



**Planning and Zoning Commission  
Meeting Minutes  
July 19, 2016**

**PRESENT**

Jason Cowles, Chair  
Stephen Richards  
Charlie Perkins  
Cindy Callicrate  
Jesse Gregg

**STAFF**

Tom Boni – Town Planner  
Matt Farrar – Assistant Town Planner  
Danielle Couch – Administrative Assistant

**ABSENT**

Jamie Harrison  
Donna Spinelli  
Max Schmidt

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 Danielle Couch.

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on July 19, 2016, was called to order by Jason Cowles at 6:08 p.m.

**APPROVAL OF MINUTES**

Stephen Richards moved to approve the minutes of the July 5, 2016, Planning & Zoning Commission Meeting. Charlie Perkins seconded. The motion passed unanimously.

**ADMINISTRATIVE UPDATE**

Tom Boni explained that since Danielle Couch has been working with the Town, the Community Development work that had moved to the Administration Office is transitioning back upstairs. Couch said that following an inquiry by Jesse Gregg regarding term expirations for the members of the Planning and Zoning Commission, she had researched appointments and terms back to 2012 and found a few clerical errors and some apparent confusion regarding term limits when a member is appointed to finish the term of a resigning member. As a result, there are currently three terms that have expired (Harrison, Spinelli and Perkins). The Town Board of Trustees has indicated they would like to publish an advertisement for these positions; members are encouraged to reapply if they are interested. Also, the term expirations for Callicrate and Schmidt

were incorrectly recorded and will be corrected through Ordinance at the July 26, 2016, Town Board of Trustees Meeting.

Cowles asked if there is an application form for those interested in participating on the Planning and Zoning Commission. Boni said there is and we also request a resume and letter of interest. Boni also clarified that the term length confusion stemmed from new members filling resigning members' seats, with the intent to maintain staggered terms. Cowles thought an easy solution would be to appoint new members to a four-year term, regardless of replacement status. Staff will review the Town's Municipal Code to determine if this would be allowed.

## **PUBLIC COMMENT**

None

## **LAND USE PUBLIC HEARINGS**

*LURA16-01 Revisions to Section 4.03.040 – Definitions and Section 4.04 – Zoning of the Town of Eagle Land Use & Development Code*

Cowles opened File LURA16-01, Revisions to Section 4.03.040 and Section 4.04, related to definitions and regulations for dog daycare facilities, indoor recreation facilities and medical and retail marijuana testing, cultivation and infused-product manufacturing facilities. Item 3 related to indoor recreation facilities has already been reviewed by the Planning & Zoning Commission and was approved by the Town Board of Trustees on April 26, 2016. Staff is requesting a continuation of items 1 and 2 related to dog daycare facilities to September 6, 2016, to allow more time to research other jurisdictional, state, federal and USDA regulations and requirements for these facilities. Items 4 and 5 are related to regulations for marijuana testing facilities, medical and retail marijuana cultivation facilities and infused-product manufacturing facilities, and expanding the area in the Town where these uses are permitted. These items were discussed at the May 3, 2016, Planning & Zoning Commission Meeting and continued to this hearing to address comments provided by the Commission.

### *Planning Commission Comments:*

- Maintain the limit on Medical and Retail Stores and Cultivation facilities to one (1) per 5,000 people in the town of Eagle or fraction thereof.
- Create an expanded area along Chambers Avenue where both Medical and Retail marijuana Infused-Products Manufacturing facilities and Testing facilities would be permitted.
- Allow for two (2) Medical Marijuana Infused-Products Manufacturing facilities and two (2) Retail Infused-Products Manufacturing facilities per 5,000 people in the town of Eagle or fraction thereof.
- Allow for one (1) Marijuana Testing facility per 5,000 people in the town of Eagle or fraction thereof.
- Remove the "Penalty for Violation" for Special Use Permit violations for Medical and Retail Marijuana businesses.

- Define hours of operation for medical and retail marijuana businesses as 8am – 12am, Monday – Sunday, as defined in the state regulations.

During review, Staff noticed some additional language modifications that should be made:

- Add definitions for “Licensed Premise” and “Licensee.”
- Modify the definition of “Medical Marijuana Business” to more closely mirror the definition of “Retail Marijuana Business.”
- Modify the definition of “Marijuana Testing Facilities.”
- Add supplemental regulations specific to “Marijuana Testing Facilities.”

Staff noted that these definitions are modeled after the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code and are more up to date than the current language in the Town’s Code.

Cowles noted that these businesses are all licensed through the state and anything they might do to violate state regulations would jeopardize their state license. Farrar agreed and stated that right now for medical marijuana businesses the Town issues a local license but does not have a similar license in place for retail marijuana businesses. An amendment of the Municipal Code will be needed in the future to require local licenses for both medical and retail marijuana businesses.

Staff recommended approval of LURA16-01, items 4 and 5 related to regulations for marijuana testing facilities, medical and retail marijuana cultivation facilities and infused-product manufacturing facilities, and expanding the area in the Town where these uses are permitted.

Cowles had a comment regarding the definitions of “Licensed Premise” and “Licensee” and whether those terms occur elsewhere in the Code. If so we may want to more clearly define those terms in relation to marijuana businesses.

Richards moved to continue LURA16-01, items 1 and 2 to the Planning and Zoning Commission Meeting on September 6, 2016.

Cowles opened public comment and hearing none, closed public comment.

Gregg seconded the motion to continue LURA16-01, items 1 and 2. The motion was unanimously approved.

Gregg asked about the “fraction thereof” language regarding the allowance of marijuana testing and manufacturing facilities. Boni explained that the language was drafted by the Town Attorney and allows a facility per and up to each 5,000 residents in the Town (a population of 5,001 would allow for an additional facility).

Richards moved to approve LURA16-01, items 4 and 5, with the noted clarification of the definitions of "Licensed Premise" and "Licensee." Perkins seconded the motion. The motion was approved unanimously.

Cowles closed File LURA16-01, items 4 and 5 and continued File LURA16-01, items 1 and 2 to the September 6, 2016, Planning and Zoning Commission Meeting.

#### TOWN BOARD OF TRUSTEES MEETING REVIEW

1. Joint PZ/Board Work Session – Staff is working to schedule a joint Planning and Zoning/Board of Trustees meeting in the next couple of months.

#### OPEN DISCUSSION

There was a discussion about the status of the RFP/RFQ process for the Eagle River Park. Staff asked the Commission for their professional experience performing consulting work as part of a collaborative team.

#### ADJOURN

Richards made a motion to adjourn the meeting. Gregg seconded. The motion passed unanimously. The meeting was adjourned at 7:02 p.m.

8/2/16  
Date

  
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Jason Cowles – Planning and Zoning Commission Chair

8/2/16  
Date

  
\_\_\_\_\_  
Daniella Couch – Administrative Assistant