



The Town of Eagle

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

Meetings:
2nd and 4th Tuesdays

AGENDA
Planning & Zoning Commission
Tuesday, February 2, 2016
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.townofeagle.org.

ITEM

6:00pm – CALL TO ORDER

APPROVAL OF MINUTES – January 19, 2016

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

LAND USE FILES

NEW PUBLIC HEARINGS

1.	Project:	2 nd Amendment to Arts Court PUD *Applicant requests continuation of file to February 16, 2016.
	File #:	PUDA15-02
	Applicant:	Jose Banuelos
	Location:	50 Arts Court
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Modify PUD Guide to allow 20' front yard setback and potential for 8' side yard setback for Lot 1.
2.	Project:	Eby Creek Lot 220C
	File #:	MPE16-01
	Applicant:	John Poukish
	Location:	416 Eby Creek Road
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Exception to the 2010 Eagle Area Community Plan to allow for annexation of a 31-acre property into the Town.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

1. S20 Design – Eagle River Park In-Stream and Riverbank Improvements
2. Update on Ballot Question

OPEN DISCUSSION

ADJOURN



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Meetings:
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Planning and Zoning Commission Meeting Minutes January 19, 2016

PRESENT

Stephen Richards
Jamie Harrison
Charlie Perkins
Jason Cowles
Max Schmidt
Cindy Callicrate
Donna Spinelli

STAFF

Tom Boni–Town Planner
Matt Farrar–Assistant Town Planner
Kevin Sharkey–Town Engineer
Carla Nelson–Administrative Assistant

ABSENT

Jesse Gregg

This meeting was recorded and the CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings written by Carla Nelson.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on January 19, 2016 was called to order by Jason Cowles at 6:12 p.m.

APPROVAL OF MINUTES

December 15, 2015

Callicrate noted a spelling error. Richards made a motion to approve the January 5, 2016 meeting minutes as amended. Spinelli seconded. Harrison abstained.

PUBLIC COMMENT

None

LAND USE PUBLIC HEARINGS

DR15-05, Second St. Suites Hotel

Cowles opened File No. DR 15-05, Second St. Suites Hotel, request for a Major Development Permit to construct a boutique hotel in the Central Business District located at 120 Second Street and 214 Wall Street.

The applicant, Daniel Ritsch, did an overview of the project noting some of the recent changes. The project is designed to include a retail/restaurant component, as well as a lodging component with

an emphasis on pedestrian design elements. The project is designed based on a balance between the feasibility of the hotel and the parking count required by the Town's Land Use Code. Retail/restaurant space is planned for the first floor of the buildings with frontage on Second Street, and will be located adjacent to the central plaza planned for the project. The landscaping of the site will be designed to maximize views into the central plaza. The two southern buildings will have six lodging units each, reduced from nine units. The Commission has previously asked to have a stronger emphasis on the building entryways and the revised building elevations presented by Ritsch depicted entries with an archway over the doors. The walkways between the buildings will be covered and visually enhanced with large timbers to define the walkway. Windows were added to the building elevations per the previous recommendation of the Commission.

The Commission inquired about employee parking. Ritsch indicated that there wouldn't be a large number of employees, except after check-out. Perkins asked if they were planning on paving the alley way and if it would be possible to add a bicycle rack. Schmidt asked about the possibility of having a heated walkway. Ritsch indicated that a heated walkway was too expensive for this project. Cowles opened public comment on the file, receiving none, he closed public comment.

Richards made a motion to approve the off-street parking design variance for File DR15-05, Second Street Suites Hotel, based on a finding that the public good would be better served by granting the variance. Spinelli seconded. Harrison abstained. The motion carried.

Richards made a motion to approve File No. DR 15-05, Second Street Suites Hotel with the following conditions based on comments by Staff:

1. Add metal awnings over third story walkway;
2. Construct masonry wall creating a private courtyard between the two southern buildings;
3. Remove the northernmost tree to open the view of the courtyard;
4. Submit a lighting plan to be approved by town staff;
5. Streetscape improvements to the town right-of-way be approved by the town staff, and
6. Applicant be required to construct improvements to the streetscape and parking immediately adjacent to the subject property.

Callicrate seconded the motion. Harrison abstained. The motion carried.

Cowles closed File DR15-05 with recommendation to the Board of Trustees.

OPEN DISCUSSION

Boni reviewed the annexation of Highway 6.

ADJOURN

Richards made a motion to adjourn the meeting. Cowles seconded. The motion passed unanimously. The meeting was adjourned at 7:14 p.m.

Date

Jason Cowles – Planning and Zoning Commission

Date

Carla Nelson—Administrative Assistant



The Town of Eagle

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Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: Tuesday, February 2, 2016

PROJECT NAME: Lot 220 C – Eagle Area Community Plan Exception

FILE NUMBER: MPE16-01

APPLICANT: John Poukish/Jeff Cloonan

STAFF CONTACT: Tom Boni, Town Planner

APPLICABLE SECTION(S) OF MUNICIPAL CODE: N/A

APPLICABLE SECTION OF EAGLE AREA COMMUNITY PLAN:

1. Appendix A (Minor Modifications, Exceptions and Updates)

EXHIBIT(S):

- A. Aerial Photo
- B. Application Letter from John Poukish
- C. Concept Plan
- D. Future Land Use Plan
- E. Appendix A (EACP)
- F. Recommendation from Eagle County Planning Commission
- G. Chronology of previously submitted Land Use Applications

PUBLIC COMMENT: None received to date

REQUEST:

An Exception to the 2010 Eagle Area Community Plan (Plan) to allow the Town to annex a 31 acre property on the east side of Eby Creek Road immediately north of the Eagle Valley Paramedics Station at the intersection of Market Street and Eby Creek Road. This property is outside of the Towns Growth Boundary shown in the Plan and is designated as Agricultural/Rural on the Future Land Use Map. The future land use designation currently identified for this property would not allow for the development pattern requested.

DISCUSSION:

Appendix A of the Plan entitled Minor Modifications, Exceptions and Updates includes a provision to allow a land use application to be considered that is not in accord with the Plan. Please see Exhibit E.

The property is zoned Rural Residential in Eagle County which permits a minimum lot size of two acres. The property has been denied annexation to the Town into the Town and a six lot subdivision approximately 16 years ago. Another application for annexation was made two years later in 2002 and was denied by the Town of Eagle. Please see chronology of land use applications for this property in the attached Staff Report prepared by Bob Narracci for an application to Eagle County in 2006.

This application for an Exception to the Plan was reviewed by Eagle County Planning Commission on January 20 and a recommendation from the Commission has been provided to the Town of Eagle in accordance with the procedure for an Exception outlined in Appendix A. Please see Exhibit F. I attended that Planning Commission Meeting. It was informative.

At the date the Plan was prepared (2008 – 20010) the real estate market in Eagle was severely depressed and planners were not grappling with workforce housing as a critical issue facing the Town. Eagle County is currently focused on creative measures to encourage the development of a wide range of workforce housing. The provision of workforce housing is one of the key issues involved in growing the economy of the Town Eagle and Eagle County.

As is evident in the recommendation from Eagle County, the provision workforce housing is involved in two of the key findings for their recommendation in favor of an Exception to the Plan:

1. The proposal is the result of a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted and
2. The proposed land use is clearly in the public interest, and addresses a viable public need.

The Commission was concerned that measures would be taken to ensure that the housing constructed on the property would fulfill the need for workforce housing. They also deferred to the Town of Eagle to ensure that the ultimate site plan for the development duly considered the many constraints of this land including but not limited to riparian areas along the Eby Creek,

erosion, wildlife migration and winter range, steep hillsides and geologic concerns noted in earlier reviews for development on this property.

STAFF RECOMMENDATION:

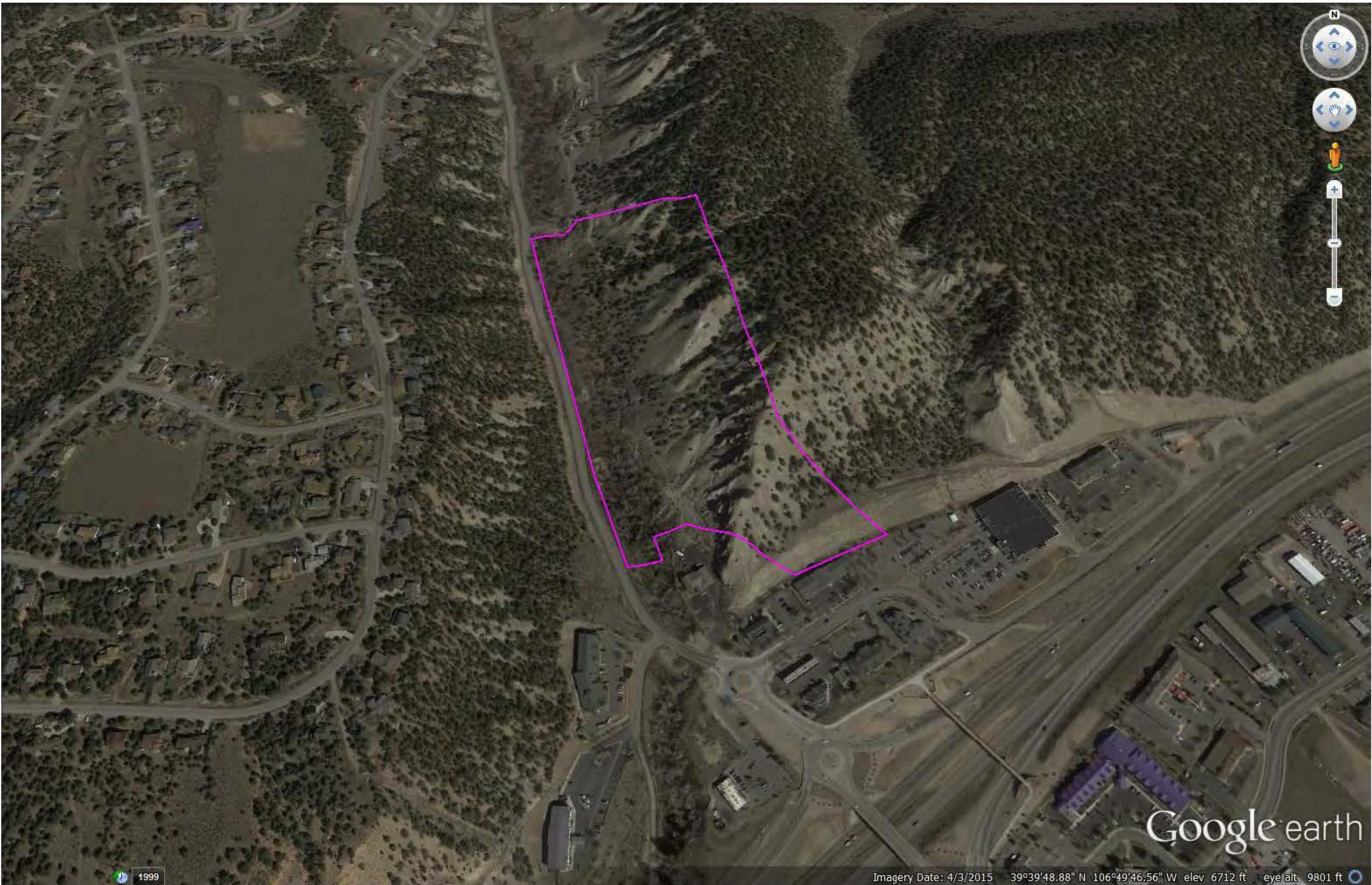
We concur with the recommendation and rationale provided by the Eagle County Planning Commission.

Staff recommends an approval of an Exception to the Plan with the following conditions:

1. The site plan submitted is conceptual in nature and needs to be modified to respond to geologic and environmental concerns. As referenced in the standards to be used for an Exception to the Plan the design needs to conform to the goals, polies and strategies of the plan where appropriate. These revisions need to be made to the satisfaction of the Town prior to annexation of the property.
2. The concept of workforce housing be further defined to the satisfaction of the Town prior to annexation.
3. Applicant construct a public pedestrian/bike path within this property that will serve to provide safe and adequate passage of pedestrians and cyclist north and south in the Eby Creek corridor.
4. Provide a trailhead and access to BLM. This requirement is only effective if BLM permission is obtained.

PLANNING & ZONING COMMISSION:

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations



Google earth

1999

Imagery Date: 4/3/2015 39°39'48.88" N 106°49'46.56" W elev 6712 ft eye alt 9801 ft

11/10/2015

Good afternoon Town of Eagle Board of Trustees, Town Manager, Mayor, and Planning Department,

This letter is to serve as our preliminary request to have the Town of Eagle and its counterparts, consider, review, and approve annexing John Poukish's land lot located at 416 Eby Creek Road, parcel #A into the Town of Eagle. With the towns approval, Mr. Poukish can offer a public benefit by creating 2 easements for the public while at the same time, developing his property with 24 to 30 unique single family homes. Developing a walkable community will be adding to all of the new and dynamic town features that have been created over the past 24 months while satisfying the need for unique and well needed housing in the Town of Eagle.

As some of you may know, Mr. Poukish's land has been categorized as "Rural" hence the reason why no water or sewer has been created for this site, yet less than 250 feet away lies dining, gas, liquor, banking, paramedics, grocery, and even a national cellular store.

Mr. Poukish is excited about the incredible progress the Town of Eagle has made over the past 2+ years. The creation of the roundabouts, the landscaping, the safe and well lit sidewalks, and the new pedestrian bridge over I70 is outstanding.

Mr. Poukish's idea is to grant public access thru his property and across Eby Creek into the BLM creating a public benefit while preserving the environmental and visual aesthetics of the subdivision. By doing this, he is offering the growing community safer, more streamlined and efficient avenues for pedestrian traffic and the public to get around. Eagle has become known for its mountain biking, running and hiking trails and Mr. Poukish's interest is adding to this Town of Eagle income producer by offering access in the form of a parking lot on his land and a single track trail easement to access the BLM to the East above his parcel for moun-

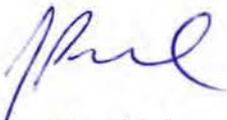
tain biking and hiking on "already established" trails. In addition, Mr. Poukish would like to explore the idea with the town of offering a second easement bike path that runs parallel to Eby Creek Road from the most northern round-about that would undulate in between Eby Creek Road, and Eby Creek. Raising the funds could be accomplished by creating a 1% transfer tax on all residential sales from the project to offer safe access for enthusiast in and out of the Eby Creek Subdivision.

We would be very interested in a "pre annexation" meeting with the Planning department on the 1st Tuesday in December, and then the Board of Trustees, plus John Stavey, Tom Boni, and the town attorney on the 2nd Tuesday in December to present all aspects of the preliminary plan. At that time, discussions including but not limited to water supply, sewer connections, geo-technical reports, environmental concerns and constraints, the protection of Eby Creek, site plans, size of homes, and access can be addressed.

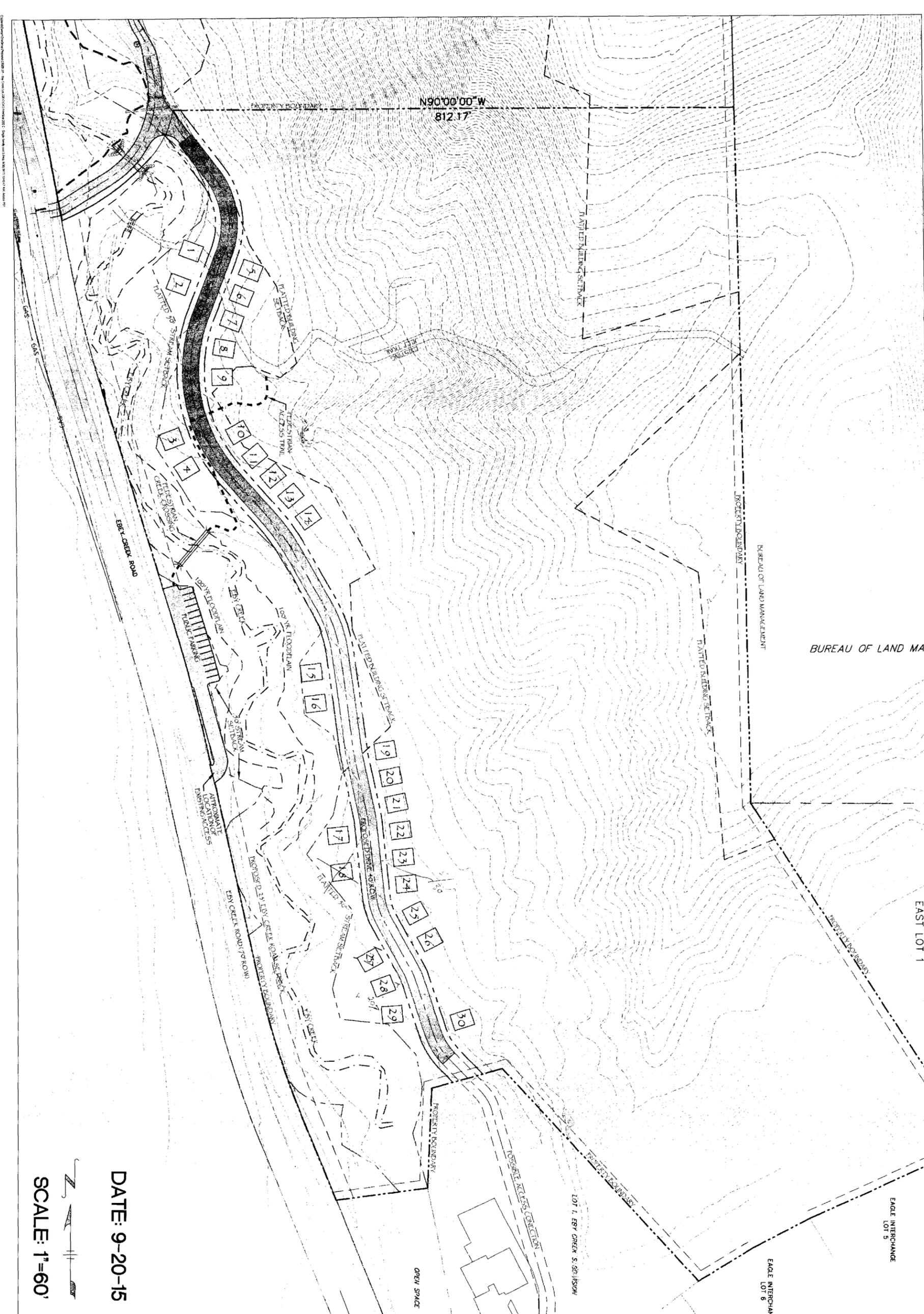
We will also offer the benefits to the town, as well as the public to create this project. It is no secret that this project was not annexed in a previous attempt. However, back then, there was a different plan, a different board, and different goals the Town of Eagle was adhering to. With a new town plan in place and a new board of trustees who use proactive forward thinking, coupled with all of the leaps and bounds the Town of Eagle has already made, we are hopeful that the Town will agree that a project such as this one is in the best interest of the Town and the public. We are hopeful to be annexed into the town of Eagle.

Thank you for your time and consideration.

Sincerely,



John Poukish



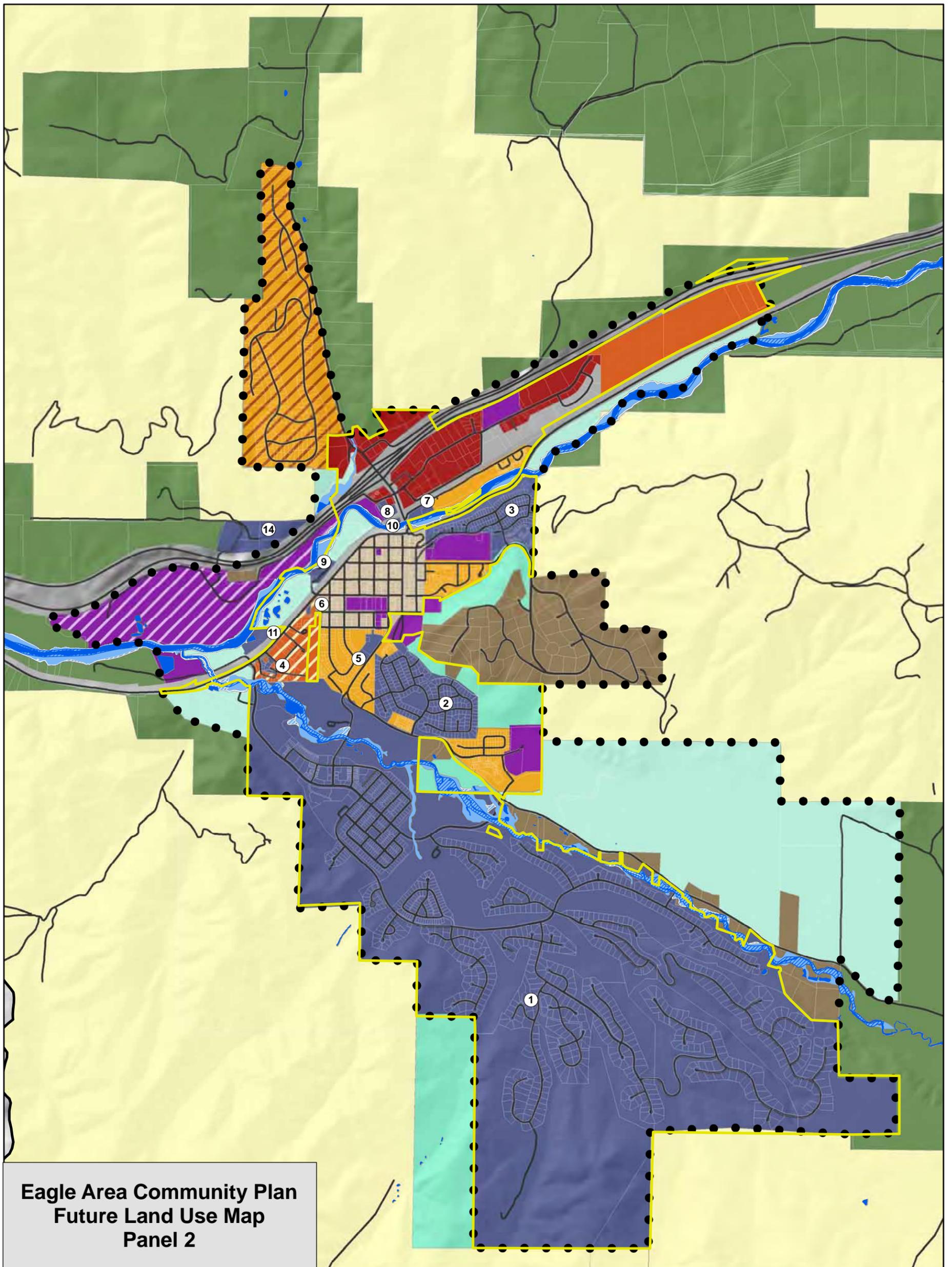
DATE: 9-20-15
 SCALE: 1"=60'

SHEET
1

LOT 220C-EBY CREEK SUBDIVISION
 EAGLE COUNTY, COLORADO
 SKETCH PLAN



SWEETWATER ENGINEERING
 Civil Engineering, Land Development Services
 8070 Rancho Fanita, Santee, CA 92071
 PH: (970) 926-2728 or (619) 368-7605



Eagle Area Community Plan Future Land Use Map Panel 2



0 0.25 0.5
Miles
1 inch = 2,200 feet

- Town Boundary
- Urban Growth Boundary
- Parcel Boundaries
- Street Centerlines
- Hydro

County Designations *

- Fairgrounds Mixed Use (FMU)
- Neighborhood Residential (NR)
- Countryside (CS)
- Outlying Rural Subdivision (ORS)
- Agricultural / Rural Lands (AG)

County & Town Designations *

- Conservation Oriented Development (CON)
- Open Space (OS)
- PUD

Town Designations *

- Public Service - Institutional (PS)
- Town Center (TC)
- Commercial (COM)
- Light Industrial (LI)
- East Eagle Mixed Use (EEMU)
- West Eagle Mixed Use (WEMU)
- Neighborhood Residential (NR)

Public Lands *

- BLM (BLM)
- USFS (USFS)
- Wilderness (W)
- State Land Board (SLB)
- State Park (SP)

PUD List **

1. Eagle Ranch
2. The Terrace
3. The Bluffs
4. Art's Court
5. Golden Eagle Elderly Housing
6. Barnes Historical
7. Lofts on Eagle River
8. Lot 2/Eagle Interchange South
9. Brooks Lane Subdivision
10. Nock
11. Powell Park (County)
12. Frost Creek (County)
13. Cordillera (County)
14. Chamber's Ranch (County)

* Please reference the Future Land Use Map designation descriptions for additional information.

** Consult the appropriate jurisdiction for PUD guides and related information.

APPENDIX A:

MINOR MODIFICATIONS, EXCEPTIONS AND UPDATES TO THE PLAN

This Area Community Plan is a living document that should be reviewed periodically by the Town, the County and affected stakeholders to assure the continued appropriateness and applicability of goals, policies and implementation strategies.

Minor Modifications and Exceptions

Minor Modifications may be necessary over time. These are defined as changes to the document which do not require analysis or community involvement. Minor modifications typically take the form of small technical corrections or adjustments to text or to maps. Proposals for **Minor Modifications** will be reviewed by both the Town and County Planning Commissions, with the Town Planning and Zoning Commission taking the lead on items pertinent to the Town, and the Eagle County Planning Commission taking the lead on items pertinent to the County.

“Exceptions” to the Plan are also possible, and are required for land use proposals which vary somewhat from the Plan’s stated purpose and intents, or which do not conform to the Future Land Use Map. An initial determination regarding general master plan conformance and whether an Exception might or might not be necessary shall be made by Staff during pre-application meetings for a proposed zone change, subdivision, or special use permit. The applicant may appeal Staff’s decision, in which case the determination shall be made by the Planning (and Zoning) Commission of the affected jurisdiction, which shall occur at a regularly scheduled public hearing prior to the submittal of a formal application. A request for an “Exception to the Plan” must be submitted with an application for land use, and may be subsequently approved by the Town and/or the County so long as all of the following criteria, in addition to those criteria and standards associated with the applicable land use review process, are met:

1. The proposal is the result of a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted, and

2. The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible, and
3. The proposed land use is clearly in the public interest, and addresses a viable public need, and
4. The proposed land use or activity is of a nature that negative impacts to natural resources, traffic, visual quality, infrastructure, recreational amenities or Town or County services are minimal and/or clearly outweighed by the public benefits of the proposal, and
5. If the Exception is for land that is contained within a character area as defined in Chapter 5 of this Plan, the application must adhere to the planning principles for that character area to the greatest degree possible, and
6. If the target property is located on the periphery of the Growth Boundary, the consolidation of densities and/or a transfer of development rights on a larger piece of land has been provided such that the vast majority of the land is left in open space with adequate protections in place.

Proposals for **Exceptions to the Plan** will be reviewed by both the Town and County Planning Commissions. For those Exceptions proposed within the Town of Eagle Urban Growth Boundary, or those involving annexation of properties to the Town, the Town Planning and Zoning Commission will take the lead, obtain comment from Eagle County and ultimately render a decision. For those Exceptions outside the Urban Growth Boundary that do not involve annexation to the Town, the Eagle County Planning Commission will take the lead, obtain comment from the Town of Eagle and ultimately render a decision.

Plan Updates

Given historic trends in the Eagle area, this Area Community Plan is intended to reflect community conditions, values and desires for a 5 to 10 year period. It should be updated at a minimum of every 10 years, or as necessary to reflect new conditions, new community attitudes and/or new opportunities. Changes to the document at the **Plan Update** level shall require the implementation of a full public master planning process as outlined in Chapter 1 under the heading “The Planning Process”.



MEMORANDUM

EAGLE COUNTY PLANNING COMMISSION

To: The Town of Eagle Planning and Zoning Commission and the
Town of Eagle Board of Trustees

From: Eagle County Planning Commission
Acting Agent, Cliff Simonton, Senior Planner

Date: January 27, 2016

RE: Master Plan Exception Request, Residential Development Proposal on Lot 220C,
Eby Creek Mesa Subdivision.

The Eagle County Planning Commission met at its regularly scheduled meeting the afternoon of January 20th, 2016, to review a request for the above referenced property to be annexed into the Town of Eagle, and to respond to the criteria for an “exception” to the Eagle Area Community Plan. It has been determined that a master plan exception is necessary for this project due to the fact that the targeted property is outside the urban growth boundary for the Town, and development of the nature proposed does not conform to the Future Plan Use Map (FLUM). Appendix A of the 2010 Eagle Area Community Plan provides information regarding “exceptions”, and identifies the Eagle County Planning Commission’s role in this instance, which is to provide the Town with a recommendation regarding the specific “exception criteria” which are also listed in Appendix A.

The Eagle County Planning Commission has carefully evaluated this proposal, and offers the following recommendations:

Criteria # 1: *The proposal is the result of a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted.*

Response: This property was evaluated for residential development a number of times with a number of different configurations, both by Eagle County and by the Town of

Eagle, prior to the adoption of the Eagle Area Community Plan in 2010. A proposal for 30 units of legitimate workforce housing has not previously been evaluated, however, and represents “a unique situation or opportunity”. As such, we believe that Exception Criteria # 1 is met.

Criteria # 2: *The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible.*

The Eagle County Planning Commission reviewed the goals, policies and strategies listed in the 2010 Eagle Area Community Plan, and identified a number that seemed relevant to this proposal. Please note our responses to the following list of master plan policies and strategies:

- *Support infrastructure and transit efficiency by encouraging compact neighborhoods in close proximity to existing infrastructure and public transit options*

Response: Although linear in nature, this development could be categorized as “compact”, and it is in close proximity to services and transit. The midpoint of the property is approximately ½ mile from the bus stop on Eby Creek Road.

- *Development should be compact, pedestrian friendly and adjacent to services.*

Response: Please see statement above. We would recommend that the development, if approved, be provided with adequate sidewalks and/or pedestrian/biking paths that provide internal connectivity, and routes to off-site established pedestrian systems.

- *Maintain existing zoning and rural character outside the Town’s urban boundary.*

Response: The project as proposed would be of suburban character and would require a change in zoning, however, it seems this master plan strategy would no longer apply if the Town were to accept this application for annexation, as the town’s urban boundary would move to include the subject property.

- *Interconnect residential developments and adjacent destinations with recreational paths (this is listed in three different places in the Community Plan)*

Response: Please note earlier comment regarding “pedestrian friendliness”.

- *Preserve and protect the quality of riparian areas and stream corridors*

Response: The narrow confines and steep slopes of this property raise concerns for the cuts and fills that will be required for building and road platform construction. Lacking expensive retaining walls, the potential for negative

impacts to the stream corridor and associated riparian zones would seem quite high.

- *Assure new land use proposals create safe places for residents.*

Response: Concerns for geologic hazards on this property have been well documented, and previous development proposals became heavily burdened with requirements for geologic hazard mitigation. We would strongly recommend that plans associated with this proposal be submitted to the Colorado Geological Survey for comment, and that a full geologic hazards assessment be incorporated into any final development plans.

- *This property was assigned a Future Land Use Map designation of “Agricultural/Rural”. That designation provides the following statements of intent:*

- *Preserve rural, open character*
- *Avoid up-zoning*
- *Support subdivision covenants where they exist*
- *Preserve the quality of natural resources including wildlife habitat, vegetation and view corridors*

Response: If incorporated into the Town, the Future Land Use map would need to be amended to indicate a new land use designation for this property, perhaps “neighborhood residential” or “conservation oriented subdivision”. This property is within the Eby Creek Mesa Subdivision, and we would recommend that the Eby Creek Mesa Home Owner Association be contacted, that associated covenants be considered, and that any related issues be adequately addressed. We are concerned with potential impacts to natural resources, including wildlife habitat and the natural stream corridor, and would suggest that in addition to the Colorado Geological Survey, the project be referred to Colorado Parks and Wildlife for comment.

- *Provide efficient pedestrian and bicycle connections.*

Response: Please see earlier comments regarding paths and connectivity.

- *Best management practices to insure water quality and water conservation should be employed and enforced.*

Response: We assume that should annexation occur, Town standards for BMP’s insuring water quality and encouraging water conservation will be applied.

- *Enforce adequate stream setbacks.*

Response: It would appear from the site plan submitted that preserving an adequate stream set back will be a challenge in some areas, depending on one’s

definition of “adequate stream setback”. We would recommend sufficient setback to assure safety, preserve riparian vegetation, provide for the natural filtration of runoff, and allow safe passage for wildlife through the area. We assume that should annexation occur, Town standards will be applied in this regard.

- *Avoid or severely restrict development on steep slopes and areas subject to geologic hazards*

Response: This project clearly places development on steep slopes where geologic hazards have been identified.

- *Require new development to provide adequate parks, trails and other recreational facilities.*

Response: No park or playground for local residents is indicated on the conceptual site plan, nor is there a park or playground within reasonable walking distance of the project. This proposal is intended to provide housing for local resident workers, and we assume that homes will be occupied by families with children. We would strongly recommend that a playground of adequate size be centrally located within the development, and that paths or sidewalks be included to assure safe access to the site by children.

- *Work to add public access points to public lands where appropriate.*

Response: This project proposes a public parking lot and public access through private lands to BLM lands that exist to the east. Public lands to the east support critical wildlife habitat, and as such it is not certain that this is an appropriate or desirable place for public access. We would again strongly recommend that this proposal be referred to Colorado Parks and Wildlife for comment.

- *Create opportunities for affordable home ownership, rental and special needs housing units for low, moderate and median income households.*

Response: Affordable workforce housing was at the center of virtually all our discussions, and the indication by the applicant that the units proposed would be affordable is foundational to this recommendation. We assume that should annexation occur, Town standards and requirements for affordability will be applied and adhered to in this regard.

Summary Response for Criteria # 2: The above sampling may have missed some of the policies and strategies in the Eagle Area Community Plan that are relevant to the process of granting an exception for a project of this nature. A more thorough review and analysis of all guiding statements in the Eagle Area Community Plan is recommended. Based on plans available to us at this time, Exception Criteria # 2 is not fully met. However, in our opinion, Exception Criteria # 2 could be mostly met as site designs and project details become more refined.

Criteria # 3: *The proposed land use is clearly in the public interest, and addresses a viable public need.*

Response: Increasing the number of affordable workforce housing units in Eagle County is very much in the public interest. If this project provides a significant number of units that would remain truly affordable and available to local resident workers over the long term, then we believe that Exception Criteria # 3 would be met.

Criteria # 4: *The proposed land use or activity is of a nature that negative impacts to natural resources, traffic, visual quality, infrastructure, recreational amenities or Town or County services are minimal and/or clearly outweighed by the public benefits of the proposal.*

Response: Many of the metrics listed above cannot be determined without considerably more detail than that provided at this time. We believe that affordable housing is the single public benefit related to this proposal. If negative impacts to the above listed items can be avoided and/or appropriately mitigated, and if this project provides units that would remain truly affordable and available to local resident workers over the long term, then we believe that Exception Criteria # 4 would be met.

Criteria # 5: *If the Exception is for land that is contained within a character area as defined in Chapter 5 of this Plan, the application must adhere to the planning principles for that character area to the greatest degree possible.*

Response: The target property is located in the Eby Creek Mesa Subdivision, which is expressly excluded from the Castle Peak Character Area located north of Town. As such, Exception Criteria # 5 is not applicable.

Criteria # 6: *If the target property is located on the periphery of the Growth Boundary, the consolidation of densities and/or a transfer of development rights on a larger piece of land has been provided such that the vast majority of the land is left in open space with adequate protections in place.*

Response: It is not known if this property fits the description of a “larger piece of land”, and the concept of TDR’s does not seem a good fit. We would suggest that Exception Criteria # 6 is not applicable.

In summary, we believe that the potential for a significant number of new affordable workforce housing units in the Town of Eagle area makes this proposal eligible for an Exception to the 2010 Eagle Area Community Plan. The property proposed for development is reasonably close to existing infrastructure and services. However, the property is also challenged by steep terrain, narrow confines, sensitive natural resources and the potential for geologic hazards. These factors will make construction more expensive for the developer, and may impact the affordability of the dwelling units proposed, and the nature of the living environment provided. If the developer is

able to avoid and/or appropriately mitigate all potential negative impacts, and still produce high quality living environments that remain affordable and available to local resident workers for the long term, then the Eagle County Planning Commission believes that this project could be made to meet the criteria for a Master Plan Exception.

Thank you.

EAGLE COUNTY BOARD OF COUNTY COMMISSIONERS

June 27, 2006

TITLE: Eby Creek Mesa, A Resubdivision of Lot 220, Eby Creek Mesa
FILE NO./PROCESS: SMB-00367 / Minor Type B Subdivision
LOCATION: 0416 Eby Creek Road
OWNER/APPLICANT: John Poukish Jr.
REPRESENTATIVE: Owner
STAFF CONTACT: Bob Narracci, Planning Manager

STAFF RECOMMENDATION: Approval

A. PROJECT DESCRIPTION: This Minor Type 'B' Subdivision is proposed to re-subdivide Lot 220, Eby Creek Mesa into three (3) lots:

- Lot 220A – 13.305 acres. Proposed new single-family lot.
- Lot 220B – 11.937 acres. Lot 220B encompasses one existing single-family residence.
- Lot 220C – 31.648 acres. Proposed new single-family lot.

Lot 220 contains 56.89 acres and is zoned Agricultural Residential which allows a minimum lot size of 10 acres.

B. CHRONOLOGY:

1981: Lot 220 was platted along with the Eby Creek Mesa Subdivision.

1997: A former owner petitioned the Town of Eagle for Annexation and PUD zoning for a five single-family residential lot development. This plan was withdrawn from the Town prior to Final Plat approval;

1999: The current owner approached Eagle County with a proposed zone change and subdivision of Lot 220 into 20+/- lots. Staff was not comfortable with the plan and encouraged Mr. Poukish to return to the Town with a scaled back plan.

1999: Mr. Poukish petitioned the Town for Annexation to allow eleven single-family lots with an equestrian center and an additional parcel for employee housing. This plan evolved into a six lot subdivision plus one lot to be dedicated to WECAD for employee housing.

2000: The Town denied the final plat for the six lot subdivision.

2000: Culverts were installed in Eby Creek under Army Corps of Engineers Permit No. 199775351 and Eagle County Grading Permit No. MI-11373 for the access to the individual lots.

2000: The applicant filed a Subdivision Sketch Plan, File No. SUS-00009, with Eagle County to divide Lot 220 into five lots.

2001: The Board of County Commissioners approved File No. SUS-00009, with conditions. One of the conditions was that the development be tied into the Town's water system.

2001: Mr. Poukish filed for a Subdivision Preliminary Plan, File No. SUP-00005. Denied out of Town water service from the Town, this file was placed on hold and eventually closed out in 2003.

2001 – 2002: Mr. Poukish again petitioned the Town for annexation for the purpose of obtaining water service and was denied. The Town and Greater Eagle Fire Protection District did, however, allow a fire hydrant to be tied into the public water system, installed along Eby Creek Road adjacent to Lot 220.

2004: Building Permit No. BP-15235 was issued for the construction of the existing single-family home.

2005: Mr. Poukish applied to Eagle County for this Minor Type 'B' Subdivision to split Lot 220 into three lots, each to be served by individual wells and sewage disposal systems.

C. SITE DATA:

Surrounding Land Uses / Zoning:

East:	BLM Land / Resource
West:	Eby Creek Road Right-of-Way / Residential Low Density
North:	Residential / Agricultural Residential
South:	Western Eagle County Ambulance District / Town of Eagle
Existing Zoning:	Agricultural Residential
Total Area:	56.89 acres

D. STAFF FINDINGS: Pursuant to Section 5-290.G.2 of the Eagle County Land Use Regulations the Community Development Director has determined the following in the review of this Type B Minor Subdivision:

a. Access, Water and Sewage.

Access: The access to Lot 220 is via Eby Creek Road. A driveway to each of the three lots has been constructed under the above referenced Grading Permit and Building Permit.

Water: Per Article 4, Section 4-680.A.1., Public Water Supply Accessible of the Eagle County Land Use Regulations, "Where an approved water supply is located within four hundred (400) feet of the proposed development, the developer shall connect to such system and install water lines and appurtenances to make the water supply available at the property line of each lot within the development". In this instance, the Town of Eagle public water supply is routed up Eby Creek Road along the frontage of the subject property. The applicant has made repeated attempts to obtain water service from the Town both outside the Town's boundaries and via annexation into the Town and has been repeatedly denied this service.

Per Article 4, Section 4-680.A.2., Public Water Supply Not Accessible of the Eagle County Land Use Regulations, "Where an approved water supply is not reasonably accessible *or procurable*, the applicant shall, at the discretion of the Board of County Commissioners, either: a) Install Central Water System; or, b) Submit Evidence of Adequate Supply". Mr. Poukish has obtained approval through the State Water Courts, the rights to install up to five individual well permits. The well drilled for the existing single-family home on Lot 220 produces adequate water quantity which is apparently potable based upon a well water analysis performed by Grand Junction Laboratories on June 5, 2006. Given that public water

Client:
Town of Eagle

Project Name:
Eagle River Park

Status:
Preliminary Design

Drawing Name:
Alternative 3

Revisions:

Drawing Description:

Drawn By:
Dan Woolley

Checked By:
Scott Shipley

Date:
January 20, 2016

Status:

Stamp:

Scale:
1"=30'

Sheet:
WW-1

