



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, April 19, 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 & March 15, 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.
Resolution No. 2 – 2016 A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado, granting an exception to the Eagle Area Community Plan for proposed development of Lot 220C on the Eby Creek Mesa Subdivision.		
2.	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:	1. Revise Section 4.03.040 to define dog daycare facility. 2. Revise Section 4.04.070 to define regulations for dog daycare facilities.

<u>ITEM</u>	
	<p>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.</p> <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>
NEW PUBLIC HEARINGS	
1.	<p>Project: Stout House Coffee Kitchen Expansion</p> <p>File #: DR16-02</p> <p>Applicant: Marcey Place</p> <p>Location: 131 Chambers Avenue</p> <p>Staff Contact: Tom Boni (Town Planner)</p> <p>Request: Minor development review for a 420 square foot expansion.</p>
2.	<p>Project: Stout House Coffee Kitchen Expansion</p> <p>File #: V16-01</p> <p>Applicant: Marcey Place</p> <p>Location: 131 Chambers Avenue</p> <p>Staff Contact: Tom Boni (Town Planner)</p> <p>Request: Zoning variance to allow for a 12.5' setback from Chambers Avenue.</p>
<u>TOWN BOARD OF TRUSTEES MEETING REVIEW</u>	
<i>Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.</i>	
1. Town of Eagle – River Corridor Plan nomination for 2016 APA Colorado Chapter Award	
<u>OPEN DISCUSSION</u>	
<u>ADJOURN</u>	



The Town of Eagle

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Meetings:
2nd and 4th Tuesdays

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% of home would be determined based on development costs. The Commission requested that all homes have deed restrictions to limit the sales price, limit price appreciation, and to include residency requirements. The Commission offered suggestions to Mr. Poukish for getting some form of a residency deed restriction on 100% of the properties, such as limiting the number of days a unit would be required to be on the market strictly for Eagle/Eagle County residents prior to be offered on the free market. Mr. Poukish agreed that he would continue to work to achieve 100% deed restriction, but reiterated it would be determined based on the costs of development.

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



The Town of Eagle

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Meetings:
2nd and 4th Tuesdays

Planning and Zoning Commission Meeting Minutes March 15, 2016

PRESENT

Stephen Richards
Jamie Harrison
Charlie Perkins
Jason Cowles
Max Schmidt
Donna Spinelli
Jesse Gregg

STAFF

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

ABSENT

Cindy Callicrate

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 March 15, 2016 was called to order by Jason Cowles at 6:08 p.m.

APPROVAL OF MINUTES

The Commission asked for staff to review the minutes from February 16 regarding File MPE16-01. The Commission will review staff's changes and approve at the next meeting held on April 19, 2016.

MISCELLANEOUS

The Eagle River Corridor Plan was published to the Town of Eagle website. Amendments to the appendix are still being made and will be added.

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. The

applicant, Mr. Poukish met with Tory Franks (Eagle County), Chris Nelson (mortgage lender) and staff to discuss how to develop restrictions that still allowed for mortgages through FHA or VA loans. Mr. Poukish explained further the discussion that came from that meeting that the homes would be 10% LERP, 40% modified LERP and 50% residential occupancy restriction only, with a penalty of 1% of sales price if the occupancy requirement is not met that would be paid to the town.

Jill Klosterman of Eagle County informed the Commission on how the County handles a 1% transfer fee on property sales. Local residents are allowed exemption, dependent on buyer's qualifications. The 1% goes back to Eagle County Housing Department, but is not project specific. Ms. Klosterman also stated that most deed restricted properties lose the restricted status due to foreclosure. The County has the option to purchase a foreclosure and have the restricted status remain. The success rate of those offered through deed restriction were also discussed. Due to beginning price point, Eagle has had a lot of success with the deed restriction process.

Mr. Poukish and the Commission discussed the reasons behind proposing a 50% deed restriction. The Town of Eagle and Mr. Poukish are negotiating. The land is privately owned and will not be subsidized. Homes will be single family and a density requirement set by the Town of Eagle must be met showing a public benefit. Mr. Poukish believes that this development will have stricter covenants than that of the Eby Creek HOA. The Town of Eagle would not likely be obligated to provide street maintenance.

Cowles opened public comment and having received none, closed public comment.

The Commission deliberated and agreed that it is a great opportunity for the Town and were in favor of making an exception to the Eagle Area Community Plan allowing annexation of the 31 acre property. Cowles and Harrison agreed that a resolution should be written.

Cowles made a motion to provide direction to staff to draft a resolution per terms discussed regarding sales price, percentage of LERP, restricted occupancy, and imposing a transfer fee. Richards seconded. The motion passed unanimously.

Cowles made a motion to continue file MPE16-01 to the next meeting held on April 19, 2016. Spinelli seconded. The motion passed unanimously.

BREAK 7:41pm – 7:44pm

LURA16-01 Revisions to the Land Use and Development Code

Cowles opened File LURA16-01, Revisions to Section 4.03.040 – Definitions and Section 4.04 – Zoning of the Town of Eagle Land Use and Development Code. Richards asked to have it on the record that he does work for Sweet Leaf, a marijuana business, but has no financial interest in the business.

Farrar reviewed the language in the Land Use Development Code (LUDC) that needed to be updated.

1. Revise Section 4.03.040 to define dog daycare facilities.\
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 Town of Eagle where these uses are permitted.

The Commission discussed the above topics and agreed with staff on item 1 and 2 to change the name to Animal Service and update the definition. Item 3, the Commission suggested that a definition be determined prior to determining if it should be a use by right. It was also suggested that indoor recreation and theater be broken into separate line items. Item 4, staff feels that based on the new regulations from the state, that testing facilities would be in higher demand as use by right in non-residential areas. Item 5, the Commission thought that the boundary line should be moved to just east of the Post Office. The Commission discussed why medical and retail regulations were different, and feel that they should be the same standards. They also discussed the signage and hours of operation.

Staff will make revisions for review at the April 19, 2016 meeting. Harrison made a motion to continue review of File LURA16-01 to the April 19, 2016 meeting. Perkins seconded. The motion passed unanimously.

MISCELLANEOUS

Boni asked for volunteers from the Planning and Zoning Commission for the WECMRD Recreation Committee. Cowles volunteered and Gregg said he would be interested as well, and could be an alternate. Boni, Farrar and Cowles attended the Rocky

Mountain Land Use Conference. Topics of interest included the priorities planners have to encourage and facilitate recreation and homes; encouraged creativity toward housing and how to blend other demographic groups and water conservation.

ADJOURN

Harrison made a motion to adjourn the meeting. Richards seconded. The motion passed unanimously. The meeting was adjourned at 9:06 p.m.

Date

Jason Cowles – Planning and Zoning Commission

Date

Carla Nelson – Administrative Assistant

DRAFT

4-6-2016

Town of Eagle
P.O. Box 609
Eagle, CO 81631

RE: Lot 220 Eby Creek

Attn: Mayor Costick

I am not in favor of the development of Lot 609 on Eby Creek Road. The most important reason is that it that lot is zoned open space. I think our property values will be secured if the development should remain existing.

Thank you,
Patti Dixon

Direct: 970.926.7060
Fax: 970.926.7006

137 Main Street, C101
Edwards, CO 81632

www.PattiDixonDesign.com

RESOLUTION NO. _____

(Series of 2016)

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO, GRANTING AN EXCEPTION TO THE EAGLE AREA COMMUNITY PLAN FOR PROPOSED DEVELOPMENT OF LOT 220C ON THE EBY CREEK MESA SUBDIVISION

WHEREAS, pursuant to Section 31-23-206, C.R.S., it is the duty of the Town of Eagle Planning and Zoning Commission (“Commission”) to make and adopt a comprehensive plan, also known as a master plan, for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governing body having jurisdiction thereof, which in the Commission’s judgment bears relation to the planning of the Town of Eagle; and

WHEREAS, on July 6, 2010 the Commission adopted the Eagle Area Community Plan (Plan) as a master plan; and

WHEREAS, Appendix A of the Plan provides for Exceptions to be granted for land use proposals which do not conform to the Future Land Use Map of the Plan based on compliance with criteria identified in the Plan; and

WHEREAS on November 10, 2015 John Poukish, the owner of Lot 220C of Eby Creek Mesa Subdivision, applied for an Exception to the Plan to allow 30 single family homes to be constructed as workforce housing; and

WHEREAS, the Eagle County Planning Commission reviewed this request for an Exception to the Plan and forwarded a recommendation of approval as required by Appendix A; and

WHEREAS, the Commission held public hearings concerning this request for Exception to the Plan on February 2, February 16, March 15 and April 19 all of 2016.;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Commission hereby approves with conditions the requested Exception to the Plan for the proposed development of workforce housing on Lot 220C (Eby Creek Mesa Subdivision) finding that it meets the following criteria as referenced in Appendix A of 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.
 - i. Workforce Housing has emerged as a critical need for the community since 2010 when the Plan was approved.
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.
 - i. Added as a condition of approval
3. The proposed land use is clearly in the public interest, and addresses a viable public need.
 - i. Workforce Housing addresses a viable public need and is in the public interest
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.

- i. Impacts to natural resources, traffic, visual quality, and infrastructure will be addressed during the development subdivision and PUD approval to the maximum extent practical. Remaining impacts are clearly outweighed by the public benefits of the proposal.
- 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. (NA – Eby Creek Mesa Subdivision exclusion from this character area)
- 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. (NA)

Section 2. Conditions of Approval are listed below:

1. 10% of single family homes to be governed by LERP.
2. 40% of single family homes to be governed by Modified LERP requiring initial sales price of \$400,000 – \$415,000 with flexibility for model upgrades as requested by buyer (draft deed restriction attached as Exhibit A). This deed restriction is subject to change with mutual agreement between the Town and Applicant).
3. Remaining 50% of single family homes deed restricted for resident occupancy (purchased and occupied by people employed Eagle County or retired from working in Eagle County) with provision to sell to a non Eagle County employee/retiree or for the property to be used for non-resident occupancy in exchange for the payment of a 1% real estate transfer fee to be provided to the Town of Eagle for affordable housing. No initial offering price restriction. The 1% transfer fee applies each time the unit is sold to non- resident occupant as defined above.
4. 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.
5. 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

INTRODUCED, READ, PASSED, AND ADOPTED by the Planning and Zoning Commission of the Town of Eagle, Colorado at a regular meeting held on the 19th day of April, 2016.

PLANNING AND ZONING COMMISSION

By: _____
Jason Cowles - Chair

ATTEST:

Jenny Rakow, Town Clerk

Exhibit 1

Draft Deed Restriction Lot 220C Workforce Housing

I. PROGRAM PURPOSE

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

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

II. DEFINITIONS

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

Bedroom

A room designed to be used for sleeping purposes that may contain closets, may have access to a bathroom, and which meets applicable code requirements for light, ventilation, sanitation and egress.

Capital Improvements

Unless otherwise defined in the Deed Restriction covering the Local Employee Residences, any fixture erected as a permanent improvement to real property excluding repair, replacement and maintenance costs.

Dependent

A minor child (21 years or younger) or other relative of the owner of a Local Employee Residence, which child or relative is taken and listed as a dependent for federal income tax purposes by such owner or his or her present or former spouse.

Development

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development Plan

The entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the Town including, without limitation, a planned unit development, development permit review or subdivision approval.

Full-Time Employee

A person who is employed on the basis of a minimum of 1280 hours worked per calendar year, which averages 32 hours a week, 10 months of the year; and/or resides in a Local Employee Residence a minimum of nine (9) months out of any twelve (12) months.

Household

All individuals who are occupying the unit regardless of legal status.

Joint Tenancy

Ownership of realty by two (2) or more persons, each having an undivided interest with the right of survivorship. Typically used by related persons.

Local Employee Residence

A separate dwelling unit that is deed restricted in accordance with a deed restriction approved by the Town of Eagle Board of Trustees or its delegate, similar to Appendix A, attached hereto and incorporated herein by this reference.

Maximum Resale Price

Unless otherwise defined in the Deed Restriction covering the residence, the owner's purchase price multiplied by the allowable appreciation plus the present value of capital improvement costs including labor and for which verification of the expenditure is provided.

III. ELIGIBILITY AND OCCUPANCY

A. Eligibility

In order to be eligible to purchase a home under the Local Employee Residency Program, an interested person must be a full-time employee, as defined, working in the or for a business with its principal office located in Town of Eagle/Eagle County, a retired person who has been a full-time employee in the area for a minimum of Two (2) years immediately prior to retirement, or a disabled person who has been a full-time employee in the area a minimum of two (2) years immediately prior to their disability; or the spouse or dependent of any such qualified employee, retired person, or disabled person. It is the responsibility of the individual or household to demonstrate eligibility. All residents living and/or employees working in unincorporated Eagle County, municipalities within Eagle County or outside Eagle County are not excluded from this program. It is the clear preference of this program to first provide affordable units to those persons that are both full-time employees and residents in the Town of Eagle.

B. Application and Certification

A person seeking to purchase a Local Employee Residence must apply to the Town of Eagle program administrator to receive a certification that they are eligible to purchase a unit. Since eligibility is based entirely on an applicant's place of employment and residence, reasonable proof of employment and residency will be required. An applicant will not be required to meet any maximum income requirements.

Upon determination of place of employment and residency, the applicant will receive a letter stating; (1) that they are eligible to purchase a Local Employee Residence; and (2) a priority number. From the date the Town program administrator has received a complete application from an applicant a determination of eligibility will be rendered within 5 business days. The purpose of this is to assure the developer/realtor that the applicant is qualified for the program and what the priority number is. This letter will also serve as notification to the buyer that they are eligible to purchase. It is the responsibility of the applicant to locate a Local Employee Residence and enter into a contract to purchase it.

A waiting list will be maintained. The program administrator at the Town of Eagle will maintain a list of qualified applicants that contains the priority number in which they were deemed to be eligible. The waiting list will be based on a first come-first served basis only. Priority numbering is established as follows:

1. Full-time employed persons residing and employed within the Eagle town limits or for a business with its principal office located in Eagle;
2. Full-time employees within the Eagle town limits or for a business with its principal office located in Eagle but not currently residing in the Town;
3. Full-time employees currently residing in but not employed within Eagle town limits;
4. Full-time employees currently not residing or working in the Town but residing or working in Eagle County;
5. Those persons neither employed nor residing within Eagle town limits or Eagle County and only if a Local Employee Residence has been on the market for at least thirty (30) days.

D. Income Guidelines

A household seeking to purchase a Local Employee Residence need not meet any minimum or maximum income guidelines. These income standards are established herein only for the purpose of establishing Maximum Initial Purchase Prices of Local Employee Residences. Housing that is provided through this program will be priced to persons and families of moderate income. These ranges have been established based upon an Area Median Income published by the U.S. Department of Housing and Urban Development. The program administrator will annually adjust Income ranges upon the publication of new Area Median Income figures, Census data or any other information deemed to be relevant.

E. Occupancy

The purchaser of a Local Employee Residence must occupy the unit as his or her primary residence. The owner shall be deemed to have ceased to use the unit as his or her primary residence by accepting permanent employment outside of the Eagle area, or residing in the unit for fewer than nine (9) months out of any twelve (12) months unless permitted pursuant to **Section F. Leave of Absence**, below.

F. Leave of Absence

If an owner must leave the Town of Eagle for a limited period of time and desires to rent the unit during their absence, a leave of absence may be granted by the Town for up to one year. The owner must submit a request to rent the unit at least thirty (30) days prior to when the owner plans to leave the area. The request shall include the reason(s) for the leave of absence, expected duration and the intent of the owner to rent the unit. A leave of absence for more than one (1) year may be approved. However, such leave of absence may not extend longer than two (2) years.

The owner shall rent to an employee and/or resident of the Town of Eagle who meets the eligibility provisions of the Local Resident Housing guidelines and requirements (Sub-Section B. above). The tenant must complete an application form to certify eligibility and agree to abide by the homeowner's association covenants, rules and restrictions for the unit. Both the owner and tenant must sign a statement indicating that the covenants have been provided to the tenant and the tenant has received these covenants for his/her review. In addition, a copy of the lease agreement executed between the owner and tenant shall be provided to the program administrator.

G. Deed Restriction

In order to assure that there is an on-going supply of housing that is affordable in the Town of Eagle, all Local Employee Residences will carry a deed restriction including a resale restriction that guides the future sales of these homes, substantially similar to Appendix A, attached hereto. The purchaser(s) of a Local Employee Residence must sign a document acknowledging the purchaser's agreement to be bound by the recorded deed restriction. This document must be executed concurrently with the closing of the sale and will be recorded, along with the deed restriction.

Generally, the deed restriction will describe the procedures for listing a home for-sale. It will include an appreciation cap that allows a home to increase in value by the lesser of the Denver-Boulder CPI-U or 4% annually, plus capital improvements. A monthly prorating can be applied for fractions of a year. The appreciation is calculated on the initial sales price of the home (simple interest) plus capital improvements.

H. Improvements

The Town of Eagle encourages maintenance of a Local Employee Residence in good condition over time, while also balancing the need to assure there will be an ongoing of affordable housing for future residents. To that end, the selling owner may add the cost of certain capital improvements to the selling price of a Local Employee Residence during the time that the selling owner held title to the property.

Examples of Permitted Capital Improvements are:

1. The addition of a habitable room or storage space;
2. The finishing of uninhabitable space if it is converted into a habitable room;
3. The conversion of a carport into a completely enclosed garage;
4. The conversion of surface parking into a carport or garage (if allowed under the development/subdivision agreement);
5. Modifications or improvements to accommodate a person with a disability as defined in the Americans with Disabilities Act of 1990;
6. Improvements that reduce the consumption of energy;
7. Kitchen and bathroom renovations, including appliances and fixtures
8. Replacement of the roof;
9. Replacement of the furnace;
10. Replacement of worn carpet of a similar grade and quality.

Other categories or types of expenditures may qualify as eligible capital improvements when approved by the Town of Eagle.

Plans for each improvement will be submitted at least twenty-one (21) days prior to initiating the work providing it's not an emergency repair. Notification will be given to the owner within fourteen (14) days as to whether or not the proposal is conditionally approved. In the case of an emergency work can be started prior to approval and then submitted to Town as soon as practical. Upon completion of the work, copies of receipts must be submitted to the program administrator. A ten percent (10%) "sweat equity" credit may be added to the cost of the permitted capital improvements so long as no labor costs are included in the submitted receipts.

The value of the improvements will be added to the property in the year in which the improvements were completed. The year(s) in which eligible improvements are made will adjust the base value of the home from which a future home price will be established. Nothing in the deed restriction prohibits other improvements to the Local Employee Residence, however, credit will only be provided for **approved** capital improvements.

I. Re-sale of a Local Resident Housing Unit

1. An owner of a Local Employee Residence who intends to sell their home should contact the program administrator to review the deed restriction covering the unit in order to determine the maximum sales price permitted and other applicable provisions concerning a sale. Unless otherwise provided in the deed restriction, the unit must be registered for sale with the program administrator or designated agent. Following registration, the owner may elect to have the Town market the property for sale, or the owner may elect to list the property for sale with a local licensed real estate broker, as further described in the deed restriction. If the owner has voluntarily elected to sell the Residence, the owner may also choose to market the Residence himself/herself. The program administrator will oversee the sale in accordance with these Local Employee Residence Requirements and Guidelines that are in effect at the time of the registration.
2. These requirements are intended to assure that all purchasers and all sellers will be treated fairly, equitably and impartially. Questions will be answered and help provided to any potential purchasers or sellers equally in accordance with the current guidelines and requirements. In pursuit of this, the program administrator will be acting on the behalf of the Town of Eagle. It should be clearly understood by and between all parties to a sales transaction that the staff members are not acting as licensed brokers to the transaction, but as representatives of the Town of Eagle and its interests. The Town shall

nevertheless attempt to help both parties consummate a fair and equitable sale in accordance with the adopted Guidelines and Requirements.

3. All purchasers and sellers are advised to consult legal counsel regarding examination of title and all contracts, agreements and title documents. The retention of such counsel, licensed real estate brokers, or such related services, will be at purchaser's or seller's own expense. Certain fees paid to the Town are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

Advertising the sale: bid procedures

1. After the Local Employee Residence is registered for sale with the Town, in the event the owner elects to have the Town market the residence, the Town will arrange to advertise the unit for sale in two (2) consecutive weekly editions of the Eagle Valley Enterprise and either the Vail Daily or the Vail Trail. When a unit is first registered, there is an initial two-week bid period during which the unit will be advertised with two open house dates when the unit may be viewed by interested parties. The initial two-week bid period ends on the Friday after the second week of advertising. If no bids are received during the initial bid period, there will follow consecutive one-week bid periods, ending on Friday, until the unit is sold.
2. After the Local Employee Residence is registered for sale with the Town, the owner may elect to list the property for sale with a local licensed real estate broker. In such an event, the owner shall execute a standard listing contract on forms approved by the Colorado Real State Commission with a local licensed real estate broker providing for a thirty (30) day listing period. The local licensed real estate broker shall then promptly advertise the Local Employee Residence for sale to qualified buyers. Any offers to purchase shall be received by the real estate broker during the thirty (30) day listing period, but no contract for sale shall be entered into between the owner and a potential purchaser during such period. At the conclusion of the thirty (30) day listing period, the program administrator shall determine if the persons making offers to purchase the Local Employee Residence are qualified buyers, and shall determine the priority of offers received from qualified buyers in accordance with these Local Employee Residence Requirements. The owner may then proceed to enter into a contract for sale of the Residence with the qualified buyer of the highest priority.
3. In the event the owner desires to sell the Local Employee Residence, but is not required to sell the Residence by these Local Employee Residency Requirements or the deed restriction attached hereto as Appendix A, the owner may elect to market the property for sale himself or herself, after the Local Employee Residence is registered for sale with the Town. In such an event, in the first 30 days the owner shall advertise the Local Employee Residence for sale in four (4) consecutive weekly editions of the Eagle Valley Enterprise and either the Vail Daily or the Vail Trail. During such advertising period, the Owner shall schedule

at least two (2) open house dates when the unit may be viewed by interested parties. During this 30 day advertising period, offers to purchase the Local Employee Residence shall be received by the owner and submitted to the program administrator as the offers for purchase are received. The program administrator shall determine within 3 business days after receiving an offer if the persons making offers to purchase the Local Employee Residence are qualified buyers, and shall determine the priority of offers received from qualified buyers in accordance with these Local Employee Residence Requirements and Guidelines. The owner may then proceed to enter into a contract for sale of the Local Employee Residence with the qualified buyer of the highest priority submitting the highest offered price, as established by these Local Employee Residence Requirements and the deed restriction attached hereto as Appendix A.

4. If more than one (1) bid is received during any bid period, the bids will be prioritized according to the criteria of the adopted Guidelines and Requirements. If more than one (1) bid is in top priority, a lottery will be held and the winner will be notified. If the winner of the lottery does not proceed to contract within three (3) business days after notification, the next in line will be notified and so on, until the unit is under contract for purchase. Backup contracts in the priority order set forth in the lottery will be accepted.

Prospective purchasers must be pre-qualified by a lender prior to submitting a bid for a Local Employee Residence.

Sales and Other Fees:

Administration Fee: Unless otherwise set forth in the deed restriction covering the unit, at the closing of the sale, the seller will pay the Town an administration fee equal to one and one-half percent (1.5%) of the sales price if the owner selected the Town to market the Local Employee Residence for sale. The Town may instruct the title company to pay said fees to the Town out of funds held for the seller at the closing.

In the event that the seller fails to perform under the listing contract, rejects all offers at maximum price in cash or cash-equivalent terms, or should withdraw the registration after advertising by the Town has commenced, seller shall be responsible for advertising costs incurred. In the event that the seller withdraws for failure of any bids to be received at maximum price or with acceptable terms, the town's advertising and administrative costs incurred by the Town will be paid by seller.

Rental During Period of Registration for Sale:

If a Local Employee Residence is listed for sale and the owner must relocate to another area prior to completing the sale, the unit may, upon approval of the program

administrator or the Town of Eagle, be rented to a qualified individual, at the owner's cost as described in **Section F. Leave of Absence** for a one-year period with a possible one-year extension.

A minimum six (6)-month written lease must be provided to the tenant with a sixty (60)-day move out clause upon notification that the unit is sold. All tenants must be qualified as described in Section F. The lease must stipulate that the Local Employee Residence is listed for sale and that the tenant will be required to allow for showings of the property, with sufficient notice. The lease must also stipulate that the agreement may be terminated after six months, with sixty days notice, due to the sale of the property.

D. Sales Prices

The following 12 homes shall have a sales price for the base model plan that range from \$400,000 to \$415,000 for each newly deed-restricted Local Employee Residence available to the initial purchaser. The base price may be increased when additional upgrades or change orders are requested.

Sales prices for Local Employee Residences will be finalized as described above at the discretion and convenience of the developer/builder.

E. Unit Quality

Local Employee Residences are assets that the Town of Eagle intends to have available for years to come. Because of this, the quality of the housing is very important. It is expected that all units will meet local building codes and be built to a standard that will enhance durability over time. If market rate units include features such as dishwashers, disposals, air conditioning and energy efficient windows, it is expected that Local Employee Residences will contain similar features.

D. Exceptions

A Veteran or active duty military personal shall be exempt from any and all deed restrictions when using a VA loan or similar mortgage product. The home being purchased by a Veteran or active duty military personal shall be free from deed restrictions to help aid in financing options for the purchase.

When selling a deed restricted home all efforts shall be made to sell the homes to a qualified buyer as determined by the program administrator. If after 6 months of being listed for sale in the market and consistent marketing exposure to the local market doesn't produce a sale to a qualified buyer, the seller shall notify the program administrator in writing of the unsuccessful sales effort. The program administrator shall evaluate the local market and assist if possible in producing a qualified buyer for the 60 days after receiving from the buyer notice of the unsuccessful sales effort. In the event the initial 6 month sales effort and the additional 60 day sales effort doesn't produce a qualified buyer. The seller shall have the right to market and sell to all buyers.

Lenders may request additional language to lift deed restriction in the case of foreclosure.

H. Eligibility

Eligibility for Local Employee Residences will be made without regard to race, color, creed, religion, sex, disability, national origin, familial status or marital status. The intent of the Local Employee Residency Program is to provide housing opportunities for low to moderate-income households that live and/or work in Eagle County. To that end, the developer should first offer the units to persons who are in possession of certification that they are eligible to purchase a unit and what their priority rating is. This certification should be presented to the developer, or their representative, prior to finalizing a purchase contract.

V. SPECIAL REVIEW

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

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

VI. GRIEVANCES – ALTERNATIVE DISPUTE RESOLUTION

A. Agreement to Avoid Litigation

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

B. Claims

Unless specifically exempted below, all claims, grievances or disputes arising out of or relating to the interpretation, application or enforcement of Ordinance No. 19, Series of 2002, and these Requirements and Guidelines, or the rights, obligations and duties of any Bound Party under such Ordinance and these Requirements and Guidelines shall

be subject to the provisions of this Section. The Town is not required to follow the alternative dispute resolution process set forth in this Section when seeking equitable relief to enforce the terms of the Ordinance, these Requirements and Guidelines, or a master deed restriction, including but not limited to, an action for specific performance or injunctive relief. The alternative dispute resolution process also does not apply to the Town's criminal enforcement of Ordinance No. 19, Series of 2002.

C. Mandatory Procedures

1. Notice. Any Bound Party having a Claim (“Claimant”) against any other Bound Party (“Respondent”) (collectively, the “Parties”) shall notify each Respondent in writing (the “Notice”), stating plainly and concisely:

a. The nature of the Claim, including the persons involved and Respondent’s role in the Claim;

b. The legal basis of the Claim (i.e., the specific authority out of which the Claim arises);

c. Claimant’s proposed remedy; and

d. That Claimant will meet with Respondent to discuss in good faith ways to resolve the Claim.

2. Negotiation and Mediation.

a. The Parties shall make every reasonable effort to meet in person and confer for the purpose of resolving the Claim by good faith negotiation.

b. If the Parties do not resolve the Claim within thirty (30) days of the date of the Notice (or within such other period as may be agreed upon by the Parties) (“Termination of Negotiations”), Claimant shall have thirty (30) additional days to submit the Claim to mediation under the auspices of a reputable and knowledgeable mediation group providing such services in Eagle County, or, if the Parties otherwise agree, to an independent agency providing dispute resolution services in the Eagle County, Colorado, area.

c. If Claimant does not submit a Claim to mediation within thirty (30) days after Termination of Negotiations, or does not appear for the mediation, Claimant shall be deemed to have waived the Claim, and Respondent shall be released and discharged from any and all liability to Claimant on account of such Claim; provided, nothing herein shall release or discharge Respondent from any liability to any person other than the Claimant.

d. Any settlement of the Claim through mediation shall be documented in writing by the mediator. If the Parties do not settle the Claim within thirty (30) days after submission of the matter to the mediation process, or within such time as determined by the mediator, the mediator shall issue a notice of termination of the mediation proceedings (“Termination of Mediation”). The Termination of Mediation notice shall set forth that the Parties are at an impasse. Upon issuance of a Termination of Mediation, the Parties shall proceed with binding arbitration as set forth below.

3. Arbitration

a. Any Claim not resolved by mediation shall be decided by arbitration in accordance with the simplified rules of the American Arbitration Association currently in effect and the Uniform Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S., unless the Parties mutually agree otherwise.

b. A Demand for Arbitration shall be filed in writing by the Claimant with each Respondent. A Demand for Arbitration may be made concurrently with the Notice set forth in subsection c.1. above, or may be made within twenty (20) days after issuance of the Termination of Mediation. The Demand for Arbitration shall contain the same information as set forth in subsection C.1. a through c above. In no event shall the Demand for Arbitration be made after the date when institution of legal or equitable proceedings based upon such Claim would be barred by the applicable statute of limitations.

c. Within twenty (20) days following submission of a Demand for Arbitration or the issuance of a Termination of Mediation, which ever shall last occur, Claimant, shall appoint, by written notice to Respondent, an arbitrator. Within twenty (20) days after receipt of such notice from the Claimant, Respondent shall appoint a second arbitrator, and in default of such second appointment the first arbitrator shall be deemed the sole arbitrator.

d. Within twenty (20) days after appointment of the two (2) arbitrators as provided for above, the arbitrators shall, if possible, agree on a third arbitrator and shall appoint him or her by written notice signed by both of them with a copy mailed to each Party within twenty (20) days after such appointment.

e. In the event twenty (20) days shall elapse after the appointment of the second arbitrator without notice of appointment of the third arbitrator as provided for above, then either Party, or both, may in writing, within twenty (20) additional days, request the Eagle County District Court to appoint the third arbitrator in accordance with the Uniform Arbitration Act.

f. Upon appointment of the arbitrators as provided for above, such arbitrators shall hold an arbitration hearing at a location designated within Eagle County, within ninety (90) days after such appointments. At the hearing, the simplified rules of the American Arbitration Association and the Uniform Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S., shall apply. The arbitrators shall allow each Party to present that Party's case, evidence and witnesses, if any, and shall render their award, including a provision for payment of the costs and expenses of arbitration, to be paid by one or both of the parties as the arbitrators deem just. A written decision by the arbitrators shall be issued within thirty (30) days after the close of the submission of evidence.

g. The decision of the majority of the arbitrators shall be binding on the Bound Parties, and may only be appealed as set forth in the Uniform

Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S. Upon application of either Party, the Eagle County District Court shall confirm an award of the arbitrators and such order may be enforced as any other court judgment or decree, as further set forth in the Uniform Arbitration Act.



The Town of Eagle

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

Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: April 19, 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. Map showing proposed area for Infused-Products & Testing Facilities (per Eagle Police Department)
- E. Excerpts from C.R.S. 25-12-102 - Noise Abatement

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:

Per the Planning Commission's discussion at the March 15, 2016 meeting, Staff has made the following revisions to the proposed amendments to the Town of Eagle's Land Use & Development Code:

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

Staff would request that the Planning Commission postpone discussion on the proposed Code amendments related to Dog Daycare Facilities to the May 3, 2016 Planning Commission meeting. Staff would like to spend additional time meeting with the local businesses in order to further refine these proposed amendments.

Staff has provided a modified definition for kennels/dog daycare facilities (now referred to as "Animal Services") based on the discussion at the March 15 meeting. Please refer to Exhibit A. However, staff would again request that any discussion on this subject be postponed until May 3.

2. Indoor Recreation:

At the March 15 meeting concerns were raised about allowing Indoor Recreation as a use by right in the Central Business District (CBD). These concerns included impacts that might result from uses such as indoor batting cages or an indoor soccer field. To address these concerns, staff is proposing that there be a square footage limitation on indoor recreation facilities that are permitted by right in the CBD. Based on an analysis of square footage needs for indoor batting cages, indoor soccer fields and other, larger indoor recreation facilities it was felt that allowing for an indoor recreation facility of 6,500 square feet or less in the CBD as a use by right was appropriate. Staff believes that a limitation of 6,500 square feet provides for a variety of smaller, less impactful indoor recreation facilities to be permitted by right. For reference, the Eagle Ranch Fitness Center is approximately 6,100 square feet.

Staff is proposing that any indoor recreation facility over 6,500 square feet in the CBD be allowed but only via a Special Use Permit. Staff believes that once facilities get larger than 6,500 square foot range the potential for uses that may have greater impacts (i.e., batting cages or indoor soccer) becomes more feasible. Staff is still proposing that indoor recreation facilities, of any size, be permitted as a use by right in the Commercial General (CG), Commercial Limited (CL), Public Area (PA) and Industrial (I) Zone Districts. Staff believes that the intent of these zone districts is to accommodate uses with greater impacts and therefore are suitable for any indoor recreation facility as a use by right. Staff has prepared a definition for the term "Indoor Recreation Facility" to be added to the definitions section of the Land Use & Development Code. Please refer to Exhibit A.

In addition, "Theaters" have been identified as a separate use and are no longer lumped in with indoor recreation facilities. Staff is proposing that theaters be permitted as a use by right in the Central Business District (CBD), Commercial General (CG), Public Area (PA) and Industrial (I) Zone Districts. Staff has prepared a definition for the term "Theater" to be added to the definitions section of the Land Use & Development Code. Please refer to Exhibit A.

Given that noise impacts were raised as a concern regarding impacts from indoor recreation facilities and theaters it should be noted that these facilities will be required to comply with the noise standards provided in Exhibit E.

3. Retail Marijuana Testing Facilities:

Per the Planning Commission’s direction Staff has modified the Code amendments to allow for “Marijuana Testing Facilities” as a Special Use in the Commercial General (CG) and Industrial (I) Zone Districts. In addition, the Supplemental Regulations have been modified to require measures to mitigate potential odor impacts from testing facilities.

Recently, Staff met with the Eagle Police Department and they have requested that there be a limit of two (2) testing facilities and that these facilities only be permitted in the area shown in Exhibit D. The Police Department expressed concerns with allowing testing facilities along Market Street.

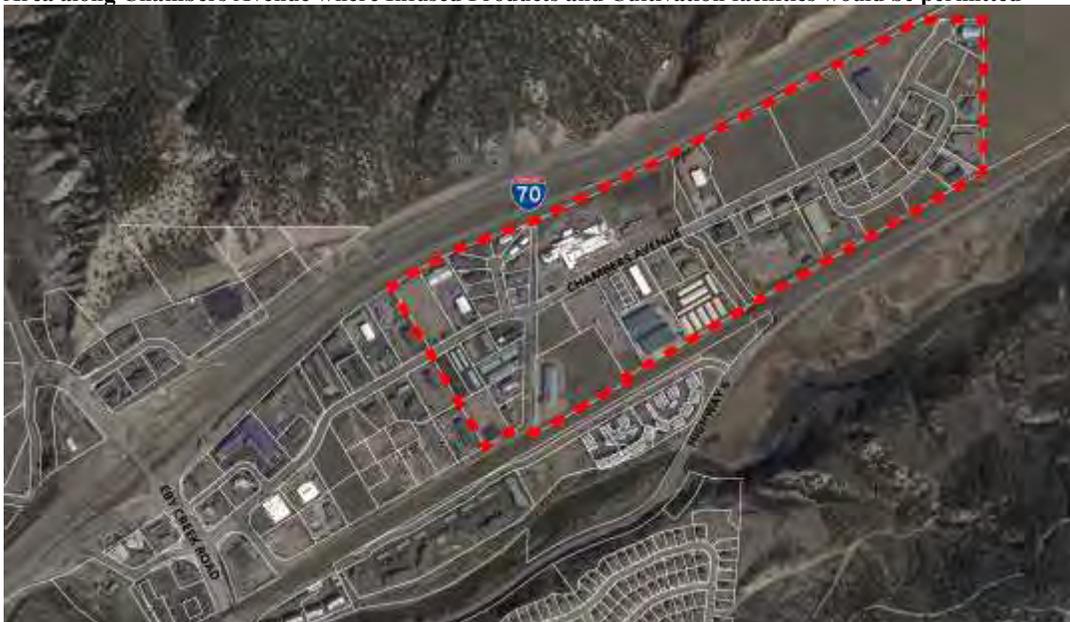
4. Medical & Retail Marijuana Cultivation and Infused Products Facilities:

As directed, staff has revised the proposed Code language to limit the increase in the total number of medical and retail marijuana cultivation and infused products facilities that would be permitted to the following:

- 4 - Medical Marijuana Infused Products & Cultivation Facilities
- 4 - Retail Marijuana Infused Products & Cultivation Facilities

In addition, based on the March 15 discussion, staff has modified the area along Chambers Avenue in which Infused Products and Cultivation facilities would be permitted via a Special Use Permit.

Area along Chambers Avenue where Infused Products and Cultivation facilities would be permitted



The proposed Code language has also been modified to remove:

- 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.

Based on recent discussions with the Eagle Police Department, the Police Department would request that the allowance for cultivation facilities remain as currently permitted, which is:

- 2 - Medical Marijuana Cultivation Facilities
- 2 - Retail Marijuana Cultivation Facilities

It is believed that unless there is a strong demand for cultivation facilities that the existing limitation on such facilities remain in place. The Police Department would also request that the area for cultivation facilities remain limited to Commercial General (CG) and Industrial (I) zoned properties, east of Nogal Gulch.

The Police Department felt comfortable with expanding the total number of infused products facilities to 4 for Medical Marijuana and 4 for Retail Marijuana. In addition, they were comfortable with expanding the area for infused products facilities to the area shown in Exhibit D.

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 COMMENT

Staff would request that the Planning Commission continue their review of the proposed Code amendments related to dog daycare facilities to May 3, 2016.

Staff would also request that if possible, the Planning Commission forward a recommendation on the proposed Code amendments related to Indoor Recreation to the Board of Trustees for their consideration on April 26, 2016.

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
- 2. Public Comment
- 3. Deliberations

~~Kennel-Animal Services: Any establishment where dogs, cats, or other household pets domestic animals are bred or raised for sale, boarded, or cared for, and/or groomed commercially, exclusive of veterinary care, commercial grooming, and commercial boarding and/or care of five (5) or less dogs, cats or other household pets.~~

Indoor Recreation Facility: A for profit establishment that provides opportunities for amusement and/or recreation where such activities are conducted entirely within an enclosed structure; including but not limited to bowling alleys, skating rinks, health and fitness clubs, private gymnasiums, pool halls, and video game arcades. The term “indoor recreation” shall not include:

1. Shooting range

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

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.
4. Temporary decorations or displays directly incidental to and customary and commonly associated with national, local or religious holiday celebrations.
5. Official traffic control devices and other official signs and devices of any public or governmental agency.

Sign Area: Sign area shall be measured by determining the total area of the face of a sign within the outermost edge or border of the face. The computation of freestanding letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias, or symbols.

Sign, Flat Wall: A sign attached to or erected against a wall of a building, with the face parallel to the building wall.

Sign, Freestanding: A sign affixed directly to the ground or erected on a freestanding frame, mast or pole, which is affixed to the ground and not attached to any building.

Shooting Range: A facility designed and used for the purpose of discharging firearms.

Special Review Use: A use which may be allowed in a specified zone district only upon review and approval by the Planning Commission and Town Board and which may be allowed subject to certain conditions as established by the Planning Commission and Town Board.

Street, Private: A designated right-of-way, other than an alley, which provides primary vehicular access to adjacent property.

Street, Public: A dedicated public right-of-way, other than an alley, which provides primary vehicular access to adjacent property.

Subdivision: Any parcel of land which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such a subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. Unless one of the following is accomplished with the purpose of evading the existing provisions of this Title, the term “subdivision” or “subdivided land” shall not apply to any division of land:

1. Which is created by order of any court in this State or by operation of law, so long as the Town is notified of any such court action; or

2. Which is created by a lien, mortgage, deed of trust, or other security instrument;
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity; or
4. Which creates cemetery lots; or
5. Which creates an interest in oil, gas, minerals or water which is severed from the surface of real property; or
6. Which is created by the acquisition only of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common; any such interest shall be deemed for the purposes of this Section as only one interest; or
7. The dedication, conveyance or vacation of land to or from the Town for right-of-way or other public uses or purposes. (Amended, 11-2015 § 1, 2015)

Theater: A facility designed and used for the viewing of movies and/or live performances of musicians or other performing artists.

Town: The Town of Eagle.

Town Board; Board; Board of Trustees: The Board of Trustees of the Town of Eagle.

Town's Goals, Policies and Plans: Those policies, goals, objectives and plans which have been formally adopted by the Planning Commission and/or Town Board, including but not limited to the following: The Master Plan approved January 22, 1985; The Community Beautification Master Plan, and the Major Street Plan.

Townhouse: A unit together with the lot appurtenant thereto held in fee simple ownership sharing a common wall(s) with another townhouse(s) which comprises at least 10% of the linear measurement around the perimeter of the unit.

Town Planner: The person designated by the Town Administrator who is responsible for all current planning activities, including administration and enforcement of Title 4 of the Eagle Municipal Code, as well as certain long range planning activities and community development projects. The Town Planner serves as staff person to the Eagle Planning Zoning Commission and also performs such other duties and functions as the Board of Trustees or the Town Administrator may assign from time to time. The Town Planner serves under the authority, direction and supervision of the Town Administrator. The Board of Trustees may authorize the Town Administrator to serve in the capacity of Town Planner, in which case such person serves under the authority, direction and supervision of the Board of Trustees.

Useable Open Space: Open area of a lot designed and developed for uses including, but not limited to recreation, courts, gardens, parks, and landscaping, which open space may include a maximum of 20 percent of non-living materials such as walks, decks, terraces, water features and decorative rock.

Yard: An open space other than an interior court unobstructed from the ground upward,

4.04.010 ESTABLISHMENT OF DISTRICTS

To carry out the purpose and provisions of this Title the incorporated area of the Town of Eagle is hereby divided into the following zone districts, with the following intents:

- R RESOURCE - To maintain and protect the natural resources and appropriate existing uses in the undeveloped areas of Town, including agricultural land, water, hillsides and other open spaces which areas may be available for future development.
- RR RURAL RESIDENTIAL - For rural-density single-family dwellings and compatible agricultural and other open space uses, including recreation.
- RL RESIDENTIAL LOW DENSITY - For low density residential uses.
- R1 RESIDENTIAL SINGLE FAMILY - For single family residential uses.
- RM RESIDENTIAL MEDIUM DENSITY - For medium-density residential uses.
- RMF RESIDENTIAL MULTI-FAMILY - For higher density residential uses.
- RH RESIDENTIAL HIGH DENSITY - For higher density multi-family residential uses.
- MHP/PUD MOBILE HOME PARK - For Mobile Home Parks of 2 acres or larger.
- CBD CENTRAL BUSINESS DISTRICT - For commercial uses which preserve the historic character of downtown Eagle and promote its economic and aesthetic viability. For the center of pedestrian activity and uses which contribute thereto.
- CL COMMERCIAL LIMITED - For commercial uses of limited size and impact which serve the daily or convenience needs of residents in the neighborhood.
- CG COMMERCIAL GENERAL - For commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial uses, low-impact manufacturing uses, and compatible uses.
- I INDUSTRIAL - For a wide range of industrial uses and compatible uses.
- PA PUBLIC AREA - For any use owned and/or operated by a public entity.
- PUD PLANNED UNIT DEVELOPMENT - For large developments designed and reviewed as a unit so as to provide public and private design benefits, including larger areas of open space and a mixture of compatible uses.

Amended 06/02/91

- D. Uses permitted by this Chapter shall also be subject to provisions of other applicable town, county and state regulations except as specifically provided herein, and further, where the provisions of this Chapter impose a greater restriction than required by such other regulation, the provisions of this Chapter shall govern.
- E. In their application and interpretation, the provisions of this Chapter shall be held to be minimum requirements. Nothing herein shall impair the obligations of or interfere with private agreements in excess of the minimum requirements. Where this Chapter imposes a greater restriction than that imposed by existing provisions of law, contract or deed, the provisions of this Chapter shall control.

4.04.050 ZONE DISTRICT REGULATIONS

The following tables indicate Zone District Regulations for uses allowed by right and as Special Uses; and requirements for minimum lot area, minimum setbacks, maximum building height, maximum lot coverage, and maximum floor-area-ratio.

4.04.060 SCHEDULE OF USES PERMITTED IN RESIDENTIAL ZONE DISTRICTS

ZONING DISTRICT	RH	RMF	RM	R1	RL	RR	R	MHP/ PUD
USE								
Single Family Dwelling	P	P	P	P	P	P	P	*
Two Family Dwelling	P	P	P	*	S	S	S	*
Multiple-Family Dwelling	P	P	P	*	*	*	*	*
High-Density, Multiple-Family Dwelling ¹	*	S	*	*	*	*	*	*
One Single Family Dwelling Unit Accessory to use-by-right	*	*	*	*	*	*	S	*
Agricultural-Farm/Ranch	*	*	*	*	*	S	P	*
Park, Playground, Greenbelt	P	P	P	P	P	P	P	P
Bed & Breakfast Facility ²	*	S	S	S	S	S	S	*
Church	S	S	S	S	S	S	*	*
Community Building	S	S	S	S	S	S	*	S
Child Care Facility	S	S	S	S	S	S	*	S
Home Occupation	P	P	P	P	P	P	P	P
Public Buildings	S	S	S	S	S	S	S	S
School	S	S	S	S	S	S	*	S
Mobile Home	*	*	*	*	*	*	*	P
Riding Stable	*	*	*	*	*	S	S	*
Utility Substation	S	*	S	*	*	*	*	*
Water Impoundments	S	S	S	S	S	S	S	*
Indoor Recreation Facility	*	S	*	*	*	*	*	*
Golf Course	*	*	*	S	S	S	S	*
Outdoor Recreation Facility	S	S	S	S	S	S	S	S
Business or Professional Office	S	S	S	*	*	*	*	*
Recreational Vehicle Park	*	*	*	*	*	*	S	*

SCHEDULE OF USES PERMITTED IN RESIDENTIAL ZONE DISTRICTS
 (continued)

ZONING DISTRICT	RH	RMF	RM	R1	RL	RR	R	MHP/ PUD
USE								
Industrial Extraction & Processing	*	*	*	*	*	*	S	*
Nursing Home, Group Home	S	S	S	S	S	S	S	*
Kennel	*	*	*	*	*	*	S	*
Extraction & Processing of: Minerals, Rocks, Sand, Gravel, other Earth Products	*	*	*	*	*	*	S	*
Accessory Apartment to Owner Occupied Single-Family Dwelling	P	P	P	*	P	P	P	*
Retail except mobile home and vehicle sales	S	S	*	*	*	*	*	*
Service Establishment except vehicular service	S	S	*	*	*	*	*	*
Restaurant	S	S	*	*	*	*	*	*
Cultivation of Medical Marijuana by Patients and Caregivers ³ Amended 10/27/10	P	P	P	P	P	P	P	P
Cultivation of Marijuana for Personal Use in Residential Units ⁴ Amended 10/22/13	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
KEY:								
¹ Pursuant to Section 4.05.010.A.3.a	RH = RESIDENTIAL HIGH DENSITY RMF = RESIDENTIAL MULTI-FAMILY RM = RESIDENTIAL MEDIUM DENSITY R1 = RESIDENTIAL SINGLE FAMILY RL = RESIDENTIAL LOW DENSITY RR = RURAL RESIDENTIAL R = RESOURCE MHP/PUD = MOBILE HOME PARK							
² Pursuant to Section 4.05.010.A.4								
³ See Section 4.04.100(Q) concerning supplementary regulations and standards for the cultivation of medical marijuana by patients and primary caregivers in Residential Zone Districts. Amended 10/27/10								
⁴ 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.” Amended 10/22/13								
* = NOT PERMITTED USE								
P = USE BY RIGHT								
S = SPECIAL USE								

Amended 03/05/86
 Amended 05/13/86
 Amended 12/27/88
 Amended 06/02/91
 Amended 08/15/93
 Amended 06/23/94
 Amended 12/06/01
 Amended 10/27/10
 Amended 10/27/15

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 (≤ 6,500 square feet)	SP	SP	SP	SP	*P
Indoor Recreation Facility (> 6,500 square feet)	S	P	P	P	P
Theater	P	P	P	P	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 Animal Services	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

4.04.070
(continued)

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Recreational Vehicle Park	*	*	S	*	*
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*	PS	*	SP
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 ###/###/16</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 ###/###/16</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, or their designee.~~

2. Limitation on the Number of Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises within the Town.

The number of Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises permitted within the Town is based on population. A maximum of two (2) Medical Marijuana Infused Products Manufacturers and Optional Medical Marijuana Cultivation Premises 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 Infused Products Manufacturer or Optional Medical Marijuana Cultivation Premises 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, or their designee.

3. 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 on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Medical Marijuana Infused Products Manufacturer or Optional Medical Marijuana Cultivation Premises shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

4. 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.

5. 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.

~~6. Distance from Other Medical Marijuana Businesses.~~

~~There shall be no distance requirement between Medical Marijuana Businesses.~~

7. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

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.

8. Hours of Operation.

Medical Marijuana Businesses shall limit their hours of operation to ~~between 11:00 a.m. and 7:00 p.m.~~ to those permitted by the Colorado Medical Marijuana Code or as otherwise provided in the Special Use Permit.

9. Operation of Multiple Businesses at a 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.

10. 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.~~

11. Specific Requirements for an Optional Medical Marijuana Cultivation Premises.

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.

12. No Products to be Visible from Public Places.

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.

13. 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.

14. ~~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.~~

15. Storage of Products.

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

16. Consumption of Marijuana Prohibited.

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

17. 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.

18. Prevention of Emissions and Disposal of Materials.

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.

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.

~~A Medical Marijuana Center and an Optional Medical Marijuana Cultivation Premises~~ As applicable, Medical Marijuana Businesses 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.

All State regulations concerning ventilation systems shall be followed.

19. 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.

20. No Harm to Public Health, Safety or 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.

21. 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 (8) 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.

22. 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 (\$1,000.00). 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.

Q. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Sections 12-43.3-101, *et. seq.*, C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution and no more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants that are producing a useable form of marijuana shall be cultivated or permitted within a primary residence.

operations. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to a periodic building and safety code inspection thereafter.

5. All cultivation shall be located within a secure building. Grow operations in permanent or temporary greenhouses are not permitted.
6. No more than 36 plants may be grown in any industrial unit.
7. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot or a building. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
8. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
9. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.

U. Retail Marijuana Businesses (Amended ####/16)

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, or their designee.

2. Limitation on the Number of Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities Businesses within the Town.

The number of Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities ~~Businesses~~ permitted within the Town is based on population. A maximum of two (2) Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities, ~~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 Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities ~~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, or their designee.

3. Permitted Locations.

Retail Marijuana Stores 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.

Retail Marijuana Products Manufacturing Facility and Retail Marijuana Cultivation Facility shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Retail Marijuana Products Manufacturing Facility or Retail Marijuana Cultivation Facility shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

4. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.

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.

5. Distance from Residential Zone District.

All 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.

6. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

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

7. Hours of Operation.

Retail Marijuana Stores shall limit their hours of operation to those permitted by the Colorado Retail Marijuana Code ~~between 11:00 a.m. and 7:00 p.m.~~ or as otherwise provided in the Special Use Permit.

8. Operation of Multiple Businesses at Single Location.

A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section ~~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.

9. Specific Requirements for a Retail Marijuana Store.

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.

10. No Products to be Visible from Public Places.

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.

11. No Beer or Alcohol on Premises.

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.

12. Consumption of Marijuana Prohibited.
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.

~~13. Signage shall be specifically approved as part of the special use permit application process for the Retail Marijuana Business.~~

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

15. Prevention of Emissions and Disposal of Materials.
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.

~~A Retail Marijuana Cultivation Facility, Retail Marijuana Store and Retail Marijuana Testing Facility As applicable, Retail Marijuana Businesses~~ 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.

All State regulations concerning ventilation systems shall be followed.

16. Compliance with Other Codes.
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.

17. No Harm to Public Health, Safety or Welfare.
The Licensed Premises and adjacent grounds of a Retail Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

18. 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 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:

- 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 Retail 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 Retail Marijuana Business;
- h. Limits on hours of operation that are more restrictive than prescribed by subsection (37) above;
- i. A requirement that the Applicant temporarily close the Retail Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Retail Marijuana Business.

19. Penalty for Violation.

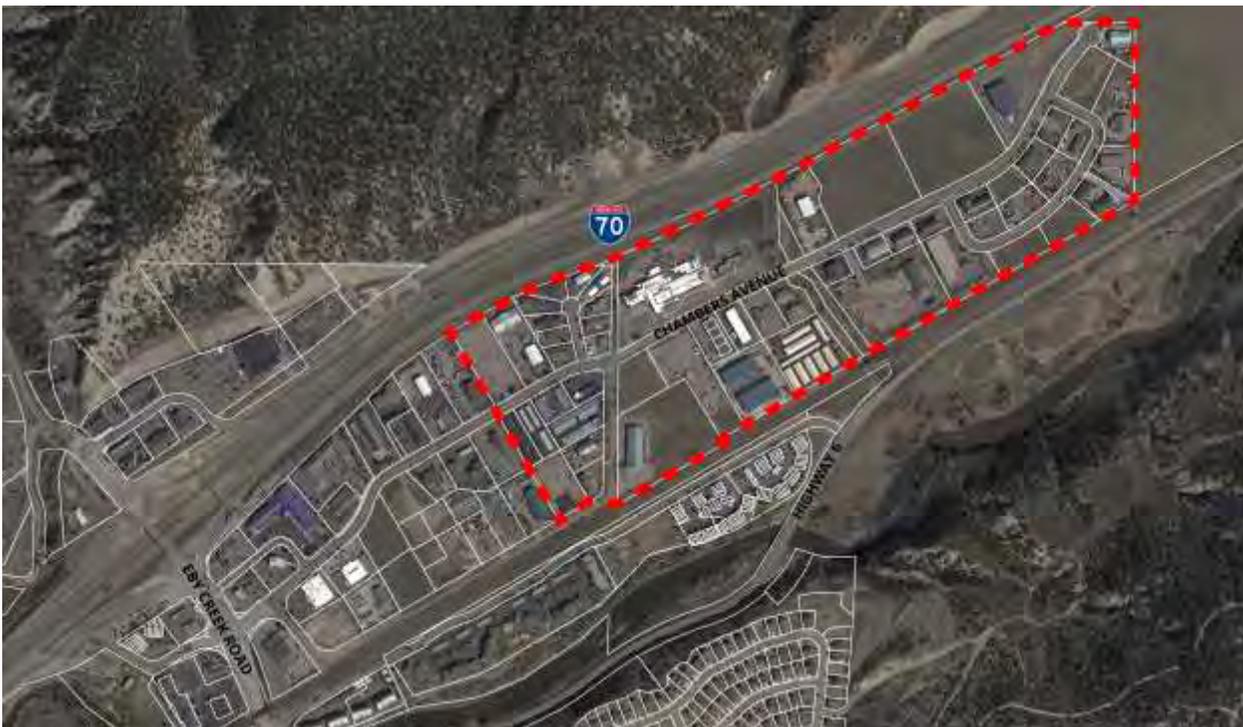
Any violation of the provisions of this subsection or the conditions of the Special Use Permit granted, by a Retail Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1,000.00). Each day that a violation is committed, exists or continues shall be deemed a separate 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

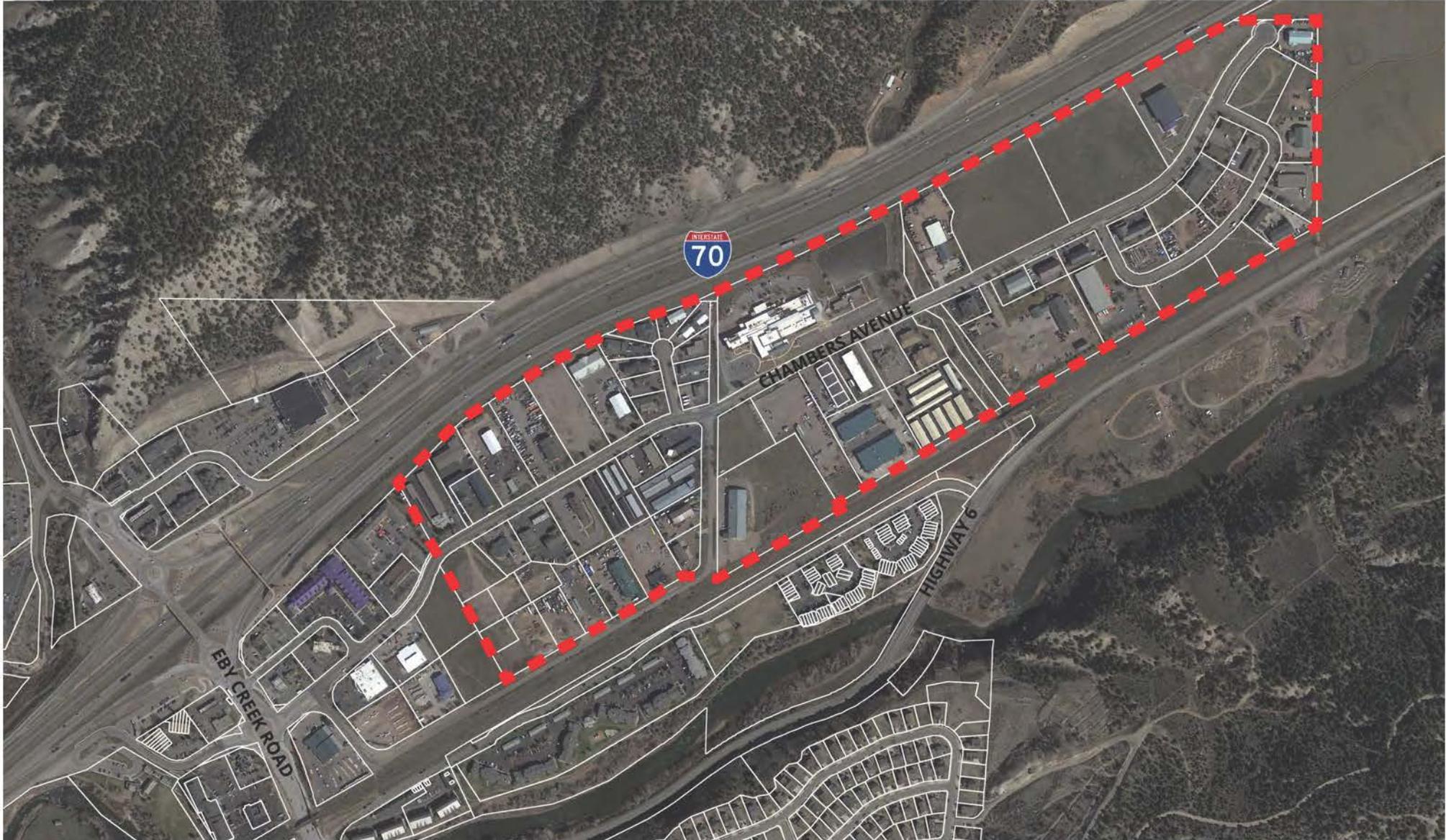
Exhibit A. Area where Medical Marijuana Centers and Retail Marijuana Stores are permitted.



Exhibit B. Area where Medical Marijuana Infused Products Manufacturers, Optional Medical Marijuana Cultivation Premises, Retail Marijuana Products Manufacturers, and Retail Marijuana Cultivation Facilities are permitted.







C.R.S. 25-12-102

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 25. HEALTH
ENVIRONMENTAL CONTROL
ARTICLE 12. NOISE ABATEMENT

C.R.S. 25-12-102 (2015)

25-12-102. Definitions

As used in this article, unless the context otherwise requires:

(1) "Commercial zone" means:

(a) An area where offices, clinics, and the facilities needed to serve them are located;

(b) An area with local shopping and service establishments located within walking distances of the residents served;

(c) A tourist-oriented area where hotels, motels, and gasoline stations are located;

(d) A large integrated regional shopping center;

(e) A business strip along a main street containing offices, retail businesses, and commercial enterprises;

(f) A central business district; or

(g) A commercially dominated area with multiple-unit dwellings.

(2) "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American national standards institute, publication S1. 4 - 1971.

(3) "Decibel" is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound

level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level.

(4) (a) "Industrial zone" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural, horticultural, or floricultural operations.

(b) Nothing in paragraph (a) of this subsection (4), as amended by House Bill 05-1180, as enacted at the first regular session of the sixty-fifth general assembly, shall be construed as changing the property tax classification of property owned by a horticultural or floricultural operation.

(5) "Light industrial and commercial zone" means:

(a) An area containing clean and quiet research laboratories;

(b) An area containing light industrial activities which are clean and quiet;

(c) An area containing warehousing; or

(d) An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(5.2) "Motorcycle" means a self-propelled vehicle with not more than three wheels in contact with the ground that is designed primarily for use on the public highways.

(5.4) "Motor vehicle" means a self-propelled vehicle with at least four wheels in contact with the ground that is designed primarily for use on the public highways.

(5.6) "Off-highway vehicle" means a self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways. "Off-highway vehicle" shall not include the following:

(a) Military vehicles;

(b) Golf carts;

(c) Snowmobiles;

(d) Vehicles designed and used to carry persons with disabilities; and

(e) Vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes.

(6) "Residential zone" means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple-unit dwellings, high-rise apartment districts, and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may

not include retail shopping facilities. "Residential zone" includes hospitals, nursing homes, and similar institutional facilities.

(7) "SAE J1287" means the J1287 stationary sound test or any successor test published by SAE international or any successor organization.

(8) "SAE J2567" means the J2567 stationary sound test or any successor test published by SAE international or any successor organization.

(9) "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways. "Snowmobile" shall not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

HISTORY: Source: L. 71: p. 647, § 1. C.R.S. 1963: § 66-35-2.L. 73: p. 1406, § 47.L. 86: (2) amended, p. 501, § 121, effective July 1.L. 2005: (4) amended, p. 350, § 8, effective August 8.L. 2008: (5.2), (5.4), (5.6), (7), (8), and (9) added, p. 2101, § 1, effective July 1, 2010.

C.R.S. 25-12-103

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 25. HEALTH
ENVIRONMENTAL CONTROL
ARTICLE 12. NOISE ABATEMENT

C.R.S. 25-12-103 (2015)

25-12-103. Maximum permissible noise levels

(1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone	7:00 a.m. to next 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

(2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.

(3) Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (1) of this section.

(4) This article is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control.

(5) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project.

(6) All railroad rights-of-way shall be considered as industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.

(7) This article is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

(8) For the purposes of this article, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour.

(9) In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

(10) This article is not applicable to the use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow. This subsection (10) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.

(11) This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.

(12) (a) Notwithstanding subsection (1) of this section, the public utilities commission may determine, while reviewing utility applications for certificates of public convenience and necessity for electric transmission facilities, whether projected noise levels for electric transmission facilities are reasonable. Such determination shall take into account concerns raised by participants in the commission proceeding and the alternatives available to a utility to meet the need for electric transmission facilities. When applying, the utility shall provide notice of its application to all municipalities and counties where the proposed electric transmission facilities will be located. The public utilities commission shall afford the public an opportunity to participate in all proceedings in which permissible noise levels are established according to the "Public Utilities Law", articles 1 to 7 of title 40, C.R.S.

(b) Because of the statewide need for reliable electric service and the public benefit provided by electric transmission facilities, notwithstanding any other provision of law, no municipality or county may adopt an ordinance or resolution setting noise standards for electric transmission facilities that are more restrictive than this subsection (12). The owner or operator of an electric transmission facility shall not be liable in a civil action based upon noise emitted by electric transmission facilities that comply with this subsection (12).

(c) For the purposes of this section:

(I) "Electric transmission facility" means a power line or other facility that transmits electrical current and operates at a voltage level greater than or equal to 44 kilovolts.

(II) "Rights-of-way for electric transmission facilities" means all property rights and interests obtained by the owner or operator of an electric transmission facility for the purpose of constructing, maintaining, or operating the electric transmission facility.

HISTORY: Source: L. 71: p. 648, § 1. C.R.S. 1963: § 66-35-3.L. 82: (10) added, p. 424, § 1, effective March 11.L. 87: (11) added, p. 1154, § 1, effective May 20.L. 2004: (12) added, p. 736, § 2, effective July 1.

Cross references: For the legislative declaration contained in the 2004 act enacting subsection (12), see section 1 of chapter 219, Session Laws of Colorado 2004.

ANNOTATION

Residential development of property is not precluded when noise emanating onto property exceeds limits set forth in this section. *Einarsen v. City of Wheat Ridge*, 43 Colo. App. 232, 604 P.2d 691 (1979).

Trier of fact to determine mode to use in measuring noise. *Davis v. Izaak Walton League of Am.*, 717 P.2d 984 (Colo. App. 1985).

Applied in *City of Lakewood v. DeRoos*, 631 P.2d 1140 (Colo. App. 1981).



The Town of Eagle

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

Meetings:
2nd and 4th Tuesdays

CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: April 15, 2016

PROJECT NAME: Stout Coffee Shop Expansion

FILE NUMBER: DR15-08/ V16-01

APPLICANT: Ed Oyler

LOCATION: 131 Chambers Avenue

APPLICABLE SECTION(S) OF MUNICIPAL CODE:
Section 4.06 (Development Review)
Section 4.07 (Development Standards)
Section 4.05.02 (Variance Standards)

EXHIBIT(S): A. Application Letter
B. Aerial Photos of Site
C. Architectural Drawings

PUBLIC COMMENT: None Received as of October 1, 2015

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Minor Development Permit to construct a 440 square foot addition on the south side of the building.

DISCUSSION:

This existing building includes a Subway Sandwich Store on the north side, a small Sinclair gas station/convenience store in the midsection and the Stout House Coffee on the south side. Over the last decade, there have been three businesses occupying this space on the south side of the building. The current business serves coffee and pastries as well as convenience style breakfast and lunch. The existing space includes a kitchen. The current owners of the business, Marcey and Ted Place, want to create a seating area within a 440 square foot expansion planned for the south side of the building. Business has been good with the food products offered and many people have mentioned that there is insufficient seating currently located in a bar configuration facing short sections of the west and south walls in the front of the kitchen where orders are taken.

This property is bound on three sides by roads; Loren Lane on the north, Eby Creek Road on the west and Chambers Avenue on the south. The Land Use Code requires three front yard setbacks in these cases of corner lots. The existing south wall of the building is located approximately 35 feet from Chambers Avenue Right of Way. The proposed 22 feet wide expansion to the building requires a setback variance. The Land Use Code requires 25 foot setback from Chambers Avenue. The proposed building would encroach approximately 12.5 feet into this setback leaving 12.5 feet between the building wall and the right of way line.

In the case of Minor Development Permits and Setback Variances, the Planning and Zoning Commission is the final decision making body. Therefore, the Planning and Zoning Commission's decision on this application will be final. There are no public improvements required as part of this application.

ZONING VARIANCE STANDARDS

Listed below are the findings required by Section 4.05.020 of the Land Use & Development Code for approval of a Zoning Variance:

1. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans, including the specific regulation in question; and
2. That the variance granted is the minimum necessary to alleviate the hardship; and
3. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

4. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

FINDINGS FOR A ZONING VARIANCE

1. This property is located within an area designated as “Commercial” on the Future Land Use Map of the 2010 Eagle Area Community Plan (2010 EACP). In addition to being within the area designated as “Commercial,” the subject property is located within the “I-70 Influence Character Area. One of the “Intents” of the Commercial Designation is to concentrate “concentrate retail outlets within commercial areas to promote one stop shopping and encouraging build out of existing commercial properties within Town. The first Planning Principle noted under the I-70 Influence Character Area is to Promote additional highway oriented businesses (which may also serve local needs) in the vicinity of Eby Creek Road. Encourage the development of vacant or underutilized lots at the western end of Chambers Avenue with more intensive uses that would benefit from their accessibility to the Interstate Corridor”. It is staff’s opinion that this application for a setback variance is without substantial detriment to the public good and complies with the Town’s regulations, goals, policies and plans.
2. That the 12.5 foot variance requested to the otherwise applicable 25 foot setback is required to allow for a 22 foot wide expansion to the seating area for the restaurant. This is a modest expansion allowing four booths to be constructed along the east wall of the building, two small tables in the middle of the seating area and a counter facing the window on the west wall. This 12.5 variance is the minimum to alleviate the footprint constraint on the south side of the building.
3. The exceptional configuration of this property with three street frontages results in practical difficulties in creating a reasonably sized building on this property.

DEVELOPMENT PLAN STANDARDS (SECTION 4.06)

The standards for the review of a Development Plan, per Section 4.06 of the Land Use & Development Code, are:

1. Compliance with the Town’s regulations, goals, policies and plans.
2. Any adverse impacts resulting from the proposed development are reasonably and adequately mitigated to minimize such impact.

FINDINGS FOR DEVELOPMENT PLAN

Land Use & Development Code:

The proposed expansion of the building complies with all of the dimensional requirements of the Commercial General Zone District; building height, floor area ratio, lot coverage, parking and all setback requirements except the setback on the south side of the building which is the subject of the Variance requested above.

The building materials selected are compatible with the building materials of the existing building and generally comply with the Design Guidelines for Chambers Avenue Commercial Area listed in Section 4.07.023. While not specifically required by these Design Guidelines, the staff encourages the applicant consider adding window treatment in the gable of the south wall similar to the upper gable windows facing west. It would may also be desirable to add some windows on the east wall of the building.

The Design Guidelines reference the importance of visual image created by development in this area. Staff believes that the additional windows will add to visual quality of this prominent corner and will also benefit the interior space of the dining room.

Section 4.07.010 addresses landscaping. A front street buffer of 15 is required by the Landscape Standards for properties larger than .5 acres. The applicant has proposed 12.5 feet. Staff request that additional landscape material adjacent to the south side of the building to create a landscape transition from the road to the south wall of the building. This variance from design standards can be approved as part of the Development Permit.

Per Section 4.070.060 of the Land Use & Development the body authorizing a development permit may grant a variance from the strict application of the requirements of Chapter 4.06 based on the following findings:

1. There exists on the property in question exceptional topographical, soil, or other sub-surface condition, or other extraordinary conditions peculiar to the site, existing buildings, or lot configuration, such that strict application of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant; OR
2. That the public good would be better served by granting the variance.

Staff believes that with the above referenced condition, that the public good would be better served by granting the variance.

2010 Eagle Area Community Plan:

The expansion of this commercial building also complies with the Eagle Area Community Plan policies and objectives for this area of Town. This Plan encourages more intensive uses of these commercial lots in close proximity to the Interchange and encourages one stop shopping. This restaurant expansion is in accord with the direction established in the Plan. For more detail, please see paragraph of Compliance with Eagle Area Community Plan provided in the Findings for Variance Standards (1).

Staff finds that the proposed building expansion is in general compliance with the 2010 EACP.

Adverse Impacts:

Staff believes that any adverse impacts resulting from the proposed development are reasonably and adequately mitigated to minimize such impact by the proposed design of this expansion.

STAFF RECOMMENDATION

Staff recommends approval of file number DR16-02, based on a finding of compliance with the Development Review standards set forth in the Town’s Land Use & Development Code, subject to the following conditions:

1. Provide additional landscaping, such as bushes and/or ornamental grasses along the south side of the building to provide a transition from Chambers Avenue. Landscape plan shall be submitted and approved by Town Planner prior to issuance of building permit.

Staff recommends approval of file number V16-01- Variance from setback of 25 feet from Chambers Avenue based on compliance with standards 1, 2 and 3 as referenced earlier in this staff report.

PLANNING & ZONING COMMISSION

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



Re: 131 Chambers Avenue
Applications for a Zoning Review and a Development Review

To Whom it May Concern,

The owners of this property would like to build an addition to the existing Sinclair Gas station to create a seating space for the small, existing restaurant on the south side of the building.

They would like to request a setback variance on the south side along Chambers Avenue, bringing the setback to 12.5'.

They are also requesting a Minor Development Review for the addition.

The addition would involve a rectangular space of 440 square feet for a restaurant seating area. The exterior materials will complement the existing building with vertical wood siding and roofing to match if possible. The window at the front will be a glass, garage door style window that can be opened up during nice weather. In the event that the existing roofing is unavailable a complimentary material can be chosen and approved of by all parties.

A parking analysis states that 26 spaces need to exist on the site, which can be accomplished as noted on the site plan / parking plan.

Please feel free to contact me with any questions or comments.

Thank you,

Alicia Davis, AIA

ALICIA DAVIS | ARCHITECT
T. 970.328.3900 x4 C. 970.209.6304
alicia@sstaia.com

SCOTT S. TURNIPSEED, AIA ARCHITECTURE & CONSTRUCTION INC.
1143 CAPITOL STREET SUITE 211 P.O. BOX 3388 EAGLE CO 81631
WWW.SSTAIA.COM



Use of this map should be for general purposes only. The Town of Eagle does not warrant the accuracy of the data contained herein.

1 inch = 250 feet 0 50 100 200 Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



*Use of this map should be for general purposes only.
The Town of Eagle does not warrant the accuracy of
the data contained herein.*

1 inch = 50 feet 0 12.5 25 Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

STOUT HOUSE COFFEE KITCHEN ADDITION

0131 CHAMBERS AVENUE



ZONING REVIEW & MINOR DEVELOPMENT REVIEW
APRIL 7, 2016

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995

STOUT HOUSE COFFEE KITCHEN
ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE COUNTY, COLORADO

OWNERS:

EBY CREEK PARTNERSHIP LLLP
EAGLE AMACO
PO BOX 1898
EAGLE, CO 81631-1898

TENANTS:

STOUT HOUSE COFFEE KITCHEN
WILL AND MARCEY PLACE
PO BOX 5924
EAGLE, CO 81631
T (970) 390-0559

ARCHITECT:

SCOTT S. TURNIPSEED AIA
ARCHITECTURE & CONSTRUCTION, INC.
1143 CAPITOL STREET, SUITE 211
P.O. BOX 3388
EAGLE, COLORADO 81631
T (970) 328-3900
alicia@sstala.com

SURVEYOR:

ARCHIBEQUE LAND CONSULTING LTD.
115 BROADWAY, PO BOX 3893
EAGLE, CO 81631
P: (970) 328-6020
info@prolandsurvey.com

DRAWING INDEX:

- A0.0 COVER SHEET
- A1.1 EXISTING SITE PLAN - ILC
- A1.2 SITE PLAN / PARKING PLAN
- A2.1 PROPOSED FLOOR PLAN
- A3.1 PROPOSED ELEVATIONS & SECTION

PROJECT SUMMARY:

PARCEL NUMBER: 1939-324-01-008
ADDITION: COMMERCIAL
NUMBER OF STORIES: 1

FLOOR AREA:

EXISTING 2,489 SF
ADDITION 441 SF
PROPOSED TOTAL 2,930 SF

SITE AREA:

.85 ACRES - 37,026 SQ. FT.
SITE COVERAGE

FIRE SPRINKLERS:

REQUIRED (VERIFY)

BUILDING CODES:

2012 IBC
2012 IECC
2012 NEC

HEATING/COOLING:

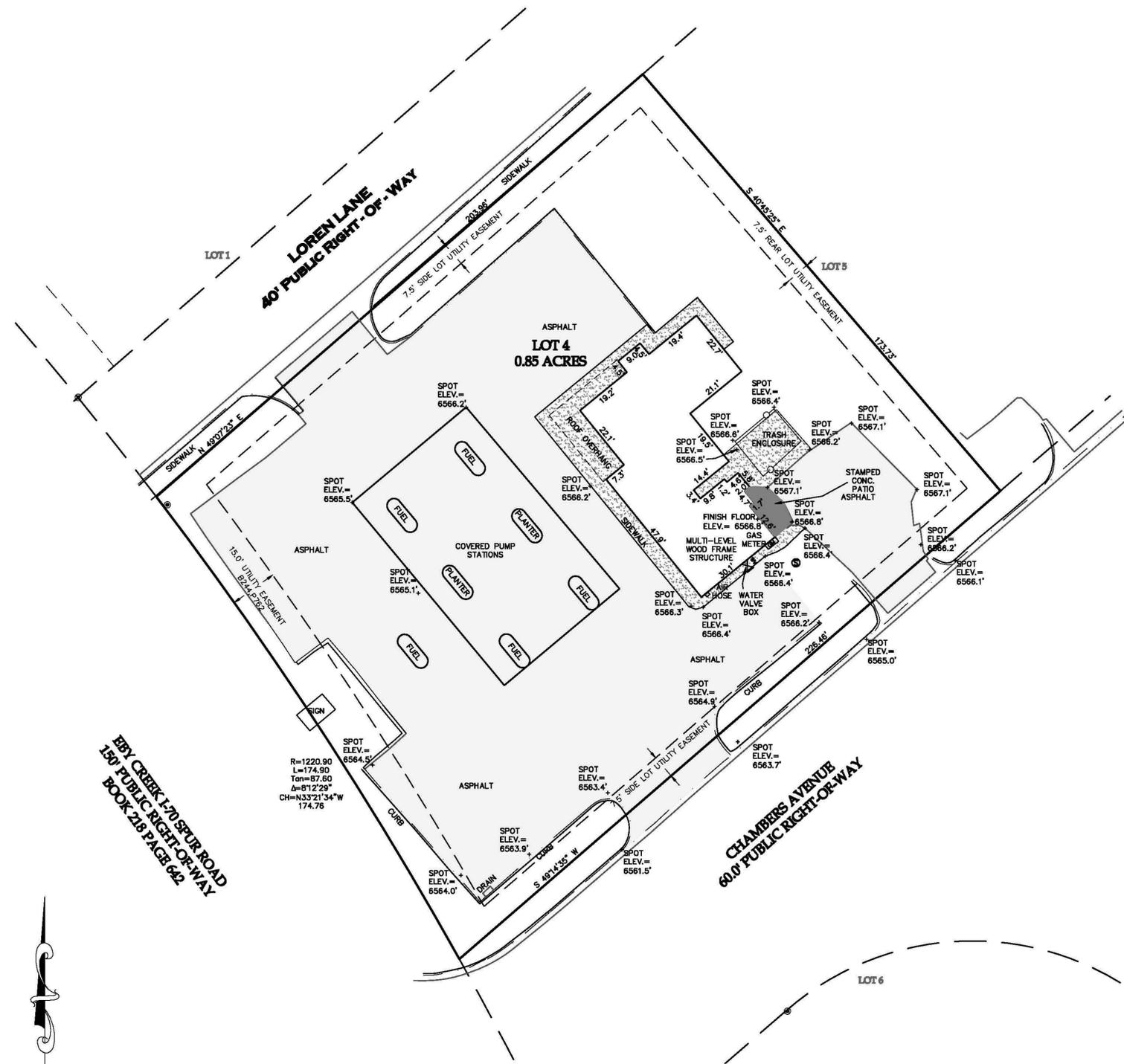
HEAT: NATURAL GAS - TBD
AIR CONDITIONING: NONE

ISSUE: DATE:
ZONING REVIEW
& MINOR DEVELOPMENT
REVIEW APRIL 7, 2016

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 3388
1143 CAPITOL STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3900 WWW.SSTALA.COM

A0.0

IMPROVEMENT LOCATION CERTIFICATE FOR BUILDING PERMIT LOT 4, BLOCK 1 EBY CREEK SUBDIVISION TOWN OF EAGLE, COUNTY OF EAGLE, COLORADO



LEGAL DESCRIPTION:
Lot 4, Block 1, Eby Creek Subdivision according to the Final Plat thereof, as filed for record on January 5, 1999 in Book 244 at Page 762 in the Clerk and Recorder's Office, County of Eagle, State of Colorado.

NOTES:

- 1) Date of Field Work: January 15, 2016
- 2) Location of Improvements, Lot lines, and Easements are based upon the above referenced Final Plat of Eby Creek Subdivision and survey monuments, as well as other boundary evidence found at the time of this certification.
- 3) Street Address: 0131 Chambers Avenue.
- 4) Due to snow and ice accumulation certain improvements may not be shown.
- 5) This Improvement Location Certificate For Building Permit was prepared for the exclusive use of Marcey Place, and is valid only if print has original seal and signature of surveyor.
- 6) Lineal Units of the U.S. Survey Foot were used herein.

CERTIFICATION

I hereby certify that this Improvement Location Certificate for Building Permit was prepared for Marcey Place, that this is NOT a Land Survey Plat, Improvement Survey Plat, or statutory Improvement Location Certificate and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

The purpose of this certificate is to depict construction improvements relative to property lines.



Theodore J. Archibeque PLS 37902
Colorado Professional Land Surveyor

14MAR16 SAH ADD SPOTS AND GAS PUMPS

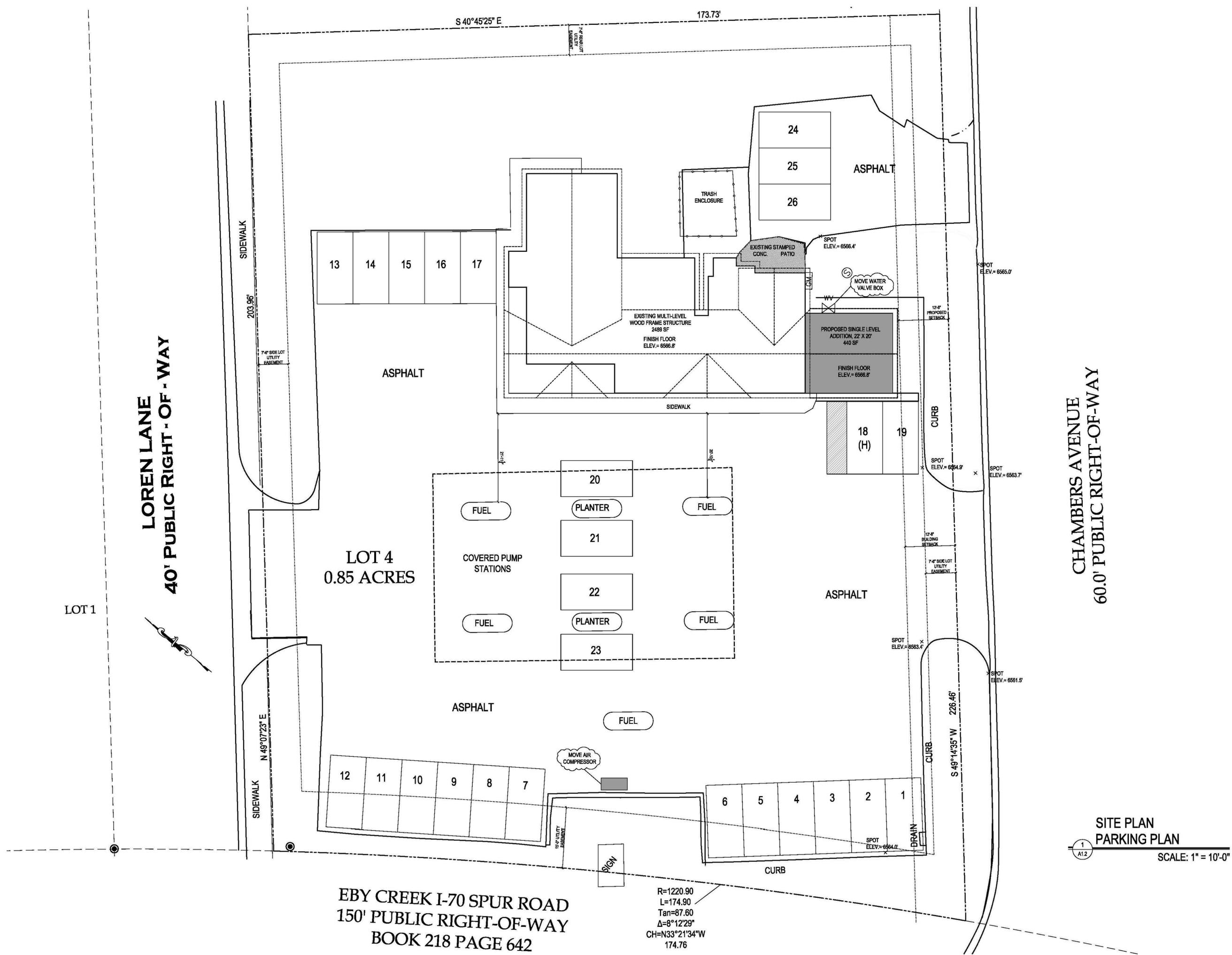
IMPROVEMENT LOCATION CERTIFICATE FOR BUILDING PERMIT LOT 4, BLOCK 1 EBY CREEK SUBDIVISION TOWN OF EAGLE, COUNTY OF EAGLE, COLORADO		
DRAWN BY:	JOB NUMBER:	DRAWING NAME:
sah	16105	16105_Site.dwg
SHEET 1 OF 1	DATE:	CHECKED BY:
	01-15-2016	TJA

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect, in no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and only apparent (visible to the line of fastener) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgment and agreement to all terms stated herein.

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ISSUE:	DATE:
ZONING REVIEW & MINOR DEVELOPMENT REVIEW	APRIL 7, 2016



SITE PLAN
PARKING PLAN
SCALE: 1" = 10'-0"

EBY CREEK I-70 SPUR ROAD
150' PUBLIC RIGHT-OF-WAY
BOOK 218 PAGE 642

R=1220.90
L=174.90
Tan=87.60
Δ=8°12'29"
CH=N33°21'34"W
174.76

STOUT HOUSE COFFEE KITCHEN
ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE COUNTY, COLORADO

ISSUE: DATE:

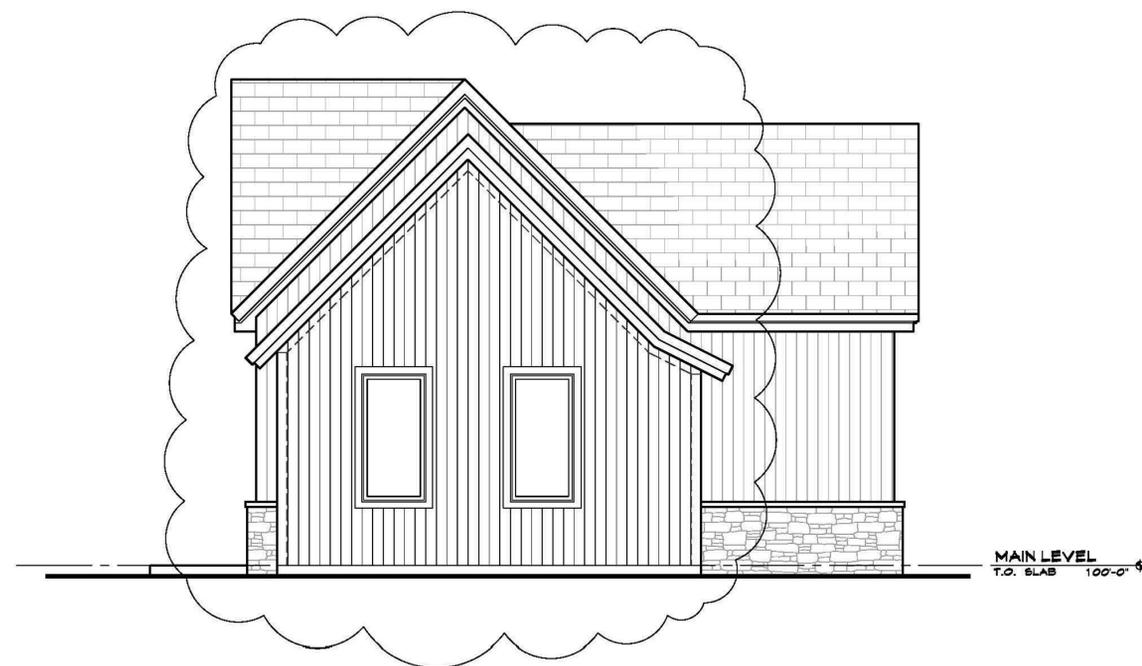
ZONING REVIEW
& MINOR DEVELOPMENT
REVIEW APRIL 7, 2016

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 598
1145 GAYLOR STREET, SUITE 211
EAGLE, COLORADO 81621
870.528.3800 WWW.SSTAINA.COM



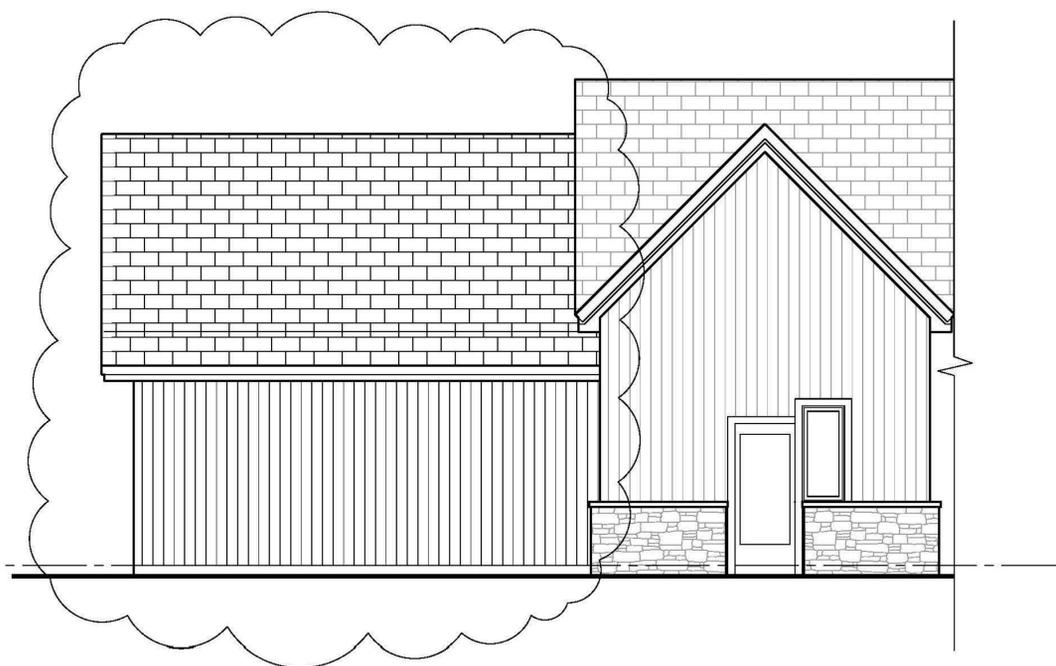
1
A3.1 PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"



2
A3.1 PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



4
A3.1 PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"



TOWN OF EAGLE - RIVER CORRIDOR PLAN

“Connecting the heart of Eagle to the soul of the river”

APA COLORADO 2016 CHAPTER AWARDS NOMINATION

- Project Title/Description:** Town of Eagle - River Corridor Plan
The River Corridor Plan is a Sub-Area Plan that encompasses the 3.4-mile stretch of the Eagle River located within the town of Eagle’s Urban Growth Boundary.
- Category:** General Planning Project
- Project Location:** Eagle, Colorado
- Award Contact:** Matt Farrar
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- Project Team:**
- | | |
|---|---|
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Executive Director - Community Builders
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817 Colorado Ave #200
Glenwood Springs, CO 81601 |
| Matt Farrar
Assistant Town Planner
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200 Broadway
PO Box 609
Eagle, CO 81631 | Jim Leggitt
Principal - studioINSITE
jleggitt@studio-insite.com
(303) 433-7100
3457 Ringsby Court, #223
Denver, CO 80216 |
- Estimated Project Budget:** \$32,500 (Town & Sonoran Institute funding); \$20,000 (Sonoran Institute staff time)
- Project Duration:** September, 2014 - December, 2015
- Between November, 2014 and January, 2015 the town solicited input from stakeholders on concepts developed during the planning & design charrette.
- Websites:**
1. www.townofeaglerivercorridorplan.org
 2. <http://townofeagle.org/407/Town-of-Eagle---River-Corridor-Plan>

A) Project Description

The planning area defined for the Town of Eagle – River Corridor Plan encompasses roughly 307.59 acres (of which, roughly 43.19 acres is water) and approximately 3.4 miles of the Eagle River. The planning area extends from the eastern edge of the town’s Urban Growth Boundary (defined in the 2010 Eagle Area Community Plan) to the town’s Wastewater Treatment Plant located west of the Sylvan Lake Road roundabout. The planning area includes a portion of property owned by Eagle County on the north side of the Eagle River. The portion of the county owned land is critical to this planning effort and land that is currently used for tractor-trailer truck parking. The tractor-trailer truck parking lot is the site identified for the proposed Eagle River Park. The Town and County worked closely on the planning for this area.

The Town of Eagle – River Corridor Plan establishes a clear, comprehensive set of principles to guide future growth of the town along the Eagle River. The principles set forth in the Plan reflect the desire of the community to connect the town with the river, while preserving the resource for future generations. A desired outcome of the Plan is public and private sector development along the river corridor that will strengthen the connection between the Town of Eagle and the Eagle River.

The Town of Eagle - River Corridor Plan was prepared in partnership with the Sonoran Institute/Community Builders under the guidance and direction of a seventeen person steering committee comprised of interested citizens, landowners, elected and appointed public officials and staff from the Town of Eagle and Eagle County. The steering committee, with assistance from the public, identified the following six themes as the key elements of the Plan:

- Conservation
- Education & Awareness
- Economic Development
- Recreation
- Transportation & Access
- Place-Making

A unique aspect of the Town of Eagle – River Corridor Plan is its organization. The Plan does not take the traditional approach of providing an Introduction, Inventory of Existing Conditions, and then the Vision, Goals & Policies. Instead, the vision and objectives of the Plan are presented in Chapter 1, followed by a detailed discussion on Future Land Use and Open Space and Trails in Chapters 2 and 3. Chapters 4 and 5 discuss how this plan achieves objectives of related planning efforts, in addition to how this plan fits into a broader, regional context. Chapter 6 provides a detailed Action Plan to assist elected officials and staff with the long-term implementation of the Plan.

Town staff and the Board of Trustees are excited to have this document in place. It provides a great framework to guide future growth and development of the town, ensure long-term stewardship of the Eagle River and assist with future policy decisions and capital improvement plans.

B) Innovative

The Town of Eagle – River Corridor Plan is a proactive approach to addressing future growth and development in the town, while also focusing on long-term stewardship of the Eagle River. From a growth perspective, the Plan focuses heavily on properties adjacent to the town’s core that are considerably underutilized. These properties create a gap between downtown Eagle and the Eagle River. Through the planning process for this plan, the community identified a variety of strategies for infilling the gap between downtown Eagle and the Eagle River. Long-term, it is believed that the extension of downtown Eagle to the river will result in a major transformation of the town and help bolster the local economy. From a stewardship perspective, the Plan outlines requirements for future development along the river corridor, one of which is dedication of riverfront property to the town. The intent is to create a publically owned open space network

along the river to both protect sensitive lands and wildlife habitat, while also allowing for public access to the river in designated locations. If this Plan comes to fruition as envisioned, the majority of the roughly 3.4 miles of riverfront in Eagle will remain open to the public in perpetuity, which is rare in many communities.

In addition, the Riverside Mixed-Use area identified in the Plan is both recreation and transit oriented development. The Riverside Mixed-Use area sits adjacent to the Eagle River Park, as well as the town's primary transit station. With the growing emphasis on "Quality of Life" as an economic driver, it is believed that development adjacent to recreation amenities will become increasingly popular.

Transferable

Cities and towns all around the country are beginning to rethink their waterfronts. Many communities have waterfronts that are lined with industrial uses and/or major roadways. Fortunately for the Town of Eagle, there has not been any industrial development along the town's waterfront, however, the town has historically grown away from the river and little effort has been made to integrate the town with the Eagle River. This plan takes a balanced approach that provides for both development opportunities along the river while also placing a strong emphasis on stewardship of the river and ensuring that future development provides public lands along the river. While other communities may not have the same starting scenario as Eagle, the balance between stewardship and development in the River Corridor Plan could serve as a model for other communities looking to rehabilitate and revitalize their waterfronts.

Excellent

It is believed that many of the maps and graphics included in the River Corridor Plan are exemplary. In preparation of the Plan, it was believed that a well written and well-illustrated plan was necessary to clearly articulate the community's vision and objectives. Therefore, a strong emphasis was placed on both the text and graphics in the Plan. Two of the more notable illustrations are the Conceptual Development Plan (p.13) and the Conceptual Eagle River Park Plan (p.36) that were developed by the town's consultant, studioINSITE.

Promotes Community Progress

As previously noted, the Town of Eagle has historically grown away from the river. This has resulted in a disconnect between the town's core and the river and now presents a tremendous opportunity for significant infill development adjacent to the core of Eagle. Like many communities, Eagle's downtown is in desperate need of additional housing. The rural properties between downtown Eagle and the river were identified by many in the community as an opportunity to add much needed density to the town's core and to add a commercial component to along the river that would also be highly visible from I-70 (AADT in 2014 was 17,000 according to CDOT). The River Corridor Plan creates numerous opportunities to strengthen the "heart of Eagle" and the town's economy.

Effective

The River Corridor Plan's immediate impact has been the design of the Eagle River Park and pursuit of a small sales tax increase to fund construction of the river park. The Eagle River Park was identified as an implementation action in the Plan and is a project that the community is aggressively pursuing. Coincidental to the adoption of the River Corridor Plan, the town contracted with S20 Design (www.s20design.com) for the design of the in-stream and riverbank improvement portion of the river park and with studioINSITE (www.studio-insite.com) on a preliminary design of the riverside park and parking lot. The town's Board of Trustees approved a ballot question for the upcoming April 5 election asking Eagle voters to approve a 0.5% sales tax increase that will generate revenue needed to construct the Eagle River Park. If the sales tax increase is approved, construction of the Eagle River Park is slated to begin fall of 2016.

C) Nomination Supporters

Contact 1:

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Contact 2:

Mick Daly
President - Eagle Chamber of Commerce
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Eagle, CO 81631



Community Builders
801 Colorado Ave, #200
Glenwood Springs, CO 81601
clark@communitybuilders.org
970-390-7191

To: APA Colorado
From: Clark Anderson, Executive Director, Community Builders
Re: Recommendation for General Plan Project Award for 2016
Date: April 1, 2016

To Whom it May Concern:

I'm excited to recommend the Town of Eagle's River Corridor Plan for a 2016 APA Colorado Chapter Award. At Community Builders, we are dedicated to helping local partners build strong, healthy and prosperous communities throughout the Rocky Mountain West. We worked in partnership with the Town of Eagle on this project and while the project is only recently completed, we are confident that it will be implemented and provide a wonderful model to inform and inspire other communities.

As a nonprofit organization, we are selective of the communities we work with and the projects we dedicate our time and resources to. In this case, we saw an outstanding opportunity to work with a community that was ready to create a bold new vision for two key assets at the very center of their community: the downtown and the Eagle River. Knitting these together, the plan provides a vision to connect the community to the river, encourage walkable infill in a highly strategic location, improve circulation and connectivity (particularly for bikes and pedestrians), conserve key areas along the corridor and at the same time, create active public spaces for people to engage and interact.

In addition to offering a great model for physical planning, placemaking and conservation, the River Corridor Plan sets forth a new vision and direction for economic development in Eagle. This is important as the town has been searching for its soul - from an economic perspective - for some time. Now, rather than looking to big-box retailing for economic salvation, the Town is now looking at ways to build on and strengthen its core assets - or what we call, its "Place Value." This concept reflects the findings of our recent most research project: "Place Value: A Fresh Approach to Economic Development in the West," which explores the decisions that drive location decisions for businesses as well as the talent they need to thrive.

Place Value reveals that creating a great community - one that is an attractive place to live is central to creating a resilient local economy because it is the overall quality of a community that is most important to businesses when deciding where to start / locate. It also found that most businesses are not attracted from somewhere else (calling into question conventional business attraction programs), but start from entrepreneurial efforts that originate within the community. As such, being an attractive place for entrepreneurs to live is essential.

With this plan, the Town of Eagle is taking a *Place Value* approach to economic development, while also advancing a strategic way forward for future land use and development that will help to encourage infill and redevelopment, bolster the vitality of the downtown, expand transportation choices and create a wealth of new amenities and community spaces for residents and visitors alike.

In addition to the contents and concepts in the plan, it's important to acknowledge the process, including the public process as well as the internal work of the project team. In addition to a well-organized steering committee and a wide range of public meetings and events, town staff spent a tremendous amount of time working with small groups and individuals, whether property owners or interested stakeholders, to gain ideas and feedback on the project. The extent of public outreach was particularly robust in light of the relatively modest project budget we had to work with.

The internal process was great as well. Most importantly, town staff really ran with the project and took responsibility for its success. This was not a case where consultants were brought in to do the work and staff reviews products; staff were deeply involved and took a lead on nearly every aspect of the project. As a result, the town truly "owns" the plan and I'm convinced they will run with it and get it implemented. For us, it was an excellent partnership and a great model for how we hope all of our community assistance projects can work.

In short, I think Town of Eagle's Eagle River Corridor Plan is an excellent project deserving of the Colorado Chapter of the American Planning Association General Planning Project award.

Thank you for your consideration. Please don't hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Anderson", written in a cursive style.

Clark Anderson, Executive Director, Community Builders



April 1, 2016

Several years ago, the Town of Eagle identified the Eagle River Corridor Plan as a priority project, and we at the Eagle Chamber of Commerce fully support this priority and support the nomination of the River Corridor Plan for the 2016 APA Colorado Chapter General Planning Project Award.

A priority implementation project identified in the River Corridor Plan is the Eagle River Park project. The Eagle River Park will not only transform an existing dirt parking lot into a community amenity, but will also improve the health of the river and help to stabilize its banks. The river park will provide river access points for recreation purposes, and improve downstream passage for river users. The river park will also create an effective buffer between the parking lot and the river that will filter contaminated runoff before that runoff reaches the river.

But for us, the most exciting transformation is that the plan creates a much-needed and well-crafted, attractive gateway into the town of Eagle and the Eagle County Fairgrounds. This will be a vital first step to seeing our slowly recovering economy revitalized.

While it's difficult to measure all the positive economic impacts that a community focus on the Eagle River and development of the Eagle River Park will deliver, many other Colorado communities have measured those impacts in the millions of dollars. We believe that the town of Eagle is in a better position than most and has potential to see even greater benefits. We have I-70 at our front door; we just need a more attractive entry. I commend the town of Eagle staff, especially the Planning Dept., for its vision, perseverance and dedication to making every effort to turn Eagle into the best mountain community in Colorado.

In the words of one of our Chamber members, a small business owner: "The plans to create a beautiful and useful space on the river will bring a lot of people to town that will most certainly help all businesses, and will add just more things that makes Eagle even more of a gem within the Rocky Mountains."

Mick Daly
President, Eagle Chamber of Commerce