assist in the financing of affordable housing with and without deed restrictions. *A revolving loan down payment assistance program is a common tool for many affordable housing programs. Eagle County Housing Authority has such a program and it has been successful. See memo from Tori Franks. This stretches the intent of the variance provision quite a bit but it is within the Board's latitude to make a decision.*
- 4.

5. A developer requests a variance to provide a \$50,000 cash in lieu payment for each deed restricted dwelling unit otherwise required by the Program. *Current (LERP) Code does not allow this approach and a variance is not an option. The Code would need to be revised.*

It is unclear as to what challenges might result from a significant variance from the LERP Requirements and Guidelines or how granting such a variance will affect the Town's ability to enforce LERP Ordinance in other development applications. Granting such a variance would set a new precedent. According to Town Attorney Ed Sands, approval of the variance requested by Abrika Properties could cause other developers affected by LERP to raise significant legal issues. If the Board of Trustees desires to grant the variance requested, the Board's motion should make specific findings using the criteria listed in Sections (B) and (C) above.

The Board of Trustees has suggested that the Town review and potentially modify LERP to be more creative and increase its effectiveness. This will require significant study, public input and process. If LERP is revised, the Haymeadow PUD could be made subject to any favorable changes at the developer's option.

TOWN OF EAGLE LOCAL EMPLOYEE RESIDENCY PROGRAM

REQUIREMENTS AND GUIDELINES

I. PROGRAM PURPOSE

The purpose of the Local Employee Residency Program for the Town of Eagle is to increase the supply of housing that is affordable to those who live and/or work in the Town. However, this program does not exclude those who live and/or work elsewhere. In recent years, the cost of housing has increased at a rate that is faster than the increases in the earnings of low to moderate-income households. This, in turn has affected the ability of the community to retain and attract employees.

The Town of Eagle Local Employee Residency Program requires new residential development of ten (10) or more units to provide at least 10% of the housing that it produces as affordable to households defined herein. The program also seeks to distribute community housing throughout new developments and that these units will be produced in proportion to market rate housing that is constructed in any new development.

Lastly, the Town of Eagle recognizes that affordable housing is a valuable community resource that needs to remain available for not only current residents and employees, but also those who may come to the area in the future. For this reason, units that are constructed or provided through this program will be held as permanently affordable. This will require deed restrictions or other methods that assure that prices remain affordable over time.

II. DEFINITIONS

The terms, phrases, words and clauses in the Local Employee Residency Requirements and Guidelines shall have the meaning assigned below. Any terms, phrases, words or clauses not defined herein shall have the meanings as defined the Town of Eagle Municipal Code. Any terms, phrases or words not defined in the code shall have the meaning assigned in Webster's Third New International Dictionary, 1993, Unabridged.

Area Median Income

The local estimates of median family income estimates and program income limits compiled and released annually by the U.S. Department of Housing and Urban Development. These figures are utilized in these guidelines and requirements to assist in the establishment of initial maximum sales prices for Local Employee Residences.

administrator and a determination of the priority of potential qualified buyers, if necessary.

V. SPECIAL REVIEW

A Special Review for a variance from the strict application of these Guidelines may be requested if an unusual hardship or special circumstance can be shown, and the variance from the strict application of the Guidelines is consistent with the Local Employee Residency Program intent and policy. In order to request a Special Review, a letter must be submitted to the program administrator stating the request, with documentation regarding the unusual hardship or special circumstance. The Applicant shall submit any additional information reasonably requested by the program administrator and a Special Review meeting will be scheduled in a timely manner.

The Town Board may grant the request, with or without conditions, if the approval will not cause a substantial detriment to the public good and without substantially impairing the intent and purpose of the Guidelines, and if an unusual hardship or special circumstance is shown.

VI. GRIEVANCES – ALTERNATIVE DISPUTE RESOLUTION

A. Agreement to Avoid Litigation

All persons subject to Ordinance No. 19, Series of 2002, including developers, purchasers of Local Employee Residences, the Town of Eagle, Colorado, and any duly designated housing authority (collectively, "Bound Parties"), agree to encourage the amicable resolution of disputes involving such Ordinance, and these Requirements and Guidelines, without emotional and financial costs of litigation. Accordingly, each Bound Party covenants and agrees that those claims, grievances or disputes described herein ("Claims") shall be resolved using the mediation and arbitration procedures set forth below.

B. Claims

Unless specifically exempted below, all claims, grievances or disputes arising out of or relating to the interpretation, application or enforcement of Ordinance No. 19, Series of 2002, and these Requirements and Guidelines, or the rights, obligations and duties of any Bound Party under such Ordinance and these Requirements and Guidelines shall be subject to the provisions of this Section. The Town is not required to follow the alternative dispute resolution process set forth in this Section when seeking equitable relief to enforce the terms of the Ordinance, these Requirements and Guidelines, or a master deed restriction, including but not limited to, an action for specific performance or injunctive relief. The alternative dispute resolution process also does not apply to the Town's criminal enforcement of Ordinance No. 19, Series of 2002.

C. Mandatory Procedures

INCLUSIONARY RESIDENTIAL REQUIREMENTS FOR LOCAL EMPLOYEE RESIDENCY

- A. Purpose. The purpose of this Section is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town. In recent years, the cost of housing has increased at a rate much faster than the increases in the earnings of low to moderate-income households. This Section will prevent the Town of Eagle's land use regulations applicable to residential development from having the effect of excluding housing that meets the needs of all economic groups within Eagle.

This Section requires new residential development to provide at least 10% of the housing that it produces to be affordable to lower and moderate income households as further defined in the Local Employee Residency Requirements and Guidelines. Local Employee Residences shall be obtainable by persons having lower and median incomes, paying not more than 33% of their household income for mortgage principal and interest payments, insurance, and property taxes, but excluding homeowners' association assessments. Local Employee Residences should be disbursed throughout the community and, when possible, integrated into the existing community fabric.

The Town of Eagle recognizes that affordable housing is a valuable community resource that needs to remain available not only for current residents and employees, but also for those who may come to the area in the future. For this reason, deed restrictions or other methods that assure that prices remain affordable over time are necessary.

- B. Definitions. The terms, phrases, words and clauses used in this Section shall have the meaning assigned below. Any terms, phrases, words, and clauses not defined herein shall have the meaning as defined in other parts of the Eagle Municipal Code. Any terms, phrases, or words not defined in such Code shall have the meaning assigned in Webster's Third New International Dictionary, 1993, unabridged.
1. Area Median Income: Median family income estimates and program income limits compiled and released annually by the U.S. Department of Housing and Urban Development. Such figures shall be utilized by the Town in the establishment of initial maximum sales proceeds for Local Employee Residences.
 2. Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any excavation or other land disturbance; or any use or extension of use that alters the character of the property.
 3. Dwelling: A building or portion thereof or a mobile home used for residential occupancy, not including motels, hotels, or other overnight lodging accommodations.

E. Residential Development Requirements

1. Number of Local Employee Residences Required. All residential annexations, new residential subdivisions, new planned unit developments containing residential units, development permits for new multi-family residential developments and special use permits for high density multi-family dwellings, approved after the effective date of this Section, containing ten (10) or more residential units, shall set aside at least 10% of those units as Local Employee Residences as defined in this Section and the Town's Local Employee Residency Requirements and Guidelines. In addition, the developer of such project shall construct Local Employee Residences in accordance with the Local Employee Residency Requirements and Guidelines. For those development of less than thirty (30) units whose calculation results in a fraction of a unit, the local Employee Residence requirement shall be rounded down to the nearest integer. For those developments of thirty (30) or more residential units whose calculation results in a fraction of a unit, the Local Employee Residence requirement shall be rounded to the nearest integer (up or down).
2. Determination of Mix Units. The mix of Local Employee Residences available for purchase shall average a price affordable to households earning 90% of the Maximum Income Limits as set forth in the Town's Local Employee Residency Requirements and Guidelines. The affordable price shall be calculated based on mortgage principal, interest, taxes, and insurance, not to exceed 33% of gross household income. The calculation shall assume a 95% loan to value ratio, and a 30-year mortgage at prevailing interest rates. The average price may be achieved by providing units affordable to households not greater than 100% of the Maximum Income Limits as set forth in the Town's local Employee Residency Requirements and Guidelines.
3. Location and Character of Local Employee Residences. Local Employee Residences shall be distributed throughout the proposed development, to the extent possible. Off-site housing will not be approved. **A cash payment in lieu of Local Employee Residences shall not be permitted.** The proposed character and density of Local Resident Housing units shall be compatible with the surrounding land uses and neighborhood character, and suitable for the proposed site. Development and construction of Local Resident Housing units shall comply with all other requirements of Title 4 of the Eagle Municipal Code.
4. Schedule for Construction of Local Employee Residences. A developer shall construct the required Local Employee Residences prior to, or concurrently and proportionally with, the production of market rate housing or the sale of market rate lots. Prior to receiving development approval, the developer shall provide the Town with a proposed construction schedule for approval by the Town that clearly delineates the start and completion dates of the production of market rate units and/or the sale of market rate lots and the construction of Local Employee Residences in accordance with the Town's Local Employee Residency Requirements and Guidelines.



MEMORANDUM

TO: Jon Stavney & Town Board of Trustees
FROM: Ric Newman
DATE: February 7, 2014
RE: Off-site traffic improvements

Thank you for the time your staff has spent with us following the Town Board hearing of January 28th. The ongoing dialog has helped us further understand the position of the Town to structure the Haymeadow plan in such a manner as to allow for certain off-site road improvements to be completed.

Our understanding is that the Town of Eagle has asked the Haymeadow project for the following off-site roadway improvements:

- (1) Haymeadow to be responsible for the completion of the proposed Brush Creek Road extension. This will include design, any necessary r.o.w. acquisition costs and all construction costs. The estimated costs for this improvement is \$3,000,000.
- (2) Haymeadow contribute \$700,000 towards the PEL Study for Highway 6.
- (3) Street Improvement Fees of approximately \$671,000 will be paid by the project as outlined in the Town Code.

We are willing to commit to these improvements in consideration of the following request.

In order to absorb the economic impact of these costs, in addition to the other substantial off-site costs and the street impact fees we would request the following modifications to the Haymeadow plan:

- (1) We request relief from construction of 50% of our LERP requirement. We would like to structure a down payment assistance program using the 0.15 RETA allocation in lieu of this 50% of the LERP requirement. We would build the remaining 50% of the LERP requirement on-site.
- (2) We request a 50-unit addition of density to the overall plan. These units would be added to Neighborhoods A1, A2, B and C in a fairly even manner.

Substituting a down payment assistance plan for half of our required LERP units allows a portion of our approved density currently allocated to the LERP program to contribute to the economic viability of the project. The down payment assistance program would provide a viable mechanism for providing affordable housing and would create a diversified program. The adjusted Haymeadow density with the additional 50 units would be 837 units. The total LERP requirement of 10% equates to 84 units. Haymeadow will be responsible for the construction of 42 units on-site and will utilize the following structure for the remaining 42 units.

Haymeadow will allocate 0.15% of the proposed 1% Real Estate Transfer Assessment (“RETA”) to a down payment assistance program. This 0.15 RETA fee would generate approximately \$73,796 per year in perpetuity. Over a period of just 15 years starting in year 7 this fund would generate \$1,106,937. This amount would represent a de-facto fee-in-lieu payment of \$26,355 per unit.

Haymeadow is designed and oriented towards the local housing market and includes, particularly in the first two phases, a significant amount of multi-family residential that will serve the entry level housing market. The accelerated construction of the Brush Creek Road extension also provides a significant off-site benefit of adding value to a parcel of land owned by Eagle County that will potentially be used for affordable housing.

The additional fifty units of density would be absorbed within Neighborhoods A1, A2, B and C by adding twelve units to Neighborhood A1, ten units to Neighborhood A2, fourteen to Neighborhood B and fourteen to Neighborhood C. There would be no increase of density to Neighborhood D. In order to accommodate this additional density we would request some minor plan revisions and minor changes to the size of these neighborhoods. Overall, we would propose to increase the total development bubble area of 235 acres by 19 acres (8%). In Neighborhood A1 the development area would increase by 3.4 acres and the combined school dedication & park site would decrease from 36.3 to 32.9 acres. Neighborhood A2 would increase by 5 acres and Neighborhood B by approximately 7 acres. Neighborhood C would increase by approximately 3.7 acres. The adjacent open space areas would be adjusted to balance. In addition, we would relocate the maintenance site away from Neighborhood C to a site across Ouzel Lane adjacent to the fire station. There would be no change to the size of Neighborhood D. If this concept is acceptable we will revise the PUD Development Plan accordingly. A concept plan showing these proposed revisions graphically has been attached to this memo.

We appreciate the Town’s desire for providing an aggressive off-site road improvement plan on an accelerated timetable and look forward to creating a mechanism that allows Haymeadow the ability to deliver those improvements while maintaining the economic viability to move forward.

We believe that this proposal for funding a total of \$4,371,000 of off-site roadway improvements, in addition to the Sylvan Lake Road re-alignment costs absorbed by the plan, represents a significant public benefit to the community. We also believe the revisions described above will allow us to move forward in a manner that maintains the intent and character of the Haymeadow plan. Our understanding from discussions with Town staff is that these proposed revisions do not materially change the zoning plan such that the file would require a re-submittal.



MEMORANDUM

TO: Jon Stavney & Town Board of Trustees
FROM: Ric Newman
DATE: February 7, 2014
RE: Haymeadow road maintenance

The purpose of this memo is to provide information related to the Town Board discussion related to two points of discussion regarding the Haymeadow plan.

- (1) Haymeadow road maintenance cost analysis.
- (2) An increase in the proposed Haymeadow RETA contribution to the Town of Eagle

We believe that the fiscal analysis of the Haymeadow plan indicates that the project does cover both operational and capital costs to the Town of Eagle for road maintenance, repair and replacement. The fiscal analysis with the proposed 0.25% RETA contribution shows the project provides revenues to meet the increased general fund operational costs.

We understand that the Town budgeting for street repair and replacement has not been adequate in the past and that these costs moving forward should be analyzed carefully. We also believe that the Haymeadow generated Use Tax, which is specifically allocated to the Town Capital Improvements Fund, must be recognized and included in the capital repair and replacement cost analysis.

Based on the annualized cost estimate of \$160,438 for pavement maintenance at Haymeadow we believe the Use Tax more than covers this impact to the Town. The attached chart demonstrates that the Use Tax, estimated at \$708,270 annually by year 2020, will generate a substantial fund that can be utilized to cover these costs. If these dollars are held in a fund and generate 3% interest the Town would have the ability to remove substantial monies for other projects, such as Highway 6 improvements, and still generate more than the \$160,438 annualized Haymeadow road repair costs in perpetuity. The chart illustrates a removal of \$5 million dollars from the fund in year 2026.

Haymeadow has proposed implementation of a 1% RETA for sales within the project. The proposed allocation of this 1% fee is 0.25 to the Town of Eagle, 0.15 to a down payment assistance program and 0.6 to the Haymeadow HOA.

We have modeled the RETA allocation on the Eagle Ranch RETA program. The Eagle Ranch RETA allocates 0.6 to fund the Eagle Ranch HOA. The Town of Eagle has asked Haymeadow to be responsible for the maintenance and capital costs for significant aspects of the project. We believe that the greater responsibilities and therefore greater expenses in Haymeadow illustrate a critical need for the Haymeadow HOA allocation to be no less than 0.6%.

In conclusion, we believe that the Use Tax generated by the Haymeadow project should be an integral part of any capital cost analysis and that the Use Tax proceeds will be more than sufficient to fund the repair and replacement costs associated with the Haymeadow street system. We believe that the RETA structure is appropriate as proposed. The concept that an increase in the RETA fee does not affect the development bottom line is not correct. Any increase in the 1% RETA fee places Haymeadow in a very negative competitive situation and has a direct impact to the project.

Year	Use Tax Revenue	Invest @ 3%	Fund Balance	***	3%	Interest Income
2016	\$322,243	1.03	\$331,910		0.03	\$12,889.72
2017	\$384,784	1.03	\$738,195		0.03	\$22,145.85
2018	\$422,309	1.03	\$1,195,319		0.03	\$35,859.58
2019	\$647,456	1.03	\$1,898,058		0.03	\$56,941.75
2020	\$708,270	1.03	\$2,684,518		0.03	\$80,535.55
2021	\$708,270	1.03	\$3,494,572		0.03	\$104,837.16
2022	\$708,270	1.03	\$4,328,927		0.03	\$129,867.82
2023	\$708,270	1.03	\$5,188,313		0.03	\$155,649.40
2024	\$708,270	1.03	\$6,073,481		0.03	\$182,204.42
2025	\$708,270	1.03	\$6,985,203		0.03	\$209,556.10
2026	\$708,270	1.03	\$2,924,277	\$5,000,000	0.03	\$87,728.32
2027	\$708,270	1.03	\$3,741,524		0.03	\$112,245.71
2028	\$708,270	1.03	\$4,583,288		0.03	\$137,498.63
2029		1.03	\$4,720,786		0.03	\$141,623.59
2030		1.03	\$4,862,410		0.03	\$145,872.30
2031		1.03	\$5,008,282		0.03	\$150,248.46
2032		1.03	\$5,158,531		0.03	\$154,755.92
2033		1.03	\$5,313,287		0.03	\$159,398.60
2034		1.03	\$5,472,685		0.03	\$164,180.55
2035		1.03	\$5,636,866		0.03	\$169,105.97
2036		1.03	\$5,805,972		0.03	\$174,179.15
Total						\$2,587,324.55

Capital fund withdrawal of \$5,000,000 in 2026

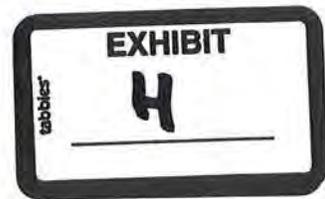
**Review For Hearing On:
February 11, 2014**

	Town Staff	Planning & Zoning Commission (P&Z)	Town Board of Trustees (TBOT)		
Comprehensive Plan ¹	■	■	■	P&Z / TBOT	
PUD Guide	■	■	■		
PUD Development Plan Map	■	■	■		
On-Site Roadways	■	■	■		
Open Space / Trails	■	■	■		
Construction Phasing (On-Site)	■	■	■		
Traffic Impacts / Mitigation	■	▣	■	TBOT	
Construction Phasing (Off-Site)	■	□	■		
Public Facility Impact	■	□	■		
Adequate Public Facilities	■	□	■		
Fiscal Analysis	■	□	■		
Financial Responsibilities (On-Site)	■	□	■		
Financial Responsibilities (Off-Site)	■	□	■		
Metropolitan District	■	□	■		
Water Rights	■	▣	■		
Development Impact Report	■	■	▣		Primarily P&Z
Trailhead Park Design	■	■	▣		
Natural Open Space	■	■	▣		
Architectural Character	■	■	▣		
Sustainable Design	■	■	▣		
Streetscape Design	■	■	▣		
Landscape Plan	■	■	▣		
Wildlife Report	■	■	▣		
Subdivision Preliminary Plan	■	▣	▣		
Vegetation Assessment	■	▣	▣		
Utilities ²	■	▣	▣	Primarily Town Staff	
Traffic Analysis (Report)	■	□	▣		
Wetlands	■	▣	▣		
Geology	■	▣	▣		
Drainage / Grading	■	▣	▣		
Surface Water Protection	■	▣	▣		

Level of Review

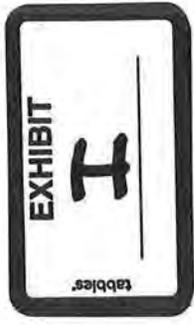
- - Full Review
- ▣ - Partial Review
- ▢ - Minor Review
- - No Review

■ - Current Agenda Item



¹ Includes the Eagle Area Community Plan and the Eagle Area Open Lands Conservation Plan

² Includes Sanitary Sewer System, Potable Water System, Irrigation System



DRAFT Haymeadow Ownership/Maintenance/Dedication Table 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
<i>Open Space/Wetlands/Wildlife Corridor</i>						
Haymeadow Upland Open Space	Town	Town	Town (Open Space Fund)	With first Final Plats for each Neighborhood	Plowing of Asphalt path to Pool and Ice Rink by HOA or Metro	<ul style="list-style-type: none"> ▪ Applicant shall submit an open space vegetation restoration and weed suppression plan to the Town with Final Plat. ▪ Applicant shall be responsible for native re-vegetation of open space where noxious weeds have taken over. ▪ Open Space not yet platted and dedicated shall have a continued recreation easement (or agreement) for use of existing trails. ▪ Boundary of Northern tract of Open Space is roughly the asphalt trail, more precisely the back lot lines to BLM. Southern boundary dedicated with each adjoining plat. ▪ Fence line shall be repaired (or completed as necessary) prior to Certificates of Occupancy in Neighborhood A1. ▪ Maintain and timely repair the boundary fence to ensure that cattle on adjacent public lands do not enter upon the open space lands and developed lands within the Haymeadow PUD.
BLM and Upper Ranch Boundary Fence	Town	HOA or Metro District	HOA or Metro District	With first Final Plat of Neighborhood A1	N/A	

DRAFT Haymeadow Ownership/Maintenance/Dedication Table 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Open Space/Wetlands/Wildlife Corridor (continued)						
Brush Creek Agricultural, Wildlife & View Corridor	Town	HOA or Metro District	HOA or Metro District	With first Final Plat of Neighborhood D	N/A	<ul style="list-style-type: none"> ▪ Agreement between the Town & HOA or Metro District that requires HOA or Metro District to maintain Agricultural Use(s) on these lands. ▪ Agricultural uses (other than haying) to be mutually agreed upon by both parties ▪ Landscape berm to be vegetated, not in Agricultural use. ▪ Will the Town be allowing public access across the agricultural lands prior to development in Neighborhood D? If so, access to the Log Cabin trailhead should be discussed.
"Willow Tree Corridors"	Town	HOA or Metro District	HOA or Metro District	With adjacent first Final Plats	Plowing of Paved paths by HOA or Metro	<ul style="list-style-type: none"> ▪ The three North-South willow corridors shall have Lot line to lot line dedication to the Town.
Weed and Pest Control – Open Space	N/A	HOA or Metro District	HOA or Metro District	N/A	N/A	<ul style="list-style-type: none"> ▪ Town agreement for standards to be in Development Agreement and later agreement with HOA or Metro District.
Parks						
Pavilion Buildings at "Ouzel Park" (Trailhead Park)	Town	Town	Town	With first Final Plat of Neighborhood A1, at completion of construction	Metro District	<ul style="list-style-type: none"> ▪ Buildings Managed and Scheduled by Town.
Metro District Building at "Ouzel Park" (Trailhead Park)	HOA or Metro District	HOA or Metro District	HOA or Metro District	N/A	Metro District	<ul style="list-style-type: none"> ▪ Building at park for Metro District and HOA offices and storage, small meeting space.

DRAFT Haymeadow Ownership/Maintenance/Dedication Table 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Parks (continued)						
"Ouzel Park" (Trailhead Park) (not including Buildings)	Town	HOA or Metro District (or Town)*	HOA or Metro District	Accepted by the Town at completion of construction during Phase 1	HOA or Metro	<ul style="list-style-type: none"> ▪ Public access and drainage easements. ▪ Level of maintenance to be jointly determined thru Town & HOA/Metro District Agreement, if maintained by the Town. ▪ Dedicated Haymeadow "Ouzel Park" (Trailhead Park) budget for maintenance and replacement, if maintained by the Town. ▪ Operating agreement if raw water system is owned by party other than that managing property and land.
Neighborhood A1 Green space and "Neighborhood Park"	HOA or Metro District	HOA or Metro District	HOA or Metro District	With completion of improvements**	HOA or Metro	<ul style="list-style-type: none"> ▪ Town prefers the "Neighborhood Park" not be owned and maintained by an adjoining property HOA, but by the Haymeadow HOA or Metro District. ▪ This park is within the loop road and is surrounded by interior properties in Neighborhood A1, and contains the main pedestrian pathway through the development from the willow corridor to the future school site.

* Are the maintenance/replacement tasks for "Ouzel Park" (Trailhead Park) specialized enough (in equipment and amenities) that the park ought to be managed, on a daily basis, by full time staff as opposed to being managed on a less frequent basis by an outside contractor? Most other mowing will be HOA responsibility and will be contracted with private entity.

** "Neighborhood Park" to be part of first Final Plat of Neighborhood A1 and to be constructed as part of the Subdivision Improvements Agreement. Remaining neighborhood green space to be dedicated and constructed with adjacent multi-family development within Neighborhood A1.

DRAFT Haymeadow Ownership/Maintenance/Dedication Table 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Parks (continued)						
Specific improvements within Neighborhood A1 Green space and "Neighborhood Park"	Haymeadow HOA or Metro District	HOA or Metro District	HOA or Metro District	N/A	HOA or Metro District	<ul style="list-style-type: none"> Town and Developer to agree which improvements/features are "pocket park" features remaining responsibility of adjoining property HOA, and which improvement/features are of use/value to larger community and thus responsibility of Haymeadow HOA or Metro District. To be determined at first Final Plat of Neighborhood A1. Town agreement for standards to be in Development Agreement and later agreement with HOA or Metro District.
Weed and Pest Control - Parks	N/A	HOA or Metro District	HOA or Metro District	N/A	N/A	
Trails						
Paved Recreation Paths	N/A	HOA or Metro District	HOA or Metro District	With first Final Plats	HOA or Metro District	<ul style="list-style-type: none"> Path system is regional amenity passing through this development. Control runoff to avoid erosion damage. Sweep paved paths semi - annually. Repair damaged surfaces as needed. Plow snow from designated school route paths any day that school is in session by 7:00 a.m. when snow accumulations exceed (or may reasonably be expected to exceed) 2" as assessed between 04:00 and 5:00 a.m. daily. Ownership, Maintenance, Revenue Source, Timing of Dedication to follow property on which it resides. Connect to loops at Brush Creek Open Space. Control runoff to avoid erosion damage. Repair damaged surfaces as needed. Not yet identified or located.
Soft Crusher Fines Paths	N/A	HOA or Metro District	HOA or Metro District	With first Final Plats	HOA or Metro District	
Pedestrian Lighting of Trails	N/A	HOA or Metro District	HOA or Metro District	N/A	N/A	

DRAFT Haymeadow Ownership/Maintenance/Dedication Table | 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Trails (continued)						
Dirt Trails on Upland Open Space and School/Recreation Site	Town	Town	Town Open Space	With first Final Plats for each Neighborhood	N/A	<ul style="list-style-type: none"> Control runoff to avoid erosion damage. Repair damaged surfaces as needed.
Dirt Trails in Willow Tree Corridors, Ouzel Park, Wetlands, and all other parks and public spaces.	Town	HOA or Metro District	HOA or Metro District	With first Final Plats for each Neighborhood	N/A	<ul style="list-style-type: none"> Control runoff to avoid erosion damage. Repair damaged surfaces as needed.
Willow Trailhead	Town Open Space	HOA or Metro District	Town and/or HOA or Metro District	With nearby first Final Plat	HOA or Metro District	<ul style="list-style-type: none"> Scope of trailhead to be determined with Log Cabin site discussion.
Road Gulch Trailhead	Town Open Space	TBD	TBD	TBD	TBD	<ul style="list-style-type: none"> Scope of trailhead to be determined with Log Cabin site discussion.
Transportation						
Roads, Curb and Gutter in Rights-of-Way	Town	Town	Town GF	With first Final Plats	Town	<ul style="list-style-type: none"> All curb and gutter in the Town rights-of-way, and all pavement in vehicle travel lanes in the Town rights-of-way. All vegetation in rights-of-way whether in landscape strip between sidewalk and curb, in road median areas or Open Space areas adjacent to road within designated rights-of-way.
Landscaping in Rights-of-Way	Town	HOA or Metro District	HOA or Metro District	When improvements completed and accepted	Fire hydrant snow removal by HOA or Metro District	<ul style="list-style-type: none"> Fire hydrant snow removal by HOA or Metro District
Street Lights in Rights-of-Way	Town	Town	Town	With street improvements		<ul style="list-style-type: none"> Snow removal on sidewalks and bike paths within the Haymeadow development should be the responsibility of one entity, not multiple entities, for coordination sake. Plow snow from designated school route paths any day that school is in session by 7:00 a.m. when snow accumulations exceed (or may reasonably be expected to exceed) 2" as assessed between 4:00 a.m. and 5:00 a.m. daily.
Sidewalks/Paths in Rights-of-Way	Town	HOA or Metro District	HOA or Metro District	With street improvements	HOA or Metro District	<ul style="list-style-type: none"> Snow removal on sidewalks and bike paths within the Haymeadow development should be the responsibility of one entity, not multiple entities, for coordination sake. Plow snow from designated school route paths any day that school is in session by 7:00 a.m. when snow accumulations exceed (or may reasonably be expected to exceed) 2" as assessed between 4:00 a.m. and 5:00 a.m. daily.

DRAFT Haymeadow Ownership/Maintenance/Dedication Table | 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Transportation (continued)						
Alleys	HOA or Metro District	HOA or Metro District	HOA or Metro District	N/A	HOA or Metro District	<ul style="list-style-type: none"> ▪ Snow removal on alleys within the Haymeadow development should be the responsibility of one entity, not multiple entities, for coordination sake. ▪ Public access and utility easements. ▪ Repair, maintain, and replace alley paving to provide a traveled surface similar to other public streets within the Town of Eagle. ▪ Plow snow from alleys by 7:00 a.m. daily when snow accumulations exceed (or may reasonably be expected to exceed) 2" as assessed between 4:00 a.m. and 5:00 a.m. daily.
Parallel On-Street Parking within Town Rights-of-Way	Town	HOA or Metro District (Or Town?) Enforcement by the Town	HOA or Metro District (Or Town?)	With adjoining street	HOA or Metro	<ul style="list-style-type: none"> ▪ Common parking lane adjacent to vehicle travel lanes in the Town's rights-of-way within neighborhoods, not parking at designated trailheads.
Perpendicular Parking within Town Rights-of-Way	Town	HOA or Metro District Enforcement by the Town	HOA or Metro District	N/A	HOA or Metro	<ul style="list-style-type: none"> ▪
Parking Lot Lights	HOA or Metro District	HOA or Metro District	HOA or Metro District	N/A	N/A	<ul style="list-style-type: none"> ▪

DRAFT Haymeadow Ownership/Maintenance/Dedication Table 2014

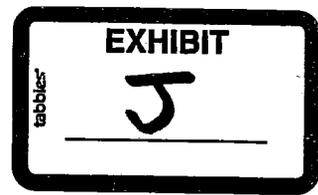
Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Storm Drainage						
Public Drainage Facilities within Public Rights-of-Way and Open Space	Town	Town	Town	Final Acceptance as determined by the Town Engineer. Ownership shall be identified on a Storm Drainage Map included with each filing.		<ul style="list-style-type: none"> Town responsible for maintaining drainage functionality, HOA or Metro may be responsible for overlying landscaping. Public Drainage Facilities: Includes curbs, gutters, roadside ditches, grates, inlets, culverts, and detention ponds. Private Drainage Facilities: Includes curbs, gutters, roadside ditches, grates, inlets, culverts, and detention ponds. Culverts for private driveways are the responsibility of the owner of the driveway.
Private Drainage Facilities	HOA or Metro District	HOA or Metro District	HOA or Metro District	Ownership shall be identified on a Storm Drainage Map included with each filing.		
Utilities						
Shallow Utilities	Each Entity is responsible for their own utility					
Deep Utilities	Town	Town	Town	Final Acceptance as determined by Town Engineer	N/A	<ul style="list-style-type: none"> Shallow Utilities: Electric Power, Natural Gas, Communication Cables. Deep Utilities: Water Main and Sanitary Sewer Main Systems.
Non Potable System						
Irrigation Ditches and Ponds	N/A	Metro District	Metro District	N/A	N/A	<ul style="list-style-type: none"> Service agreements with Town for Recreation site, parks, etc. and with ECSD for School site, with HOAs for local parks. Irrigation ditches and ponds to be operated seasonally. No snow removal required.
Pump Back System	N/A	Metro District	Metro District	N/A	N/A	
Water Features	N/A	Metro District	Metro District	N/A	N/A	

DRAFT Haymeadow Ownership/Maintenance/Dedication Table | 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Fire Station/Maintenance Facility/School Site/Recreation Site						
Fire Station	Fire District	Fire District	Fire District	With first Final Plat of Neighborhood A1		<ul style="list-style-type: none"> ▪ Dedicated to Town/Transferred to District (Impact Fee Credit discussion). ▪ Timing of construction to be determined in separate agreement with Fire District.
Joint Town & Metro District Maintenance Facility	Town and Metro District	Town and Metro District	Developer Dedication of land and facility to Town Construction of facility by Metro District	With first Final Plat of Neighborhood A1		<ul style="list-style-type: none"> ▪ TBD— Pending space planning and needs analysis by both entities whether joint yard/building works or if separate land dedications.
School Site (prior to School construction)	Town	Metro District	Metro District	With first Final Plat of Neighborhood A1		<ul style="list-style-type: none"> ▪ Town contract with ECSD on land in trust for school use/or later sale for development with purchase being fee in lieu to ECSD, RFR to Arika in DAA. ▪ Agreement between the Town & Metro District requiring Metro District to maintain healthy native vegetation until developed. Minimize disturbance of vegetation prior to construction of School. Interim Uses ???
School Site (when School constructed)	School District	School District	School District	When ECSD commits to build school at site		<ul style="list-style-type: none"> ▪ Agreement between the Town and School District regarding terms of title transfer
Recreation Site (prior to being developed)	Town	Metro District	Metro District	With first Final Plat of Neighborhood A1		<ul style="list-style-type: none"> ▪ Agreement between the Town & Metro District requiring Metro District to maintain healthy native vegetation until developed.
Recreation Site (when developed)	Town	Town and WECMRD	Town and WECMRD	With first Final Plat of Neighborhood A1	Town	<ul style="list-style-type: none"> ▪ Agreement between the Town and WECMRD.

DRAFT Haymeadow Ownership/Maintenance/Dedication Table | 2014

Item	Land Ownership	Maintenance/Replacement/Enforcement	Revenue Source	Timing of Dedication	Snow Removal	Notes/Comments
Other						
Mail Cluster Boxes	N/A	Master HOA or Metro District	Metro District	N/A		<ul style="list-style-type: none"> ▪ Owned by Master HOA or Metro District. ▪ FYI: Will have access road to water tank through site. ▪ FYI: is currently noted as trailhead location, use of that trailhead is not yet defined between BLM and Town. ▪ Will site be developed for public use prior to Tract D dedication? ▪ Clean up of Log Cabin site complete at first Final Plat for Neighborhood A1 for safety.
Log Cabin Site	Town	TBD	TBD	TBD		



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays

Memorandum

To: Jon Stavney
From: Kevin Sharkey, PE, Assistant Town Engineer
Re: Background Information: Eagle Ranch HOA Operations Budget
Date: February 7, 2014

As requested, I have compiled data from the Eagle Ranch Home Owners Association (ERHOA) operations budget. As you know, the majority of revenue for the ERHOA is from Operating Assessments (Annual Dues) and a 1% Real Estate Transfer Assessment (RETA).

Since 2010, the Operating Assessments have been \$300/lot for residential owners and \$300 for every 500 ft² of commercial space per Commercial Unit. Eagle Ranch has about 1,260 lots (~830 built residential units) and about 14 commercial units (~78,000 ft², not including golf course or medical center).

The 1% RETA is distributed as follows: 0.2% is to be used for the purpose of wildlife protection in the Wildlife Fund, 0.2% is to be delivered to the non-profit Eagle Ranch Housing Corporation to support housing assistance programs in Eagle County, and 0.6% is to be used to maintain the Associations common areas or, at the discretion of the Board, contributed to the Town of Eagle for the maintenance of Brush Creek Park.

The following is a look at the average revenue and expenses from 2010-2014

Revenues

Operating Assessments	\$395,970
0.6% RETA for Operations	\$205,720
Other Revenue	<u>\$43,615</u>
Total	\$645,305

Expenses

Administration	\$95,106
Operations	\$158,749
Design Review/Covenant Control	\$35,156
Fitness Center	\$125,405
Maintenance and Vehicle	\$270,946
Other Expenses	<u>\$27,249</u>
Total	\$712,611

OFFICE OF THE
BOARD OF COMMISSIONERS
970-328-8605
FAX: 970-328-8629
email: eagleadmin@eaglecounty.us
www.eaglecounty.us



JILL H. RYAN
KATHY CHANDLER-HENRY
SARA J. FISHER



January 28, 2014

Town of Eagle
Attn: Mr. Tom Boni
Post Office Box 609
Eagle, Colorado 81631

RE: Brush Creek Road Extension

Dear Tom:

As you may be aware, Eagle County Government owns a parcel of land in West Eagle commonly known as the Horse Pasture parcel. This parcel was purchased by the county in 2008 and has not been developed.

We understand that the Eagle Town Board is considering a request to the developer of the Haymeadow property that would require that the developer pay for and build the Brush Creek Road Extension within the next few years. While this letter is not intended as a letter of support for the Haymeadow project itself, if the Town Board does approve the project, we would encourage the Brush Creek Road extension to be built as early as possible.

Having this road extension built would not only assist in alleviating traffic on Capitol Street, it would also allow the county to realize the potential of the Horse Pasture parcel. With better access, this parcel could be developed into a community project such as an affordable housing project.

Thank you for your consideration.

Sincerely,
Eagle County Board of Commissioners

Jillian H. Ryan, Chairman



As the general manager of AmericInn in Eagle, I want to make a point about traffic in Eagle.

Traffic is good.

Yes, sometimes spending four or five minutes to get to your destination instead of two can be frustrating, but "more traffic" means a better economy, more patrons and customers, and ultimately more money.

The AmericInn enjoys some busy times of the year, like this year during the Mountain Bike State Championships, but we can always benefit from more business.

That's not to mention the benefit that will come from having a larger local population in Eagle when Haymeadow is built out. Yes, that will mean more traffic, but it also means that our business community will grow and thrive.

Approving Haymeadow is also a way for the Town to offset the cost of many improvements that we have to make anyway--with or without Haymeadow.

So yes—I'm okay with an increase in traffic. It means that there are more consumers and a better economy for Eagle. Haymeadow will improve Eagle for both businesses and residents; I'm prepared to accept a slightly longer drive if it means that our town is thriving.

--Lonnie Leto

Tom Boni

From: Anne Egan <anniesue@centurytel.net>
Sent: Tuesday, February 11, 2014 3:58 PM
To: 'Tom Boni'
Cc: Annie Egan
Subject: Letter to the Eagle Town Board for Feb. 11, 2014 meeting

To the Eagle Town
Board:

February 11, 2014

I have read Tom Gosiorowski's Memo dated Feb. 6, 2014 and have financial concerns, as he does about a few things. First of all, I would like to know how much more costs are being incurred at this very moment for all the snow removal and upcoming pot holes & road repairs resulting from the large snow storms we recently experienced. Has this been taken into account in Tom's figures?

Tom's 4th paragraph under "Assumptions, Weaknesses, and Other Points of Consideration" starts out by saying "Capital equipment costs are not fully captured in this analysis." This tells me that we probably need a more in-depth analysis so that we are certain we would be covered financially. The fact that "there are no costs associated with replacing equipment owned by the Town," and the fact that "much of our heavy equipment is approaching the end of its service life" concerns me a great deal. This must be considered in a more comprehensive analysis, don't you think?

Tom's 6th paragraph, he brings up a very important point about how the Pavement Maintenance costs can vary significantly year after year. He goes on to say, "This creates a cash management dilemma." This is certainly of great concern as is his next comment that the costs are "complicated by the inherently variable nature of the RETA revenue stream." There are certainly no guarantees with the RETA revenues! I feel, this should be a concern for you.

After reading the next paragraph about his analysis not capturing maintenance and replacement costs for sidewalks and recreation paths, I once again, do not feel that you can make a realistic decision regarding this project (Haymeadow,) based on the present level of analysis. I feel because of the overall impacts on the Town of Eagles quality of life and our finances you should require some more in-depth reviews, and preferably by a third party. **We absolutely must make sure that Haymeadow pays its own way and does not add any undue financial burden to the Town of Eagle.**

Annie Egan