



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, March 15, 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 – February 16, 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

CONTINUED PUBLIC HEARINGS

1.	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.

NEW PUBLIC HEARINGS

1.	Project:	Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code
	File #:	LURA16-01
	Applicant:	Town of Eagle
	Location:	N/A
	Staff Contact:	Matt Farrar (Assistant Town Planner)
	Request:	<ol style="list-style-type: none"> 1. Revise Section 4.03.040 to define dog daycare facility. 2. Revise Section 4.04.070 to define regulations for dog daycare facilities. 3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.

ITEM

		<p>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.</p> <p>5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.</p>
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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. Town of Eagle Ballot Information Webpage

OPEN DISCUSSION

ADJOURN



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Meetings:
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Planning and Zoning Commission Meeting Minutes February 16, 2016

PRESENT

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

STAFF

Tom Boni–Town Planner
Matt Farrar–Assistant Town Planner
Carla Nelson–Administrative Assistant

ABSENT

Donna Spinelli

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 February 16, 2016 was called to order by Jason Cowles at 6:06 p.m.

APPROVAL OF MINUTES

Callicrate made a motion to approve the February 2, 2016, Planning and Zoning Commission Meeting minutes noting that Gregg was not listed as present and Cowles name was misspelled. Gregg seconded. The motion passed unanimously.

PUBLIC COMMENT

None

LAND USE PUBLIC HEARINGS

MPE 16-01, Eby Creek Lot 220C

Cowles opened the continued File MPE 16-01, Eby Creek Lot 220 C, a request for exception to the 2010 Eagle Area Community Plan to allow for annexation of a 31-acre property into the town. John Poukish explained the changes made to the plan based on comments from the prior meeting. The changes included clustering of the homes; pull-offs for additional parking; pocket park; added an area for debris flow; noted Eby Creek in color for clarity; and the undisturbed steeper terrain and the usable area in the valley were also clarified.

Mr. Poukish also stated that each building foundation would be used as a retaining wall to mitigate geological hazards in the area. The houses were clustered to leave gaps in the design for both geotechnical mitigation and wildlife migration. The proposed bike path would need to meet engineering requirements. The Commission asked to have this development be primarily workforce or affordable housing, with deed restrictions. The Commission was also concerned that if the homes were not restricted, that purchasers would remodel the homes and sell for a greater price. Mr. Poukish felt certain that would not happen due to the constraints of the size of the lot.

Mr. Poukish proposed that 50% of the homes would be deed restricted to Eagle or Eagle County residents as a primary residence. Deed restrictions on the other 50% would be determined based on development costs. The Commission offered suggestions for getting the 100% deed restriction on all properties, such as limiting the number of days it would be required to be on the market strictly for Eagle/Eagle County residents prior to going on the free market.

Cowles opened public comment and the following citizens addressed the Commission:

1. Angie Nelson, 3 Arts Court—asked about the location of the development.

Cowles closed public comment.

Harrison made a motion to continue File MPE16-01, to the next scheduled Planning and Zoning Commission meeting held on March 1, 2016. Gregg seconded. The motion passed unanimously.

PUDA 15-02, 50 Arts Ct.

Cowles opened continued File PUDA15-02, 2nd Amendment to Arts Court PUD, request to modify the PUD Guide to allow 20' front yard setback and potential for 8' side yard setback for Lot 1. No public comment was received on this file. The Commission inquired about the current parking condition and how this modification would affect parking; and if there were any utilities in the drainage easement.

Cowles opened public comment and the following citizens addressed the Commission:

1. Jared Murphy, 1 Arts Court—wanted to see a drawing of what would be constructed and its exact location.

Cowles closed public comment.

Harrison made a motion to approve File PUDA15-02 with the condition of adding spruce trees along the property line. Callicrate seconded. The motion passed unanimously.

TOWN BOARD OF TRUSTEES REVIEW

1. Ballot Language

MISCELLANEOUS

The Commission asked that the town look into using a different software for distributing the packets.

ADJOURN

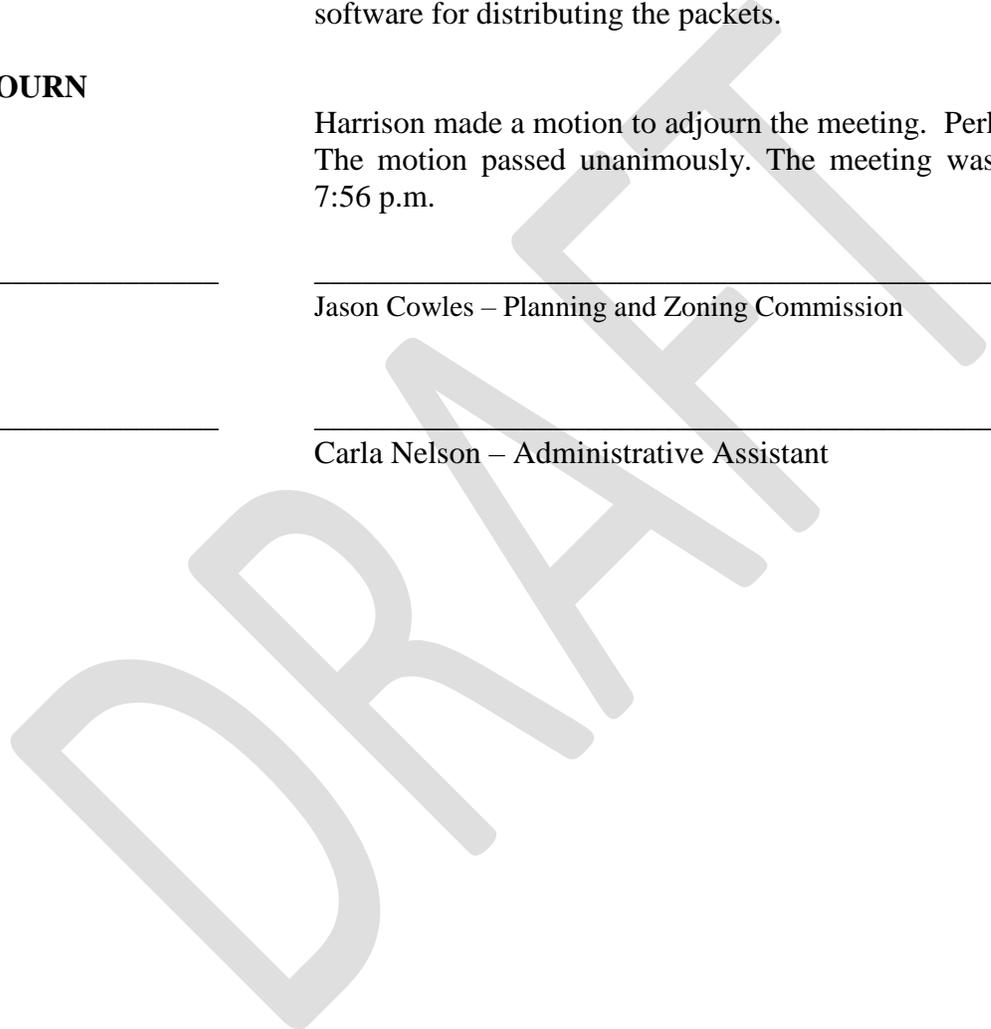
Harrison made a motion to adjourn the meeting. Perkins seconded. The motion passed unanimously. The meeting was adjourned at 7:56 p.m.

Date

Jason Cowles – Planning and Zoning Commission

Date

Carla Nelson – Administrative Assistant





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Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: Tuesday, March 15, 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): Exhibit A – Provision for Minor Modifications, Exceptions and Updates
To the EACP

Exhibit B – Proposed Workforce Housing Commitment

PUBLIC COMMENT: No new public comment received

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 Town's 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 A.

Since the last Planning Commission hearing, the applicant has met with Tori Franks of Eagle County Housing and Development and Cris Nelson of Guaranteed Rate Mortgage Company and me to review deed restrictions and discuss different affordable housing currently constructed in Eagle County. It was a productive discussion and there was a recognition that the product type and price point that Mr. Poukish was proposing addressed a need in the Valley.

As is evident in the recommendation from Eagle County Planning Commission, the provision of 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 is relying on the Town of Eagle 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.

At your last meeting on February 16, the Commission and the Applicant agreed to the following concept for workforce housing on this property:

A minimum of 15 units or 50% of the single family homes would be deed restricted as to:

1. Initial sales price
2. Occupancy
3. Appreciation

(10 % or a minimum of 3 units LERP)

The Commission encouraged the applicant and the applicant agreed to explore deed restriction as to occupancy for the remaining 15 single family homes or 50% of the development. The Commission also requested that a representative from Eagle County Housing and Development Department review the proposed development and deed restrictions.

Staff has worked with the applicant to prepare further details on the proposed deed restrictions to ensure that this development fulfills the public need for workforce housing. We believe that the proposed preliminary language prepared by the applicant includes sufficient direction in regards to price, occupancy and appreciation to fulfill this goal of providing affordable housing.

STAFF RECOMMENDATION:

Staff recommends approval of this exception to the Eagle Area Community Plan with the condition that the single family homes constructed within this development are bound by the sale price commitment and deed restrictions provided by the applicant attached as Exhibit B.

Alternatively, the file could be continued to run parallel with the annexation and vesting files with the understanding that the end product must satisfy these workforce housing standards and density allowances worked out in these initial hearings.

PLANNING & ZONING COMMISSION:

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

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.



The Town of Eagle

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Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: March 10, 2016

PROJECT NAME: Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code.

FILE NUMBER: LURA16-01

APPLICANT: Town of Eagle

APPLICABLE SECTION(S) OF MUNICIPAL CODE: Section 4.03, Section 4.04 & Section 5.15

EXHIBIT(S):

- A. Proposed revisions to Section 4.03.040 - Definitions
- B. Proposed revisions to Section 4.04 – Zoning
- C. Map showing proposed area for Cultivation & Infused-Products Facilities
- D. Excerpts from Title 5 – Business Regulations

PUBLIC COMMENT: None Received

STAFF CONTACT: Matt Farrar (Assistant Town Planner)

REQUEST(S):

1. Revise Section 4.03.040 to define dog daycare facility.
2. Revise Section 4.04.070 to define regulations for dog daycare facilities.
3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.
4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.
5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.

DISCUSSION:

Staff is proposing several amendments to the Town of Eagle's Land Use & Development Code. The amendments are:

1. Kennels (i.e., Dog Daycare Facilities):

Staff has determined that the town's Land Use & Development Code does not currently have well defined regulations for kennels (i.e., dog daycare facilities) in non-residential zone districts. As these types of uses are become more prevalent, staff believes that is necessary to better define regulations for these uses in the Land Use & Development Code. Originally, the intent of this amendment was to establish a definition and regulations for "Dog Daycare Facilities," however staff felt that it was necessary to broaden the scope of the amendment beyond just Dog Daycare Facilities. Therefore, the proposed code amendment will establish a definition for "Kennels" and establish kennels as a Special Use in the Central Business District (CBD), Commercial General (CG), Commercial Limited (CL) and Industrial (I) Zone Districts. As proposed, kennels would not be permitted in the Public Area (PA) Zone District.

2. Indoor Recreation:

The town's Land Use & Development Code currently requires a Special Use Permit for "Indoor Recreation or Theater" in the Central Business District (CBD), Commercial Limited (CL), Commercial General (CG) and Public Area (PA) Zone Districts. Indoor recreation facilities and Theaters are currently prohibited in the Industrial (I) Zone District. It is staff's opinion that these uses do not necessitate the additional level of review that is afforded under the Special Use review process. In addition, staff was unable to determine sufficient reason for why these uses should be prohibited the Industrial Zone District. Therefore, Staff is recommending that "Indoor Recreation or Theater" become a use by right in all non-residential zone districts.

Several years ago a Special Use Permit application for an indoor shooting range was submitted to the town because it fell under the "Indoor Recreation" classification. Staff believes that this use has the potential to have more significant impacts on neighboring properties and therefore should be subject to the town's Special Use review process and should not be permitted as a use by right under the "Indoor Recreation" classification. Therefore, staff is proposing that a "Shooting Range" be explicitly defined in the Schedule of Uses Permitted in Non-Residential Zone Districts and be permitted via a Special Use Permit in all Non-Residential Zone Districts.

Staff would like to have a brief discussion with the Planning Commission as to whether or not a shooting range is a use that should be permitted in the Public Area (PA) Zone District via a Special Use Permit. The Land Use & Development Code defines the intent of the Public Area Zone District as "For any use owned and/or operated by a public entity." For reference, properties zoned PA include the Eagle County Justice Center, Eagle Valley Elementary/Middle School, Pool & Ice Rink, Town Sewer Treatment Plant, and Town parks and open space areas.

3. Retail Marijuana Testing Facilities:

When the town approved retail marijuana businesses, testing facilities were not permitted. With recent amendments to the State's Marijuana Regulations (primarily those related to retail marijuana infused products), Staff believes that there will be a greater need/demand for testing facilities in Colorado. Staff believes that a marijuana testing facility would be similar in nature to other types of laboratory facilities and would create limited to no impacts on adjacent properties. Staff also believes that allowing for marijuana testing facilities in town could result in additional employment opportunities in Eagle. Therefore, it is staff's opinion that Retail Marijuana Testing Facilities should be permitted in all non-residential zone districts as a use by right, with the exception of the Public Area (PA) Zone District.

4. Medical & Retail Marijuana Cultivation and Infused Products Facilities:

Over the last couple of years, staff has received numerous inquiries from parties interested in opening marijuana businesses in Eagle. Consequently, several months ago, staff brought a variety of possible options for modifying the town's marijuana regulations to the Board of Trustees. The Board provided staff with direction to explore expanding the number of medical and retail marijuana cultivation facilities and infused-products manufacturing facilities permitted in town, as well as exploring an expansion of the area in town where these uses are permitted. However, the Board did not express interest in expanding the number of medical or retail marijuana stores permitted in town, nor expansion of the area where these uses are permitted.

In staff's opinion, cultivation and infused-products facilities are generally lower impact facilities and therefore, staff is proposing that there be no restriction on the number of cultivation and infused-products facilities permitted in town. By eliminating the restriction on the number of these facilities, it is staff's belief that the market will dictate how many of these facilities locate in Eagle.

In addition to removing the restriction on the number of cultivation and infused-products facilities permitted, staff is proposing that the area where these facilities are permitted be expanding to include the entirety of Chambers Avenue, east of Eby Creek Road (see Exhibit C). In speaking with the Eagle Police Department, staff understands that the police department has concerns about the potential expansion of the area where these facilities would be permitted. Staff has requested a memo from the police department that will better explain concerns. The hope is to make this memo available to the Planning Commission and the public at the Commission's hearing on March 15. It should be noted that if the area where these facilities are permitted is expanded, any future facility will be required to obtain a Special Use Permit from the town.

Another aspect of the code amendments for medical and retail marijuana cultivation and infused products facilities is to migrate select regulations from Title 5 of the town's Municipal Code, related to medical marijuana businesses, to the town's Land Use & Development Code. There are regulations in Title 5 that staff believes are better suited in the Land Use & Development Code. Title 5 will need to be amended through a separate process to reflect any regulations that are moved to the Land Use & Development Code. In addition, staff wanted to ensure that

Section 4.04.100 (P) - Medical Marijuana Businesses more closely reflected the regulations in Section 4.04.100 (U) - Retail Marijuana Businesses. Staff has added some language from Section 4.04.100 (U) to the proposed Section 4.04.100 (P). This language includes the requirements in Section 4.04.100 (U) for carbon filters in ventilation systems for Cultivation Facilities and Stores, allowance for multiple marijuana businesses to be co-located on one property, the listing of additional requirements that may be imposed through the Special Use review process, and the penalties for violations of the supplemental regulations or conditions of a Special Use Permit.

Staff would like to discuss the following regulations with the Planning Commission at the March 15 hearing:

- Restrictions on display of paraphernalia in medical marijuana centers.
- Special requirements for marijuana business signage.
- Restrictions on hours of operation for both medical and retail marijuana businesses.

Staff believes that some modification to these regulations may be needed. The specific code language for these regulations has been highlighted in blue text in Exhibit A & B.

COMPLIANCE WITH THE TOWN'S GOALS, POLICIES & PLANS

The Board of Trustees may, after receiving a recommendation from the Planning and Zoning Commission, amend any regulation in the Town of Eagle Land Use & Development Code. Amendments to the Town's Land Use and Development Code may be made upon a finding that the amendments are consistent with the Town's goals, policies and plans.

In Chapter 11 – Economic Development and Sustainability of the 2010 Eagle Area Community Plan (EACP), there is discussion about creating a more diverse economy in Eagle and encouragement of opportunities to expand the local job market. On pages 147 - 149, the EACP provides Goals, Policies and Recommended Strategies for economic development in the town. The recommended strategies under Economic Development Policy 1.2 – Expand retail diversity to reduce sales tax leakage include:

- A. Support opportunities to expand the number and diversity of businesses in Eagle;
- C. Work to create more local jobs and additional outlets for goods and services;
- D. Optimize commercial development. Determine factors that are preventing build-out of existing commercial centers.

In addition, under Land Use Policy 2.2 – New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs, in Chapter 3 – Land Use of the EACP, the recommended strategies include:

- B. As determined appropriate, work to increase residential and commercial densities in established neighborhood retail center areas.
- C. Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.

Staff believes that the proposed code amendments will work towards achieving the Economic Development and Land Use objectives set forth in the EACP.

STAFF COMMENTS

Staff has provided a recommendation below, however given the extent of the proposed code amendments staff would like to have a detailed discussion with the Planning Commission on March 15 and if need be, continue this file to the Commission's meeting on April 19 to address any revisions that may be needed.

STAFF RECOMMENDATION

Staff recommends approval of LURA16-01, based on a finding that the amendments to the Town of Eagle Land Use and Development Code are consistent with the town's goals, policies and plans with the following conditions:

- 1. Subject to review and technical comments from the Town Attorney.

PLANNING & ZONING COMMISSION

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

Kenel: Any establishment where dogs, cats, or other domestic animals are bred or raised for sale, or boarded, cared for, and/or groomed commercially, exclusive of veterinary care.

Landscaping, Landscaped Area, Landscape Materials: As defined in Chapter 4.07.

Lodging, Extended Stay: To be supplied by Town Attorney: Overnight sleeping accommodations which are managed with the intent of providing extended stay occupancy, generally more than three (3) weeks, to fee paying transients. Extended stay lodging accommodations may be leased on a daily or week to week basis only, and no transient is permitted to reside in an extended stay lodging accommodation for more than 150 days within a consecutive 12 month period.

Lodging, Temporary: Overnight sleeping accommodations which are managed with the intent of providing short term occupancy, generally less than three weeks, to fee paying transients.

Lot: A piece, plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat or deed.

Lot Area: The total horizontal land area within the boundaries of a lot.

Lot Coverage: Lot or site coverage means the portion of a lot or site covered by materials forming any unbroken surface impervious to water, including:

1. Buildings, decks, patios, structures
2. Streets, driveways, parking lots, and other impervious materials.

Lot Line, Front: The property line of a lot dividing said lot from the adjoining street. On a corner lot the property owner may elect which street frontage shall be the designated front lot line for the purpose of determining the rear yard only.

Lot Line, Rear: The property line of a lot opposite the front lot line.

Lot Line, Side: Any lot property line other than a front or rear lot line.

Major Street Plan: An advisory planning document officially adopted by resolution of the Town Board, which document classifies existing and proposed streets according to size and use.

Marijuana: Marijuana shall have the same meaning as set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Marijuana Accessories: Marijuana Accessories shall have the same meaning as set forth in Section 16 (2)(g) of Article XVIII of the Colorado Constitution.

Medical Marijuana Business: A person or entity holding a Medical Marijuana Center license as defined in Section 12-43.33-402 C.R.S., a Medical Marijuana – Infused Products Manufacturer license, as defined in Section 12-43.3-404, C.R.S.; and/or an optional premises Cultivation Operation license as defined in Section 12.43.3-403, C.R.S.

For the purpose of this definition, a patient that cultivates, produces, possesses or transports medical marijuana, or a primary caregiver that cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to one or more patients shall not be deemed a “Medical Marijuana Business”. [Signage for Medical Marijuana Businesses shall be limited to five \(5\) square feet permitted on a wall or blade sign. “Sandwich board” signs are permitted only when the business is not adjacent to the public street providing access.](#)

(Ord. 17-2012 §2, 2012)

Manufactured Home: A single-family dwelling which is partially or entirely manufactured in a factory and designed for long-term residential or nonresidential use and transported to its occupancy site; and is not less than twenty-four feet in width and thirty-six feet in length; and is installed on an engineered permanent foundation; and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" 42 U.S.C. 5401 et. seq. as amended and bears such certification label.

Mobile Home: A structure manufactured partially or entirely in a factory, designed for long-term residential use and transported to its occupancy site, which is twelve (12) feet or more in width, is a minimum of 600 square feet and constructed in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 and is licensed by the Colorado Department of Motor Vehicles as a Mobile Home.

Mobile Home Lot: An area of ground intended to accommodate one mobile home, the mobile home pad, a minimum of two parking spaces, a storage shed, utility connections, and openspace.

Mobile Home Lot, Single Wide: A mobile home lot intended to accommodate a mobile home which may not exceed 16 feet in width.

Mobile Home Lot, Double Wide: A mobile home lot intended to accommodate one mobile home which has been transported and placed in two sections forming one whole and which is generally 24 feet in width.

Mobile Home Pad: An area of land in the mobile home space on which a mobile home and appurtenant structures directly sits.

Mobile Home Subdivision: A mobile home park which meets the requirements of Chapter 4.09 and in which individual lots are sold separately, with or without common ownership in the areas outside the mobile home spaces. Pursuant to Chapter 4.11, every mobile home subdivision shall be designed as and meet all requirements for Planned Unit Development.

Outside Storage: Items including, but not limited to, vehicles, excavation equipment, machinery, utility service supplies, fabrication materials, and general supplies which are stored outside on a regular, permanent, semi-permanent, or seasonal basis and which occupies more than 1,000 square feet on any one lot.

Owner of Record: The owner of real property within the Town of Eagle as recorded by the County Clerk of Eagle County.

Parking Area: The total square footage within a contiguous area provided for parking, including driveways, access ways, turnaround space, areas of landscaping, snow storage areas, and other ancillary space in addition to actual vehicle parking spaces.

Phasing: A plan for construction of a development in portions over time, which time ranges shall be specified in the development permit.

Planning Commission: The Planning and Zoning Commission of the Town of Eagle.

Planned Unit Development: An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing Land Use Regulations.

Plat or Subdivision Plat: A map and supporting materials of certain described land, prepared in accordance with applicable regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Print Shop: A retail establishment that provides duplicating services using offset printing equipment.

Proof of Ownership: A notarized affidavit executed by fee simple title holder.

Recreational Vehicle: A vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, and which is licensed in any state as a recreational vehicle, travel trailer, camping trailer, truck camper, motor home, or similar title.

Retail Marijuana: Retail Marijuana shall have the same meaning as defined in Section 16 (2)(f) of Article XVIII of the Colorado Constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

Retail Marijuana Business or Retail Marijuana Establishment: Retail Marijuana Business or Retail Marijuana Establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail testing facility.

Retail Marijuana Cultivation Facility: Retail Marijuana Cultivation Facility shall have the same meaning as “marijuana cultivation facility” as defined in Section 16 (2)(h) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Retail Marijuana Products: Retail Marijuana Products means “marijuana products” as defined in Section 16 (2)(k) of Article XVIII of the Colorado Constitution that are produced at a retail marijuana products manufacturer.

Retail Marijuana Products Manufacturer: Retail Marijuana Products Manufacturer has the same meaning as a “marijuana product manufacturing facility” as defined in Section 16(2)(j) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Retail Marijuana Store: Retail Marijuana Store shall have the same meaning as defined in Section 16(2)(n) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Retail Marijuana Testing Facility: Retail Marijuana Testing Facility shall have the same meaning as a “marijuana testing facility” as defined in Section 16(2)(l) of Article XVIII of the Colorado Constitution that is licensed pursuant to the Colorado Retail Marijuana Code, Sections 12-43.4-101 *et. seq.*, C.R.S.

Self-Service Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor’s supplies.

Service Bay: An interior space designed for the repair of vehicles and which has unrestricted ingress and egress.

Service Establishment: A commercial business that primarily renders personal or commercial services rather than the sale of goods as the principal use of the property such as printing, copy, hairdressing, shoe repair, appliance repair, upholstery, roofing, plumbing and janitorial services, etc. Activities incidental to the primary service business are permitted as accessory uses.

Setback: The minimum dimension of a required yard.

Sign: The term "sign" shall include any writing, letter, word, numeral, pictorial representation, pictorial abstraction, graphic or pictorial form, emblem, symbol, trademark, object or design which conveys a recognizable meaning or identity or distinction; or any of the above which forms a structure or part of a structure or which is affixed in any fashion to any structure and which by reason of the form or color or wording or stereotyped design or other feature attracts or is designed to attract attention to the subject matter or is used as a means of identification or advertisement or announcement.

The term "sign" shall not include:

1. Flags, not to exceed 24 square feet in size, of governments or fraternal, religious, civic, or educational organizations and institutions except when used in connection with a commercial promotion or to advertise a commercial product, services, business, activity, condition, or person.
2. Placards, banners, pennants, pictures, bottles, or any other devices incorporated in a temporary window display.
3. Works of art which in no way identify a product or business and which are not displayed in conjunction with a commercial, for-profit, enterprise.

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Retail Establishment - except mobile home & vehicular services	P	P	P	*	S
Service Establishment - except vehicular service	P	P	P	*	S
Restaurant	P	P	P	*	*
Tavern	P	P	P	*	*
Office	P	P	P	P	*
Lodging, Extended Stay	*	*	S	*	*
Lodging, Temporary	P	P	P	*	*
Dwelling Units – above Street Level	P	S	*	S	*
High Density, Multi-Family Dwelling ¹	S	*	*	*	*
Park, Playground, Greenbelt	P	P	P	P	P
Indoor Recreation Facility or Theater	SP	SP	SP	SP	*P
Shooting Range	S	S	S	S	S
Public Building, Auditorium or other Public Assembly	S	S	S	S	*
Church, Child Care Facility, School	S	S	S	P	*
Hospital, Clinic, Nursing Home, Group Home	S	S	S	P	*
Commercial Parking Lot or Garage	S	S	S	S	S
Vehicular and Mobile Home Service, Sales and Rental	S	S	S	S	S
Contractor's Yard	*	*	S	*	S
Shop for: Blacksmith, Cabinetry, Glazing, Machining, Off-set printing, Publishing, Sheet metal	S	S	P	*	P
Utility Substation	*	S	S	*	S
Water Impoundment	*	*	S	S	S
Taxidermy Shop	*	S	S	*	S
Dry Cleaning Plant	S	S	S	*	S
Gasoline Sales	S	P	P	*	S
Automobile Salvage Yard	*	*	*	*	P
Manufacturing, assembly, processing, Packaging or preparation of articles or merchandise	*	*	S	*	P
One Single Dwelling Unit – Accessory to a use permitted	*	*	S	*	S
Restaurant – accessory to use permitted	*	*	*	P	P
Office – accessory to use permitted	*	*	*	*	P
Veterinary Clinic	S	S	S	*	S
Kennel	S	S	S	*	S
Extraction and Processing of: minerals, rocks, sand, gravel, other earth products	*	*	*	*	S
Storage of Explosives	*	*	*	*	S
Sawmill or Wood Milling Facility	*	*	*	*	S
Recreational Vehicle Park	*	*	S	*	*

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS
(continued)

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Railroad Transfer Yard, Motor Freight Depot	*	*	S	*	S
Petroleum Products Bulk Plant	*	*	S	*	S
Mobile Home	*	*	*	*	*
Outside Storage	*	S	S	S	P
Self Service Storage Facility	*	*	*	*	S
Wholesale or Distribution Establishment, except mobile home and vehicular sales	S	S	P	*	P
Retail, except mobile home and vehicular Accessory to a principal permitted use	P	P	P	*	P
Service Establishment, except vehicular service – accessory to a principal permitted use	P	P	P	*	P
Sexually Oriented Businesses	*	*	*	*	S
Medical Marijuana Center Business ² Amended 11/13/12	*	*	S	*	S
Medical Marijuana Infused Products Manufacturer ²	*	*	S	*	S
Optional Medical Marijuana Cultivation Premises ²	*	*	S	*	S
Retail Marijuana Store ⁴ Business (excluding Retail Marijuana Testing Facilities) Amended 10/22/13	*	*	S	*	S
Retail Marijuana Products Manufacturing Facility ⁴	*	*	S	*	S
Retail Marijuana Cultivation Facility ⁴	*	*	S	*	S
Retail Marijuana Testing Facility	P	P	P	*	P
Cultivation of Medical Marijuana by Patients and Caregivers in Non-Residential Units (Commercial or Industrial Spaces) ³ Amended 10/27/10	*	*	*	*	P
Cultivation of Medical Marijuana by Patients and Caregivers in Residential Dwelling Units (permitted within Non-Residential Zone Districts) ³ Amended 10/27/10	P	P	P	P	P
Cultivation of Marijuana for Personal Use in Residential Units	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵
Cultivation of Marijuana for Personal Use in Non- Residential Units or Structures Amended 10/22/13	*	*	*	*	p ⁶
KEY:					
¹ Pursuant to Section 4.05.010.A.3.b	CBD = CENTRAL BUSINESS DISTRICT CL = COMMERCIAL LIMITED CG = COMMERCIAL GENERAL PA = PUBLIC AREA I = INDUSTRIAL				

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS
(continued)

<p>² Medical Marijuana Centers Businesses allowed only on Commercial General and Industrial zoned properties East of Nogal Gulch. Please Refer to attached map at the end of this Section labeled Exhibit A.</p> <p>Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Please Refer to attached map at the end of this Section labeled Exhibit B.</p> <p>Refer to Section 4.04.100 (P) concerning supplementary regulations and standards for Medical Marijuana Businesses. Amended 11/13/12</p>	
<p>³ See Section 4.04.100(R) concerning supplementary regulations and standards for the cultivation of medical marijuana by patients and primary caregivers in Non-Residential Zone Districts. Amended 10/27/10</p>	
<p>⁴ Retail Marijuana Stores Businesses allowed only on Commercial General and Industrial zoned properties east of Nogal Gulch. Refer to map at the end of this Section labeled Exhibit A. Retail Marijuana Testing Facilities are not permitted in any zone district.</p> <p>Retail Marijuana Products Manufacturing Facility and Retail Marijuana Cultivation Facility allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Refer to map at the end of this Section labeled Exhibit B.</p> <p>Refer to Section 4.04.100 (U) for supplementary regulations and standards for Retail Marijuana Businesses. Amended 10/22/13</p>	
<p>⁵ See Section 4.04.100(S) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in residential units in both residential and non-residential zone districts.</p>	
<p>⁶ See Section 4.04.100(T) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in non-residential units or structures in non-residential zone districts.</p>	
<p>* = NOT PERMITTED USE</p>	
<p>P = USE BY RIGHT</p>	
<p>S = SPECIAL USE</p>	

3. The owner of an extended stay temporary lodging facility shall provide at all times an adequate number of beds within each unit contained in the lodging facility for the stated capacity of each respective unit. The owner of the lodging facility shall not permit persons in excess of the stated capacity for each unit to reside in the respective units.
4. No pets or domestic animals of any kind, except service dogs for the disabled, shall be kept or harbored by guests within any unit of the lodging facility.

P. Medical Marijuana Businesses

~~Medical Marijuana Businesses shall only be located east of Nogal Gulch in the Commercial General (CG) and Industrial Zone Districts pursuant to a special use permit. All Medical Marijuana Businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code, Section 12-43.3-101, et. Seq., C.R.S., licensed childcare facilities, as defined in the Colorado Medical Marijuana Code, alcohol or drug treatment facilities, as defined in the Colorado Medical Marijuana Code, and the campus of a college or university, as defined in the Colorado Medical Marijuana Code. In addition, Medical Marijuana businesses shall be located a minimum of 100 feet from any residential zone district. The required distances specified above shall be measured from a District boundary line to the subject property line. Signage for Medical Marijuana Businesses shall be limited to five (5) square feet permitted on a wall or blade sign. "Sandwich board signs" are permitted only when the business is not adjacent to the public street providing access. (Ord. 17-2012 §5, 2012)~~

1. Limitation on the Number of Medical Marijuana Centers within the Town.

~~The number of Medical Marijuana Centers permitted within the Town is based on population. A maximum of one (1) Medical Marijuana Center shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.~~

~~In the event more than one (1) Land Use Application for a Medical Marijuana Center of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner.~~

2. Permitted Locations.
Medical Marijuana Centers shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a special use permit. Refer to map at the end of this Section labeled Exhibit A.

Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts along Chambers Avenue, east of Eby Creek Road pursuant to a special use permit. Refer to map at the end of this Section labeled Exhibit B.

3. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.
All Medical Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Medical Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.
4. Distance from Residential Zone District.
All Medical Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.
5. Distance from Other Medical Marijuana Businesses.
There shall be no distance requirement between Medical Marijuana Businesses.
6. No Mobile Facilities.
No Medical Marijuana Business shall be located in a movable or mobile vehicle or structure and no Medical Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code.
7. Operation of Multiple Businesses at Single Location.
A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.
8. Specific Requirements for a Medical Marijuana Center.
Small samples of Medical Marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the Police Department.

A Medical Marijuana Center may sell “drug paraphernalia” as that term is defined in Chapter 9.15 of the Eagle Municipal Code to Patients only and shall be exempt from the prohibitions contained in said Chapter. **Provided, however, a Medical Marijuana Center shall**

not display “drug paraphernalia” for sale on the Licensed Premises and such “drug paraphernalia” shall only be shown to Patients upon request.

9. Specific Requirements for a Medical Marijuana Center.

If co-located with an Optional Medical Marijuana Cultivation Premises, the area of the proposed Licensed Premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to Patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or Patients from entering the area of the Licensed Premises utilized for cultivation of marijuana.

10. No Products to be Visible from Public.

Marijuana plants, products, accessories, and associated paraphernalia contained in any Medical Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

11. No Beer or Alcohol on Premises.

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the Premises of a Medical Marijuana Business.

12. Hours of Operation.

Medical Marijuana Businesses shall limit their hours of operation to between 11:00-a.m. and 7:00 p.m.

13. Restrictions Regarding Signage.

Signs shall not be permitted on the exterior of Optional Premises Cultivation Operation facilities and Medical Marijuana Infused Products Manufacturing facilities.

All signage associated with a Medical Marijuana Center shall meet the standards established in the Eagle Municipal Code and the Eagle Land Use and Development Code. In addition, no sign associated with a Medical Marijuana Center shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word “medical” or the message of such sign includes the words “for medical use” or “for medicinal purposes” in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a Medical Marijuana Center.

14. Storage of Products.

All products and accessories shall be stored completely indoors and on-site.

15. Consumption of Marijuana Prohibited.

No consumption of any Medical Marijuana product shall be allowed or permitted on the Licensed Premises or adjacent grounds.

16. Storage of Currency.

All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the Police Department.

17. Prevention of Emissions.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Licensed Premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the Licensed Premises, the landowner and licensee shall be jointly and severally responsible for the full cleanup immediately. The Medical Marijuana Business shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill regulations.

A Medical Marijuana Center and an Optional Medical Marijuana Cultivation Premises shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District. In addition, all State regulations concerning ventilation systems shall be followed.

18. Compliance with Other Codes.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

19. No Harm to Public Health, Safety and Welfare.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

20. Additional Requirements.

At the time that a Special Use Permit is granted, or at any time the Board of Trustees approves a major change to a Medical Marijuana Business, the Board of Trustees may impose on the Applicant any conditions related to the proposed use that is reasonably necessary to

protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Limits on Medical Marijuana Products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the Medical Marijuana Business;
- h. Limits on hours of operation that are more restrictive than prescribed by subsection (9) above;
- i. A requirement that the Applicant temporarily close the Medical Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Medical Marijuana Business.

21. Penalty for Violation.

Any violation of the provisions of this subsection, or the conditions of the Special Use Permit granted, by a Medical Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.

U. Retail Marijuana Businesses (Amended 10/22/13)

1. Limitation on the Number of Retail Marijuana ~~Stores~~ ~~Businesses~~ within the Town.

The number of Retail Marijuana ~~Stores~~ ~~Businesses~~ permitted within the Town is based on population. A maximum of one (1) Retail Marijuana Store, ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office. In the event more than one (1) Land Use Application for a Retail Marijuana ~~Store~~ ~~Business~~ of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner.

2. All Retail Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university. In addition, Retail Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

3. All Retail Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university. In addition, Retail Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

4. Retail Marijuana Stores shall limit their hours of operation to between 11:00 a.m. and 7:00 p.m.-or as otherwise provided in the Special Use Permit.

5. Marijuana plants, products, accessories, and associated paraphernalia contained in a Retail Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

6. No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a Retail Marijuana Business.
7. No consumption or smoking of any Retail Marijuana Products shall be allowed or permitted on the premises or adjacent grounds of a Retail Marijuana Business.
8. Signage shall be specifically approved as part of the special use permit application process for the Retail Marijuana Business.
9. All products and accessories shall be stored completely indoors and on site.
10. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill Regulations.
11. A Retail Marijuana Store may only sell Retail Marijuana, Retail Marijuana Products, Marijuana Accessories and non-consumable products such as apparel, and marijuana related products such as childproof packaging containers. Retail Marijuana Stores shall be prohibited from selling or giving away any consumable product, including but not limited to tobacco products or alcohol, or edible products that do not contain marijuana, including but not limited to sodas, candies or baked goods.
12. A person may operate a licensed Medical Marijuana Center and Medical Marijuana Optional Premises Cultivation Facility, Medical Marijuana Infused Products Manufacturing Facility, and any Retail Marijuana Business permitted by this subsection at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.
13. A Retail Marijuana Cultivation Facility and a Retail Marijuana Store shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that

would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District. In addition, all State regulations concerning ventilation systems shall be followed.

14. Any Retail Marijuana Business and the adjacent grounds of the Retail Marijuana Business shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.
15. At the time that a Special Use Permit is granted, or at any time the Board of Trustees approves a major change to a Retail Marijuana Business, the Board of Trustees may impose on the Applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:
 - k. Additional security requirements;
 - l. Limits and requirements on parking and traffic flows;
 - m. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
 - n. Limits on Retail Marijuana Products that may be sold;
 - o. Requirements and limits on ventilation and lighting;
 - p. Limits on noise inside the licensed premises or on the adjacent grounds;
 - q. Prohibitions on certain conduct in the Retail Marijuana Business;
 - r. Limits on hours of operation that are more restrictive than prescribed by subsection (3) above;
 - s. A requirement that the Applicant temporarily close the Retail Marijuana Business to the public until certain changes, inspections or approvals are made; and
 - t. A limitation on the square footage of the Retail Marijuana Business.
16. Any violation of the provisions of this subsection, or the conditions of the Special Use Permit granted, by a Retail Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In

addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.

Amended 03/20/90
Amended 06/02/91
Amended 04/16/95
Amended 02/13/00
Amended 10/27/10
Amended 11/13/12
Amended 10/22/13

Exhibit A. Commercial and Industrial Zoned Land East of Nogal Gulch

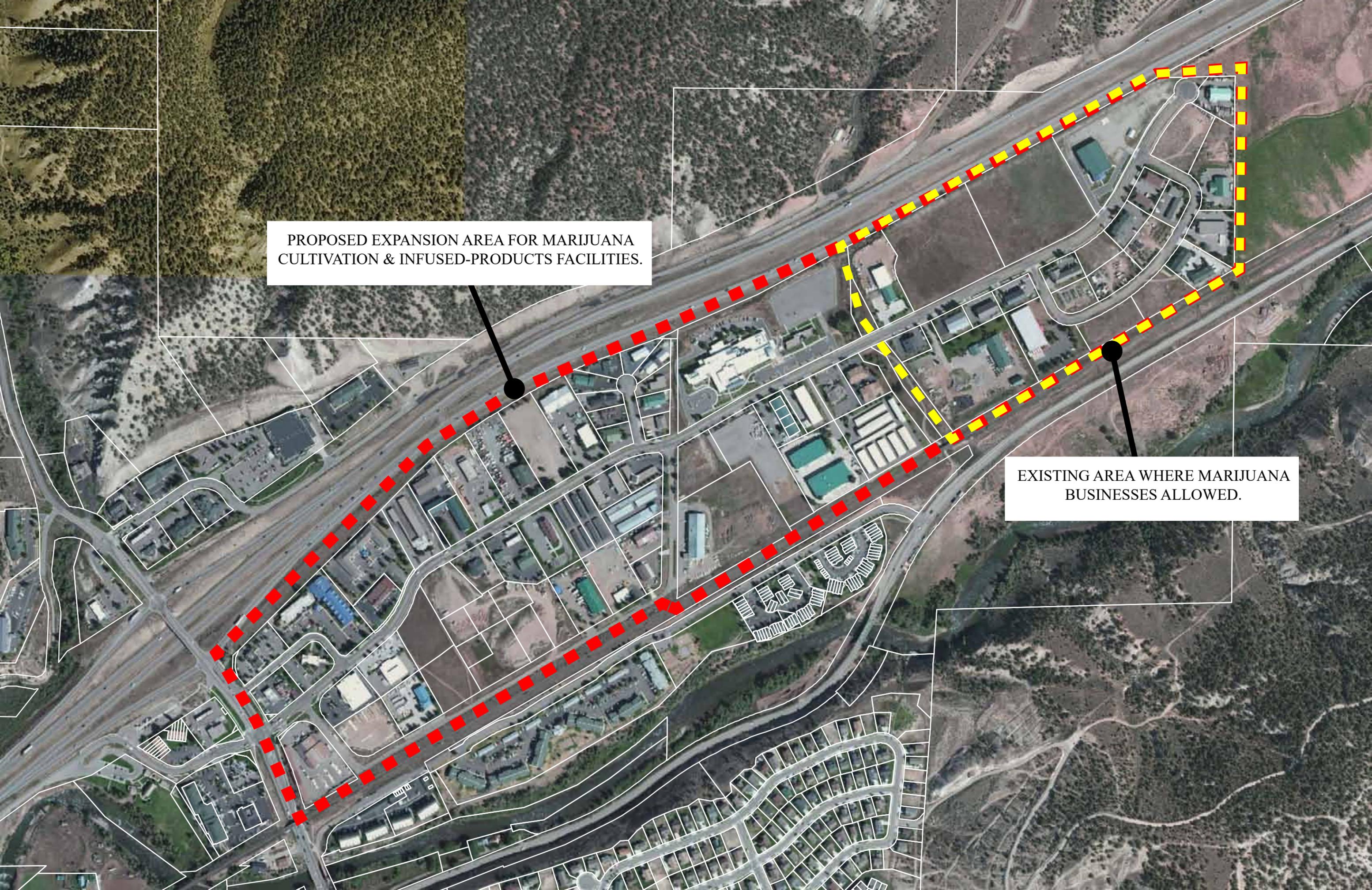


Exhibit B. Commercial and Industrial Zoned Land along Chambers Avenue, East of Eby Creek Road

MAP TO BE INSERTED

PROPOSED EXPANSION AREA FOR MARIJUANA CULTIVATION & INFUSED-PRODUCTS FACILITIES.

EXISTING AREA WHERE MARIJUANA BUSINESSES ALLOWED.



Chapter 5.15
LICENSING AND REGULATION OF MEDICAL MARIJUANA BUSINESSES

Sections:

- 5.15.010 Legislative Intent and Purpose.
- 5.15.020 Definitions.
- 5.15.030 License Required.
- 5.15.040 Local Licensing Authority.
- 5.15.050 General Licensing Procedure and Regulations.
- 5.15.060 Application and License Fees.
- 5.15.070 License Applications.
- 5.15.080 Procedures for Approval or Denial of License Application.
- 5.15.090 Conditions on Licenses.
- 5.15.100 Personal Requirements for Licensee, Principals, Business Manager, Persons Holding Financial Interest and Employees.
- 5.15.110 Special Restrictions and Requirements.
- 5.15.120 Specific Requirements for a Medical Marijuana Center.
- 5.15.130 Specific Requirements for Optional Premises Cultivation Operation License.
- 5.15.140 Specific Requirements for a Medical Marijuana-Infused Products Manufacturer's License.
- 5.15.150 Renewal of Medical Marijuana Business License.
- 5.15.160 Major Changes to Medical Marijuana Business License or Licensed Premises Requiring Approval of the Local Licensing Authority.
- 5.15.170 Reports of Minor Changes.
- 5.15.180 Books and Records.
- 5.15.090 Inspection of Books and Records; Audits.
- 5.15.200 Inspection of Licensed Premises and Adjacent Grounds.
- 5.15.210 Suspension and Revocation of License.

5.15.010 Legislative Intent and Purpose.

A. Legislative Intent: The Board of Trustees of the Town of Eagle intends to regulate the use, acquisition, cultivation, production, and distribution of Medical Marijuana in a manner consistent with Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment").

1. The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for Patients to obtain Medical Marijuana unless the Patient grows the marijuana or the marijuana is grown by the Patient's Primary Caregiver.

child support in default or in arrears.

L. The applicant and Principals are not peace officers or prosecuting attorneys.

M. The applicant and Principals are not licensed physicians who recommend Medical Marijuana to Patients.

5.15.110 Special Restrictions And Requirements.

A. Limitation On The Number Of Licenses That May Be Issued Within The Town. The number of Medical Marijuana Businesses permitted within the Town is based on population. A maximum of one (1) Medical Marijuana Center, one (1) Medical Marijuana-Infused Products Manufacturer and one (1) Optional Premises Cultivation Operation shall be permitted for every five thousand (5,000) people or a fraction thereof. Population shall be based on the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office. If more than one (1) license application for a Medical Marijuana Business of the same classification are submitted to the Local License Authority within a period of thirty (30) days, the applications that comply with all requirements of this Chapter and the Colorado Medical Marijuana Code, but the Local Licensing Authority is not permitted to approve all of the applications reviewed because of the limitations set forth in this subsection, the Local Licensing Authority shall approve the application that the Local Licensing Authority finds and determines will best promote the intent and purposes of this Chapter 5.15 and the Colorado Medical Marijuana Code. An application for renewal of an existing Medical Marijuana Business license shall receive a preference over an application for a new Medical Marijuana Business license if the existing business has substantially met all of the requirements of this Chapter 5.15 and the Colorado Medical Marijuana Code during the previous license term and is in good standing. (Amended Ord. 33 §1, 2013)

B. Permitted Locations. All Medical Marijuana Business licenses shall be issued for a specific location which shall be designated as the Licensed Premises. Except as permitted by law, all sales, deliveries and other transfers of Medical Marijuana products by a licensee shall be made at the Licensed Premises. Medical Marijuana Businesses are not permitted in any residential zone district. Medical Marijuana Businesses shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a special use permit issued in accordance with the requirements contained in the Town's Land Use & Development Code.

C. Distance from Schools. Medical Marijuana Businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code.

D. Distance from Licensed Child Care Facilities. Medical Marijuana Businesses shall be located a minimum of 100 feet from licensed child care facilities, as defined in the Colorado Medical Marijuana Code.

E. Distance from Alcohol or Drug Treatment Facilities. Medical Marijuana Businesses shall be located a minimum of 1,000 feet from alcohol or drug treatment facilities, as defined in the Colorado Medical Marijuana Code.

F. Distance from College Campuses. Medical Marijuana Businesses shall be located a minimum of 1,000 feet from the campus of a college, as defined in the Colorado Medical Marijuana Code.

G. Distance from Residential Zone District. Medical Marijuana Businesses shall be located a minimum of 100 feet from any residential zone district.

H. Distance from Other Medical Marijuana Businesses. There shall be no distance requirement between Medical Marijuana Businesses.

I. No Mobile Facilities. No Medical Marijuana Business shall be located in a movable or mobile vehicle or structure and no Medical Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code.

J. No Products to be Visible from Public. Marijuana plants, products, accessories, and associated paraphernalia contained in a Medical Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

K. No Beer or Alcohol on Premises. No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the Premises of a Medical Marijuana Business.

L. Hours of Operation. Medical Marijuana Businesses shall limit their hours of operation to between 11:00 a.m. and 7:00 p.m.

M. Restrictions Regarding Signage. Signs shall not be permitted on the exterior of Optional Premises Cultivation Operation facilities and Medical Marijuana Infused Products Manufacturing facilities. All signage associated with a Medical Marijuana Center shall meet the standards established in the Eagle Municipal Code and the Eagle Land Use and Development Code. In addition, no sign associated with a Medical Marijuana Center shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word “medical” or the message of such sign includes the words “for medical use” or “for medicinal purposes” in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a Medical Marijuana Center.

N. Storage of Products. All products and accessories shall be stored completely indoors and on-site.

O. Consumption of Marijuana Prohibited. No consumption of any Medical Marijuana product shall be allowed or permitted on the Licensed Premises or Adjacent Grounds.

P. Storage of Currency. All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the Police Department.

Q. Prevention of Emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Licensed Premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the Licensed Premises, the landowner and licensee shall be jointly and severally responsible for the full cleanup immediately. The Medical Marijuana Business shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill regulations.

R. Compliance with Other Codes. The Licensed Premises and Adjacent Grounds of a Medical Marijuana Business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

S. No Harm to Public Health, Safety and Welfare. The Licensed Premises and Adjacent Grounds of a Medical Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

5.15.120 Specific Requirements for a Medical Marijuana Center.

A. The applicant shall cultivate at least seventy percent (70%) of the marijuana sold or exchanged on the Licensed Premises.

B. Small samples of Medical Marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the Police Department.

C. A Medical Marijuana Center may sell “drug paraphernalia” as that term is defined in Chapter 9.15 of the Eagle Municipal Code to Patients only and shall be exempt from the prohibitions contained in said Chapter. Provided, however, a Medical Marijuana Center shall not display “drug paraphernalia” for sale on the Licensed Premises and such “drug paraphernalia” shall only be shown to Patients upon request.

5.15.130 Specific Requirements for Optional Premises Cultivation Operation License.

A. The applicant shall also hold a Medical Marijuana Center license or a Medical Marijuana-Infused Products Manufacturer's license.

B. The area of the proposed Licensed Premises utilized for cultivation shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

C. The area of the proposed Licensed Premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to Patients.

D. If carbon dioxide will be used in the cultivation area in the proposed Licensed Premises, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air in to any adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Greater Eagle Fire Protection District and Building Official.

F. Walls, barriers, locks, signage and other means shall be employed to prevent the public or Patients from entering the area of the Licensed Premises utilized for cultivation of marijuana.

G. Disposal of un-wanted marijuana by-products shall be done in accordance with procedures approved by the Police Department.

5.15.140 Specific Requirements for a Medical Marijuana-Infused Products Manufacturer's License.

A. The applicant has a contract with a Medical Marijuana Center, stating the type and quantity of Medical Marijuana-Infused Products that the Medical Marijuana Center will buy from the licensee.

B. The applicant shall have a written agreement or contract with a Medical Marijuana Center licensee which shall at a minimum set forth the total amount of Medical Marijuana obtained from such Medical Marijuana Center to be used in the manufacturing process, and the total amount of Medical Marijuana-Infused Products to be manufactured from the Medical Marijuana obtained from that Medical Marijuana Center.

C. The applicant shall use Medical Marijuana from no more than five (5) Medical Marijuana providers, including its own Optional Premises Cultivation Operation if applicable, to manufacture one Medical Marijuana-Infused Product.

D. The applicant may sell products to any licensed Medical Marijuana Center.

E. The applicant shall meet all of the standards set forth in Section 12-43.3-404, C.R.S.

5.15.150 Renewal of Medical Marijuana Business License.

A. A licensee may renew its Medical Marijuana Business license by submitting an application to the Town Clerk at least forty-five (45) days before and not more than ninety (90) days before the expiration of the license. If a licensee fails to file an application for renewal of its license at least forty-five (45) days before expiration of the license, the license shall expire.

B. A licensee may renew a license that has expired if:

1. The license has expired for less than ninety (90) days; and
2. The licensee pays the regular renewal fee and an additional five hundred dollars (\$500.00) late renewal fee.

C. In the event an application for renewal has been filed at least forty-five (45) days before the expiration of the previous license, but the Local Licensing Authority does not rule on the application for renewal before the expiration of the previous license, the previous license shall be deemed extended until the Local Licensing Authority issues a decision on the application for renewal, but in no event may the license be extended for more than ninety (90) days.

D. The Local Licensing Authority may renew a license without a public hearing. However, if the Local Licensing Authority believes there may be Good Cause to deny the application for renewal, the Local Licensing Authority shall hold a public hearing on the application. The licensee shall have an opportunity to be heard and shall be given at least fifteen (15) days written notice of the date and time of the public hearing on the application for renewal.

5.15.160 Major Changes to Medical Marijuana Business License or Licensed Premises Requiring Approval of the Local Licensing Authority.

A. A licensee shall not make any of the following changes without first obtaining written approval of the Local Licensing Authority:

1. Any transfer of the license or any ownership interest in the licensee's business entity or license;
2. Any change in the location of the Licensed Premises;
3. Any change in the licensee's Principals;
4. The hiring, substitution, resignation, replacement or termination of the Business Manager;



The Town of Eagle

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

Meetings:
2nd and 4th Tuesdays

Town of Eagle Recreation Committee (ERC) Seeking Applications

The Recreation Committee (which shall include one Town of Eagle Trustee and other appropriate staff from the Town of Eagle) is appointed by the Town of Eagle Board of Trustees.

The Committee will meet on a schedule and frequency as determined at its first session which will also determine total number of committee members it desires.

ERC meetings are a round-table format and the public is encouraged to attend and provide input.

ERC responsibilities include:

- Advise and recommend to the Town Board of Trustees as related to recreation, playground and park activities, including established parks, proposed parks, hard and soft trails, on, in and around the municipality, subject to and within the limitations of the municipal budget.
- Meet with partner agencies regarding costs, logistics and planning.
- Researching amenities, equipment and preparing estimates.
- Creating reporting requirements and evaluating reports.
- Recommending allocation of funds for recreation to the Town Board of Trustees for approval
- Evaluating public requests and recommending funding to the Town Board of Trustees for approval
- Providing input and direction with regard to the overall recreation related budget and strategic plans
- Other functions designated by the Eagle Town Board of Trustees

Any volunteer interested in serving on the committee must be a resident of the Town of Eagle, or own real property, or own a business or be employed within the town. There are 50% two-year terms and 50% one-year term up for appointment.

Application Process

Please submit a letter of interest outlining your experience and reason for wishing to serve on the ERC committee to: Jenny Rakow, Interim Town Manager, Town of Eagle:

jenny.rakow@townofeagle.org.

Letter of Interest Deadline: March 15, 2016

Selection: TBOT meeting March 22, 2016

Standing Members:

WECMRD

Eagle Ranch

School District

MEAC

Eagle Planning & Zoning

Eagle Town Board

Eagle Town Staff

Eagle Chamber