



Town Council
Tuesday, July 26, 2022
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access via Microsoft Teams. First-time users of Teams will need to download the app,

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or join by entering a meeting ID

Meeting ID: 296 323 253 985

Passcode: HbLa3C

- **Please note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions to the meeting attendees.**
- **When it's your turn to speak, you will have three (3) minutes for public comment.**
- **PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to Jenny Rakow, Town Clerk, and will be included as part of the record.**
- **For technical difficulties, please email jenny.rakow@townofeagle.org and we will do our best to assist you.**

CALL TO ORDER - 6:00 PM

ROLL CALL

ADOPTION OF AGENDA *Opportunity for amendment or deletions to the agenda.*

PUBLIC COMMENT - 6:05 PM *Citizens are invited to comment on any item, not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

PRESENTATIONS - 6:10 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Three Rivers Little League Donation Request, Ben Dodds
2. Walking Mountain Science Center, Nikki Maline - Home Energy Assessment and Residential Solar PV Rebate Program Update

CONSENT AGENDA 6:25 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. Minutes - July 12, 2022
2. Resolution 62, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Reappointing and Appointing Members to the Downtown Development Authority Board of Directors"
3. Resolution 66, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving Submission of Grant Application to the Federal Bureau of Reclamation for a Watersmart Water and Energy Efficiency Grant"

STAFF REPORTS - 6:30 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
2. Family and Medical Leave Insurance ("FAMLI") Presentation, Lynette Horan, Human Resources Manager

LIQUOR LICENSE AUTHORITY - 7:00 PM

1. PUBLIC HEARING: Transfer of Ownership of a Beer & Wine License- Applicant: North Coast Originals LLC

BUSINESS ITEMS - 7:05 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. 2021 Audit Presentation, Roger Maggard
2. PUBLIC HEARING: File #DR22-03 Major Development Permit for 435 Eby Creek Apartments
 - a. Resolution 61, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Major Development Permit and Development Agreement for 435 Eby Creek Road"
3. PUBLIC HEARING: File #DR21-02 Major Development Permit for Reserve at Hockett Gulch
4. PUBLIC HEARING: File #PPFP21-01 Preliminary Plan and Final Plat for Reserve at Hockett Gulch
5. PUBLIC HEARING: Downtown Development Authority Amended Plan of Development
 - a. Resolution 44, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Eagle Downtown Development Authority Amended Plan of Development"
6. Resolution 46, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Open Space and Trails Master Plan"
7. Resolution 63, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Memorandum of Understanding - Climate Action Collaborative of the Eagle County Community"
8. Resolution 65, Series 2022, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Roger Mitchell to serve as the Alternate Member of the Open Space and Recreation Advisory Committee."
9. Regional Transportation Authority - Authorizing Notice of Intent to Participate in a Coordinated Election
10. Comment Letter: Colorado River Valley Field Office 2022 Supplemental Environmental Impact Statement

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 9:30 PM

1. Future Agenda Items
2. Council Committee Updates

ADJOURN - 9:35 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI – Eagle Guest

Support your local Little League teams as they make National Headlines!!



We have 3 teams from our local Little League that have advanced through the District and State level tournaments and are playing in the Regional tournaments in Waco TX and Albuquerque NM. It's the first time in Three Rivers history that our 12U Majors team is advancing this far in the tournament, and thus far they are 5-0 outscoring the competition 62-12! First game is Aug 4th, 3:00 Mtn time on the Longhorn Network. Also advancing is the 14U JRs Baseball and JRs Softball teams!

With 3 teams traveling for 6 day tournaments, the expenses are piling up on our families. Can you help support our young athletes and families to help cover costs? With government rates for mileage, hotel and meal per diem, we're calculating \$70,000 in expenses between the 3 teams.

All Donations are Tax Exempt Fed ID 84-1492611

☐ \$5,000 ☐ \$1,000

☐ \$2,500 ☐ Other

Make checks out to Three Rivers Little League
For questions email info@3riverslittleleague.com

Assessments and Rebates are on a separate invoice as that money goes back into a separate account to cover those assessments and rebates. So, we ask that you pay each invoice separately since they go into different bank accounts.

Here are some quick stats for Q1:

	YTD Total (Q2)				Solarize Rebate \$ Reserved	Remaining Budget
	Count	Town \$	MtCO2e saved (annually)	Customer Utility \$ saved (annually)		
Home Energy assessments	7	\$614.10	2.26	\$350.98		\$2,135.90
% to Goal (10)	70%	1 for Solarize				
Residential Solar PV Rebates	2	\$2,000.00	13.85	\$1,861.90	\$12,000.00	\$0.00
% to Goal (10)	140%					
Total		\$2,614.10	16.11	\$2,212.88		\$2,135.90

In addition to the above, following are the Solar PV rebates that are reserved for folks that have signed a contract with the Solarize program in Eagle. We will not bill for these until we rebate them, or until the end of calendar year 2022 at which time we will bill for remaining reserved and hold that money into 2023 until the installs/rebates are complete.

Solar PV Rebates (\$14,000 budgeted): \$0 remaining

As an FYI, there are at least 5 more homeowners who have signed Solarize contracts in Eagle that will not get a Solar PV rebate unless the town decides to contribute more rebate funds. Residential Solar PV rebates are \$1,000 each.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (the "Agreement") is made and entered into this 31st day of March, 2022 (the "Effective Date"), by and between the Town of Eagle, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town") and Walking Mountain Science Center, a registered nonprofit corporation with an address of PO Box 9469, Avon, Colorado 81620 ("Contractor") (each a "Party" and collectively the "Parties").

WHEREAS, the Town requires professional services; and

WHEREAS, Contractor has held itself out to the Town as having the requisite expertise and experience to perform the required services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. SCOPE OF SERVICES

A. Contractor shall furnish all labor and materials required for the complete and prompt execution and performance of all duties, obligations, and responsibilities which are described or reasonably implied from the Scope of Services set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

B. A change in the Scope of Services shall not be effective unless authorized as an amendment to this Agreement. If Contractor proceeds without such written authorization, Contractor shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of the Town is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. TERM AND TERMINATION

A. This Agreement shall commence on the Effective Date, and shall continue until Contractor completes the Scope of Services to the satisfaction of the Town, or until terminated as provided herein.

B. Either Party may terminate this Agreement upon 30 days' advance written notice. The Town shall pay Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached this Agreement, the Town shall have any remedy or right of set-off available at law and equity.

III. COMPENSATION

In consideration for the completion of the Scope of Services by Contractor, the Town shall pay Contractor up to \$20,000. This amount shall include all fees, costs and expenses incurred by

Contractor, and no additional amounts shall be paid by the Town for such fees, costs and expenses. Contractor may submit periodic invoices, which shall be paid by the Town within 30 days of receipt.

IV. RESPONSIBILITY

A. Contractor hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations.

B. The Town's review, approval or acceptance of, or payment for any services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

C. Because the Town has hired Contractor for its professional expertise, Contractor agrees not to employ subcontractors to perform any work except as expressly set forth in the Scope of Services.

V. OWNERSHIP

Any materials, items, and work specified in the Scope of Services, and any and all related documentation and materials provided or developed by Contractor shall be exclusively owned by the Town. Contractor expressly acknowledges and agrees that all work performed under the Scope of Services constitutes a "work made for hire." To the extent, if at all, that it does not constitute a "work made for hire," Contractor hereby transfers, sells, and assigns to the Town all of its right, title, and interest in such work. The Town may, with respect to all or any portion of such work, use, publish, display, reproduce, distribute, destroy, alter, retouch, modify, adapt, translate, or change such work without providing notice to or receiving consent from Contractor.

VI. INDEPENDENT CONTRACTOR

Contractor is an independent contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is a Town employee for any purposes.

VII. INSURANCE

A. Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Contractor pursuant to this Agreement. At a minimum, Contractor shall procure and maintain,

and shall cause any subcontractor to procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to the Town.

1. Workers' Compensation insurance as required by law.
2. Commercial General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate. The policy shall be applicable to all premises and operations, and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall include the Town and the Town's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.
3. Professional liability insurance with minimum limits of \$1,000,000 each claim and \$2,000,000 general aggregate.

B. Such insurance shall be in addition to any other insurance requirements imposed by law. The coverages afforded under the policies shall not be cancelled, terminated or materially changed without at least 30 days' prior written notice to the Town. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Any insurance carried by the Town, its officers, its employees, or its contractors shall be excess and not contributory insurance to that provided by Contractor. Contractor shall be solely responsible for any deductible losses under any policy.

C. Contractor shall provide to the Town a certificate of insurance showing the required policies are in full force and effect. The certificate shall identify this Agreement.

VIII. INDEMNIFICATION

A. Contractor agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor, or which arise out of a worker's compensation claim of any employee of Contractor or of any employee of any subcontractor of Contractor. Contractor's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to

Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor or of any subcontractor of Contractor.

B. If Contractor is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Contractor's obligation to indemnify and hold harmless the Town may be determined only after Contractor's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).

IX. WORKERS WITHOUT AUTHORIZATION

A. *Certification.* By entering into this Agreement, Contractor hereby certifies that at the time of this certification, it does not knowingly employ or contract with a worker without authorization who will perform work under this Agreement and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment to confirm the employment eligibility of all employees who are newly hired to perform work under this Agreement.

B. *Prohibited Acts.* Contractor shall not knowingly employ or contract with a worker without authorization to perform work under this Agreement or enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with a worker without authorization to perform work under this Agreement.

C. *Verification.*

1. If Contractor has employees, Contractor has confirmed the employment eligibility of all employees who are newly hired to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

2. Contractor shall not use the E-Verify Program or Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

3. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with a worker without authorization who is performing work under this Agreement, Contractor shall: notify the subcontractor and the Town within 3 days that Contractor has actual knowledge that the subcontractor is employing or contracting with a worker without authorization who is performing work under this Agreement; and terminate the subcontract with the subcontractor if within 3 days of receiving the notice required pursuant to subsection 1 hereof, the subcontractor does not stop employing or contracting with the worker without authorization who is performing work under this Agreement; except that Contractor shall not terminate the subcontract if during such 3 days the subcontractor provides information to establish that the subcontractor has not knowingly employed or

contracted with a worker without authorization who is performing work under this Agreement.

D. *Duty to Comply with Investigations.* Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

E. *Affidavits.* If Contractor does not have employees, Contractor shall sign the "No Employee Affidavit" attached hereto. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Contractor shall sign the "Department Program Affidavit" attached hereto.

X. MISCELLANEOUS

A. *Governing Law and Venue.* This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

B. *No Waiver.* Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

C. *Integration.* This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

D. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

E. *Notice.* Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first-class United States Mail to the Party at the address set forth on the first page of this Agreement.

F. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

G. *Modification.* This Agreement may only be modified upon written agreement of the Parties.

H. *Assignment.* Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either Party without the written consent of the other.

I. *Governmental Immunity.* The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado

Governmental Immunity Act, C.R.S. § 24-10-101, et seq., as amended, or otherwise available to the Town and its officers, attorneys or employees.

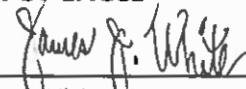
J. **Rights and Remedies.** The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

K. **Subject to Annual Appropriation.** Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

L. **Force Majeure.** No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake or perform any of the duties under this Agreement due to acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, the authority and orders of government or pandemics.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE

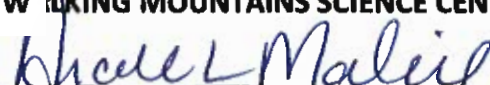

James J. White, Interim Town Manager

ATTEST:


Jenny Rakow, Town Clerk



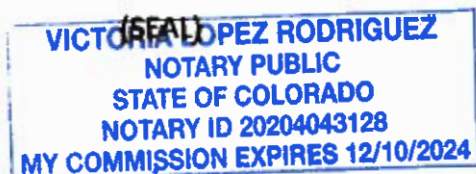
WALKING MOUNTAINS SCIENCE CENTER


Nikki Maline, Energy Programs Director

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

Subscribed, sworn to and acknowledged before me this 13 day of April 2022, by Nikki L Maline as Energy Programs Director of Walking mountains.

My Commission expires: 12/10/2024



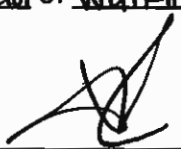

Notary Public

EXHIBIT A – 2022 SCOPE OF SERVICES
Community Energy Efficiency Program 1/1/2022 through 12/31/2022

CONTACT INFORMATION

Walking Mountains Science Center

P.O. Box 9469, Avon, CO 81620

Contact: Nikki Maline, Energy Programs Director Office Phone: 970-328-8777

Email: nikkim@walkingmountains.org

Website: www.walkingmountains.org/energy

ORGANIZATION PROFILE

The mission of Walking Mountains Science Center is to “awaken a sense of wonder and inspire environmental stewardship and sustainability through natural science education.” Walking Mountains is a community-based nonprofit 501c3 organization in Avon, Colorado that educates residents and visitors while helping businesses, individuals and local governments become more environmentally sustainable. Walking Mountain Science Center (WMSC) Sustainability Department’s objective is to act as an agent of change to achieve local climate action goals and improve the social, economic, and environmental resilience of the Eagle County community. We serve as a resource and education hub to inspire action from local to global. Through this objective our staff implement multiple strategies to educate, outreach, and provide opportunities for action. Sustainability staff work across various sectors including energy & buildings, climate action, sustainable business, and waste diversion and reduction while using a lens of equity.

Through the Energy Smart Colorado program, Walking Mountains provides energy coaching, comprehensive home energy assessments (at a highly discounted and affordable rate), and rebates to both businesses and homes, including increased specific income-qualified incentives.

PURPOSE OF PROGRAM/PARTNERSHIP

To create a system of incentives that are specific and targeted for the Town of Eagle community in order to increase participation in the local Energy Smart Colorado program. Homes and buildings that invest in improvements rebated through Walking Mountains for Energy Efficiency, Renewable Energy, and Building Electrification significantly help our community reach our local climate action plan goal of an overall 50% reduction of greenhouse gas emissions by 2030 (from a 2014 baseline). By partnering with Walking Mountains and the Energy Smart Colorado program Eagle will be able to implement a program that is accessible, available, and affordable to all homes & business within town.

In July of 2021 the Eagle Town Council passed a resolution adopting a goal to achieve net-zero carbon emissions in the town government’s internal operations by 2028 and in the greater Eagle community by 2030. The Energy Smart Colorado program at Walking Mountains specifically focuses on the community and energy use in buildings. This partnership will help you towards achieving your 2030 net-zero carbon goal in the Eagle community.

DELIVERABLES

During 2022, Walking Mountains will partner with the Town of Eagle and other local entities to perform the following work:

1. **Project management and reporting** of the Energy Smart Colorado program in all local areas in the Eagle River Valley, including an annual energy savings report to The Town of Eagle with number of homes and businesses worked with, energy reductions (GHG reductions and kWh/THERMS), and other data;
2. Coordination of the Energy Smart Colorado program, providing **\$50 home energy assessments within Eagle, free energy coaching and increased rebates** to homes and businesses within Eagle, understanding that these incentives are available while funds last; and
3. **Collaboration with Town of Eagle staff** to train and educate locals and staff about available local energy resources for their homes and businesses, and develop best practices for outreach and marketing this program within Eagle.

REBATES, BUDGET & GOALS

A total of **\$20,000 in 2022** provided from the Town of Eagle to the Energy Smart Colorado program at Walking Mountains is proposed. The following is a breakdown of special incentives, where that \$20,000 is spent, and goals for the Town. \$15,750 are flow-through funds that go directly back into our local community. Following are the **Community Incentives**:

Home Energy Assessments - \$50 up front cost with that \$50 given back in a rebate when the home completes a weatherization, energy efficiency, renewable energy, or building electrification project that was recommended at the assessment, within 6 months (any size of home is eligible for the \$50 cost).

Rebates for Solar PV are \$1,000 for homes and \$2,000 for businesses (annual max amount).

Home Energy Assessments	Funding for the cost of home energy assessment discounts with FREE energy coaching & Quick Fix Installs. Goal 10 homes	\$2,750
Solar PV Rebates	Funding for the cost of Solar PV rebates (\$1,000-\$2,000/rebate). Goal 10 homes & 2 businesses	\$14,000
Marketing/Outreach	Hard costs for marketing, outreach and communication in order to increase participation.	\$750
Program Administration	Hard costs for program management and staffing, including on-going coaching and contractor referrals. Energy savings, cost savings, carbon emissions reductions will all be provided.	\$2,500

100% of funds in top two (2) lines are paid to contractors & homeowners ("flow-thru"). The top two (2) lines are estimated budget amounts, in order to respond to varying community interest there can be flexibility between lines for these flow-thru funds. Assessments & Rebates are limited to the amount of funds still available. Walking Mountains will notify the Town of Eagle if we get close to running out of funds for these special incentives. Then, The Town can choose to contribute more funding, or end the special incentives for the remainder of the year.

DEPARTMENT PROGRAM AFFIDAVIT

*[To be completed only if Contractor participates in the
Department of Labor Lawful Presence Verification Program]*

I, Nicole Maline, as a public contractor under contract with Town of Eagle
(the "Town"), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are
newly hired for employment to perform work under this public contract for services
("Agreement") with the Town within 20 days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. §
1324a, which verify the employment eligibility and identity of newly hired employees who
perform work under this Agreement; and

3. I have not and will not alter or falsify the identification documents for my newly
hired employees who perform work under this Agreement.

Nicole Maline
Signature

4-13-22
Date

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was subscribed, sworn to and acknowledged before me this
13 day of April, 2022, by Nicole L Maline as Energy Programs Director of
Walking Mountains.

My commission expires: 12/10/2024

(SEAL)

VICTORIA LOPEZ RODRIGUEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204043128
MY COMMISSION EXPIRES 12/10/2024

[Signature]
Notary Public

Check payments only, please.
Do not combine with other payments.

Checks made out to:
Walking Mountains Science Center
Mailing: PO Box 9469
Physical: 318 Walking Mountains Lane
Avon, CO 81620
Memo: ECOBUILD & Invoice #



Invoice

Invoice Date	Invoice Number
6/30/2022	ECB_40
Please include invoice # with payment.	

Bill to:

Town of Eagle
 Attn: Jim White
 PO Box 609
 Eagle, CO 81631

Due Date

8/15/2022

Description	Qty	Rate	Amount
Town of Eagle Community Energy Efficiency Program Energy Smart Colorado Assessment & Solar PV Rebate Funds 2022 Quarter 2 (April-May) Invoice *Please send as a separate check from other Walking Mountains payments, thank you. Do not electronically pay this invoice if possible.* Home Energy Assessments/Rebates: \$614.10 7 Home Energy Assessments \$2,000.00 2 Residential Solar PV Rebates (complete) 16.11 MtCO ₂ e saved (annually) YTD 2022		2,614.10	2,614.10

Billing questions?
 ar@walkingmountains.org
 (970) 827-9725 ext. 121

Energy Programs questions?
 nikkim@walkingmountains.org
 (970) 827-9725 ext. 135

Total	\$2,614.10
Payments/Credits	\$0.00
Balance Due	\$2,614.10



MEETING MINUTES
Town Council
Tuesday, July 12, 2022
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
The times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an in-person meeting with access via Microsoft Teams.

CALL TO ORDER - 6:00 PM

Mayor Turnipseed called the meeting to order at 6:00 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier,
Geoffrey Grimmer, Sarah Parrish, Nick Sunday

COUNCILMEMBERS ABSENT

Janet Bartnik

STAFF PRESENT

Jim White, Interim Town Manager
Matt Mire, Town Attorney
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Luke Causey, Sargent
Dennis Wike, Engineer
Jessica Lake, Planner
Peyton Heitzman, Planner
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA

Request to remove Resolution 56, Series 2022 from the consent agenda.

MOTION: Councilmember Nick Sunday motioned to amend the agenda to remove item 4, Resolution 56, 2022 from the consent agenda. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

PUBLIC COMMENT

Mayor Scott Turnipseed opened public comment for items not on tonight's agenda, there was no public comment.

PRESENTATIONS

1. Eagle Valley Land Trust Update, Jessica Foulis
Jessica Foulis presented this item.
2. Eby Creek Art Mural at Chambers Avenue Update
Dennis Wike introduced this item and Elena Scott from Norris Design presented this item.

Council comments: discussion regarding the 2022 budget for this project and the ability to complete it in 2023. Council gave direction to pursue option #2 increasing the number of panels and including the viewing area. Staff will bring back bids to move forward on the first phase in 2022.

CONSENT AGENDA

MOTION: Councilmember Sarah Parrish motioned to approve the consent agenda. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

1. Minutes - June 28, 2022
2. Bill Pay - June 2022
3. Resolution 36, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Members to the Economic Vitality Committee and Allowing For Three, Three-Year Terms and Four, Two-Year Terms to Be Decided by Its Members"
4. ~~Resolution 56, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Appointing a Town Manager"~~
5. Resolution 57, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Contract for a Water Rates Study"
6. Resolution 59, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Scott Turnipseed and Dennis Wike as Town Representatives on the Eagle Recreation Facility Advisory Corporation Board"

MOTION: Mayor Scott Turnipseed motioned to appoint Larry Pardee as the Town Manager pursuant to the contract. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

STAFF REPORTS

1. Town Manager Update
Council requested not to have a work session on August 2, 2022.
2. Department Update for June 2022
Council thanked Molly for her efforts on Flight Days. Inquired about the ARPA funds Eagle will be receiving. Jill Kane said that finance will make recommendations for projects using those funds during the budget process.

BUSINESS ITEMS

1. PUBLIC HEARING: File #SU22-03 Stone Concepts Outdoor Storage Special Use Permit
Mayor Scott Turnipseed opened the Public Hearing for File#SU22-03. Tez Hawkins presented this file.

Mayor Scott Turnipseed opened public comment. There was no public comment.

- a. Resolution No. 60, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 1248 Chambers Avenue (the "Property") to Allow for an Outdoor Storage Facility with Conditions"

MOTION: Councilmember Nick Sunday motioned to approve Resolution No. 60, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 1248 Chambers Avenue

(the "Property") to Allow for an Outdoor Storage Facility with Conditions". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

2. PUBLIC HEARING: File #LLA22-02 Lot Line Adjustment to Replat the Lot Line between RMF-1 and RMF-2
Mayor Scott Turnipseed opened the Public Hearing for File#LLA22-02. Jessica Lake presented this item.

Mayor Scott Turnipseed opened public comment, there was no public comment.

- a. Resolution 52, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Lot Line Adjustment for Haymeadow RMF-1 and RMF-2"

MOTION: Councilmember Sarah Parrish motioned to approve Resolution 52, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Lot Line Adjustment for Haymeadow RMF-1 and RMF-2". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

3. PUBLIC HEARING: File #DR22-01 Major Development Permit for Haymeadow RMF-1 and RMF-2
Mayor Scott Turnipseed opened the Public Hearing for File#DR22-01. Jessica Lake presented this item.

Jessica Lake read into the record the added public comment.

Council comments: confirmation that this timeline meets the previous PUD amendment; it does as proposed. Discussion about the LERP units and the Town's intention to not include single-family homes as eligible units. Further discussion on language on intent to provide 15 units and location.

Michael Hood was present on behalf of the applicant and gave a presentation of the request.

Council comments: discussion on the number of units and timing. Discussion on dark sky commitment. Council has the option to require further dark sky requirements. Discussion on the exit lights above garages. Inquiry on partnerships for EV charging stations and solar. Concern was expressed that units should be all-electric. Michael Hood provided natural gas was selected for efficiency and cost purposes. Michael Nodal, the applicant representative, also provided that solar will be utilized within the current ridgelines and maximize the roofs' capture. Inquiry on the Colorado Parks and Wildlife provisions; staff stated that this is an agreement between the developer and CPW, therefore CPW would enforce compliance.

Mayor Scott Turnipseed opened public comment. There was no public comment.

- a. Resolution 53, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Major Development Permit for Haymeadow RMF-1 and RMF-2 and the Associated Development Agreement"

MOTION: Councilmember Nick Sunday motioned to approve Resolution 53, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Major Development Permit for Haymeadow RMF-1 and RMF-2 and the Associated Development Agreement". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

4. Code Amendment to Section 4.12.040. - Lot Line Adjustment
Peyton Heitzman presented this item.

Ordinance No. 13, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 4.12.040 of the Eagle Municipal Code, Regarding Lot Line Adjustments

MOTION: Councilmember Nick Sunday motioned to approve Ordinance No. 13, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 4.12.040 of the Eagle Municipal Code, Regarding Lot Line Adjustments. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

5. PUBLIC HEARING: File #DR22-03 Major Development Permit for 435 Eby Creek Apartments (Request to continue)
Mayor Scott Turnipseed opened the Public Hearing for File#DR22-03.

MOTION: Councilmember Scott Turnipseed motioned to continue File#DR22-03 until the July 26, 2022, Town Council meeting. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

6. DOLA Grant Approval
Jim White presented this item.

MOTION: Councilmember Nick Sunday motioned to approve the efforts by staff to apply for the Colorado Department of Local Affairs' EIAF grant funding during the fiscal year 2022. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:00 PM

1. Future Agenda Items
Would like staff to seek getting on waiting lists for new F150 Lightning trucks
2. Council Committee Updates
Council Member Ellen Bodenhemier stated the Climate Action Collaborative is pleased that the Town of Eagle is on board with their initiatives.

Council Member Ellen Bodenhemier stated that the OSRAC meeting was held today, and Council will be receiving the open space plan at the next meeting.

Council Member Nick Sunday stated with the appointment of the Economic Vitality Committee they will start work together at their meeting next Monday.

Council Member Nick Sunday stated that the Regional Transportation Authority meets this week and will know soon what ballot language we will have to consider.

Council Member Sarah Parrish stated that MEAC was very proud of Molly Furtado for her Flight Days event.

Mayor Scott Turnipseed stated he is usually at the Showdown Town tent and invited other Town Council members to join to meet with residents.

ADJOURN - 7:50 PM

MOTION: Councilmember Mikel Kerst motioned to adjourn. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday) and 0 opposed.

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Council

From: Jenny Rakow, Town Clerk

Date: July 26, 2022

Agenda Item: Resolution 62, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Reappointing and Appointing Members to the Downtown Development Authority Board of Directors"

REQUEST: The Downtown Development Authority is requesting that the Council review Resolution No. 62, Series 2022 reappointing and appointing members to the Downtown Development Authority Board of Directors.

BACKGROUND: On February 23, 2021, the Town Council approved Resolution No. 17, Series 2021 establishing the inaugural Board of Directors for the Downtown Development Authority (DDA). The resolution was drafted to stagger the appointments of members so that two members of the public were appointed for terms ending in June 2021, 2022, and 2023. Subsequent terms are for four years as described in the resolution. The two seats ending in June 2022 require appointments to be filled properly.

ANALYSIS: Kat Conner, the DDA Chair provided the Council with notice of the intention of Marci Leith, owner of Yetis Grind to continue serving another four years, and Wayne Hauter, owner of 105 Capitol Street, desires to not be reappointed. Adrienne Sirianni-Cavallario, owner of Roam has indicated her desire to serve as a board member for a four-year term.

COMMUNITY INPUT: Community input has not been gathered for this resolution.

BUDGET / STAFF IMPACT: There is no budget or staff impact to the resolution.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Appointing members to the DDA Board of Directors is a requirement of Section 3, Ordinance 25, Series 2020 which states the Town Council will appoint members of the Downtown Development Authority Board of Directors.

RECOMMENDED ACTION OR PROPOSED MOTION: Recommended action is that the Town Council motion to APPROVE the Consent Agenda or pull this item for further discussion or consideration.

ATTACHMENTS:

1. 62 Reappointment and appointment of DDA Board Members
2. Kat Conner Email

**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 62
(SERIES 2022)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
REAPPOINTING AND APPOINTING MEMBERS TO THE DOWNTOWN DEVELOPMENT
AUTHORITY BOARD OF DIRECTORS**

WHEREAS, Ordinance 21, Series 2020 was approved by the Town Council and proposed a ballot measure for the November 2020 election to create a Downtown Development Authority (DDA); and

WHEREAS, On November 3, 2020 eligible voters of the proposed Downtown Development Authority passed the ballot measure in the coordinated general election to create the Downtown Development Authority; and

WHEREAS, Section 3 of Ordinance 25, Series 2020 describes the operational structure of the Downtown Development Authority, calling for one member to be a sitting Council member, two members shall be property owners or residents in the district, or representatives of such, and four members shall be property owners or residents within the district; and

WHEREAS, The appointment of such members is for four year terms, and shall be aligned with existing appointments such that these members will serve until June 30, 2026;

WHEREAS, Appointments to the DDA Board of Directors fulfills the Town Council requirements of the ordinance creating the Downtown Development Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, THAT:

Section 1. The Town Council hereby names the following applicants as members of the Downtown Development Authority, with the appointment ending June 30, 2026.

Marci Leith
Adrienne Sirianni-Cavallario

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 26, 2022.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Jenny Rakow

From: Kat Conner <kat@katchstudio.com>
Sent: Monday, July 11, 2022 3:11 PM
To: ALL COUNCIL; Jim White; Jenny Rakow
Cc: Katherine Correll; Stephanie Owens; Adrienne Sirianni-Cavallario; Marci Leith; Wayne Hauter
Subject: New DDA Board Members

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Eagle Town Council,

I hope you all are doing good! Well, I just wanted to update you on the status of the DDA (Downtown Development Authority) board members. Two board member terms are up for review - Marci Leith (owner of Yetis Grind) and Wayne Hauter (Owner of 105 Capitol).

Marci would like to be reappointed and the rest of the DDA board fully approves. Thank you, Marci, for your dedication!

But, unfortunately, Wayne can not continue on the board due to family obligations. We thank you, Wayne, for helping us out this last year! Your insight on commercial properties and development is extremely helpful and we hope we can keep in touch since you will still own property in Downtown Eagle. ❤️

To fill Wayne's position, the DDA board would like to nominate Adrienne Sirianni-Cavallario. She is the owner of ROAM on 2nd Street as well as a resident in Broadway Station. Her inspiring presence with Downtown Eagle began several years ago when she teamed up with Andy Jessen of Bonfire Brewing to offer her delicious food at their tap room. And she has blown away the community with her beautiful new restaurant. We hope you take her into consideration for the open position on our DDA board.

Thank you!

Kat Conner
Eagle DDA Chair

Katch Studio | Art Director | Designer
katchstudio.com **IG:** [@katchstudio](https://www.instagram.com/katchstudio)
714.721.8573

TOWN OF EAGLE, COLORADO

WATER METERING & BOR GRANT UPDATE

JULY 26, 2022

YEAROUT
ENERGY

AGENDA

1. Welcome
2. Recap Milestones & Next Steps
3. Project Objectives and Background
4. Discuss Recommended Measures
5. Discuss BOR Grant
6. Review Financials
7. Approve Next Steps

EPC MILESTONES



PROJECT OBJECTIVES

- Reduce Town's Water Consumption/Waste
- Update Older/Outdated Water Infrastructure
- Upgrade to Smart City Backbone (AMI)
 - Currently Town Uses an Older AMR Technology
- Secure Grant Funding to Aid in Financial Outlay
- Meet Sustainability/Reduction Goals

ADVANCED METERING INFRASTRUCTURE (AMI) & SOLID-STATE WATER METERS

KEY BENEFITS

-  Utility Savings
-  O&M Savings
-  Improve System Reliability
-  Extend Equipment Service Life
- Improve Occupant Comfort
- Improve Site Safety | Security
-  Standardize Equipment
-  Reduce Environmental Impact



OBSERVATIONS | RECOMMENDATIONS

- ~2,900 Meter Replacements
- Saves Approximately 189 Acre Feet of Water
 - Almost 15% of Town's Current Water Consumption
- Reduces Truck Rolls, O&M Costs, AMI (Smart City Backbone)

BUREAU OF RECLAMATION GRANT

- Federal BOR Grant
 - Due July 28th, 2022
 - Award Notifications – Typically Q4, or Q1 of 2023
- Funding Tiers
 - Tier 1 - \$500k; Tier 2 - \$2M; Tier 3 - \$5M
 - Yearout Energy Recommends Tier 1 Application
 - Highest Probability of Securing When Compare to Acre/Feet Saved
 - 50% Required Match – Town's Will Be Much Higher

FINANCIAL OVERVIEW

- Total Project Cost = \$3,878,336
 - Total Grant Funds: \$500,000
 - Town of Eagle's Capital Outlay: \$800,000
 - Remaining Future Debt Service: \$2,823,278
- Debt Service Paid Through Future Revenue/O&M Savings
- Follows Colorado Energy Office – ESPC Program
- Total Annual Savings: Approximately \$194,502
 - Current Estimated Year 1 Recognized Water Revenue: \$151,513
 - Current Estimated Year 1 O&M Savings: \$42,989
- Assumed Interest Rate (Currently): 3.75%
 - Results in 20 Year ROI
- Weighted Average Useful Life of Equipment: ~25 Years

NEXT STEPS

- Approve \$800,000 Capital Outlay in 2023
- Approve Grant Submission
 - Due July 28th (Thursday)
- Move Forward with Statistical Sampling of Meters
- Provide Comments/Technical Data as BOR Requests



Thank you!

JULY 26, 2022

YEAROUT
ENERGY

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 66
(Series 2022)

**A RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION TO THE
FEDERAL BUREAU OF RECLAMATION FOR A WATERSMART WATER AND
ENERGY EFFICIENCY GRANT**

WHEREAS, the Bureau of Reclamation published a notice of funding opportunity on May 2, 2022 for WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023; and

WHEREAS, the Town of Eagle endeavors to reduce the environmental impact and improve the sustainability of the community; and

WHEREAS, the Town of Eagle has engaged the services of Yearout Energy in order to identify and pursue the construction and funding of water and energy efficiency projects.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF EAGLE, COLORADO:

The Town Council approves the submission of an application to the Bureau of Reclamation for a WaterSMART Water and Energy Efficiency grant including the commitment to financial and legal obligations associated with a grant receipt which includes a required 50% minimum matching funding contribution.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 26, 2022

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Jim White, Interim Town Manager

Date: July 26, 2022

Re: Town Manager Report

Administration & Organization

- **Regional Transportation Authority (RTA)**

Bill Ray, RTA Consultant, is the primary consultant on this project. The current plan still aims for a ballot question on the November 8, 2022 election slate. Town representatives are continuing to work with the Technical Committee (Jim White) and the Formation Committee (Nick Sunday). **At the July 21, 2022 Technical Committee meeting, the primary conversation was on ballot language that would be descriptive enough to help voters understand the benefits of the RTA.**

- **Water Rate and Tap Fee Study Presentation (Raftelis)**

In 2022, we have budgeted @\$60,000 (52-59-368) for a water rate study. Todd Cristiano is our contact @ Raftelis. Staff involved include Jill Kane, Tom Gosiorowski, Stephan Wilson, Mark Herota, and me. **Todd Cristiano signed, and had notarized, the Town's Professional Services Agreement. We will plan a kickoff meeting for this study by the end of July.**

- **2021 Audit Preparation**

Jill Kane has submitted the financial information requested by Maggard and Hood for the 2021 audit process. Our audit firm continues to send requests for some additional, specific information to our Finance Department. **Maggard and Hood has confirmed that our 2021 audit review will be presented to the Town Council on July 26, 2022 to meet the July 31, 2022 submittal date to the State of Colorado. The audit will be completed by the required deadline this year. Many thanks to Jill Kane and her staff for the diligence required in completing this enormous task. Our audit report reflects positively on the financial administration of the Town of Eagle.**

- **The Mural Project**

Cost estimates have come in higher than expected. Public Works is preparing a presentation to Town Council with graphic images and cost projections to seek direction from Town Council on how to proceed. One of the options to consider will be a phased approach to complete the project. **This will be presented at the July 12, 2022 Town Council meeting. Dennis Wike gets the primary credit for keeping on this project and following up with the design team and the artist.**

- **Police Chief Recruitment**

SGR Recruiting firm has received all applications for our Police Chief position. The application acceptance period ended on Sunday, June 26, 2022. We met with the recruiter to review the nineteen

applicants we had initially. The screening committee consists of Mayor Pro Tem, Pappy Kerst; Town Councilman, Geoff Grimmer; HR Director, Lynette Horan; and myself. Eleven of the nineteen candidates were selected to continue in the selection process. **One candidate withdrew and now we have ten candidates remaining, we will have another committee meeting on July 28th.**

- **Economic Development**

The next **Art Walk** is scheduled for **Friday, August 12, 2022.**

- The **Economic Vitality Committee (EVC)** met on **Monday, July 18, 2022, at 1 pm.** EVC selected **Mick Daly** as its new **Chair** and **Kevin Brubeck** as its **Vice-Chair**, both for six months through 2022. **Christina Taylor, Eric Eves, and Mick Daly** were selected to serve three-year terms. **Kari McDowell Schroeder, Kevin Brubeck, Yuri Kostick, and David Gaboury** were selected for two-year terms. **Melissa Lally** was given a two-year term as **Alternate**. The next EVC meeting will be on **Monday, August 15, 2022.**

Outreach & Meetings – Updates on participation in community outreach opportunities, regional/community meetings, and project-specific meetings:

- Lynette Horan and I had a phone conference to introduce me to Rick DelaCastro, our HR consultant.
- I communicated again with our DOLA representative, Dan Hlavac, to plan for grant submittals related to the Grand Avenue Corridor Project.
- On Thursday, July 21, 2022, I attended the Parks and Wildlife dinner in Gypsum.

WORK SESSIONS:

To help the Town Council keep track of upcoming work sessions, provided below is a table of topics to be discussed over the next several months. Since it takes planning to successfully execute a work session, preparing in advance is helpful. Staff will keep this table in this report going forward and make changes as needed. The topics are subject to change:

Date	Topic
January 4, 2022 POSTPONED	Affordable Housing Strategies
January 31, 2022 (DELIVERED)	Grand Avenue Corridor Update
February 1, 2022 (POSTPONED)	Sustainability Building Codes Discussion
March 1, 2022 (DELIVERED)	Mural Project Update
April 5, 2022 (DELIVERED)	IT Connectivity Planning
May 3, 2022 (DELIVERED)	Town Council Training /CIRSA/Executive Session
May 31, 2022 (DELIVERED)	Open Space and Trails Presentation
June 1, 2022 (COMPLETED)	Town Council Retreat
June 7, 2022 (DELIVERED)	Clarion Consultant Update/P&Z will attend
July 5, 2022 (DELIVERED)	CU Outdoor Recreation Economy Presentation
August 2, 2022	***Jim's Birthday Celebration***
September 6, 2022	Installment 1/Discuss Recommendations from the Housing Assessment
October 4, 2022	Installment 2/ReCode Eagle/Affordable Housing
November 8, 2022	Installment 3/Admin and Procedures for Project and Permit Review

Respectfully submitted,

Jim White, Interim Town Manager

Older Schedule: (Please review and revise)

Town Council Requests – Once items are completed; they are deleted from the list Items in Red are new requests.		
Request Date	Request	Status
3/9/2021	Bring back land donation proposal	In Progress
3/9/2021	EQR Ordinance	Not Scheduled
5/11/2021	Reach out to Eagle Ranch Housing Corp. on partnering	Not Scheduled
5/11/2021	Look into vacancy housing tax	Not Scheduled
5/25/2021	Evaluate Bird Scooter proposal and bring it back	Not Scheduled
8/10/2021	Schedule Town of Eagle housing strategy work session	Not Scheduled
8/24/2021	Establish incentives for ADUs	Not Scheduled
9/14/2021	Fee waivers for town projects policy	Not Scheduled
9/14/2021	Follow up on Broadway tree grate maintenance	Not Scheduled
10/5/2021	Create a policy for eBikes on recreation paths in Town and reach out to BLM to let them know the plans	Not Scheduled



To: Mayor and Town Council

From: Lynette Horan, HR Manager

Date: July 22, 2022

Agenda Item: Presentation on Colorado FAMLI Paid Leave Program

REQUEST: Council request to review Presentation and provide feedback for Colorado FAMLI Paid Leave Program in advance of Council Vote anticipated August 9, 2022.

BACKGROUND: In November, 2020, Colorado voters approved Proposition 118, which paved the way for a state-run paid Family Medical Leave Insurance (FAMLI) program. Although the program is not effective until January 2023, the Town must decide in 2022 whether to participate in the state-run program.

ANALYSIS: The State of Colorado Paid Family Medical Leave Insurance (FAMLI) program provides employees up to 12 weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness, or pregnancy. Participating employers and employees will both contribute to premiums for FAMLI. Employers are to start collecting and remitting premiums Jan. 1, 2023, and benefits will be available to employees starting Jan. 1, 2024.

Premiums are equal to .9% of each employee's regular weekly wage. Half of the .9% (or .45%) is to be paid by the employee, and the other half is to be paid by the employer. If opting into FAMLI, the employer is responsible for collecting employee premiums via payroll deduction, and for remitting all premiums to the State on a quarterly basis. Premiums would be mandatory for all full-time, part-time, seasonal and temporary employees whether they ever utilize the benefit or not.

Benefits during a state approved FAMLI leave, will pay employees between 37% and 90% of their wages, capped at \$1,100 per week. Employees earning about \$1,500 per week will receive approximately 68% of their weekly wage, or \$1,018 per week while on FAMLI.

While all municipalities are included in FAMLI by default, a municipality may opt out and avoid the employer portion of premiums by a vote of a governing body. The municipality must give prior notice of the vote in the same manner it notices other public business, must provide special notice to employees, and must take testimony before voting. Declination by a municipality allows employees to individually opt in to the FAMLI program at their same employee only cost if they so desire. The state has not yet clarified if the benefits for employees that choose to individually opt-in will be reduced or remain as described above.

State law requires participation in FAMLI unless the municipality's governing body votes to opt out of the program by December 31, 2022. There are various employee notification requirements that the Town must observe, depending on whether we opt in or opt out.

Financial Considerations: The town's financial burden in the first year of the FAMLI program of .45% of wages is expected to be approximately \$28,000. In addition, employees would bear the same equivalent financial contribution of .45%. The program cost may increase up to 33% in 2025 to 1.2% of wages, split between the employer and employee.

Additionally, the Town currently pays an average of approximately \$12,500 annually in short-term disability wages when employees need leave beyond their accrued paid time off. This short-term disability coverage currently provides 66 2/3% of weekly wages for employees on disability for up to 90 days.

Benefit Comparisons: The presentation will provide a couple of examples on how the town's benefits compare to the FAMLI program benefits as they are known today. In most cases the town's benefits are of far greater value to the employee than the state's FAMLI program when comparing benefits for full-time employees. Additional details on the state's benefit program will continue to be outlined over the coming months and town staff will continue to monitor these announcements. The town's leave programs for part-time and seasonal employees are less than the state FAMLI program in several areas. Our part-time and seasonal workforce have minimal paid leave and are not currently eligible for short-term disability.

The statute does not require the Town to provide a substitute benefit if opting out, however, there are advantages to the Town doing so in regards to employee retention and attraction. Since a replacement plan is not mandated, the Town has more flexibility to create a similar benefit if so desired.

COMMUNITY INPUT: not applicable

BUDGET / STAFF IMPACT: See presentation

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Alignment with Strategic Plan Major Objective to "Improve Town Organization, Culture, and Workforce Effectiveness" achieved by the striving for the following standards.

- Highly effective workforce - Be an "Employer of Choice"
- Maintain positive employee/employer relations
- Offer competitive compensation and benefits

RECOMMENDED ACTION, FUTURE PROPOSED MOTION: No Action required at this time, however this topic is expected to be brought for Council vote on August 9, 2022. The staff recommendation is to opt out of the state-run FAMLI program and consider further analysis of town benefits where adjustments could be made to better align with the FAMLI program benefits. The Human Resources department is currently analyzing our current leave programs to evaluate recommendations where our benefits fall short of the FAMLI program benefits.

Opting out of the state-run FAMLI program would allow us to avoid having to pay costly premiums to the State, save our employees from having to pay the state premiums (unless individually desired), while still providing our employees with the protection of a paid leave program to care for themselves or a family member in the event of a serious illness or injury.

ATTACHMENTS:

- Colorado FMLI Paid Leave Presentation
- Draft Resolution
- Pre Vote-Notice to staff
- Post Decision Notice to staff

TOWN OF EAGLE, COLORADO
RESOLUTION NO. _____
(Series of 2022)

A RESOLUTION ELECTING TO OPT THE TOWN OUT FROM PARTICIPATION IN THE
COLORADO STATE-RUN PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which established a State-run Paid Family and Medical Leave Insurance program ("FAMLI");

WHEREAS, The Colorado Family and Medical Leave Insurance Act (the "Act") was enacted into law in 2021 and codified in Article 13.3 of Title 8 of the Colorado Revised Statutes;

WHEREAS, the State's purpose for creating the program is to ensure all Colorado workers have access to paid leave in order to take care of themselves or their family during life circumstances that pull them away from their jobs;

WHEREAS, under FAMLI, employees and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee's wage, with 0.45% paid by the employer and 0.45% paid by the employee;

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024;

WHEREAS, C.R.S. § 8-13.3-522 permits local governments to "opt out" of the program. Thus, the Town of Eagle (the "Town") may decline to participate in FAMLI following a public hearing and majority vote of its governing body;

WHEREAS, should the Town decline to participate in FAMLI, Town employees will still have the option to participate in the program and remit premiums to the State;

WHEREAS, 57% of Colorado voters voted in favor of FAMLI, and 55% of Town of Eagle voters voted in favor of FAMLI;

WHEREAS, at tonight's meeting, the Town Council held a public hearing on the decision whether to participate in FAMLI; and

WHEREAS, Town Council finds it is in the best interest of the Town to (i) decline participation in the Act, and (ii) decline to withhold and remit the employee share of premiums for Town employees who elect FAMLI coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE AS FOLLOWS:

Section 1. Public Hearing. Town council finds and determines that, with regard to the public hearing on the decision of whether to decline participation in FAMLI, notice was

given, and the hearing was conducted in accordance with the regulations adopted by the Colorado Department of Labor and Employment and codified at 7 CCR 1107-2.

Section 2. FAMILI Participation. The Town of Eagle hereby declines full participation in FAMILI, to include declining to collect and remit employee premiums to the State for those employees who elect coverage under FAMILI. The Town Council further directs Town staff to bring the matter of revisiting the decision to decline participation in FAMILI before a future Town Council by no later than eight years from tonight's vote.

Section 3. The Town Manager or a designee is authorized to take any and all further actions necessary to effectuate the Town opting out from participating in the insurance program under the Act.

INTRODUCED, READ, PASSED AND ADOPTED ON _____, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



NOTICE TO TOWN EMPLOYEES OF A TOWN COUNCIL VOTE DECIDING PARTICIPATION IN THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT ("FAMLI ACT")

Notice is hereby given to Town Employees that a Town Council vote will be held on Tuesday, August 9, 2022, at 6:00 PM, or as soon thereafter as the matter may be heard, to decide whether the Town of Eagle will decline or accept participation in the FAMLI Act. At that time, public comment will be heard on the matter.

FAMLI ACT AND TOWN'S PAID FAMILY AND CAREGIVER LEAVE PROGRAM

Town Council will vote on whether the Town will participate in the state's FAMLI Act or opt out of participation. Employees may speak during the public comment section to voice their support or opposition to participating in the FAMLI Act. A majority of a quorum of Town Council members must vote to decide whether the Town will opt out of the Act.

Under the FAMLI Act, covered individuals can take up to 12 weeks of paid aggregate family or medical leave for the following qualifying reasons: to care for a new child; care for their own health or for a family member; take exigency leave or safe leave; and for pregnancy and childbirth complications.

Employers who opt into the Act must submit insurance premiums to the state on behalf of their employees through a payroll tax split evenly between employers and employees with the tax initially set at 0.9%, and eventually capped at 1.2%, of the employee's annual wages.

What the FAMLI Act Requires:

- 12 weeks of paid aggregate family or medical leave
- Employees will receive paid leave amounting to:
 - 90% of their average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and
 - 50% of the portion of their wages that exceeds the state average weekly wage.
- Employee/Employer pay 0.45% each of the employee's annual wages to the FAMLI Division as an insurance premium, deducted from the employee's paychecks.
- FMLA Leave will run concurrently with the Act.

What the Town provides through its Paid Leave Program:

Full-time TOE		FAMLI
Pay / Benefit level	100% of wages while on sick or vacation time - Vacation 14, 20, 25 days annually - Cap 30, 40, 50 days 12 days/96 hours/year sick - Cap 720 hours/90 days 66 2/3% not taxed while on short-term disability max \$2,000 per week	37% to 90% of wages - Max of \$1,100 per week
Waiting period	- No wait on sick/vacation 15 days wait period on short-term disability	After earning \$2,500 in wages in Colorado within the last 4 quarters
Maternity time	12 week leave, paid accrued sick or vacation leave 6-9 weeks paid on short-term disability	12-16 weeks paid as above
Paternity time	12 weeks leave, paid accrued sick or vacation leave	12 weeks paid as above

Part Time/Seasonal TOE		FAMLI
Pay / Benefit level	100% of wages while on sick or vacation time 48 hours/year vacation 48 hours/year sick, cap 360 hours - No short-term disability	37% to 90% of wages - Max of \$1,100 per week
Waiting period	No wait on sick/vacation	After earning \$2,500 in wages in Colorado within the last 4 quarters

Employees May Opt In

Even if the Town votes to opt out of the FAMLI Act, an employee may individually opt into the Act by contacting the FAMLI Division at [CDLE FAMLI info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us)

Additional notice regarding an individual employee's ability to opt in will be provided should the Town affirmatively vote to opt out.

ACKNOWLEDGEMENT BY EMPLOYEE

I hereby acknowledge:

1. That I received a copy of the foregoing "NOTICE TO TOWN EMPLOYEES OF A VOTE OF THE TOWN COUNCIL DECIDING PARTICIPATION IN THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT"; and

2. That I understand that I can view and download the complete text of the Paid Family Leave and Insurance Act by accessing the Division of Family and Medical Leave Insurance's website at <https://famli.colorado.gov/>

Signature: _____

Name: _____

Date: _____



NOTICE TO TOWN EMPLOYEES OF THE TOWN'S DECISION TO DECLINE PARTICIPATION IN THE PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT ("FAMLI ACT")

Notice is hereby given to Town Employees that the Town Council held a vote on August 9, 2022 in which the Board voted to decline participation in the FAMLI Act. This notice explains how the vote affects Town employees' rights and benefits.

FAMLI ACT AND TOWN'S PAID FAMILY AND CAREGIVER LEAVE

Under the FAMLI Act, covered individuals can take up to 12 weeks of paid aggregate family or medical leave for the following qualifying reasons: to care for a new child, care for their own health or for a family member, take exigency leave or safe leave, and for pregnancy and childbirth complications.

What the FAMLI Act Requires:

- 12 weeks of paid aggregate family or medical leave.
- Employees will receive paid leave amounting to:
 - 90% of their average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and
 - 50% of the portion of their wages that exceeds the state average weekly wage.
- Employee/Employer pay 0.45% each of the employee's annual wages to the FAMLI Division as an insurance premium, deducted from the employee's paychecks.
- FMLA Leave will run concurrently with the Act.

What the Town provides:

Full-time TOE		FAMLI
Pay / Benefit level	• 100% of wages while on sick or vacation time • Vacation 14, 20,25 days annually • Cap 30,40, 50 days • 12 days/96 hours/year sick • Cap 720 hours/90 days • 66 2/3% not taxed while on short-term disability max \$2,000 per week	• 37% to 90% of wages • Max of \$1,100 per week
Waiting period	• No wait on sick/vacation • 15 days wait period on short-term disability	• After earning \$2,500 in wages in Colorado within the last 4 quarters
Maternity time	• 12 week leave, paid accrued sick or vacation leave • 6-9 weeks paid on short-term disability	• 12-16 weeks paid as above
Paternity time	• 12 weeks leave, paid accrued sick or vacation leave	• 12 weeks paid as above

Part Time/Seasonal TOE		FAMLI
Pay / Benefit level	• 100% of wages while on sick or vacation time • 48 hours/year vacation • 48 hours/year sick, cap 360 hours • No short-term disability	• 37% to 90% of wages • Max of \$1,100 per week
Waiting period	• No wait on sick/vacation	• After earning \$2,500 in wages in Colorado within the last 4 quarters

Employees May Opt In

Although the Town voted to opt out of the FAMLI Act, an employee may individually opt into the Act by contacting the FAMLI Division at [CDLE FAMLI info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us). An individual employee will still receive the same benefits of the FAMLI Act if they individually opt into participation in the Act.



PRESENTATION BY
**HUMAN
RESOURCES**

FAMLI

**Family Medical Leave
Insurance**



What is FAMLI?

- Created through Statewide voters' approval of Proposition 118 in 2020, the Family and Medical Leave Insurance (FAMLI) program “exists to ensure all Colorado workers have access to paid leave”
- FAMLI differs from the federal FMLA in that it provides paid leave including *safe leave, based on an employee's weekly wage; further, FAMLI's benefits depend on **time employed within Colorado and not at a particular employer
- The Town will automatically become covered – with Town and employee premiums due beginning in 2023 – if Town Council does not opt out of the program; the decision to opt out is not permanent and can be reconsidered anytime

* Safe leave: employee or employee's family member is the victim of domestic abuse, stalking or sexual assault/abuse

** Must earn \$2500 in wages in Colorado within the last 4 calendar quarters



Local Government Employer options

Participate in FAMLl:

- Participation requires shared responsibility for funding the program with employees. Premiums are set at 0.9% of the employee's wage, with 0.45% paid by the local government and 0.45% paid by the employee.
- FAMLl premiums begin on January 1, 2023.
- FAMLl benefits for employees will not begin until 2024.
- Three (3) year commitment to participate.
- Premiums may increase starting in 2025 to 1.2% of gross wages.
- Employers are responsible for any errors in calculation of premium for both employer and employee portions.



Local Government Employer options

Decline participation:

- The local government's governing body must vote to decline participation before 12/31/2022.
- Equivalent paid leave benefits are NOT required for local government employers who vote to decline participation.
- If opt-out, can re-join at any time with a 3-month waiting period.
- Employees still have the option of self-selecting FAMLI coverage if the town votes to opt out.
- Employees would be solely responsible for 50% of the premium if the employee elects to participate individually

Local Government Employer options

What is best for our Employees

- The Town's participation in the FMLI program could conflict with existing employer benefits plans (e.g. Short Term Disability).
- Employees can still participate individually and should receive the same benefits even if the Town declines participation.
- Benefits rules to be issued this year will hopefully confirm that benefits will apply equally.
- Several administrative regulations have yet to be finalized, including interaction between FMLI and other federal and state leave laws.

Local Government Employer options

Why would the Town want to opt out

- Because FAMLI is a new program and the program rules have not been fully established, the Town may choose to be cautious and opt out initially to evaluate the program in operation to determine if it is the best choice for the Town.
- By opting out a municipality can determine budgetary and employment impacts locally.
- Because FAMLI assigns the costs of errors in calculating and remitting premiums to employers, the Town may wish to wait until procedures can be developed to ensure compliance.
- If the town does not opt out now, we must wait three years to opt out.
- If the town opts out now, it can opt in any future year.
- The Town's participation in the FAMLI program could conflict with existing employer benefits plans (i.e. Short Term Disability).
- Several administrative regulations have yet to be finalized, including interaction between FAMLI and other federal and state leave laws.

Local Government Employer options

Financial Considerations

Financial Considerations:

The town's financial burden in the first year of the FAMLII program of .45% of wages is expected to be approximately \$28,000. In addition, employees would bear the same equivalent financial contribution of .45%. The program cost may increase up to 33% in 2025 to 1.2% of wages, split between the employer and employee.

Additionally, the Town currently pays an average of approximately \$12,500 annually in short-term disability wages when employees need leave beyond their accrued paid time off. This short-term disability coverage currently provides 66 2/3% of weekly wages for employees on disability for up to 90 days.

Town of Eagle's current leave options

Full Time (FT) Staff: 30 hours or more weekly, year-round

FT Vacation Accrual(Full time, year-round only)

- 0-2 Years of service = 2.8 Weeks, 14 days / year
- 3-5 Years of service = 4 Weeks, 20 days / year
- 6 Years + of service = 5 Weeks, 25 days / year

*eligible to utilize leave as it is accrued

FT Sick Leave Accrual – 12 days/96 hours per year, carries over to 720 hours cap/18 weeks/90 days

Short-term Disability – available first of month following 15 calendar days.
66 2/3% wage replacement for up to 90 days, maximum weekly benefit
\$2000

Holidays - 15 paid days

Town of Eagle's current leave options

Part-Time, Seasonal and Temporary Staff

PT Vacation Accrual must work an average of 20 hours weekly, 4 hours per month accrued up to 48 hours annually, carries over to 80 hours cap

PT Sick Leave Accrual 0.046125 per hour worked up to 48 hours annually, carries over up to 360 hours cap/9 weeks

Paid Holidays 15 days, paid at 4 hours per holiday

Seasonal and temporary staff do not currently receive paid Vacation or Holiday Pay.

Town of Eagle's Current Benefit Comparison

	Full-time TOE	FAMLI
Pay / Benefit level	• 100% of wages while on sick or vacation time • Vacation 14, 20,25 days annually • Vacation cap 30,40, 50 days • 12 days/96 hours/year • Sick cap 720 hours/90 days • 66 2/3% not taxed while on short-term disability max \$2,000 per week	• 37% to 90% of wages • Max of \$1,100 per week
Waiting period	• No wait on sick/vacation • 15 days wait period on short-term disability	• After earning \$2,500 in wages in Colorado within the last 4 quarters
Maternity time	• 12 week leave, paid accrued sick or vacation leave • 6-9 weeks paid on short-term disability	• 12-16 weeks paid as above
Paternity time	• 12 weeks leave, paid accrued sick or vacation leave	• 12 weeks paid as above



Town of Eagle's Current Benefit Comparison

	Part Time/Seasonal TOE	FAMLI
Pay / Benefit level	• 100% of wages while on sick or vacation time • Vacation 48 hours/year, cap 80 hours • Sick 48 hours/year, cap 360 hours • No short-term disability	• 37% to 90% of wages • Max of \$1,100 per week
Waiting period	• No wait on sick/vacation	• After earning \$2,500 in wages in Colorado within the last 4 quarters



Table of FMLI & Disability Weekly Wages

Table of FMLI Wages and Benefits
Family or Employee's Own Serious Health Condition

Annual Wage	Weekly Wage	Hourly Wage	FAMLI Weekly Benefit	Maximum Annual Benefit	Percent of Weekly Wage
\$26,000.00	\$500.00	\$12.50	450	\$5,400.00	90%
\$52,000.00	\$1,000.00	\$25.00	768	\$9,216.00	77%
\$78,000.00	\$1,500.00	\$37.50	1,018	\$12,216.00	68%
\$104,000.00	\$2,000.00	\$50.00	1,100	\$13,200.00	55%
\$156,000.00	\$3,000.00	\$75.00	1,100	\$13,200.00	37%

TOE Short Term Disability Benefit
Only for employee related disability

Annual Wage	Weekly Wage	Hourly Wage	STD Weekly Benefit	Maximum Annual Benefit	Percent of Weekly Wage
\$26,000.00	\$500.00	\$12.50	\$333.30	\$3,999.60	66.66%
\$52,000.00	\$1,000.00	\$25.00	\$666.60	\$7,999.20	66.66%
\$78,000.00	\$1,500.00	\$37.50	\$999.90	\$11,998.80	66.66%
\$104,000.00	\$2,000.00	\$50.00	\$1,333.20	\$15,998.40	66.66%
\$156,000.00	\$3,000.00	\$75.00	\$1,999.80	\$23,997.60	66.66%



Program Participation Market Data

- Colorado Municipal League (CML) conducted a survey in March 2022
 - 66 Respondents
 - 23 leaning towards opting out
 - 27 opted out
 - 02 opting in or leaning towards opt in
 - 14 undecided
- Regional Data – Leaning towards or opting out
 - Aspen opted out 07/12/22
 - Avon
 - Breckenridge
 - Eagle County
 - Silverthorne
 - Steamboat
 - Vail

Staff Recommendations

“Opt Out” of FAMILI and consider TOE benefit changes to align with FAMILI benefits

- Town’s benefits exceed FAMILI benefits for Full Time Staff
- Employees get equivalent/better benefits without extra costs of FAMILI
- Employees can still choose participation instead of mandate for all

Next steps

- HR is requesting Council feedback prior to vote
- HR sending out memo and survey to staff, requesting feedback
- Vote - Resolution to opt-out by end of year (planned for August 09 meeting)
- Review benefits for alignment with FAMILI and make recommendations for adjustments where appropriate, for example considerations may be:
 - PT & Seasonal paid leave enhancements or
 - Consider providing Short term disability program for Part-time (under 30 hours weekly)
 - Consider Paid Family/Caregiver Leave policy in addition to Short-Term Disability which is only available for employee’s own illness or injury



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: July 26, 2022

Agenda Item: PUBLIC HEARING: Transfer of Ownership of a Beer & Wine License- Applicant: North Coast Originals LLC

REQUEST: The Mayor should convene the Liquor License Authority before opening this item. The request is for consideration of approval for a Transfer of Ownership of a Beer & Wine License for North Coast Originals LLC located at 228 Broadway Street Unit B.

BACKGROUND: Christine Rice, Owner of North Coast Originals LLC submitted an application to Transfer the Beer & Wine License at 228 Broadway, Unit B from Katch of the Day LLC on June 21, 2022.

ANALYSIS:

Department Staff has reviewed the application and made preliminary findings to the applicant that included the following:

1. The location of the premises for which the license is sought is 228 Broadway Street Unit B, Eagle, Colorado 81631.
2. It appears from the evidence submitted that the applicant is entitled to possession of the premises proposed to exercise the license.
3. The location proposed to sell liquor for on-site consumption is not within 500 feet proximity to a school as defined in the Eagle Municipal Code.
4. The applicant has applied for and has possession of a valid Town of Eagle Business License and state-issued Sales Tax License number.
5. The renewal fee for 2023 will include \$351.25 to the State of Colorado and \$148.75 to the Town of Eagle.

As of this date, the Town Clerk and the Eagle Police Department have completed their preliminary background investigation concerning the records of the premises, applicants, employees, and persons known to assist or finance the Applicant:

1. Pursuant to 44-3-307 (3)(a), the Town of Eagle shall have access to and consider criminal history record information of the applicant. There were no issues reported.
 2. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.
 3. The neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is the Town of Eagle.
4. A petition to assist with determining the needs and desires of the adult inhabitants was not required.

15 Hotel & Restaurant Licenses	1 Brewpub License
--------------------------------	-------------------

3 Tavern Licenses	4 Beer and Wine Licenses
4 Fermented Malt Beverage Off-Premises Licenses	3 Retail Liquor Store Licenses
	1 Distillery (State Licensed)

COMMUNITY INPUT: This is a public hearing and this item was publicly noticed at the location, in the newspaper, and on our website. The applicant will also be present to answer any questions from the Authority.

BUDGET / STAFF IMPACT: There is no budget impact for approving this item. All fees have been paid.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This item does not have a direct link to a Major Objective. However, it does support "Stimulating Economic Vitality and Development." A denial of this license would need to be for cause and would limit the applicant's sales to non-alcoholic beverages only.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY: Findings and Order approving a Transfer of Ownership of a Beer & Wine License for North Coast Originals LLC - located at 228 Broadway Street Unit B and direct the Mayor and Town Clerk to sign and submit the application to the State of Colorado.

ATTACHMENTS:

1. 2022 NORTH COAST STATE APPLICATION REDACTED
2. NOTICE OF FINDINGS AND ORDER
3. Notice of Public Hearing - website

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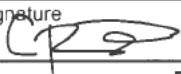
Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: SBG.Colorado.gov/Liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
I. Applicant information	☒ A. Applicant/Licensee identified ☒ B. State sales tax license number listed or applied for at time of application ☒ C. License type or other transaction identified ☒ D. Return originals to local authority (additional items may be required by the local licensing authority) ☒ E. All sections of the application need to be completed ☒ F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II. Diagram of the premises	☒ A. No larger than 8 1/2" X 11" ☒ B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) ☒ C. Separate diagram for each floor (if multiple levels) ☒ D. Kitchen - identified if Hotel and Restaurant ☒ E. Bold/Outlined Licensed Premises
III. Proof of property possession (One Year Needed)	☐ A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk ☐ B. Lease in the name of the applicant (or) (matching question #2) ☒ C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant ☐ D. Other agreement if not deed or lease. (matching question #2)
IV. Background information (DR 8404-I) and financial documents	☒ A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) ☒ B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://uenroll.identogo.com/ Phone: 844-539-5539 (toll-free) Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 Details about the vendors and fingerprinting in Colorado can be found on CBI's website here: https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks ☐ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license ☐ D. List of all notes and loans (Copies to also be attached)
V. Sole proprietor/husband and wife partnership (if applicable)	☐ A. Form DR 4679 ☐ B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI. Corporate applicant information (if applicable)	☐ A. Certificate of Incorporation ☐ B. Certificate of Good Standing ☐ C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII. Partnership applicant information (if applicable)	☐ A. Partnership Agreement (general or limited). ☐ B. Certificate of Good Standing
VIII. Limited Liability Company applicant information (if applicable)	☒ A. Copy of articles of organization ☒ B. Certificate of Good Standing ☐ C. Copy of Operating Agreement (if applicable) ☐ D. Certificate of Authority if foreign LLC (out of state applicants only)
IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application	☐ A. \$75.00 fee ☐ B. Individual History Record (DR 8404-I) ☐ C. If owner is managing, no fee required

Name North Coast Originals, LLC	Type of License	Account Number																		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes ☐ No ☒ 8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state): a. Been denied an alcohol beverage license? ☐ ☒ b. Had an alcohol beverage license suspended or revoked? ☐ ☒ c. Had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒ If you answered yes to 8a, b or c, explain in detail on a separate sheet. 9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. ☐ ☒ 10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ ☒ or Waiver by local ordinance? ☐ ☐ Other: _____ 11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒ 12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☐ 13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? ☐ ☐ 13 b. Are you a Colorado resident? ☒ ☐ 14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. ☐ ☒ 15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? ☒ ☐ ☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease: <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <tr> <td style="width: 40%;">Landlord Seikcor Properties LLC</td> <td style="width: 40%;">Tenant North Coast Originals, LLC</td> <td style="width: 20%;">Expires 5/1/2023</td> </tr> </table> b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. ☐ ☒ c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". 16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Last Name</th> <th style="width: 25%;">First Name</th> <th style="width: 15%;">Date of Birth</th> <th style="width: 15%;">FEIN or SSN</th> <th style="width: 20%;">Interest/Percentage</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation. 17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☐ Number of additional Optional Premise areas requested. (See license fee chart) 18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions. 19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ ☐ If "yes" a copy of license must be attached.			Landlord Seikcor Properties LLC	Tenant North Coast Originals, LLC	Expires 5/1/2023	Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage										
Landlord Seikcor Properties LLC	Tenant North Coast Originals, LLC	Expires 5/1/2023																		
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage																

Name North Coast Originals, LLC	Type of License	Account Number		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		Yes ☐ No ☐		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes ☐ No ☐		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes ☐ No ☐		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes ☐ No ☐		
22. Campus Liquor Complex applicants answer the following:				
a. Is the applicant an institution of higher education?		Yes ☐ No ☐		
b. Is the applicant a person who contracts with the institution of higher education to provide food services?		Yes ☐ No ☐		
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record				
- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application				
- DR 8000 and fingerprints.				
Last Name of Manager RICE		First Name of Manager CHRISTINE		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes ☐ No ☒		
25. Related Facility - Campus Liquor Complex applicants answer the following:				
a. Is the related facility located within the boundaries of the Campus Liquor Complex?		Yes ☐ No ☐		
If yes, please provide a map of the geographical location within the Campus Liquor Complex.				
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager RICE		First Name of Manager CHRISTINE		
26. Tax Information.				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes ☐ No ☒		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes ☐ No ☒		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
Christine Rice	210 Freestone Rd, Eagle, CO	4-10-1987	Owner	100
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above.				
** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)				
** If total ownership percentage disclosed here does not total 100%, applicant must check this box:				
☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name North Coast Originals, LLC		Type of License	Account Number	
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title Christine Rice, Owner		Date 6-6-22
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:				
☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license				
(Check One)				
☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority				
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?				Yes No ☐ ☐
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?				☐ ☐
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				☐ ☐
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.				
Local Licensing Authority for Town of Eagle		Telephone Number 9703289623		☒ Town, City ☐ County
Signature	Print	Title	Date	
Signature	Print	Title	Date	

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made by and between **Seikcor Properties LLC** (hereinafter referred to as "Lessor") and **North Coast Originals LLC** (hereinafter referred to as "Lessee").

WITNESSETH:

WHEREAS, Lessor is the fee owner of certain real property being, lying and situate in **Eagle County, Colorado**, such real property having a street address of **228 Broadway Street Unit B, Eagle CO 81631**. Unit B = **810sft**
Any improvements resulting in additional square footage will require a monthly lease adjustment.

WHEREAS, Lessor is desirous of leasing the Premises to Lessee upon the terms and conditions as contained herein; and

WHEREAS, Lessee is desirous of leasing the Premises from Lessor on the terms and conditions as contained herein;

NOW, THEREFORE, the covenants and obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. TERM. Lessor leases to Lessee and Lessee leases from Lessor the above described Premises together with any and all appurtenances thereto, for a term of **1 Year**, such term beginning on **May 17, 2022**, and ending at 12 o'clock midnight on **April 30, 2023**. The prorated rent payment for the remainder of May 2022 shall be **\$871.00** due on signing of the lease.

2. RENT. The monthly rent for the term hereof is **\$1800.00** payable on the **1st** day of each month for one year; the second installment to be paid on **May 1st, 2022**. If the Lessee chooses to extend the lease after one year then a new monthly rent amount will be negotiated based on market value. All such payments shall be made to Lessor at Lessor's address as set forth in the preamble to this Agreement on or before the due date and without demand.

3. DAMAGE SECURITY DEPOSIT. Upon the due execution of this Agreement, Lessee shall deposit with Lessor the sum off **Two Thousand DOLLARS (\$2000)** receipt of which is hereby acknowledged by Lessor, as security for any damage caused to the Premises during the term hereof. Such deposit shall be returned to Lessee, without interest, and less any set off for damages to the Premises upon the termination of this Agreement.

4. USE OF PREMISES. The tenant shall use and occupy the **Unit B, One parking spot, and outdoor patio** for restaurant and bar purpose of **North Coast Originals LLC**. The real property shall be used for no other purpose.

5. CONDITION OF PREMISES. Lessee stipulates, represents and warrants that Lessee has examined the Premises, and that they are at the time of this Lease in good order, repair, and in a safe, clean and tenantable condition.

6. ASSIGNMENT AND SUB-LETTING. Lessee shall not assign this Agreement, or sub-let or grant any license to use the Premises or any part thereof without the prior written consent of Lessor. A consent by Lessor to one such assignment, sub-letting or license shall not be deemed to be a consent to any subsequent assignment, sub-letting or license. An assignment, sub-letting or license without the prior written consent of Lessor or an assignment or sub-letting by operation of law shall be absolutely null and void and shall, at Lessor's option, terminate this Agreement.

7. ALTERATIONS AND IMPROVEMENTS. No major improvements may be made to any shared utilities or construction to the Premises **without the prior written consent of Lessor**. Any and all minor alterations, changes, and/or improvements to said unit on the Premises by Lessee shall, unless otherwise provided by written agreement between Lessor and Lessee, be and become the property of Lessor and remain on the Premises at the expiration or earlier termination of this Agreement. All improvements and modifications to the Premises must be done by licensed and insured contractors. Any unlicensed and uninsured work without consent of lessor may be grounds for termination of lease.

8. NON-DELIVERY OF POSSESSION. In the event Lessor cannot deliver possession of the Premises to Lessee upon the commencement of the Lease term, through no fault of Lessor or its agents, then Lessor or its agents shall have no liability, but the rental herein provided shall abate until possession is given. Lessor or its agents shall have thirty (30) days in which to give possession, and if possession is tendered within such time, Lessee agrees to accept the demised Premises and pay the rental herein provided from that date. In the event possession cannot be delivered within such time, through no fault of Lessor or its agents, then this Agreement and all rights hereunder shall terminate.

9. HAZARDOUS MATERIALS. Lessee shall not keep on the Premises any item of a dangerous, flammable or explosive character that might unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

10. UTILITIES. **Monthly rent includes utilities such as Water, Sewer, Electric, Gas, Trash. Lessee is responsible for new Internet service**

11. MAINTENANCE AND REPAIR; RULES. Lessee will, at its sole expense, keep and maintain the Premises and appurtenances in good and sanitary working condition and repair during the term of this Agreement and any renewal thereof. Without limiting the generality of the foregoing, Lessee shall:

- (a) Not obstruct the driveways, sidewalks, courts, entry ways, stairs and/or halls, which shall be used for the purposes of ingress and egress only;
- (b) Keep all windows, glass, window coverings, doors, locks and hardware in good, clean order and repair;
- (c) Not obstruct or cover the windows or doors;
- (d) Not leave windows or doors in an open position during any inclement weather;

(e) Not cause or permit any locks or hooks to be placed upon any door or window without the prior written consent of Lessor;

(f) Keep all lavatories, sinks, toilets, and all other water and plumbing apparatus in good order and repair and shall use same only for the purposes for which they were constructed. Lessee shall not allow any sweepings, rubbish, sand, rags, ashes or other substances to be thrown or deposited therein. Any damage to any such apparatus and the cost of clearing stopped plumbing resulting from misuse shall be borne by Lessee;

(g) Keep all radios, television sets, stereos, etc., turned down to a level of sound that does not annoy or interfere with other residents;

(h) Deposit all trash, garbage, rubbish or refuse in the locations provided therefor and shall not allow any trash, garbage, rubbish or refuse to be deposited or permitted to stand on the exterior of any building or within the common elements.

(i) In the event Tenant prepares food in the Premises: (i) grease traps of type designated by Landlord shall be installed and maintained in a clean and sanitary condition and in good repair in all sinks in the Premises, and such traps shall be cleaned on a monthly basis; (ii) Tenant shall have the filters in the hoods for food processing exhaust systems removed daily and washed, and shall have the hoods scraped and cleaned and exhaust ducts cleaned a minimum of once every three (3) months, or as designated by Landlord; and (iii) if gas is used in the Premises, Tenant shall install a proper gas cut-off valve in the Premises. Immediately after each required cleaning of the hoods and exhaust ducts, Tenant shall deliver an affidavit from the company performing such service stating that such work has been performed and stating the date of such cleaning.

MAINTENANCE BY LESSOR. Lessor shall, at its own cost and expense, maintain in good condition and repair the roof, walls, structural supports, the foundation of said Premises, fences and parking area, and make all necessary repairs from normal wear and tear to, or replacements of, the plumbing, hvac and electrical systems of the Premises.

12. DAMAGE TO PREMISES. In the event the Premises is destroyed or rendered wholly untenable by fire, storm, earthquake, or other casualty not caused by the negligence of Lessee, this Agreement shall terminate from such time except for the purpose of enforcing rights that may have then accrued hereunder. The rental provided for herein shall then be accounted for by and between Lessor and Lessee up to the time of such injury or destruction of the Premises, Lessee paying rentals up to such date and Lessor refunding rentals collected beyond such date. Should a portion of the Premises thereby be rendered untenable, the Lessor shall have the option of either repairing such injured or damaged portion or terminating this Lease. In the event that Lessor exercises its right to repair such untenable portion, the rental shall abate in the proportion that the injured parts bears to the whole Premises, and such part so injured shall be restored by Lessor as speedily as practicable, after which the full rent shall recommence and the Agreement continue according to its terms.

13. INSURANCE. Lessee, at Lessee's expense, shall maintain commercial general liability insurance including bodily injury to Lessee, or any other person, or to any property damage insuring Lessee and Lessor with minimum coverage. **Seikcor Properties is not responsible for Lessee's property. Lessee may choose the insurance for their business.**

14. INSPECTION OF PREMISES. Lessor and Lessor's agents shall have the right at all reasonable times during the term of this Agreement and any renewal thereof to enter the Premises for the purpose of inspecting the Premises and all buildings and improvements thereon. And for the purposes of making any repairs, additions or alterations as may be deemed appropriate by Lessor for the preservation of the Premises or the building. Lessor and its agents shall further have the right to exhibit the Premises and to display the usual "for sale", "for rent" or "vacancy" signs on the Premises at any time within forty-five (45) days before the expiration of this Lease. The right of entry shall likewise exist for the purpose of removing placards, signs, fixtures, alterations or additions, but do not conform to this Agreement or to any restrictions, rules or regulations affecting the Premises.

15. SUBORDINATION OF LEASE. This Agreement and Lessee's interest hereunder are and shall be subordinate, junior and inferior to any and all mortgages, liens or encumbrances now or hereafter placed on the Premises by Lessor, all advances made under any such mortgages, liens or encumbrances (including, but not limited to, future advances), the interest payable on such mortgages, liens or encumbrances and any and all renewals, extensions or modifications of such mortgages, liens or encumbrances.

16. LESSEE'S HOLD OVER. If Lessee remains in possession of the Premises with the consent of Lessor after the natural expiration of this Agreement, a new tenancy from **month-to-month** shall be created between Lessor and Lessee which shall be subject to all of the terms and conditions hereof except that rent shall then be due and owing at **\$2000.00** per month and except that such tenancy shall be terminable upon thirty (30) days written notice served by either party.

17. SURRENDER OF PREMISES. Upon the expiration of the term hereof, Lessee shall surrender the Premises in as good a state and condition as they were at the commencement of this Agreement, reasonable use and wear and tear thereof and damages by the elements excepted.

18. Smoking. No tobacco smoking allowed inside the building under any circumstances.

19. INDEMNIFICATION. Lessor shall not be liable for any damage or injury to tenant, employees or to any person entering the Premises or the building of which the Premises are a part or to goods or equipment, or in the structure or equipment of the structure of which the Premises are a part, and Lessee hereby agrees to indemnify, defend and hold Lessor harmless from any and all claims or assertions of every kind and nature.

20. DEFAULT. If Lessee fails to comply with any of the material provisions of this Agreement, other than the covenant to pay rent, or of any present rules and regulations or any that may be hereafter prescribed by Lessor, or materially fails to comply with any duties imposed on Lessee by statute, within seven (7) days after delivery of written notice by Lessor specifying the non-compliance and indicating the intention of Lessor to terminate the Lease by reason thereof, Lessor may terminate this Agreement.

If Lessee fails to pay rent when due and the default continues for seven (7) days thereafter, Lessor may, at Lessor's option, declare the entire balance of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to Lessor at law or in equity or may immediately terminate this Agreement.

DEFAULT LIABILITIES. Lessee is not liable if the Lessor fails to meet a financial obligation to said premises or to appear in a court of law at a time specified.

21. **LATE CHARGE.** In the event that any payment required to be paid by Lessee hereunder is not made within **five (5)** days of when due, Lessee shall pay to Lessor, in addition to such payment or other charges due hereunder, a "late fee" in the amount of **one hundred dollars (\$100.00)**.

22. **ABANDONMENT.** If at any time during the term of this Agreement Lessee abandons the Premises or any part thereof, Lessor may, at Lessor's option, obtain possession of the Premises in the manner provided by law, and without becoming liable to Lessee for damages or for any payment of any kind whatever. Lessor may, at Lessor's discretion, as agent for Lessee, re-let the Premises, or any part thereof, for the whole or any part thereof, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such re-letting, and, at Lessor's option, hold Lessee liable for any difference between the rent that would have been payable under this Agreement during the balance of the unexpired term, if this Agreement had continued in force, and the net rent for such period realized by Lessor by means of such re-letting. If Lessor's right of reentry is exercised following abandonment of the Premises by Lessee, then Lessor shall consider any personal property belonging to Lessee and left on the Premises to also have been abandoned, in which case Lessor may dispose of all such personal property in any manner Lessor shall deem proper and Lessor is hereby relieved of all liability for doing so.

23. **ATTORNEYS' FEES.** Should it become necessary for Lessor to employ an attorney to enforce any of the conditions or covenants hereof, including the collection of rentals or gaining possession of the Premises, Lessee agrees to pay all expenses so incurred, including a reasonable attorneys' fee.

24. **RECORDING OF AGREEMENT.** Lessee shall not record this Agreement on the Public Records of any public office, except for purposes of obtaining licenses and permit with lessor approval. In the event that Lessee shall record this Agreement, this Agreement shall, at Lessor's option, terminate immediately and Lessor shall be entitled to all rights and remedies that it has at law or in equity.

25. **GOVERNING LAW.** This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Colorado.

26. **SEVERABILITY.** If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

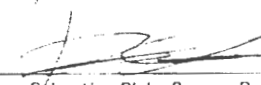
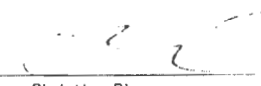
27. **BINDING EFFECT.** The covenants, obligations and conditions herein contained shall be binding on and inure to the benefit of the heirs, legal representatives, and assigns of the parties hereto.

28. **DESCRIPTIVE HEADINGS.** The descriptive headings used herein are for convenience of reference only and they are not intended to have any effect whatsoever in determining the rights or obligations of the Lessor or Lessee.

29. **NON-WAIVER.** No indulgence, waiver, election or non-election by Lessor under this Agreement shall affect Lessee's duties and liabilities hereunder.

30. **MODIFICATION.** The parties hereby agree that this document contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed and agree to the above terms:

Witnesses: "Lessor"	 Kathleen Conner, Owner Seikcor Properties	<u>5/17/2022</u> Date
Witnesses: "Lessor"	 Sebastian Blake Conner, Owner Seikcor Properties	<u>5/17/2022</u> Date
Witnesses: "Lessee"	 Christine Rice	<u>5-22-17</u> Date

Lessee Contact Info: Christine Rice, 330.606.1382, PO Box 5535, Eagle, CO 81631, cricephoto@gmail.com

Please e-deposit, mail or deliver rent on or before the first of each month to: **Alpine Bank Acct# 8911189721 Routing# 102103407**
or to **PO Box 873, Eagle CO 81631; Checks payable to Seikcor Properties LLC**

Contact numbers: Kat = 714-721-8573 Blake = 970-306-1903

ASSETS AND ALLOWANCE AGREEMENTS

Listed below are the assets owned by the Lessor to be used by the Lessee for the new **North Coast Originals LLC** at 228 Broadway Street Unit B, Eagle CO 81631 and agrees to keep well maintained and in working order. Any damages and needed repairs are at the Lessee's expense.

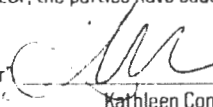
APPLIANCES	VALUE
Tall Merch Refrigerator	\$1800
Bar Refrigerators (2)	\$400
Salad Prep Refrigerator	\$2800
White Refrigerator	\$500
Wine Fridge (Black)	\$100
Water Boiler	\$90
KITCHEN	
3-compartment Sink	\$300
Mop Sink, Basin and Faucet	\$300
Hand Sink w/ faucet	\$100
Food Sink w/ faucet	\$200
Utensils/Glasses/supplies	\$100
FURNITURE	
Bookshelf (Bar back)	\$500
Bench Cushions	\$300
Settees (2)	\$345
Bar Surround	\$200
Barstools (6)	\$300
Butcher Block Counter	\$400

ALLOWANCE

Lessor agrees to provide a **\$2000** allowance for preliminary building improvements that are permanent to the premises before the business is open for service, such as plumbing, security, electrical, etc.

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed and agree to the above terms:

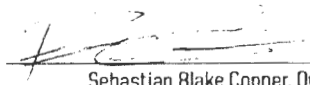
Witnesses: "Lessor"


Kathleen Conner, Owner Seikcor Properties

Date

5/17/2022

Witnesses: "Lessor"


Sebastian Blake Conner, Owner Seikcor Properties

Date

5/17/2022

Witnesses: "Lessee"

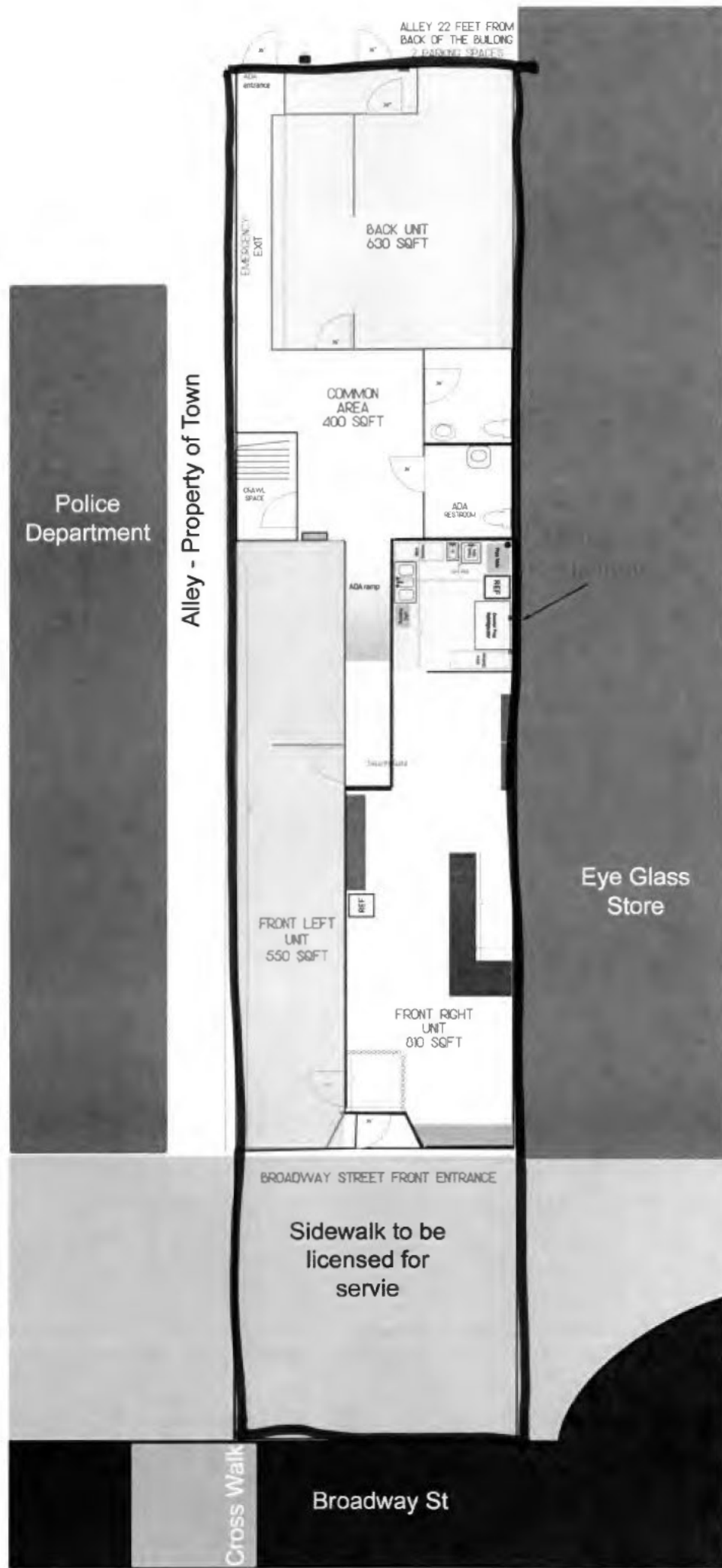

Christine Rice

Date

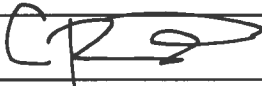
5-17-22

Lessee Contact Info: Christine Rice, 330.606.1382, PO Box 000, Eagle, CO 81631, cricephoto@gmail.com

Contact numbers: Kat = 714-721-8573 Blake = 970-306-1903



Affidavit - Restrictions On Public Benefits

Christine Rice I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one): ☒ I am a United States citizen. ☐ I am not a United States citizen but I am a Permanent Resident of the United States. ☐ I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law. ☐ I am a foreign national not physically present in the United States.	
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.	
Signature 	Date (MM/DD/YY) 06/06/2022

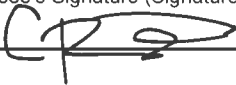
Tax Check Authorization, Waiver, and Request to Release Information

I, Christine Rice am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of North Coast Originals, LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) North Coast Originals, LLC		Social Security Number/Tax Identification Number 85-4172435	
Address 228 Broadway St, #B			
City Eagle		State CO	Zip 81631
Home Phone Number		Business/Work Phone Number 330-606-1382	
Printed name of person signing on behalf of the Applicant/Licensee Christine Rice			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed 06/06/2022

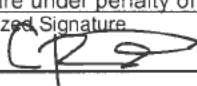
Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)				
1. Name of Business North Coast Originals, LLC		Home Phone Number	Cellular Number 330-606-1382	
2. Your Full Name (last, first, middle) Rice, Christine, Rae		3. List any other names you have used		
4. Mailing address (if different from residence) PO Box 5635, Eagle, CO 81631		Email Address christine@northcoastoriginals.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current	210 Freestone Rd, Apt 102	Eagle, CO 81631	11/2020	present
Previous	434 36th St	Oakland, CA 94609	4/2019	5/2020
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
Chef Rice Productions	210 Freestone Rd, Eagle, CO 81631	Owner	2/2011	present
Splendido	17 Chateau Ln, Beaver Creek, CO 81620	Cook	12/2021	3/2022
Village Bagel	34500 US HWY 6 Unit b7, Ewards, CO 81	Cook	2/2021	2/2022
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) ☐ Yes ☐ No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) ☐ Yes ☐ No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)				☐ Yes ☒ No																									
11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)				☐ Yes ☒ No																									
12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)				☐ Yes ☒ No																									
Personal and Financial Information																													
Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.																													
13a. Date of Birth	b. Social Security Number	c. Place of Birth		d. U.S. Citizen ☒ Yes ☐ No																									
██████████	██████████	Dover, Ohio																											
e. If Naturalized, state where		f. When	g. Name of District Court																										
h. Naturalization Certificate Number		i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number																									
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Gender																									
████	████	Brown	Hazel	Female																									
q. Do you have a current Driver's License/ID? If so, give number and state.																													
☒ Yes ☐ No # ████████ State CO																													
14. Financial Information.																													
a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ 30,000																													
b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 2000 ████████																													
* If corporate investment only please skip to and complete section (d)																													
** Section b should reflect the total of sections c and e																													
c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Type: Cash, Services or Equipment</th> <th>Account Type</th> <th>Bank Name</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Cash</td> <td>Checking</td> <td>Huntington</td> <td>██████</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>					Type: Cash, Services or Equipment	Account Type	Bank Name	Amount	Cash	Checking	Huntington	██████																	
Type: Cash, Services or Equipment	Account Type	Bank Name	Amount																										
Cash	Checking	Huntington	██████																										
d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Type: Cash, Services or Equipment</th> <th>Loans</th> <th>Account Type</th> <th>Bank Name</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>					Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount																				
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount																									
e. Loan Information (Attach copies of all notes or loans)																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name of Lender</th> <th>Address</th> <th>Term</th> <th>Security</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Dream Spring</td> <td>2000 Zearing Ave NWA Albuquerque</td> <td></td> <td></td> <td>██████</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>					Name of Lender	Address	Term	Security	Amount	Dream Spring	2000 Zearing Ave NWA Albuquerque			██████															
Name of Lender	Address	Term	Security	Amount																									
Dream Spring	2000 Zearing Ave NWA Albuquerque			██████																									
Oath of Applicant																													
I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.																													
Authorized Signature		Print Signature	Title	Date																									
		Christine Rice	Owner	6/1/22																									

Previous Address:

4/2018-4/2019
645 Seymour St, Napa, CA 94559

4/2017-4/2018
1906 W. 50th St, Cleveland, OH 44102

Previous Employment:

Seasonally 2020-2021
Old Growth Tree Service, LLC
33601 US Hwy 6, Edwards, CO 81632
PHC Technician

7/2019-4/2020
Sur La Table
1211 Broadway Plaza Suite D-26, Walnut Creek, CA 94596
Chef Instructor

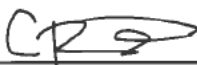
8/2019-12/2019
Regiis Ova
6480 Washington Street, Yountville, CA
Social Media Manager

4/2018-3/2019
Hestan Cue
1 Meyer Dr, Vallejo, CA
Food Stylist, Social Media Manager

2/2011-Present
Freelance Food Stylist, Chef and Photographer
Self-Employed

Fees Due	
Initial Application Fee	\$11.00
Renewal Fee	\$11.00

Takeout and Delivery Permit Application & Renewal (On-Premises Applicants Only)

☒ Initial Application		☐ Renewal	
Corporate Business Name North Coast Originals, LLC		Trade Name (DBA) North Coast Originals	
Physical Address of Premises 228 Broadway St		Suite/Unit Number B	
City Eagle	County Eagle	State CO	ZIP Code 81631
Mailing Address (if different than Physical Address) PO Box 5635		Suite/Unit Number	
City Eagle		State CO	ZIP Code 81631
Business Phone Number 330-606-1382		Business Email Address christine@northcoastoriginals.com	
1. You certify that the delivery of alcohol beverages shall only be made to a person TWENTY-ONE (21) years of age or older at the address specified in the order.			☒ Yes ☐ No
2. You certify that the delivery must be made by the licensee or the licensee's employee who is at least TWENTY-ONE (21) years of age and is using a vehicle owned or leased by the licensee to make the delivery.			☒ Yes ☐ No
3. You certify that the licensee's employee who delivers the alcohol beverages shall note and log at the time of delivery, the name and date of birth of the person the alcohol beverages are delivered to. Under no circumstances shall a person under TWENTY-ONE (21) years of age be permitted to receive a delivery of alcohol beverages.			☒ Yes ☐ No
4. You understand that a licensee must derive no more than FIFTY (50) percent of its gross annual revenues from sales of alcohol beverages that the licensee delivers.			☒ Yes ☐ No
5. Are you using a third party's ordering software to take orders?			☒ Yes ☐ No
If you answered "Yes" to question number five (5) above, upload all documents concerning the agreement between the ordering service and the licensee. Note - While a third party's ordering software may be used, physical delivery can only be accomplished by the licensee or the licensee's employee using a vehicle owned or leased by the licensee.			
6. Have you verified with your local licensing authority that no local permits are required for takeout and delivery?			☒ Yes ☒ No
7. Are you the applicant or an authorized agent of the business?			☒ Yes ☐ No
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.			☒ Yes ☐ No
Name of the applicant or an authorized agent of the business Christine Rice		Title of the applicant or an authorized agent of the business Owner	
Signature 		Date 6/1/2022	

Payment (Please submit Payment in one of the following ways):

Via mail with your application P.O. Box 17087 Denver, CO 80217-0087	Via email to: DOR_liqlicensing@state.co.us An email will be sent to you with directions on how to make a payment via our online payment portal.
--	--



AFFIDAVIT OF TRANSFER

Pursuant to the requirements of 44-3-303 the undersigned Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its Agent(s), or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 6th day of June, 2022.

SELLER: Katch of the Day LLC BUYER: North Coast Originals, LLC

*(Current Licensee, License number)
Trade Name: Katch of the Day, License No. 600

(Applicant Name - listed on #2 of DR forms)
Trade Name: _____

Sign: [Signature]

Sign: [Signature]

Print: _____ Print: Christine Rice

Title: _____ Title: Owner

State of Colorado
County of Eagle

Subscribed and sworn to before me this ____ day of _____ 20__
by: _____

Notary Public: _____
My Commission Expires: _____ Seal: _____



Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
Date and Time: 10/17/2020 01:33 PM
ID Number: 20201892084
Document number: 20201892084
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

North Coast Originals, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

544 Howard St

(Street number and name)

x5301

EAGLE

(City)

CO

(State)

81631-6182

(ZIP Postal Code)

CO

(Province – if applicable)

United States

(Country)

Mailing address

(leave blank if same as street address)

544 HOWARD ST

(Street number and name or Post Office Box information)

x5301

EAGLE

(City)

CO

(State)

81631-6182

(ZIP Postal Code)

CO

(Province – if applicable)

United States

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Rice

(Last)

Christine

(First)

Rae

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

544 HOWARD ST

(Street number and name)

x5301

EAGLE

(City)

CO

(State)

81631-6182

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) _____
(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Rice Christine Rae
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 544 HOWARD ST
(Street number and name or Post Office Box information)
x5301
EAGLE CO 81631-6182
(City) (State) (ZIP/Postal Code)
CO United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

or

☒ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Rice	Christine		
(Last)	(First)	(Middle)	(Suffix)
544 HOWARD ST			
(Street number and name or Post Office Box information)			
x5301			
EAGLE	CO	81631	
(City)	(State)	(ZIP/Postal Code)	
	United States		
(Province – if applicable)	(Country)		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:
This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

**For this Record...**

Filing history and documents
Get a certificate of good standing
File a form
Subscribe to email notification
Unsubscribe from email notification

Business Home
Business Information
Business Search

FAQs, Glossary and Information

Summary

Details			
Name	North Coast Originals, LLC		
Status	Good Standing	Formation date	10/17/2020
ID number	20201892084	Form	Limited Liability Company
Periodic report month	October	Jurisdiction	Colorado
Principal office street address	228 Broadway St, #B, EAGLE, CO 81631, CO, United States		
Principal office mailing address	PO BOX 5635, Eagle, CO 81631, CO, United States		

Registered Agent	
Name	Christine Rae Rice
Street address	544 HOWARD ST, x5301, EAGLE, CO 81631-6182, United States
Mailing address	210 Freestone Rd, Apt 102, x5635, EAGLE, CO 81631, United States

[Filing history and documents](#)

[Get a certificate of good standing](#)

[Get certified copies of documents](#)

[File a form](#)

[Set up secure business filing](#)

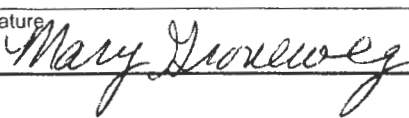
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Back

Wholesaler Affidavit of Compliance

Section 12-47-303(1)(d), C.R.S.

Wholesaler Licensee Name (If an LLC; partnership; corporation or name of corporation) CLASSIC BEVERAGE COMPANY LLC			License Number 07-42785-0000	
Trade Name of Establishment/Doing Business As (DBA) CLASSIC BEVERAGE COMPANY			Phone Number 303-825-1360	
Physical Address 6489 E 39TH AVE	City DENVER	State CO	ZIP 80207	
Email Address MGRONEWEG@CLASSICBEVCO.COM				
Transferor Retailer Licensee Name KATCH OF THE DAY LLC			License Number 03-12167	
Trade Name of Establishment/Doing Business As (DBA) KATCH OF THE DAY			Phone Number 970-328-9281	
Physical Address 228 BROADWAY ST	City EAGLE	State CO	ZIP 81631	
The above wholesaler affirms that all alcohol beverages delivered to the above transferor retailer are: ☒ Paid in Full (only for the purposes of complying with section 12-47-303(1)(d), C.R.S.) Note: If Paid in full is selected, the wholesaler may no longer extend credit to the transferee or transferor until the local and state licensing authorities have approved the transfer of the liquor license. ☐ Not Paid in Full				
Wholesaler: CLASSIC BEVERAGE COMPANY LLC				
Signature 	Print MARY GRONEWEG	Title OFFICE MANAGER	Date 06/15/22	

Wholesaler Affidavit of Compliance

Section 12-47-303(1)(d), C.R.S.

Wholesaler Licensee Name (If an LLC; partnership; corporation or name of corporation) Republic National Distributing Company		License Number 28499270004	
Trade Name of Establishment/Doing Business As (DBA) Republic National Distributing Company		Phone Number 303-734-2400	
Physical Address 8000 Southpark Terrace	City Littleton	State Co	ZIP 80120
Email Address			
Transferor Retailer Licensee Name KATCH OF THE DAY LLC		License Number 03-12167	
Trade Name of Establishment/Doing Business As (DBA) KATCH OF THE DAY		Phone Number 714 721 8573	
Physical Address 228 BROADWAY STREET	City ENGLE	State CO	ZIP 81631
The above wholesaler affirms that all alcohol beverages delivered to the above transferor retailer are: ☒ Paid in Full (only for the purposes of complying with section 12-47-303(1)(d), C.R.S.) Note: If Paid in full is selected, the wholesaler may no longer extend credit to the transferee or transferor until the local and state licensing authorities have approved the transfer of the liquor license. ☐ Not Paid in Full			
Wholesaler: Republic National Distributing Company			
Signature 	Print MICAELA ACEVES	Title AR CLERK	Date 06/15/2022

**TEMPORARY LIQUOR PERMIT APPLICATION FOR TRANSFER OF OWNERSHIP**

PLEASE PRINT LEGIBLY AND USE BLACK INK

Name of Applicant: (Corporation, Limited Liability Company, Individual, Partnership)	North Coast Originals, LLC
Trade Name of Establishment (DBA):	North Coast Originals
Address of Establishment:	228 Broadway St, #B, Eagle, CO 81631

Type of Liquor/Beer License:	Beer and Wine License
Current Licensee:	Katch Wine Bar, LLC
Current Trade Name:	Katch Wine Bar

The following conditions need to be met in order for the Temporary Permit to be processed:

- The establishment currently has State and Local Liquor/Beer Licenses, and such licenses were valid at the time the Transfer of Ownership Application was filed.
- The applicant has filed all Transfer of Ownership information as required by State and Local Licensing Authorities with the Town Clerk's office.
- The applicant submitted the Temporary Permit Application within 30 days of filing the Transfer of Ownership Application.
- The applicant submitted the \$100.00 Temporary Permit fee to the Town of Eagle.
- The applicant acknowledges the responsibility of having knowledge of the pertinent Colorado State Statutes and Regulations as set forth in Title 12, Articles 46 and 47, C.R.S., as amended.
- The applicant understands that this permit, if granted, shall be valid for 120 days or until the Transfer of Ownership has been granted, and the State and Local Liquor or Fermented Malt Beverage Licenses have been issued, or the application has been denied, whichever comes first.
- If the license has not been granted within this time period, it is the responsibility of the applicant to apply for an extension of the temporary permit.

Signature of Applicant: 	Date Signed: 6-6-22
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FOR OFFICE USE ONLY

Date of Transfer Application accepted: JUNE 21, 2022	Date Temporary Permit Application submitted: JUNE 21, 2022
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PUBLIC NOTICE
TOWN OF EAGLE
APPLICATION – TRANSFER OF OWNERSHIP

Notice is hereby given that the Town Council, acting as the Local Liquor Licensing Authority, shall hold a public hearing on the application of **NORTH COAST ORIGINALS LLC dba NORTH COAST ORIGINALS** dated June 21, 2022, requesting a Transfer of Ownership of a Beer and Wine License, located at 228 Broadway Street Unit B, Eagle, Colorado 81631. Said hearing will be held on Tuesday, July 26, 2022, at 6:00 p.m. during a Town Council meeting held either virtual or at the Eagle Town Hall, 200 Broadway. All persons interested in the aforementioned application may appear before the Town Council and present testimony or may submit written correspondence to the Eagle Town Clerk, at clerk@townofeagle.org or PO Box 609 Eagle CO 81631.

By: **Jenny Rakow**
Town Clerk

Published: July 14, 2022 Eagle Valley Enterprise



THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

TOWN OF EAGLE

**TOWN CLERK'S OFFICE
200 BROADWAY
EAGLE, COLORADO 81631**

TEMPORARY

ALCOHOL BEVERAGE PERMIT

**NAME AND ADDRESS
NORTH COAST ORIGINALS LLC
DBA NORTH COAST ORIGINALS
228 BROADWAY STREET, UNIT B, EAGLE CO**

This license is issued subject to the Laws of the State of Colorado and especially under the provisions of Article 47, of Title 12, Colorado Revised Statutes, as amended and the Ordinances of the Town of Eagle, insofar as the same may be applicable

**Fee
\$100.00**

**Type of Permit
BEER AND WINE**

**License effective:
JUNE 21, 2022
SEPTEMBER 19, 2022**



TOWN CLERK



BEFORE THE TOWN OF EAGLE LIQUOR LICENSING AUTHORITY

200 BROADWAY
PO BOX 609
EAGLE CO 81631

FINDINGS AND ORDER APPROVING TRANSFER OF OWNERSHIP

IN THE MATTER OF

Transfer of Ownership

North Coast Originals LLC dba North Coast Originals

Address: 228 Broadway Street, Unit B

Having considered the application of Christine Rice owner of North Coast Originals LLC dba North Coast Originals for a Transfer of Ownership, and all attachments submitted therewith (the "Application"), having held a public hearing on the Application on July 26, 2022, following due and proper notice, all in accordance with the Colorado Liquor Code, 44-3-101 et seq., C.R.S., and having considered all relevant and competent evidence admitted at the said public hearing, the Local Licensing Authority FINDS AS FOLLOWS:

1. There has not been a denial of an application at the same location by either the State or Local Licensing Authority within two (2) years preceding the date of the application.
2. The Applicant has submitted evidence that they are entitled to possession of the premises where the license is proposed to be exercised.
3. The premises where the Applicant proposes to sell alcohol is not in violation of the 500-foot limitation from any public or parochial school or the principal campus of any college, university or seminary.
4. The premises are properly zoned for the activity which will occur therein. Approval has or will be provided by the Building Official and Planning Department prior to issuance of State and Local Licenses.
5. The location has been previously decided by a preponderance of evidence that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are not currently being met by existing outlets.
6. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.

BASED UPON THE FOREGOING, THE LOCAL LICENSING AUTHORITY HEREBY ORDERS that the application of Christine Rice owner of North Coast Originals LLC for a Transfer of Ownership is hereby GRANTED.

DATED this 26th day of July 2022

LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF EAGLE

Scott Turnipseed, Chair

ATTEST:

Jenny Rakow, Town Clerk

PUBLIC NOTICE
TOWN OF EAGLE
APPLICATION – TRANSFER OF OWNERSHIP

Notice is hereby given that the Town Council, acting as the Local Liquor Licensing Authority, shall hold a public hearing on the application of **NORTH COAST ORIGINALS LLC dba NORTH COAST ORIGINALS** dated June 21, 2022, requesting a Transfer of Ownership of a Beer and Wine License, located at 228 Broadway Street Unit B, Eagle, Colorado 81631. Said hearing will be held on Tuesday, July 26, 2022, at 6:00 p.m. during a Town Council meeting held either virtual or at the Eagle Town Hall, 200 Broadway. All persons interested in the aforementioned application may appear before the Town Council and present testimony or may submit written correspondence to the Eagle Town Clerk, at clerk@townofeagle.org or PO Box 609 Eagle CO 81631.

By: **Jenny Rakow**
Town Clerk

Published: July 14, 2022 Eagle Valley Enterprise



To: Mayor and Town Council
From: Jill Kane, Finance Director
Date: July 26, 2022
Agenda Item: 2021 Audit Report and Management Letter

REQUEST: Staff is requesting the Town Council review the 2021 Audit and Management Letter for approval.

BACKGROUND/ANALYSIS: Roger Maggard, CPA. with Maggard & Hood, P.C. will be present to provide details of the 2021 Town Audit and Management Letter. Once Council approves, the audit will be submitted to State prior to the July 31st deadline.

Each year finance strives to better the audit process and make improvements to our documentation and reconciliation processes. We are proud to inform you that this year we achieved the least amount of audit adjusting entries than the Town has ever received. As we continue to build capacity within the Administration department, we hope to continue to reduce the number of audit adjustments.

Most of the remaining audit adjustments we receive are annual adjustments that our auditor makes on our behalf, which is a normal practice for smaller organizations. There is one audit adjustment that you should be aware of which is discussed in the audit and Note 15 of the financial statements which requires a restatement of our 2020 beginning fund balance for our water fund. 2019 was the first year the Town began tracking water meter inventory due to a large year end purchase. In 2020 this inventory amount was not updated. When reviewing our 12/31/2021 Water Meter Inventory balance we realized we would need to restate 2020 beginning fund balance for the 12/31/2020 water meter inventory balance. Per the water meter Inventory spreadsheet provided by public works, there was a balance of \$83,900 in inventory compared to the \$8,130 in the general ledger. The Water Fund has been restated for previously unrecorded additional meter inventory in the amount of \$75,770. Water meter inventory balance at 12/31/2021 was \$159,492. Finance will be working with public works to make sure that our water meter inventory is being tracked appropriately moving forward.

In the Management Letter to Council, auditors will provide recommendations they have to improve upon current practices. There were four comments made in this year's management letter.

1. During our procedures, we noted that the Town is still carrying an Eagle County Collateral Deposit asset from fiscal year 2019 in the amount of \$20,750. We have recommended to management that this item be reviewed in order to determine if a request for release of the funds needs to be completed by the planning department in order to obtain the funds for the Town's use. *Staff Note: This is collateral for the Violet Lane Water Line, staff has already been in contact with the County to request a refund of the collateral.*
2. During our procedures, we noted that the subsidiary ledger for accounts receivable prepared by the Municipal Court did not agree to the Town's general ledger by the amount of \$942.25. It is our understanding that management is following up on this discrepancy to ensure all deposits

are accounted for. *Staff Note: The Town transitioned municipal court software in November of 2020 from Full Court to Caselle in order to be more integrated with the town's accounting software. Staff was not aware of this issue until this year's audit. Staff is currently working with Caselle to see why there is an ongoing variance between municipal court records and the general ledger. We will update Council once resolved.*

3. During our procedures, we noted that it appears that invoices are often received by the finance department several months after year-end for services performed in the previous fiscal year. Although this is often beyond the control of management, we have suggested that at or shortly after year-end, all outstanding invoices are requested by management of all departments to ensure timeliness and proper cutoff of the general ledger for audit purposes. *Staff Note: Finance does make requests and remind managers in December, January, and February to provide invoices to Finance before the end of February deadline for prior year expenditures. There are always a few stragglers, however it is usually no more than 10 or so invoices usually received by the end of March. Unfortunately, this year we received approximately 60 invoices after the deadline. This delays the preparation of the audit and can cause unnecessary audit adjustments. Finance will continue to work with departments to find solutions to ensure we are getting invoices from vendors so we can process them timely.*
4. The Town uses a combined cash fund which is allocated to the appropriate funds on a continuing basis, which often results in material internal amounts due to/from the various funds via the combined cash allocation. Although no overall total individual fund cash deficits have occurred using this procedure, in order to ensure that no fund risks incurring a year-end total cash deficit, we recommend that year-end physical transfers of cash are made from ColoTrust savings accounts to satisfy, or minimize the materiality of, the internal combined cash balances that are due to/from the individual funds. *Staff Note: Our auditors included this comment because some of the 'negative' combined cash balances for a couple funds were material. This is due to the amount of expenses that were paid for 2021 expenditures after year end (for example: millions in LBWTP expenses). Finance is currently making these transfers twice a year, once in June/July and again right at year end. This was a comment provided by our auditors after our 2012 audit, which is when we started this practice of making transfers between funds on a regular basis. Finance cannot control how many expenses are paid after year end, it depends on the timing of projects.*

COMMUNITY INPUT: There has been no public input on this matter.

BUDGET / STAFF IMPACT: The budget impact in 2022 for the 2021 audit was \$39,000.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Objective No 2: Enhance the Financial Health of the Town – Staff is responsible for ensuring that the Town's financial information is reliable and properly reported.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to **approve** or **deny** the 2021 Audit report and Management Letter that will be submitted to the State.

ATTACHMENTS:

- 2021 Management Letter

- 2021 Town of Eagle Audit

July 7, 2022

The Honorable Mayor and Members
of the Town Council
Eagle, Colorado

COMMUNICATIONS WITH THOSE CHARGED WITH GOVERNANCE

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Eagle, Colorado, as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Town of Eagle's basic financial statements, and have issued our report thereon dated July 7, 2022.

We have also issued our report on Internal Control and Compliance in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller of the United States, which is also dated July 7, 2022.

Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards and the *Government Auditing Standards* issued by the Comptroller of the United States

As stated in our engagement letter dated February 10, 2022, our responsibility as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller of the United States. Because an audit is designed to provide reasonable, but not absolute assurance and because we did not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us.

As part of our audit, we considered the internal controls of the entity. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

Our audit of the financial statements does not relieve you or management of your responsibilities.

Planned Scope and Timing of the Audit

We performed the audit fieldwork according to the planned scope and timing previously communicated to you during the planning stages of our audit procedures.

Qualitative Aspects of Accounting Practices

Significant Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application.

The significant accounting policies used are described in Note 1 of the financial statements. No new accounting policies were adopted and the application of the existing policies was not changed during the year under audit. We noted no transactions entered into by the entity during the year that were both significant and unusual or transactions for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. We evaluated the key factors and assumptions used to develop the estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Financial Statement Disclosures

The disclosures in the financial statements are neutral, consistent and clear. Certain financial statement disclosures are particularly sensitive because of their significance to the financial statement users. The most sensitive disclosures affecting the financial statements were:

- The disclosure of revenue and expenditure recognition in *Note 1* of the financial statements.
- The disclosure of cash and investments in *Note 2* of the financial statements.
- The disclosure of capital assets in *Note 4* of the financial statements.
- The disclosure of long-term obligations in *Note 5* of the financial statements.
- The disclosure of subsequent events in *Note 16* of the financial statements.

We evaluated the key factors and underlying information used to develop the disclosures above in determining that they are reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management in performing and completing our audit other than the late receipt of the Town's financial records for audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. An audit adjustment may or may not indicate matters that could have a significant effect on the entity's financial reporting process (that is, cause future financial statements to be materially misstated). In our judgment, none of the adjustments we proposed, whether recorded or unrecorded by the entity, either individually or in the aggregate, indicate matters that could have a significant effect on the entity's financial reporting process.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated July 7, 2022.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the entity’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including application of accounting principles and auditing standards, with management each year prior to retention as the entity’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

COMMUNICATIONS WITH MANAGEMENT: INTERNAL CONTROLS COMMUNICATIONS

In planning and performing our audit of the financial statements, we considered internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing our opinion on the Town’s internal control. Our consideration of internal control would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit the attention by those charged with governance.

Our consideration of internal control was for the limited purpose described above and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in the internal control system that we consider to be material weakness as defined above.

We do bring to your attention that management does not prepare its own year-end financial statements, inclusive of note disclosures. As such, management requested our firm to assist in the preparation of the draft financial statements, including the related footnote disclosures. The outsourcing of this service is not unusual in entities of your size and is a result of management's cost-benefit decision to use our accounting expertise rather to incur additional costs. We believe that the Town's Finance Director has the sufficient skills, knowledge and experience to oversee these services, and performs the final overview of the financial statements before they are finalized.

Other Comments and Recommendations

Our audit provides an opportunity to observe the operations of the Town and identify potential areas where improvements can be made and also areas that are functioning well.

We would like to note that due to the requirements of the CWRPDA state revolving loan fund for this year's audit to be performed under *Government Auditing Standards*, we again expanded our procedures for testing internal controls and compliance and found no unresolved exceptions during our procedures. We have issued our report thereon at page 62 of the financial reporting package.

Overall, we found the Town's books and records to be in excellent working order. The Town's balance sheet accounts were properly reconciled, revenues and expenses properly classified, and transactions selected for audit testing and verification were adequately explained; therefore, no *unusual* adjustments to the financial records were necessary.

During our procedures, we noted that the Town is still carrying an Eagle County Collateral Deposit asset from fiscal year 2019 in the amount of \$20,750. We have recommended to management that this item be reviewed in order to determine if a request for release of the funds needs to be completed by the planning department in order to obtain the funds for the Town's use.

During our procedures, we noted that the subsidiary ledger for accounts receivable prepared by the Municipal Court did not agree to the Town's general ledger by the amount of \$942.25. It is our understanding that management is following up on this discrepancy to ensure all deposits are accounted for.

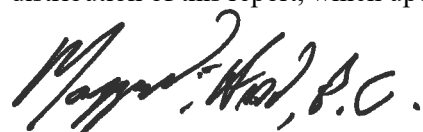
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The Town uses a combined cash fund which is allocated to the appropriate funds on a continuing basis, which often results in material internal amounts due to/from the various funds via the combined cash allocation. Although no overall total individual fund cash deficits have occurred using this procedure, in order to ensure that no fund risks incurring a year-end total cash deficit, we recommend that year-end physical transfers of cash are made from ColoTrust savings accounts to satisfy, or minimize the materiality of, the internal combined cash balances that are due to/from the individual funds.

* * *

We would like to thank Mr. White, Ms. Kane and the Town's staff for their cooperation and assistance during the course of the audit. Should you desire further clarification on any of the above, we will be available to discuss them with you.

This report is intended solely for the information and use of the Town Council, management and others within the administration of the Town of Eagle, Colorado. This restriction is not intended to limit distribution of this report, which upon acceptance by the Town Council, is a matter of public record.



MAGGARD & HOOD, P.C.

TOWN OF EAGLE, COLORADO

FINANCIAL STATEMENTS
AND
AUDITOR'S REPORT

DECEMBER 31, 2021

TOWN OF EAGLE, COLORADO
FOR THE YEAR ENDED
December 31, 2021

TOWN COUNCIL

Scott Turnipseed – Mayor
Mikel Kerst – Mayor Pro-Tem
Ellen Bodenhemier
Janet Bartnik
Geoffrey Grimmer
Sarah Parrish
Nick Sunday

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The Honorable Mayor and Members
of the Town Council
Eagle, Colorado

INDEPENDENT AUDITOR'S REPORT

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Eagle, Colorado, as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Town of Eagle's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Eagle as of December 31, 2021 and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Eagle, Colorado, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Eagle, Colorado's ability to continue as a going concern for twelve months beyond the financial statement date, including any known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than one resulting in an error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of Eagle, Colorado's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Eagle, Colorado's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

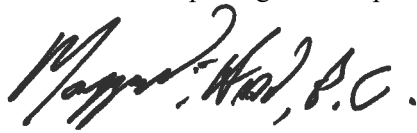
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with accounting standards generally accepted in the United States of America, which consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplemental Information

Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the Town of Eagle, Colorado's basic financial statements. The combining and individual fund financial statements, and the County, Cities and Towns Annual Statement of Receipts and Expenditures for Roads, Bridges and Streets, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements, and the County, Cities and Towns Annual Statement of Receipts and Expenditures for Roads, Bridges and Streets, is fairly stated, in all material aspects, in relation to the basic financial statements taken as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 7, 2022, on our consideration of the Town of Eagle's internal control over financial reporting and on our tests of compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town of Eagle, Colorado's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of Eagle, Colorado's internal control over financial reporting and compliance.

A handwritten signature in black ink, appearing to read "Maggard & Hood, P.C.", written in a cursive, stylized script.

MAGGARD & HOOD, P.C.
Glenwood Springs, Colorado
July 7, 2022

REQUIRED SUPPLEMENTARY INFORMATION
MANAGEMENT'S DISCUSSION AND ANALYSIS

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

MANAGEMENT'S DISCUSSION AND ANALYSIS

The Town of Eagle was incorporated on March 17, 1905 as a statutory town pursuant to the constitution and laws of the State of Colorado. In April of 2020, the Town's electorate approved home rule status and provisions of its home rule charter were adopted which govern the Town. The Town serves as the county seat of Eagle County and is located on Interstate 70 approximately 130 miles west of Denver, and 130 miles east of Grand Junction, Colorado. The legislative and corporate authority of the Town is vested in the Town Council.

The discussion and analysis of the Town of Eagle's financial performance provides an overall review of the Town's financial activities for the fiscal year. The intent of this discussion and analysis is to look at the Town's financial performance as a whole; it should be read in conjunction with the basic financial statements and notes to enhance the reader's understanding of the Town's overall financial performance.

FINANCIAL HIGHLIGHTS

Key financial highlights for the fiscal year ended December 31, 2021 are as follows:

- In total the Town's *overall* net position increased \$7,536,376 (7%) from the previous fiscal year.
- The Town's *overall* General Revenues accounted for \$10,853,219 (50%) of all revenues. These general revenues include taxes, grants and entitlements not restricted to specific programs, and general interest and non-program revenues. Program specific revenues, in the form of charges for services and program specific grants and contributions, accounted for \$10,858,132 (50%) of total revenues of \$21,711,351.
- *Overall* the Town had \$14,174,975 in expenses, of which \$8,831,673 were offset by program specific charges for services, as well as grants and contributions of \$2,026,459.

USING THE BASIC FINANCIAL STATEMENTS

This annual report consists of three parts – *management's discussion and analysis* (this section), the *basic financial statements*, and *required supplementary information*. These statements are organized so the reader can understand the Town of Eagle as a financial whole, or as an entire operating activity. The basic financial statements include two types of information on the same statement that present different views of the Town.

- *Government-wide financial statements* that provide both *long-term* and *short-term* information about the Town's *overall* financial status.
- *Fund financial statements* that focus on *individual parts* of the Town government, reporting the Town's operations *in more detail* than the government-wide statements.

The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of *required supplementary information* that further explains and supports the information in the financial statements. Additional supplemental information has also been included to enhance the readers understanding of the report.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

REPORTING THE TOWN AS A WHOLE

Statement of Net Position and Statement of Activities

While this report contains all funds used by the Town to provide programs and activities, the view of the Town as a whole looks at all financial transactions and asks the question, "How did we do financially during the fiscal year?" The statement of net position and the statement of activities answer this question. These statements include all assets and liabilities using the accrual basis of accounting similar to the accounting system used by most private sector companies. The basis of accounting takes into account all of the current year's revenues and expenses regardless of when cash was received or paid.

The focus of these government-wide financial statements is on the overall financial position and activities of the Town. These financial statements are constructed around the concept of a primary government, the Town, and its component units, except for fiduciary funds. The statement of net position and statement of activities provide information about the activities of the whole Town, presenting both an aggregate view of the Town's finances and a longer-term view of those finances.

The statement of net position and the statement of activities report the Town's net position and changes therein. This change in net position is important because it identifies whether the financial position of the Town has improved or diminished for the Town as a whole. The cause of this change may be the result of many factors, some financial, some not. Nonfinancial factors include the Town's property tax base, current property tax laws, statutorily required reserves, facility conditions, and other factors.

In the statement of net position and the statement of activities, the Town is divided into two distinct kinds of activities:

Governmental Activities – Governmental activities are generally financed through taxes, intergovernmental revenues and other non-exchange revenues. Most of the Town's programs and services are reported here including general government activities, public safety, public works (for streets, buildings and grounds), open space preservation, capital projects, and when applicable, general long-term debt service and other fiscal charges.

Business-Type Activities – Business-type activities are financed to some degree by charging external parties for the goods or services they acquire. The Town's enterprise funds for water, wastewater, refuse and stormwater utilities are reported as business-type activities as the service is provided on a charge for goods or services basis to recover the expenses of the goods and services provided.

FUND FINANCIAL STATEMENTS

Fund financial statements provide the next level of detail. For governmental funds, these statements tell how services were financed in the short-term as well as what remains for future spending. The fund financial statements also report the Town's operations in more detail than the government-wide statements by providing information about each of the Town's major funds. For the Town of Eagle, the General Fund is the most significant fund. The Town uses many funds to account for a multitude of financial transactions. The Town's governmental funds include the General Fund, Special Revenue Funds (which are the Conservation Trust Fund and Open Space Preservation funds), Capital Projects Fund, and the Sales Tax Capital Improvement Projects Fund. The Town's proprietary, or enterprise, funds include the Water Fund, the Wastewater Fund, the Refuse Fund and the Stormwater Fund. Unlike government-wide financial statements, the focus of fund financial statements is directed to specific activities of the Town rather than the Town as a whole. Except for the General Fund, a specific fund is established to satisfy managerial control over resources or to satisfy finance-related legal requirements established by external parties or governmental statutes or regulations.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

FUND FINANCIAL STATEMENTS - *CONTINUED*

The Town's fund financial statements are divided into two broad categories; namely governmental funds and proprietary funds.

Governmental Funds – The Town's activities are reported in governmental funds, which focus on how monies flow into and out of those funds and the balances left at fiscal year-end for spending in future periods. These funds are reported using an accounting method called modified accrual accounting, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the Town's general government operations and the basic services it provides. Governmental fund information helps determine whether there are more or less financial resources that can be spent in the near future to finance the Town's programs. The relationship, or differences, between governmental activities reported in the statement of net position and the statement of activities and the governmental funds is reconciled in the financial statements. The Town maintains the following governmental funds:

General Fund – used to account for resources traditionally associated with government which are not required legally or by sound financial management to be account for in another fund.

Capital Improvement Funds – used to account for the acquisition of fixed assets or construction of major capital projects not being financed by the General or other funds.

Capital Projects Fund – used to account for funds for the acquisition of lands, construction of major capital improvements and projects, and acquisition of more expensive pieces of equipment.

Sales Tax Capital Improvement Fund – used to account for the voter approved 0.5% sales tax for the acquisition, design, and construction of the Eagle River Park project and other town park and path improvements.

Special Revenue Funds – used to account for proceeds of resources that are restricted or committed for purposes other than debt service or capital projects. The special revenue funds include the following:

Conservation Trust Fund – accounts for lottery proceeds received directly from the State of Colorado restricted for the acquisition, development and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site (defined as a publicly owned site or a site in which a public entity/local government holds an interest in land or water).

Open Space Preservation Fund – accounts for revenue from the Town's lodging occupancy tax committed for the acquisition of open space lands, conservation, trail easements and development rights, trail expansion and maintenance, and other open space recreational amenities.

Proprietary Funds – The enterprise funds use the same basis of accounting as business-type activities; therefore, these statements are essentially the same. These funds are used to account for operations that are financed and operated in a manner similar to private enterprise, where the intent is that costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges. The proprietary (enterprise) funds include the following:

Water Fund – accounts for activities related to water services to the citizens of the Town.

Wastewater Fund – accounts for activities related to the sewage treatment facilities and sewage transmission lines.

Refuse Fund – accounts for activities related to trash collection and disposal, recycling and yard waste.

Stormwater Fund – accounts for activities related to implementing and financing a stormwater management program.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

THE TOWN AS A WHOLE

The perspective of the statement of net position is of the Town as a whole. Following is a summary of the Town's net position for the current and prior fiscal year:

<i>(In Thousands)</i>	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	(RESTATED) 2020	2021	(RESTATED) 2020
ASSETS:						
Current Assets	\$ 19,480	\$ 14,983	\$ 25,968	\$ 25,717	\$ 45,448	\$ 40,700
Noncurrent Assets (EHOP)	159	159	-	-	159	159
Capital Assets, Net	35,569	36,422	64,482	62,379	100,051	98,801
Total Assets	55,208	51,564	90,450	88,096	145,658	139,660
LIABILITIES:						
Current & Other Liabilities	1,921	1,510	4,113	4,212	6,034	5,722
Long-term Liabilities	5,449	5,583	20,451	22,192	25,900	27,775
Total Liabilities	7,370	7,093	24,564	26,404	31,934	33,497
DEFERRED INFLOWS OF RESOURCES:						
Unavailable Revenue from Property Taxes	385	360	-	-	385	360
Total Deferred Inflows	385	360	-	-	385	360
NET POSITION :						
Invested in Capital Assets, Net of Related Debt	30,097	30,802	42,279	39,131	72,376	69,933
Restricted	2,373	2,520	1,145	1,125	3,518	3,645
Unrestricted	14,983	10,789	22,462	21,436	37,445	32,225
Total Net Position	\$ 47,453	\$ 44,111	\$ 65,886	\$ 61,692	\$ 113,339	\$ 105,803

The Net Position of the prior period has been restated for previously unrecorded additional meters/resale inventory supplies-on-hand in the Water Fund (see Note 15).

As indicated earlier, net position may serve over time as a useful indicator of the Town's financial health. The Town's *overall* assets exceeded its liabilities and deferred inflows by \$113,338,958 at December 31, 2021.

By far the largest portion of the Town's Net Position (approximately 64%) reflects its net investment of \$72,376,052 in capital assets less the related debt used to acquire those assets that is still outstanding. The Town uses these capital assets to provide services to the public; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional portion of the Town's Net Position, \$3,517,329 (approximately 3%) represents resources that are subject to restrictions as to how they may be used; this includes statutorily required TABOR emergency reserves and monies restricted for capital improvements/debt service, highway 6 devolution maintenance, community enhancement and conservation trust purposes.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

THE TOWN AS A WHOLE – CONTINUED

The statement of activities reflects the cost of program services and the charges for services and sales, grants, and contributions offsetting services. The following detail reflects the total cost of services supported by program revenues and general property taxes, unrestricted state entitlements, and other general revenues, resulting in the overall change in net position for the current and prior fiscal year:

<i>(In Thousands)</i>	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
REVENUES:						
Program Revenues:						
Charges for Services/Sales	\$ 760	\$ 699	\$ 8,072	\$ 7,966	\$ 8,832	\$ 8,665
Operating Grants & Contrib.	576	576	-	14	576	590
Capital Grants & Contrib.	370	375	1,080	2,335	1,450	2,710
Total Program Revenues	1,706	1,650	9,152	10,315	10,858	11,965
General Revenues:						
Taxes	10,424	8,411	-	-	10,424	8,411
Intergovernmental Revenue	232	196	-	-	232	196
Impact Fees & Assessments	37	67	-	-	37	67
Interest/Investment Earnings	10	89	8	116	18	205
Other General Revenues	89	187	53	55	142	242
Total General Revenues	10,792	8,950	61	171	10,853	9,121
Total Revenues	12,498	10,600	9,213	10,486	21,711	21,086
PROGRAM EXPENSES:						
Town Council	245	139	-	-	245	139
General Government	948	740	-	-	948	740
General Administration	655	601	-	-	655	601
Community Development	802	822	-	-	802	822
Municipal Court	76	68	-	-	76	68
Public Safety	2,010	1,962	-	-	2,010	1,962
Public Works - Streets	1,023	1,743	-	-	1,023	1,743
Public Works - Bldg/Grounds	815	853	-	-	815	853
Information Center	33	31	-	-	33	31
Marketing	245	175	-	-	245	175
Engineering	212	209	-	-	212	209
Open Space Preservation	162	82	-	-	162	82
Interest - Gen'l. Obligations	220	224	-	-	220	224
Depreciation - Unallocated	1,710	1,848	-	-	1,710	1,848
Water Utility	-	-	2,219	2,134	2,219	2,134
Wastewater Utility	-	-	2,142	2,264	2,142	2,264
Refuse Utility	-	-	657	624	657	624
Stormwater Utility	-	-	1	-	1	-
Total Expenses	9,156	9,497	5,019	5,022	14,175	14,519
INCREASE (DECREASE)						
IN NET POSITION	\$ 3,342	\$ 1,103	\$ 4,194	\$ 5,464	\$ 7,536	\$ 6,567

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

THE TOWN AS A WHOLE – CONTINUED

Governmental Activities

Revenues

Revenues decreased over the prior year primarily due to additional tap fees that were received in the prior year.

Expenses

Program expenses decreased for governmental activities, primarily resulting from savings in streets maintenance expenses as compared to the prior year, while business-type activities expenses approximated those of the prior period (with the exception of the new Stormwater Utility Enterprise Fund).

As indicated above, the statement of activities reflects the cost of program services and the charges for services, grants, and contributions offsetting those services. The following table summarizes the information from the statement of activities, reflecting the total cost of program services and the remaining net cost of program services supported by taxes and other general revenues:

<i>(In Thousands)</i>	Total Cost of Service		Net Cost of Services	
	2021	2020	2021	2020
Town Council	\$ 245	\$ 139	\$ 245	\$ 139
General Government	948	740	182	64
General Administration	655	601	655	601
Community Development	802	822	731	293
Municipal Court	76	68	76	68
Public Safety	2,010	1,962	1,941	1,886
Public Works - Streets	1,023	1,743	611	1,389
Public Works - Bldgs/Grounds	815	853	445	853
Information Center	33	31	33	23
Marketing	245	175	237	169
Engineering	212	209	212	209
Open Space Preservation	162	82	152	81
Interest - General Obligation Debt	220	224	220	224
Unallocated Depreciation	1,710	1,848	1,710	1,848
Total Expenses	<u>\$ 9,156</u>	<u>\$ 9,497</u>	<u>\$ 7,450</u>	<u>\$ 7,847</u>

The dependence on general revenues for governmental activities is apparent. Approximately 81% of fiscal 2021 program services were supported through taxes and other general revenues and 83% in 2020. The community as a whole is the primary support for the Town's activities.

Business-Type Activities – The results of operations of the business-type activity indicate that the utility funds are generating enough revenues to be self-sustaining without assistance from the general fund:

<i>(In Thousands)</i>	Fiscal Year 2021	Fiscal Year 2020
Program Revenues	\$ 9,152	\$ 10,315
Taxes and Other General Revenues	61	171
Total Revenues	9,213	10,486
Expenses	(5,019)	(5,022)
Special/Extraordinary Items	-	-
Net Income (Loss)	<u>\$ 4,194</u>	<u>\$ 5,464</u>

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

THE TOWN AS A WHOLE – CONTINUED

Business-Type Activities, continued

Revenues

Charges for services for business-type activities increased \$105,842 as compared to the prior year, primarily due to the addition of the new Stormwater Utility Enterprise Fund which had revenues of \$81,530.

Expenses

Total enterprise expenditures decreased approximately \$3,821 from the previous fiscal year.

THE TOWN'S FUNDS

Governmental Funds

The governmental fund level financial statements focus on how services were financed in the short-term as well as what remains for future spending. The governmental fund level financial statements are reported on the modified accrual basis of accounting. At the fund level, under the modified accrual basis of accounting, depreciable assets and their related depreciation expense are not reflected as they are not a current period financial resource or use. In addition, at the fund level, inflows from operating loans are presented as a revenue item while outflows for capital outlay and debt service principal payments are presented as an expenditure item, as these items represent current period financial resources and uses.

The focus of the Town's governmental funds is to provide information on near-term inflows, outflows and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. In particular, unreserved fund balance may serve as a useful measure of the Town's net resources available for spending at the end of the fiscal year.

Total governmental funds had revenues and other financing sources of \$14,727,820 and expenditures and other financing uses of \$10,664,760.

Governmental fund revenues increased approximately \$1.8 million from the prior fiscal year, primarily from increased sales tax collections and intergovernmental grants received.

Governmental fund expenditures increased approximately \$777 thousand from the prior fiscal year, primarily due to year-to-year changes in amounts expended on capital projects and overall services to the Town's citizenry.

Overall governmental fund balances increased approximately \$4 million from the prior fiscal year. The ending combined fund balance of \$17.5 million represents the amount available for future spending, which is represented as follows:

General Fund	\$ 6,841,809
Capital Projects Fund	8,301,331
Sales Tax Capital Impr Projects Fund	1,543,518
Special Revenue Funds	<u>813,570</u>
Total Governmental Fund Balances	<u>\$ 17,500,228</u>

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

THE TOWN'S FUNDS – CONTINUED

Proprietary Funds

The proprietary fund level financial statements, as discussed above, use the same basis of accounting as business-type activities.

- The Water Enterprise Fund ending net position increased from \$45,497,968 to \$48,612,971.
- The Wastewater Enterprise Fund ending net position increased from \$15,906,953 to \$16,901,569.
- The Refuse Enterprise Fund ending net position increased from \$286,938 to \$291,642.
- The Stormwater Enterprise Fund ending net position increased from \$0 to \$80,233.

Positive changes in net position reflect that the enterprise funds are currently generating enough operating and non-operating revenues to offset current year operating and non-operating expenses, whereas negative changes would reflect that the activity did not. The ending net position in the enterprise activities represent the amount of net resources, including capital assets, available to provide future utility services and capacity improvements to the general public of the Town of Eagle.

(As already noted, the Fund Balance of the prior period of the Water Fund has been restated for previously unrecorded additional meters/resale inventory supplies-on-hand (see Note 15).)

GENERAL FUND BUDGETING HIGHLIGHTS

The Town's procedures in establishing the budgetary data reflected in the financial statements is summarized in *Note 1(E)* of the financial statements. Budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP) with the exception of the Proprietary (Enterprise) Funds. The reconciliation of the budgetary differences of the Proprietary Fund to GAAP is found in *Note 7*.

The budgeting system of the Town uses a line-item based budget, which is designed to control line-item expenditures, but provide flexibility for overall budgetary management. It is the Town's policy to amend the original budget appropriations as additional information is acquired during the fiscal year to more accurately reflect current year operating activity.

During the year, the Town amended its budgeted appropriations as follows:

	Original	Revised	Increase (Decrease)
General Fund	\$ 10,244,150	\$ 9,853,994	\$ (390,156)
Capital Projects Fund	2,181,082	1,795,685	(385,397)
Sales Tax Cap Impr Projects Fund	567,976	523,796	(44,180)
Conservation Trust Fund	30,000	35,790	5,790
Open Space Preservation Fund	238,770	234,635	(4,135)
Water Fund	8,414,471	6,619,894	(1,794,577)
Wastewater Fund	2,653,828	2,680,479	26,651
Refuse Fund	660,899	661,443	544
Stormwater Fund	106,000	6,297	(99,703)

The above budget amendments were adopted to adjust for changes in available revenues from original expectations and revised expected year-end expenditures primarily resulting from timing of capital projects.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

GENERAL FUND BUDGETING HIGHLIGHTS - CONTINUED

General Fund Resources (Inflows)

The Town's final budgetary revenues and other financing sources in the amount of \$10,349,619 exceeded budgetary expectations of \$9,913,900 by \$435,719 primarily due to additional tax revenues received as the pandemic recovery continues. It is not anticipated that the variance will have a significant effect on future services or liquidity. Further detail of individual line-item revenues for the general fund can be found in the 'Other Supplemental Information' section following the financial statements.

General Fund Charges to Appropriations (Outflows)

The Town's final budgetary expenditures and other financing uses of \$8,401,320 were \$1,452,674 less than the final appropriated fund balance of \$9,853,994. Positive variances were found throughout the majority of the Town's functional expenditure categories. Savings primarily occurred from unused personnel and purchased services appropriations, unused contingency budgets, and unexpended fund that were budgeted for ongoing streets repairs and maintenance. It is not anticipated that these variances will have a significant effect on future services or liquidity.

Further detail of individual line-item expenditures for the general fund can be found in the 'Supplemental Information' section following the financial statements.

* * *

The Town Council and the Town's management continue to strive to budget appropriate amounts for each individual line item. This year's overall savings are indicative of the efforts to provide services in the most economical manner. This year's savings will have a positive impact on future year's fund balances.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

At the end of 2021, the Town had a total of \$100,050,887 invested in capital assets, consisting of \$35,569,199 in governmental activities and \$64,481,688 in business-type activities. The following reflects the balances the current fiscal year compared to the prior fiscal year, net of depreciation and amortization:

<i>(In Thousands)</i>	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
<i>Net of Depreciation:</i>						
Land/Easements	\$ 4,080	\$ 4,080	\$ 378	\$ 378	\$ 4,458	\$ 4,458
Water Rights	-	-	9,144	9,144	9,144	9,144
Parks/Improvements	9,824	9,910	-	-	9,824	9,910
Buildings/Improvements	2,885	2,746	52	52	2,937	2,798
Rec Center/Pool/Ice Rink	3,255	3,360	-	-	3,255	3,360
Equipment	1,024	831	40	67	1,064	898
Infrastructure	13,752	15,256	25,564	26,428	39,316	41,684
Construction-in-Progress	749	239	29,304	26,310	30,053	26,549
	<u>\$ 35,569</u>	<u>\$ 36,422</u>	<u>\$ 64,482</u>	<u>\$ 62,379</u>	<u>\$ 100,051</u>	<u>\$ 98,801</u>

Additional information can be found in *Note 4* of the Financial Statements.

TOWN OF EAGLE, COLORADO
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended December 31, 2021

CAPITAL ASSETS AND DEBT ADMINISTRATION - *CONTINUED*

Debt

At December 31, 2021 the Town had total outstanding long-term debt of \$27,774,136. Of this amount, governmental activities carry bonds of \$5,454,638 and compensated absences of \$144,251. Business-type activities carry \$21,360,551 of notes payable, \$775,238 of bonds payable and compensated absences of \$39,458. See *Note 5 Long-term Debt Obligations* for a detail of the terms and annual debt service requirements to amortize the Town's long-term debt.

CURRENT ISSUES, ECONOMIC CONDITION AND OUTLOOK

The Town's 2022 adopted budget reflects the current issues, economic condition and outlook of administration and elective officials; it is a living document that serves as a planning tool for the upcoming year which uses a balanced approach to revenues and expenditures for all funds to accomplish the priorities of the Town Council, staff and the community, while maintaining the current level of service to the Town's constituents.

Most of the Town's revenues are generated by sales tax and the Town considers economic development as important to ensure long-term financial stability. The Town has planned investments in economic development in Eagle's historic downtown; Public Art and Beatification Gateway Project along the east side of the Eby Creek in 2022; investment in the Downtown Development Authority (DDA) as approved by voters in 2020 to support revitalization of Broadway; investments in the Economic Vitality Committee to assist with completing a Town-wide Economic Development Strategy Plan and completion of the community survey and ongoing dashboard project started in 2021; Broadband expansion, Regional Transit Authority (RTA) partnership, Housing Strategies for affordable housing; Technology and Outdoor Recreation Assessment for retaining and attracting business in the outdoor industry; Wayfinding and Branding to establish a brand and create a wayfinding sign plan.

Long-range planning initiatives include Rewrite of the Land Use Code, the Highway 6/Grand Avenue Corridor Plan and the Open Space & Trails Master Plan, as well as various infrastructure and capital improvements projects that are in the works.

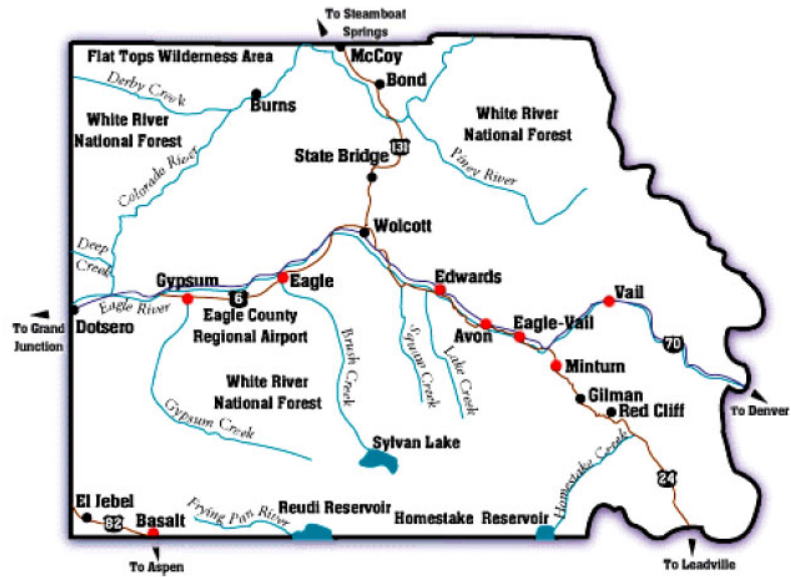
In addition, the Town has budgeted for improvements in information technology, improvements in public safety and equipment, ongoing sustainability and conservation, structural and organizational changes to keep up with the growth the Town is experiencing, and enrichment of healthcare insurance and retirement benefits for employees.

The Town continues to execute the Strategic Plan and make investments in economic development, service delivery and organizational capacity. It is the Town's goal to become a standard-driven organization operating with professionalism in which progress made towards proactive policies and initiatives will serve the Town. The adopted budget, developed in collaboration between all departments and elected officials, builds on these efforts.

CONTACTING THE TOWN'S FINANCIAL MANAGEMENT

This financial report is designed to provide our residents, customers, taxpayers, investors, and creditors with a general overview of the Town's finances and to show the Town's accountability for the money it receives. If you have any questions regarding this report or need additional information, please contact:

Town Eagle, Colorado
P.O. Box 609
Eagle, CO 81631
Phone: (970)328-6354
Fax: (970) 328-5203



GOVERNMENT - WIDE FINANCIAL STATEMENTS

TOWN EAGLE, COLORADO
STATEMENT OF NET POSITION
December 31, 2021

	Governmental Activities	Business-type Activities	Totals
ASSETS			
Current Assets:			
Cash and Investments	\$ 14,571,890	\$ 24,032,602	\$ 38,604,492
Restricted Cash and Investments	3,020,567	1,144,688	4,165,255
Receivables – Net			
Due from County Treasurer	4,681	-	4,681
Taxes and Other Receivables	1,270,950	-	1,270,950
Property Taxes	385,512	-	385,512
Accounts Receivable, Net	-	575,118	575,118
Intergovernmental Grants	140,762	-	140,762
Inventory	-	159,492	159,492
Prepaid Expenses	85,471	56,265	141,736
Total Current Assets	<u>19,479,833</u>	<u>25,968,165</u>	<u>45,447,998</u>
Noncurrent Assets:			
Funds Held by Fiscal Agent (EHOP)	141,371	-	141,371
Notes Receivable (EHOP)	18,095	-	18,095
Non-Depreciable Capital Assets	4,829,168	38,826,093	43,655,261
Depreciable Capital Assets, Net	<u>30,740,031</u>	<u>25,655,595</u>	<u>56,395,626</u>
Total Noncurrent Assets	<u>35,728,665</u>	<u>64,481,688</u>	<u>100,210,353</u>
TOTAL ASSETS	<u>55,208,498</u>	<u>90,449,853</u>	<u>145,658,351</u>
LIABILITIES			
Accounts Payable	400,192	717,968	1,118,160
Retainage Payable	5,551	1,203,315	1,208,866
Accrued Liabilities	181,704	180,286	361,990
Unearned Revenues	890,768	286,622	1,177,390
Deposits and Other Liabilities	293,339	-	293,339
Long-term Debt:			
Portion Due or Payable within One Year:			
Loans Payable, Net of Premium	-	1,473,286	1,473,286
Bonds Payable, Net of Premium	150,045	250,863	400,908
Portion Due or Payable After One Year:			
Compensated Absences	144,251	39,458	183,709
Loans Payable, Net of Premium	-	19,887,265	19,887,265
Bonds Payable, Net of Premium	<u>5,304,593</u>	<u>524,375</u>	<u>5,828,968</u>
Total Liabilities	<u>7,370,443</u>	<u>24,563,438</u>	<u>31,933,881</u>
DEFERRED INFLOWS OF RESOURCES			
Unavailable Revenue –			
From Property Taxes	<u>385,512</u>	<u>-</u>	<u>385,512</u>
Total Deferred Inflows	<u>385,512</u>	<u>-</u>	<u>385,512</u>
Net Position:			
Invested in Capital Assets, Net of Related Debt	30,096,566	42,279,486	72,376,052
Restricted	2,372,641	1,144,688	3,517,329
Unrestricted (Deficit)	<u>14,983,336</u>	<u>22,462,241</u>	<u>37,445,577</u>
TOTAL NET POSITION	<u>\$ 47,452,543</u>	<u>\$ 65,886,415</u>	<u>\$ 113,338,958</u>

The accompanying notes are an integral part of these financial statements.

TOWN EAGLE, COLORADO
STATEMENT OF ACTIVITIES
For the Fiscal Year Ended December 31, 2021

FUNCTION/PROGRAM ACTIVITIES		PROGRAM REVENUES		
		Charges For Services and Sales	Operating Grants and Contributions	Capital Grants and Contributions
PRIMARY GOVERNMENT	<u>EXPENSES</u>			
GOVERNMENTAL ACTIVITIES:				
Town Council	\$ 245,208	\$ -	\$ -	\$ -
General Government	948,291	633,026	133,164	-
General Administration	654,735	-	-	-
Community Development	801,935	60,422	10,823	-
Municipal Court	76,032	-	-	-
Public Safety	2,010,332	58,392	10,767	-
Public Works – Streets	1,022,478	-	411,723	-
Public Works – Buildings/Grounds	814,867	-	-	370,022
Information Center	33,411	-	-	-
Marketing	245,219	7,980	-	-
Engineering	212,468	-	-	-
Open Space Preservation	161,569	-	10,000	-
Interest on Long-term Debt	219,938	-	-	-
Depreciation – Unallocated (<i>See Note 1(G)</i>)	1,710,146	-	-	-
TOTAL GOVERNMENTAL ACTIVITIES	<u>9,156,629</u>	<u>759,820</u>	<u>576,477</u>	<u>370,022</u>
BUSINESS-TYPE ACTIVITIES:				
Water Utility	2,218,384	4,560,091	-	738,960
Wastewater Utility	2,141,878	2,768,845	-	341,000
Refuse Utility	656,787	661,387	-	-
Stormwater Utility	1,297	81,530	-	-
TOTAL BUSINESS-TYPE ACTIVITIES	<u>5,018,346</u>	<u>8,071,853</u>	<u>-</u>	<u>1,079,960</u>
TOTAL PRIMARY GOVERNMENT	<u>\$ 14,174,975</u>	<u>\$ 8,831,673</u>	<u>\$ 576,477</u>	<u>\$ 1,449,982</u>

GENERAL REVENUES:

Taxes:

Property Taxes, Levied for General Purposes

Specific Ownership Taxes, for General Purposes

Sales Tax, for General Purposes

Sales Tax, for Capital Improvement Projects Fund

Other Taxes: Community Enhancement, Lodging, Franchise,
Marketing, Use and Severance Taxes

Grants and Entitlements Not Restricted to Specific Programs:

Intergovernmental Taxes – County Sales Tax

Intergovernmental Federal Mineral Lease Revenues

Impact Fees and Assessments

Gain (Loss) on Asset Disposition

Unrestricted Interest and Investment Earnings

Settlement – Mountain Recreation Facility Agreement

Miscellaneous

Total General Revenues

Change in Net Position

NET POSITION – BEGINNING OF YEAR (RESTATE*)

NET POSITION – END OF YEAR

(* see Note 15)

The accompanying notes are an integral part of these financial statements.

NET (EXPENSE) REVENUE AND
CHANGES IN NET POSITION

Governmental Activities	Business-Type Activities	Total
\$ (245,208)	-	\$ (245,208)
(182,101)	-	(182,101)
(654,735)	-	(654,735)
(730,690)	-	(730,690)
(76,032)	-	(76,032)
(1,941,173)	-	(1,941,173)
(610,755)	-	(610,755)
(444,845)	-	(444,845)
(33,411)	-	(33,411)
(237,239)	-	(237,239)
(212,468)	-	(212,468)
(151,569)	-	(151,569)
(219,938)	-	(219,938)
<u>(1,710,146)</u>	-	<u>(1,710,146)</u>
<u>(7,450,310)</u>	-	<u>(7,450,310)</u>
	\$ 3,080,667	3,080,667
	967,967	967,967
	4,600	4,600
	<u>80,233</u>	<u>80,233</u>
	<u>4,133,467</u>	<u>4,133,467</u>
<u>(7,450,310)</u>	<u>4,133,467</u>	<u>(3,316,843)</u>
350,841	-	350,841
19,702	-	19,702
6,951,432	-	6,951,432
868,929	-	868,929
2,232,678	-	2,232,678
232,042	-	232,042
161	-	161
36,992	-	36,992
(85,250)	-	(85,250)
10,023	8,309	18,332
105,500	-	105,500
<u>69,080</u>	<u>52,780</u>	<u>121,860</u>
<u>10,792,130</u>	<u>61,089</u>	<u>10,853,219</u>
3,341,820	4,194,556	7,536,376
<u>44,110,723</u>	<u>61,691,859</u>	<u>105,802,582</u>
<u>\$ 47,452,543</u>	<u>\$ 65,886,415</u>	<u>\$ 113,338,958</u>

FUND FINANCIAL STATEMENTS

TOWN OF EAGLE, COLORADO
BALANCE SHEET
GOVERNMENTAL FUNDS
December 31, 2021

	General Fund	Capital Projects Fund	Sales Tax Capital Imprvmt Projects Fund
<u>ASSETS:</u>			
Cash and Investments	\$ 6,345,022	\$ 6,254,061	\$ 1,294,004
Restricted Cash and Investments	878,097	1,843,835	172,585
Receivables – Net:			
Due from County Treasurer	4,681	-	-
Taxes and Other Receivables	948,433	228,933	73,349
Property Taxes	385,512	-	-
Intergovernmental Grants	9,512	131,250	-
Prepaid Expenses	73,600	-	11,871
Funds Held by Fiscal Agent (EHOP)	141,371	-	-
Notes Receivable (EHOP)	18,095	-	-
	<u>18,095</u>	<u>-</u>	<u>-</u>
Total Assets	<u>\$ 8,804,323</u>	<u>\$ 8,458,079</u>	<u>\$ 1,551,809</u>
<u>LIABILITIES, DEFERRED INFLOWS</u>			
<u>OF RESOURCES AND FUND BALANCES:</u>			
Liabilities:			
Accounts Payable	\$ 232,414	\$ 154,423	\$ 5,065
Retainage Payable	-	2,325	3,226
Accrued Liabilities	160,481	-	-
Unearned Revenues	890,768	-	-
Deposits and Other Liabilities	293,339	-	-
	<u>1,577,002</u>	<u>156,748</u>	<u>8,291</u>
Total Liabilities			
Deferred Inflows of Resources:			
Unavailable Revenues -			
From Property Taxes	385,512	-	-
	<u>385,512</u>	<u>-</u>	<u>-</u>
Total Deferred Inflows			
Fund Balances:			
Non-Spendable	233,066	-	11,871
Restricted for –			
Highway 6 Devolution Maintenance	-	1,668,606	-
Capital Improvements Debt Service	-	-	172,585
Community Enhancement	-	175,229	-
Conservation Trust	-	-	-
ARPA Grant Earnings	132	-	-
Emergency Reserves	237,500	-	-
Committed for –			
Open-space Preservation	-	-	-
Assigned for –			
Capital Projects	103,000	6,457,496	1,359,062
Unassigned	6,268,111	-	-
	<u>6,841,809</u>	<u>8,301,331</u>	<u>1,543,518</u>
Total Fund Balances			
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 8,804,323</u>	<u>\$ 8,458,079</u>	<u>\$ 1,551,809</u>

The accompanying notes are an integral part of these financial statements.

Non-Major Special Revenue Funds	Total Governmental Funds
\$ 678,803	\$ 14,571,890
126,050	3,020,567
-	4,681
20,235	1,270,950
-	385,512
-	140,762
-	85,471
-	141,371
-	18,095
<u>\$ 825,088</u>	<u>\$ 19,639,299</u>

\$ 8,290	\$ 400,192
-	5,551
3,228	163,709
-	890,768
-	293,339
<u>11,518</u>	<u>1,753,559</u>

-	385,512
-	385,512

-	244,937
-	1,668,606
-	172,585
-	175,229
118,589	118,589
-	132
-	237,500
694,981	694,981
-	7,919,558
-	6,268,111
<u>813,570</u>	<u>17,500,228</u>
<u>\$ 825,088</u>	<u>\$ 19,639,299</u>

TOWN OF EAGLE, COLORADO
RECONCILIATION OF TOTAL GOVERNMENTAL FUND BALANCES
TO NET POSITION OF GOVERNMENTAL ACTIVITIES
December 31, 2021

TOTAL GOVERNMENTAL FUND BALANCES	\$ 17,500,228
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Amounts reported for governmental activities on the statement of net position is different because of the following:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the governmental funds.

	\$ 68,459,977	
Governmental Capital Assets		
Less Accumulated Depreciation	<u>(32,890,778)</u>	35,569,199

Some liabilities are not due and payable in the current year and, therefore, are not reported in the governmental funds.

	\$ (17,995)	
Accrued Interest on Long-term Liabilities		
Current Portion of Long-term Liabilities	<u>(150,045)</u>	(168,040)

Long-term liabilities are not due and payable in the current year and, therefore, are not reported in the governmental funds.

	\$ (144,251)	
Compensated Absences		
Bonds Payable, Net of Premium	<u>(5,304,593)</u>	<u>(5,448,844)</u>

NET POSITION OF GOVERNMENTAL ACTIVITIES	\$ <u>47,452,543</u>
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The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
For the Year Ended December 31, 2021

	General Fund	Capital Projects Fund	Sales Tax Capital Imprvmt Projects Fund
<u>Revenues:</u>			
Local Taxes and Assessments	\$ 8,699,258	\$ 660,709	\$ 868,929
Licenses and Permits	476,482	-	-
Intergovernmental	643,765	131,250	-
Charges for Services	219,496	-	-
Fines, Forfeits and Penalties	44,613	-	-
Grants	112,475	-	57,965
Interest	5,801	3,393	613
Miscellaneous	147,729	-	201
	<u>10,349,619</u>	<u>795,352</u>	<u>927,708</u>
Total Revenues			
<u>Expenditures:</u>			
Town Council	245,208	-	-
General Government	391,629	190,931	84,611
General Administration	655,025	-	-
Community Development	806,266	-	-
Municipal Court	76,614	-	-
Public Safety	1,931,118	123,382	-
Public Works – Streets	891,610	419,629	-
Public Works – Bldg & Grounds	726,947	349,158	-
Information Center	33,411	-	-
Marketing	240,400	-	-
Engineering	213,092	-	-
Open-Space Preservation	-	-	-
Debt Service:			
Principal	-	-	100,000
Interest	-	-	219,938
Capital Projects	-	456,867	76,385
	<u>6,211,320</u>	<u>1,539,967</u>	<u>480,934</u>
Total Expenditures			
Excess Revenues Over (Under) Expenditures	4,138,299	(744,615)	446,774
<u>Other Financing Sources (Uses):</u>			
Developer Contribution	-	180,807	-
Transfers in from Other Funds	-	1,890,000	-
Transfers (to) from Other Funds	(2,190,000)	-	-
	<u>1,948,299</u>	<u>1,326,192</u>	<u>446,774</u>
Excess Revenues and Other Sources Over (Under) Expenditures and Other Uses			
	1,948,299	1,326,192	446,774
Fund Balances – Beginning	4,893,510	6,975,139	1,096,744
Fund Balances – Ending	<u>\$ 6,841,809</u>	<u>\$ 8,301,331</u>	<u>\$ 1,543,518</u>

The accompanying notes are an integral part of these financial statements.

Non-Major Special Revenue Funds	Total Governmental Funds
\$ 231,839	\$ 10,460,735
-	476,482
52,279	827,294
-	219,496
-	44,613
-	170,440
216	10,023
-	147,930
<u>284,334</u>	<u>12,357,013</u>
-	245,208
35,789	702,960
-	655,025
-	806,266
-	76,614
-	2,054,500
-	1,311,239
-	1,076,105
-	33,411
-	240,400
-	213,092
206,750	206,750
-	100,000
-	219,938
-	533,252
<u>242,539</u>	<u>8,474,760</u>
41,795	3,882,253
-	180,807
300,000	2,190,000
-	(2,190,000)
341,795	4,063,060
<u>471,775</u>	<u>13,437,168</u>
<u>\$ 813,570</u>	<u>\$ 17,500,228</u>

TOWN OF EAGLE, COLORADO
RECONCILIATION OF STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
For the year ended December 31, 2021

NET CHANGE IN FUND BALANCES – TOTAL GOVERNMENTAL FUNDS \$ 4,063,060

Amounts reported for governmental activities on the Statement of Activities
are different because of the following:

Governmental Funds report capital outlays as capital expenditures; however, on the
Statement of Activities the cost of those assets is allocated over their estimated useful
life as depreciation. This is the amount by which depreciation exceeded capital outlays.

Capital Outlay	\$ 1,458,876	
Depreciation	<u>(2,225,718)</u>	(766,842)

The net book value of asset dispositions are not reported in the Governmental Funds as
they are not a current financial use. This is the net book value of assets disposed in the
current year. (85,250)

Interest expense is recognized as an expenditure in the governmental funds when it is due
as it requires the use of current financial resources; however, in the Statement of
Activities interest expense is recognized as the interest accrues regardless of when due.
This is the amount by which accrued interest decreased from the previous fiscal year: 333

Compensated absences not payable from current resources are not reported as
expenditures of the current year. In the Statement of Activities, these costs represent
expenses of the current year. This is the amount accrued leave increased this year. (15,360)

Premiums on the issuance of long-term debt increase current financial resources to
governmental funds; however, on the Statement of Activities, the premium is allocated
over the term of the long-term debt as accretion of bond premium. This is the amount
of accretion of bond premium recognized on the current year statement of activities. 45,879

Proceeds from the issuance of long-term debt provide current financial resources to
governmental funds, but issuing long-term debt increases long-term liabilities in the
Statement of Net Position. Repayment of debt principal is an expenditure in the funds,
but the repayment reduces long-term liabilities in the Statement of Net Position.

Current Debt Proceeds, Net of Premium	\$ -	
Current Period Debt Repayment	<u>100,000</u>	<u>100,000</u>

CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES \$ 3,341,820

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
December 31, 2021

	Business-Type Activities (Proprietary/Enterprise Funds)				
	Water Fund	Wastewater Fund	Refuse Fund	Stormwater Fund	Total
ASSETS:					
Current Assets:					
Cash & Investments	\$ 15,782,946	\$ 7,867,640	\$ 304,450	\$ 77,566	\$ 24,032,602
Restricted Cash & Investments	862,005	282,683	-	-	1,144,688
Accounts Receivable, Net	248,458	259,608	56,942	10,110	575,118
Inventory	159,492	-	-	-	159,492
Prepaid Expense	55,532	367	366	-	56,265
Total Current Assets	<u>17,108,433</u>	<u>8,410,298</u>	<u>361,758</u>	<u>87,676</u>	<u>25,968,165</u>
Non-Current Assets:					
Capital Assets, Net	<u>49,178,322</u>	<u>15,273,467</u>	<u>29,899</u>	<u>-</u>	<u>64,481,688</u>
Total Non-Current Assets	<u>49,178,322</u>	<u>15,273,467</u>	<u>29,899</u>	<u>-</u>	<u>64,481,688</u>
 Total Assets	<u>\$ 66,286,755</u>	<u>\$ 23,683,765</u>	<u>\$ 391,657</u>	<u>\$ 87,676</u>	<u>\$ 90,449,853</u>
LIABILITIES AND NET POSITION:					
Liabilities:					
Current Liabilities:					
Accounts Payable	\$ 582,243	\$ 84,541	\$ 51,184	\$ -	\$ 717,968
Retainage Payable	1,203,315	-	-	-	1,203,315
Accrued Liabilities	96,669	83,617	-	-	180,286
Unearned Revenues	-	230,348	48,831	7,443	286,622
Current Maturities of					
Long-term Debt, Net	<u>932,170</u>	<u>791,979</u>	<u>-</u>	<u>-</u>	<u>1,724,149</u>
Total Current Liabilities	<u>2,814,397</u>	<u>1,190,485</u>	<u>100,015</u>	<u>7,443</u>	<u>4,112,340</u>
Non-Current Liabilities:					
Compensated Absences	19,098	20,360	-	-	39,458
Notes Payable, Net of Premium	14,315,914	5,571,351	-	-	19,887,265
Bonds Payable	<u>524,375</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>524,375</u>
Total Non-Current Liabilities	<u>14,859,387</u>	<u>5,591,711</u>	<u>-</u>	<u>-</u>	<u>20,451,098</u>
Total Liabilities	<u>17,673,784</u>	<u>6,782,196</u>	<u>100,015</u>	<u>7,443</u>	<u>24,563,438</u>
Net Position:					
Invested in Capital Assets,					
Net of Related Debt	33,405,863	8,844,724	28,899	-	42,279,486
Restricted	862,005	282,683	-	-	1,144,688
Unrestricted	<u>14,345,103</u>	<u>7,774,162</u>	<u>262,743</u>	<u>80,233</u>	<u>22,462,241</u>
Total Net Position	<u>48,612,971</u>	<u>16,901,569</u>	<u>291,642</u>	<u>80,233</u>	<u>65,886,415</u>
 Total Liabilities & Net Position	<u>\$ 66,286,755</u>	<u>\$ 23,683,765</u>	<u>\$ 391,657</u>	<u>\$ 87,676</u>	<u>\$ 90,449,853</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
PROPRIETARY FUNDS
For the Year Ended December 31, 2021

	Business-Type Activities (Proprietary/Enterprise Funds)				
	Water Fund	Wastewater Fund	Refuse Fund	Stormwater Fund	Total
<u>OPERATING REVENUES:</u>					
Service Fees	\$ 4,452,821	\$ 2,768,845	\$ 661,387	\$ 81,530	\$ 7,964,583
Meters and Materials	107,270	-	-	-	107,270
Miscellaneous	-	83	-	-	83
TOTAL OPERATING REVENUES	4,560,091	2,768,928	661,387	81,530	8,071,936
<u>OPERATING EXPENSES:</u>					
Personnel Services	707,932	498,411	8,767	-	1,215,110
Supplies	246,121	78,448	48	-	324,617
Purchased Services	431,956	519,708	626,777	-	1,578,441
Insurance	45,861	34,167	215	1,297	81,540
Depreciation	415,405	792,212	980	-	1,208,597
TOTAL OPERATING EXPENSES	1,847,275	1,922,946	636,787	1,297	4,408,305
OPERATING INCOME (LOSS)	2,712,816	845,982	24,600	80,233	3,663,631
<u>NON-OPERATING REVENUE (EXPENSE):</u>					
Interest & Earnings on Investments	5,167	3,038	104	-	8,309
Accretion of Debt Premium	29,169	23,528	-	-	52,697
Interest Expense & Fiscal Charges	(371,109)	(218,932)	-	-	(590,041)
Administrative Fee – General Fund	-	-	(20,000)	-	(20,000)
TOTAL NON-OPERATING REVENUE (EXPENSE)	(336,773)	(192,366)	(19,896)	-	(549,035)
INCOME (LOSS) BEFORE TRANSFERS & CAPITAL CONTRIBUTIONS	2,376,043	653,616	4,704	80,233	3,114,596
<u>CAPITAL CONTRIBUTIONS:</u>					
Tap and Improvement Fees	738,960	341,000	-	-	1,079,960
TOTAL CAPITAL CONTRIBUTIONS	738,960	341,000	-	-	1,079,960
<u>TRANSFERS:</u>					
Transfers In (Out)	-	-	-	-	-
CHANGE IN NET POSITION	3,115,003	994,616	4,704	80,233	4,194,556
FUND NET POSITION- BEGINNING*	45,497,968	15,906,953	286,938	-	61,691,859
FUND NET POSITION- ENDING	\$ 48,612,971	\$ 16,901,569	\$ 291,642	\$ 80,233	\$ 65,886,415

*Water Fund restated (see Note 15)

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
For the Year Ended December 31, 2021

	Business-Type Activities (Proprietary/Enterprise Funds)				
	Water Fund	Wastewater Fund	Refuse Fund	Stormwater Fund	Total
CASH FLOWS FROM OPERATING ACTIVITIES:					
Cash Received from Customers	\$ 4,562,682	\$ 2,763,849	\$ 663,911	\$ 78,863	\$ 8,069,305
Cash Payments for Personnel Svcs	(712,712)	(498,052)	(8,767)	-	(1,219,531)
Cash Payments for Goods and Svcs	(977,205)	(619,628)	(627,548)	(1,297)	(2,225,678)
NET CASH PROVIDED BY OPERATING ACTIVITIES	<u>2,872,765</u>	<u>1,646,169</u>	<u>27,596</u>	<u>77,566</u>	<u>4,624,096</u>
CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES					
Inter-fund Admin Fees to Gen Fund	-	-	(20,000)	-	(20,000)
NET CASH PROVIDED (USED) BY NON-CAPITAL FINANCING ACTIVITIES	<u>-</u>	<u>-</u>	<u>(20,000)</u>	<u>-</u>	<u>(20,000)</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:					
Tap & Impvmt/Plant Invest Fees	738,960	341,000	-	-	1,079,960
Acq/Construction of Capital Assets	(3,315,865)	(9,787)	-	-	(3,325,652)
Principal Paid on Long-term Debt	(891,647)	(713,053)	-	-	(1,604,700)
Interest Paid on Long-term Debt	(374,631)	(227,232)	-	-	(601,863)
NET CASH PROVIDED (USED) BY CAPITAL AND RELATED FINANCING ACTIVITIES	<u>(3,843,183)</u>	<u>(609,072)</u>	<u>-</u>	<u>-</u>	<u>(4,452,255)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:					
Interest on Investments	<u>5,167</u>	<u>3,038</u>	<u>104</u>	<u>-</u>	<u>8,309</u>
NET CASH PROVIDED (USED) BY INVESTING ACTIVITIES	<u>5,167</u>	<u>3,038</u>	<u>104</u>	<u>-</u>	<u>8,309</u>
NET INCREASE (DECR.) CASH	(965,251)	1,040,135	7,700	77,566	160,150
CASH – BEGINNING OF YEAR	<u>17,610,202</u>	<u>7,110,188</u>	<u>296,750</u>	<u>-</u>	<u>25,017,140</u>
CASH – END OF YEAR	<u>\$ 16,644,951</u>	<u>\$ 8,150,323</u>	<u>\$ 304,450</u>	<u>\$ 77,566</u>	<u>\$ 25,177,290</u>
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:					
Operating Income (Loss)	\$ 2,712,816	\$ 845,982	\$ 24,600	\$ 80,233	\$ 3,663,631
<i>Non-Cash Expenses in Oper Income –</i>					
Depreciation	415,405	792,212	980	-	1,208,597
Write-off prior Const-in-progress	-	14,434	-	-	14,434
<i>Change in Assets and Liabilities –</i>					
Decrease (Increase) Receivables	2,591	(5,033)	(3,990)	(10,110)	(16,542)
Decrease (Increase) Inventory	(75,592)	-	-	-	(75,592)
Decrease (Increase) Prepaid Expense	665	-	-	-	665
Increase (Decrease) Unearned Rev.	-	37	6,514	7,443	13,994
Increase (Decrease) Payables	(178,340)	(1,822)	(508)	-	(180,670)
Increase (Decrease) Accrued Payroll	(4,780)	359	-	-	(4,421)
NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES	<u>\$ 2,872,765</u>	<u>\$ 1,646,169</u>	<u>\$ 27,596</u>	<u>\$ 77,566</u>	<u>\$ 4,624,096</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Eagle are prepared in accordance with generally accepted accounting principles (GAAP) as applicable to governmental units. The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). Significant accounting policies of the Town of Eagle are described below.

A. Financial Reporting Entity

The Town of Eagle was originally incorporated in 1905, under provisions of Colorado State Statutes. The Town's home rule election was held in April of 2020 and provisions of its home rule charter were adopted which govern the Town.

The Town operates under a Council-Mayoral form of government whom are responsible for setting policy, appointing administrative personnel and adopting an annual budget in accordance with state statutes. The Town provides the following departmental services: general government and administration, community development, municipal court, public safety (police), information center, marketing, engineering, open-space preservation, water, wastewater, refuse and stormwater.

The Governmental Accounting Standards Board (GASB) has specified the criteria to be used in defining a governmental entity for financial reporting purposes. The reporting entity consists of (a) the primary government; i.e., the Town, and (b) any organizations for which the Town is financially accountable. The Town is considered financially accountable for legally separate organizations if it is able to appoint a voting majority of an organization's governing body and is either able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific burdens on, the Town. Consideration is also given to other organizations that are fiscally dependent; i.e., unable to adopt a budget, levy taxes, or issue debt without approval of the Town. Organizations for which the nature and significance of their relationship with the Town are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete are also included in the reporting entity.

Based on the criteria discussed above, the Town is not financially accountable for any other entity and, therefore, the Town's financial statements do not include any component units, nor do they exclude any potential component units requiring inclusion in the Town's reporting entity, nor is the Town a component unit of any other government. The Town's financial statements include the accounts of all Town operations.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

B. Basis of Presentation

The Town's basic financial statements consist of government-wide statements, including a statement of net position and statement of activities, and fund financial statements which provide a more detailed level of financial information.

GOVERNMENT-WIDE FINANCIAL STATEMENTS

The statement of net position and the statement of activities display information about the Town as a whole. These statements include the financial activities of the overall primary government.

The statement of net position presents the financial condition of the governmental activities of the Town at fiscal year-end and reports all financial and capital resources of the Town. The difference between the assets, deferred outflows of resources, liabilities, and deferred inflows of resources of the Town is reported as net position.

The statement of activities presents a comparison between direct expenses and program revenues for each program or function of the Town's governmental activities. In the statement of activities, direct expenses are those that are specifically associated with a service, program or department and, therefore, clearly identifiable to a particular function. Program revenues include charges paid by the recipient of the goods or services offered by the program and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues which are not classified as program revenues are presented as general revenues of the Town, with certain limited exceptions. The comparison of direct expenses with program revenues identifies the extent to which each governmental function is self-financing or draws from general revenues of the Town.

FUND FINANCIAL STATEMENTS

During the fiscal year, the Town segregates transactions related to certain functions or activities in separate funds in order to aid financial management and to demonstrate legal compliance by segregating transactions related to certain governmental functions or activities. Fund financial statements are designed to present financial information of the Town at this more detailed level. The focus of governmental fund financial statements is on major funds. Each major fund is presented in a separate column. Non-major funds, if applicable, are aggregated and presented in a single column. Enterprise funds are reported by type.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

C. Fund Accounting

Governmental accounting systems are organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts that comprise its assets, liabilities, fund equity, revenues and expenditures. The Town's funds are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations or limitations based upon the purposes for which they are to be spent and by means by which spending activities are controlled. The various funds of the Town are outlined in the following paragraphs.

GOVERNMENTAL FUNDS

General Fund – The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund. The General Fund balance is available to the Town for any purpose provided it is expended or transferred according to general statutory laws.

Capital Projects Fund – The Capital Projects Fund is used to account for financial resources to be used for the acquisition of fixed assets or construction of major capital projects (other than those financed by the General or other funds).

Sales Tax Capital Improvement Fund – The Sales Tax Capital Improvement Fund is used to account for the voter approved 0.5% sales tax for the acquisition, design and construction of the Eagle River Park project and other town park and path improvements.

Special Revenue Funds – Special Revenue Funds are used to account for the proceeds of special revenue sources that are restricted or committed for purposes other than debt service or capital projects. The Conservation Trust Fund is a special revenue fund used to account for revenue from the Colorado Lottery restricted for the acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site pursuant to Colorado Revised Statutes. The Open Space Preservation Fund is a special revenue fund used to account for revenue from the Town's Lodging and Occupancy Tax committed for the acquisition of open space lands, conservation, trail easements and development rights, trail expansion and maintenance, and other open space recreational amenities.

PROPRIETARY FUNDS

Enterprise Funds – The Water Fund, Wastewater Fund, Refuse Fund and Stormwater Fund are used to account for operations that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

D. Measurement Focus and Basis of Accounting

GOVERNMENT-WIDE FINANCIAL STATEMENTS

The government-wide financial statements are prepared using the *economic resources measurement* focus and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non-exchange transactions, in which the Town receives value without directly giving equal value in return, consist of property taxes, other taxes and fines and penalties. All assets and all liabilities associated with the operation of the Town are included on the statement of net position.

FUND FINANCIAL STATEMENTS

All governmental funds are accounted for using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Under this method, only current assets and current liabilities are generally included on the balance sheet. The statement of revenues, expenditures, and changes in fund balances reflect the sources (i.e., revenues and other financing sources) and uses (i.e., expenditures and other financing uses) of current financial resources. This approach differs from the manner in which the governmental activities of the government-wide financial statements are prepared. Governmental fund financial statements, therefore, include a reconciliation with brief explanations to better identify the relationship between government-wide and governmental fund statements. Under this method, revenues are recognized when measurable and available. The Town considers all revenues available if they are collected within 60 days after year-end. Those revenues susceptible to accrual are property taxes, sales taxes, highway user taxes, and reimbursements from developers for professional fees, because they are both measurable and available to finance expenditures of the current period:

Taxpayer-assessed local property and specific ownership taxes are considered “measurable” when in the hands of intermediary collecting governments and are recognized as revenue at that time. Expenditures are recorded when the related fund liability is incurred, except for matured principal and interest on general long-term liabilities which are reported as other financing uses.

Like the government-wide financial statements, the enterprise fund is accounted for using a flow of economic resources measurement focus. This basis of accounting and measurement focus emphasizes the measurement of net income similar to the approach used by commercial enterprises, and revenues are recorded when earned and expenses are recorded when incurred. All assets and all liabilities associated with the operation of this fund are included on the statement of net position. The statement of changes in revenues, expenses, and changes in net position, presents increases (e.g., revenues) and decreases (e.g., expenses) in total fund net position. The statement of cash flows reflects how the Town finances and meets the cash flow needs of its enterprise fund.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

E. Budgets and Budgetary Accounting

The Town annually adopts budgets for all funds. This formal budget integration is employed as a management control device during the year. The level of control in the budget at which expenditures exceed appropriations is at the fund level. With the exception of its proprietary funds (see Note 7) the Town's budgets are adopted on a basis consistent with generally accepted accounting principles. All annual appropriations lapse at fiscal year end.

Budget Calendar

As required by Colorado statutes, the Town followed required timetables in preparing, approving, and enacting its budget for the ensuing year. The following is a summary of the budget calendar:

1. Prior to August 25, the County Assessor provides the Town the preliminary certified assessed valuation of all taxable property within the Town's boundaries.
2. The Manager, or other qualified persons appointed by the Town Council, submits to the Town Council, on or before October 15, a recommended budget which details the necessary property taxes needed along with other available revenues to meet the Town's operating requirements.
3. A public hearing on the proposed budget and capital program is held by the Town Council no later than 45 days prior to the close of the fiscal year.
4. Prior to December 10, the County Assessor sends the Town the final certified assessed valuation of all taxable property within the Town's boundaries.
5. Prior to December 15, the Town Council compute and certify to the County Commissioners a rate of levy that derives the necessary property taxes as computed in the proposed budget.
6. After the required public hearing, the Town Council adopts the proposed budget by resolution prior to December 15. The ordinance adopting the budget also legally appropriates expenditures for the upcoming year.
7. After adoption of the budget ordinance, the Town may make by ordinance the following changes: (a) supplemental appropriations to the extent of revenues in excess of the estimated budget; (b) emergency appropriations; and (c) reduction of appropriations for which originally estimated revenues are insufficient. At any time during the year, the Town Council may, by resolution, transfer part or all of any unexpended funds from one department or office to another.
8. Expenditures may not legally exceed appropriations at the fund level. Town Council approval is required for changes in the total budget of any fund. Budget amounts included in the financial statements are based on the final, legally amended budget.
9. Budget appropriations lapse at the end of each year.

The Town legally adopted annual budgets for all of the Town's funds, and amended the current year appropriations as disclosed in Management's Discussion and Analysis.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

F. Cash and Investments

The Town's policy in determining which items are treated as cash equivalents on the statement of cash flows for the enterprise funds include all cash, demand deposits, treasury bills and other short-term, highly liquid investments (including restricted assets) that are readily convertible to cash and have original maturities of three months or less.

Investments are reported at fair value which is determined using selected bases. Short-term investments are reported at cost which approximates fair value. Securities traded on a national or international exchange are valued at the last quoted market price. Cash deposits are reported at carrying amounts which reasonably estimates fair value. See additional required disclosures for cash and investments in Note 2.

G. Capital Assets/Depreciation

Capital assets purchased or acquired with an original cost in excess of a \$5,000 capitalization threshold set by the Town are reported at historical or estimated historical cost. Contributed assets are reported at fair market value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives:

Parks/Land Improvements	10-30 years
Buildings/Improvements	20-50 years
Rec Center/Pool/Ice Rink	20-50 years
Equipment	3-15 years
Utility System/Improvements	15-40 years
Other Infrastructure	20-40 years

On the government-wide statement of activities, for governmental funds depreciation expense is included in the various expenses of functions or programs for capital assets that can be specifically identified with a function and for "shared" capital assets generally used by only a few functions that can be specifically identified to those functions. Depreciation expense for capital assets that essentially serve all functions are reported as a separate line in the statement of activities as unallocated depreciation (see Note 4).

H. Customer Accounts Receivable

The Town considers customer accounts receivable for water, sewer and trash services to be fully collectible. The Town is empowered to place a lien on real property in the case of nonpayment. Accordingly, no allowance for doubtful accounts is considered necessary.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

I. Property Taxes Receivable and Deferred Inflows

Property taxes are levied on December 15, and attach as a lien on property the following January 1, and are payable in full by April 30 or in two equal installments due February 28 and June 15. Property taxes levied in the current year and payable the following year are reported as a receivable at December 31, net of an estimated uncollectible portion. However, since the taxes are not available to pay current liabilities, the net receivables are recorded as a deferred inflow of resources. Taxes levied in one year are collected in the succeeding year. Thus, taxes certified in 2020 were collected in 2021 and taxes certified in 2021 will be collected in 2022. Taxes are due on January 1st; however, they may be paid in either one installment (no later than April 30th) or two equal installments (not later than February 28th and June 15th) without interest or penalty. Taxes which are not paid within the prescribed time bear interest at the rate of one percent per month until paid. Unpaid amounts and the accrued interest thereon become delinquent on June 16th.

J. Proprietary Funds – Unearned Revenue

Unearned revenues in the Wastewater Fund, Refuse Fund and Stormwater Fund arise from advance billings for services and have been accrued in these enterprise funds. The Water Fund bills for current services, therefore no unearned revenues from water utility billings have been accrued. Unearned grant revenues arise with eligible expenditures not yet incurred.

K. Proprietary Funds – Operating Revenues and Expenses

Operating revenues are those revenues that are generated directly from the primary activity of the enterprise funds. For the Town, these revenues are charges for utility services. Operating expenses are necessary costs incurred to provide the service that is the primary activity of the enterprise funds.

L. Proprietary Funds – Contributed Capital

Grants and contributions in the enterprise funds which may be used for either operations or capital expenditures at the Town's discretion are recognized as non-operating revenues. If expenditure of funds is the prime factor for determining eligibility for contributed funds, revenue or contributed capital is recognized at the time of making the expenditure.

M. Inter-fund Transactions

Transfers between governmental and business-type activities on the government-wide statements are reported in the same manner as general revenues. Exchange transactions between funds are reported as revenues in the fund providing services and as expenditures/expenses in the fund receiving services. Flows of cash or goods from one fund to another without a requirement for repayment are reported as inter-fund transfers. Inter-fund transfers are reported as other financing sources/uses in the governmental funds and are non-operating revenues/expenses in the enterprise fund. Repayments from funds responsible for particular expenditures/expenses to the funds that initially paid for them are not presented on the financial statements.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

N. Internal Balances

During the year, the Town may have transactions between funds to finance operations, provide services, and allocate combined cash balances. To the extent transactions or budget transfers between funds have not been paid or received as of year-end, inter-fund balances receivable or payable are recorded. Any inter-fund balances that exist within governmental activities are eliminated on the government-wide statement of net position. At December 31, 2021 there were no outstanding internal inter-fund balances.

O. Compensated Absences

The Town accrues a liability for compensated absences which meet the following criteria: 1) the Town's obligation relating to employees' rights to receive compensation for future absences is attributable to employees services already rendered; 2) the obligation relates to rights that vest or accumulate; 3) payment of the compensation is probable; and, 4) the amount can be reasonably estimated. Vacation time is accrued monthly for full-time employees with a maximum annual accrual of 12, 15 or 20 days based on years of service, and part-time employees have a maximum accrual of 6 days. Full-time employees who have been with the Town for less than 10 consecutive years may not accumulate more than 160 vacation hours, and those with more than 10 consecutive years no more than 240 vacation hours. Part-time employees may not accumulate more than 80 vacation hours. Employees are paid for all vacation hours accumulated but not used upon termination of employment. Sick leave is accrued monthly with a maximum annual accrual of 12 days for full-time employees and 6 days for part-time employees. Sick leave can be accumulated and carried over from year-to-year up to a maximum of 720 hours for full-time and 360 hours for part-time employees. Accumulated sick leave is not payable upon termination of employment. Seasonal and temporary employees are not eligible for vacation or sick leave. The liability for compensated absences for the governmental funds has been accrued on the government-wide statement of net position since it is anticipated that none of the liability will be liquidated with expendable available financial resources. The liability for compensated absences for the enterprise funds has been accrued within each appropriate enterprise fund.

P. Net Position and Fund Balances

In the government-wide financial statements and proprietary funds, net position is classified as follows:

Invested in Capital Assets, Net of Related Debt – this category groups all capital assets into one component. Accumulated depreciation and the outstanding debt balances that are attributable to (already invested in) the acquisition, construction or improvement of these assets reduce this category.

Restricted – assets are reported as *restricted* when limitations on their use change the nature or normal understanding of the availability of the asset. Such constraints are either imposed by creditors, contributors, grantors, laws of other governments, or imposed by various enabling legislation.

Unrestricted – represents the amount which is not restricted for any purpose. It is the Town's policy to first apply restricted resources when an expense is incurred for which both restricted and unrestricted assets are available.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

P. Net Position and Fund Balances - continued

In the governmental fund financial statements, fund balances are classified as follows:

Non-spendable – amounts that cannot be spent because they are either in non-spendable form such as inventory and prepaid expenses, or legally or contractually required to be maintained intact such as the corpus of permanently restricted funds to be retained in perpetuity. It also includes the long-term amount of loans and notes receivable, as well as property acquired for resale, when applicable.

Restricted – when constraints are placed on the use of resources either (a) externally imposed by creditors or (b) imposed by law through constitutional provisions or enabling legislation. As discussed in *Note 13*, Colorado voters passed an amendment to the State Constitution, one of the provisions of which requires local governments to establish an emergency reserve which is calculated at 3% of certain expenditures; these funds may only be expended in cases of emergencies as defined by the amendment and are used to fund appropriations only after unrestricted resources are depleted. Special revenue resources in the Conservation Trust Fund are restricted for use in parks and recreation acquisition, development and maintenance pursuant to Colorado Revised Statutes. Accumulated Community Enhancement revenues requiring disbursement approval by Holy Cross Energy are restricted in the Capital Projects Fund. Unused balances originating from Colorado Department of Transportation for future maintenance of the Highway 6 Devolution are restricted in the Capital Projects Fund. Sales Taxes restricted for Capital Improvement Projects debt service are restricted in the Sales Tax Capital Improvements Projects Fund.

Committed – amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority (the Town Council). These amounts cannot be changed except by taking the same type of action employed to previously commit these amounts. Special revenue resources in the Open Space Preservation Fund are committed for the acquisition of open space lands, conservation and trail easements and development rights.

Assigned – amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by the governing body itself, or a body or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes. The Town considers available fund balances of the Capital Projects Fund as assigned for future capital outlay.

Unassigned – the residual for the general fund.

It is the Town's policy to first apply restricted resources when an expense is incurred for which both restricted and unrestricted assets are available. Committed and assigned amounts are considered to have been spent first when an expenditure is incurred for purposes for which such categories and unassigned amounts are available.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Q. Use of Estimates

Management uses estimates and assumptions in preparing these financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could vary from the estimates that were used.

R. Fair Values of Financial Instruments

The Town reports its investments using the fair value measurements established by generally accepted accounting principles. As such, fair value hierarchy categorizes the inputs used to measure the fair value into three levels. Level 1 inputs are quoted market prices in active markets for identical investments; Level 2 inputs include quoted prices in active markets for similar investments, or other observable inputs; and Level 3 inputs are unobservable inputs.

NOTE 2 - CASH AND INVESTMENTS

The Colorado Public Deposit Protection Act (PDPA), requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulators. The eligible depository is required to pledge to the Colorado Division of Banking a pool of collateral having a market value that at all times exceeds 102 percent of uninsured aggregate public deposits. The eligible collateral is determined by the PDPA, which includes obligations of the United States, the State of Colorado, Local Colorado governments, and obligations secured by first lien mortgages on real property located in the state. PDPA allows the institution to create a single collateral pool for all public funds. The pool is maintained by another institution or held in trust for all uninsured public deposits as a group. The State Regulatory Commissions for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools. There is no custodial credit risk for public deposits collateralized under PDPA.

It is the policy of the Town to invest public funds in a manner which will provide the highest investment return with the maximum security, meet the daily cash flow demands of the Town, and conform to all federal, state and local statutes governing the investment of public funds. This policy applies to the investment of all financial assets of all funds of the Town over which it exercises financial control.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 2 - CASH AND INVESTMENTS - continued

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- . Obligations of the United States and certain U.S. government agency securities, including securities issued by FNMA (federal national mortgage association), GNMA (governmental national mortgage association), FHLMC (federal home loan mortgage corporation), the federal farm credit bank, the federal land bank, the export-import bank, and by the Tennessee Valley authority, and certain international agency securities, including the World Bank.
- . General obligation and revenue bonds of U.S. local government entities, the District of Columbia, and territorial possessions of the U.S. rated in the highest two rating categories by two or more nationally recognized rating agencies.
- . Bankers' acceptances of certain banks
- . Certain securities lending agreements
- . Commercial paper
- . Written repurchase agreements collateralized by certain authorized securities
- . Certain money market funds
- . Guaranteed investment contracts
- . Local government investment pools
- . The investing local government's own securities including certificates of participation and lease obligations.

Local Government Investment Pool (ColoTrust)

As of December 31, 2021 the Town had invested \$39,969,547 in the Colorado Local Government Liquid Asset Trust (the Trust), an investment vehicle established for local government entities in Colorado to pool surplus funds. The Trust operates similarly to a money market fund and each share is equal in value to \$1.00. The Trust offers shares in two portfolios, COLOTRUST PRIME and COLOTRUST PLUS+. Both portfolios may invest in U.S. Treasury securities and repurchase agreements collateralized by U.S. Treasury securities. COLOTRUST PLUS+ may also invest in certain obligations of U.S. government agencies. A designated custodial bank serves as custodian for the Trust's portfolios pursuant to a custodian agreement. The custodian acts as safekeeping agent for the Trust's investment portfolios and provides services as the depository in connection with direct investments and withdrawals. Substantially all securities owned by COLOTRUST are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by COLOTRUST. These pools are not required to and are not registered with the SEC. As of December 31, 2021, the Town had \$0 invested in COLOTRUST PRIME, and \$39,969,547 invested in COLOTRUST PLUS+. Investments in local government investment pools are not categorized in terms of custodial credit risk since they are not evidenced by securities that exist in physical or book entry form.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 2 - CASH AND INVESTMENTS – continued

Total Cash and Cash Equivalents

In order to facilitate the recording of cash transactions and maximize interest earnings, the Town has pooled cash deposits for all funds. The Town maintains accountability for each fund's equity in pooled cash and investments. Interest earnings for combined funds are generally distributed based on monthly cash balances. A summary of the Town's cash and cash equivalents at December 31, 2021 are classified below:

Checking/Savings	\$ 2,839,482
CWRPDA Project and Reserve Accounts	490,600
Local Government Investment Pool	<u>39,969,547</u>
Total Balances	43,299,629
Net Outstanding Items	<u>(529,882)</u>
Total Cash and Cash Equivalents	<u>\$ 42,769,747</u>

Of the above cash and cash equivalents, a total of \$17,592,457 is in governmental activities and \$25,177,290 in business-type activities.

The Town's bank deposits were entirely covered by federal depository insurance (FDIC) or uninsured but collateralized under PDPA in accordance with state statute, and had bank balances of \$2,839,482 of which \$250,000 was covered by FDIC insurance and \$2,589,482 by PDPA described above.

Included in cash and cash equivalents are investments rated as follows:

	<u>Fair Value</u>	<u>Credit Rating</u>	<u>Rating Agency</u>
Colotrust (Local Govt Investment Pool)	\$ 39,969,547	AAAm	Standard & Poors

Risk Disclosures

Additional investment and deposit disclosures for credit risk, interest rate risk, and foreign currency risk, as required by GASB Statement No. 40, *Deposit and Investment Risk Disclosures*, are included in the notes below.

To minimize custodial credit risk, or the risk that an insurer or other counterparty to an investment will not fulfill its obligations, state law limits investments to those where the issuer is rated in one of the three highest rating categories by one or more nationally recognized organizations that rate such issuers. The Town has deposits in Colotrust Plus+ with ratings as provided above.

The concentration of credit risk, or the risk of loss attributed to the magnitude of a government's investment in a single issuer, occurs when deposits are not diversified. The Town's policy places no limit on the amount the Town may invest in any one issuer; however the Town maintains general guidelines for investments to ensure proper diversification by security type and institution. All investments are issued or explicitly guaranteed by securities of the U.S. government, or insured by the Public Depository Protection Act, or are investments in mutual fund or external investment pools, and therefore are not subject to concentration of credit risk.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 2 - CASH AND INVESTMENTS – continued

Risk Disclosures - continued

Interest rate risk is the extent to which changes in interest rates will adversely affect the fair value of an investment. The Town maintains an investment policy that limits investment maturities to three years as means of managing its exposure to fair value losses arising from increasing interest rates and to avoid undue concentration in any sector of the yield curve. Exceptions to this structure may be allowed where maturities can be structured to accommodate readily identifiable cash flows. There were no investments subject to interest rate risk disclosure as of December 31, 2021.

The Town was not subject to foreign currency risk as of December 31, 2021.

NOTE 3 - RESTRICTED CASH

The General Fund has a restricted Colotrust account holding unexpended ARPA COVID Relief Funds.

The Capital Projects Fund has restricted funds for community enhancement and future Highway 6 Devolution Maintenance. The community enhancement funds, collected from Holy Cross Energy, are restricted for beautification and energy conservation projects, equipment and technology upgrades for schools, scholarship funds, acquisition of open space and/or park land and development, sponsorship of special community events, and undergoing of overhead electric and other utility lines. The Town must notify Holy Cross Energy of its intended use of the funds, whereby Holy Cross Energy has the right to object, in writing, prior to such expenditure or otherwise waive its right to objection.

The Sales Tax Capital Improvement Projects Fund has restricted balances for future Debt Service.

The Conservation Trust Fund has accumulated balances from State Lottery Funds restricted for future authorized conservation trust use.

The Water Fund has restricted balances reflected on its balance sheet for cash held on its behalf by the Colorado Water Resources Power and Development Authority for the Town's Lower Basin Water Treatment Plant Project and amounts restricted for debt service reserves.

The Wastewater Fund has restricted cash balances reflected on its balance sheet for required debt service reserves.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 4 - CAPITAL ASSETS

Capital asset activity for the fiscal year ended December 31, 2021 follows:

<u>GOVERNMENTAL ACTIVITIES</u>	<u>01/01/21</u>	<u>Additions</u>	<u>Dispositions/ Reclassif.</u>	<u>Balances 12/31/21</u>
Non-depreciable Assets:				
Land and Easements	\$ 4,079,568	\$ -	\$ -	\$ 4,079,568
Construction in Progress	239,161	802,925	(292,486)	749,600
Depreciable Capital Assets:				
Park/Land Improvements	10,848,555	119,582	-	10,968,137
Buildings/Improvements	5,096,898	63,829	207,236	5,367,963
Rec Center/Pool/Ice Rink	5,235,122	-	-	5,235,122
Equipment	3,745,890	472,540	(36,149)	4,182,281
Infrastructure	37,877,306	-	-	37,877,306
Total at Historical Cost	67,122,500	1,458,876	(121,399)	68,459,977
Less Accumulated Depreciation	<u>(30,701,209)</u>	<u>(2,225,718)</u>	<u>36,149</u>	<u>(32,890,778)</u>
GOVERNMENTAL ACTIVITIES				
CAPITAL ASSETS, NET	<u>\$ 36,421,291</u>	<u>\$ (766,842)</u>	<u>\$ (85,250)</u>	<u>\$ 35,569,199</u>

For the fiscal year ending December 31, 2021, depreciation expense for governmental activities was recorded on the statement of activities as follows:

General Government	\$ 228,639
Public Safety	75,509
Public Works – Streets	123,641
Public Works – Buildings/Grounds	86,324
Open Space	1,459
Unallocated Depreciation	<u>1,710,146</u>
Total Governmental Depreciation	<u>\$ 2,225,718</u>

<u>BUSINESS-TYPE ACTIVITIES</u>	<u>Balances 01/01/21</u>	<u>Additions</u>	<u>Dispositions/ Reclassif.</u>	<u>Balances 12/31/21</u>
Non-depreciable Assets:				
Land and Easements	\$ 377,733	\$ -	\$ -	\$ 377,733
Water Rights	9,144,376	-	-	9,144,376
Construction in Progress	26,310,501	3,243,749	(250,266)	29,303,984
Depreciable Capital Assets:				
Buildings/Improvements	128,951	-	-	128,951
Equipment	402,019	-	-	402,019
Infrastructure-Plant/Facility	427,399	9,787	-	437,186
Infrastructure-Utility System	43,567,476	72,116	235,832	43,875,424
Total at Historical Cost	80,358,455	3,325,652	(14,434)	83,669,673
Less Accumulated Depreciation	<u>(17,979,388)</u>	<u>(1,208,597)</u>	<u>-</u>	<u>(19,187,985)</u>
BUSINESS-TYPE ACTIVITIES				
CAPITAL ASSETS, NET	<u>\$ 62,379,067</u>	<u>\$ 2,117,055</u>	<u>\$ (14,434)</u>	<u>\$ 64,481,688</u>

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 4 - CAPITAL ASSETS - continued

For the fiscal year ending December 31, 2021, depreciation expense for business-type activities was recorded on the statement of activities as follows:

Water Utility	\$ 415,405
Wastewater Utility	792,212
Refuse Utility	980
Stormwater Utility	<u>-</u>
Total Business-type Depreciation	<u>\$ 1,208,597</u>

NOTE 5 - LONG-TERM OBLIGATIONS

Changes in long-term obligations during fiscal year ended December 31, 2021 follows:

GOVERNMENTAL ACTIVITIES	Balances 01/01/21	Additions	Reductions	Balances 12/31/21	Amounts Due Within One Year
Bonds					
Series 2016	\$ 4,835,000	\$ -	\$ (100,000)	\$ 4,735,000	\$ 105,000
'16 Premium	765,517	-	(45,879)	719,638	45,045
Compensated Absences -	<u>128,891</u>	<u>15,360</u>	<u>-</u>	<u>144,251</u>	<u>-</u>
GOVERNMENTAL LONG-TERM OBLIGATIONS	<u>\$ 5,729,408</u>	<u>\$ 15,360</u>	<u>\$ (145,879)</u>	<u>\$ 5,598,889</u>	<u>\$ 150,045</u>

BUSINESS-TYPE ACTIVITIES	Balances 01/01/21	Additions	Reductions	Balances 12/31/21	Amounts Due Within One Year
Notes Payable					
'07 CWRPDA	\$ 6,137,209	\$ -	\$ (649,440)	\$ 5,487,768	\$ 703,560
'07 Premium	188,224	-	(23,528)	164,696	23,528
'11 CWRPDA	774,479	-	(63,613)	710,866	64,891
'18 CWRPDA	15,392,880	-	(648,043)	14,744,837	653,299
'18 Premium	281,553	-	(29,169)	252,384	28,008
Bonds					
Series 2013P	1,018,842	-	(243,604)	775,238	250,863
Compensated Absences -	<u>56,335</u>	<u>-</u>	<u>(16,877)</u>	<u>39,458</u>	<u>-</u>
BUSINESS-TYPE LONG-TERM OBLIGATIONS	<u>\$23,849,521</u>	<u>\$ -</u>	<u>\$ (1,674,274)</u>	<u>\$ 22,175,247</u>	<u>\$1,724,149</u>

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5 - LONG-TERM OBLIGATIONS - continued

GOVERNMENTAL ACTIVITIES – LONG-TERM OBLIGATIONS

Bonds, notes payable and loan obligations of the Town's governmental activities are comprised of the following:

Bonds Payable:

2016 Series Sales Tax Revenue Bonds:

Sales Tax Revenue Bonds were issued on September 9, 2016 in the original amount of \$5,200,000, plus a premium of \$967,936. The interest rate varies from 4.00% to 5.00%, payable semi-annually on June 1 and December 1, principal payable December 1. The bonds were issued to: (i) acquire, develop and construct a river park in the town; (ii) improve, construct and maintain the Town's parks, multi-use recreational facilities and paved paths; (iii) fund the initial deposit to the bond reserve account; and (iv) pay costs of issuance in connection with the issuance of the bonds. The Bonds constitute special, limited obligations of the Town payable solely from "pledged revenues" consisting of proceeds derived by the Town from voter approved sales taxes at a rate of one-half of one percent (0.5%). The total outstanding balance at December 31, 2021 is \$4,735,000. The Town's Sales Tax Capital Improvement Projects Fund is being used to collect sales taxes and pay debt service on the Bonds. The annual requirements to amortize principal and interest on the bonds are as follows:

<u>Year Ended</u> <u>December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 105,000	\$ 215,937	\$ 320,937
2023	110,000	211,738	321,738
2024	115,000	207,337	322,337
2025	120,000	202,738	322,738
2026	125,000	197,937	322,937
2027-2031	700,000	910,688	1,610,688
2032-2036	855,000	749,887	1,604,887
2037-2041	1,075,000	521,313	1,596,313
2042-2046	1,530,000	232,275	1,762,275
	<u>\$ 4,735,000</u>	<u>\$ 3,449,850</u>	<u>\$ 8,184,850</u>

The premium on the 2016 Series Bonds is being accreted over the term of the bond as a percentage of annual interest which approximates accretion at the effective interest rate. Total current year premium accretion of \$45,879 is included in governmental activities interest and fiscal charges on long-term debt. The net outstanding premium at December 31, 2021 is \$719,638.

Accrued Liabilities – Compensated Absences

Accrued liabilities for compensated absences consist of the accrual for vacation time earned by the Town's employees but not taken by December 31, 2021. Total accrued compensated absences as of year-end for governmental activities were \$144,251.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5 - LONG-TERM OBLIGATIONS - continued

BUSINESS-TYPE ACTIVITIES – LONG-TERM OBLIGATIONS

Bonds, notes payable and loan obligations of the Town's business-type activities are comprised of the following:

Notes Payable:

2007 CWRPDA Loan

The Town entered into a water pollution control revolving fund loan agreement with the Colorado Water Resources and Power Development Authority dated May 31, 2007 in the original amount of \$11,505,912 plus a premium of \$494,088 for the purpose of expansion of the extended aeration activated sludge plant conversion to a conventional activated sludge process. The loan is a 21-year leveraged loan that carries an interest rate of 3.5% and is payable in 43 semi-annual installments February 1 and August 1. The total outstanding balance at December 31, 2021 is \$5,487,768. The loan is carried in the Wastewater Fund. The loan has a total annual administrative fee payable of \$92,047 through 2026, \$57,530 in 2027 and \$23,012 in 2028. Annual requirements to amortize principal and interest on the loan are as follows:

<u>Year Ended</u> <u>December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 703,560	\$ 155,499	\$ 859,059
2023	725,208	134,005	859,213
2024	746,856	111,851	858,707
2025	768,504	89,034	857,538
2026	790,152	65,557	855,709
2027-2028	<u>1,753,488</u>	<u>62,766</u>	<u>1,816,254</u>
	<u>\$ 5,487,768</u>	<u>\$ 618,712</u>	<u>\$ 6,106,480</u>

The premium on the 2007 CWRPDA Note is being accreted annually at an equal rate over the term of the note which does not differ materially from the effective interest rate. Total current year premium accretion of \$23,528 is included in the business-type activities wastewater utility function. The net outstanding premium at December 31, 2021 is \$164,696.

During the fiscal year ended December 31, 2016, the CRWPDA refinanced a loan and is passing through the anticipated savings to the Town on an annual basis, resulting in a total anticipated present value savings over the term of the loan of approximately \$635,222 (or 7.78%) to be recognized in the Wastewater Fund as received. The future anticipated savings to be recognized over the term of the loan is as follows:

<u>Year Ended</u> <u>December 31,</u>	<u>Anticipated</u> <u>Savings</u>
2022	\$ 58,711
2023	57,778
2024	58,020
2025	54,664
2026	57,072
2027-2028	<u>114,027</u>
	<u>\$ 400,272</u>

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5 - LONG-TERM OBLIGATIONS - continued

BUSINESS-TYPE ACTIVITIES – LONG-TERM OBLIGATIONS - continued

Notes Payable - continued:

2011 CWRPDA Loan

The Town entered into a water pollution control revolving fund loan agreement with the Colorado Water Resources and Power Development Authority dated January 21, 2011, in the original amount of \$1,288,966 for rehabilitation of the downtown wastewater collection system. The loan is a 20-year loan that carries an interest rate of 2.0% and is payable in 40 semi-annual installments (beginning May 1, 2012) on May 1 and November 1. The total outstanding balance at December 31, 2021 is \$710,866. The loan is carried in the Wastewater Fund. The loan has a total annual administrative fee payable as indicated below.

2022	\$ 8,000
2023	7,000
2024	6,000
2025	4,500
2026	3,500
2027-2031	<u>4,735</u>
	<u>\$ 33,735</u>

The annual requirements to amortize principal and interest on the loan are as follows:

<u>Year Ended</u> <u>December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 64,891	\$ 5,894	\$ 70,785
2023	66,196	5,590	71,786
2024	67,526	5,260	72,786
2025	68,883	5,402	74,285
2026	70,268	5,018	75,286
2027-2031	<u>373,102</u>	<u>16,092</u>	<u>389,194</u>
	<u>\$ 710,866</u>	<u>\$ 43,256</u>	<u>\$ 754,122</u>

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5 - LONG-TERM OBLIGATIONS - continued

BUSINESS-TYPE ACTIVITIES – LONG-TERM OBLIGATIONS - continued

Notes Payable - continued:

2018 CWRPDA Loan

The Town entered into a drinking water revolving fund loan agreement with the Colorado Water Resources and Power Development Authority dated May 1, 2018, in the original amount of \$16,841,882 for construction of the new Lower Basin Water Treatment Plant, transmission line, and associated project components. The loan is a 22-year loan that carries an interest rate ranging from 2.5% to 5.0% and is payable in 45 semi-annual installments (beginning August 1, 2018) on August 1 and February 1. The total outstanding balance at December 31, 2021 is \$14,744,837. The loan is carried in the Water Fund. The loan has a total annual administrative fee payable as indicated below.

2022	\$ 168,419
2023	168,419
2024	168,419
2025	168,419
2026	168,418
2027-2031	842,094
2032-2036	673,675
2037-2040	<u>202,103</u>
	<u>\$ 2,559,966</u>

The annual requirements to amortize principal and interest on the loan are as follows:

<u>Year Ended</u> <u>December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 653,299	\$ 168,850	\$ 822,149
2023	659,649	161,850	821,499
2024	669,583	154,975	824,558
2025	680,928	141,225	822,153
2026	694,329	127,975	822,304
2027-2031	3,656,281	460,675	4,116,956
2032-2036	4,042,400	234,438	4,276,838
2037-2040	<u>3,688,368</u>	<u>71,531</u>	<u>3,759,899</u>
	<u>\$ 14,744,837</u>	<u>\$ 1,521,519</u>	<u>\$ 16,266,356</u>

The premium on the 2018 CWRPDA Note is being accreted annually based on annual interest amortization over the term of the note which does not differ materially from the effective interest rate. Total current year premium accretion of \$29,169 is included in the business-type activities water utility function. The net outstanding premium at December 31, 2021 is \$252,384.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5 - LONG-TERM OBLIGATIONS - continued

BUSINESS-TYPE ACTIVITIES – LONG-TERM OBLIGATIONS - continued

Bonds Payable:

2013 Series Water Enterprise Revenue Refunding Bond:

Water Enterprise Revenue Refunding Bonds were issued July 26, 2013 in the amount of \$2,605,868 in order to refund the Town's 2004 Series Water Enterprise Revenue Bonds in the amount of \$2,555,000 plus bond issue costs of \$34,029 and accrued interest of \$16,839. The refunding did not result in a difference between the reacquisition price and the net carrying amount of the old debt of \$2,555,000. The Town completed the refunding to reduce its total debt service payments through December 1, 2024 by \$192,803 and obtain an economic gain (difference between the present values of the old and new debt service payments) of \$182,301. The net effective interest rate is 2.98%, payable semi-annually on June 1 and December 1, principal payable December 1, with final maturity December 1, 2024. The 2013 Bond does not constitute a general obligation of the Town and is a special, limited obligation of the Town, with the principal and interest payable solely from net revenues of the Town's water system. The Series 2013 Bond is subject to optional redemption, in whole, at 100% of the principal amount to be redeemed plus accrued interest to the redemption date. The total outstanding balance at December 31, 2021 is \$775,238. The Bonds are carried in the Water Fund. The Series 2013 Bond is subject to mandatory sinking fund redemption from sinking fund principal and interest installments as follows:

Year Ended December 31,	Principal	Interest	Total
2022	\$ 250,863	\$ 23,102	\$ 273,965
2023	258,338	15,627	273,965
2024	266,037	7,928	273,965
	<u>\$ 775,238</u>	<u>\$ 46,657</u>	<u>\$ 821,895</u>

Accrued Liabilities – Compensated Absences

Compensated absences consist of the accrual for vacation time earned by the Town's employees but not taken by December 31, 2021. Total accrued compensated absences as of year-end for business-type activities were \$39,458.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 6 - DEFINED CONTRIBUTION PLAN

The Town participates in the Colorado Retirement Association (“CRA”), a multiple-employer retirement system, which is a qualified plan as defined by Internal Revenue Code section 401(a) and C.R.S. section 24-54. The plan provides retirement benefits through a defined contribution plan to participating Colorado counties, municipalities, and special districts. In a defined contribution plan, benefits depend solely on amounts contributed to the plan, plus investment earnings. CRA administers this plan on behalf of the Town.

State statute assigns authority to establish and amend the benefit provisions of the plans that participate in CRA to the respective employer governments.

There are no unfunded past service liabilities. All full-time employees are required to participate in the plan upon the first day of the pay period that includes the first day of the month, following a one month period. The Town is required to contribute 7% of employee compensation, excluding overtime, bonuses, and fringe benefits. In 2021 the employee was required to contribute 3% of employee compensation. The employee required contribution will increase 1% until it is at a matching 7% in 2025. The Town’s contribution for each employee, including earnings thereon allocated to the employee’s account, vest at a rate of 25% each year of participation in the plan after the first year. An employee is fully vested after five years of employment. Town contributions and earnings forfeited by employees who leave employment before fully vesting are returned to the Town.

Total covered payroll for the year subject to participation was \$3,455,534 compared to total payroll of \$3,878,479. The Town’s retirement contribution for the year ended December 31, 2021 was \$241,887.

Additionally, the Town offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan is also administered by the CRA. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are to be held in trust for the exclusive benefit of the plan participants and their beneficiaries. Contributions were limited by the Internal Revenue Service to \$19,500 for the year ended December 31, 2021. During 2021, employee contributions totaled \$150,217.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 7 - PROPRIETARY FUND BUDGETS

Budgets for proprietary funds are adopted on a basis that is not consistent with GAAP but, instead, adopts the spending measurement focus of governmental funds. The additional supplemental information following the notes to the financial statements provides detail budgetary comparisons for the proprietary funds. A summary of the adjustments necessary to convert to the budgetary basis from GAAP follows:

	<u>WATER ENTERPRISE FUND</u>		
	<u>Budget</u>	<u>Actual</u>	<u>Favorable (Unfavorable)</u>
<u>Revenues:</u>			
GAAP Operating Revenues	\$ 4,430,295	\$ 4,560,091	\$ 129,796
GAAP Non-Operating Revenues	6,500	34,336	27,836
GAAP Capital Contributions	596,268	738,960	142,692
Less: Accretion of Debt Premium	-	(29,169)	(29,169)
Total Budgetary Revenues	<u>5,033,063</u>	<u>5,304,218</u>	<u>271,155</u>
<u>Expenses:</u>			
GAAP Operating Expenses	1,806,627	1,847,275	(40,648)
GAAP Non-Operating Expenses	374,630	371,109	3,521
Add: Debt Service Principal	891,647	891,647	-
Add: Capital Outlay	3,546,990	3,315,865	231,125
Change In: Accrued Interest	-	3,522	(3,522)
Change In: Vacation/Comp Time	-	13,020	(13,020)
Less: Depreciation & Amortization	-	(415,405)	415,405
Total Budgetary Expenditures	<u>6,619,894</u>	<u>6,027,033</u>	<u>592,861</u>
Net Income (Loss)-Budgetary	<u>\$ (1,586,831)</u>	<u>\$ (722,815)</u>	<u>\$ 864,016</u>

	<u>WASTEWATER ENTERPRISE FUND</u>		
	<u>Budget</u>	<u>Actual</u>	<u>Favorable (Unfavorable)</u>
<u>Revenues:</u>			
GAAP Operating Revenues	\$ 2,851,000	\$ 2,768,928	\$ (82,072)
GAAP Non-Operating Revenues	4,000	26,566	22,566
GAAP Capital Contributions	828,000	341,000	(487,000)
Less: Accretion of Bond Premium	-	(23,528)	(23,528)
Total Budgetary Revenues	<u>3,683,000</u>	<u>3,112,966</u>	<u>570,034</u>
<u>Expenses:</u>			
GAAP Operating Expenses	1,730,191	1,922,946	(192,755)
GAAP Non-Operating Expenses	227,235	218,932	8,303
Add: Debt Service Principal	713,053	713,053	-
Add: Capital Outlay	10,000	9,787	213
Change In: Accrued Interest	-	8,300	(8,300)
Change In: Vacation/Comp Time	-	3,856	(3,856)
Less: Depreciation	-	(792,212)	792,212
Total Budgetary Expenditures	<u>2,680,479</u>	<u>2,084,662</u>	<u>595,817</u>
Net Income (Loss)-Budgetary	<u>\$ 1,002,521</u>	<u>\$ 1,028,304</u>	<u>\$ 25,783</u>

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 7 - PROPRIETARY FUND BUDGETS - continued

	REFUSE ENTERPRISE FUND		
	Budget	Actual	Favorable (Unfavorable)
<u>Revenues:</u>			
GAAP Operating Revenues	\$ 667,282	\$ 661,387	\$ (5,895)
GAAP Non-Operating Revenues	130	104	(26)
Total Budgetary Revenues	667,412	661,491	(5,921)
<u>Expenses:</u>			
GAAP Operating Expenses	641,443	636,787	4,656
GAAP Non-Operating Expenses	20,000	20,000	-
Less: Depreciation	-	(980)	980
Total Budgetary Expenditures	661,443	655,807	5,636
Net Income (Loss)-Budgetary	\$ 5,969	\$ 5,684	\$ (285)

	STORMWATER ENTERPRISE FUND		
	Budget	Actual	Favorable (Unfavorable)
<u>Revenues:</u>			
GAAP Operating Revenues	\$ 90,000	\$ 81,530	\$ (8,470)
Total Budgetary Revenues	90,000	81,530	(8,470)
<u>Expenses:</u>			
GAAP Operating Expenses	6,297	1,297	5,000
Total Budgetary Expenditures	6,297	1,297	5,000
Net Income (Loss)-Budgetary	\$ 83,703	\$ 80,233	\$ (3,470)

NOTE 8 - RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts, thefts of, damage to, or destruction of assets; errors or omissions; injuries to employees; or acts of God.

The Town is a member of the Colorado Intergovernmental Risk Sharing Agency (CIRSA). CIRSA is a joint self-insurance pool created by an intergovernmental agreement of 163 municipalities to provide property, general and automobile liability and public official coverage to its members. CIRSA is governed by a seven member Board elected by and from its members. Coverage is provided through pooling of self-insured losses and the purchase of excess insurance coverage. CIRSA has a legal obligation for claims against its members to the extent that funds are available in its annually established loss fund and that amounts are available from insurance providers under excess specific and aggregate insurance contracts. Losses incurred in excess of loss funds and amounts recoverable from excess insurance are direct liabilities of the participating members. CIRSA has indicated that the amount of any excess losses would be billed to members in proportion to their contributions in the year such excess occurs, although it is not legally required to do so. A third party stop-loss provider has been contracted to provide coverage for claims in excess of \$25,000 per plan participant and up to an aggregate of 125% of anticipated claims for the year. The Town is responsible for the payment of stop-loss premiums as well as the claims up to \$25,000 per participant.

The Town carries commercial insurance coverage for other risks of loss including workers compensation and employee health and accident insurance. Settled claims have not exceeded this commercial coverage in any of the past three fiscal years.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 9 - CONTINGENCIES

During the normal course of business, the Town incurs claims and other assertions against it from various agencies and individuals. Management and their legal representatives feel none of these claims or assertions are significant enough that they would materially affect the fairness of the presentation of the financial statements at December 31, 2021.

NOTE 10 - POST-EMPLOYMENT HEALTHCARE COVERAGE

The Town provides post-employment healthcare coverage as an employee benefit for eligible retirees. To be eligible, retirees must have 1) a hire date prior to January 1, 1991; and 2) twenty (20) years of service with the Town of Eagle and be sixty (60) years of age; or 3) thirty (30) years of service with the Town of Eagle and be fifty-five (55) years of age. This benefit ends when the retiree becomes eligible for Medicare. The plan is funded on a pay as you go basis, with payments charged to the fund most applicable to the retiree's former position. As of December 31, 2021 there are no material amounts for eligible retirees post-employment healthcare benefits; therefore, there no Other Postemployment Benefit (OPEB) annual cost or net OPEB obligation is reflected in the accompanying financial statements.

NOTE 11 - INTERGOVERNMENTAL AGREEMENT – Eagle Pool and Ice Rink

The Town of Eagle and the Mountain Recreation District entered into an agreement for ownership and operation of a recreation facility, consisting of a community swimming pool and ice rink. The District and Town each have a one-half interest in all fixtures and associated equipment, furnishings and personal property. The District operates and maintains the Recreation Facilities and the Town retains full fee simple title to the ground upon which the Recreation Facilities are constructed.

NOTE 12 - EMPLOYEE HOME OWNERSHIP PROGRAM

The Town provides employees an Employee Home Ownership Program (EHOP) for primary residence down payment loan assistance. Regular full-time permanent employees with at least 6 months of service with the Town may be eligible for loans up to \$40,000 within the Town of Eagle or \$20,000 outside of the Town of Eagle but within Eagle County. Monthly payments are required over the term of the loan at an interest rate of 0% for loans of \$10,000 or less, or equal to the long-term Applicable Federal Rate (AFR) index as published by the IRS during the month of EHOP application for loans over \$10,000. As of December 31, 2021, two employees are currently enrolled in this program with remaining balances. Total notes receivable in the total amount of \$18,095 and available repaid balances of \$141,371 held by the program are recorded in the General Fund.

NOTE 13 - COMPLIANCE

- A. The Colorado Contraband Forfeiture Act (C.R.S. 16-13-501 to 511) addresses accounting for proceeds from the seizure of contraband. These funds must be used for the specific purpose of law enforcement activities. While these proceeds are exempt from the appropriation process, they are subject to the Local Government Audit Law (C.R.S. 29-1-601 to 608). For the year ended December 31, 2021 no such proceeds were received by the Town and as such are not included in the Town's audited financial statements.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 13 - COMPLIANCE - continued

B. According to the loan agreements dated January 1, 2011, and May 1, 2018, the Town of Eagle covenants to:

- 1) Establish and collect such rates, fees, and charges for the use or sale of products and services of the system, together with other moneys available therefore, as expected to produce gross revenue for each calendar year at a sufficient rate for to pay the sum of a) operation and maintenance expenses; b) 110% of debt service due for such calendar year (plus amounts due on any additional liens on the pledged property, if applicable).
- 2) Maintain a three month operations and maintenance reserve fund.
- 3) Comply with the requirements of the Davis Bacon Act, 40 USC Sec. 3140-3148.
- 4) Comply with the American Iron and Steel requirements of Section 436 of P.L. 113-65, Consolidated Appropriations Act of 2014, and related State Revolving Fund Policy Guidelines.
- 5) Comply with the Guidelines for Enhancing Public Awareness of SRF Assistance Agreements as issued by the United States Environmental Protection Agency.

As of December 31, 2021, the Town believes it is in compliance with the loan covenants.

NOTE 14 - TAX, SPENDING AND DEBT LIMITATION

TABOR Amendment – Revenue and Spending Limitation Agreement

In November 1992, the voters of Colorado approved Amendment 1, commonly known as the Taxpayer's Bill of Rights (TABOR), which adds a new Section 20 to Article X of the Colorado constitution. TABOR contains tax, spending, revenue and debt limitations which apply to the State of Colorado and all Colorado local governments.

The initial base for local government spending and revenue limits was June 30, 1993 Fiscal Year Spending. Future spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

TABOR requires local governments to establish emergency reserves to be used for declared emergencies only. Emergencies, as defined by TABOR, exclude economic condition, revenue shortfalls, or salary or fringe benefit increases. These reserves are required to be 3% or more of fiscal year spending (excluding bonded debt service). The required reserve at December 31, 2021 is \$237,500 as reflected in the General Fund.

TABOR requires, with certain exceptions, voter approval prior to imposing new taxes, increasing a tax rate, increasing a mill levy above that for the prior year, extending an expiring tax, or implementing a tax policy change directly causing a net tax revenue gain to any local government. Except for bond refinancing at a lower interest rate or adding employees to existing pension plans, TABOR specifically prohibits the creation of multiple-fiscal year debt or other financial obligations without voter approval or without irrevocably pledging present cash reserves for all future payments. In 1994 the Town's electorate voted to allow the Town to collect, retain, and expend revenues notwithstanding any of TABOR'S restrictions. The Town's management believes it is in compliance with the financial provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of the provisions, including the interpretation of how to calculate Fiscal Year Spending limits (and qualification of a fund as an Enterprise Fund) will require judicial interpretation.

TOWN OF EAGLE, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 15 - RESTATEMENT OF BEGINNING NET POSITION/FUND BALANCE

The Beginning Net Position of Business-Type Activities and respective Beginning Fund Balance of the Water Fund has been restated for previously unrecorded additional meters/resale inventory supplies-on-hand in the amount of \$75,770.

NOTE 16 - SUBSEQUENT EVENTS

Management has evaluated events subsequent to December 31, 2021 through the issuance date of this report.

In early 2020 a worldwide pandemic arose caused by the coronavirus Covid-19 which has impacted the general operations of the Town. The Town's management and Town Council has acknowledged the threat of the coronavirus; however, the long-term impact on operations is currently unknown as of the date of the auditor's report.

There have been no additional material events noted during this period that would impact the result reflected in this report or the Town's results going forward.

NOTE 17 - NEW ACCOUNTING PRONOUNCEMENTS

The Governmental Accounting Standards Board ("GASB") issued new lease accounting standards under GASB Statement No. 87 to align comparability of financial statements between organizations.

Under the standards there will be three categories of leases: 1) *Short-term Leases* of 12 months or less, including any options to extend regardless of their probability of being exercised, which will be accounted for similarly to operating leases with payments recorded as expenses to the lessee (or revenues to the lessor); 2) *Contracts that Transfer Ownership* with the underlying asset transferring ownership to the lessee by the end of the contract which will be accounted for as a finance purchase of the underlying asset by the lessee (or a sale of the asset by the lessor); and 3) *All Other Leases* will be considered financing leases which will be accounted for by the lessee as an intangible right-to-use lease asset with corresponding lease liability amortized over the shorter of the lease term or the useful life of the underlying asset (or by lessors as a lease receivable and deferred inflow of resources measured at the present value of lease payments expected to be received during the lease term less any incentives received from the lessor at or before the commencement of the lease term.

The Covid pandemic has previously delayed implementation of this standard to years beginning after June 15, 2021; therefore, the Town will be required to implement the standard for its calendar year ending December 31, 2022.

REQUIRED SUPPLEMENTARY INFORMATION

GENERAL & SPECIAL REVENUE FUND BUDGETARY COMPARISON SCHEDULES

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES – BUDGET AND ACTUAL
GENERAL FUND
For the Year Ended December 31, 2021

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
<u>Revenues:</u>				
Local Taxes and Assessments	\$ 7,322,242	\$ 8,465,595	\$ 8,699,258	\$ 233,663
Licenses and Permits	467,740	396,940	476,482	79,542
Intergovernmental	549,045	583,355	643,765	60,410
Charges for Services	286,600	258,000	219,496	(38,504)
Fines, Forfeits and Penalties	60,500	70,000	44,613	(25,387)
Grants	25,000	101,310	112,475	11,165
Interest	13,500	3,700	5,801	2,101
Miscellaneous	30,600	35,000	147,729	112,729
	<u>8,755,227</u>	<u>9,913,900</u>	<u>10,349,619</u>	<u>435,719</u>
<u>Expenditures:</u>				
Town Council	307,918	347,985	245,208	102,777
General Government	452,757	474,716	391,629	83,087
General Administration	789,256	731,084	655,025	76,059
Community Development	1,109,557	1,043,391	806,266	237,125
Municipal Court	83,586	81,046	76,614	4,432
Public Safety	2,174,667	2,130,787	1,931,118	199,669
Public Works – Streets	1,610,074	1,341,358	891,610	449,748
Public Works – Buildings & Grounds	940,702	843,141	726,947	116,194
Information Center	50,794	42,442	33,411	9,031
Marketing	380,314	379,291	240,400	138,891
Engineering	294,525	248,753	213,092	35,661
	<u>8,194,150</u>	<u>7,663,994</u>	<u>6,211,320</u>	<u>1,452,674</u>
Excess Revenues Over (Under) Expenditures	561,077	2,249,906	4,138,299	1,888,393
<u>Other Financing Sources (Uses):</u>				
Transfers (Out)	<u>(2,050,000)</u>	<u>(2,190,000)</u>	<u>(2,190,000)</u>	<u>-</u>
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	(1,488,923)	59,906	1,948,299	1,888,393
Fund Balances – Beginning	<u>4,052,698</u>	<u>4,893,510</u>	<u>4,893,510</u>	<u>-</u>
Fund Balances – Ending	<u>\$ 2,563,775</u>	<u>\$ 4,953,416</u>	<u>\$ 6,841,809</u>	<u>\$ 1,888,393</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES – BUDGET AND ACTUAL
SPECIAL REVENUE FUND – CONSERVATION TRUST FUND
For the Year Ended December 31, 2021

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
<u>Revenues:</u>				
Intergovernmental	\$ 32,000	\$ 38,000	\$ 42,279	\$ 4,279
Interest	<u>300</u>	<u>70</u>	<u>59</u>	<u>(11)</u>
Total Revenues	<u>32,300</u>	<u>38,070</u>	<u>42,338</u>	<u>4,268</u>
<u>Expenditures:</u>				
General Government	<u>30,000</u>	<u>35,790</u>	<u>35,789</u>	<u>1</u>
Total Expenditures	<u>30,000</u>	<u>35,790</u>	<u>35,789</u>	<u>1</u>
Excess Revenues Over (Under) Expenditures	2,300	2,280	6,549	4,269
<u>Other Financing Sources (Uses):</u>				
Transfers In (Out)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	2,300	2,280	6,549	4,269
Fund Balances – Beginning	<u>110,117</u>	<u>112,040</u>	<u>112,040</u>	<u>-</u>
Fund Balances – Ending	<u><u>\$ 112,417</u></u>	<u><u>\$ 114,320</u></u>	<u><u>\$ 118,589</u></u>	<u><u>\$ 4,269</u></u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES – BUDGET AND ACTUAL
SPECIAL REVENUE FUND – OPEN SPACE PRESERVATION
For the Year Ended December 31, 2021

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
<u>Revenues:</u>				
Local Taxes and Assessments	\$ 84,000	\$ 190,000	\$ 231,839	\$ 41,839
Intergovernmental	8,980	10,000	10,000	-
Interest	600	250	157	(93)
	<u>93,580</u>	<u>200,250</u>	<u>241,996</u>	<u>41,746</u>
Total Revenues - Budgetary				
<u>Expenditures:</u>				
Open - space Preservation	238,770	234,635	206,750	27,885
	<u>238,770</u>	<u>234,635</u>	<u>206,750</u>	<u>27,885</u>
Total Expenditures - Budgetary				
Excess Revenues Over (Under) Expenditures	(145,190)	(34,385)	35,246	69,631
<u>Other Financing Sources (Uses):</u>				
Transfers In (Out)	150,000	300,000	300,000	-
	<u>150,000</u>	<u>300,000</u>	<u>300,000</u>	<u>-</u>
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	4,810	265,615	335,246	63,631
Fund Balances–Beginning	294,876	359,735	359,735	-
Fund Balances–Ending	<u>\$ 299,686</u>	<u>\$ 625,350</u>	<u>\$ 694,981</u>	<u>\$ 69,631</u>

The accompanying notes are an integral part of these financial statements.

SUPPLEMENTAL INFORMATION

GENERAL FUND

TOWN OF EAGLE, COLORADO
SCHEDULE OF REVENUES AND OTHER FINANCING SOURCES – BUDGET AND ACTUAL
GENERAL FUND
For the Year Ended December 31, 2021

	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES & OTHER FINANCING SOURCES:			
TAXES – LOCAL:			
Real Property Taxes	\$ 353,144	\$ 350,841	\$ (2,303)
Specific Ownership Taxes	20,000	19,702	(298)
Sales Taxes – General	6,789,851	6,951,432	161,581
Sales Taxes – Marijuana	902,000	895,495	(6,505)
Severance Tax Refund	350	21	(329)
Federal Mineral Lease	250	161	(89)
Franchise Taxes	210,000	250,928	40,928
Marketing Taxes	190,000	230,678	40,678
TOTAL TAXES - LOCAL	<u>8,465,595</u>	<u>8,699,258</u>	<u>233,663</u>
LICENSES & PERMITS:			
Business and Liquor Licenses	53,800	44,412	(9,388)
Marketing Fee	5,240	7,980	2,740
Building and Other Permits	337,900	424,090	86,190
TOTAL LICENSES & PERMITS	<u>396,940</u>	<u>476,482</u>	<u>79,542</u>
INTERGOVERNMENTAL:			
Motor Vehicle License Fee	31,000	34,047	3,047
Highway Users Tax	234,355	275,689	41,334
Road & Bridge Tax	100,000	101,987	1,987
County Sales Tax	218,000	232,042	14,042
TOTAL INTERGOVERNMENTAL	<u>583,355</u>	<u>643,765</u>	<u>60,410</u>
CHARGES FOR SERVICES:			
Planning and Zoning Fees & Reimbursements	182,000	113,824	(68,176)
Facility Usage Fees & Deposits	40,000	54,132	14,132
Other Revenues and Reimbursable Income	16,000	31,540	15,540
Administrative Services – Refuse Fund	20,000	20,000	-
TOTAL CHARGES FOR SERVICES	<u>258,000</u>	<u>219,496</u>	<u>(38,504)</u>
FINES, FORFEITS & PENALTIES – TOTAL	<u>70,000</u>	<u>44,613</u>	<u>(25,387)</u>
GRANTS – TOTAL	<u>101,310</u>	<u>112,475</u>	<u>11,165</u>
INTEREST INCOME – TOTAL	<u>3,700</u>	<u>5,801</u>	<u>2,101</u>
MISCELLANEOUS:			
Rental Income	20,000	19,229	(771)
Insurance Proceeds	-	9,652	9,652
Mtn Rec Contract	-	105,500	105,500
Other	15,000	13,348	(1,652)
TOTAL MISCELLANEOUS	<u>35,000</u>	<u>147,729</u>	<u>112,729</u>
TOTAL REVENUES AND OTHER FINANCING SOURCES	<u>\$ 9,913,900</u>	<u>\$ 10,349,619</u>	<u>\$ 435,719</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
SCHEDULE OF EXPENDITURES AND OTHER FINANCING USES– BUDGET AND ACTUAL
GENERAL FUND
For the Year Ended December 31, 2021

	Final Budget	Actual	Variance Favorable (Unfavorable)
EXPENDITURES & OTHER FINANCING USES:			
TOWN COUNCIL:			
Personnel Services	\$ 42,848	\$ 43,672	\$ (824)
Supplies	200	167	33
Purchased Services	250,213	160,503	89,710
Insurance	724	724	-
Community Requests/Grants	54,000	40,142	13,858
TOTAL TOWN COUNCIL	347,985	245,208	102,777
GENERAL GOVERNMENT:			
Personnel Services	244,083	205,076	39,007
Supplies	1,800	2,348	(548)
Purchased Services	209,734	162,773	46,961
Insurance	19,099	21,432	(2,333)
Community Requests/Grants	-	-	-
TOTAL GENERAL GOVERNMENT	474,716	391,629	83,087
GENERAL ADMINISTRATION:			
Personnel Services	469,662	431,093	38,569
Supplies	14,098	11,389	2,709
Purchased Services	233,500	201,545	31,955
Insurance	13,824	10,998	2,826
TOTAL GENERAL ADMINISTRATION	731,084	655,025	76,059
COMMUNITY DEVELOPMENT:			
Personnel Services	652,420	558,936	93,484
Supplies	11,200	7,772	3,428
Purchased Services	377,307	237,094	140,213
Insurance	2,464	2,464	-
TOTAL COMMUNITY DEVELOPMENT	1,043,391	806,266	237,125
MUNICIPAL COURT:			
Personnel Services	38,626	38,621	5
Supplies	1,200	366	834
Purchased Services	41,068	37,475	3,593
Insurance	152	152	-
TOTAL MUNICIPAL COURT	81,046	76,614	4,432
PUBLIC SAFETY:			
Personnel Services	1,616,021	1,433,697	182,324
Supplies	78,638	85,320	(6,682)
Purchased Services	396,128	372,132	23,996
Insurance	40,000	39,969	31
TOTAL PUBLIC SAFETY	2,130,787	1,931,118	199,669

(continued on next page)

The accompanying notes are an integral part of these financial statements.

	Final Budget	Actual	Variance Favorable (Unfavorable)
<i>(continued)</i>			
PUBLIC WORKS – STREETS:			
Personnel Services	536,400	482,141	54,259
Supplies	156,970	130,054	26,916
Purchased Services	633,352	257,894	375,458
Insurance	14,636	21,521	(6,885)
TOTAL PUBLIC WORKS - STREETS	1,341,358	891,610	449,748
PUBLIC WORKS – BUILDINGS & GROUNDS:			
Personnel Services	433,798	377,644	56,154
Supplies	101,172	91,942	9,230
Purchased Services	245,054	199,501	45,553
Insurance	45,552	45,552	-
Equipment Purchase	17,565	12,308	5,257
TOTAL PUBLIC WORKS – BLDGS & GROUNDS	843,141	726,947	116,194
INFORMATION CENTER:			
Personnel Services	34,497	28,474	6,023
Supplies	1,600	-	1,600
Purchased Services	6,345	4,937	1,408
TOTAL INFORMATION CENTER	42,442	33,411	9,031
MARKETING:			
Personnel Services	140,831	153,604	(12,773)
Supplies	16,770	1,829	14,941
Purchased Services	220,188	83,465	136,723
Insurance	1,502	1,502	-
TOTAL MARKETING	379,291	240,400	138,891
ENGINEERING:			
Personnel Services	211,921	193,686	18,235
Supplies	11,420	5,758	5,662
Purchased Services	23,411	11,647	11,764
Insurance	2,001	2,001	-
TOTAL ENGINEERING	248,753	213,092	35,661
OTHER FINANCING USES:			
Operating Transfers Out	2,190,000	2,190,000	-
TOTAL OTHER FINANCING USES	2,190,000	2,190,000	-
TOTAL EXPENDITURES AND OTHER FINANCING USES	\$ 9,853,994	\$ 8,401,320	\$ 1,452,674

SUPPLEMENTAL INFORMATION

CAPITAL PROJECTS FUND

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES – BUDGET AND ACTUAL
CAPITAL PROJECTS FUND
For the Year Ended December 31, 2021

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
<u>Revenues:</u>				
Use Tax	\$ 464,000	\$ 464,000	\$ 575,591	\$ 111,591
Community Enhancement Tax	48,000	48,000	48,126	126
Impact Fees and Assessments	138,000	138,000	36,992	(101,008)
Intergovernmental	150,000	250,000	131,250	(118,750)
Interest	9,250	9,250	3,393	(5,857)
Total Revenues	<u>809,250</u>	<u>909,250</u>	<u>795,352</u>	<u>(113,898)</u>
<u>Expenditures:</u>				
General Government:				
Pool & Ice Rink Maintenance Fund	50,000	50,000	50,000	-
Town Hall Improvements	108,125	117,000	70,320	46,680
Town Parks Improvements	11,000	11,000	10,611	389
Town Shop Improvements	188,492	178,492	-	178,492
Public Art	25,000	25,000	-	25,000
Project THOR Service Fees	50,000	60,000	60,000	-
Public Safety:				
Police Department Equipment	11,869	5,500	-	5,500
Patrol Vehicles	141,596	141,596	123,382	18,214
Public Works – Streets:				
Grand Ave Improvements	660,000	413,595	419,629	(6,034)
Right-of-Way Improvements	350,000	-	-	-
Traffic Control Improvements	85,000	-	-	-
Shorthorn to Cascade	100,000	-	-	-
Public Works - Building and Grounds:				
Multipurpose Truck	380,000	380,000	349,157	30,843
Lawnmower	20,000	-	-	-
Capital Projects:				
Project THOR Capital Outlay	-	413,502	456,868	(43,366)
Total Expenditures	<u>2,181,082</u>	<u>1,795,685</u>	<u>1,539,967</u>	<u>255,718</u>
Excess Revenues Over (Under) Expenditures	(1,371,832)	(886,435)	(744,615)	141,820
<u>Other Financing Sources (Uses):</u>				
Developer Contribution	360,000	180,807	180,807	-
Transfers In (Out)	<u>1,890,000</u>	<u>1,890,000</u>	<u>1,890,000</u>	<u>-</u>
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	878,168	1,184,372	1,326,192	141,820
Fund Balances – Beginning	<u>6,854,522</u>	<u>6,975,139</u>	<u>6,975,139</u>	<u>-</u>
Fund Balances – Ending	<u>\$ 7,732,690</u>	<u>\$ 8,159,511</u>	<u>\$ 8,301,331</u>	<u>\$ 141,820</u>

The accompanying notes are an integral part of these financial statements.

SUPPLEMENTAL INFORMATION

SALES TAX CAPITAL IMPROVEMENT PROJECTS FUND

TOWN OF EAGLE, COLORADO
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES – BUDGET AND ACTUAL
SALES TAX CAPITAL IMPROVEMENT PROJECTS FUND
For the Year Ended December 31, 2021

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
<u>Revenues:</u>				
Sales Tax	\$ 724,000	\$ 805,000	\$ 868,929	\$ 63,929
Grants	-	57,965	57,965	-
Interest and Miscellaneous	1,200	959	814	(145)
Total Revenues	<u>725,200</u>	<u>863,924</u>	<u>927,708</u>	<u>63,784</u>
<u>Expenditures:</u>				
General Government:				
Purchased Services	31,036	86,856	84,611	2,245
Capital Outlay	217,000	117,000	76,385	40,615
Debt Service:				
Principal	100,000	100,000	100,000	-
Interest	219,940	219,940	219,938	2
Total Expenditures	<u>567,976</u>	<u>523,796</u>	<u>480,934</u>	<u>42,862</u>
Excess Revenues Over (Under) Expenditures	157,224	340,128	446,774	106,646
<u>Other Financing Sources (Uses):</u>				
Transfers In (Out)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	157,224	340,128	446,774	106,646
Fund Balances – Beginning	<u>1,040,953</u>	<u>1,096,744</u>	<u>1,096,744</u>	<u>-</u>
Fund Balances – Ending	<u>\$ 1,198,177</u>	<u>\$ 1,436,872</u>	<u>\$ 1,543,518</u>	<u>\$ 106,646</u>

The accompanying notes are an integral part of these financial statements.

SUPPLEMENTAL INFORMATION
NON-MAJOR SPECIAL REVENUE FUNDS

TOWN OF EAGLE, COLORADO
COMBINING BALANCE SHEET
SPECIAL REVENUE FUNDS
For the Year Ended December 31, 2021

	Special Revenue Funds		
	Conservation Trust Fund	Open Space Preservation Fund	Total
<u>Assets:</u>			
Current Assets:			
Cash and Investments	\$ -	\$ 678,803	\$ 678,803
Restricted Cash and Investments	126,050	-	126,050
Taxes and Other Receivables	-	20,235	20,235
Total Assets	<u>\$ 126,050</u>	<u>\$ 699,038</u>	<u>\$ 825,088</u>
<u>Liabilities and Fund Balances</u>			
Current Liabilities:			
Accounts Payable	\$ 7,461	\$ 829	\$ 8,290
Accrued Liabilities	-	3,228	3,228
Total Liabilities	<u>7,461</u>	<u>4,057</u>	<u>11,518</u>
Fund Balances:			
Restricted for Conservation Trust	118,589	-	118,589
Committed for Open Space Preservation	-	694,981	694,981
Total Fund Balances	<u>118,589</u>	<u>694,981</u>	<u>813,570</u>
Total Liabilities and Fund Equity	<u>\$ 126,050</u>	<u>\$ 699,038</u>	<u>\$ 825,088</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES
SPECIAL REVENUE FUNDS
For the Year Ended December 31, 2021

	Special Revenue Funds		
	Conservation Trust Fund	Open Space Preservation Fund	Total
<u>Revenues:</u>			
Local Taxes and Assessments	\$ -	\$ 231,839	\$ 231,839
Intergovernmental	42,279	10,000	52,279
Interest and Other Revenues	59	157	216
Total Revenues	42,338	241,996	284,334
<u>Expenditures:</u>			
General Government	35,789	-	35,789
Open-space Preservation	-	206,750	206,750
Total Expenditures	35,789	206,750	242,539
Excess Revenues Over (Under) Expenditures	6,549	35,246	41,795
<u>Other Financing Sources (Uses):</u>			
Transfers In (Out)	-	300,000	300,000
Excess of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing (Uses)	6,549	335,246	341,795
Fund Balances – Beginning	112,040	359,735	471,775
Fund Balances – Ending	\$ 118,589	\$ 694,981	\$ 813,570

The accompanying notes are an integral part of these financial statements.

SUPPLEMENTAL INFORMATION
PROPRIETARY (ENTERPRISE) FUNDS

TOWN OF EAGLE, COLORADO
SCHEDULE OF BUDGETARY BASED REVENUES AND EXPENDITURES
– BUDGET AND ACTUAL – WATER ENTERPRISE FUND
For the Year Ended December 31, 2021

	Water Enterprise Fund			Variance
	Original Budget	Final Budget	Actual	Favorable (Unfavorable)
<u>Budgetary Revenues:</u>				
GAAP Operating Revenues:				
Service Fees	\$ 4,169,900	\$ 4,354,775	\$ 4,452,821	\$ 98,046
Meters and Materials	109,000	75,520	107,270	31,750
GAAP Non-Operating Revenues:				
Interest & Investment Earnings	12,120	6,500	5,167	(1,333)
Accretion of Bond Premium	-	-	29,169	29,169
GAAP Capital Contributions:				
Tap and Improvement Fees	886,000	596,268	738,960	142,692
Less: Accretion of Debt Premium	-	-	(29,169)	(29,169)
 Total Budgetary Revenues	 5,177,020	 5,033,063	 5,304,218	 271,155
<u>Budgetary Expenditures:</u>				
GAAP Operating Expenses:				
Personnel Services	907,776	847,619	707,932	139,687
Supplies	271,516	267,331	246,121	21,210
Purchased Services	754,036	595,816	431,956	163,860
Insurance	62,333	45,861	45,861	-
Contingency	50,000	50,000	-	50,000
Depreciation	-	-	415,405	(415,405)
GAAP Non-Operating Expenses:				
Interest and Fiscal Charges	374,630	374,630	371,109	3,521
Debt Service Principal	891,647	891,647	891,647	-
Capital Outlay	5,102,533	3,546,990	3,315,865	231,125
Change in Accrued Interest	-	-	3,522	(3,522)
Change in Vacation/Comp Time Accrual	-	-	13,020	(13,020)
Less: Depreciation	-	-	(415,405)	415,405
 Total Budgetary Expenditures	 8,414,471	 6,619,894	 6,027,033	 592,861
 Budgetary Net Income (Loss)	 \$ (3,237,451)	 \$ (1,586,831)	 \$ (722,815)	 \$ 864,016

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
SCHEDULE OF BUDGETARY BASED REVENUES AND EXPENDITURES
– BUDGET AND ACTUAL –WASTEWATER ENTERPRISE FUND
For the Year Ended December 31, 2021

	Wastewater Enterprise Fund			Variance
	Original Budget	Final Budget	Actual	Favorable (Unfavorable)
<u>Budgetary Revenues:</u>				
GAAP Operating Revenues:				
Service Fees	\$ 2,851,000	\$ 2,851,000	\$ 2,768,845	\$ (82,155)
Miscellaneous	-	-	83	83
GAAP Non-Operating Revenues:				
Interest & Earnings on Investments	12,000	4,000	3,038	(962)
Accretion of Bond Premium	-	-	23,528	23,528
Miscellaneous	-	-	-	-
GAAP Capital Contributions:				
Tap and Improvement Fees	828,000	828,000	341,000	(487,000)
Less: Accretion of Bond Premium	-	-	(23,528)	(23,528)
 Total Budgetary Revenues	 3,691,000	 3,683,000	 3,112,966	 (570,034)
<u>Budgetary Expenditures:</u>				
GAAP Operating Expenses:				
Personnel Services	637,006	566,965	498,411	68,554
Supplies	138,318	104,382	78,448	25,934
Purchased Services	620,110	774,484	519,708	254,776
Insurance	34,360	34,360	34,167	193
Contingency/Noncap Impr.	250,000	250,000	-	250,000
Depreciation	-	-	792,212	(792,212)
GAAP Non-Operating Expenses:				
Interest and Fiscal Charges	227,235	227,235	218,932	8,303
Debt Service Principal	711,799	713,053	713,053	-
Capital Outlay	35,000	10,000	9,787	213
Change in Accrued Interest	-	-	8,300	(8,300)
Change in Vacation/Comp Time	-	-	3,856	(3,856)
Less: Depreciation	-	-	(792,212)	792,212
 Total Budgetary Expenditures	 2,653,828	 2,680,479	 2,084,662	 595,817
 Budgetary Net Income (Loss)	 \$ 1,037,172	 \$ 1,002,521	 \$ 1,028,304	 \$ 25,783

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
SCHEDULE OF BUDGETARY BASED REVENUES AND EXPENDITURES
– BUDGET AND ACTUAL – REFUSE ENTERPRISE FUND
For the Year Ended December 31, 2021

	Refuse Enterprise Fund			Variance
	Original Budget	Final Budget	Actual	Favorable (Unfavorable)
<u>Budgetary Revenues:</u>				
GAAP Operating Revenues:				
Service Fees	\$ 667,300	\$ 667,282	\$ 661,387	\$ (5,895)
GAAP Non-Operating Revenues:				
Interest & Earnings on Investments	450	130	104	(26)
Total Budgetary Revenues	667,750	667,412	661,491	(5,921)
<u>Budgetary Expenditures:</u>				
GAAP Operating Expenses:				
Personnel Services	10,026	10,022	8,767	1,255
Supplies	3,500	550	48	502
Purchased Services	626,386	630,656	626,777	3,879
Insurance	987	215	215	-
Depreciation	-	-	980	(980)
GAAP Non-Operating Expenses:				
Administrative Fee – General Fund	20,000	20,000	20,000	-
Less: Depreciation	-	-	(980)	980
Total Budgetary Expenditures	660,899	661,443	655,807	5,636
Budgetary Net Income (Loss)	\$ 6,851	\$ 5,969	\$ 5,684	\$ (285)

The accompanying notes are an integral part of these financial statements.

TOWN OF EAGLE, COLORADO
SCHEDULE OF BUDGETARY BASED REVENUES AND EXPENDITURES
– BUDGET AND ACTUAL – STORMWATER ENTERPRISE FUND
For the Year Ended December 31, 2021

	Stormwater Enterprise Fund			Variance
	Original Budget	Final Budget	Actual	Favorable (Unfavorable)
<u>Budgetary Revenues:</u>				
GAAP Operating Revenues:				
Service Fees	\$ 106,000	\$ 90,000	\$ 81,530	\$ (8,470)
Total Budgetary Revenues	106,000	90,000	81,530	(8,470)
<u>Budgetary Expenditures:</u>				
GAAP Operating Expenses:				
Purchased Services	106,000	5,000	-	5,000
Insurance	-	1,297	1,297	-
Total Budgetary Expenditures	106,000	6,297	1,297	5,000
Budgetary Net Income (Loss)	\$ -	\$ 83,703	\$ 80,233	\$ (3,470)

The accompanying notes are an integral part of these financial statements.

SUPPLEMENTAL INFORMATION

ANNUAL STATEMENT OF RECEIPTS AND
EXPENDITURES FOR ROADS, BRIDGES AND STREETS

The public report burden for this information collection is estimated to average 380 hours annually.

LOCAL HIGHWAY FINANCE REPORT		City or County: Town of Eagle, Colorado	
		YEAR ENDING : DECEMBER 2021	
This Information From The Records Of Town of Eagle, Colorado		Prepared By: Phone:	JILL E.KANE 970-328-6354

I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE				
ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for no highway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

II. RECEIPTS FOR ROAD AND STREET PURPOSES		III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES	
ITEM	AMOUNT	ITEM	AMOUNT
A. Receipts from local sources:		A. Local highway disbursements:	
1. Local highway-user taxes		1. Capital outlay (from page 2)	419,629
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	434,274
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	0
2. General fund appropriations		b. Snow and ice removal	304,376
3. Other local imposts (from page 2)	878,749	c. Other	56,842
4. Miscellaneous local receipts (from page 2)	138,247	d. Total (a. through c.)	361,217
5. Transfers from toll facilities		4. General administration & miscellaneous	64,151
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	45,000
a. Bonds - Original Issues		6. Total (1 through 5)	1,324,272
b. Bonds - Refunding Issues		B. Debt service on local obligations:	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	1,016,997	b. Redemption	
B. Private Contributions	0	c. Total (a. + b.)	0
C. Receipts from State government (from page 2)	308,081	2. Notes:	
D. Receipts from Federal Government (from page 2)	0	a. Interest	
E. Total receipts (A.7 + B + C + D)	1,325,077	b. Redemption	
		c. Total (a. + b.)	0
		3. Total (1.c + 2.c)	0
		C. Payments to State for highways	
		D. Payments to toll facilities	
		E. Total disbursements (A.6 + B.3 + C + D)	1,324,272

IV. LOCAL HIGHWAY DEBT STATUS (Show all entries at par)					
	Opening Debt	Amount Issued	Redemptions	Closing Debt	
A. Bonds (Total)	0				0
1. Bonds (Refunding Portion)					
B. Notes (Total)	0				0

V. LOCAL ROAD AND STREET FUND BALANCE					
	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
	1,667,801	1,325,077	1,324,272	1,668,606	0

Notes and Comments:
The Town received Devolution proceeds to take over a portion of highway 6 in 2017. We received \$1,671,649. The Town has earned \$92,598.05 in interest on these proceeds from 2017 through 2021. The Town is saving these proceeds specifically for Grand Ave projects. In 2020 the Town spent \$95,641 to begin the redevelopment of Grand Ave.

LOCAL HIGHWAY FINANCE REPORT		STATE: Colorado	
		YEAR ENDING: December 2021	

II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL			
ITEM	AMOUNT	ITEM	AMOUNT
A.3. Other local imposts:		A.4. Miscellaneous local receipts:	
a. Property Taxes and Assessments	0	a. Interest on investments	805
b. Other local imposts:		b. Traffic Fines & Penalties	35,455
1. Sales Taxes & Use Tax	822,960	c. Parking Garage Fees	0
2. Infrastructure & Impact Fees	36,087	d. Parking Meter Fees	0
3. Liens	0	e. Sale of Surplus Property	0
4. Licenses	0	f. Charges for Services	0
5. Specific Ownership &/or Other	19,702	g. Other Misc. Receipts	0
6. Total (1. through 5.)	878,749	h. Other Road & Bridge Tax	101,987
c. Total (a. + b.)	878,749	i. Total (a. through h.)	138,247
(Carry forward to page 1)		(Carry forward to page 1)	

ITEM	AMOUNT	ITEM	AMOUNT
C. Receipts from State Government		D. Receipts from Federal Government	
1. Highway-user taxes	275,689	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	32,391	d. Federal Transit Admin	
d. Other (Specify)	0	e. U.S. Corps of Engineers	
e. Other (Specify)	0	f. Other Federal	
f. Total (a. through e.)	32,391	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	308,081	3. Total (1. + 2.g)	
		(Carry forward to page 1)	

III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL			
	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
A.1. Capital outlay:			
a. Right-Of-Way Costs		0	0
b. Engineering Costs		419,629	419,629
c. Construction:			
(1). New Facilities			0
(2). Capacity Improvements			
(3). System Preservation			0
(4). System Enhancement & Operation			
(5). Total Construction (1) + (2) + (3) + (4)	0	0	
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	419,629	419,629
			(Carry forward to page 1)

Notes and Comments:

The Honorable Mayor and Members
of the Town Council
Eagle, Colorado

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Eagle, Colorado, as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Town of Eagle's basic financial statements as listed in the table of contents, and have issued our report thereon dated July 7, 2022.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town of Eagle, Colorado's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town of Eagle, Colorado's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town of Eagle, Colorado's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

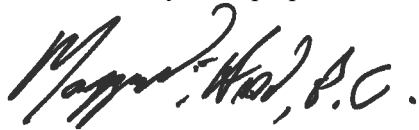
Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town of Eagle, Colorado's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink, appearing to read "Maggard & Hood, P.C.", written in a cursive, stylized script.

MAGGARD & HOOD, P.C.
Glenwood Springs, Colorado
July 7, 2022



To: Mayor and Town Council

From: Peyton Heitzman, Planner, Community Development

Date: July 26, 2022

Agenda Item: Resolution 61, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Major Development Permit and Development Agreement for 435 Eby Creek Road.

REQUEST:

For Town Council to consider approving a Major Development Permit and Development Agreement for a 30-unit apartment building at 435 Eby Creek Road.

INTRODUCTION:

Jeffrey P Manley AIA (Applicant) is requesting a Major Development Permit to construct a 30-unit apartment building at 435 Eby Creek Road (Property). The building is four levels with covered parking on the first level and three levels with residential units. The apartment building will have 6 one-bedroom and 24 two-bedroom units.

There are five design variances included with this request.

These variances include:

- 1) A reduction in the front yard landscape buffer.
- 2) Landscaping in the parking area to constitute less than 10% of the total un-enclosed parking area.
- 3) Parking within the front yard setback.
- 4) Intersection of the access way and public street within 15 feet of the side lot line.
- 5) Slopes steeper than 2:1.



The 2.8-acre Property is located north of I-70 and west of Eby Creek Road. The Property is within Phase II of the Perry Subdivision which was platted in 1997. Through the platting process, the western portion of the lot was designated as open space. The open space designation can be found on the architectural set of plans. The topography of the Property is a steep hillside on the western end that becomes less steep towards the eastern end of the Property where there is relatively flat, buildable land.

Surrounding uses include another residential apartment building to the south, Eby Creek Mesa open space to the north, the Eby Creek Mesa Subdivision to the west, and the Ambulance District and various commercial uses along Market Street to the east.

ANALYSIS:

The application was reviewed for conformance with the Land Use and Development Code and the 2021 Amended Elevate Eagle Comprehensive Plan (Comp Plan). A full analysis is provided in the staff report for the Planning & Zoning Commission dated July 5, 2021 which is included as an attachment in the packet and accessible through this [LINK](#).

During the July 5th public hearing the Planning & Zoning Commission discussed the following items:

Building Height

Two interpretations for measuring building height were presented to the Commission. The Municipal Code's definition of building height can be found in Section 4.07.040.B.2. ([LINK](#)). Ultimately, the Commissioners agreed with staff's interpretation for how the building should be measured. The Commission recommended a condition of approval that is included in Resolution No. 61, Series 2022. The condition requires that the Applicant apply for a zoning variance or modify the building design to conform with the 35-foot maximum building height.

Recreation space for residents/sidewalk connectivity

There was discussion on the lack of on-site recreational amenities and the project's alignment with Policy 3-3.1. *Ensure residents have access to recreation amenities*. The Applicant shared the site constraints associated with the property that has limited their ability to add a recreation facility. The Commission discussed the sidewalk connectivity allowing future residents access to recreational amenities throughout Town. The Commissioners provided a recommendation that full connectivity to the roundabout be provided prior to issuance of TCO. There was also discussion on the addition of a picnic table on site.

Landscape buffer in the front yard setback and Town right-of-way

The Commission expressed concerns that the reduced landscape buffer in the front yard, which is one of the variance requests, would not be a sufficient buffer to Eby Creek Road. The Commission recommended a condition of approval requiring the Applicant install additional trees in the right-of-way to widen the landscape buffer. Landscaping in the right-of-way would be maintained by property management for the Property.

Local Employee Residency Program (LERP)

There was discussion on the applicability of the LERP requirements between the Commission and the Applicant. This would be the first application of the LERP requirements for a rental project in a traditional Town of Eagle zone district. The Commission and Applicant discussed the need for employee housing. Staff shared that the Applicant would be required to provide a LERP Plan. Such plan has been included in the Development Agreement.

EV Charging station and infrastructure

There was a question about the enforceability of the Comp Plan policies. Staff responded that while the conformance to these policies can be subjective, the project should show overall alignment with the Town's Comp Plan. The Commission discussed Policy 4-3.2. *Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption. Encourage all construction efforts to utilize green building practices*. To meet the policy, the Commission added a condition of approval that the Applicant install one EV charging station and provide infrastructure for future EV stations.

Slopes greater than 2:1

The Commission asked about the use of retaining walls to address slopes greater than 2:1 on the south side of the property. The Applicant shared that they wanted to avoid disturbing land on the neighbor's property, and they were working to preserve existing mature trees that buffer between the two properties.

Fire Safety

The Commission discussed egress from the rear of the building. The applicant shared that they had met with the Fire District several times in the design of the building and site layout. The Applicant shared the location of the fire truck connection point is north of the building.

Development Agreement

The Planning & Zoning Commission unanimously recommended approval of the application and design variances with conditions. Most of the conditions of approval have been incorporated into the development agreement. Resolution 61, Series 2022 includes two conditions of approval. The first condition requires the Applicant either apply for a zoning variance for the building height or modify the plans to conform with the height measurement in Chapter 4.07 of the Municipal Code. The second condition requires an amended lighting plan for staff's review. The initial wattages proposed exceed what is allowed in a parking area and the amended lighting plan will be required to comply with the Town's maximum allowable wattages found in Section 4.07.010 of the Municipal Code.

LERP

Exhibit B of the Development Agreement includes a LERP Plan provided by the Applicant. The LERP Plan provides three (3) Resident Occupied deed restricted units. The rental price per unit is not restricted to Area Median Income (AMI) in the LERP Plan. In previous years, projects subject to the LERP requirements have been for-sale developments. The Town has approved a set of guidelines that live outside of the Municipal Code that provide guidance on the administration of for-sale LERP units. There are no adopted guidelines for rental units. Additional background information on this is provided in the Planning & Zoning Commission staff report on page 4 ([LINK](#)). Without a set of guidelines specific to rental units, the Applicant has had to rely solely on requirements in the Municipal Code and examples from other jurisdictions in the creation of their LERP Plan.

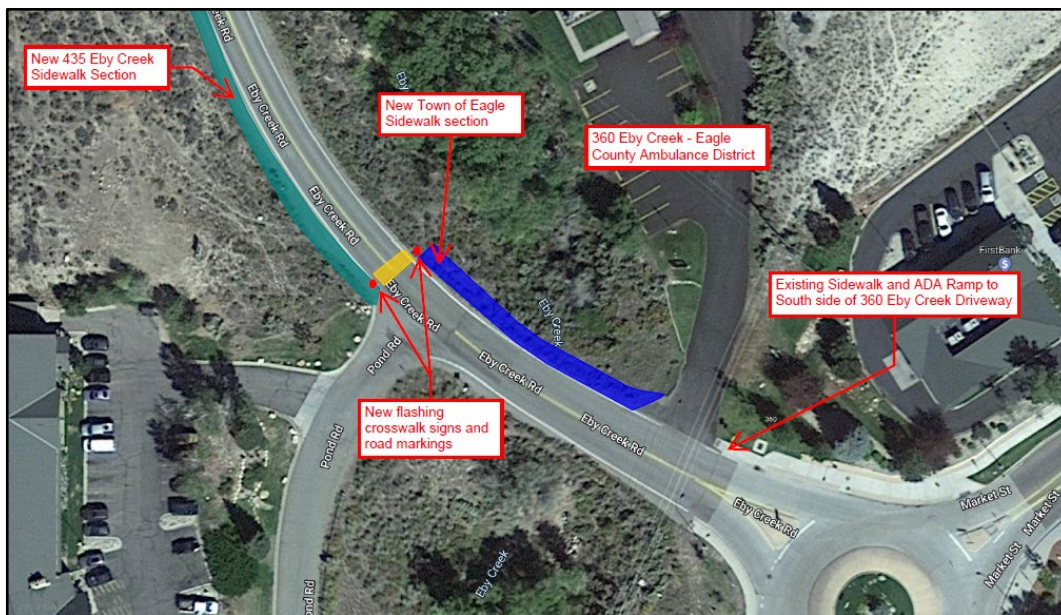
Staff reviewed the LERP Plan against the Municipal Code's inclusionary residential requirements for local employee residency ([Section 4.04.110](#)). The LERP Plan appears to meet the residential development requirements found in Section 4.04.110.E. The project meets the minimum number of units, which is 10% of the total number of units (30 units * 10% = 3 LERP units). The location and character of the LERP units will blend in with the overall development. The LERP units will be completed at the same time as the other units. Finally, all three LERP units will be deed restricted. The deed restriction shall be recorded prior to the issuance of the first building permit for the Development. There is language under the requirements that address limiting the price of LERP units to 90 percent of the maximum income limits set forth in the Town's local employee residency requirements and guidelines. However, this section addresses for-sale units and is silent on the application for rental units.

The purpose statements in Section 4.04.110.A of the Code states that the goal of LERP is to *increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town.*

Another purpose statement is that the *Town recognized that affordable housing is available community resource that needs to remain available not only for current residents and employees, but also for those who may come to the area in the future. For this reason, deed restrictions or other methods that assure that prices remain affordable over time are necessary.* By deed restricting the rentals to Town of Eagle residents, and in the absence of guidelines for rental units, staff believes the application meets the goals of the LERP program. While the deed restriction does not guarantee a low rental price tied to AMI, the LERP Plan provides a unique product for residents employed within the Town of Eagle boundaries. This limitation will reduce the number of individuals who qualify for the units, encouraging a more affordable product than a unit that is not deed restricted.

Sidewalk Extension

The Applicant is requesting the Town pay 75% of the cost for installing the sidewalk from Pond Road to 360 Eby Creek Road. This language can be found in Section 12.3 of the Development Agreement. Not included in this reimbursement request is the portion of the sidewalk the length of the Property, the cost of which will be the responsibility of the Applicant. The Applicant is asking the Town to cost share the portion of the sidewalk that will serve other properties in the area (The House, Eagle River Lodge, and other residents walking up and down Eby Creek Rd). The cost estimate for this section of sidewalk is \$60,240 and a breakdown of costs are included in Exhibit A of the Development Agreement. If Council agrees to this request, the Town would be responsible for approximately \$45,180. The Applicant is not requesting that the Town contribute to general contractor fees for the sidewalk. The installment of this sidewalk would allow for full connectivity from the Property to the Town's existing sidewalk system on Market Street.



COMMUNITY INPUT:

One public comment was received on June 30, 2022 and is included as an attachment.

BUDGET / STAFF IMPACT:

No impact anticipated.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This request aligns with the 2020 Strategic Plan's major objective to 'Diversify the Attainable Housing Stock' with the addition of thirty multi-family dwelling units. The housing stock in the Town is still predominantly single-family homes.

RECOMMENDED ACTION OR PROPOSED MOTION:

APPROVAL OR DENIAL of Resolution 61, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Major Development Permit and Development Agreement for 435 Eby Creek Road.

ATTACHMENTS:

- Staff Report – Planning & Zoning Commission dated July 5, 2022
- Application and Project Narrative
- Aerial Map
- Site Photos
- 3D Renderings
- Architectural Plans
- Building Height ([LINK](#))
- Civil Plans ([LINK](#))
- Lighting Plan ([LINK](#))
- Drainage Memo ([LINK](#))
- Soils Study dated June 2007 ([LINK](#))
- Traffic Impact Analysis dated April 13, 2022 ([LINK](#))
- Staff Determination of Adequacy and Public Facilities Impact Report ([LINK](#))
- Public Comment
- Referral Agency Comments and Responses ([LINK](#))
- Water Supply and Metering Sheets ([LINK](#))
- Ability to Serve Letters from Utility Providers ([LINK](#))
- Resolution 61, Series 2022 (Development Agreement Attached)



**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: July 5, 2022

PROJECT: 435 Eby Creek Apartments

REQUEST: A Major Development Permit to construct a 30-unit apartment building on 2.804 acres. There are six design variances associated with this request.

FILE NUMBER: DR22-03

APPLICANT: Jeffrey P Manley AIA of Martin Manley Architects on behalf of Rick Patriacca

LOCATION: 435 Eby Creek Road

CODE: Chapter 4.04. Zoning
Chapter 4.06: Development Review
Chapter 4.07: Development Standards
Chapter 4.08: Sign Code
Chapter 4.13: Subdivision Design, Improvements and Dedications
Chapter 4.14: Assurance of Adequate Public Facilities

ZONING: Residential Multi-Family (RMF) Zone District

EXHIBITS:

- A: Application and Project Narrative
- B: Aerial Map
- C: Site Photos
- D: 3D Renderings
- E: Architectural Plans
- F: Building Height
- G: Civil Plans
- H: Lighting Plan
- I: Drainage Memo
- J: Soils Study dated June 2007
- K: Traffic Impact Analysis dated April 13, 2022
- L: Staff Determination of Adequacy and Public Facilities Impact Report
- M: Public Comment
- N: Referral Agency Comments and Responses ([LINK](#))
- O: Water Supply and Metering Sheets ([LINK](#))
- P: Ability to Serve Letters from Utility Providers ([LINK](#))

PUBLIC COMMENT:

Staff has received 1 letter of public comment as of July 1, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF:

Peyton Heitzman, Planner – peyton.heiztman@townofeagle.org

INTRODUCTION

Jeffrey P Manley AIA (Applicant) is requesting a Major Development Permit to construct a 30-unit apartment building at 435 Eby Creek Road (Property). The building is four levels with covered parking on the first level and three levels with residential units. The apartment building will have 6 one-bedroom and 24 two-bedroom units.

There are six design variances included with this request. These variances include:

- 1) A reduction in the front landscape buffer.
- 2) Landscaping in the parking area to constitute less than 10% of the total un-enclosed parking area.
- 3) Parking within the front yard setback.
- 4) Intersection of the access way and public street within 15 feet of the side lot line.
- 5) Reduced planting strip between sidewalk and road curb and gutter.
- 6) Slopes steeper than 2:1.



The 2.8-acre Property is located north of I-70 and west of Eby Creek Road. The Property is within Phase II of the Perry Subdivision which was platted in 1997. Through the platting process, the western portion of the lot was designated as open space. The open space designation can be found on the architectural set of plans. The topography of the Property is a steep hillside on the western end that becomes less steep towards the eastern end of the property where there is relatively flat, buildable land. On January 25, 2022, the Property was rezoned from Commercial General (CG) to Residential Multi-Family (RMF).

To the south of the Property is another residential apartment building. To the west is the Eby Creek Mesa Subdivision in unincorporated Eagle County. Eby Creek Mesa open space is to the north and to the east is Eby Creek Road and various commercial uses along Market Street.

ISSUES FOR DISCUSSION

1. Is the sidewalk connection sufficient to meet an Elevate Eagle policy requiring recreational amenities for residents?
2. Should the proposal be subject to the requirements of the North Interchange Area?
3. What kind of consistency in retaining wall systems in the Planning Commission comfortable with? Should the visible portions of the retaining wall be made of boulders?
4. Should more plant variety be provided for in the landscape plan (conifer and deciduous trees)?
5. Should additional landscaping be added to the rear of the building to better buffer the building from wildlife habitat and movement corridors?
6. What considerations should be given to the three (3) Local Employee Residency Program (LERP) units due to the lack of TOE guidelines for rental units?

STANDARDS FOR DEVELOPMENT PERMIT (Section 4.06.020.)

STANDARD #1: *The proposed development complies with the Town's regulations, goals and policies.*

Town of Eagle Regulations

Staff Comment: Staff reviewed the development application against the relevant Town regulations in Title 4 of the Municipal Code. The standards are listed first, followed by staff's analysis. Applicable chapters from the Municipal Code include:

- 1) Chapter 4.04: Zoning
- 2) Chapter 4.06: Development Review
- 3) Chapter 4.07: Development Standards
- 4) Chapter 4.08: Sign Code
- 5) Chapter 4.13: Subdivision Design, Improvements and Dedications
- 6) Chapter 4.14: Assurance of Adequate Public Facilities

CHAPTER 4.04. – ZONING

Schedule of requirements in residential districts (Section 4.04.080.)

RMF ZONE DISTRICT REQUIREMENTS								
	MLA	MLA/DU	MFY	MSY	MRY	MBH	MLC*	MFA
REQUIRED	6,000 sf	MF 4,000 sf	25'	Greater of 12.5' or ½ bldg height	20'	35'	Building 50%; all other impervious 20%	150%
ACTUAL	122,142 sf	4,071 sf/DU (30 units total)	>25'	>17'6"	>20'	>35'	Building 10%; all other 17%	29.5%
KEY:	MLA = Minimum lot area. MLA/DU = Minimum lot area per dwelling unit. MFY = Minimum front yard.			MSY = Minimum side yard. MRY = Minimum rear yard. MBH = Maximum building height. MLC = Maximum lot coverage. MFA = Maximum floor area.				

See Site Plan on Sheet A1.1 of Architectural Plans.

Building height (Section 4.04.090 and Section 4.07.040)

The maximum height allowed is 35 feet to any point on the building. On a gable, hip, or gambrel roof, any selected reference point on the roof surface that sits directly above the interior of the building must be measured from existing grade to the average distance between the eaves and the apex of the roof. If the selected reference point is outside of the building footprint (such as eaves and overhangs), then the height measurement is from the existing or proposed finished grade, whichever is more restrictive.

Staff Comment: Staff and the Applicant have two interpretations as to how the building should be measured. The Code states that the building height is measured from existing grade to the average distance between the eaves and apex of the roof when the selected reference point is a point on the roof surface that sits directly above the interior of the building. Once that midpoint on the roof surface (average distance between eaves and apex) is determined, as shown in attachment F: Building Height, that midpoint acts as a plane from which the 35' is measured down from. This measurement leads the building to be just over 2' too high on the western portion of the building.

The Applicant's interpretation is that the midpoint sets the height restriction and from the midpoint to the eaves, the roof is required to be 35' or less from existing grade. If the Planning Commission agrees with staff's interpretation then the applicant will request a zoning variance in a subsequent application.

Minimum Use Standards (Section 4.04.100.J.4)

No dust, noise, odor, fumes, glare or vibration shall be projected beyond the lot.

Staff Comment: Staff does not anticipate the residential use generating dust, noise, odor, fumes, glare or vibration that will project beyond the lot.

Inclusionary residential requirements for local employee residency (Section 4.04.110.)

Applicability. Local employee residences shall be required as a condition of approval for all residential development including residential annexations, residential planned unit developments (PUDs) (Chapter 4.11), residential

subdivisions (Chapter 4.12), and multifamily residential development permits (Chapter 4.06), as well as special use permits for high density multifamily dwellings in the Residential Multi-Family (RMF) and Central Business District (CBD) Zone Districts (Section 4.05.010).

All residential annexations, new residential subdivisions, new planned unit developments containing residential units, development permits for new multifamily residential developments and special use permits for high density multifamily dwellings, approved after the effective date of the ordinance from which this section is derived, containing ten or more residential units, shall set aside at least ten percent of those units as local employee residences as defined in this section and the Town's local employee residency requirements and guidelines.

Staff Comment: The project is a multifamily residential development with over 10 units, qualifying for the local employee residency program (LERP). Three of the 30 units are subject to the LERP per Section 4.04.110.E.1.

The Applicant is proposing to rent the units in the apartment building. When considering recent for-rent developments (Broadway Station, 700 Chambers Subdivision, The House), the Town has no examples where LERP requirements were applied. While documentation on this decision has been difficult to find, staff believes previous staff chose not to apply LERP requirements to rental units as a result of a Colorado State Court decision in 2000, *Town of Telluride v. Lot Thirty Four Venture (Telluride Case)*. The Court determined that the application of inclusionary housing programs to rental units was a form of rent control. Colorado State Law prohibits local government from imposing rent control policies. In 2021, the state legislature approved HB21-1117 that allows local governments to adopt affordable housing policies that would allow for restricted rents ([LINK](#)). The Municipal Code's LERP requirements do not exempt rental units from the program. The Town Attorney has reviewed the language and agreed that LERP applies to rental projects. The challenge with applying LERP to this project is that the Town is missing guidelines that outline how the program should be administered. Guidelines exist for for-sale units but were never created for rental units. Here, we will include the LERP requirements in the Development Agreement, and for future rental projects, we will develop general LERP guidelines.

Staff recommends that a condition of approval be added, requiring the Applicant provide a LERP Plan as part of the Development Agreement to be approved by the Town Council.

CHAPTER 4.06. - DEVELOPMENT REVIEW

Staff Comment: This project requires the installation of two new fire hydrants. The extension of municipal facilities triggers the need for a Major Development Permit. As a Major Development Permit, this project will go before the Planning Commission for recommendation and the final decision will be made by the Town Council. The Major Development Permit review process requires a site review by the Planning Commission. This site review took place on June 21, 2022. Questions brought up during the site visit included:

- Grading
- Drainage
- A retention wall to the rear of the building
- The lot size
- Access to the lot
- Topography
- Design Variances
- A sidewalk through the Property

Per the Code, the Commissioners who attended the site visit may make written (or verbal) recommendations to the full Planning Commission regarding compliance of the proposal with the Town's regulations, goals, policies and plans. These recommendations will be shared at the July 5, 2022 meeting.

CHAPTER 4.07. - DEVELOPMENT STANDARDS

Lighting Standards (Section 4.07.010.)

Staff Comment: Building and parking area lighting can be found in the lighting plan. The footcandle calculations indicate there will not be light trespass beyond the Property lines. Façade lighting is prohibited in residential multifamily areas according to Section 4.07.010; however, the use of porch lights and egress lighting is encouraged in the lighting standards. The Applicant is proposing nine light fixtures on the building for egress lighting. The

mounting height of these fixtures is 10' and will operate from dusk to 11 pm in conformance with the lighting standards. The parking lot lighting will not exceed the maximum height of 15' and will operate from dusk to dawn.

Landscape Standards - Section 4.07.020.

No more than 80 percent of the area of any development shall be covered with impervious materials; a minimum of 20 percent of each development shall be covered with landscape materials, as provided below.

Landscape materials shall include live plant materials, including grass, ground covers, trees, shrubs, and flower beds. The following landscape materials may cover a maximum of 30 percent of the required landscape area: walks, decks, terraces, water features and decorative rock. No artificial trees, shrubs, turf, or plants may be used as landscape material.

Staff Comment: The landscape plan is available on Sheet A1.2. and shows that 89,096 sf or 73% of lot will be landscaped, exceeding the 20% minimum. The majority of the landscape material is live plant materials with an exception of 1,000 sf that will be mulch for trees and shrubs.

Front Street Buffer - Section 4.07.020.B.3.a.

	<u>REQUIRED</u>	<u>ACTUAL</u>
Materials	Deciduous, conifer, and ornamental trees, shrubs, perennials, bulbs, and seed or sodded lawn.	Ornamental trees, shrubs, perennial ground covers, and natural grass consistent with surrounding landscape. Deciduous and conifer trees not included.
Quantities	Flexible. Combination with differing heights and densities. Shall not compete with and overpower existing streetscape planting in public ROW.	Plan shows differing heights and densities with trees and shrubs. Plan does not appear to overpower the existing streetscape.
Landscape buffer	5% average of two side property lines.	This calculates to 17.17' from property line. Standard is not met.
Irrigation	Irrigated using an underground automatic system	Permanent underground drip irrigation along the front yard.
Deciduous tree spacing and height	Spaced 30' on center. Species appropriate spaces or evenly along roadways. Minimum 6' in height.	None provided in plans.
Ornamental tree spacing and caliper	Spaced 15' on center (except Aspens can be less) Species appropriate spaces or evenly along roadways. 2-inch caliper	The Fruitless Flowering Crabapples are spaced 15' on center. Spaced fairly evenly along roadway Quaking Aspen 2-2.5" caliper Fruitless Flowering Crabapples 2" caliper
Shrubs and perennials	Space to achieve massing at mature size.	Several along front yard which appear to achieve massing.

Staff Comment: Staff believes the application meets all the requirements for the front yard buffer with an exception of the landscape buffer width. This is a requested design variance. Analysis of all design variances is provided later in the staff report.

Ground Coverage

Groundcovers, including sod and seed, shall be planted at a rate to achieve full coverage and mowed to a maximum height of six inches. All plant beds shall be mulched to an appropriate depth to retain moisture and reduce dust. Mulch shall be organic; rock and gravel mulch is not allowed. No more than two driveway cuts per lot, each a

maximum of 35 feet wide, shall be allowed unless specifically approved by the Planning Commission during the development review.

Staff Comment: The landscape plan shows full ground coverage. The proposed mulch is an organic material made of shredded bark. The development proposes one driveway cut that is 21.5' wide and under the 35' maximum.

Boundary buffer.

The boundaries of every development shall be landscaped to adequately buffer potential incompatibility between adjacent land uses. Screening of parking lots from adjacent properties shall be required. Screening must be provided to eliminate headlight glare from lot onto adjacent property and to screen views into parking lots. Planting buffers along the edge(s) of parking lots must be a minimum of five feet wide or a combination of fencing and a two-foot wide buffer may be used.

Staff Comment: There are several large, mature trees that buffer the building from the adjacent property to the south. The landscape plan notes the preservation of these mature trees will be considered if practical. The Applicant is also proposing a variety of shrubs and trees along the southern end of the parking lot as a buffer between the two parking lots. This landscape buffer is greater than the five-foot minimum. Additionally, the project sits on a hill above the adjacent property to the south, further separating the two uses. Staff believes the two properties are sufficiently buffered and no incompatibility is anticipated.

Drainage easements.

All drainage easements shall be seeded or sodded with grass or other ground cover and shall be maintained in a manner that promotes proper drainage in conformance with the drainage plan for the subdivision in which the subject lot lies.

Staff Comment: There is a 15' Drainage and Utility Easement that runs along the north, east and western perimeter of the Property. The drainage easement was created with the Perry Subdivision, Phase II Final Plat and will be maintained through this development permit. The landscape plan shows all possibly disturbed easements will be re-seeded.

Parking area landscaping - Section 4.07.020. and Section 4.07.080.

In parking areas with ten or more parking spaces, landscaped islands or peninsulas shall be used to reduce the visual impact and assist in defining on-site traffic movement. Such landscaped areas shall be curbed to prevent vehicles from intruding on them. They shall be included in the total landscape requirements of this section and shall constitute at least ten percent of the total un-enclosed parking area, in conformance with Section 4.07.140.

For parking lots with ten or more parking spaces, one deciduous shade tree shall be required to be planted in the interior of the lot for every ten parking stalls. All required shade trees shall be located within curbed, planted medians and/or islands to provide spatial definition and shade within paved areas. All parking lots adjacent to primary and secondary streets shall be screened using plant material and/or fencing.

Staff Comment: The parking area includes landscaped islands (or peninsulas) and proposes no more than 10 contiguous parking stalls at a time. The parking lot is designed with curb and gutter (see Sheet No. C3). Less than ten percent of the total unenclosed parking area is landscape. This is a design variance request.

The landscape plan shows deciduous shade trees within all parking lot islands and peninsulas. The landscape plan shows plantings along the east end of the parking lot, buffering Eby Creek Road.

Recommended Plant List

Staff Comment: Section 4.07.020.D. of the Municipal Code provides a recommended plant list. The Landscape Plan proposes the use of Fruitless Flowering Crabapple and Quaking Aspen trees, both included on this list. The shrubs proposed on the landscape plan include Spirea, Dwarf Lilac, Cotoneaster, and Serviceberries. The Applicant has shared that these shrubs, while not on the Town's list, range from low water use to low-medium water use.

General Architectural Standards - Section 4.07.040.

Building mass, form, length, and height shall be designed to provide variety and visual interest, maintaining a scale appropriate to surroundings.

Staff Comment: The Code does not define or provide an objective measurement of visual interest. The building appears to provide a variety of mass, form, length, and height that is in scale with the surrounding area. To the south is 85 Pond Road that provides a large apartment complex of comparable scale.

Building styles that are traditionally used within the Town and in rural settings (such as two-story, false fronts and ranch buildings) shall be used as examples for new construction and renovations. Appropriate styles and form vary within the Town; refer to specific area design standards for appropriate building types. Buildings that are evocative of other regions, such as adobe buildings, are inappropriate.

Staff Comment: See staff review of North Interchange Area below.

The front facade of buildings shall orient towards the street; the front building facade containing the primary entry way shall parallel the street.

Staff Comment: The front façade orients towards Eby Creek Road. The primary entry ways (there are two) are generally parallel to the street.

Architectural detail.

Building entrances shall be visible and accessible from the pedestrian right-of-way along the building's primary street.

Staff Comment: Building entrances will be visible from Eby Creek Road.

Building materials should be sympathetic and harmonious with the natural setting of Eagle. Traditional materials used in construction of buildings in rural mountain communities are wood, stone, stucco, and brick masonry. A variety of materials should be employed within the building facade. Stone or masonry delineating the building foundation is encouraged. Screw down metal roofs are permitted.

Staff Comment: The Applicant is proposing a variety of materials for the building façade including stucco, a composite wood siding, and metal. Asphalt shingles are proposed for the roof.

Facade and roof colors shall have subtle, neutral, or earth tone colors. Muted colors are encouraged. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

Staff Comment: The colors for each individual material can be found on Sheets A.0 and A3.1. Staff believes the proposed colors are subtle and earth toned.

Building trim and accent areas may feature brighter, complementing colors, including primary colors, but plastic materials and neon tubing is unacceptable for building trim or accent areas. Plastic light raceways are prohibited.

Staff Comment: The Applicant is proposing dark bronze window trim and graphite timbers, trim and fascia (Sheets A.0 and A3.1). Staff believes the proposed trim and accent areas are complementary colors and comply with this standard.

Plastics. Major components, including roofs, walls, fascia and exterior trim of a principal structure shall not be of plastic. Plastic may be allowed for smaller components such as skylights, outdoor seating and similar items. The use of plastics shall be discouraged unless it is demonstrated that the proposed material is the best alternative for the particular component.

Staff Comment: Plastic is not a proposed material for the structure.

Underground utility connection is encouraged. Where the connection meets the building, risers, utility meters, panel boxes, etc., are encouraged to be covered with the same or compatible material as the siding material unless expressly prohibited by utility company regulations.

Staff Comment: The Applicant has noted that utility panels & meters will be located within the covered parking area with limited visibility from outside the structure.

Areas for trash receptacles shall be designed so that the receptacle, as much as possible, cannot be viewed from the street or yard. Access to the receptacles must be provided to allow easy ingress and egress by trash hauling vehicles. Dumpsters must be placed on concrete pads.

All mechanical equipment (either on roofs or at ground level), service areas, storage areas, loading docks, and trash receptacles shall be screened from public view.

Staff Comment: The trash receptacles will be enclosed and screened from public view. The plans show easy ingress and egress for trash hauling vehicles. Sheet A1.1 shows that the dumpster will be placed on concrete pads.

Sheet A3.2 shows that mechanical/condensing units are located to the rear of the building and shielded from public view.

North Interchange Area - Section 4.07.080.

Staff Comment: Under general provisions of the North Interchange Area the Code states that commercially zoned land is applicable to the standards within. The existing language in the Code does not account for residential rezoning. There were no residentially zoned lots north of I-70 until 2018. While the applicability of these standards is not entirely clear, staff has reviewed the application against the standards in this subarea for conformance with the general character of the North Interchange Area. The proposal is generally in conformance with standards in the North Interchange Area with the exception of Section 4.07.080.G.1 requiring a 5' planting strip between the sidewalk and curb/gutter and Section 4.07.080.D.2. that requires slopes be no steeper than 2:1. The Applicant is requesting a design variance for these standards.



Building mass/form/orientation.

Buildings shall be similar in size to those found in a rural mountain community. Traditionally, the largest buildings in the vicinity are those found in ranch complexes. The central form of the buildings is usually simple and rectangular, having secondary gable and shed roofed wings. Porches shall project from the central form and be covered by a separate roof. Roofs that are similar to those of traditional ranch buildings, such as simple gable and shed forms, are appropriate. This incremental add-on approach creates visual interest and scale. Roof pitches, trim, and entrance locations also help to inform and influence the overall aesthetic of a building.

Staff Comment: The building form is rectangular with a gable roof. There are secondary shed roofed wings. The projecting porches are covered by the gable and shed roofed wings serving the entire building. There is simple trim at the windows and the entrance locations that blend in with the overall building design. The roof pitches, building form, material all add to the overall aesthetic of the building.

Provide variation in roof lines and forms. For buildings with a floorplate of from 5,000 square feet to 10,000 square feet, a multiple roof treatment is encouraged; flat roofs are not permitted. Minimum roof pitch to be 5:12 for all buildings less than 10,000 square feet.

Staff Comment: Variation of roof lines and forms are provided. Building footprint is 11,798 square feet. The 5:12 pitch requirement is not applicable.

The siting of any new building should respond to existing site features. Removal of existing native plant material should be limited to areas essential for site development. Excessive excavation of hillsides should not be permitted.

All cut and fill slopes should be stabilized, contoured to blend with existing, undisturbed terrain, and revegetated using plant material similar to that found on undisturbed land in the immediate vicinity. Slopes greater than 2:1 are not permitted.

Staff Comment: The Applicant has proposed a limit of disturbance on the site to limit excavation behind the building. Where excavation is required for construction, the project proposes revegetation with a mix of grasses and fescue seed. As previously noted, the Applicant is requesting a design variance from the 2:1 slope.

Architectural details.

Facades that face public rights-of-way, including the I-70 corridor, shall include variation in the wall plane. Facades that are greater than 100 feet in length shall include spatial definition in the form of wall projections and/or recesses which must have a depth of at least three percent of the length of the facade. Projections and/or recesses must occupy at least 20 percent of the length of the facade. Group items such as windows to create an interesting composition; these type of features provide visual interest to the pedestrian, reduce monolithic appearance, and add local character to development. Facade projections, recesses, windows, and entrances should be integral parts of the building and must not be superficially applied trim, graphics, or paint.

Staff Comment: The building offers variation in the wall plane that exceeds 20%.

Building materials shall be used for all major surfaces that are similar to those employed historically. Segmented, horizontal siding as traditionally seen on wood and wood-clad ranch buildings is appropriate; maximum overlap dimension shall be eight inches. Stone masonry is appropriate when used as a foundation material; however, stone cladding over large portions of a surface is not a documented historical use and is inappropriate. Concrete block must be split-faced and all windows and entrances on such buildings must have added trim. Modular panel materials are not allowed. All facade materials shall have low reflectivity. Pitched roof material shall be wood or asphalt shingles or standing rib seam sheet metal-matte finish.

Staff Comment: The design includes composite wood horizontal siding. Stone cladding and concrete block are not proposed for the building facade. There is trim for all windows and entrances. Sample materials and colors are available on the cover sheet of the architectural set of plans. The project proposes asphalt shingles for the roof.

Landscape/sidewalks/furnishings/screening.

Formal, irrigated landscape treatment shall not abut native, undisturbed ground without edge treatment. Edge transition shall be in the form of a defined grade break, drainage swale, building wall, mulched and planted bed, or pavement.

Staff Comment: The native, undisturbed ground is primarily to the rear of the Property, separated by the retaining wall that wraps behind the building. Per the landscape plan, the ground cover to the front of the building is a blend of native grasses. The trees and shrubs will be mulched.

Retaining walls may be necessary in grade changes and should be concrete with a sandblast finish or keyed brick. Where grade and space allow, boulders may be used. The design and layout of the boulder wall should be such that the base course of the boulders are partly submerged into finish grade. Where appropriate, pockets in-between boulders should be planted to achieve a natural appearance. Retaining wall systems should be consistent from parcel to parcel.

Staff Comment: The retaining wall proposes the use of Redi Rock as a keyed brick system. The nearby parcels use varying retaining wall systems, making consistency from parcel to parcel impossible. The Eagle River Lodge uses boulders and The House uses some boulders for retaining to the front of the property and a shotcrete wall to the rear of the building. The proposed Redi Rock retaining wall has minimal visibility with the exception of an area at the entrance, which will be partially covered by a monument sign. Due to challenges with grading and to minimize disturbance of the land above the grading, the Applicant is proposing the same Redi Rock design throughout the development. The Applicant has shared that the use of boulders north of the building would be more visually intrusive and result in grading challenges and difficulties to properly surface drain water coming down the slope. The proposal sits well above the adjacent property, limiting the ability for visual consistency in retaining walls.

The House



Eagle River Lodge



Parking Standards - Section 4.07.140.

Number of Parking Spaces Required, Size, Materials

Room Type	Spaces Required	# Rooms Planned	Total
1-Bedroom	1.5	6	9
2-Bedroom	2	24	48
1 additional space per 6 du ($30 \div 6 = 5$, rounded up)			5
Total Required:			62
Total Provided (See Sheet A1.1):			62

Staff Comment: The development design meets the minimum parking space requirement. Of the parking provided, 17 spaces are located under the structure and 45 spaces are located in the unenclosed parking lot. The size of the parking stalls throughout the development are 9' X 19' (Sheet C3) and comply with size requirements in Section 4.07.140.D. Asphalt is proposed for the parking surface area, a permitted material under Section 4.07.140.K.a.b.

Location of parking spaces - Section 4.07.140.F.

Off-street parking may be located on any part of the lot occupied by the dwellings or uses for which such parking space is required except that no parking space shall be established in a required front yard setback on any lot containing three or more dwellings. Enclosed underground parking spaces may be located anywhere on the lot.

Staff Comment: Twenty of the non-enclosed parking spaces are within the front yard setback, requiring a design variance.

No parking space shall be located closer than five feet from a window or door of a habitable structure.

Staff Comment: All doors and windows to the dwelling units are located on the second floor and are more than 5 feet from any proposed parking space.

Design of Parking Areas and Access - Section 4.07.140.L.A.

Except single- and two-family dwellings, each access way between a public street and the parking area shall be not less than 15 feet nor more than 35 feet wide at the intersection of the access way with the public street, and a divider stop at least six feet long shall be installed if the access way exceeds 25 feet in width. Each access way shall be clearly and permanently marked and defined through the use of landscaping, rails, fences, walls or other barriers or markers. Said marking and defining may be augmented by painting or striping.

Staff Comment: The width of the access way is 21.5', within the 15 to 35 feet permitted by the Code. The access way will be clearly identified by the end of the sidewalk and a grouping of plants in the landscape plan.

Except single- and two-family dwellings, access from any parking area onto a collector or arterial street and from any parking area with four or more parking spaces onto a local street shall be designed to permit user vehicles to enter and exit unrestricted in forward drive. Access ways shall be designed so as to reduce the number and proximity of access points along public streets. Access ways on the same lot frontage shall be separated by a minimum curb length of 30 feet.

Staff Comment: Only one access point is provided for the development that allows vehicles to enter and exit unrestricted in forward drive.

The intersection of an access way with a public street shall be located not closer than 15 feet to a side lot line, except that a common access way to two adjacent properties with combined width not exceeding 35 feet may be provided at the common lot line.

Staff Comment: The access way is less than 10' from the side lot line to the north. The Applicant is requesting a design variance from this requirement.

A minimum of one parking space for the disabled shall be provided for each nonresidential use which requires a minimum of 15 parking spaces. Such spaces shall be located as close as possible to a major entrance of a building or use. Such spaces shall be a minimum of 12 feet in width, unless located parallel to a sidewalk, in which case they shall be a minimum of nine feet in width. Parallel spaces shall be a minimum of 24 feet in length. All parking spaces for the disabled shall be designated by means of a permanent identification sign.

Staff Comment: The Municipal Code only provides a parking requirement for nonresidential uses. However, the plan provides two handicapped parking spaces, exceeding the requirements in Title 4.

Parking area layout.

MINIMUM PARKING SPACE AND DRIVEWAY REQUIREMENT

Parking Angle	Stall Width	Length of Stall to Curb	Aisle Width	Curb Length per Stall	Width of Double Row with Aisle
90	9'0"	19.0	24.0	9.0	62.0

Staff Comment: All of the proposed parking stalls are designed to a 90-degree angle and subject to the layout requirements in the table above. The site plan on Sheet A1.1 provides the minimum stall width and length. The aisle width is 24' through the majority of the drive. In front of the building the aisle will be increased to 26' to accommodate a fire truck. There is a 62' aisle with for the parking area with a double row.

Development Impact Report - Section 4.07.100.

Staff Comment: The Applicant has completed the Development Impact Checklist as required by the Code. Staff agrees with the Applicant's analysis.

Impact Fees – Sections 4.07.120., 4.07.130., and 4.07.170.

Staff Comment: The proposal is required to provide a Street Improvement Fee, Fire Protection Fee and Public Safety Impact Fees totaling \$95,626.80. This requirement will be a provision of the Development Agreement that will be reviewed and approved by Town Council.

CHAPTER 4.08. – SIGN CODE

Staff Comment: Sheet A1.1 provides a location for a monument sign on the northeast end of the building. Since the details of the sign are limited, staff has included a condition of approval requiring the monument sign be approved through the Town sign permit process, subject to the standards in Chapter 4.08.

CHAPTER 4.13. - SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATIONS

Drainage - Section 4.13.050.

Staff Comment: The application is missing information on the drainage plan required under Section 4.13.050.A. The Applicant has requested that the items be provided at time of building permit. Staff has added a condition of approval that the complete drainage plan be provided at time of building permit and that Town Engineer approval be required prior to issuance of building permit. This section of the Code requires that *where the proposed development results in the need for off-site drainage improvements, such improvements shall be the responsibility of the applicant.* There are sufficient details on the drainage plain (Sheet D1 and D2 of Civil Plans) regarding drainage improvement which will be included in the Development Agreement.

Erosion and sediment control, stabilization, and revegetation - Section 4.13.060.

Staff Comment: The application includes an erosion control plan that can be found on Sheet No. C4. Section 4.13.060 provides a list of required elements for the erosion and control plan. Erosion control and site protection notes are also available on the landscape plan on Sheet A1.2.

<u>Requirement</u>	<u>Staff Comment</u>
<i>Keep cut and fill operations to a minimum so as to create the least erosion potential;</i>	Addressed with limits of disturbance.
<i>Retain and protect natural vegetation whenever feasible;</i>	Addressed in note #2 of Sheet C4.1.
<i>Minimize the exposed ground area and the duration of exposure;</i>	Applicant is proposing erosion control blankets on Sheet C4.0 to minimize exposure.
<i>Protect exposed critical areas with temporary vegetation and/or mulching during development;</i>	Addressed in note #5 of Sheet C4.1.
<i>Trap sediment in runoff water by use of debris basins, sediment basins, erosion control fencing, silt traps or similar measures until the disturbed area is stabilized;</i>	Addressed in note #12 of Sheet C4.1.
<i>Prevent surface water from damaging cut and fill slopes;</i>	Addressed in note #12 and #26 of Sheet C4.1.
<i>Locate cuts and fills so as not to endanger adjoining property; keep cuts less than 2:1 unless a subdivision variance or development permit variance is granted;</i>	Located in Sheet C4.0. Applicant is requesting design variance for cut steeper than 2:1.
<i>Avoid fills on natural watercourses or constructed channels;</i>	Addressed in note #12 of Sheet C4.1.
<i>Develop the grading plan so that water is not diverted onto the property of another landowner unless a written easement agreement allowing such drainage is received from the other landowner and duly recorded; and</i>	Grading Plan provided for on Sheets C5 through C5.3. Note #6 of Sheet C4.1. provides temporary fencing along boundaries to grading outside Property.
<i>Exercise proper measures for dust control during earthwork operations, including watering of disturbed areas;</i>	Note #28 of Sheet C4.1., however, the proper measures are not specifically identified in plan.

<i>Provide gravel at entrances to the public right-of-way to prevent tracking mud. Minimize the number of entrances from the right-of-way;</i>	Not provided in plan. Included as a condition of approval.
<i>That adequate provision is made for revegetation and soil stabilization during and after development of the site; and</i>	Note 29 on Sheet C4.1.
<i>Stabilize disturbed soils as quickly as practicable;</i>	Note #5 of Sheet C4.1 which requires stabilization measures within 30 days of final grade reached on site.
<i>Establish and install permanent vegetation and structural erosion control measures as soon as practicable;</i>	Note #29 and Note #5 address temporary and permanent erosion control and vegetation measures.
<i>Stockpile topsoil and reuse it after final site grading on slopes and other critical areas to be stabilized with vegetation; and</i>	Addressed in note #3 of Sheet C4.1.

That all cuts and fills are adequately designed, engineered and vegetated to control erosion as well as stability of the entire mass; keep cuts less than 2:1 unless otherwise expressly approved by the Town.

Staff Comment: The Applicant is requesting cuts steeper than 2:1 through a design variance. The Applicant has shared that the location and position of the building on the north side of the allow is intended to create room for grading and draining on the south side of the lot. The existing grades of the site that are steeper than 2:1 are a result of the neighboring properties construction that extended onto the Property. The grades of this project are being tied into these existing slopes. The Applicant has coordinated with Public Works to minimize the amount of steep slope required to tie into the existing topography. The application also achieves surface drainage that is fully contained on site.

Staff referred the application to the Colorado Geological Survey (CGS). CGS provided recommendations that have been incorporated as conditions of approval for the application. These conditions require the Applicant to have a geotechnical engineer validate the 2007 Soils Study that was included with the application package and that the geologic and geotechnical study be expanded to discuss all of the mapped geologic hazards potentially impacting the site as identified in the online Geological Hazard Maps. Additionally, the Applicant will be required to provide engineering estimates on sediment load for site drainage that will be required prior to issuance of building permit. Recommendations from the additional information will need to be incorporated into the project plans.

The use of retaining walls or structures to stabilize cut or its fill slopes will not be permitted without the written approval of the Town Engineer and the Planning Commission.

Staff Comment: A condition of approval has been added that final Town Engineer approval be required for any retaining walls. This approval will be in writing. Approval of this application will be accepted as Planning Commission approval of the retaining walls.

Lot and block design - Section 4.13.070.

Each lot in a development shall be designed to provide an adequate, readily accessible building site for a structure devoted to the intended use of the land. Lots and blocks shall be designed to afford the maximum solar access to each building site.

Staff Comment: Due to the topography of the lot, there are limitations on building orientation to increase solar exposure.

School land dedication - Section 4.13.080.

Staff Comment: The school land dedication is required for all major development permits. The dedication of land is not practical in this situation and the Applicant has agreed to pay a fee-in-lieu of dedication. This fee will be included in the Development Agreement.

Easements - Section 4.13.100.

Unless otherwise determined by the Town, all easements necessary to provide service to a subdivision or other development shall be dedicated to the Town, free and clear of all liens and encumbrances, including, but not limited to, water easements, wastewater easements, electric easements, natural gas easements, telephone service easements, telecommunications service easements, cable television service easements, general utility easements, access easements, and bicycle and pedestrian pathway easements. The dimensions of such easements shall be subject to approval by the Town Engineer.

Staff Comment: Sheet C3 provides a new easement through the Property. A provision of the Development Agreement, which will require Town Council approval, will require the easement be dedicated to the Town in compliance with Section 4.13.100.

Sidewalks and bikeways - Section 4.13.110.

Sidewalks and bikeways shall be provided by the developer to allow convenient pedestrian access through or across the development and joining with pedestrian ways and bikeways of adjacent properties.

Staff Comment: Currently, there are no joining pedestrian ways or bikeways from adjacent properties. The Applicant is proposing a sidewalk through the development and along Eby Creek Road for future connectivity to the adjacent property and the Eby Creek Roundabout.

Access Section - 4.13.120.

No more than one access point from an arterial or collector street shall be provided to any development unless the applicant documents that additional access points would be significantly beneficial to the safety and operation of the street or that provision of only one access point would be detrimental to public safety. Such documentation shall be subject to approval by the Town's Traffic Engineer.

Staff Comment: Only one access point is proposed.

Underground Utilities - Section 4.13.160.

Except in the Industrial Zone District, all wires, cables or other equipment for the distribution of electric energy, and telecommunication signals, with the exception of transformers, meters, junction boxes and like equipment, shall be placed underground. Where subdivisions or developments are approved along or with crossing existing overhead power and communications facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and rights-of-way shall be provided in the subdivision or development.

Staff Comment: The Utility Plan can be found on Sheet C6.0. Notes on Sheet C6.4 mention the installation of conduit for utilities. It appears that all service connection to the building will be underground; however, staff has included a condition of approval requiring that this standard be upheld.

CHAPTER 4.14. – ASSURANCE OF ADEQUATE PUBLIC FACILITIES (PFIR)

Staff Comment: Staff's determination of adequacy can be found as an attachment in the packet. In summary, staff find that there will be adequate public facilities available to the project and that the Town's level of service will not be negatively impacted by the new development.

STANDARDS FOR A DESIGN VARIANCE (Section 4.07.160.)

The Applicant is requesting six design variances from the following standards:

Variance #1

Section 4.07.020.B.3.a. The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet.

Staff Comment: The width of the front landscape buffer from the edge of the parking lot to the property line varies from 7' 3" to 13' 3". Based on the length of the two side property lines, the project is required to provide a front landscape buffer of 17' 17".

Variance #2

Section 4.07.140.L.6.a. Except in the CBD zone district, at least ten percent of the total unenclosed parking area, including access ways, shall be devoted exclusively to landscaping of trees, shrubs, and ground cover which reduce the visual impact and assist in defining on-site traffic movement when the number of parking spaces required is ten or more.

Staff Comment: The Code requires that 10% of the parking area be landscaped and the project is proposing to have 6.3% of the parking area landscaped.

Variance #3

Section 4.07.020.B Off-street parking may be located on any part of the lot occupied by the dwellings or uses for which such parking space is required except that no parking space shall be established in a required front yard setback on any lot containing three or more dwellings.

Staff Comment: Twenty parking spaces on the eastern end of the property encroach into the 25' setback.

Variance #4

Section 4.07.140.L.1.d The intersection on an access way with a public street shall be located not closer than 15 feet to a side lot line, except that a common access way to two adjacent properties with combined width not exceeding 35 feet may be provided at the common lot line.

Staff Comment: Intersection of the access way and public street is less than 10 feet from the side lot line.

Variance #5

Section 4.07.080.G.1. Sidewalks shall be detached from curb and gutter a minimum distance of five feet to accommodate a planting strip between the curb and sidewalk.

Staff Comment: The Applicant is requesting that no planting strip be provided.

Variance #6

Section 4.13.060.C.1.b. That all cuts and fills are adequately designed, engineered and vegetated to control erosion as well as stability of the entire mass; keep cuts less than 2:1 unless otherwise expressly approved by the Town. Section 4.07.080.D.2 Slopes greater than 2:1 are not permitted.

Staff Comment: The Erosion Control Plan on Sheet C4.0 indicates where slopes cuts are greater than 2:1.

The design variances are subject to the following standards.

STANDARD #1: *A design variance may be granted if there exists on the property in question exceptional topographical, soil, or other subsurface 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*

STANDARD #2: *that the public good would be better served by granted the variance.*

Staff Comment: Staff believes each of the design variances above qualify for Criteria #1. Approximately half of the lot has a slope greater than 30%. Conformance with these standards is difficult due to limited buildable area on the site because of the steep hillside to the western end of the Property, the drainage to the east, and grading challenges to the north and south. Staff believes there is exceptional topographic conditions peculiar to the site that create exceptional practical difficulties on the Applicant.

Town of Eagle Goals and Policies

Staff Comment: Staff has provided an analysis of the project against relevant policies from the 2021 Amended Elevate Eagle Comprehensive Plan below.

Policy 1-1.1 Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.

Policy 1-1.3. Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and private sector to expand the reach of Eagle's workforce housing efforts.

Staff comment: This new multi-family development will create a healthy mix of housing types and densities. Roughly 80% of Town of Eagle's housing stock is single-family homes. This project will provide the community with another multi-family housing option. The LERP units established through this development will increase the inventory of workforce housing.

Policy 2-3.3 Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and constructions. Ensure residential infill and redevelopment blend appropriately with the character and scale of surrounding neighborhoods. Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.

Staff Comment: The proposal appears to blend with the scale of adjacent properties. The layout, scale and design conform to the North Interchange Area standards. The environmentally sensitive areas on the Property received protections during subdivision through the creation of an undevelopable zone.

Policy 2-5.4. Preserve viewsheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations.

Policy 4-1.2. Protect and preserve wildlife habitat, movement corridors, and other sensitive lands.

Policy 4-1.7. Utilize the most current analysis tools and mapping to identify critical wildlife habitats and movement corridors.

Staff Comment: The location of the Property does not impact any viewsheds or view corridors. The Property does not impact agricultural lands, rural lands, public lands, water resources and forest resources.

Colorado Parks and Wildlife (CPW) provided review comments for this project and shared that the lot falls within CPW mapped wildlife habitat. Suggestions from CPW include: a landscape buffer to the rear of the building to preserve the Mule Deer movement corridor, a 250-foot wildlife corridor, CPW approved bear-resistant dumpster containers, education to new residents, a dog enclosure if dogs are permitted, and prohibiting domestic cats to be allowed outdoors. Other recommendations include seasonal closure of public lands, requiring dogs on leashes, discouraging fruit producing landscaping, fences that adhere to CPW's Fencing with Wildlife in Mind document, and plans that meet the Town's lighting requirements.

The Applicant has agreed to use bear-proof trash dumpsters, to educate tenants, and due to the height of the retaining wall, they believe residents will be discouraged from walking to the rear of the building. No fencing is proposed, and all landscaping is fruitless.

Staff believes the Applicant has made a good effort to address CPW concerns, however, there are a few conditions of approval that may help to preserve the wildlife habitat and movement corridors on the lot. These conditions include CPW's final approval of the dumpster enclosure, additional coniferous trees with full foliage be added to the south of the dumpster enclosure to further discourage residents from walking behind the building and that education materials be prepared and shown to staff prior to issuance of Temporary Certificate of Occupancy (TCO). Staff will only verify that the items in CPW's referral letter be addressed. Finally, staff recommends a condition that the Applicant provide a dog enclosure if there is a suitable location on site.

Policy 2-4.1. Enhance pedestrian access and amenities, and public gathering area to promote social interactions. New development should provide amenities such as sidewalks, parks, open space, systems, and bicycles paths.

Policy 3-3.1. Ensure residents have access to recreation amenities. Require new development to provide adequate parks, trails, other recreational facilities, and connections to pedestrian/bicycle-oriented amenities.

Policy 3-5.4. Require new development to provide trail (hiking, biking, motorized) connections to local and regional destinations or existing trail systems.

Staff Comment: Due to the steep hillside on most of the Property, there is little opportunity for recreational facilities on site. The new sidewalk provides connectivity to pedestrian/bicycle-oriented amenities south of I-70. The Town Welcome Center and the River Park is within a mile walk from the new development. While there are no known trail

systems north of I-70 that this development can connect to, the Property can connect to the existing sidewalk systems including the ECO Trail south of I-70.

Policy 4-2.1. Preserve and protect the quality of and integrity of wetlands, rivers, streams, and riparian areas.

Staff comment: Drainage from the Property run south to the Eagle River. According to the drainage memo, a water quality unit will be installed in a manhole located at the southeast end of the Property to ensure quality runoff that preserves and protects the nearby river.

Policy 4-3.2. Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption. Encourage all construction efforts to utilize green building practices.

Staff comment: The application narrative addresses green practices that will be utilized for this building, including recycling services, durable building materials, roof mounted solar (156 mega watt hour system), and an asphalt shingle roofing product made with recycled material.

Policy 4-4.1. Development should avoid natural hazards and impacts on environmentally sensitive and hazard-prone areas. Discourage buildings or land disturbances on steep slopes, ridgelines and other hazard areas.

Staff Comment: The image to the right, taken from Eagle County GIS, indicates slopes greater than or equal to 30% in red. The building is located on the eastern end of the Property to avoid the slope as much as possible.



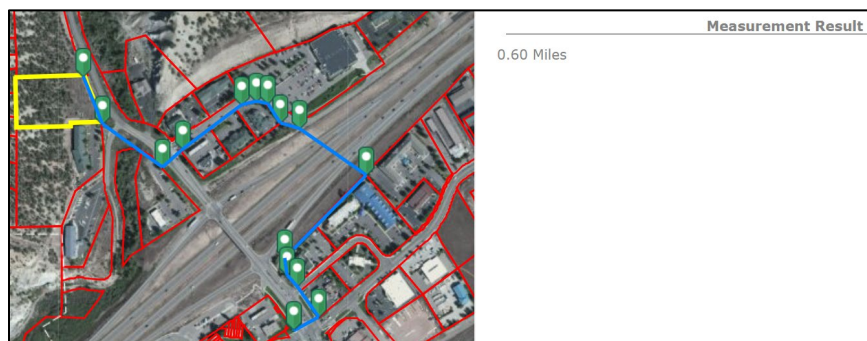
Policy 5-1.2. Enhance ease of active modes of transportation.

Policy 5-3.2. Ensure efficient multimodal connectivity between all residential areas and public destinations.

Staff comment: The addition of the sidewalk along Eby Creek Road will allow easier access and more efficient connectivity to multi-modal transportation from the Property to the existing sidewalk system.

Policy 5-1.4. Promote the development of compact neighborhoods in close proximity to public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops.

Staff Comment: The proposal is less than a mile from the Chambers Park n Ride transit stop (see image below).



Policy 5-4.1. Maintain public services and infrastructure per community expectations and Town standards.

Staff comment: The project includes the installation of two new fire hydrant to meet Town standards. The PFIR addresses the developments impact on other public services.

STAFF RECOMMENDATION

Staff recommends Approval with Conditions of the 435 Eby Creek Apartments Major Development Permit with design variances, File #DR22-03, based on compliance with Chapters 4.04, 4.06, 4.07, 4.12, and 4.14 of the Municipal Code and that the application is supported by the goals and policies in the 2021 Amended Elevate Eagle Comprehensive Plan.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to File #DR22-03:

1. Approve the application with no conditions.
 2. Approve the application with conditions.
 3. Continue (table) the application. (Provide staff and the application detail regarding information needed for a decision).
 4. Deny the application. (Cite all Code sections and/or Plan policies that resulted in motion for denial)
-

FINDINGS OF FACT

The application for File #DR22-03 meets the requirements for Title 4 of the Municipal Code and substantially supports the 2021 Amended Elevate Eagle Comprehensive Plan.

IF APPROVED, THE P&Z AND COUNCIL MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

1. A LERP Plan shall be provided with the Development Agreement to be approved by Town Council. No TCO will be provided until the LERP units have been established.
2. The monument sign be approved through the Town sign permit process, subject to the standards in Chapter 4.08.
3. A drainage plan including all the required information from Section 4.13.050 shall be provided and approved by the Town Engineer prior to issuance of building permit.
4. All new utility service connections to the building shall be placed underground in compliance with Section 4.13.160.
5. Gravel shall be installed at the entrances to the public right-of-way to prevent tracking mud during construction or until asphalt has been installed.
6. A geotechnical engineer shall validate the 2007 Soils Study prior to the application of a building permit.
7. Prior to issuance of building permit, the geologic and geotechnical study shall be expanded to discuss all of the mapped geologic hazards potentially impacting the site as identified in the online Geological Hazard Maps. Recommendations shall be incorporated into the project plans.
8. The Applicant shall provide engineering estimates on sediment load for site drainage prior to issuance of building permit. Recommendations shall be incorporated into the project plans.
9. CPW shall provide final approval of the dumpster enclosure.
10. Additional trees with full foliage shall be added south of the dumpster enclosure to further discourage residents from walking behind the building.
11. Education materials shall be prepared and shown to staff prior to issuance of TCO. Staff will only verify that the items in CPW's referral letter have been addressed.
12. Prior to issuance of TCO, the Applicant shall provide a dog enclosure if there is a suitable location on site.
13. If the Building Code or other applicable criteria requires more ADA accessible parking than Title 4, the greater number of spaces shall apply.
14. The Applicant shall be responsible for the crosswalk, flashing crossing signage, and any other safety signage, to the sidewalk east of Eby Creek Road identified in the plans. Timing and manner of completion shall be addressed in the Development Agreement.
15. On-site stormwater treatment to replace the required on-site detention will be supplied and approved by the Town Engineer prior to issuance of building permit.
16. The Stormwater Management Plan Narrative shall be required with the building permit application.
17. Final utility details shall be approved by the Town Engineer prior to issuance of building permit.
18. It shall be the responsibility of the Applicant to provide a set of consistent plans with the Municipal codes and Town of Eagle specifications at time of building permit application.
19. Final retaining walls needed to achieve 2:1 or flatter slopes shall be approved by the Town Engineer prior to issuance of building permit.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
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www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☒ Major Development Permit	☐ Preliminary Plan
☐ Rezoning	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME 435 EBY CREEK APARTMENTS

PRESENT ZONE DISTRICT RES. MULTI FAMILY (RMF) **PROPOSED ZONE DISTRICT** RES. MULTI FAMILY (RMF)
(if applicable)

LOCATION

STREET ADDRESS 435 EBY CREEK ROAD, EAGLE COLORADO 81631

PROPERTY DESCRIPTION

SUBDIVISION PERRY SUBDIVISION **LOT(S)** 3, PHASE II Parcel #1939-321-10-004 **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE 30-UNIT APARTMENT BUILDING

APPLICANT NAME MARTIN MANLEY ARCHITECTS, JEFFREY P MANLEY AIA **PHONE** 970-688-0326
ADDRESS PO BOX 1587, EAGLE CO 81631 **EMAIL** jeff@martinmanleyarchitects.com
OWNER OF RECORD Son Ray LLC **PHONE** 970-328-7751
ADDRESS PO Box 4556, Eagle, CO 81631 **EMAIL** rick@pcivail.com
REPRESENTATIVE* Rick Patriacca **PHONE** 970-328-7751
ADDRESS PO Box 4556, Eagle, CO 81631 **EMAIL** rick@pcivail.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☒ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☒ Project specific checklist.

FEES AND DEPOSITS:

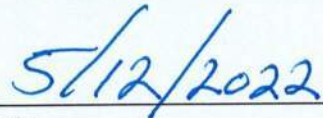
See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.



Signature



Date

FOR OFFICE USE ONLY

DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	



Town of Eagle
Community Dev. Dept
Eagle Co 81631

Date: 5-13-22, updated 6-22-22

Community Development Department,

The Development team, represented by Jeffrey Manley AIA of Martin Manley Architects, are requesting the review for Development Permit. The apartments located at the property at 435 Eby Creek Road, part of Perry Subdivision, Lot 3 Phase II, Parcel Number 1939-321-10-004, is proposed to be developed to include a 30-unit apartment building. The project is a use by right and is allowed 30 units with a Multi-Family Dwelling building within the Residential Multi-Family (RMF) zoning.

Lot size: 2.804 acres (43,560 sf.) = 122,142.24 s.f.

Allowable use allows for a rate of 4000 s.f. per dwelling unit or 30.53 units allowed by right.

Building can be 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)

The Goal of the Development is to bring much needed housing to the Town of Eagle. The property is located on Eby Creek Road and is near to the City Market, restaurants and public path system, public transportation and less than 1,500 feet from the I-70 off ramp. This location for the residents will add minimal impacts to the Town of Eagle's traffic issues since amenities are so close. The project is compatible with the Town's goals and policies as laid out in Elevate Eagle Comprehensive plan. *The vision provided in the plan states: "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands."* Elevate Eagle's Goal 1-1 *"Promote a wide range of attainable housing opportunities for young adults, families, aging residents, workforce and others."* This project is a development that will add to the efforts that the Town of Eagle has embraced with the goal of adding more attainable housing to the town. Also, providing a stepping stone for establishing a first place of residence. The apartment will have a 'healthy mix' of 1, and 2 bedroom units that will address different affordability levels for its inhabitants. The building type will allow the workforce to find attainable residency in the Town of Eagle.

The project is in alignment with the Eagle's goals to provide more workforce housing. This mix of units will provide for a total of 55 bedrooms. So many of the area's workers are needing to find other arrangements for living or are needing to leave the valley due to the fact that they cannot find housing. This development will create local inventory of housing so that the employers can better retain their employees;... Fulfilling part of the town's Housing Goal #1. The apartments will give the ability for the residents to invest in this community by providing an overall quality living arrangement and quality of life. This objective works when the employees have a suitable place to live, work and shop locally.

The location of this new development is close to City Market, restaurants, and stores. These residences will enhance the vibrancy and viability of this portion of the town with only a short distance to travel/walk/ride to access all Eagle has to offer. From the drive, there is easy access to Eby Creek Road. The flatter terrain on the east side of the road is where we can see the Town and Eagle County possibly creating a bike path on the east side of the Eby Creek Road and continuing up to Eby Creek subdivision.

From the property the tenants have a short and direct path, south, toward the roundabout and to the amenities of Eagle. This addresses Goal 2-4 of the Elevate Eagle Comp Plan.

The Goal 2-5: *Maintain and improve the appearance of Eagle by establishing and reinforcing the town's identity and sense of place.* The building is positioned on the lower slopes of the hillside. The upper portion of the site will remain 'natural' and maintain the existing character of the area of junipers, pinon and sage. We will propose to add trees and landscape to screen the parking and tie the project into the site. The high views of Eby Creek subdivision above will not be affected by the development due to the amount of elevation change.

To promote and demonstrate our efforts to the community, we feel in alignment with the Town's Goal 4-3 to Support and Demonstrate sustainability. The developer is going to install some Electric Vehicle recharging stations for the tenants to use. The trash enclosure will be sized to be able to house receptacles for recyclables. The building itself will use materials and methods to support 'green building practices.' The building siding will be a durable material of LP Smart Siding or stucco with a high level of recycled content. The asphalt shingle roofing is a product with recycled content. Siding and roofing material meets or exceeds National Green Building Standards, as well as may other programs that help solidify these as green products. The position of the building is set to passively use the sun to heat the building and to provide natural melting of the parking lot's surface. One of the major sustainability criteria is the location of the site and type of building. The collective living of an apartment building that is close to public transportation, close to major traffic arteries (like I-70) and local amenities is one of the key factors in creating sustainable living environments.

This request is supported by the following Elevate Eagle Comprehensive Plan policies and goals:

GOAL 1-1. PROMOTE A WIDE RANGE OF ATTAINABLE HOUSING OPPORTUNITIES FOR YOUNG ADULTS, FAMILIES, AGING RESIDENTS, WORKFORCE, AND OTHERS

- 1-1.1 supports residential on this parcel, aspiring to " ...ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed use and accessory dwelling units) to allow for greater diversity.
- 1-1.3. Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and the private sector to expand the reach of Eagle's workforce housing efforts. (serving the need of adding more workforce housing)

GOAL 1-2. EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES.

- 1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.

GOAL 2-4. CONNECT EAGLE'S UNIQUE NEIGHBORHOODS PHYSICALLY AND VISUALLY THROUGH A WALKABLE AND TRAIL-ORIENTED ENVIRONMENT WITH HIGH-QUALITY WAYFINDING.

2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction. a. New development should provide amenities such as sidewalks, parks, open space systems, and bicycle paths. We are proposing a sidewalk on the West side of Eby Creek Road that runs the length of the property that could tie into Town of Eagle's future sidewalk to connect to the Market Street round-a-bout sidewalk. We have been in conversations with Public works and the proposed sidewalk fits with the Town's goals.

GOAL 2-5. MAINTAIN AND IMPROVE THE APPEARANCE OF EAGLE BY ESTABLISHING AND REINFORCING THE TOWN'S IDENTITY AND SENSE OF PLACE.

- 2-5.1. Maintain and enhance the sense of community in Eagle.
- 2-5.4. Preserve view sheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations. The upper portion of the site will not be effected by the construction and will provide the back drop that exists today.

GOAL 4-3. SUPPORT AND DEMONSTRATE SUSTAINABILITY.

4-3.2. Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption.

a. Encourage all construction efforts to utilize green building practices.

(Use of green materials and building practices, EV charging stations, and recycle program are being implemented)

VARIANCES **RESPONSE:** The following variances all fall under the same or very similar criteria for acceptance

Design Code Variance: Section 4.07.020.B.3.a Front landscape buffer “The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet.” The drawing has shown numerous trees and shrubs in this street buffer that meet the landscape spacing requirements, but due to slope constraints of the property and required parking for the building, the width is not possible. The required width as per the formula is (side property line north 358.88 feet + (side property line south 30.04 feet 298.02) / 2 for average = 343.47 average X .5% = 17.17 feet.

The site steepness and grading at the parking area to provide a viable parking area prohibit the code compliant depth of street landscape frontage. The distance from the street edge to the parking edge is between 38’-8” and 46’-10” due to the large right-of-way width. Current distances from parking to property line is 13’-3” and 7’-3”. We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

Design Code Variance: Section 4.07.020.B.7. landscaping in parking area constitutes 10% of total un-enclosed parking area. We have revised the plan to incorporate an access sidewalk that will meet accessible standards to connect the parking lot to the street. For access to this occur we will need to have a smaller east landscape peninsula that could get the design closer to meet code minimum. This origin spot for the sidewalk is the best place to meet and follow existing grade contours to the right of way and to the street/drive intersection. The parking area of non covered parking total 21,574 s.f. 10% of the area = 2,157 s.f. The Parking area island and peninsulas total 1,368 s.f. (6.3%) This is 789 s.f. short of the required 10% when counting only islands and peninsulas. We feel that the existing large right-of-way width give the buffer, the parking being high on the hill, and break-up of the parking into smaller areas will achieve the code intent. Limit area is due to the steepness of the back portion of the lot.

Design Code Variance: Parking Section 4.07.140.F.2 – Parking spaces are not permitted within the front yard setback on any lot containing three or more dwellings. **RESPONSE:** Due to the steepness of the lot and the required parking/circulation there is not enough room for the parking without being in the front setback. We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

Design Code Variance: Parking Section 4.07.140.L.1.d. The intersection of an access way with a public street needs to be a least 15’ from the side lot line. **RESPONSE:** Site plan and civil drawings are updated to reflect a bit larger offset from the side yard setback, but not the full 15’. The position of the access way is located to create the optimal angle off of Eby Creek road and start at a high enough grade that the drive does not need to be overly steep to reach the parking lot and the drive’s position allows for optimal angle at the intersection of the road and drive. The property to the north is not a buildable lot and we feel that the intent of the code is to not have drives too close to neighboring property’s drives. We feel the intent of the code is achieved.

Design Code Variance: Parking Section 4.07.080.G.1 Sidewalk with 5’ planting strip between sidewalk and road curb and gutter. **RESPONSE:** We would request that a variance be granted to delete the five feet planting strip and to be adjacent to the curb and gutter. The sidewalks that we are proposing will match sidewalk in the area do not have this planting strips. And the site grading will not allow for a planting strip to be easily accomplished. We will be constructing to the town standard of 6’-0” wide sidewalk when attaching to the road edge.

Design Code Variances: Erosion control Section 4.13.060. Slopes are steeper than 2:1

RESPONSE: There will need to be some grades that exceed the 2:1 to tie into the existing grades of the neighboring property. The drawings have been revised to minimize any steeper than code compliant as practical/possible. We have discussed this with public works and the civil engineer, and the Town are working together to minimize effected regrading at steeper than 2:1. Note: The drainage from the site is being collected so that surface drainage does not affect neighboring property.

The Criteria for review: The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

a. 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 plan, including the specific regulation in question; and

RESPONSE: There is NO effect in public good or impairment to the town's regs, goals or policies. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness, grading, and the parking area needed to provide a viable parking prohibit the code compliant depth of street landscape frontage and push parking to be within the front setback. The limited area for parking constrain the amount of landscape islands that is possible.

b. That the variance granted is the minimum necessary to alleviate the hardship; and

RESPONSE: This is the minimum necessary to alleviate

c. 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

RESPONSE: There is exceptional topography that effects the site. The third level of this building I still 30" under the proposed grade on the west side. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness and grading at the parking area to provide a viable parking lot prohibit the design code compliant of the above listed variance request items.

d. 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. **RESPONSE:** It is not induced by applicant and not general in the zone

The apartments will add the ability for the local businesses to attract and retain employees within a great place to live in Eagle. We look forward to your review. The goal is to start construction in the Fall 2022.

Jeffrey P Manley AIA, [Martin Manley Architects](http://martinmanleyarchitects.com)

PO Box 5668

Eagle Colorado 81631

970-688-0326

Attachments:

Parking matrix: and Zoning/Code analysis:

Building footprint allowable= 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)

Building footprint area Proposed: 11,798.5 s.f. (10% lot area) < 61,071.12 s.f.

Site/other impervious Proposed: 21,574 s.f. (17.7% lot area) < 24,428.45 s.f. (area not covered by footprint)

Max floor area allowed = 150 % of lot area (183,213.36 s.f.)

Building floor area Proposed: 35,794.2 s.f. (29.3 % lot area) includes area of covered garages

(for break out of area per building see sheet A0.2)

Landscaping Area Minimum: 40,306.94 s.f. (30% lot area)

Landscaping Area Proposed: 89,096.74 s.f. (73 % lot area) (lot size -footprint+impervious)=landscape)

Height Maximum: 35'-0"

Height Proposed: 34'-5 1/2"

Parking Matrix:

Section 4.07.140. - Parking standards.

Multiple-family dwelling: 1½ per dwelling unit for units with one bedroom, two per dwelling unit for units with two bedrooms, 2½ per dwelling unit for units with three or more bedrooms, plus one additional space per six dwelling units.

Parking Required: 1½ per dwelling unit for units with one bedroom (1.5X6 = 9 stalls)
2 per dwelling unit for units with two bedrooms, (2X24 = 48 stalls)
2½ per dwelling unit for units with three or more bedroom (2.5X0 = 0 stalls)
plus one additional space per six dwelling units (1/6 X 30 units = 5 stalls)
62 required parking stalls

Parking Proposed: 62 Parking Stalls (Conforming)

Snow Storage (20% of non covered parking =.20X20,852 s.f) 4,170.4 s.f. of snow storage

Break down of unit types

<u>LEVEL</u>	<u>1 BEDROOM</u>	<u>2 BEDROOM</u>	<u>3 BEDROOM</u>
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BRDM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	<u>(2) ONE BDRM</u>	<u>(10) TWO BDRM</u>	<u>(0) THREE BDRM</u>
	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM
TOTAL #=30 UNITS			

IBC 2015 code

IFC 2021 code

IBC Section 1106, table 1106.1- total accessible spaces to be provided= 2 required, Section 1106.2 where parking is provided under the building. Parking shall be provided under the building .

IBC Section 1107.6.1.1.accessible units,

(1 type 'B' and 1 type 'A') for buildings with 26-50 units, =2 (without roll in showers) all dwellings units are to be a minimum of Type 'B'

Building Occupancy: Mixed use

Class: R2 Apartment houses, and Class=S2 Parking Garage

Construction Type= V-B

Unprotected wood frame

Construction Type V-B has a limit of 3 stories. Proposed building is 3 stories above grade + basement

Sprinkler system, S13 in accordance with Section 903.3.1.1,

Aerial Photo



Site Photos



















A 30 unit apartment building with some covered parking proposed....
*A mix of one bedroom and two bedroom apartments.

Fire Dept. Notes:
Smoke Detectors and Carbon Monoxide alarms must be installed in ALL DWELLING UNITS, and be installed per 2021 IFC and fire alarm installation standards.
AN AUTOMATIC S13 FIRE-SPRINKLER SYSTEM AND MONITORED FIRE ALARM MUST BE INSTALLED PER NFPA REQUIREMENTS.

Note: building is < 200 feet long.

Wildfire Urban Interface Notes:

1. The perimeter of the building will have 3/4" gravel landscape bed at perimeter of the building 10'-0" wid (min) or be pavement. See landscape plan.
2. All evergreen trees with 30' plus of the structure will be removed to create a Defensible Zone around the structure. All ladder fuels in the landscape to remain will be removed for a distance of 100' of the structure on the property to the west. The south of the building is an existing development with limited trees, and the east is a parking area.
3. Roofing material will be a minimum Class 'B' material. Roof venting in soffits will occur in the outer 1/3 of the overhang, with non combustibile vent covers and metal screening with opening < 1/4".
4. Decking will meet Class 'B' or better (ASTM-84 flame spread ratio)

This project falls under the jurisdiction of: The Town of Eagle and Town of Building Department The 2015 International Residential Code (IBC 2015) The 2015 National Electrical Code The 2021 International Fire Code The Town of Eagle Development Code	
Class of Work:	New Construction
Type of Occupancy:	Mixed use=R-2 (apartment), S2 (Parking Garage)
Type of Construction:	Type V-B (Sprinklered)
Levels:	3-story over Basement (1 lower covered parking)

Current Zoning: Residential Multi-Family (RMF) zoning.
Current Land Use: Vacant
Proposed Land Use: Residential Multi-Family (RMF) zoning.

Lot Area: 2.804 acres x 43,560 s.f. = **122,142.24 s.f.**
Buildable Area: **85,605.69** (area not in open space zone)
Density: 30 dwelling unit permitted.

Maximum Lot Coverage:
Building footprint area can be 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)
Building footprint area proposed: 11,821.4 s.f. (9.7% lot area) - 61,071.12 s.f.
Site/other impervious Proposed: 21,574 s.f. (17.7% lot area) < 24,428.45 s.f. (area not covered by footprint)

Max floor area allowed = 150% of lot area (183,213.36 s.f.)
Building floor area proposed: **35,794.2 s.f.** (28.2% lot area) includes area of covered garages
(for each lot out of area per building see sheet A02)
Landscape Area Minimum: 40,306.94 s.f. (33% lot area)
Landscape Area Proposed: 89,096.74 s.f. (73 % lot area) (lot size -footprint+impervious)+landscape)

Height Maximum: 35'-0"
Height Proposed: **34'-5 1/2"**

Parking Required: 1½ per dwelling unit for units with one bedroom (1.5X6 = 9 stalls)
2 per dwelling unit for units with two bedrooms, (2X24 = 48 stalls)
2½ per dwelling unit for units with three or more bedroom (2.5X0 = 0 stalls)
plus one additional space per six dwelling units (1/6 X 30 units = 5 stalls)
62 required parking stalls

Parking Proposed: 62 Parking Stalls (Conforming)
Snow Storage (20% of non covered parking = 20 X 21,574 s.f.) 4,315 s.f. of snow storage
Break down of unit types

LEVEL	1 BEDROOM	2 BEDROOM	3 BEDROOM
SECOND LEVEL	(0) ONE BDRM	(2) TWO BDRM	(0) THREE BDRM
THIRD LEVEL	(2) ONE BDRM	(0) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	(2) ONE BDRM	(0) TWO BDRM	(0) THREE BDRM
		(24) TWO BDRM	(0) THREE BDRM

TOTAL ≈30 UNITS

Setbacks: Front Setback 25' for Local and collector streets
Side yard setback is 12.5' or ½ the height (must set back to be 17.5')
Rear setback 20'

Roofing:
50 -Year Asphalt shingle
Elk-Gaf, High Def, Weathered Wood

Flashing and Gutters:
Paint lock aluminum
Color: black

Decks: Synthetic Brazilian Walnut

Drive/Parking Lot: Asphalt drive

Windows: Fiberglass windows and doors
Color: Dark Bronze

Stair Tower Metal Siding:
Corrugated metal,
vertical, Color, charcoal gray

Siding, 8" LP siding or Diamond kote
Color: SEAL

Timbers, trim, and fascia,
2x6 and 2x10 Fascia Trim
8x8 knee braces
Color: Graphite

Cement Stucco
Very Light Hand Trowel-freeform
square corners
Sto- Indiana Limestone LRV 60

Railing Pickets and rails
Black: 42" tall

Redi Rock retain wall system

Construction Type V-B has a limit of 3 stories. Proposed building is 3 stories above grade + basement

Section 503.1.5 In accordance with Section 903.3.1.1.

Section 504.1 Allowable building height = 60 feet, Building by height limit by Dev. Code = 35'-0" (conforming)

Section 504.4 Maximum number of stories above grade plane for Occ. R2 = 3 stories in V-B

Building proposed to be split to a 3 story + basement.

Building is 3 stories + basement. The lowest level is a basement level since second level is <12'-0" above the finished ground level. Second level meets the definition for Story above grade plane.

(Story above grade plane: Any story having its finished floor surface ENTIRELY above grade plane, or in which the finished surface of the floor is not 1) more than 6' above grade plane or 2) more than 12' above the finished ground level at any point)

Section 506: Building area

Table 506.2.

Type V-B, SM sprinkler system limits area to 21,000 s.f.

506.3 Frontage increase, based upon W= 30 feet. calculation

$$W = (1.1)(30) + 1.2(20) + 1.3(30) + 1.4(40) = 7 \text{ F}$$

$$W = (6.3)(12530) - 196.75(30) = 6.3(12530) - 196.75(30) / 519.75 \text{ feet perim.}$$

$$W = (1893.75 + 5902.5 + 1893.75 + 5902.5) / 519.75 \text{ feet perim.}$$

$$W = (15,592.5) / 519.75 \text{ feet perim.}$$

$$W = 30$$

506.3.3 Amount of increase

$$I = (F/P) \cdot 25(W/30)$$

$$I = (519.75/19.75) \cdot 25(30/30) = 16.47$$

$$I = 16.47$$

Frontage increase = 0.75 X7000 s.f. (allowable area in NSIs 5250 s.f.

Total area allowed for V-B, R2 building is 21,000 s.f. + 5250 s.f. = 26,250 s.f.

Proposed fire areas per IRC 2015 = < 26,250 s.f.

Section 709 smoke barriers 710 smoke partitions

Dividing in horizontally into 2 or 3 building using 2 hour fire wall and 1.75 hour doors on hold opens

Area split on center line 'F' or 'F' and 'D'

Between centerline 'F' and 'F' bldg 'A'	Between centerline 'A' and 'F' bldg 'B'
First floor= 2,296.4 s.f.	First floor= 4,519 s.f.
Second floor= 2,136.6 s.f.	Second floor= 4,304.4 s.f.
Third floor= 3,963.3 s.f.	Third floor= 7,858.1 s.f.
Fourth floor= 3,449.8 s.f.	Fourth floor= 7,265.7 s.f.
Total= 11,846.1 s.f. < 26,290 s.f.	Total= 23,948.2 s.f. < 26,290 s.f. allowable area

Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2.

[F]903.3.2 Quick-response and residential sprinklers.

Where automatic sprinkler systems are required by this code, quick-response or residential automatic sprinklers shall be installed in all of the following areas in accordance with Section 903.3.1 and their listings:

3. Dwelling units and sleeping units in Group I-1 and R occupancies.

SECTION 1009.7.4 48" clear width minimum between handrails PER, There is an exception that width can be reduced in bldgs. with sprinkler systems, Stairs are proposed at 48"

Section 1009.3.3 Area of refuge is not required with auto sprinkler system or at stairways in R-2 occupancies

Section 1009.4.2 Area of refuge at elevators is not required with auto sprinkler system

Section 1009.8 two way communication is required at elevator

UPDATED DEVELOPMENT PERMIT SET

The image displays three architectural renderings of a proposed multi-story residential building, likely a townhome or condominium complex. The building features a mix of light-colored siding and dark wood accents, with multiple levels of balconies and large windows. It is situated on a grassy slope, with a parking lot in the foreground containing several cars. The background shows a forested hill and distant mountains under a blue sky with scattered clouds. The renderings are presented in three different views: a front elevation, a side elevation, and a perspective view from a lower angle.

NOTE: RENDERINGS ARE ARTISTIC REPRESENTATIONS OF THE HOUSE DESIGN AND ARE NOT MEANT TO ACCURATELY DEPICT LANDSCAPING.

Aerial map showing the project location at the intersection of State Route 168 and State Route 167. The project site is highlighted with a black rectangle and labeled 'SITE'. The map includes labels for 'STATE ROUTE 168', 'STATE ROUTE 167', and 'VICINITY MAP'.


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Email: Rick@PCIVail.com
Office: 970-328-7751

Location: 000435 EBY CREEK RD.
Subdivision: PERRY SUBDIVISION
Lot: 3 PHASE II

Parcel # 1939-321-10-004

Architect: JEFFREY P MANLEY, AIA
Martin Manley Architects
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jeff@martinmanleyarchitects.com
970-688-0326

Structural Engineer: Anderson Structural Engineering

General Contractor: Patriacca Constriction Inc
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Email: Rick@PCIVail.com
Office: 970-328-7751

Civil Engineer: Yarnell Consulting & Civil Design, LLC
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Geotechnical: HP Kumar and Associates

Fire Protection Consultant: *VERITAS Fire Engineering, Inc.*
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Ken Sutton, PE Sr. Fire Protection Engineer
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303-985-5594 fax
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Surveyor: Meridian Land Surveying, LLC
Eron Watts, PLS
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ewatts.mls@gmail.com

Traffic Consultant:

MEP Engineer: Boulder engineering
Michael Vair, PE
Office: 303-444-6038 x103
michael@boulderengineering.com

435 EBY CREEK APARTMENTS
435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

Date : **6-22-22**

Project Number: 2175	A0.0
COVER SHEET	

NOT FOR CONSTRUCTION

BLDG A -AREA SCHEDULE (NO GARAGE)		
Name	Area	
BLDG A- FIRST LEVEL ENTRY VESITBULE/ STAIR	310.6 SF	
BLDG A- FIRST LEVEL STORAGE AREA	721.8 SF	
BLDG A- FOURTH LEVEL AREA	3449.8 SF	
BLDG A- SECOND LEVEL AREA	2136.6 SF	
BLDG A- THIRD LEVEL AREA	3963.3 SF	
Grand total: 5	10582.1 SF	

BLDG A -AREA SCHEDULE (WITH GARAGE)		
Name	Area	
BLDG A- .OPEN GARAGE AREA	1264 SF	
BLDG A- FIRST LEVEL ENTRY VESITBULE/ STAIR	310.6 SF	
BLDG A- FIRST LEVEL STORAGE AREA	721.8 SF	
BLDG A- FOURTH LEVEL AREA	3449.8 SF	
BLDG A- SECOND LEVEL AREA	2136.6 SF	
BLDG A- THIRD LEVEL AREA	3963.3 SF	
Grand total: 6	11846.1 SF	

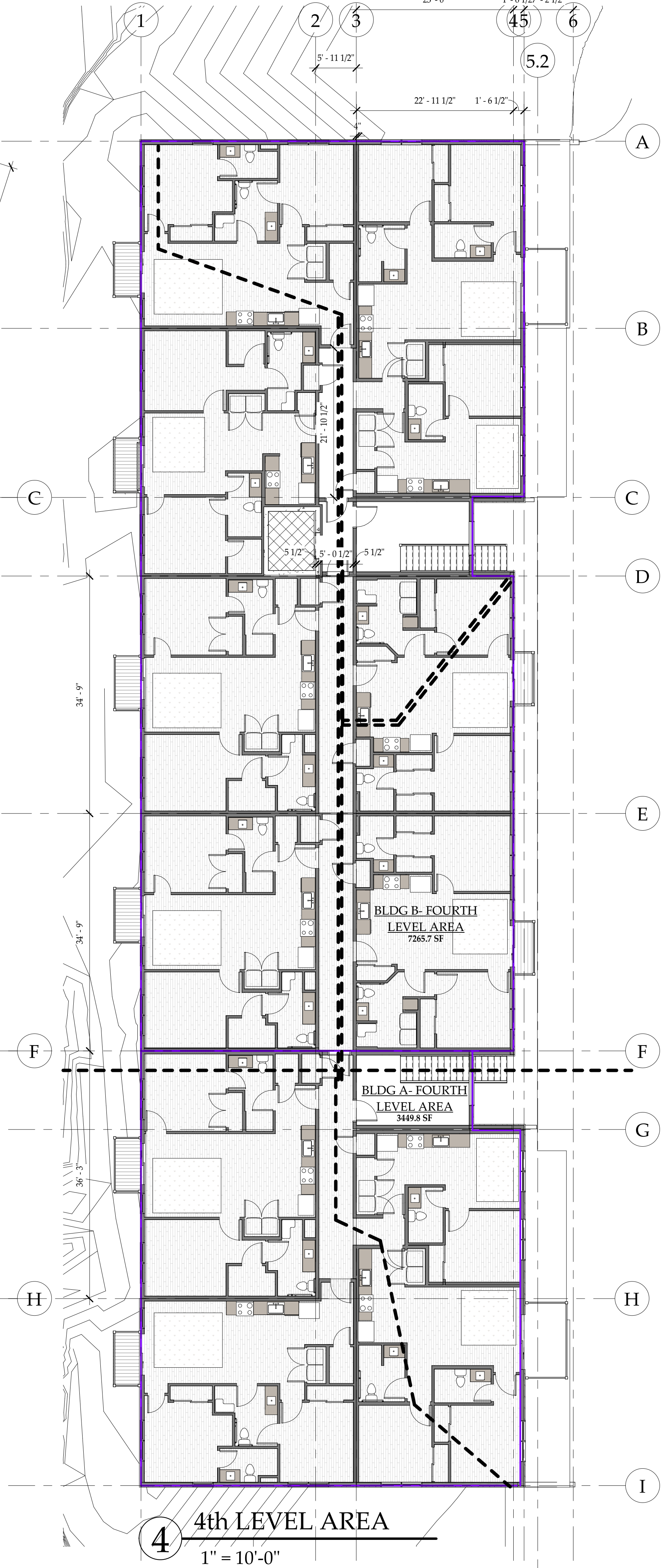
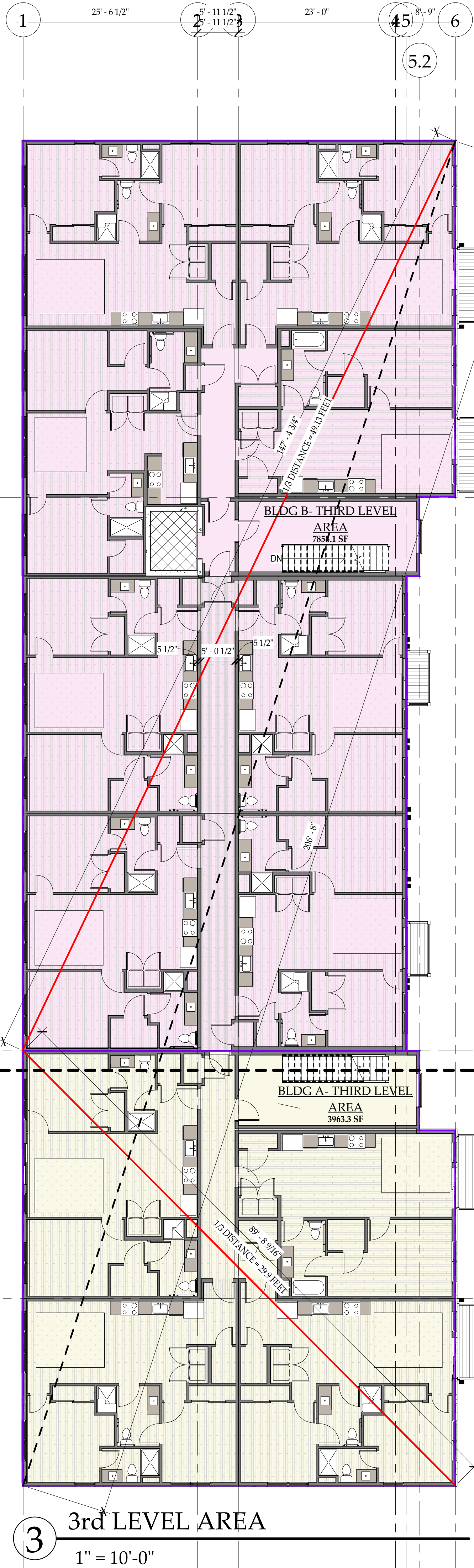
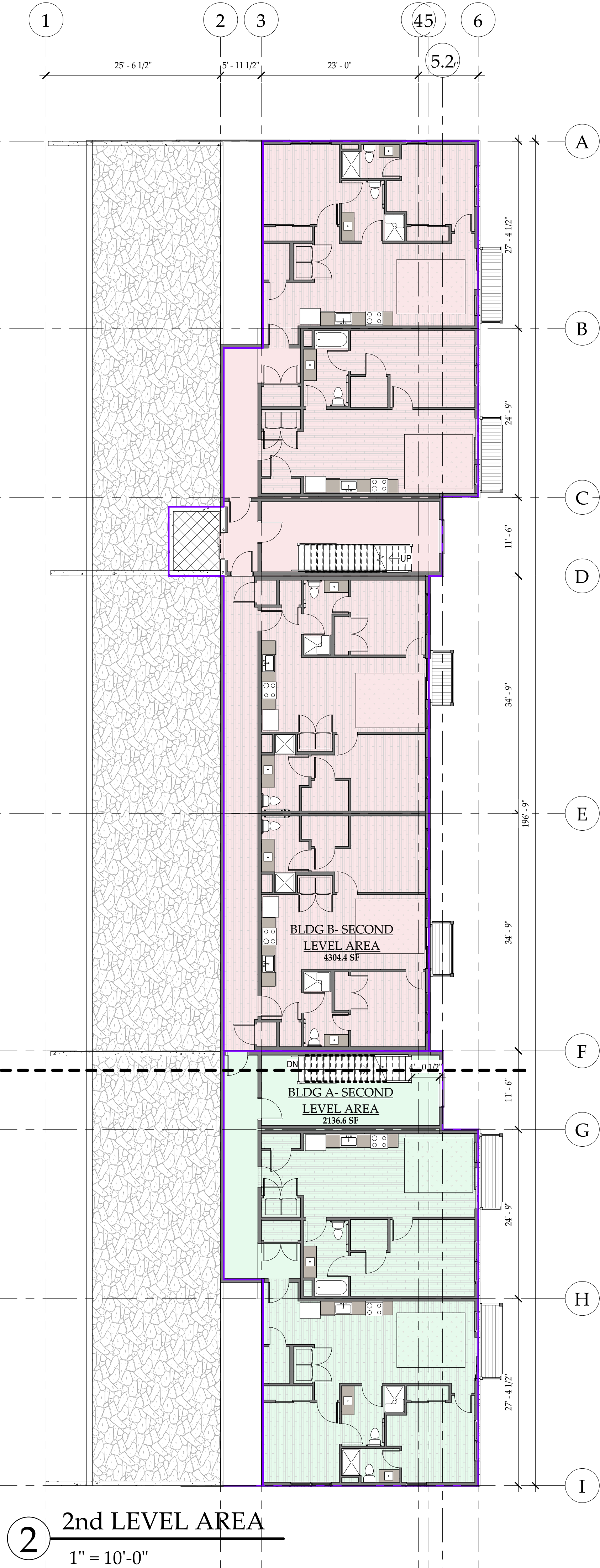
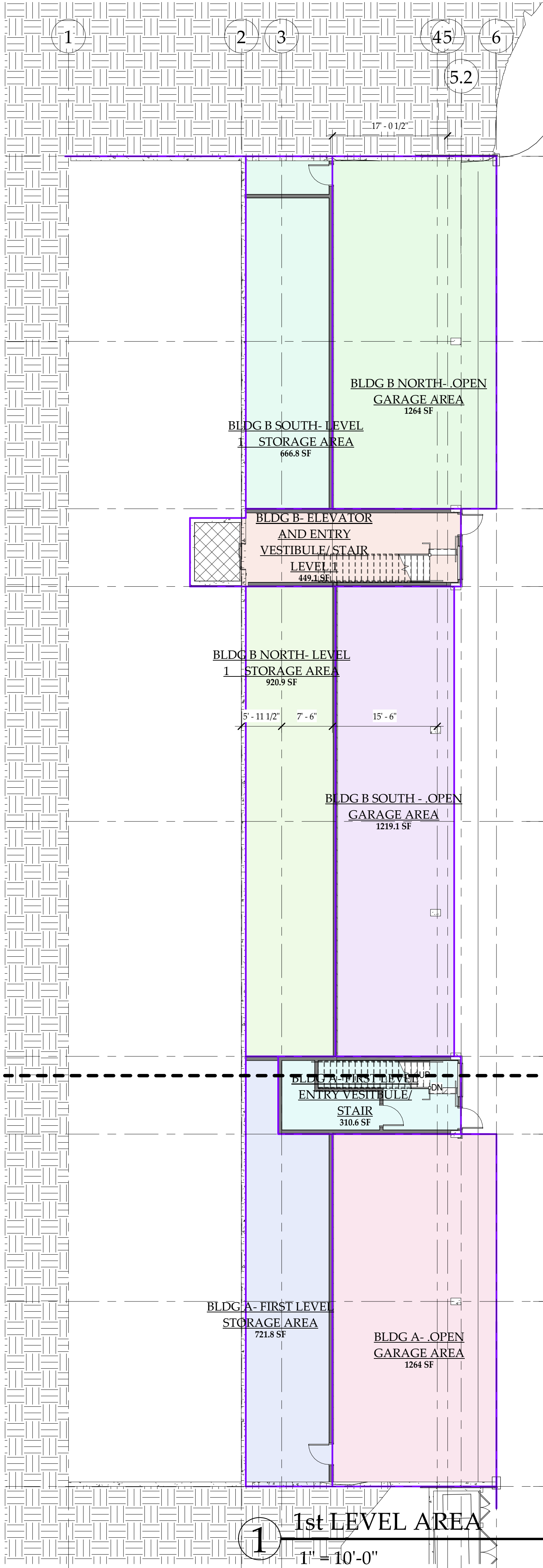
BLDG B -AREA SCHEDULE (NO GARAGE)		
Name	Area	
BLDG B NORTH- LEVEL 1 STORAGE AREA	920.9 SF	
BLDG B SOUTH- LEVEL 1 STORAGE AREA	666.8 SF	
BLDG B- ELEVATOR AND ENTRY VESTIBULE/ STAIR LEVEL 1	449.1 SF	
BLDG B- FOURTH LEVEL AREA	7265.7 SF	
BLDG B- SECOND LEVEL AREA	4304.4 SF	
BLDG B- THIRD LEVEL AREA	7858.1 SF	
Grand total: 6	21465 SF	

BLDG B -AREA SCHEDULE (WITH GARAGE)		
Name	Area	
BLDG B NORTH- .OPEN GARAGE AREA	1264 SF	
BLDG B NORTH- LEVEL 1 STORAGE AREA	920.9 SF	
BLDG B SOUTH - .OPEN GARAGE AREA	1219.1 SF	
BLDG B SOUTH- LEVEL 1 STORAGE AREA	666.8 SF	
BLDG B- ELEVATOR AND ENTRY VESTIBULE/ STAIR LEVEL 1	449.1 SF	
BLDG B- FOURTH LEVEL AREA	7265.7 SF	
BLDG B- SECOND LEVEL AREA	4304.4 SF	
BLDG B- THIRD LEVEL AREA	7858.1 SF	
Grand total: 8	23948.2 SF	

AREA SCHEDULE (NO GARAGE OR STORAGE)		
Name	Area	
BLDG A- FIRST LEVEL ENTRY VESITBULE/ STAIR	310.6 SF	
BLDG A- FIRST LEVEL STORAGE AREA	721.8 SF	
BLDG A- FOURTH LEVEL AREA	3449.8 SF	
BLDG A- SECOND LEVEL AREA	2136.6 SF	
BLDG A- THIRD LEVEL AREA	3963.3 SF	
BLDG B NORTH- LEVEL 1 STORAGE AREA	920.9 SF	
BLDG B SOUTH- LEVEL 1 STORAGE AREA	666.8 SF	
BLDG B- ELEVATOR AND ENTRY VESTIBULE/ STAIR LEVEL 1	449.1 SF	
BLDG B- FOURTH LEVEL AREA	7265.7 SF	
BLDG B- SECOND LEVEL AREA	4304.4 SF	
BLDG B- THIRD LEVEL AREA	7858.1 SF	
Grand total: 11	32047.1 SF	

AREA SCHEDULE (GARAGE)		
Name	Area	
BLDG A- .OPEN GARAGE AREA	1264 SF	
BLDG B NORTH- .OPEN GARAGE AREA	1264 SF	
BLDG B SOUTH - .OPEN GARAGE AREA	1219.1 SF	
Grand total: 3	3747.2 SF	

AREA SCHEDULE (total area)		
Name	Area	
BLDG A- .OPEN GARAGE AREA	1264 SF	
BLDG A- FIRST LEVEL ENTRY VESITBULE/ STAIR	310.6 SF	
BLDG A- FIRST LEVEL STORAGE AREA	721.8 SF	
BLDG A- FOURTH LEVEL AREA	3449.8 SF	
BLDG A- SECOND LEVEL AREA	2136.6 SF	
BLDG A- THIRD LEVEL AREA	3963.3 SF	
BLDG B NORTH- .OPEN GARAGE AREA	1264 SF	
BLDG B NORTH- LEVEL 1 STORAGE AREA	920.9 SF	
BLDG B SOUTH - .OPEN GARAGE AREA	1219.1 SF	
BLDG B SOUTH- LEVEL 1 STORAGE AREA	666.8 SF	
BLDG B- ELEVATOR AND ENTRY VESTIBULE/ STAIR LEVEL 1	449.1 SF	
BLDG B- FOURTH LEVEL AREA	7265.7 SF	
BLDG B- SECOND LEVEL AREA	4304.4 SF	
BLDG B- THIRD LEVEL AREA	7858.1 SF	
Grand total: 14	35794.3 SF	



435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date: 6-22-22	Project number: 2175	AREA PLANS AND CODE SHEET
A0.2		

REV/SIONS	Description	Date
No.		

Consultant	Address	Phone	e-mail
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MARTIN MANLEY ARCHITECTS

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4335 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

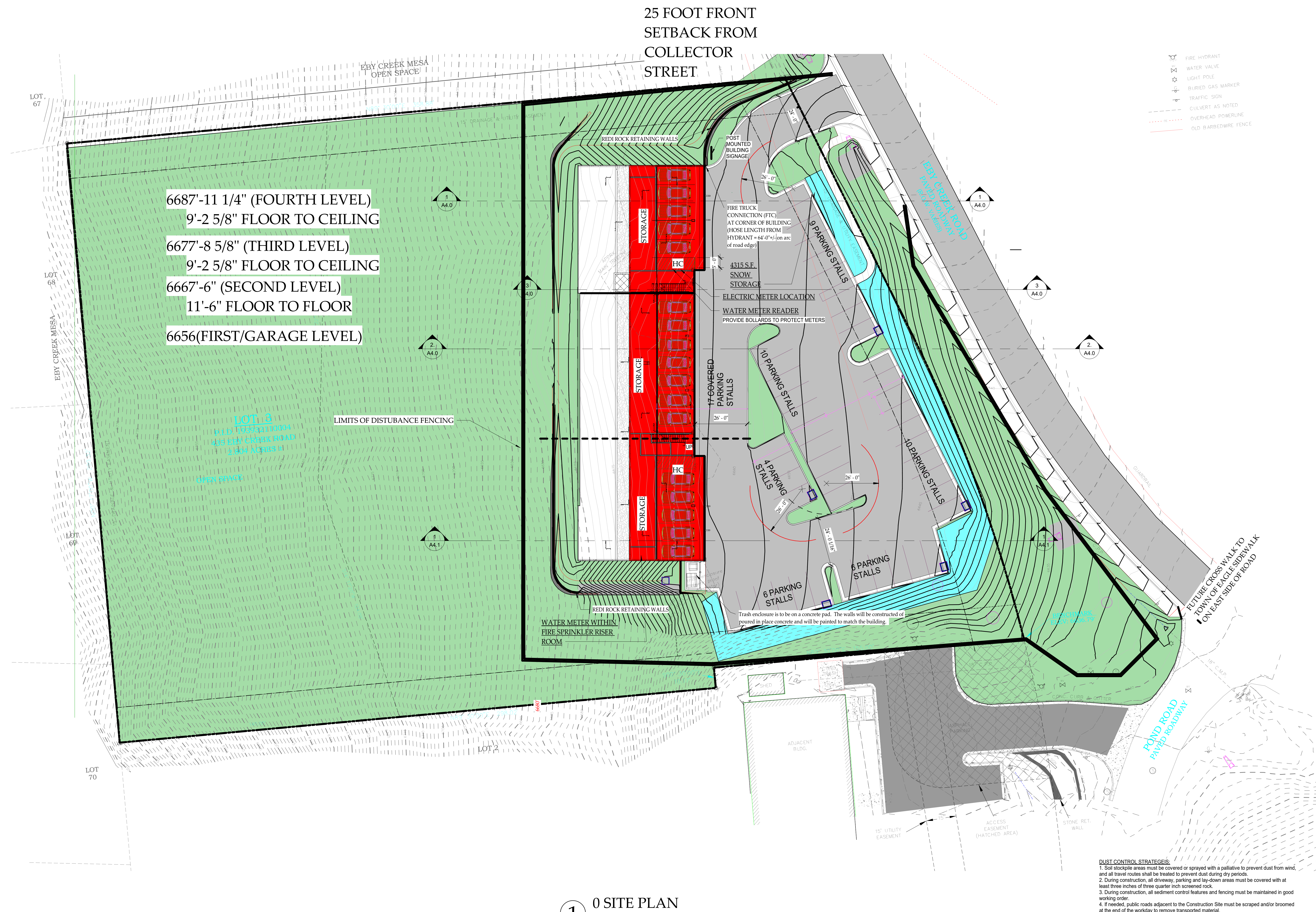
NOT FOR CONSTRUCTION

Date:	6-22-22
Project number:	2175
SITE PLAN	
A1.1	

Parking Matrix: Section 4.07.140. - Parking standards.
Multiple-family dwelling: 1½ per dwelling unit for units with one bedroom, two per dwelling unit for units with two bedrooms, 2½ per dwelling unit for units with three or more bedrooms, plus one additional space per six dwelling units.

(7) 1 bedroom X 1 ½ per dwelling unit = 10.5 Parking stalls
 (2) 2 bedroom X 2 per dwelling unit = 42 Parking stalls
 (3) 3 bedroom X 2 ½ per dwelling unit = 5 Parking stalls
 1 stall per 5 units (30 units/6) = 5 Parking stalls
Total Parking Required **62.5 Parking stalls or 63 Parking stalls**

63 parking stalls shown,



DUST CONTROL STRATEGIES:

1. Soil stockpile areas must be covered or sprayed with a palliative to prevent dust from wind and all travel routes shall be treated to prevent dust during dry periods.
2. During construction, all driveway, parking and lay-down areas must be covered with at least three inches of three quarter inch screened rock.
3. During construction, all sediment control features and fencing must be maintained in good working order.
4. If needed, public roads adjacent to the Construction Site must be scraped and/or broomed at the end of the workday to remove transported material.



Symbol	Name	Size	Count
Conifer Trees			0
Deciduous Trees			36
QA	QUAKING ASPEN (POPULUS TREMULOIDES)	2" to 2.5" CAL.	29
FC	FRUITLESS FLOWERING CRABAPPLE (Malus 'Spring Snow') (15' TALL MATURE HT)	2" CAL.	7
Deciduous Shrubs			76
SP	SPIREA, ANTHONY WATERER (Spirea japonica 'Anthony Waterer')	#5	18
LL	DWARF KOREAN LILAC (SYRINGA MEYERI 'PALABIN') OR Fendler ceanothus, mountain-lilac	#5.	23
CE	COTONEASTER DAMMERI CORAL BEAUTY (COTONEASTER DAMMERI)	#5	15
SB	SHADBLow SERVICEBERRY (Amelanchier canadensis)	#5	20
Perennial Ground covers			
GC	SNOW IN SUMMER, STONECROP, CREEPING PHLOX, NATIVE LOW-GROW GRASSES, ROCKY MTN. FESCUE	2900 square feet of cover. Provide drip irrigation	
Mulched Areas			
MULCH	SHREDDED BARK MULCHED AREA - AROUND TREES AND SHRUBS NOT COVERED BY GROUND COVER	1000 square feet of cover.	
Natural Grass Areas (reveg)			28,000 square feet of cover.
NG	MIX OF GRASSES AND FESCUE SEED, ARKANSAS VALLEY SEED COMPANY, NATIVE LOW GROW MOUNTAIN MIX. AREAS ARE TO SPRAYED WITH A FERTILIZER AND SEED MIX. EFFORT TO BE MADE TO KEEP ALL FERTILIZER UNTIL WATER SHED	Spray seed mix. in revegetated areas to return to a more native look. Use temp drip irrigation in areas to 3 growing seasons and remove once reestablished	

IRRIGATION NOTE:
1. ALL RESEEDED AREAS AND AROUND TREES ARE TO RECIEVE TEMPORARY DRIP IRRIGATION TI REMAIN IN PLACE FOR 3 GROWING SEASONS OR UNTIL ESTABLISHED
2. THE GROUND COVER AND PLANTING BEDS ARE TO RECIEVE PERMANENT DRIP IRRIGATION 2900 S.F. (THIS AREA IS IN THE FRONT STREET BUFFER AND SOUTH SIDE PARKING LOT BUFFER AREAS) THIS IS PERMANENT IRRIGATION
3. All irrigation piping in the TOE Right Of Way or Easements must be locatable, meet all COB11 requirements and be registered in the Colorado 811 System. Only temp irrigation is planned at this time in these areas.

TOTAL OF PERMANENT DRIP IRRIGATION AREA OF 2900 S.F.

EROSION CONTROL & SITE PROTECTION NOTES & SPECIFICATIONS:

1. SILT FENCING IS TO BE PLACED AT THE LIMIT OF DISTURBANCE AS NEEDED TO PREVENT EROSION AND SEDIMENTATION. A CONSTRUCTION FENCE WILL BE PLACED AT THE LIMIT OF DISTURBANCE WHERE THE SILT FENCE IS NOT USED.
2. SILT FENCING IS TO BE PLACED AT BASES OF FILL AND SOIL STOCKPILES TO PREVENT EROSION AND SEDIMENTATION.
3. STRAW HATTLES SHALL BE PLACED AT ALL EXISTING AND PROPOSED DRAINAGE SHALES.
4. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
5. ALL DISTURBED AREAS NOT DESIGNATED AS SHRUB BEDS OR PERENNIAL BEDS SHALL BE REVEGETATED WITH THE SPECIFIED SEED MIXTURE. SEE PLANTING NOTES & PLANTING PLAN FOR MORE INFORMATION.
6. PROVIDE SILT FENCE AROUND ALL REVEGETATED AREAS FOR A MINIMUM OF ONE YEAR PERIOD OF ESTABLISHMENT.

LANDSCAPE LEGEND

1/8" = 1'-0"

1 0 LANDSCAPE PLAN

1" = 20'-0"

DUST CONTROL STRATEGIES:

1. Soil stockpile areas must be covered or sprayed with a palliative to prevent dust from wind, and all travel routes shall be treated to prevent dust during dry periods.
2. During construction, all driveway, parking and lay-down areas must be covered with at least three inches of three quarter inch screened rock.
3. During construction, all sediment control features and fencing must be maintained in good working order.
4. If needed, public roads adjacent to the Construction Site must be scraped and/or broomed at the end of the workday to remove transported material.

Lot size: 2.804 acres (43,560 s.f.) = 122,142.24 s.f.

Lot Area: 2.804 acres x 43,560 s.f. = **122,142.24 s.f.**
Buildable Area : **85,605.69** (area not in open space zone)

Allowable use allows for a rate of 4000 s.f. per dwelling unit or 30.53 units allowed by right.
Density: 30 dwelling unit permitted.

Maxium Lot Coverage:
Building footprint can be 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)
Building footprint area Proposed: 11,798.5 s.f. (10% lot area) < 61,071.12 s.f.
Site/other impervious Proposed: 21,247 s.f. (17% lot area) < 24,428.45 s.f. (area not covered by footprint)

Max floor area allowed = 150 % of lot area (183,213.36 s.f.)
Building floor area Proposed: 36,087.8 s.f. (29.5 % lot area) includes area of covered garages (for break out of area per building see below code analysis and on sheet A0.2)

Landscaping Area Minimum: 40,306.94 s.f. (30% lot area)
Landscaping Area Proposed: 89,096.74 s.f. (73 % lot area) (lot size -footprint+impervious)=landscape

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970.328.5151 OFFICE
PO Box 1587, Eagle, CO 81631
www.martinmanleyarchitects.com

REV/SIONS		Date
No.	Description	

Consultant
Address
Phone
E-mail

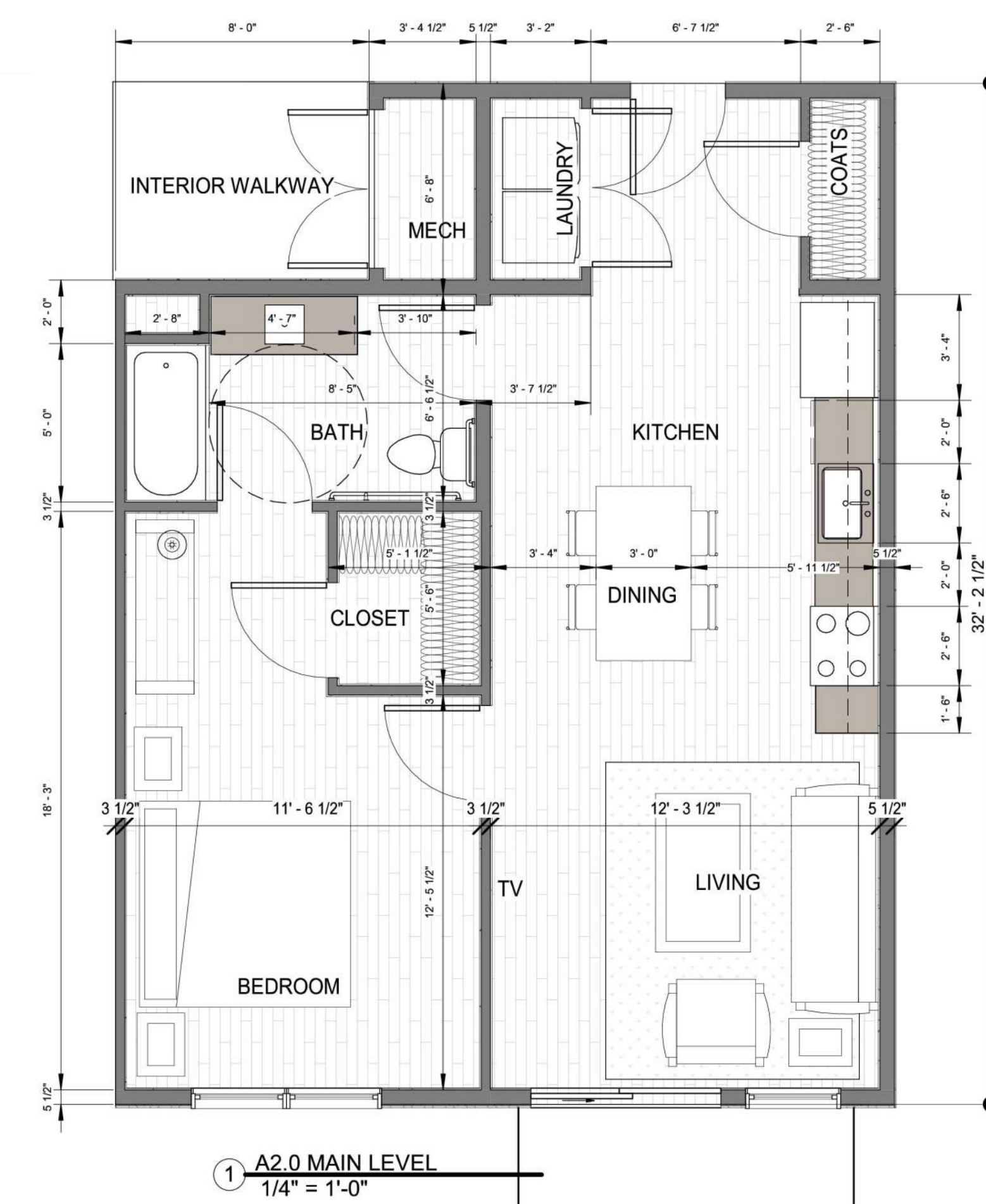
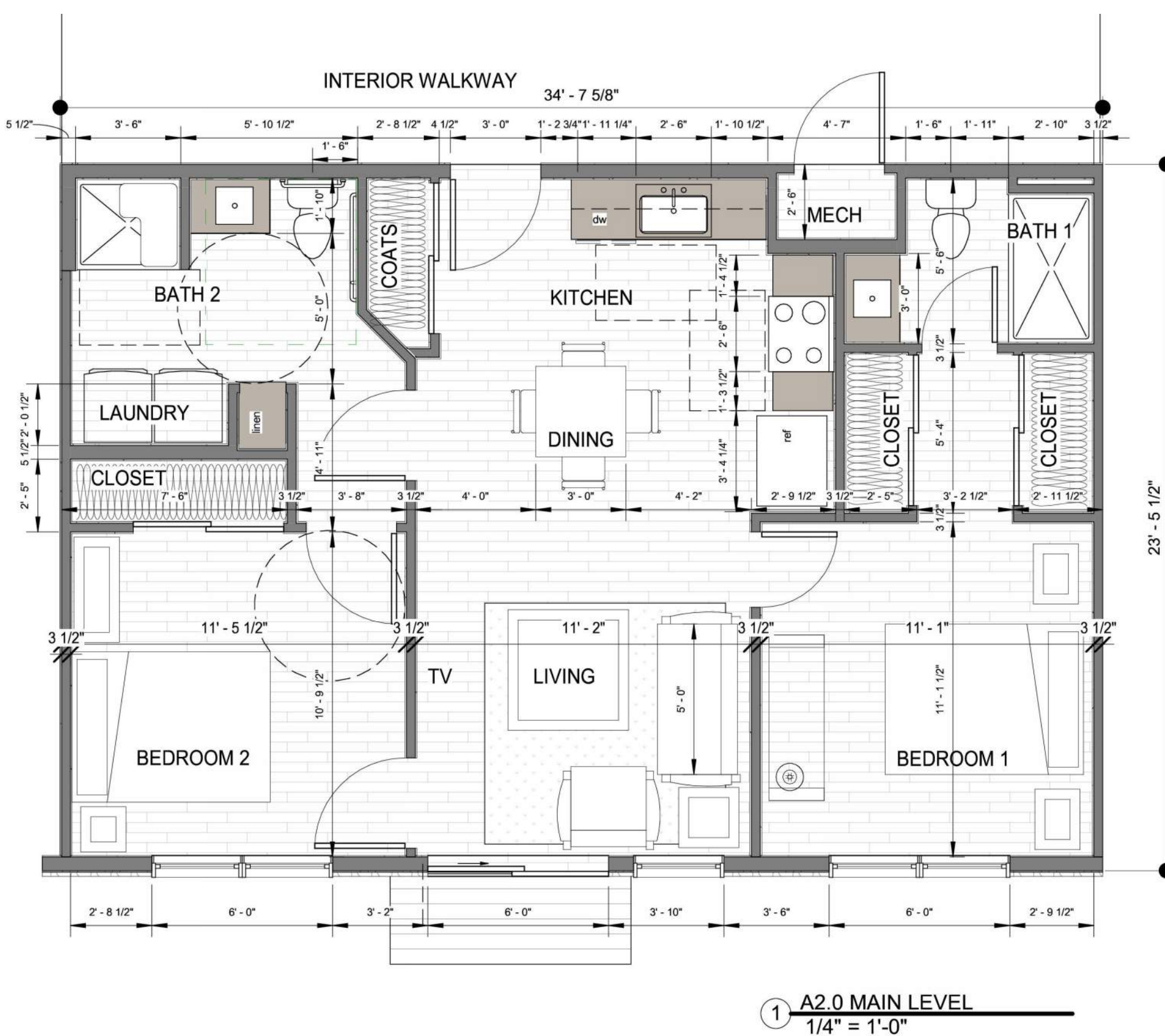
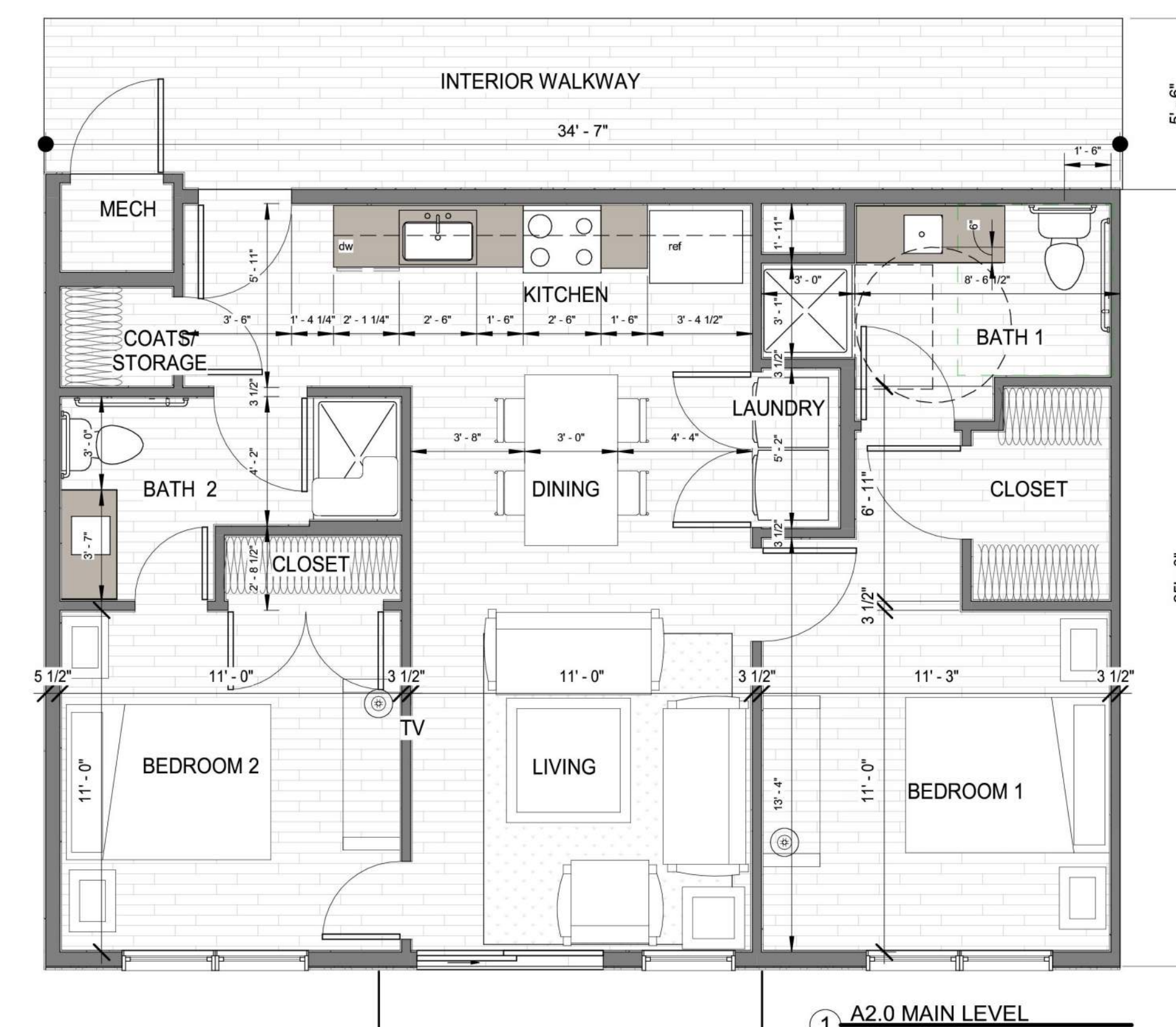
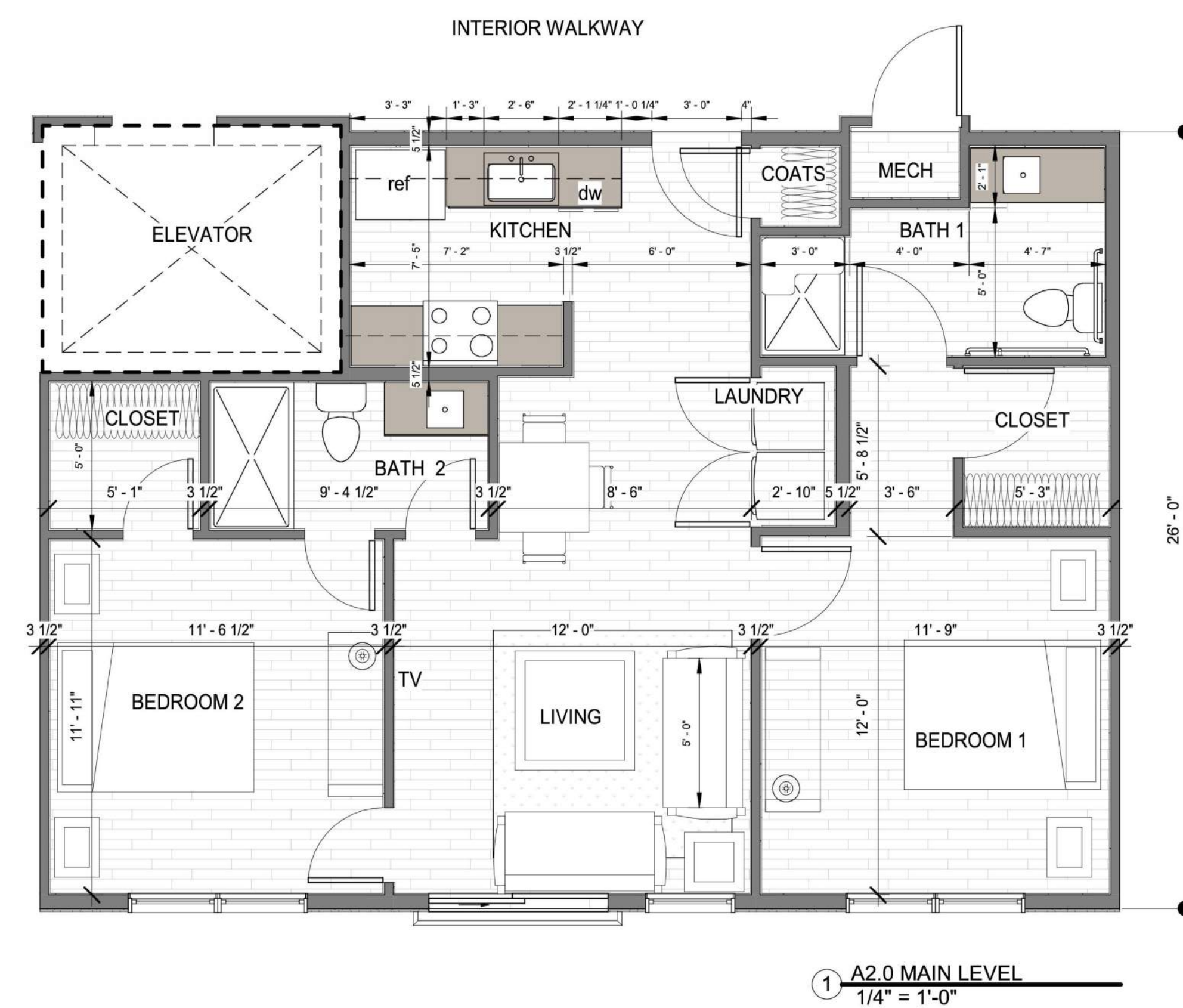
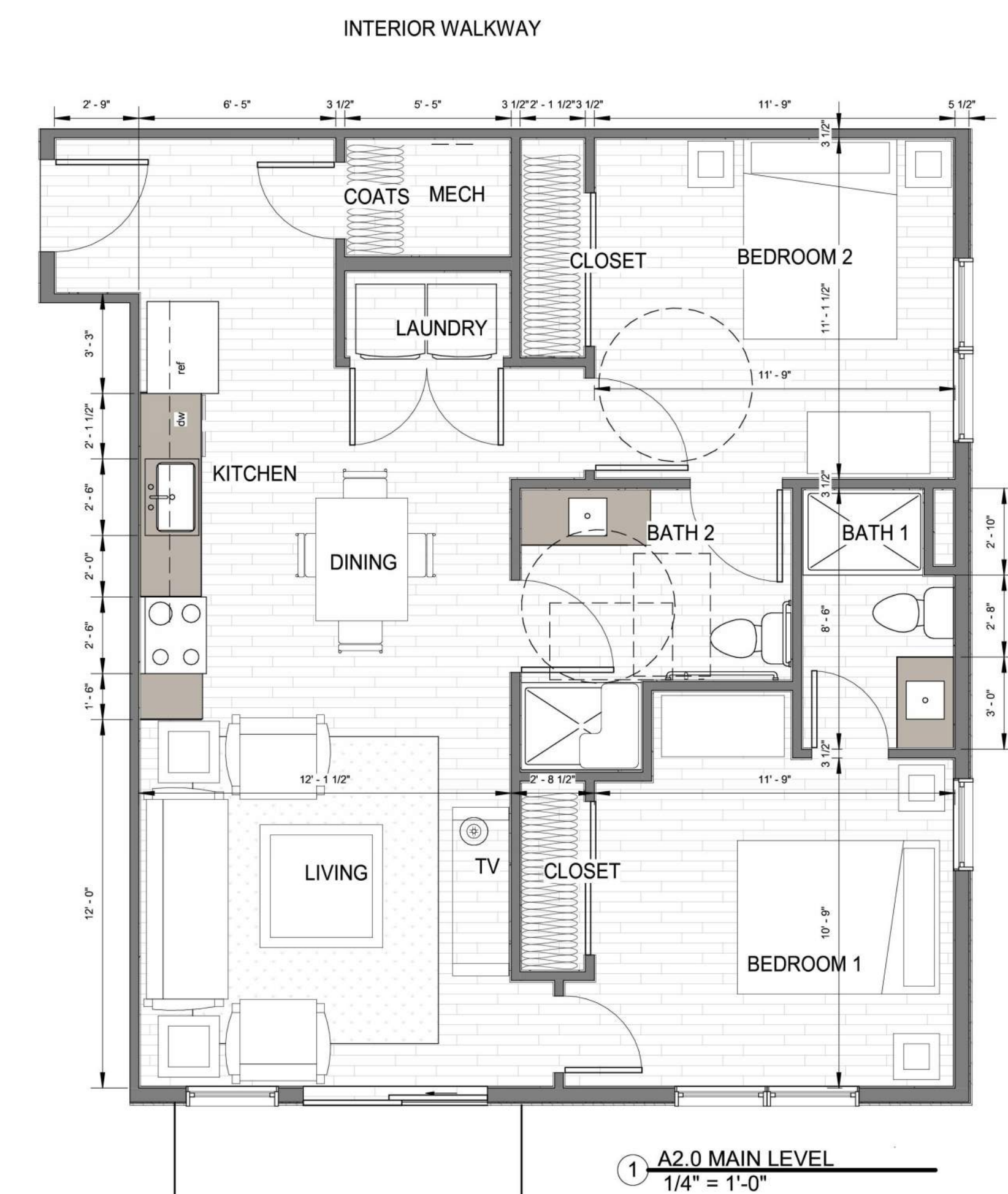
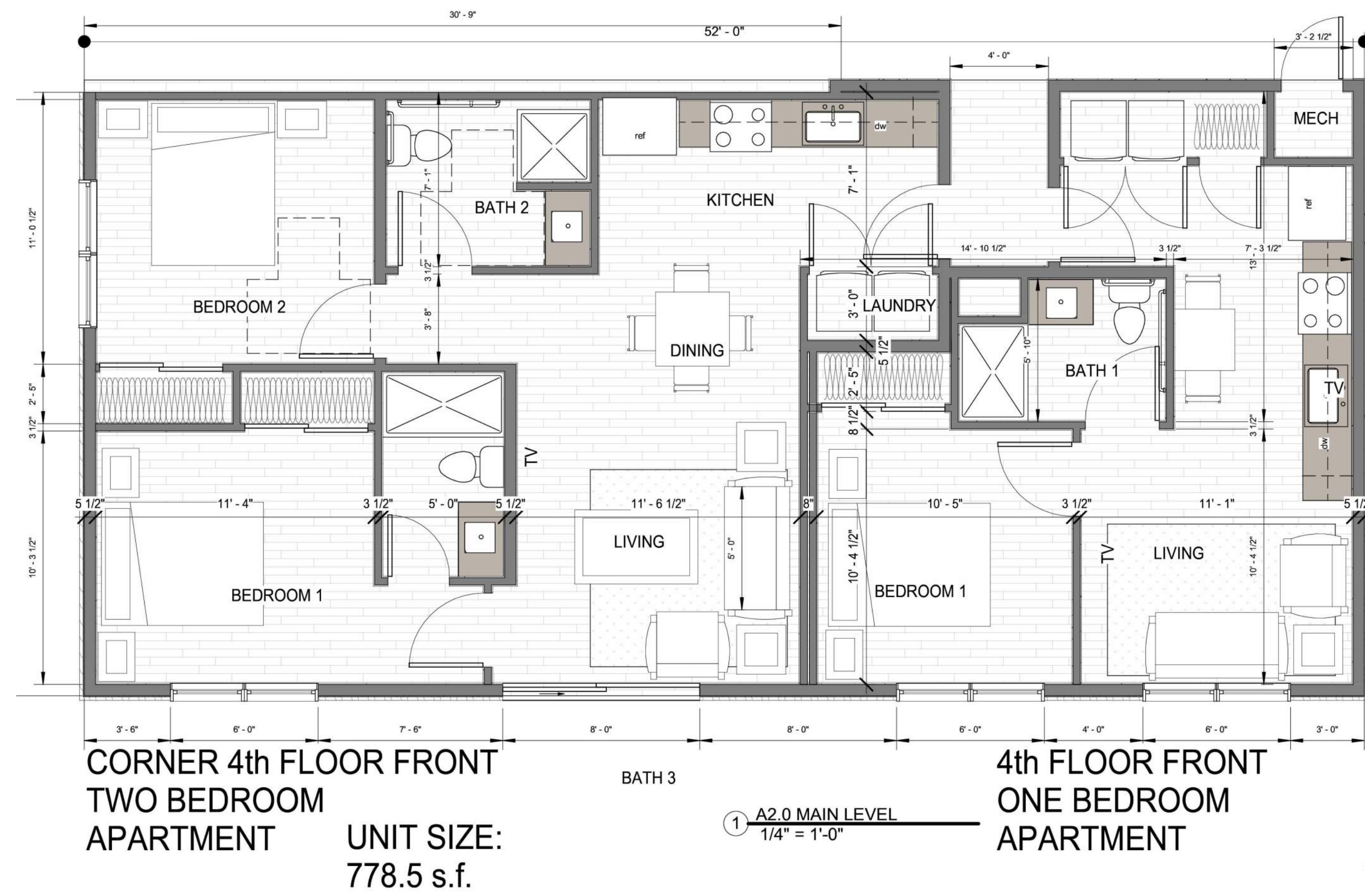
435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date: 6-22-22
Project number: 2175
LANDSCAPE PLAN

A1.2

[illegible]

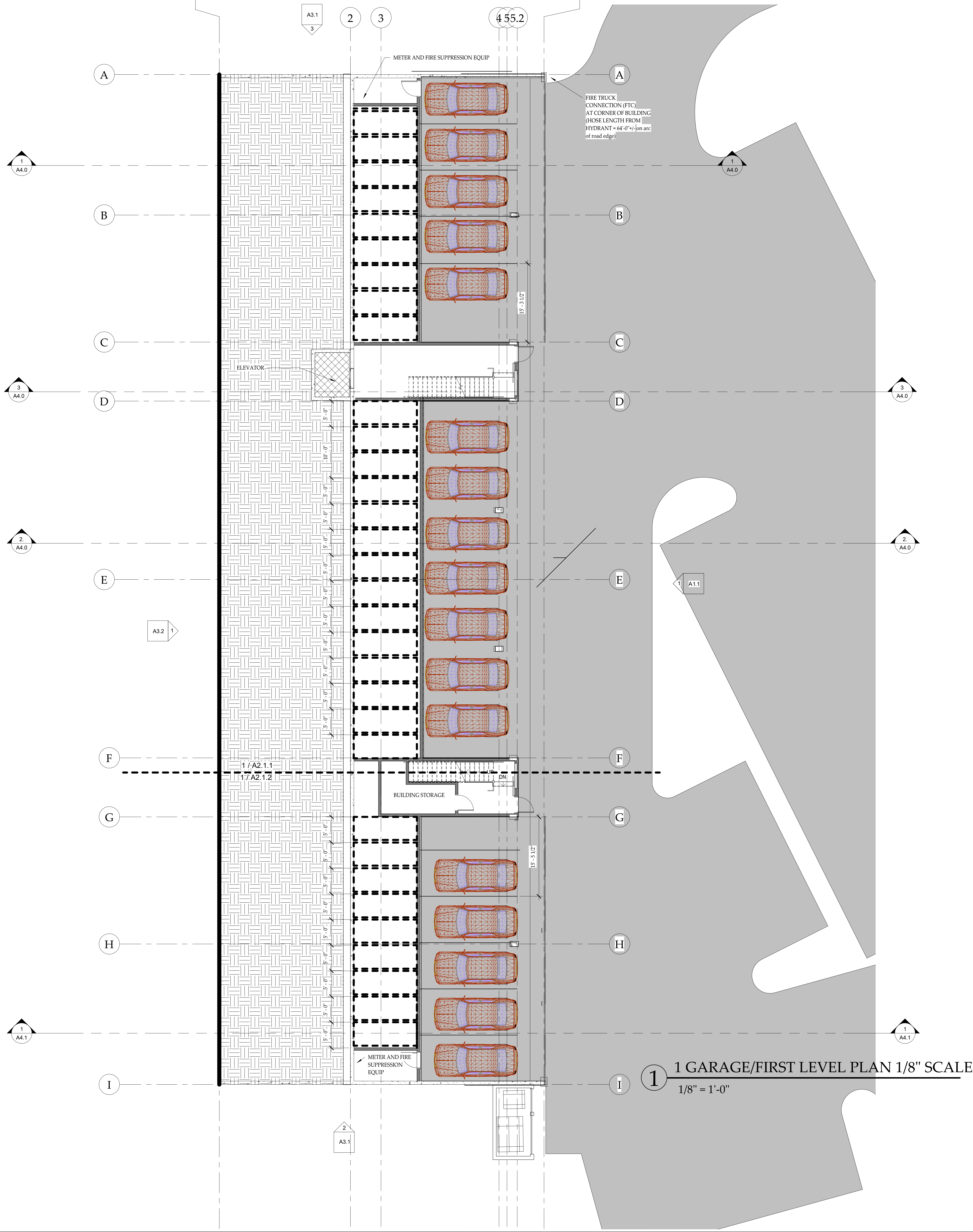
Consultant Address Address Phone Fax e-mail
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435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date:	6-22-22
Project number:	2175
UNIT PLANS	
A2.0.1	



Date:6-22-22

Project number:2175

FIRST LEVEL PLAN

A2.1

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD

Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II

UPDATED DEVELOPMENT PERMIT SET

REVISIONS		Date
No.	Description	

Consultant

Address

Phone

E-mail

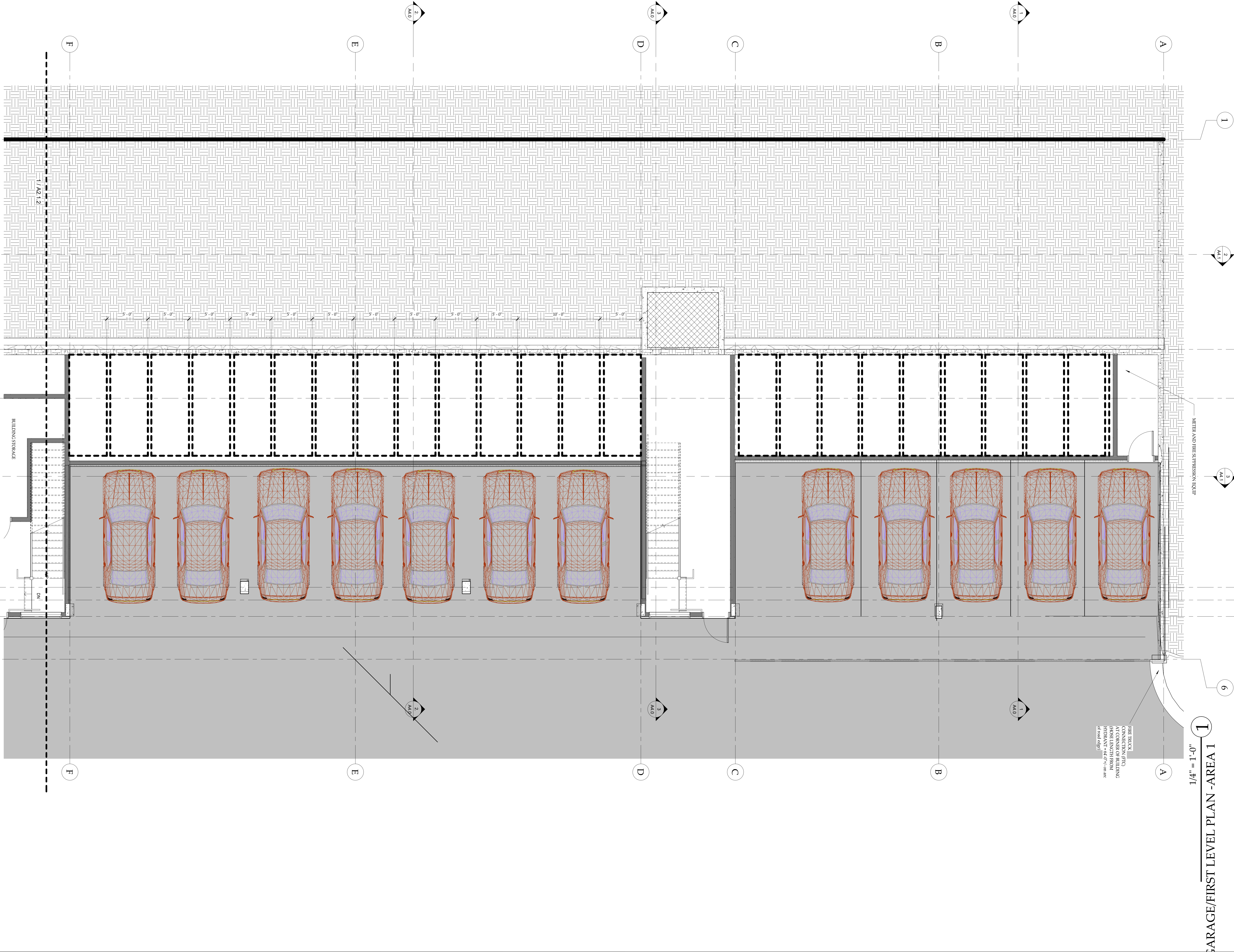
MARTIN MANLEY

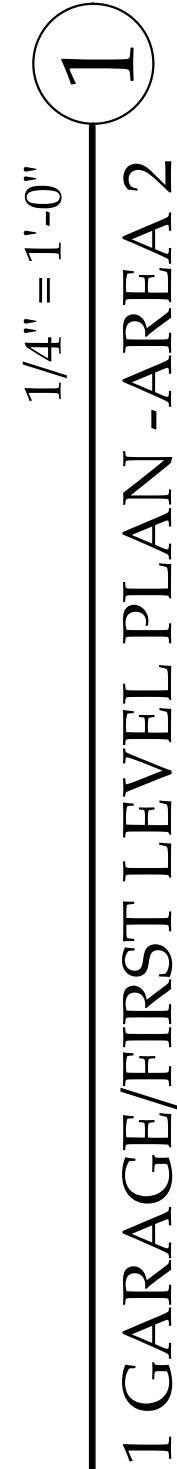
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1 GARAGE/FIRST LEVEL PLAN -AREA 2

Date: 6-22-22
 Project number: 2175
 1ST LEVEL PLAN AREA 2

A2.1.2

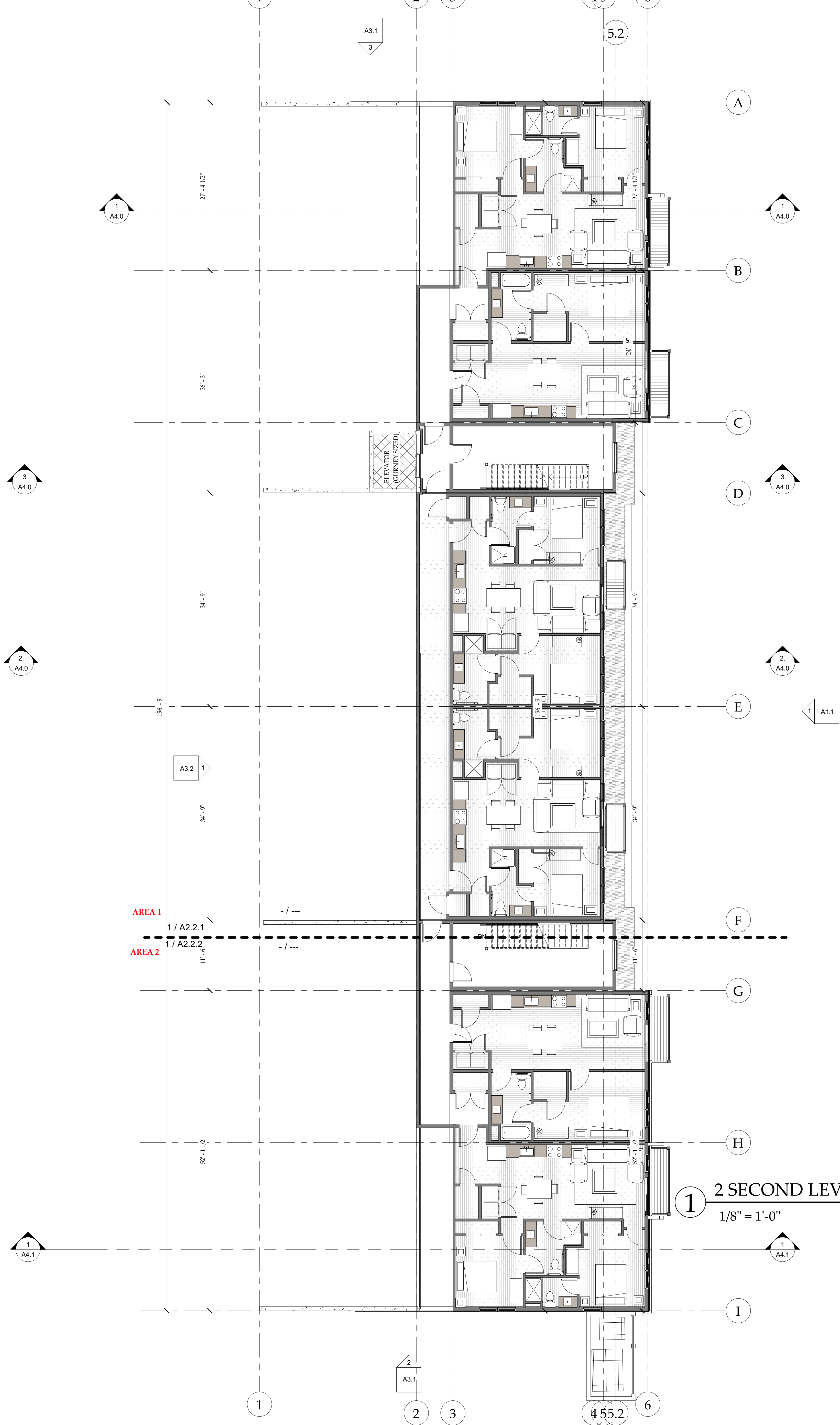
NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

[illegible]

Consultant
Address
Address
Phone
Fax
e-mail



1 2 SECOND LEVEL PLAN 1/8" SCALE
1/8" = 1'-0"

UNIT MATRIX			
LEVEL	1 BEDROOM	2 BEDROOM	3 BEDROOM
SECOND LEVEL	(2) ONE BD RM	(4) TWO BD RM	(0) THREE BD RM
THIRD LEVEL	(2) ONE BD RM	(10) TWO BD RM	(0) THREE BD RM
FOURTH LEVEL	(2) ONE BD RM	(10) TWO BD RM	(0) THREE BD RM
TOTAL #=30 UNITS	(6) ONE BD RM	(24) TWO BD RM	(0) THREE BD RM

6-22-22

2175

SECON D LEVEL PLAN

Date:

Project number:

6-22-22

2175

SECON D LEVEL PLAN

Date:

Project number:

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD

Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II

UPDATED DEVELOPMENT PERMIT SET

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Page 232 of 401



6-22-22

2175

2ND LEVEL AREA 1

Date:

Project number:

A2.2.1

NOT FOR CONSTRUCTION

3

4

5

5.2

6

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD

Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II

UPDATED DEVELOPMENT PERMIT SET

2

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Phone
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REV/SIONS

No.	Description	Date

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Page 233 of 401



1
2 SECOND LEVEL PLAN - AREA 2
1/4" = 1'-0"

Date:	6-22-22
Project number:	2175
2ND LEVEL AREA 2	
A2.2.2	

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

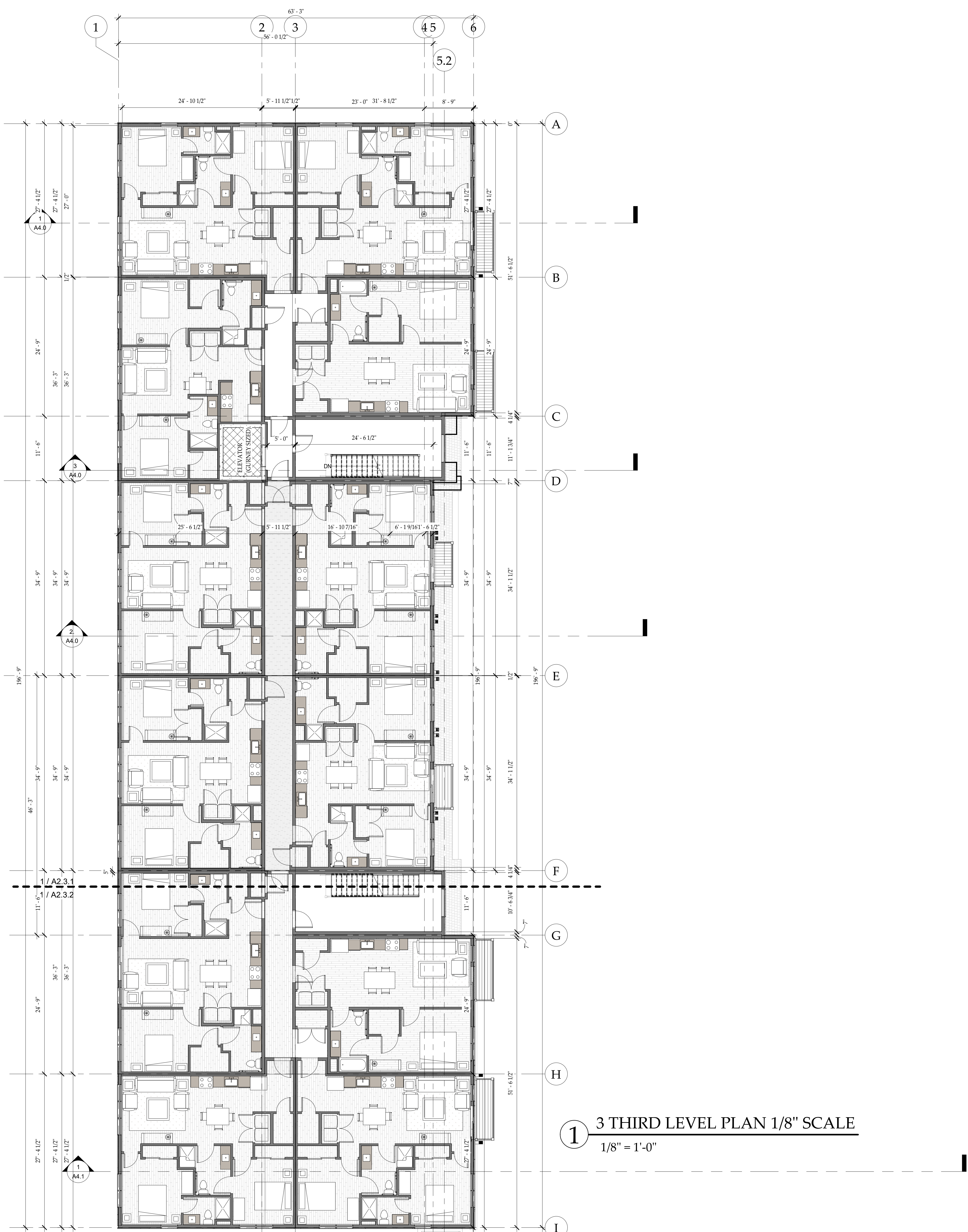
435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

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REVISIONS	
No.	Description

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UNIT MATRIX

LEVEL	1 BEDROOM	2 BEDROOM	3 BEDROOM
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BRDM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
TOTAL #=30 UNITS	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM

6-22-22

Project number:

2175

THIRD LEVEL PLAN

A2.3

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD

Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II

UPDATED DEVELOPMENT PERMIT SET

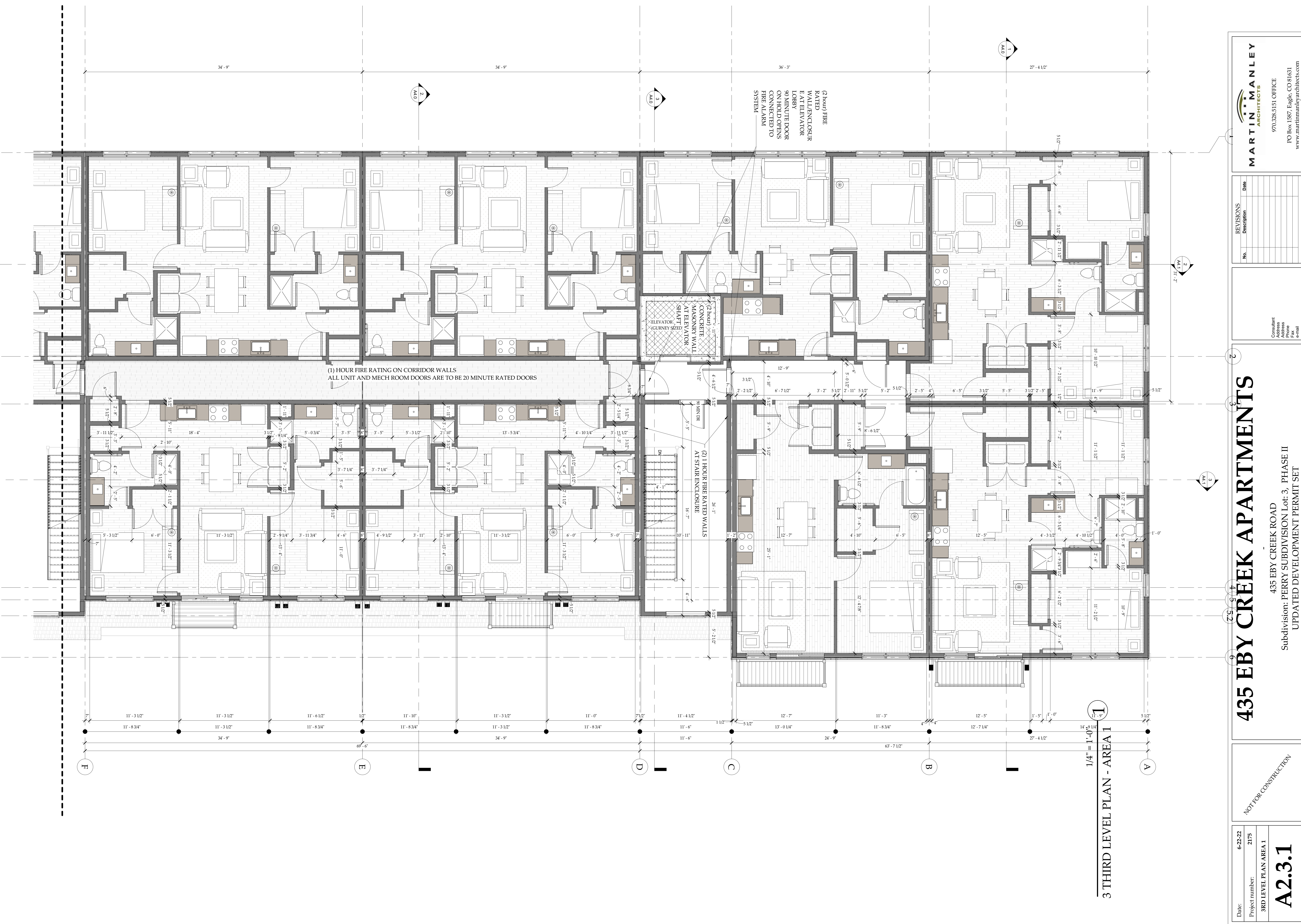
Consultant
Address
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e-mail

REV/SIONS
Description
No.
Date

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No.	REV/SIONS Description	Date

Consultant
Name
Address
Phone
E-mail

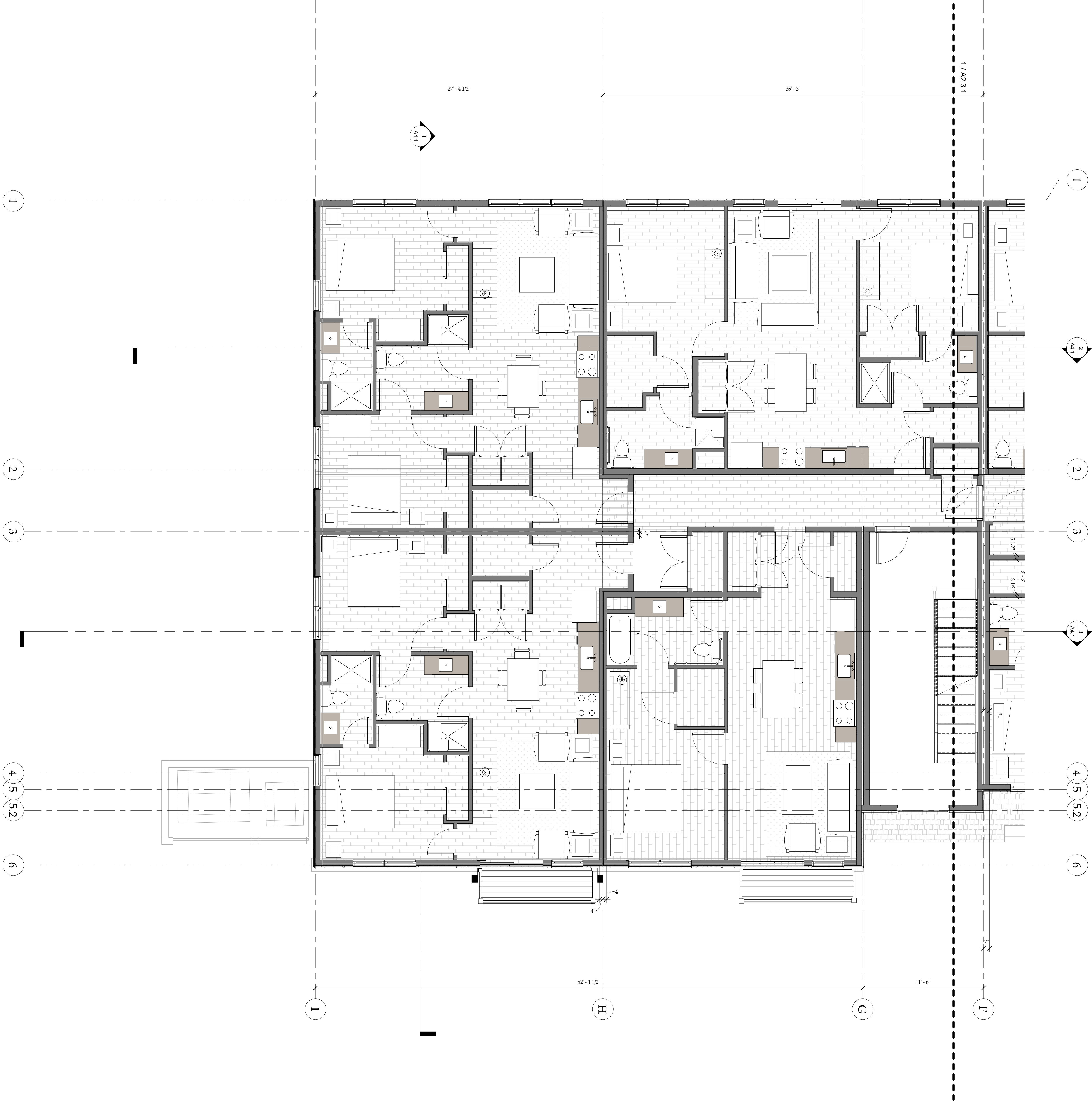
435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date: 6-22-22
Project number: 2175
3RD LEVEL PLAN AREA 1

A2.3.1



1
3 THIRD LEVEL PLAN - AREA 2

Date:	6-22-22
Project number:	2175
3RD LEVEL PLAN AREA 2	

A2.3.2

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

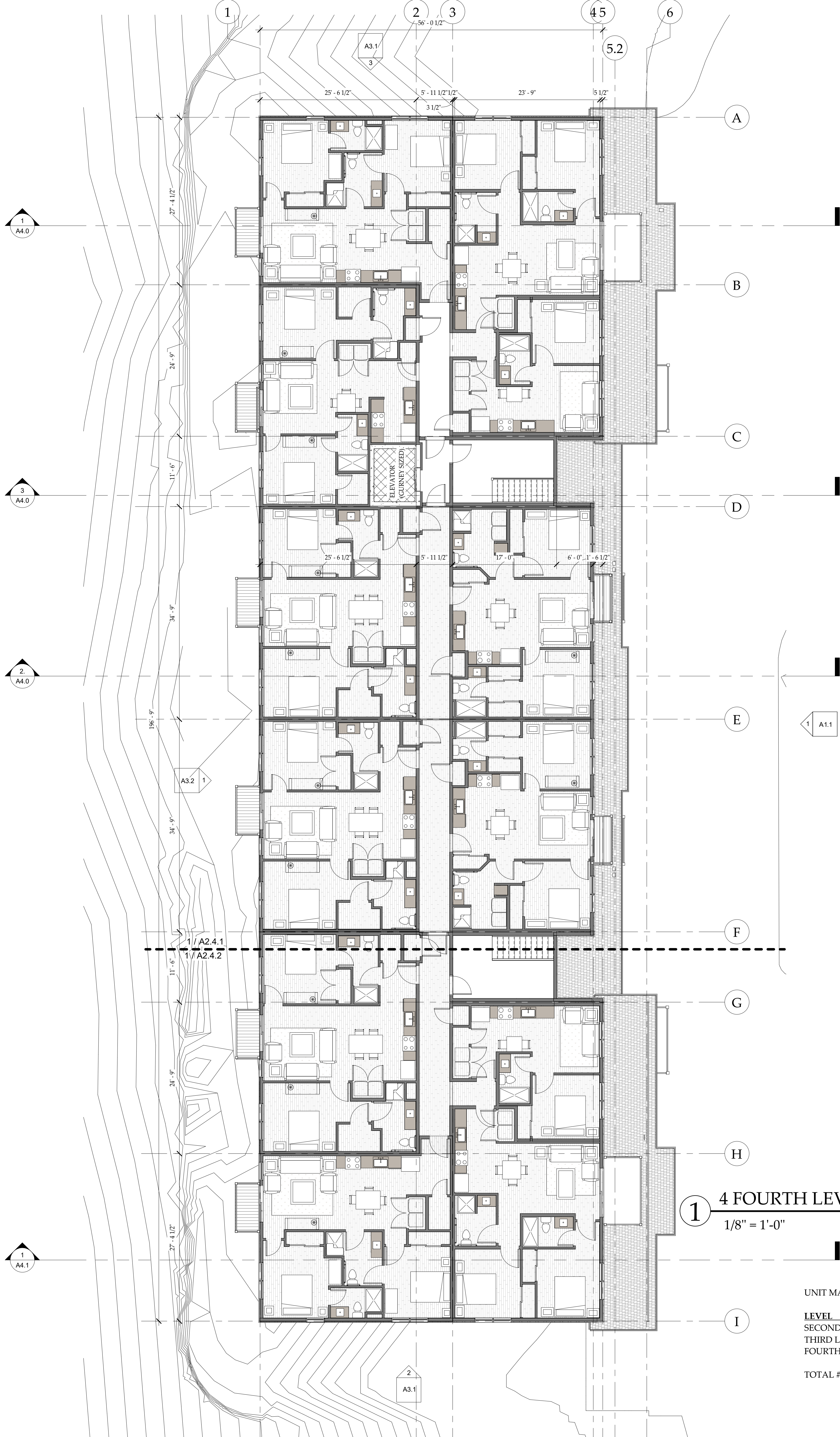
435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

Consultant
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Phone
e-mail

REV/SIONS	
No.	Description

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UNIT MATRIX

LEVEL	1 BEDROOM	2 BEDROOM	3 BEDROOM
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BRDM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
TOTAL	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM

TOTAL #=30 UNITS

6-22-22

2175

FOURTH LEVEL PLAN

Date:

Project number:

6-22-22

2175

FOURTH LEVEL PLAN

Date:

Project number:

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD

Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II

UPDATED DEVELOPMENT PERMIT SET

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Page 238 of 401

435 EBV CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date: 6-22-22
 Project number: 2175
 4TH LEVEL PLAN AREA 2
A2.4.2



UNIT MATRIX			
LEVEL	1 BEDROOM	2 BEDROOM	3 BEDROOM
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BDRM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM
TOTAL #=30 UNITS			



1 3D View 1

Date:	6-22-22
Project number:	2175
EXTERIOR ELEVATIONS	
A3.0	

NOT FOR CONSTRUCTION

435 EBY CREEK APARTMENTS

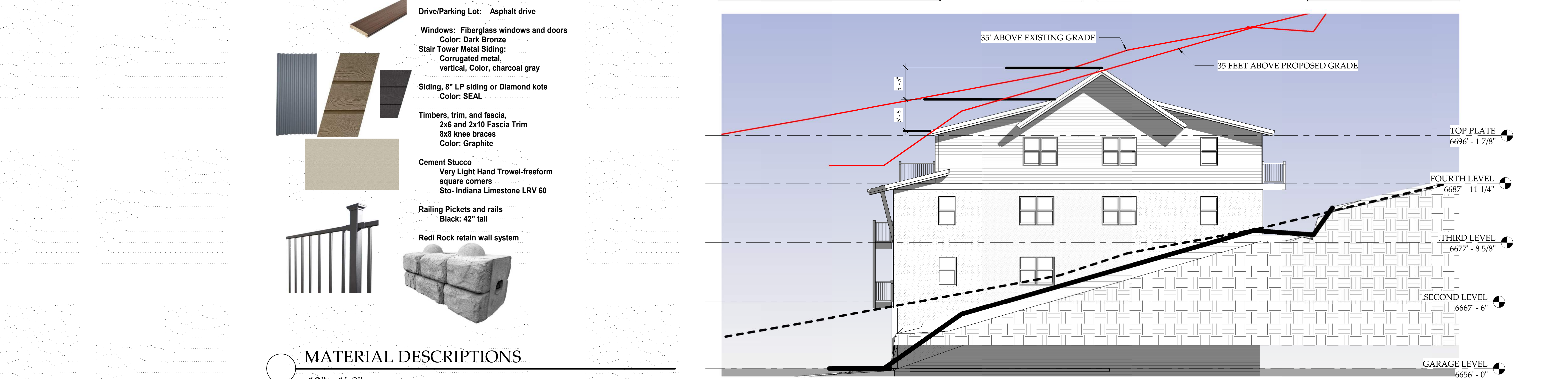
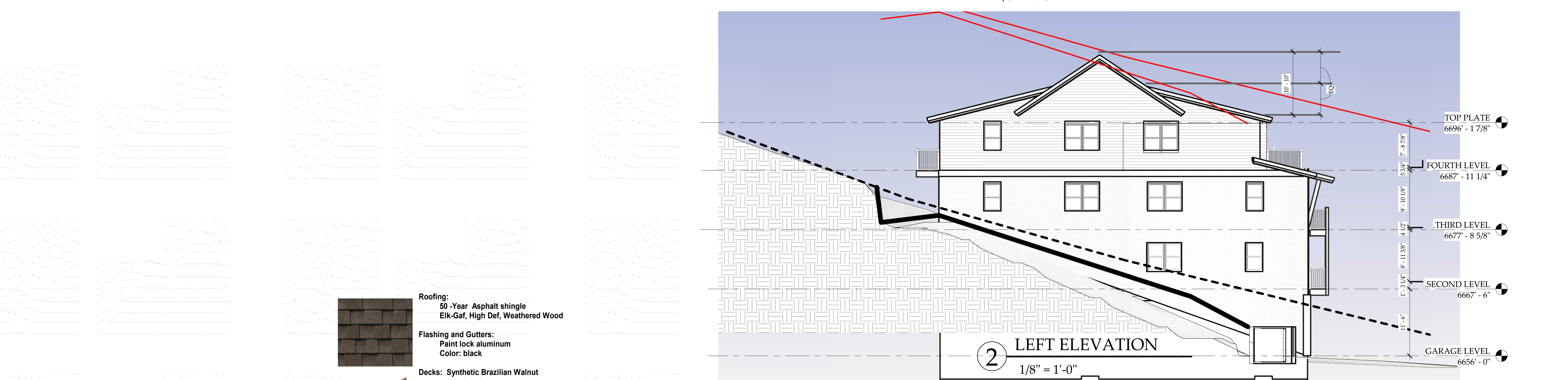
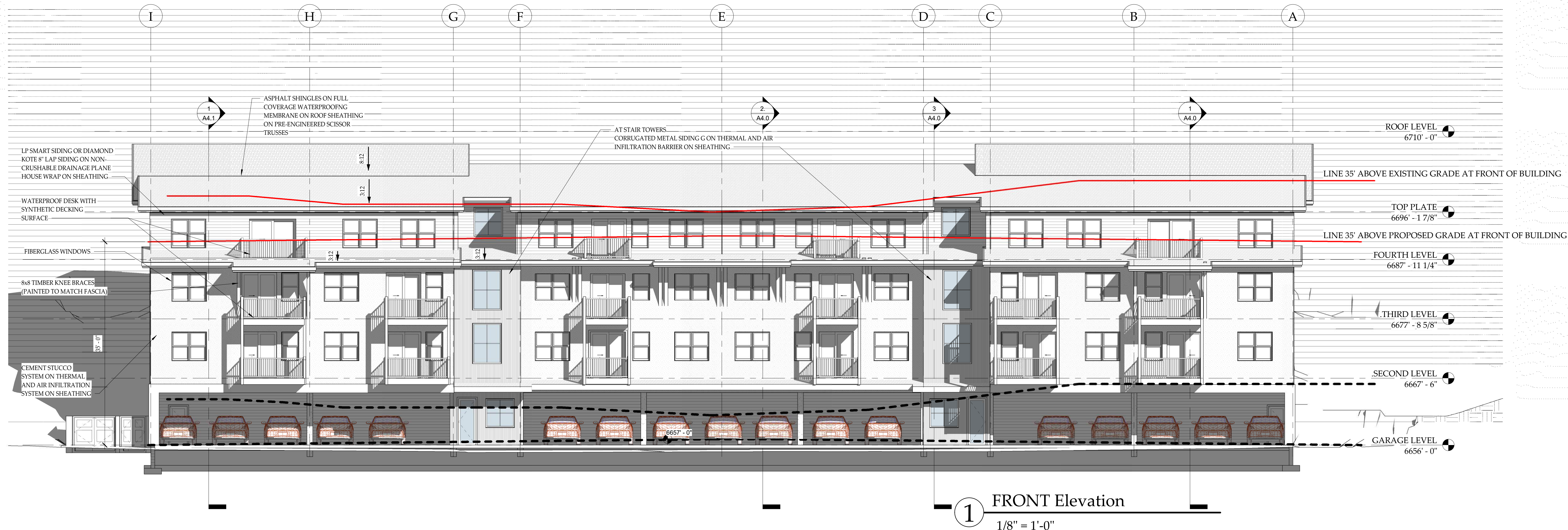
435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

Consultant
Address
Address
Phone
Fax
e-mail

[illegible]

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MATERIAL DESCRIPTIONS
12" = 1'-0"

- Roofing:
50-Year Asphalt shingle
Elk-Gaf, High Def, Weathered Wood
- Flashing and Gutters:
Paint lock aluminum
Color: black
- Decks: Synthetic Brazilian Walnut
- Drive/Parking Lot: Asphalt drive
- Windows: Fiberglass windows and doors
Color: Dark Bronze
- Stair Tower Metal Siding:
Corrugated metal,
vertical, Color, charcoal gray
- Siding, 8" LP siding or Diamond kote
Color: SEAL
- Timbers, trim, and fascia,
2x6 and 2x10 Fascia Trim
8x8 knee braces
Color: Graphite
- Cement Stucco
Very Light Hand Trowel-freeform
square corners
Sto- Indiana Limestone LRV 60
- Railing Pickets and rails
Black: 42" tall
- Redi Rock retain wall system

No.	Revisions	Description	Date

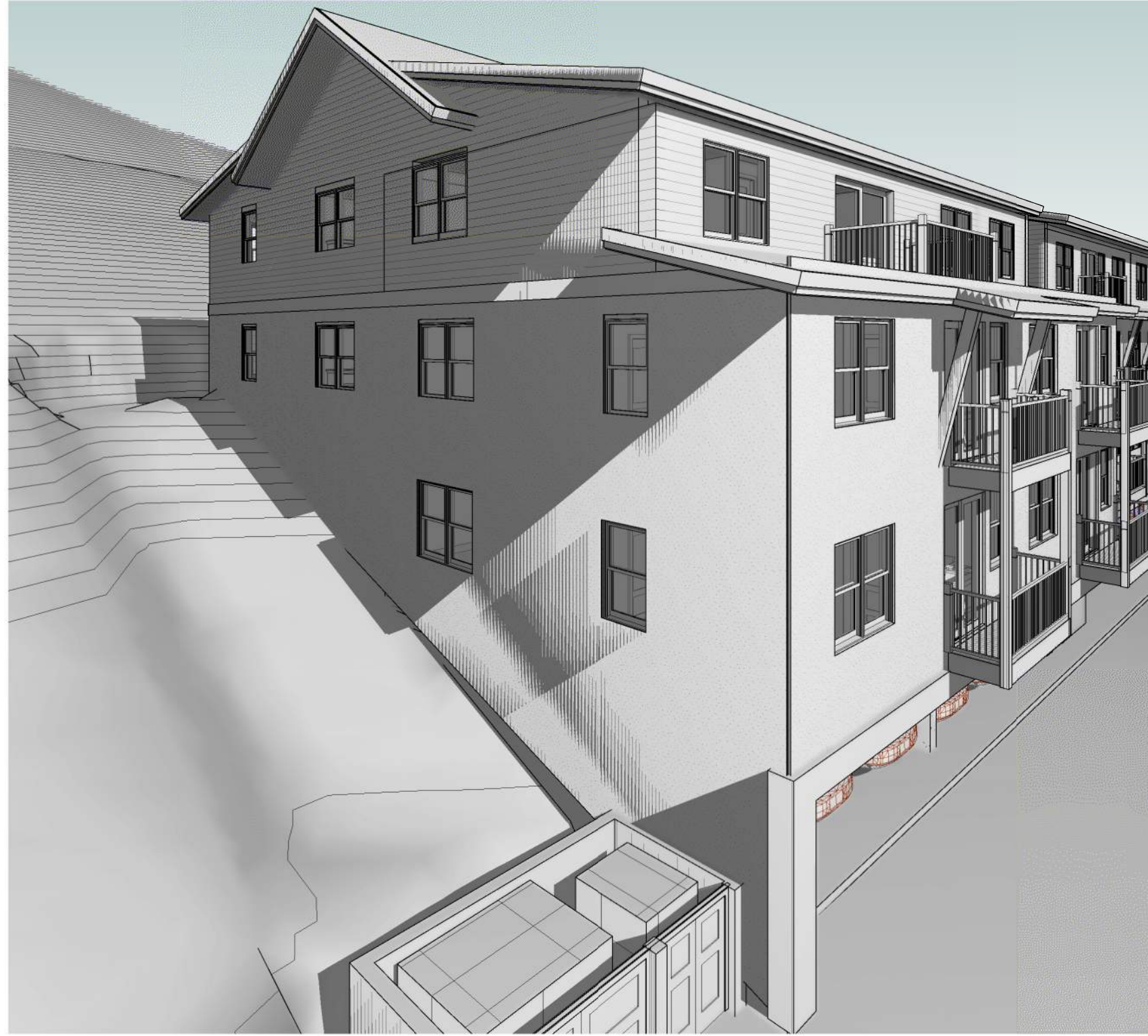
Consultant Address Phone E-mail

435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

NOT FOR CONSTRUCTION

Date:	6-22-22
Project number:	2175
EXTERIOR ELEVATIONS	
A3.1	

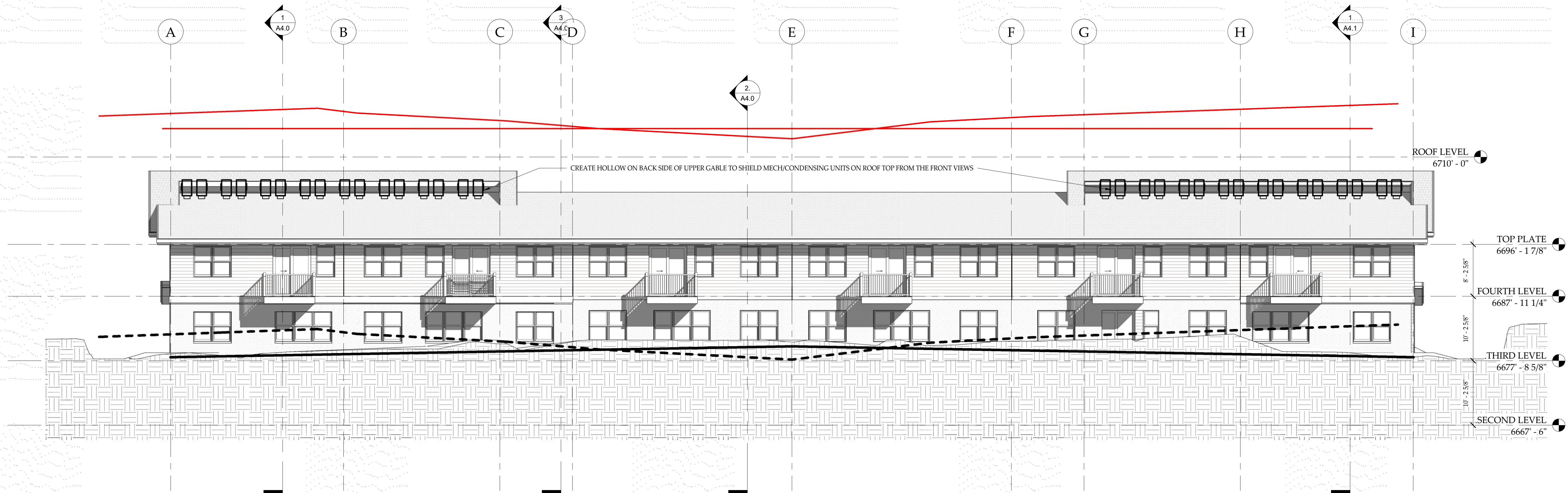


2 3D View OF FRONT LEFT CORNER

3 3D View OF FRONT LEFT

4 3D View CENTER STAIR

5 3D View OF FRONT RIGHT CORNER



1 REAR Elevation
1/8" = 1'-0"

[illegible]

Consultant	
Address	
Address	
Phone	
Fax	
e-mail	

435 EBV CREEK APARTMENTS

433 EBT CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

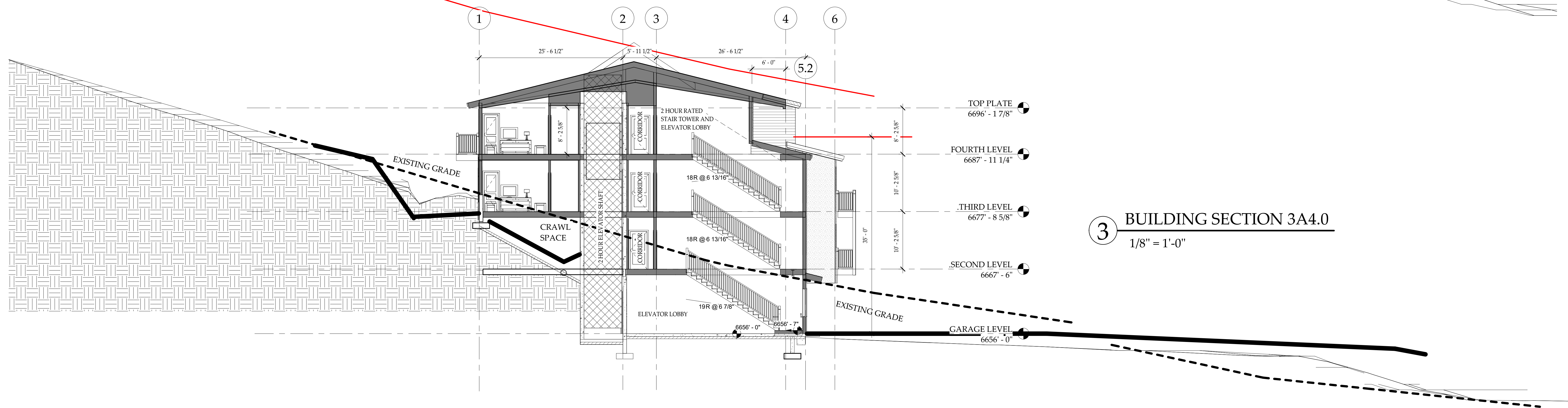
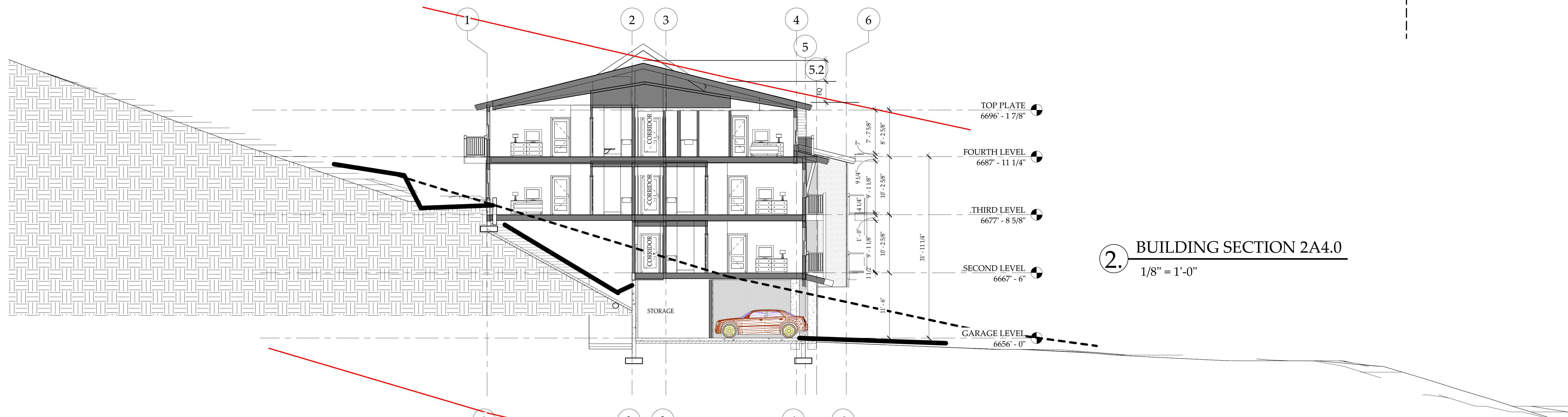
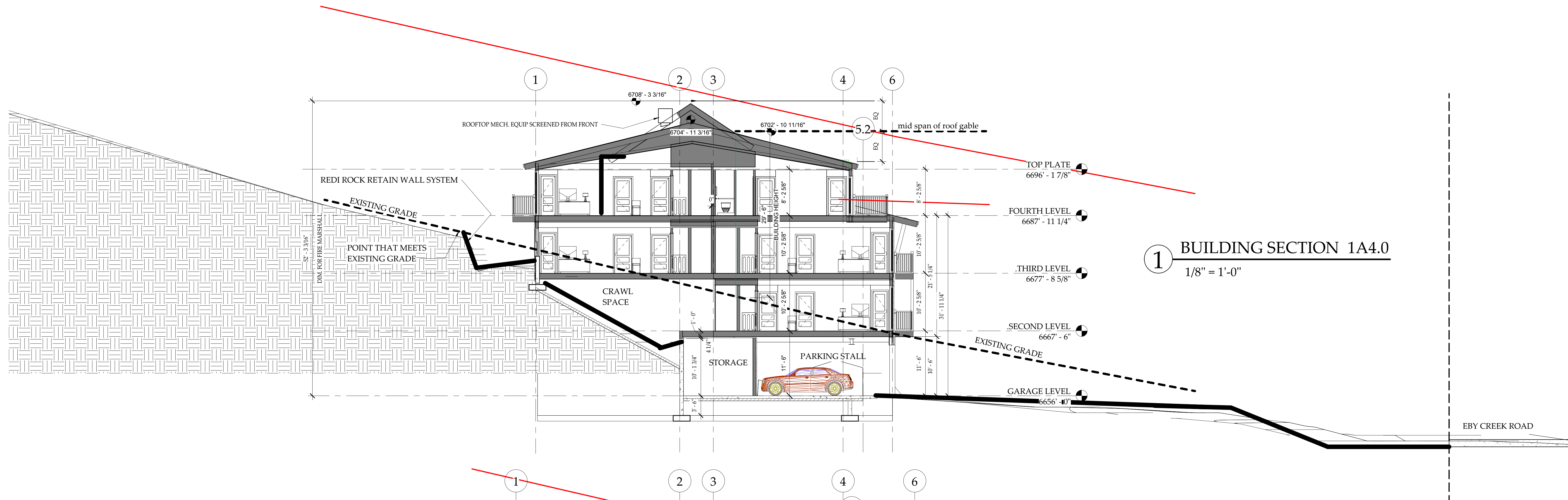
NOT FOR CONSTRUCTION

Date: 6-22-22

Project number: 2175

EXTERIOR ELEVATIONS

A3.2

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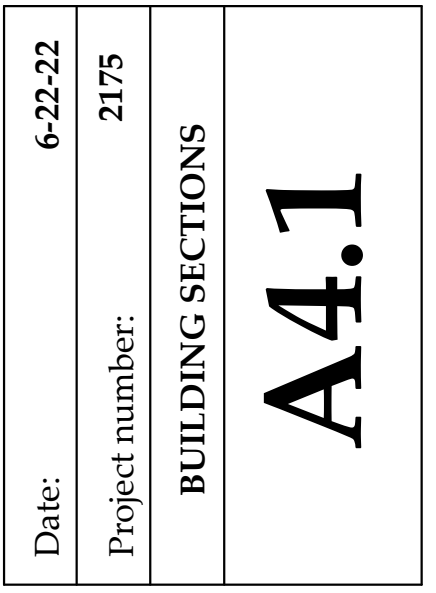
Consultant	
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435 EBY CREEK APARTMENTS

435 EBY CREEK ROAD
Subdivision: PERRY SUBDIVISION Lot: 3, PHASE II
UPDATED DEVELOPMENT PERMIT SET

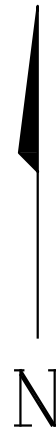
NOT FOR CONSTRUCTION

Date:	6-22-22
Project number:	2175
BUILDING SECTIONS	
A4.0	

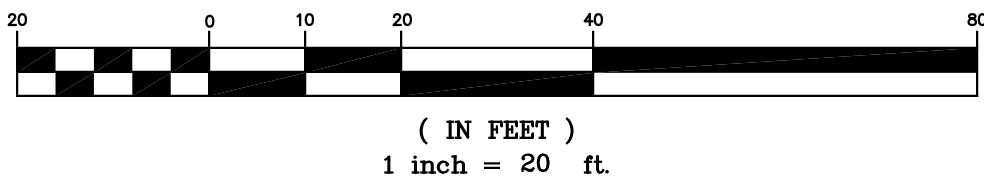


TOPOGRAPHIC SURVEY

LOT 3, PERRY SUBDIVISION, PHASE II
Located in Section 32, Township 4 South,
Range 84 West of the 6th P.M.
Town of Eagle, Eagle County, Colorado

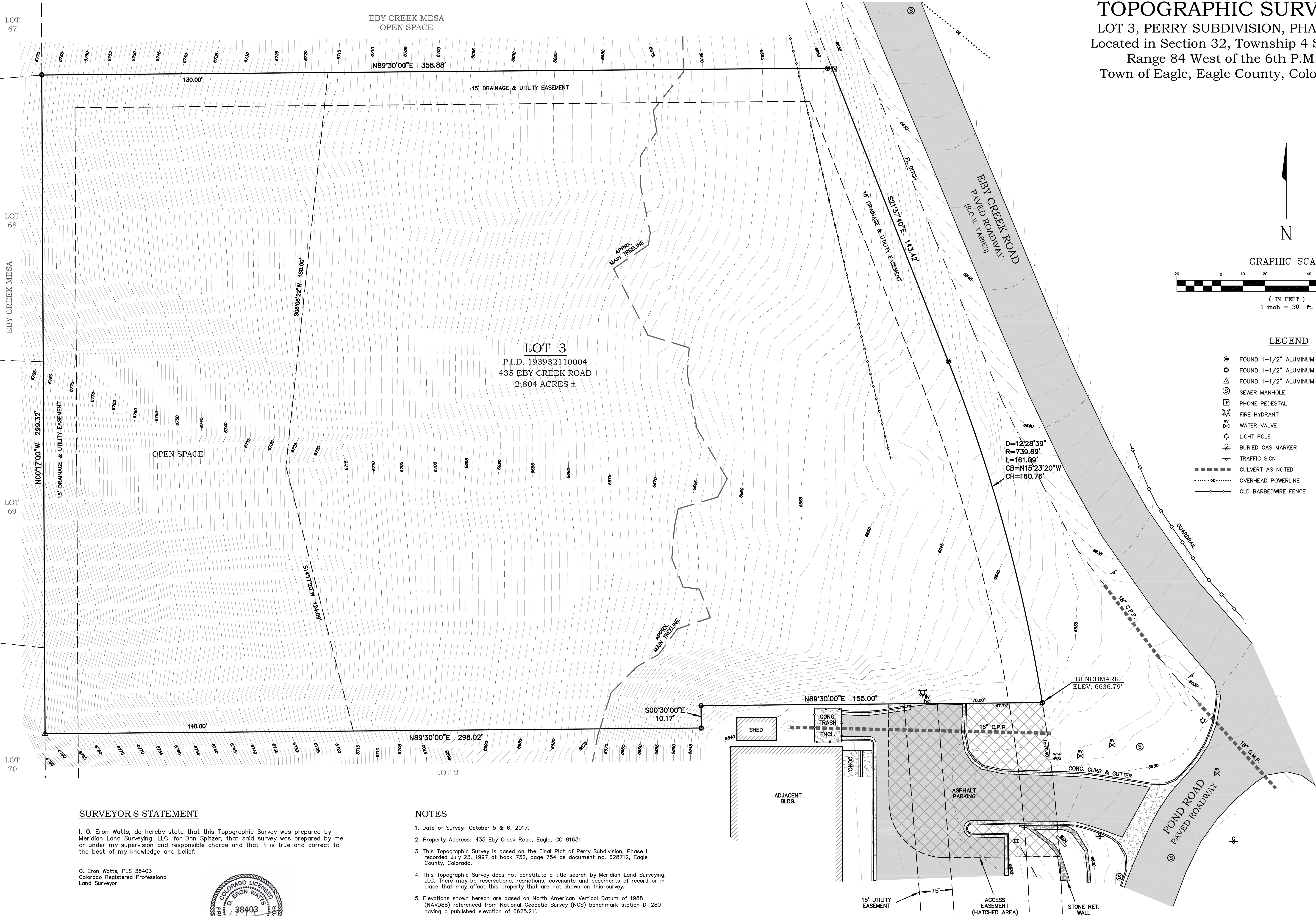


GRAPHIC SCALE



LEGEND

- FOUND 1-1/2" ALUMINUM CAP LS25630
- FOUND 1-1/2" ALUMINUM CAP LS30093
- △ FOUND 1-1/2" ALUMINUM CAP LS26967
- ⊙ SEWER MANHOLE
- ☐ PHONE PEDESTAL
- ⛑ FIRE HYDRANT
- ⛑ WATER VALVE
- ☆ LIGHT POLE
- ⊙ BURIED GAS MARKER
- ⊙ TRAFFIC SIGN
- ▬ CULVERT AS NOTED
- ⋯ OVERHEAD POWERLINE
- OLD BARBEDWIRE FENCE



SURVEYOR'S STATEMENT

I, O. Eron Watts, do hereby state that this Topographic Survey was prepared by Meridian Land Surveying, LLC, for Dan Spitzer, that said survey was prepared by me or under my supervision and responsible charge and that it is true and correct to the best of my knowledge and belief.

O. Eron Watts, PLS 38403
Colorado Registered Professional
Land Surveyor



NOTES

- Date of Survey: October 5 & 6, 2017.
- Property Address: 435 Eby Creek Road, Eagle, CO 81631.
- This Topographic Survey is based on the Final Plat of Perry Subdivision, Phase II recorded July 23, 1997 at book 732, page 754 as document no. 628712, Eagle County, Colorado.
- This Topographic Survey does not constitute a title search by Meridian Land Surveying, LLC. There may be reservations, restrictions, covenants and easements of record or in place that may affect this property that are not shown on this survey.
- Elevations shown herein are based on North American Vertical Datum of 1988 (NAVD88) referenced from National Geodetic Survey (NGS) benchmark station D-280 having a published elevation of 6625.21'.
- Contour interval equals 1 foot.

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover 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 the certification shown herein.

TOPOGRAPHIC SURVEY
LOT 3, PERRY SUBDIVISION, PHASE II
ACCORDING TO THE FINAL PLAT RECORDED JULY 23, 1997
AT BOOK 732, PAGE 754 AS DOCUMENT NO. 628712
LOCATED IN SEC. 32, T4S, R84W, 6TH P.M.
TOWN OF EAGLE, EAGLE COUNTY, COLORADO
435 EBY CREEK ROAD ROAD

SHEET:
1 OF 1
DATE:
10/11/2017
FLS/PLT:
EW/EW
DWG NO:
17007-R1
REVISION:
TYPD 10/16/17



Peyton Heitzman

From: Jeri Powles <powles1974@gmail.com>
Sent: Thursday, June 30, 2022 1:33 PM
To: Peyton Heitzman
Subject: Public hearing July 5 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Peyton

--I am having trouble with your web page link to join the meeting on July 5.

I do have some concerns as I would like to see this housing be exclusively for teachers, hospital workers, municipal workers and long term employees

Sincerely

* *

Jeri Powles

C-970-445-7242

*O/H 970-328-9398** *

This transmission is intended only for the person(s) named above. The information contained in this transmission may contain privileged and confidential information.

It is intended only for review and/or use by the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 61
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A MAJOR DEVELOPMENT PERMIT AND ASSOCIATED DEVELOPMENT
AGREEMENT FOR 435 EBY CREEK ROAD

WHEREAS, SON RAY LLC (the "Developer") owns the real property with an address of 435 Eby Creek Road, Eagle, CO, and more particularly described as Lot 3, Perry Subdivision, Phase II (the "Property");

WHEREAS, the Developer has filed with the Town an application (the "Application") for approval of a Major Development Permit to construct 30 multi-family dwelling units in one building on the Property (the "Project");

WHEREAS, at a properly-noticed public hearing on July 5, 2022, the Planning and Zoning Commission reviewed the Application, heard comments from the Developer, Town staff and the public, and recommended that the Town Council approve the Application with conditions; and

WHEREAS, at a properly-noticed public hearing on July 26, 2022, the Town Council reviewed the Application and heard comments from the Developer, Town staff and the public were provided an opportunity to be heard on the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. Findings. Based on the Application, the recommendation of the Planning Commission, input from Town staff and any public comment received, the Town Council finds that the Major Development Permit complies with the applicable criteria in Chapters 4.06, 4.07, and 4.13 of the Eagle Municipal Code (the "Code").

Section 2. Decision. Based on the foregoing findings, the Town Council approves the Major Development Permit and Development Agreement, subject to the following conditions:

- a. Prior to filing an application for a building permit, Applicant shall modify the building height to comply with Section 4.07.040.B.2 of the Code, unless Applicant obtains a height variance.
- b. Prior to filing an application for a building permit, Applicant shall submit a modified lighting plan to include lighting fixtures that comply with Section 4.07.010 of the Code.

Section 3. Development Agreement. The Development Agreement is hereby approved in substantially the form attached hereto, subject to final approval by the Town

Attorney. Upon such approval, the Mayor is authorized to execute the Development Agreement on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 26, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into as of the ____ day of July, 2022 (the "Effective Date"), by and between the Town of Eagle, a Colorado home rule municipal corporation with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"); and Son Ray LLC, a limited liability company with an address of PO Box 4556, Eagle, CO 81631 ("Developer") (each a "Party" and collectively the "Parties").

WHEREAS, Developer owns the real property with an address of 435 Eby Creek Road, Eagle, CO, and more particularly described as LOT 3, PERRY SUBDIVISION, PHASE II, COUNTY OF EAGLE, STATE OF COLORADO (the "Property");

WHEREAS, Developer desires to develop the Property and has filed an application for a Major Development Permit (the "Development");

WHEREAS, Section 4.06.020(F) of the Code requires a developer to furnish the Town with a performance guarantee to secure the construction and installation of all public improvements required by the approved Development Plan as a condition for the issuance of a Development Permit; and

WHEREAS, the Parties agree that the matters hereinafter set forth are reasonable conditions and requirements to be imposed by the Town upon Developer in relation to the Development.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 1 - SCOPE

1.1 **Purpose.** This Agreement is intended to set forth the Parties' understanding and agreement as to the development of the Property, including without limitation the nature of the development proposed for the Property, the procedures, limitations and standards applicable to the construction of public and other required public improvements to be installed to serve the Property, the responsibilities of the Parties for various costs, fees and charges, and similar matters.

1.2 **Rights Reserved.** It is not the intention of the Parties to diminish or limit the Town's legislative, quasi-judicial, or other powers or to impose on the Town any duty, beyond its ordinances and regulations as they may from time to time exist, nor to impose any special obligation on the Town to approve or accept any future applications, plans, drawings, security documents, improvements, and conveyances, except as otherwise set forth in this Agreement.

SECTION 2 – IMPROVEMENTS

2.1 Public Improvements. Developer agrees to construct, at its own expense, the public improvements necessary for the Development (the "Public Improvements"), subject to the terms and conditions set forth herein and in accordance with the Development Plan.

2.2 Specific Improvements. In addition to all other required Public Improvements, the following specific Public Improvements are required:

a. *EV Charging Station.* Developer shall install at least one electric vehicle ("EV") charging station, as well as infrastructure for future EV charging stations throughout the parking area.

b. *Sidewalk Improvements.* Developer shall construct a sidewalk that connects the Development to the Town's existing sidewalk and trail network, from Pond Road south to the driveway of 360 Eby Creek Road. The sidewalk improvements shall include ADA ramps, a crosswalk, flashing pedestrian crossing lights and appropriate signage. The design of the sidewalk improvements shall be subject to the Town's prior approval.

c. *Gravel.* Gravel shall be installed at the entrances to the public right-of-way to prevent tracking mud during construction or until asphalt has been installed.

d. *Landscaping.* Developer shall submit to the Town for review and approval a final landscaping plan prior to commencing any landscaping work. Developer shall install, at its sole cost and expense, all landscaping shown in said landscaping plan together with a complete drip irrigation system for such landscaping. Developer shall be solely responsible for the adequate and proper maintenance of all on-site and off-site landscaping. The landscaping shall comply with the following:

i. To discourage residents from walking behind the building, Developer shall include additional trees with full foliage south of the dumpster enclosure.

ii. At least 6 coniferous trees of at least 8 feet in height shall be included in the front landscape buffer.

iii. Landscaping in any public right-of-way will require an encroachment permit from the Town.

2.3 Compliance with Applicable Law. Developer shall at all times comply with all applicable law, including without limitation all current and future federal, state and local statutes, regulations, ordinances and rules relating to: the emission, discharge, release or threatened release of a Hazardous Material into the air, surface water, groundwater or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation or investigation of a Hazardous Material; and the protection of human health, safety or the indoor or outdoor environmental, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et

seq. ("CERCLA"); the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* ("RCRA"); the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*; the Clean Water Act, 33 U.S.C. § 1251, *et seq.*; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; all applicable environmental statutes of the State of Colorado; and all other federal, state or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect.

2.4 Construction.

a. All Public Improvements shall be installed and completed at the expense of Developer, and dedicated or conveyed to the Town upon the Town's acceptance thereof. The estimated costs of the Public Improvements are set forth in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Estimated Costs").

b. At Developer's expense, the Town may make reasonable engineering observations and require testing during construction of the required Public Improvements in such reasonable intervals and upon reasonable notice, as the Town may request, in accordance with the Town's engineering standards, Water Distribution Regulations, and Wastewater Regulations, or as otherwise determined by the Town. Observation, acquiescence in or approval by any inspector shall not constitute the approval by the Town of any portion of such Public Improvements.

c. Developer shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all Public Improvements which shall be approved by the Town Engineer. The "as-built" locations of all utility service lines shall be prepared by a registered land surveyor at Developer's sole expense. No Certificate of Occupancy for any building or structure within the Development shall be issued until the required "as-built" drawings have been submitted to the Town. In addition, all expenses incurred for this Property by the Town in updating the Town's base maps shall be paid by Developer to the Town. Developer shall submit both hard copy and electronic files of the "as-built" drawings. The format of the electronic files shall be AutoCAD 2004 or latest edition thereof.

2.5 Completion.

a. The Public Improvements shall be completed on or before August 1, 2025.

b. Upon completion of construction by Developer of the Public Improvements, Developer shall submit to the Town Engineer a written request for an inspection and the preparation of a Final Acceptance Punch List. Upon receipt of such request, the Town Engineer shall inspect the Public Improvements and prepare a written Final Acceptance Punch List which shall be provided to Developer within 30 days of receipt of the written request from Developer. Within 90 days from receipt of the Final Acceptance Punch List, Developer shall make all

corrections necessary to bring the system or Public Improvements into conformity with applicable Town standards and all plans, as approved.

c. Upon completing the Final Acceptance Punch List work, Developer shall submit to the Town Engineer a written request for Final Acceptance. The Town Engineer shall then inspect said Public Improvements and, within 30 days, issue a written determination as to whether the Final Acceptance Punch List work has been satisfactorily completed. If the Town Engineer determines that the Final Acceptance Punch List work has not been satisfactorily completed, the Town Engineer shall issue a revised written Final Acceptance Punch List to Developer. If the Final Acceptance Punch List work has been satisfactorily completed, the Town Engineer shall issue Final Acceptance.

SECTION 3 – WARRANTY

Developer warrants all Public Improvements for a period of 2 years from the date of Final Acceptance. Specifically, but not by way of limitation, Developer warrants the following:

- a. That the title conveyed shall be good and its transfer rightful;
- b. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
- c. Any and all facilities conveyed shall be free of any and all defects in materials or workmanship.

SECTION 4 – NUISANCES

Developer shall prevent the existence of any nuisances by way of its construction activities, as nuisances are defined by the Code. If the Town determines that a nuisance exists, Developer shall be subject to the provisions of the Code regarding the abatement of nuisances and the cost assessed therefor. If the nuisance is not abated to the satisfaction of the Town, the Town may, upon 30 days' written notice, draw upon the Performance Guarantee to pay the cost of abating the nuisance, including any expenses and penalties incurred under the Code. The Town may exercise this right in addition to, or in lieu of, other available remedies. The decision to draw on the Performance Guarantee shall be within the sole discretion of the Town.

SECTION 5 – LOCAL EMPLOYEE RESIDENCY PROGRAM

Pursuant to § 4.04.110 of the Code, the Local Employee Residency Program (the "LERP") requires that at least 10% of new residential housing be affordable to lower and moderate-income households. A copy of Developer's LERP plan is attached hereto as **Exhibit B** and incorporated herein by this reference (the "LERP plan"). Developer shall comply with the LERP Plan.

SECTION 6 – GEOTECHNICAL ISSUES

6.1 Soils Study. Prior to application for building permit, a geotechnical engineer shall validate the 2007 Soils Study, and the study shall be expanded to include all of the mapped geologic hazards potentially impacting the Property.

6.2 Slopes. Applicant shall work with the Town Engineer to minimize slopes greater than 2:1 and provide all necessary slope protections.

SECTION 7 – WILDLIFE

7.1 Education. Prior to application for a building permit, Developer shall provide education materials to the Town to address the items raised by Colorado Parks and Wildlife ("CPW") in its referral letter.

7.2 Dumpster. The Project shall include a CPW-approved bear proof dumpster enclosure.

SECTION 8 – WATER, WASTEWATER AND STORMWATER

8.1 Dedication of Water Rights. The Town acknowledges that sufficient water rights have previously been dedicated to the Town to serve the Development.

8.2 Water Service. Upon completion of the water system improvements necessary to serve the Development, the Town shall provide municipal treated water service to the Development. Provision of water service to the Development shall be made pursuant to agreement by the Town and shall be made available upon full payment of an applicable plant investment fee and utility connection charges at the then applicable rate set forth in the Code. The plant investment fee shall be fully paid prior to the issuance by the Town of a building permit.

8.3 Wastewater Collection System Improvements. Developer, at its sole cost and expense, shall design, purchase, and install all elements of the wastewater collection system located on the Property to fully service the Development in accordance with any design drawings, plans and specifications submitted with the Development Plan and approved by the Town Engineer, and applicable Uniform Non-discriminatory Regulations of the Town in effect at the time of issuance of the Major Development Permit.

8.4 Wastewater Service. Upon completion of any wastewater collection system improvements necessary to serve the Development by Developer, and upon approval and acceptance by the Town Engineer, the Town agrees to provide wastewater treatment and collection service to the Development. The plant investment fee shall be paid prior to the issuance by the Town of a building permit. Provision of wastewater service by the Town to the Development shall be made pursuant to agreement by the Town and on a first come/first served basis with other wastewater service customers, subject to system capacity and any prior commitments, and at the then applicable rate as set forth in the Code.

8.5 Stormwater. A drainage plan shall be approved by the Town Engineer prior to the filing of the first building permit application for the Development. The drainage plan shall include engineering estimates on sediment load. Developer shall provide on-site stormwater treatment to replace the required on-site detention, as approved by the Town Engineer.

SECTION 9 – PERFORMANCE GUARANTEE

9.1 General. To secure the construction and installation of the Public Improvements, Developer shall furnish the Town with cash or an irrevocable standby letter of credit that is acceptable to the Town in an amount equal to 110% of the Estimated Costs.

9.2 Delivery. Developer shall furnish to the Town the security required by this Section prior to commencing any work on improvements to the Property. Developer shall not commence any work within the Development until such approved security is furnished to the Town.

9.3 Additional Standards. The security required by this Section shall be subject to Section 4.06.020(F) of the Code.

9.4 Increase in Estimated Costs. The Estimated Costs may increase in the future. Accordingly, the Town reserves the right to review and adjust the Estimated Costs at the time a building permit is issued and annually if the Public Improvements have not been completed. Adjustments shall be made according to changes in the Construction Costs Index as published by the Engineering News Record. If the Town adjusts the Estimated Costs, the Town shall give written notice to Developer. Developer shall, within 30 days after receipt of said written notice, provide the Town with a new or amended Performance Guarantee in the amount of the adjusted Estimated Costs. If Developer fails to provide a new or amended Performance Guarantee, the Town may exercise the remedies provided for in this Agreement; provided, however, that prior to increasing the amount of the Performance Guarantee, the Town shall give credit to Developer for all Public Improvements which have actually been completed, so that the amount of the Performance Guarantee relates to the cost of required Public Improvements not yet constructed.

9.5 Partial Release. Upon completion of portions of the required Public Improvements by Developer, evidenced by a detailed cost breakdown of the completed Public Improvements, the amount of any letter of credit issued pursuant to this Agreement may be reduced by up to 20% of the approved estimated cost for the installation of such Public Improvements, upon application of Developer, and approval by the Town Manager. Upon completion of all of the required Public Improvements by Developer, and upon final inspection and approval by the Town Engineer of all such Public Improvements, the Town Manager shall further authorize the reduction of the amount of the security to 10% of the total actual cost of such Public Improvements.

9.6 Full Release. The security issued pursuant to this Section shall be fully released and discharged by the Town upon expiration of the 2-year warranty period, provided that, if defects are not satisfactorily corrected within such 2 years, the Town may require new security and withhold the issuance of any further building permits until new security is supplied.

9.7 Draw. If the required Public Improvements are not satisfactorily constructed or completed within the time specified in Section 2, the Town may draw on the security to complete the Public Improvements. If the security is to expire within 14 calendar days and Developer has not yet provided a satisfactory replacement or satisfactorily completed the Public Improvements, the Town may draw on the security and either hold such funds as security for performance of this Agreement or spend such funds to complete the Public Improvements or correct problems with the Public Improvements as the Town deems appropriate. If the Town has drawn on the security and a satisfactory replacement guarantee is thereafter provided or the Public Improvements have been completed, then the Town will release any funds received as a result of its draw within a reasonable period of time, or within 10 calendar days of a request by Developer.

SECTION 10 - INDEMNIFICATION

10.1 By Contractors. Any contractor employed by Developer who performs work within rights-of-way or easements dedicated to the Town or within other property owned by the Town shall agree to indemnify and hold harmless the Town, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with work performed by such contractor for Developer within Town rights-of-way, easements or other property, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of such contractor, any subcontractor of the contractor, or any officer, employee, representative, or agent of such contractor or of any subcontractor of the contractor, or which arise out of any workers compensation claim of any employee of the contractor or of any employee of any subcontractor of the contractor. The contractor shall also agree to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

10.2 By Developer. In addition, Developer hereby expressly agrees to indemnify and hold the Town harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity, excluding Town officers, agents or employees, in connection with, or on account of the performance of work within the Development and elsewhere by Developer, or its agents, contractors or employees pursuant to this Agreement.

SECTION 11 - INSURANCE

11.1 Required. Developer and every contractor hired by Developer to perform work under this Agreement shall procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands and other obligations assumed by such contractor.

11.2 Amounts. The required coverages set forth below shall be procured and maintained with forms and insurers acceptable to the Town.

a. Workers compensation insurance to cover obligations imposed by applicable Colorado law for any employee engaged in the performance of work.

b. General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual, and employee acts), blanket contractual independent contractors, products, and completed operations. The policy shall include coverage for explosion, collapse, and underground hazards. The policy shall contain a severability of interests provision.

11.3 Form. The policies shall be endorsed to include the Town and the Town's officers and employees as additional insureds. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Every policy shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, or carried by or provided through any insurance pool of the Town, shall be excess and not contributory insurance to that provided by Developer. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations. Developer shall be solely responsible for deductible losses under any policy required above.

11.4 Certificate. Upon request by the Town, Developer shall provide the Town with a certificate of insurance as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policy shall not be canceled, terminated or materially changed until at least 30 days prior written notice has been provided to the Town.

SECTION 12 - REIMBURSEMENTS

12.1 Development Review Costs. Pursuant to Section 4.03.080(C)(2) of the Code, Developer shall pay to the Town the actual cost to the Town for consulting engineering, surveying, base map updating, consultant planning services, publication costs, and legal services rendered in connection with Developer's Major Development Permit application. Said costs shall be paid in full prior to the issuance of the Major Development Permit.

12.2 Inspection Costs. Prior to the approval and acceptance of the construction and installation of the required Public Improvements, Developer shall reimburse the Town for the actual cost of all inspections, as provided in Section 4.03.080(D)(1) of the Code.

12.3 Sidewalk Improvements. Provided that the actual cost of the sidewalk improvements identified in Section 2.2 does not exceed the estimate set forth in Exhibit A, within 30 days of the

Town's Final Acceptance of such sidewalk improvements, the Town shall reimburse Developer for 75% of the total actual cost of such improvements.

SECTION 13 – FEES AND DEDICATIONS

13.1 Street Improvement Fee. In accordance with Section 4.13.220 of the Code, Developer shall pay to the Town the sum of \$18,250.60 for street improvement fees for the Development, prior to the issuance of the Major Development Permit.

13.2 Fire Protection Impact Fees. In accordance with Section 4.13.230 of the Code, Developer shall pay to the Town the sum of \$20,567.82 for fire protection impact fees for the Development, prior to the issuance of a Major Development Permit.

13.3 Public Safety Impact Fees. In accordance with Section 4.13.250 of the Code, Developer shall pay to the Town the sum of \$42,224.70 for public safety impact fees for the Development, prior to the issuance of a Major Development Permit.

13.4 School Land Dedication Fee. In accordance with Section 4.13.190 of the Code, Developer shall pay to the Town the sum of \$22,875.79 for fee in lieu of school land dedication for the Development, prior to issuance of Major Development Permit.

13.5 Easements. Developer shall dedicate to the Town, at no cost, free and clear of any liens and encumbrances, easements required for extension of utilities, drainage, access, or any other use depicted in the engineering drawings approved by the Town Engineer.

SECTION 14 – BREACH AND REMEDIES

14.1 Breach. Unless necessary to protect the immediate health, safety and welfare of the Town, or to protect the interest of the Town with regard to the Performance Guarantee, the Town shall provide Developer 30 days' written notice of its intent to take any action under this Section, during which Developer may cure the breach and prevent further action by the Town.

14.2 Remedies. If Developer breaches any provision of this Agreement, the Town may take such action as permitted or authorized by law, this Agreement or the ordinances of the Town, as the Town deems necessary to protect the public health, safety and welfare. The remedies include without limitation:

- a. The refusal to issue any building permit or certificate of occupancy;
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party;
- c. A demand that the security given for the completion of the Public Improvements be paid or honored; or

d. Any other remedy available at law or in equity.

14.3 Additional Remedies. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

SECTION 15 - MISCELLANEOUS

15.1 Assignment. This Agreement shall not be assigned by Developer in whole or in part without the prior written authorization of the Town.

15.2 Governing Law and Venue. The laws of the State of Colorado shall govern this Agreement, and the exclusive venue for any legal proceeding arising out of this Agreement shall be Eagle County, Colorado.

15.3 No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Agreement.

15.4 Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

15.5 Governmental Immunity. Nothing herein shall be construed as a waiver of any protections or immunities the Town or its employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

15.6 No Joint Venture. Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

15.7 Notice. Notices under this Agreement shall be sufficiently given if sent by regular U.S. mail, postage prepaid, to the address on the first page of this Agreement.

15.8 Integration. This Agreement, together with all exhibits attached hereto, constitute the entire understanding and agreement of the Parties, integrates all the terms and conditions mentioned herein or incidental thereto, and supersedes all negotiations or previous arrangements between the Parties with respect to any and all of the subject matter hereof.

15.9 Recordation. This Agreement shall be recorded in the real estate records of the Eagle County Clerk and Recorder, and shall be a covenant running with the Property.

15.10 Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

DEVELOPER

Son Ray, LLC

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this ____ day of _____, 2022, by
_____ as _____ of Son Ray, LLC.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____

Notary Public

**EXHIBIT A
PUBLIC IMPROVEMENTS**



435 Eby Creek Public Improvements Cost Estimate

Addition of Fire Hydrants				
	Unit Cost	Qty	UOM	TOTAL
Road Cut	\$12,000		1 EA	\$12,000
Hydrant Installation	\$12,000		2 EA	\$24,000
SUBTOTAL				\$36,000
Asphalt Side Walk in Public ROW				
	Unit Cost	Qty	UOM	TOTAL
Drainage Ditch Re-alignment (Excavator and Crew)	\$2,000		1 Day	\$2,000
Asphalt Sidewalk Prep - 5' Width	\$2.50		2000 SF	\$5,000
Asphalt Sidewalk Paving - 5' Width	\$95.00		80 Tons	\$7,600
Revegetation of Drainage Ditch	\$0.25		5625 SF	\$1,406
SUBTOTAL				\$16,006
Addition of Spuce Trees in Public ROW per P&Z Approval				
	Unit Cost	Qty	UOM	TOTAL
Spruce Trees - 8' Tall	\$750		5 EA	\$3,750
Drip Irrigation Line (1 zone)	\$700		1 EA	\$700
SUBTOTAL				\$4,450
Main Entry Driveway				
	Unit Cost	Qty	UOM	TOTAL
Subgrade Prep Work	\$2.50		700 SF	\$1,750
18" RCP Storm Pipe with Flared End Section	\$120.00		24 LF	\$2,880
18" Flared End	\$750.00		2 EA	\$1,500
Concrete Valley Pan	\$14.00		32 LF	\$448
Concrete Curb and Gutter	\$16.00		40 LF	\$640
Asphalt Paving	\$95.00		28 Tons	\$2,660
SUBTOTAL				\$9,878
CONSTRUCTION TOTAL FOR WORK IN PUBLIC ROW				\$66,334



435 Eby Creek Public Improvements Cost Estimate

Detached Sidewalk Behind Guardrail	Unit Cost	Qty	UOM	TOTAL
Site Survey	\$500.00	1	LS	\$500
Professional Engineering Services	\$3,000.00	1	LS	\$3,000
Site Work				
Excavation and Subgrade Prep - Mini Excavator Crew	\$2,000.00	2	Days	\$4,000
Redi-Rock (or similar) Retaining Wall	\$60.00	150	SF	\$9,000
Backfill	\$15.00	60	CY	\$900
Asphalt Prep	\$2.50	900	SF	\$2,250
Asphalt Paving	\$95.00	36	Tons	\$3,420
Steel Guardrail	\$70.00	150	LS	\$10,500
Flashing Crosswalk Lights	\$11,150.00	1	LS	\$11,150
Addition of New Street Light	\$8,500	1	LS	\$8,500
Existing Guardrail Modifications for Pedestrian Opening	\$2,000	1	LS	\$2,000
Construction Contingency	\$5,020.00	1	LS	\$5,020
GC Fee				No Charge
TOTAL ESTIMATED COST				\$60,240

*Sidewalk Improvements from Section 12.3.

EXHIBIT B
LOCAL EMPLOYEE RESIDENCY PLAN

The goal of this Development is to provide market rate rental housing that is attainable for middle income individuals and families. The 30 apartments have been designed to easily accommodate single individuals, couples, and young families. Pursuant to Eagle Municipal Code Section 4.04.110.E.1 and the Elevate Eagle Comprehensive Plan Goal 1-1.3, the Development will designate three permanently restricted units which will provide a long-term benefit to our community by increasing the supply of housing exclusively available to persons who work in the town. This will consist of two 1-bedroom units (avg. 466 SF) and one 2-bedroom unit (avg. 865 SF) which will be dispersed throughout the building.

RESIDENT OCCUPIED RENTAL HOUSING

Developer will implement the Resident Occupied Rental Housing requirements in compliance with the Eagle County Affordable Housing Guidelines: Administrative Procedures dated July 13, 2021, Section 3.2.3, unless deviations from such Guidelines are approved by the Town. The material terms for the restrictions on Resident Occupied Rental Housing shall be:

1. Eligible Households only (as provided below).
2. Prohibition on Short Term Rentals (defined as less than 30 days by Town of Eagle)
3. Annual verification to the Community Development Department, or another entity to which they assign this responsibility
4. The restrictions will be perpetual and will be included in a Deed Restriction, in a form approved by the Town, that is recorded against the Property prior to the issuance of the first building permit for the Development.

ELIGIBLE HOUSEHOLDS

Notwithstanding anything to the contrary in the above-referenced Guidelines, an "Eligible Household" shall be defined as a household in which at least one member of the household meets one or more of the following criteria:

- a. Earns at least 75% of their gross income in the Town by working an average of at least 30 hours per week on an annual basis at a business with an office or job site physically located in the Town (multiple jobs in the Town may be combined to reach 30 hours per week);
- b. Has been hired for a job at a business with an office or job site physically located in the Town on a permanent basis to work at least 30 hours per week;
- d. Is over the age of 60, is retired, and had earned at least 75% of their gross income in the Town by having worked an average of at least 30 hours per week on an annual basis at a business with an office or job site physically located in the Town for a minimum of 4 years immediately prior to their retirement; or
- e. Is a person with a disability who had earned at least 75% of their gross income in the Town by having worked an average of at least 30 hours per week on an annual basis at a business with an office or job site physically located in the Town who had been a full-

time employee in the Town for a minimum of 2 years immediately prior to their disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state disability benefit program, if the person works the maximum number of hours per week the program will allow.

MARKETING

LERP units will be listed for rent and marketed in either the same manner as all free market units, or through any other program approved by the Town.



To: Mayor Turnipseed and Town Council

From: Chad Phillips, A.I.C.P., Director, Community Development Department
Carrie McCool, Eagle Contract Planner

Date: July 26, 2022

Agenda Item: Reserve at Hockett Gulch FILE NUMBER: DR21-02 Major Development Permit

REQUEST:

Major Development Permit approval to construct 216 rental units and a clubhouse on 17.38 acres. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency.

INTRODUCTION:

The proposed development permit for the first phase (Phase 1a) of Reserve at Hockett Gulch includes all of HD/PUD-1 and a portion of HD/PUD-2 and all improvements within OS-1 and OS-2, along with the trailhead improvements located on Town property adjacent to Sylvan Lake Road. A total of 216 rental units within five buildings and a clubhouse facility are proposed on 17.38 acres. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency. Additionally, the proposal includes the construction of the access on Grand Avenue and improvements to Sylvan Lake Road that provide access to the entire PUD.



The Major Development Permit Plan Set is comprised of the following plans:

- Development Plan Map
- Lighting Plan
- Landscape Plan
- Parking Plan
- Architectural Design Plan

ANALYSIS:

In reviewing this application, staff looked to [Chapter 4.07](#) and [Section 4.06.070](#) of the Land Use and Development Code as well as the [Reserve at Hockett Gulch PUD Guide](#) and [Annexation Agreement](#).

The PUD Guide serves as the governing land use regulations which will control the development of the PUD. However, in some instances, the PUD Guide defers to conformance with Chapter 4.07 Development Standards. A full analysis of the application and Code standards is provided in the Staff Report to the Planning & Zoning Commission dated June 7, 2022 (attached).

The Major Development Permit plan set that was considered at the June 7, 2022, Planning and Zoning Commission public hearing included errors in square footage and area calculation that stemmed from base mapping errors. These mapping errors impacted all other coordinated drawings (e.g., landscape plan, lighting plan, architectural design plan, etc.). As such, fourteen (14) conditions of approval were recommended wherein the Applicant was given a deadline of June 9, 2022, to submit a revised Major development Permit Plan set that demonstrated PUD Guide and Code compliance.

A resubmittal was received on June 9 and 10, 2022, that still had errors wherein the most substantial issues related to building coverage, impervious coverage, floor area ratio (FAR) and open space calculations stemming from the discrepancy between the PUD Guide and Title 4. In order ensure conformance with each, it was determined that the lot layout needed to follow the planning area boundaries of the PUD Zoning Plan. As a result, OS-1 and OS-2 were reduced and Tract A (private streets) was split into two tracts (Tract A within HD/PUD 1 & 2 and Tract B within HD/PUD-3) to accommodate land area so area calculations (density, building coverage, impervious coverage and FAR) could comply with the PUD Guide requirements.

A resubmittal was received on July 1, 2022, which has not provided adequate time for staff review. The Town Engineer has completed the review of how Public Works comments were addressed and found all were addressed with the exception of the following listed below. Public Works is in the process of reviewing the July 1st resubmittal for compliance with the Planning and Zoning Commission's recommended conditions of approval.

1. TOE Public Works Mark-up comments. The Applicant has indicated that they have reached out to their civil engineer to work with Public Works on getting them addressed. Public Works confirmed discussions are in progress but not yet completed.
2. Document A100 – ADP Prevailing Winds and Views. Architecture incorrectly shows Finished Floor Elevations of Building 2 & Building #3 transposed. Public Works noted the revised sheet A100 completed renaming of Buildings 2 and 3 but they are still in the wrong drawing.
3. Document A300 – Trailhead Flush Restrooms. Public Works confirmed the Applicant supplied 2nd alternate of a two bathroom building, but they need estimated costs of both options to decide which option to proceed with.

While progress has been made within the July 1st resubmittal, additional information is still being received and requires staff review. The analysis below is limited to how the Planning and Zoning Commission conditions of approval have been addressed in the July 1st resubmittal. The July 26th public hearing provides an opportunity for the Applicant to receive Council feedback that can be incorporated into a revised plans to be considered at a second public hearing.

Use by Right and Density Control

The PUD Guide sets forth allowed uses in the three planning areas and open space tracts with minimum and maximum density limitations. The first phase of the development includes multifamily residential uses (5 apartment buildings), which are a use by right in planning areas HD/PUD-1 and HD/PUD-2. Based on the reconfiguration of the lots, the proposed density is 12.42 dwelling units per acre which falls below the maximum density allowance of 23 dwelling units per acre set forth in the PUD. Staff recommends that the density be provided on the Development Plan map in accordance with Code requirements.

Maximum Building and Impervious Coverage

Phase 1a is 17.38 acres and includes all of HD/PUD-1, a portion of HD/PUD-2 planning areas and Tract A. The five apartment buildings, clubhouse, public restroom, and carports will cover 89,189 square feet of Phase 1a, equating to 12% building coverage which is below the maximum building coverage of 55% allowed by the PUD Guide. The percentage of impervious area is 29% (219,563 square feet) which is below the maximum impervious coverage of 75% allowed by the PUD Guide.

Maximum Residential Floor Area

The proposed residential floor area is 212,444 square feet with a 0.28:1 floor area ratio that is below 0.53:1 FAR limitation of the PUD Guide.

Usable Open Space

The majority of usable open space is provided within informal open space/land areas within 1a. A new sheet L-5.0 was included in the Landscape Plan set. The useable open space table – Phase 1a states the total area is 45,302 square feet and the usable area is 43,490 square feet. Additionally, there is no breakdown for the informal open space/ land areas, so staff is unable to determine how much of the area could meet the definition of usable open space per the PUD Guide. Please see P&Z Issues for Discussion narrative below.

Open Space and Parks

The PUD Guide identifies two parcels that are zoned open space; OS-1 and OS-2. Both parcels provide sites for natural open space, recreation access, paved trails, unpaved trails and facilities, single-track trails, water storage and drainage improvements, debris flow mitigation, and roadways and landscaping.

The revised submittal has reduced the size of Tract OS-1 from 4.27 acres to 3.5 acres to align with the PUD Zoning Plan planning area boundaries. This tract will be conveyed to the Town and allows for public access, debris flow mitigation, stormwater facilities, public and private utilities. It will include a portion of the required perimeter trail that will be a 10-foot gravel path that connects to the Town's recreation path system. The path equates to 12,898 square feet of usable open space. The Developer will construct this path within the first phase of the development in conformance with the PUD requirements.

In addition to the recreational trail, OS-1 will include the construction of a scenic overlook park area with exercise equipment and a dog park. The Usable Open Space Table on Sheet L-5.0 indicates the scenic overlook park area is 3,172 square feet with a total of 2,245 square feet designated as usable. The dog park is 3,472 square feet while the plan shows it as 3,672 square feet. As such, staff is unable to determine the size of the dog park. If the dog park is 3,672 square feet as the plan shows (the largest of the two square footages provided), the total usable open space contained in these amenities are 2,083 square feet below the minimum 8,000 square feet of park/usable open space required by the PUD.

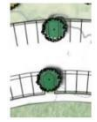
An additional open space and parks requirement set forth in the PUD is the construction of a paved trailhead parking area for up to 14 parking spaces and waterless vault toilet to be located within the Town's open space abutting Sylvan Lake Road. These amenities are solely a public benefit to the Eagle community. The Development Plan Map depicts a 14-stall trailhead parking lot and restroom in conformance with the requirements set forth in the PUD. The Reserve at Hockett Gulch Annexation Agreement allows the Town to require the developer to install a water and sewer-serviced restroom, provided that the cost of designing and constructing the restroom will be allocated between the developer and the town. The Town is requiring the restroom to be water and sewer-serviced and would also like to have a two restroom building provided. As such, staff requested the restroom upgrades include sewer service and the option of a two-room bathroom facility. The July 1st resubmittal included a two bathroom water and sewer-serviced building; however, Public Works needs the estimated costs of both options to decide which option to proceed with.

The PUD Guide sets forth a requirement that the Developer install a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the project from Sylvan Lake Road. The Development Plan Map depicts a flashing beacon sign at the crosswalk to the north of the Sylvan Lake Road access in conformance with the PUD requirement; however, the flashing beacon must be solar powered. The July 1st resubmittal includes revision to [SLR Geometric Layout & Signage Plan](#) (Sheet C1.05) of the construction drawings to note the flashing beacon is solar powered. Staff finds the revised geometric layout and signage plan resolves the P&Z condition of approval 8.

Landscaping

Landscape islands or fingers

During the development review process, staff noted concerns about the substantial number of islands with no landscaping and included only non-irrigated native seed. The Planning and Zoning Commission considered a revised Landscape Plan that depicted landscaping in most of the islands that include ornamental grasses and deciduous shrubs with landscape bed mulch. The only islands that were not updated were the landscape islands located on the intersection of Mt. Thomas Road and Mt. Thomas Spur. Since these islands are included in Phase 1a, P&Z set forth a condition of approval (6b) to revise the Landscape Plan to include deciduous trees, ornamental grasses or deciduous shrubs with landscape bed mulch in the landscape islands located at the intersection of Mt. Thomas Road and Mt. Thomas Spur. The revised Landscape Plan dated July 1st includes the addition of ornamental grasses; however, it does not include a landscape bed mulch. Staff recommends upholding the P&Z's condition of approval 6b and replace the non-irrigated native seed area with a landscape bed mulch.



Plan for Maintenance. The July 1st Landscape Plan included a revised sheet L-1.0 that removed the maintenance agreement statements that were substantially unenforceable and replaced it with a table that identifies the Owner or Property Owner Association as the parties responsible for landscaping maintenance. However, the table does not include Tract B that will be built out in Phase 1a. Since landscaping is proposed in Tract B, the Maintenance Agreement table needs to be updated to include said tract. Additionally, the required landscape buffer along Sylvan Lake Road is provided on town-owned property. As such, staff recommended that maintenance of said landscaping should be the responsibility of the Applicant. The Maintenance Agreement table does not address the irrigation or maintenance of the improvements on town-owned property. The Applicant stated that the raw water irrigation system would irrigate the landscaping of the toilet/parking area on town-owned property; however, there is no indication of this included on the Landscape Plan or Development Plan Map. It is important to note that there is landscaping along Sylvan Lake Road that is not adjacent to the toilet/parking area. As noted above, said landscaping serves at the required buffer along Sylvan Lake Road. Staff recommends the Maintenance Agreement table be updated to include the installation, irrigation and maintenance of the landscape improvements on town-owned property be the responsibility of the Owner or Property Owners Association.

Irrigation. Per the Development Agreement recorded at the time of annexation and zoning, the Developer shall install, maintain, operate, repair, and replace a raw water irrigation system to provide non-potable water for irrigation of permanently irrigated landscaped area in the Development. The Applicant has not designed the required raw water irrigation system. As such, P&Z set forth a condition of approval (9) that requires the Applicant to design and submit plans for the raw water irrigation system within six months. The July 1st resubmittal includes a request to allow one year to complete the design. Although they have the design for the old location, they need time to conduct another Wetlands Mitigation Study and gain approval from the Army Corp of Engineers.

During the development review process, staff provided comments related to site irrigation. April 15th Staff comments stated *"Revise note 33 to state irrigation to be installed and maintained by Owner. In other submittal documents, it says landscaping and private open space to be maintained by the HOA. Please note, the Developer is required to install, maintain, operate, repair, and replace a raw water irrigation system to provide non-potable water for irrigation of permanently irrigated landscaped area in the development."*

Concerns include a specific note needs to be added on the irrigation plan stating all irrigation installed in Town of Eagle right-of-way and easements must be locatable and meet Colorado 811 law requirements.

An irrigation plan was included in the July 1st resubmittal and Public Works is currently reviewing it. Note 33 has not been revised to state irrigation to be install and maintained by the Owner. The Applicant indicated that the raw water irrigation system would be used to irrigate OS-1. Public Works is currently reviewing the town's needs for irrigating OS-1. If it is found that irrigation from the raw water system is needed, the Development Plan Map and Landscape Plan needs to specifically address this issue. The details of the irrigation plan would need to be included in the subsequent Development Agreement.

Easements. The Public Works department is currently reviewing the proposed easements (e.g., drainage easements, non-exclusive easements, access and utility easements, and temporary construction easement).

P&Z set forth a condition of approval that Tract A shall be designated as a utility easement and such easement shall be dedicated to the Town of Eagle. All other drainage, water line, sewer line, pedestrian access, and general utility easements shall be dedicated to Town of Eagle. These easements shall be shown on the final plat. The July 1st Preliminary Plan and Final Plat revised the configuration of Tract A into two tracts (A and B). Tract A is 6.20 acres and has a Town of Eagle Easement; however, there are portions of it still labeled public right-of-way. Tract B is .69 acres and needs to be designated as a utility easement dedicated to the Town of Eagle. Staff finds that P&Z condition approval 11 has not been adequately addressed and revisions to the plat are required.

Signage

The July 1st resubmittal includes the addition of two monument signs to be located at the development's entryways per P&Z's recommendation. All signage is required to comply with the Town's Sign Code.

Site Access and Development Phasing

Site access is provided from Sylvan Lake Road and Grand Avenue, consistent with the site access requirements set forth in the PUD Guide.

Project build-out is proposed in three phases that includes two subphases. Phase 1a includes the development of Lot 1 and off-site items such as Grand Avenue widening, Sylvan Lake Road turn lanes and crosswalk signal, trailhead parking lot and landscaping, public restroom, raw water irrigation system, gravel walking path, connections to town paved path system as well as all buildings, site work, roads and parking (Tracts A and B). Phase 1a is expected to commence construction between the summer of 2022 and spring of 2023. Phase 1b includes Lot 2, which is the remaining portion of HD/PUD-2. Construction of Phase 1b (with Phase 2 potentially included) is expected to commence between the spring of 2024 and summer of 2025. Phase 2 includes Lot 3, wherein construction is expected to begin between spring of 2026 and summer of 2027. The phasing plan indicated that the Applicant may combine Phase 2 and Phase 1b. Each phase and subphase shall comply with the standards set forth in the PUD Guide.

The Applicant submitted a Phasing Plan wherein staff provided redlined comments on June 30, 2022. All redlined comments were addressed in the revised Phasing Plan submitted on July 13, 2022, with the exception of two comments.

1. Raw Water Irrigation. Revise the raw water irrigation narrative to state raw water irrigation installation to permanently irrigate landscaped areas in Phase 1a, 1b, and Phase 2. Be sure to add the dates of completion per the conditions of approval included in the P&Z Staff Report.

The revised Phasing Plan narrative states the raw water irrigation system is to be completed by Owner when appropriate approvals are received to relocate the pump station. The Applicant is committed to providing design of the raw water irrigation system to the Town of Eagle with one year of MDP approval. The raw water system will be designed and built to provide enough water and the appropriate water pressure to irrigate permanent landscape areas in Phase 1a, 1b, and Phase 2.

Staff finds the revised narrative does not include the dates of completion per the conditions of approval included in the P&Z Staff Report. Additionally, the text indicates the Applicant (not the Owner) is committed to providing the system, but it is written in a way to assume it might not happen. The Annexation Agreement requires the Developer to install, maintain, operate, repair, and replace a raw water irrigation system unless Developer is legally prohibited from doing so. Staff has not been made aware of any legal prohibition that would limit the ability of the Owner to install, maintain, operate, repair, and replace a raw water irrigation system. The installation of the system is a key component of the sustainability measures of the project. As such, staff recommends that the narrative be revised to reflect the P&Z conditions of approval.

2. **Building, Site Work, Roads & Parking.** Roadway layout in Phase 1b can only be shown if the rough grading is included in the Grading Permit expected on July 5, 2022.

The revised Phasing Plan includes the road locations for Phase 1b to be rough graded in Phase 1a. A Grading Permit application was not received on July 5, 2022 and is now expected by July 22, 2022. Staff continues to recommend that the roadway layout in Phase 1b not be shown until the submittal of a Grading Permit application is received. Staff will continue to track the progress that might require revisions to the Phasing Plan.

Planning & Zoning Commission Comments:

Issues for Discussion

1. Does the Planning and Zoning Commission support the alternative open space programming and open space/land areas (e.g., sidewalks, walks, and landscape improvements) proposed to fulfill the private usable open space PUD requirements?

The PUD Guide requires that there shall be a minimum of 300 square feet of usable open space for each dwelling unit. The Open Space and Park standards state that “additionally, private usable open space areas within each planning area will contain park-like areas designed to accommodate recreational needs of children (i.e., playgrounds, play areas, play fields) and adults (i.e., sport courts and picnic areas) with at least 75% of these areas being at a slope of less than ten percent (10%).” Further, the developer is required to construct recreation areas in all planning areas consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts or similar types of improvements to accommodate the needs of residents. With 216 apartment units proposed, a total of 64,800 square feet of private usable open space is required.

The Applicant proposes alternative open space programming for the project that includes passive and active recreational amenities to meet the private usable open space requirements of 300 square feet of usable open space for each dwelling. The Lawn, Slope, Aspen Grove and Clubhouse total 30,533 square feet of usable open space. The remainder 34,267 square feet of required usable open space is proposed to be fulfilled by informal Open Space/Land Areas in Phase 1a. These areas include 43,490 square feet of sidewalks, internal pathways, and landscape improvements and represent the majority of proposed usable open space to serve the active recreation needs of the residents.

The private usable open space requirements were discussed by the Planning and Zoning Commission at length. While the Commission supported the linear square footage of the 6-foot concrete walk with trees and native seed areas from the Clubhouse to the Aspen Grove and the 5-foot crusher fines path between the apartment buildings to the parking spaces along Mt. Thomas Spur to fulfill the remaining useable open space requirements based on the Code’s definition of usable open space, there was little support for utilizing sidewalks that provide access to the buildings and landscaping between the parking spaces and buildings that are required to be landscaped. The Commission provided the following feedback:

- The proposed playground equipment could be improved and there should be active sports courts for older kids.
- Support for providing amenities for older kids.
- It nice to have open space, but kids could utilize amenities around the town.
- Provide multiuse courts like pickleball.

Ultimately, P&Z upheld staff recommended condition of approval to revise the Landscape Plan to reflect conformance with the usable open space requirements of the PUD Guide and directed the Applicant to use examples from the PUD Guide of said improvements.

The Applicant’s revised Landscape Plan dated July 1, 2022, includes the same proposed amenities and square footages for usable open space. A new note has been added to Sheet L-5.0 stating that concrete sidewalks and paths

account for 14% of the total usable area, but it is unclear how the 14% is calculated with no dimensions or area calculations provided.

The Land Use and Development Code defines useable open space as *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*. The informal open space area/land area include sidewalks, a 5-foot crusher fines path, and landscaped areas between buildings.

Staff finds these areas meet the definition of usable space per the Code. However, they are passive amenities that would not be consistent with the active recreational amenities like playgrounds, play areas, play field required for children or sports courts, and picnic areas for adults, or similar type of improvements required for recreation areas like playground equipment, basketball courts, sand volleyball courts that are required to be constructed in all planning areas. Further, these areas are not open areas of a lot that is referenced in the Town Code definition of usable open space. They are primarily areas between parking spaces and the apartment buildings that are required to be landscaped.

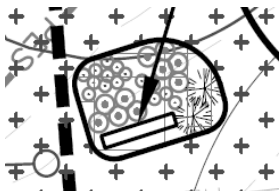
The Applicant submitted revisions to the Landscape Plan on July 15, 2022, that includes an updated Sheet L-5.0 Open Space Plan and other supplemental information on July 18 and 19, 2022. Staff was not provided adequate time to review the proposed revisions or supplemental information before the release of this staff report on July 21, 2022.

2. Would the Planning and Zoning Commission agree that the landscape buffer along Grand Avenue is substantial in terms of width and proposed landscape materials?

The PUD Guide notes the importance of Reserve at Hockett Gulch as prominent as a portion of the western gateway to Town on Grand Avenue. As such, it requires that great care shall be taken to ensure that the landscape buffer along Grand Avenue is substantial in terms of width and proposed landscape materials. Manicured water-efficient landscaping to include deciduous trees and native shrubs shall be provided to create an appropriate feel along the Grand Avenue frontage.

Staff found the landscaping proposed along Grand Avenue meets the minimum requirements of the landscape standards and substantially conforms with the PUD Guide. The Planning and Zoning Commission found the proposed landscaping was not substantial enough and noted that both entrances of the project need to include robust landscaping, dense plantings, monument signage with ornamental landscaping around the signage. As such, the Commission added a new condition of approval as follows:

6 (f). Landscaping along Grand Avenue and Sylvan Lake Road buffer areas be redesigned to include robust landscaping, denser treatments, and ornamental landscaping around the development's entryways.

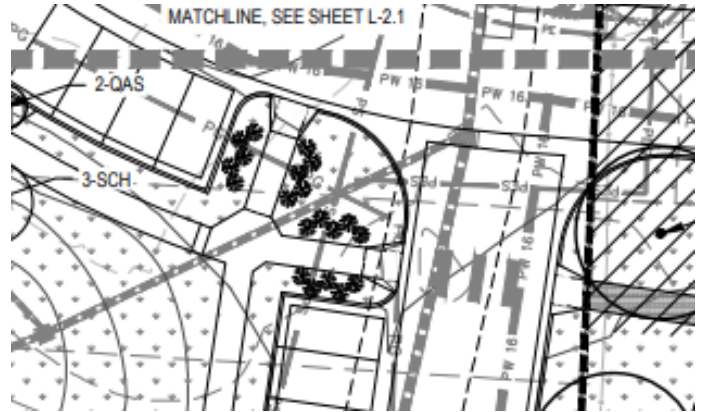


The revised Landscape Plan is the same as the May version with the exception of an entry monument with deciduous shrubs and ornamental grasses. While the Applicant has provided an entry monument with ornamental landscaping, the revised Landscape Plan does not include any increase in landscaping, or denser treatments that address the Commission's condition of approval.

3. Is the landscape treatment on Sylvan Lake Road similar in quality to that already provided along this segment of the roadway adjacent to the Eagle Medical center and the Founders neighborhood located on the opposite side of Sylvan Lake Road?

The PUD Guide states that landscape treatment on Sylvan Lake Road shall be similar in quality to that already provided along this segment of the roadway adjacent to the Eagle Medical Center and the Founders neighborhood located on the opposite side of Sylvan Lake Road. Although the landscape plans for the Founders neighborhood could not be located in town files but staff was able to locate the approved landscape plan for the Eagle Medical Center ([LINK](#)). Staff found the proposed street front landscaping is similar to the Medical Center's design in that it has an asphalt path, and virtually the same number of trees and native grasses. The differences are that the asphalt path on the medical center is 10-foot wide (versus the 8' wide path on the Reserve at Hockett Gulch property) and has shrubs and berming between the asphalt bike path and the parking lot and drive aisle.

The Commission concurred that the proposed street front landscaping is similar to the Eagle Medical Center but noted that Sylvan Lake Road needs to include robust landscaping, dense plantings, monument signage with ornamental landscaping around the signage. Thus, the new condition of approval 6(f) applies to Sylvan Lake Road. One Commissioner recommended that the trees should be moved closer to the parking lot. The Applicant indicated that they updated the Landscape Plan to include more robust landscaping where the monument sign will go. Said landscaping is ornamental grass. In terms of the sign location, the Applicant stated that if the town would be open to them putting the monument sign and more robust landscaping on the town-owned land at the entrance of Sylvan Lake Road, they think that would be a better location for the entrance sign and landscaping but didn't want to be presumptuous with that location. See updated image to the right.



The updated landscape plan shows essentially the same landscaping along Sylvan Lake Road with the exception that the five (5) deciduous trees have been increased in size to 3-inch caliper, which is a Code requirement that resolved condition of approval 6(e). Staff finds the landscaping along the Sylvan Lake Road buffer area has not been redesigned to include robust landscaping or denser treatments. Ornamental landscaping has been provided around the Sylvan Lake Road entryway sign.

4. Is the proposed architectural style representative of the Western Slope Colorado Mountain Town style architecture?

The Commission showed unanimous support for the proposed architectural style and found it was representative of Western Slope Colorado Mountain Town style architecture. One Commissioner observed that the buildings would be the largest buildings in Eagle with another Commission adding that, ideally, he would like to see more space between buildings.

Staff finds the Architectural Design Plan demonstrates conformance with the PUD requirements and architectural standards of the Code and is consistent with the Eagle Area Community Plan policies.

Planning & Zoning Commission Recommendation:

The Commission unanimously recommended approval with staff recommended 14 conditions and an additional condition 6(f) based on compliance with Section 4.07 of the Land Use and Development Code, and conformance with the PUD Guide and Annexation Agreement.

Development Agreement:

Very little work has commenced on the Development Agreement due to the changing project parameters and inadequate time staff was provided to complete the review. The July 26th public hearing provides an opportunity for the Applicant to received Council feedback that can be incorporated into a revised plans to be considered at a second public hearing.

COMMUNITY INPUT:

Staff has not received any letters of public comment as of July 21, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

BUDGET:

No impact to the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Once all Planning and Zoning Commission recommended conditions of approval are addressed, the application would support the following Council objectives:

- **Major Objective 8: Invest in Environmental and Energy Sustainability.** The application reflects a focus on sustaining natural resources by incorporating green practices in the multi-family development by including all electric heating and appliances within units, electric vehicle charging stations, a raw water irrigation system, and building construction has been designed to meet or exceed the 2018 International Energy Efficiency Code. It is important to note that while the project narrative states that electric vehicle charging stations will be incorporated into the project, they need to be depicted on the Development Plan Map and the construction drawings (civil set). Once provided, the plans would need to be referred to Holy Cross for review.
- **Major Objective 9: Diversity the Attainable Housing Stock.** The application creates the opportunity for a diverse, attainable housing stock by providing 216 multi-family rental units with 98 deed restricted units to the housing market.

RECOMMENDED ACTION OR PROPOSED MOTION:

Move **Continue** the public hearing to allow the applicant additional time to address Planning and Zoning Commission conditions of approval, staff comments/recommendations included in this staff report and Council direction received at the July 26, 2022, public hearing.

ATTACHMENTS:

1. Staff Report – Planning & Zoning Commission dated June 7, 2022 ([LINK](#))
2. Application & Project Narrative ([LINK](#)) & ([LINK](#))
3. Development Plan Map dated July 1, 2022 ([LINK](#))
4. Architectural Plans dated July 1, 2022 ([LINK](#))
5. Landscape Plan dated July 1, 2022 ([LINK](#))
6. SLR Geometric Layout and Signage Plan (Sheet C1.05) dated July 1, 2022 ([LINK](#))
7. ADP - Prevailing Winds and View Report (Sheet A100) dated July 1, 2022 ([LINK](#))
8. Phasing Plan dated July 13, 2022 ([LINK](#))
9. Parking Plan dated May 2, 2022 ([LINK](#))
10. Site Fixture Cutsheets (Sheet E1.04) dated July 1, 2022 ([LINK](#))
11. Reserve at Hockett Gulch PUD Guide ([LINK](#))
12. Ordinance 15-2019, Reserve at Hockett Gulch Annexation Agreement ([LINK](#))



To: Mayor Turnipseed and Town Council

From: Chad Phillips, A.I.C.P., Director, Community Development Department
Carrie McCool, Eagle Contract Planner

Date: July 26, 2022

Agenda Item: Reserve at Hockett Gulch FILE NUMBER: PPFP21-01 Preliminary Plan and Final Plat

REQUEST:

Preliminary Plan and Final Plat approval to subdivide 29.65 acres into three lots and two open space tracts.

INTRODUCTION:

The applicant is requesting preliminary plan and final plat approval to subdivide the 29.65-acre property into to three residential lots, two open space tracts (OS-1 and OS-2) and two tracts (A and B) for roadway, access, drainage, irrigation, and general utilities. The proposed internal roadways are not public roads and therefore are not dedicated to the Town of Eagle. Tract OS-1 is a 3.50-acre open space parcel to be dedicated to the Town of Eagle by separate instrument. In addition to the parks and recreational uses required to be developed in Tract OS-1, the tract is used for debris flow mitigation, stormwater facilities, public and private utilities. Tract OS-2 is 2.71 acres that will remain privately owned but access to the tract is provided to the Town through dedication of an open space easement allowing public access, debris flow mitigation, stormwater facilities, public and private utilities.

ANALYSIS:

[Chapter 4.12](#). Every proposal including a subdivision of land shall comply with this chapter and shall include review of a sketch plan, a preliminary subdivision plan in accordance with [Chapter 4.13](#), and a final subdivision plat. Upon agreement between the applicant and the Community Development Director/Town Planner, the sketch plan requirement was waived. The application for Town Council consideration is a concurrent preliminary plan and final plat.

The following analysis is based on the standards for subdivision review considered by the Planning and Zoning Commission (P&Z) at the June 7, 2022, public hearing. Due to the change in the lot configuration in the July 1, 2022 resubmittal and need to keep current comments in one place while tracking P&Z conditions of approval, a complete updated analysis is provided herein.

STANDARD #1: *The proposed subdivision complies with the Town's regulations, goals, policies and plans.*

Regulations

Land Subject to Natural Hazards

Staff Comment: The subject property has a flood zone classification of Zone X, which is an area with low-to-moderate flood risk, as determined by the Federal Emergency Management Agency (FEMA). The south side of the property is flanked by relatively steep, eroded hills which rise above the gently norward-sloping ground surface where planned development is to be construction. Hockett Gulch contains an ephemeral stream that drains a large basin southwest of

the property. The Hockett Gulch channel is poorly developed and relatively shallow and narrow across the subject property, draining to the north and passing under Grand Avenue through a concrete box culvert to its confluence with the Eagle River.

At the time of annexation and zoning, a preliminary hazard analysis was performed that generally found there was no significant hazard to the development, but further detailed analysis was required prior to issuing a subdivision approval for development on the subject property.

The applicant conducted a Phase III Debris Flow Analysis performed by WJE that included a hydrological analysis based on a 100-year storm event occurring over the Hockett Gulch drainage to better understand the possible conditions that might arise impacting the volume and flow-rates of potential debris flow events within the drainage. The analysis concluded that any impact of debris flow is minor and can be adequately mitigated within the development. A geotechnical report performed by Kumar and Associates, Inc., was also submitted and reviewed by Colorado Geologic Survey (CGS) and the Public Works Department. CGS recommended that a note be included on the plans and communicated with future development's maintenance/facility department and the town regarding maintenance and routine inspection procedures for the debris flow channel and berm and the 2H:1V slopes. Additionally, CGS had no objection to the approval of the preliminary plan/final plat provided Kumar's and WJE's recommendations are strictly adhered to. The Public Works Department has reviewed the geotechnical report and Phase III Debris Flow Analysis and found the proposed implementation of debris mitigation details provided in the construction drawings adequately addressed any outstanding concerns.

Section 4.13.040. - Fire Protection

Staff Comment: The subject property is served by the Greater Eagle Fire Protection District, wherein the District determined adequate capacity to serve the project at the time of PUD approval. The Fire Protection Plan notes that all the buildings and clubhouse will be equipped with an automatic fire protection system and monitored alarm system and the project is consistent with the wildland/urban inter-mix areas requirements of the Fire Code. The parking areas, driveway, and buildings have the appropriate width and separations required for a ladder truck, and driveways/aisles are 26-feet wide due to the proposed height of buildings that exceed 30-feet. A 16-inch water main trunk line will run through the property to provide adequate fire flows.

The Greater Eagle Fire Protection District reviewed the Preliminary Plan and Final Plat and associated on-site and off-site engineered construction plans and specifications (civil plans). Review comments included revisions needed to fire hydrant placement (e.g., all fire hydrants must be placed in islands adjacent to roadways and accessible from the roadway, building 1 fire hydrant needs to be moved between the clubhouse and building 1 to be located and accessible from the roadway, a fire hydrant needs to be added for water supply for building 5, fire hydrants at dead ends of Mr. Thomas and Mt. Eve need to move into the interior portion of the development on the building side of the roads) and all buildings are required to be full sprinklered and have monitored fire alarm system ([LINK](#)). The District and Building Official did not raise concerns with the compliance of wildland/urban inter-mix area requirements of the Fire Code or Building Codes.

The Public Works Department noted areas where fire hydrants need to be relocated due to snow removal and proposed temporary fire hydrants need to be permanent. The Fire District concurred that fire hydrants shall be permanent and not be moved. Their installation location is fixed during this stage and should not be moved due to operational needs. In order for staff to find compliance with applicable codes, the Fire District and Public Works Department comments need to be addressed within the engineered construction plans. The Planning and Zoning Commission recommended a condition of approval that prior to recordation, the Fire District's comments dated May 24, 2022, shall be addressed within the engineered construction plans and approved by the District. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend this condition of approval No. 20 be carried forward.

Drainage

Staff Comment: The proposed drainage facilities serving the development include detention ponds within the open space tracts OS-1 and OS-2, wherein they will attenuate the developed 25-year and 100-year flows leaving the site to historic flow rates and provide water quality.

The Public Works Department reviewed the proposed drainage improvements and determined said improvements are designed to meet the criteria and the Town's street construction regulations. Dedicated drainage easements for the purpose of storm drainage, drainage of water flowing from other lands along with the installation, use, repair, replacement, improvement and maintenance of drainage structures together with a perpetual right of ingress and egress thereto are depicted on the Final Plat. The Town Engineer finds the drainage easements are designed to meet the Town's criteria and meet the minimum width requirements.

Erosion and sediment control, stabilization, and revegetation

Staff Comment: Sediment control for the subject property will be shown on the Sediment Control Plan. During construction, the contractor is responsible for maintenance of sediment controls, including repairing and/or replacing sediment controls where necessary. Devices such as silt fence, erosion logs, straw-bale check dams and inlet protection will be used during construction to prevent sediment-laden runoff from leaving the site. It is anticipated that a Colorado NPDES Stormwater Discharges Associated with Construction Activity Permit will be obtained from the Colorado Department of Health which ensures that proper practices to control sediment are maintained during construction. A Stormwater Management/Best Management Practices Plan will be prepared for the permit application.

All cut slopes, fill slopes, and disturbed areas will be revegetated. The applicant indicated that their experience is to provide an aggressive revegetation program using geofabric or jute matting where necessary in conjunction with native grass seeding is very successful to stabilize disturbed areas.

The Town Engineer reviewed the Erosion and Sediment Control plans and found the natural drainage patterns are preserved and protected from increased water flows and disturbance of natural vegetation and soil cover is kept to a minimum. Additionally, fugitive dust, mud and debris tracking onto public right-of-way should be appropriated mitigated.

Lot and block design

Staff Comment: The applicant proposes to subdivide the 29.65 acres into three lots and two open space tracts. Each lot exceeds the minimum lot size of 15,000 square feet as set forth in the PUD Guide. Additionally, the lots have been designed to afford the maximum solar access to each building site.

School land dedication

Staff Comment: School land dedication was evaluated at the time of annexation and zoning of the subject property. With alternates approved by the Eagle Board of Trustees in the PUD and the Annexation Agreement, the PUD satisfied the school land dedication required by Section 4.13.080 of the Land Use and Development Code.

Streets

Staff Comment: The Preliminary Plan depicts Tract A and Tract B as private streets to be owned by the landowner and maintained by the owner/ property owners' association. Tract A is 6.20 acres and Tract B is .69 acres dedicated for roadway, parking, access, drainage, irrigation and general utilities providing access to the property from Sylvan Lake Road and Grand Avenue. Per the PUD Guide, the Town will not be responsible for traffic or parking enforcement on the private street.

The previous final plat depicted Tract A as a variable width public right-of-way and did not designate the ownership or maintenance of said tract. Staff found the final plat labeling was inconsistent with the Preliminary Plan and requirements set forth in the PUD. As such, staff recommended Tract A be dedicated as a Town of Eagle Easement with ownership and maintenance by the owner/property owner's association and the reference to 'Public Right of Way' be changed to 'Town of Eagle Easement' on the final plat prior to recordation. The Planning and Zoning Commission recommended approval of a condition of approval (No. 2) that requires Tract A to be dedicated as a Town of Eagle Easement with ownership and maintenance by the owner/property owner's association and the reference to "Public Right of Way be changed to 'Town of Eagle Easement' on the final plat prior to recordation.

The July 1st version of the Preliminary Plan and Final Plat has a Town of Eagle easement; however, there are portions of it still labeled as public right-of-way. The newly created Tract B does not dedicate a Town of Eagle Easement. Additionally, the ownership and maintenance of the tracts are not included on the final plat. Staff finds that P&Z condition approval 2 has not been adequately addressed and revisions to the plat is required. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 2 be updated to apply to Tract B and be carried forward.

The subdivision includes street names throughout Tract A and B. Eagle County 911 Coordinator reviewed the street names and confirmed there are no duplicates within the County. The Town utilizes Eagle County's nationally recognized Uniform Measurement System for the assignment of physical addresses. The County recommended changes to building 1 and 5 proposed addresses off Mt. Powell Road and noted addressing standards are even on the right side and odd on the left which appears to be the case with other buildings off of Mt. Eve Road and Mount Thomas Road. Staff will ensure the County's assignment of physical addresses comments will be addressed for Town approval prior to the issuance of building permits.

Staff finds the street pattern is designed to afford safe and convenient access to all lots within the subdivision, has a logical relationship to topography and are aligned to afford maximum solar access to each building site.

Easements

Staff Comment: Various easements throughout the subdivision are necessary to provide service to the subdivision, including drainage, waterlines, sewer (wastewater), stormwater facilities, general use utilities, cable television, natural gas, irrigation, access, open space, public access, debris flow mitigation, of which are subject to approval by the Town Engineer.

General

The original easement dedication language on the final plat was erroneous in that it stated the property owner (Epoch GCH Hockett Gulch Holdings, LLC and the **Town of Eagle** dedicate and amend the easements as shown on the final plat to the Town for various uses but not limited to (Note 12 on the final plat). Staff noted that the Town does not own the property and thus cannot dedicate said easements and recommended a condition of approval to require the developer to address and correct all written and redlined technical revisions for approval by Public Works prior to final plat recordation.

The July 1st revised final plat corrected the verbiage of item 12 to read "Epoch GCH Holdings, LLC dedicates to the Town of Eagle the easements..." that adequately addresses the Town Engineer's redlined technical revisions.

Drainage, Waterline, Sewer, General Use Utility, and Irrigation Easements

The applicant has identified a proposed future storm easement on town-owned property (Eagle Ranch Filing 3 Tract OS-1). Staff is satisfied with the location of the future storm easement and has requested the applicant submit a legal exhibit prepared by a licensed surveyor of which will serve as the basis for an easement agreement to be prepared by the Town Attorney and approved by Town Council. The applicant has agreed to prepare the exhibits prior to recordation

of the final plat. The applicant included the future storm easement within the July 1st resubmittal of which is currently under review by the Town Engineer.

Tract A and B

There are no public dedicated streets proposed within the Planned Unit Development. The Preliminary Plan indicates Tract A and B (private streets) are for roadway, parking, access, drainage, irrigation and general utilities to be owned and maintained by the property owner and Property Owner's Association. The Final Plat depicts the tracts consistent with the Preliminary Plan; however, the ownership and manner of maintenance is not delineated. Staff continues to recommend the function, ownership, and maintenance provisions for all lots and tracts be accurately depicted on the Final Plat. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 1 be updated to apply to Tract B and be carried forward.

Per the PUD Guide, all private streets shall include an emergency access easement. Additionally, the Town Engineer has noted that the Town of Eagle needs an easement within the entire Tract A for public access, emergency access, drainage and general utilities. Now that Tract B is proposed, the same easement dedication is required. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 2 be updated to apply to Tract B and be carried forward.

Access

The Town shall grant Developer a non-exclusive easement for the construction, maintenance, repair, replacement, and other similar items of a road for vehicular and pedestrian egress from the Development to Sylvan Lake Road. The applicant has identified said easement as "future access to Sylvan Lake Road." Staff is satisfied with the location of the future non-exclusive easement and has requested the applicant submit a legal exhibit prepared by a licensed surveyor of which will serve as the basis for an easement agreement to be prepared by the Town Attorney and approved by Town Council. The applicant has agreed to prepare the exhibits prior to recordation of the final plat and noted that the preparation of the easement agreement is in progress. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 7 be carried forward.

Temporary Construction Easement

The Town is requiring the Developer to install a water and sewer-serviced restroom within Tract OS-1 Eagle Ranch Filing 3 (town-owned property) as set forth in the Annexation Agreement. As such, a temporary construction easement sufficient to allow Developer to construct the restroom on the Town's property is required. The applicant has depicted a temporary construction easement over the entire town owned property on the Preliminary Plan. Staff is not satisfied with the location of the proposed temporary construction easement as it is too large and needs to be limited to areas to be disturbed. Staff has requested the applicant submit a legal exhibit prepared by a licensed surveyor that depicts a temporary construction easement limited to the specific area needed to construct the water and sewer-serviced restroom prior to recordation of the final plat. The applicant has submitted a temporary construction easement that is currently under review by the Town Engineer.

Staff requested the applicant prepare a legal exhibit prepared by a licensed surveyor that depicts the easements necessary for the privately owned improvements to be constructed on Eagle Ranch Filing 3 Tract OS-1. This exhibit will serve as the basis for an easement agreement to be prepared by the Town Attorney and approved by Town Council. The applicant submitted an easement titled "Access and Utility Easement" on June 10, 2022, of which is currently under review by the Town Engineer. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 9 be carried forward.

Open Space Easements. Staff finds the required open space easement on Tract OS-2 will be property dedicated to the Town allowing public access once revised, debris flow mitigation, stormwater facilities, public and private utilities, and other uses specified in the PUD Guide.

Pedestrian Easements. To implement the perimeter trail as required by the PUD Guide, a 14-foot pedestrian access easement along the northern boundary of OS-2 is depicted on the final plat proposed to be dedicated to the Town of Eagle for the use of the public for pedestrian and non-motorized vehicular traffic. Staff has raised concerns about the pedestrian easement limitation to non-motorized vehicular traffic. It is important for this pedestrian easement to allow for electric assist bicycles for consistency with allowances in OS-1 and other parts of the town. As such, staff recommended the 14-foot pedestrian access easement (Item 12 D. on the final plat) be relabeled as a “Public Access Easement” and state it is for public access and pedestrian traffic (delete “non-motorized vehicular”). The July 1st resubmittal includes revised language for Item 12.D on the final plat that is currently under review by the Town Engineer. If the Town Engineer determines the revised language is adequate, condition of approval 4 can be deleted at time of final Council consideration of the Preliminary Plan and Final Plat.

Staff finds that all easements are adequate to provide service to a subdivision once all recommended conditions of approval are adequately addressed.

Sidewalks and bikeways

Staff Comment: Sidewalks internal to the development are concrete and 5-feet in width as required by the PUD Guide. An 8-foot asphalt path is proposed along the Sylvan Lake Road frontage on the site and off-site on the town-owned property. The required perimeter paths are provided within a 14-foot pedestrian easement within OS-2 and continues through OS-1. The July 1st resubmittal includes the elimination of the last segment of the perimeter trail through lot 3 (HD/PUD-3) as the Minor PUD Amendment to allow elimination of said trail connection was approved by the Planning and Zoning Commission on July 5, 2022.

Staff finds the sidewalk network provided by the Developer will allow convenient pedestrian access through and across the development with connectivity provided to the town’s trail network at Sylvan Lake Road.

Access

Staff Comment: Access to the subject property is provided from Sylvan Lake Road and Grand Avenue and is in conformance with the site access requirements set forth in the PUD Guide. The on-site and off-site engineered construction plans and specifications (civil plans) depict the required northbound left hand turn lane and southbound right deceleration lane into the development from Sylvan Lake Road. Participation in the funding of these improvements is also required of the owner of the medical facilities on the east side of Sylvan Lake Road. The civil plans also depict the eastbound right deceleration lane into the development, eastbound right acceleration lane out of the development and the westbound left hand turn lane into the development from Grand Avenue. Said off-site improvements are required public improvements for Sylvan Lake Road and Grand Avenue required by the Annexation Agreement and will be outlined in the subsequent Development Agreement. The applicant has provided cost estimates for said improvement on July 11, 2022, of which are under review by Public Works.

Prior to building permit issuance, the applicant shall submit, secure approval and construct the two access points for vehicular access and curb cuts on Sylvan Lake Road and Grand Avenue in the locations depicted in the civil plans. P&Z set forth a condition of approval (No. 8) of which the applicant responded that no CDOT approvals are required, and the turn lane improvements will be part of the contractors Traffic Control Plan. Additionally, the applicant stated that detailed construction drawings will be submitted and approved prior to the commencement of construction. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 8 be carried forward.

Staff finds the proposed site access is in conformance with the site access requirements set forth in the PUD Guide and Sec. 4.13.120 of Land Use and Development Code.

Off-street parking

Staff Comment: All proposed parking is provided within Tract A and Tract B for Phase 1a of the development. Staff finds the proposed parking demonstrates compliance with the PUD parking standards set forth in the PUD Guide.

Water distribution

Staff Comment: The Town of Eagle serves water to the subject property. The owner of the property paid the Town \$953,750 in 2020 to satisfy the Town's water rights requirements as provided for in the Annexation Agreement.

At time of annexation and zoning, the development was found to require a 12-inch water line, but the Town requested a 16-inch water line. The Town will pay for the cost of the upsizing to 16-inch, provided that the Development prior to construction shall obtain: a bid from its preferred contractor for construction and installation of the 12-inch water line; and a bid from its preferred contractor for construction and installation of the 16-inch water lines. The fractional increase between the two bids shall be used to determine the Town's *pro rata* share of the actual costs to install the 16-inch water line.

The engineered construction plans and specifications (civil plans) depict the 16-inch water line. As such, P&Z set forth a condition of approval (No. 6) that states the applicant shall obtain bids for the upgrade in the water line to 16-inch prior to construction. The applicant submitted cost estimates on July 11th that are currently under review by Public Works. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 6 be carried forward.

Raw Water Irrigation

Staff Comment: Developer shall install, maintain, operate, repair, and replace a raw water irrigation system to provide non-potable water irrigation of permanently irrigated landscaped areas in the development. This will require the Developer to pay for water court case to change the point of diversion of the Ditch No. 3 water rights that were conveyed to the Town. The proposed points of diversion are likely going to require the Developer to obtain floodplain permits from either the Town or County, depending on the location.

To date the design of the raw water irrigation system has not been completed. In the Final Utility Impact Report, there are two options identified for the changed location of the Ditch No. 3 point of diversion. The Town's water consultants would like to make it clear that the Town is **not** dictating where the changed point of diversion for Ditch No. 3 will be as it is totally up to the Developer and their needs. The Town has only ever provided guidance as to where it thought it would make sense from a physical perspective and to hopefully cut down on opposition in water court. Therefore, the recently proposed location (to keep it above the point of diversion of the Laura Hocket Gulch) was proposed.

Since the applicant has stated they will not have specific information for water court until the fall, they have asked to be connected to potable water service for irrigation of landscaping until the changed point of diversion is decreed. The Town is fine with this pursuant to the staff's recommended conditions of approval 15-19. In the July 1st resubmittal, includes a request modify condition of approval 15 to allow one year to complete the design of raw water irrigation system. Public Works is currently reviewing the request.

Wastewater collection

Staff Comment: Sewer service is provided by the Town of Eagle. The applicant is required to pay its *pro rata* share of the wastewater improvements completed by West Eagle Ranch, LLC in the amount to \$1,080.06 per EQR, based on the Town's schedule of EQRs prior to Development Permit approval. Said requirement will be outlined in the Development Agreement.

Underground utilities

Staff Comment: All wires, cables, and other equipment for the distribution of electric energy, and telecommunication signals, with the exception of transformers, meters, junction boxes and like equipment, are placed underground. Where subdivisions or developments are approved along or with crossing existing overhead power and communications facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering, or aesthetic reasons.

Utility easements and rights-of-way shall be provided in the subdivision or development.

Boundary Survey and Monumentation

Staff Comment: The Town Surveyor reviewed the boundary survey and monumentation and identified seven comments that need to be addressed on the Final Plat. P&Z recommended condition of approval 5 that states that the applicant shall address Town Surveyor comments dated May 26, 2022, prior to recordation of the final plat. The applicant indicated that the corrections have been made in the July 1st resubmittal and the legal descriptions are lengthy. Once all conditions of approval are met, staff will route the final plat to the Town Surveyor for his final boundary survey and monumentation review. Upon final Council consideration of the Preliminary Plan and Final Plat, staff will recommend condition of approval No. 5 be carried forward.

Dedications, General

Staff Comment: The Town Engineer has reviewed all dedication of land and easements and found they will be free and clear of all liens and encumbrances by means of the final plat or deed prior to recordation. Once all conditions of approval are addressed, said dedications will have been made to fulfill the forgoing requirements for easements, drainage easements, pedestrian easements, streets, off-site easements, as well as other required public dedications.

Municipal and park land dedication

Staff Comment: Municipal and park land dedication was evaluated at the time of annexation and zoning of the subject property. With alternates approved by the Eagle Board of Trustees in the PUD and the Annexation Agreement, the PUD satisfied the municipal and park land dedication required by Section 4.13.190 of the Land Use and Development Code.

Impact Fees

Staff Comment: As documented in the Annexation Agreement, the development is subject to the street improvement fee as well as a Grand Avenue Improvement Fee to mitigate the traffic impacts on Grand Avenue. Additionally, the Developer is required to pay the fire protection impact fee, water plant investment fee and sewer plant investment fee as set forth in the Land Use and Development Code. Said impact fees will be documented in the Development Agreement to be paid prior to building permit issuance as set forth in the Annexation Agreement. The public safety impact fee will be paid prior to recording of the final plat.

Section 4.13.240. - Assurance for completion of public improvements

Staff Comment: The development of the subject property requires completion of on and off-site improvements that will be documented in a Development Agreement. The subsequent Agreement sets forth the plan, method, and parties responsible for the installation of all required public improvement and provision for completion of said improvements in accordance with the design and time specifications.

The applicant submitted a revised phasing plan on July 13th wherein staff comments and recommendations are included in the Major Development Permit staff report under Site Access and Development Phasing.

The July 1st resubmittal included cost estimates that are limited to Highway 6 turn lane, Sylvan Lake Road widening, restroom parking and flushless toilet, OS-1 trail, loop trail and 16" ductile iron pipe premium. Said cost estimates are currently under review but it appears they lack estimates for all improvements like fire hydrants, wastewater lines, required park land and open space improvement, streetlights, survey monuments, etc. Once all the required improvements are solidified, Town staff will work with the applicant to draft the Development Agreement that provides assurance for completion of public improvements for Town Council approval in advance of the second public hearing before Council.

Goals and Policies

Staff Comment: The Reserve at Hockett Gulch PUD Guide is a site-specific development plan that created vested rights under the Eagle Area Community Plan (EACP) in 2019. The requested Preliminary Plan and Final Plat is in conformance with the goals and policies of EACP; however, the applicant has submitted a Minor PUD Amendment application to address wildlife protection and public safety concerns related to the location of the perimeter trail through HD/PUD-3. The Minor PUD Amendment was conditionally approved by the Planning and Zoning Commission on June 7, 2022. Please refer to the Minor PUD Amendment staff report for analysis of the 2020 Elevate Eagle Comprehensive Plan. ([LINK](#))

STANDARD #2: *Any adverse impacts resulting from the proposed subdivision will be reasonably and mitigated by the applicant to minimize such impacts.*

Staff Comment: Any adverse impacts resulting from the Reserve at Hockett Gulch project was analyzed at the time of annexation and zoning of the property to Planned Unit Development. Mitigation measures are embodied in the recorded Annexation Agreement, the Reserve at Hockett Gulch PUD Guide and the technical reports included the submitted with the Major Development Permit and Preliminary Plan and Final Plat applications.

The only remaining adverse impact that needed be mitigated at this stage in the development review process pertained to the wildlife preservation and public safety issues stemming from the perimeter trail location through HD/PUD-3. The Planning and Zoning Commission conditionally approved with a PUD Minor Amendment to eliminate the 5-foot-wide soft trail through HD/PUD-3 which has been reflected in July 1st resubmittal.

COMMUNITY INPUT:

Staff has not received any letters of public comment as of July 21, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

BUDGET:

No impact to the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Once all Planning and Zoning Commission recommended conditions of approval are addressed, the application would support the following Council objectives:

- **Major Objective 8: Invest in Environmental and Energy Sustainability.** The application reflects a focus on sustaining natural resources by incorporating green practices in the multi-family development by including all electric heating and appliances within units, electric vehicle charging stations, a raw water irrigation system, and building construction has been designed to meet or exceed the 2018 International Energy Efficiency Code. It is important to note that while the project narrative states that electric vehicle charging stations will be incorporated into the project, they need to be depicted on the Development Plan Map and the construction drawings (civil set). Once provided, the plans would need to be referred to Holy Cross for review.

- **Major Objective 9: Diversity the Attainable Housing Stock.** The application creates the opportunity for a diverse, attainable housing stock by providing 216 multi-family rental units with 98 deed restricted units to the housing market.

RECOMMENDED ACTION OR PROPOSED MOTION:

Move to **continue** the public hearing to allow the applicant additional time to address Planning and Zoning Commission conditions of approval, staff comments/recommendations included in this staff report and Council direction received at the July 26, 2022, public hearing.

ATTACHMENTS:

1. Staff Report – Planning & Zoning Commission dated June 7, 2022 ([LINK](#))
2. Application & Project Narrative ([LINK](#)) & ([LINK](#))
3. Preliminary Plan dated July 1, 2022 ([LINK](#))
4. Final Plat dated July 1, 2022 ([LINK](#))
5. Access and Utility Easement dated Jun 10, 2022 ([LINK](#))
6. Storm Drainage Easement dated June 10, 2022 ([LINK](#))
7. Temporary Construction Easement dated June 10, 2022 ([LINK](#))
8. Phasing Plan dated July 13, 2022 ([LINK](#))
9. Reserve at Hockett Gulch PUD Guide ([LINK](#))
10. Ordinance 15-2019, Reserve at Hockett Gulch Annexation Agreement ([LINK](#))



To: Mayor and Town Council

From: Jim White, Interim Town Manager

Date: July 26, 2022

Agenda Item: Resolution 44, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Eagle Downtown Development Authority Amended Plan of Development"

REQUEST: Staff is requesting approval of Resolution 44, Series 2022, approving the amended Plan for Development for the Downtown Development District.

BACKGROUND: The Downtown Development District was established over a year ago. However, one of the steps required is review of the Plan for Development by the Planning and Zoning Commission. During recent review of membership and the initial process, it was discovered that this step had been omitted. This review will satisfy that requirement.

ANALYSIS: We are formalizing the Downtown Development process to establish a record that the town followed the proper procedure.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT: The Town of Eagle has provided funding for consultants to help lead DDA meetings; funding for website development; and funding for the DDA workplan.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This coincides with the Town's Strategic Plan goal to Stimulate Economic Vitality and Development through the efforts of the DDA to revitalize downtown businesses.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to APPROVE or DENY Resolution 44, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Eagle Downtown Development Authority Amended Plan of Development"

ATTACHMENTS:

1. 44 DDA Amended Plan Approval-R070622 (002)
2. Eagle Plan of Development – Final
3. NOTICE OF PUBLIC HEARING - AMENDED PLAN
4. Resolution 64-2022 PZ Recommending Approval of Amended Plan of Development

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 44
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE EAGLE DOWNTOWN DEVELOPMENT AUTHORITY AMENDED
PLAN OF DEVELOPMENT

WHEREAS, by Resolution No. 50, Series of 2021, the Town Council adopted the Eagle Downtown Development Authority ("DDA") Plan of Development (the "Plan");

WHEREAS, the DDA Plan did not originally include language detailing the DDA's methods to finance projects within the boundaries of the DDA;

WHEREAS, pursuant to C.R.S. § 31-25-807(3)(a), the DDA prepared the attached Amended Plan of Development (the "Amended Plan"), which includes language that sets forth the DDA's strategy to use the debt authorized at the November 2021 election to finance projects that align with the Plan for a period not to exceed 30 years;

WHEREAS, at a public meeting on July 19, 2022, the Planning and Zoning Commission considered the Amended Plan, and recommended that the Town Council approved the Amended Plan; and

WHEREAS, on July 26, 2022, the Town Council held a properly-noticed public hearing to consider the Amended Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE AS FOLLOWS:

Section 1. The Town Council hereby approves the Amended Plan.

INTRODUCED, READ, PASSED, AND ADOPTED ON JULY 26, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



TOWN OF EAGLE

DOWNTOWN DEVELOPMENT AUTHORITY

PLAN OF DEVELOPMENT

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APPENDICES

Appendix A: Eagle Downtown Development District Boundary Map

Appendix B: Eagle DDA Rules of Procedure

PLAN OF DEVELOPMENT OVERVIEW

PURPOSE OF THE DDA

Under ordinance number 599, the Eagle Town Council established a Downtown Development Authority known as the “Eagle Downtown Development Authority,” as a body corporate. By ordinance of the Town of Eagle, the Downtown Development Authority has all the powers authorized by Part Eight of Article 25 of Title 31, Colorado Revised Statutes 1973, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part Eight.

The Authority is established to halt and prevent deterioration of property values within its district and to assist in the development and redevelopment of its district and to use its power to promote the general welfare of the district by the use of its direct and supplemental powers.

PURPOSE OF THE PLAN OF DEVELOPMENT

A Downtown Development Authority (DDA) Plan of Development is an official public document expressing a community vision for the downtown area. The Town of Eagle’s DDA Plan of Development will outline key concepts and priorities for the downtown as well as identify opportunities and partnerships that will strengthen the downtown. The Plan will be used as a guide to inspire and shape future projects, policies, and action steps.

In 2021, The Town of Eagle DDA chose Downtown Colorado, Inc. (DCI) to provide administrative and planning support for the DDA Board of Directors and creation of the Plan of Development. DCI is a state-wide association representing Downtown Development Authorities and other commercial districts in Colorado. DCI provides advocacy, information, advisory services, and technical assistance to support vibrant downtowns in our state. DCI works with nearly 500 members and has provided over 100 downtown plans to Colorado communities.

The Downtown Development Authority and its associated Plan of Development should be a living and evolving policy document. The purpose of the plan is to coordinate the needs and priorities for the Downtown Eagle area in conjunction with broader Town of Eagle community goals by:

- Sharing the vision and values for Downtown
- Serving as a guide for policy and practical implementation
- Targeting resources



- Building understanding of partners and opportunities
- Capitalizing on the momentum of previous downtown work

PLAN OF DEVELOPMENT USES

The Plan of Development should inform decisions by the Downtown Development Authority (DDA), their counterparts at partner organizations, other Town Commissions, boards and committees, staff, key partners, residents, property owners, developers, and other stakeholders in the Downtown area.

- **Staff & Decision-Makers:** The Town, DDA and partner organizations should reference the Plan when developing work plans, allocating funding for programs and projects, reviewing development proposals, and adopting new regulations that impact Downtown.
- **Residents, Businesses & Property Owners:** Property owners, business owners, residents and community interest groups should use this Plan as the foundation for conversations with decision-makers and developers about the needs and priorities for Downtown.
- **Developers:** Applicants for building and development projects should reference the Plan when proposing new infill or redevelopment projects and as a starting point for a dialogue with neighbors and stakeholder groups about such proposals.
- **Partners & Other Stakeholders:** Private sector partners, non-profit organizations, and other partner organizations should review the Plan to better understand the community's vision and priorities for Downtown.

EAGLE DOWNTOWN EXISTING CONDITIONS

Downtown Broadway is a centrally located regional attraction for shopping, entertainment, culture, arts, public events, and offers a location for public gathering and community pride. This area should include special urban improvements to make vibrant and enjoyable public spaces. The Downtown area can include a mix of restaurants, bars, retail stores, offices, coffee shops, and civic services.

Development should encourage preservation of character, redevelopment, and infill; and should include above average standards for design. Renovation of older buildings are encouraged. This area is highly connected to surrounding neighborhoods through a safe, welcoming, pedestrian-oriented, and bicycle-oriented environment. It maintains access to an efficient multi-modal transportation network.

EAGLE DOWNTOWN ENGAGEMENT



The Town of Eagle and partners from non-profit, private business, and local residents have led an engaging community feedback process over a twenty-four-month period. The Town of Eagle began as a 2019 Colorado Challenge Accelerator Program Community with a primary focus on the best way to support Downtown Eagle. This process included engagement of a team of Eagle leaders in a three-day charette to envision the future and outline action steps. A primary outcome of this effort was the direction to explore the types of management districts that could support the Downtown.

As a second engagement step, the Town of Eagle conducted a Downtown Assessment in 2019 to invite community participation in developing an approach for Downtown Eagle and the other commercial areas in the Town. The assessment included several days of public meetings with stakeholders from the residents, business community, partner organizations, homeowner groups and commercial district leaders, and the Town elected officials and staff. It was determined that a Downtown Development Authority would be the best type of organization and financing mechanism to support the priorities and vision for the downtown. The Town of Eagle comprehensive planning process, Elevate Eagle, completed and ratified in 2020, and the adopted downtown overlay reinforce the priority areas for the downtown as outlined in the Downtown Assessment document.

Following the broad engagement, a dedicated group of Eagle Downtown Champions formed the Downtown Business Alliance, a non-profit organization focused on the community building and revitalization of Eagle's Downtown. This non-profit group mounted an information campaign to communicate the goals for the Downtown Development Authority and to gather input and feedback from the community.



DOWNTOWN EAGLE STRATEGIC PRIORITIES

Following extensive outreach, surveys, and several planning initiatives that focus on the revitalization of Eagle's Downtown, the Town of Eagle and the Downtown Development Authority leadership identified the following areas as strategic priorities for a vital downtown.

Business Community Support

Consider opportunities to enhance access to services and capital for business, collect data, identify, and catalyze underutilized assets. Identify and provide critical infrastructure and support to promote and develop successful business needs.

Regulatory Environment

Streamlining solutions and minimizing barriers to build trust and investment from business and property owners. Aligning regulation and incentives to encourage public-private partnerships for investment in the community vision through infill, redevelopment, and re-use of existing buildings.

Communications

Imparting or exchanging of information or news with an image building and informational component that includes arts, culture, and recreation. Downtown brand identity is the combined messaging transmitted via content, diverse platforms, logos, style, and visuals.

Experience Economy

Encourage the realization of emotion and entrepreneurial opportunity through interactive activities, events, and makers components. Enhance a person's time spent in a place with a unique and memorable experience.

Access + Mobility

Assess the experience and accessibility of getting to and around downtown as a local or visitor. Focuses on multi-modal infrastructure and access in and around the downtown including parking, gateways, walkability, rideability, wayfinding + signage, etc.

Creative Placemaking

Establish a sense of place through the strategic integration of art, the environment, design, recreation, and cultural activities. Engage locals to produce authentic and distinctive planning and develop programming to foster a local love of place. Create a connection to the



community's sense of identity through visible symbols, messaging, and activities.

PARTNERS + ENGAGEMENT

Partners have played a key role in engaging downtown stakeholders and aligning priority areas to establish and maintain a vibrant downtown. The Eagle DDA will establish and maintain relationships and two-way communication with governmental, non-profit, and private partners who intersect with Eagle DDA strategic priorities to ensure collaboration and limit duplication of efforts.

TOWN OF EAGLE OPPORTUNITY AREAS

The DDA encourages redevelopment opportunity and concepts in a variety of locations throughout Downtown and in surrounding areas around the central business district that would benefit from reinvestment and add content, connection, or value to the Downtown. The DDA may support projects and opportunity sites that support the strategic priorities in and around downtown as proposed by the Town, partners, and the private sector.

All areas of the central business district should provide a safe, welcoming, pedestrian-oriented, and bicycle-oriented connected network. Residential development near the downtown should vary in price and size and can include apartments in vertical mixed-use buildings near Broadway Street. Development in downtown and surrounding areas in the central business district should encourage preservation of character and the Town's western heritage, redevelopment, and infill, and should include above-average standards for design. Renovation of older buildings and homes is encouraged.

METHODS OF FINANCING PROJECTS

In order to finance the projects and purposes of the DDA, the following financial sources are authorized to be utilized:

A. Property Tax Increment: All of that portion of property taxes in excess of the amount produced by the levy at the rate fixed each year by or for any public body upon the valuation for assessment of taxable property within the boundaries of the District last certified prior to the effective date of approval by the Town Council of this Plan or, as to an area later added to the boundaries of the District, the effective date of the modification of this Plan. This property tax increment shall be applied for a period not to exceed thirty years, or such longer period as provided for by C.R.S. § 31-25-807(3)(a)(IV), as amended.

All such taxes described in this paragraph A shall be adjusted, collected, allocated and used as set forth in C.R.S. § 31-25-807(3), as amended from time to time.



B. Proceeds of bonds of, loans or advances to, or indebtedness incurred by the Town of Eagle secured by the pledge of one or more of the following revenues for the maximum period of time authorized by C.R.S. § 31-25-807(3) and other law:

- 1) The property tax increment described above
- 2) Membership fees;
- 3) Private contributions;
- 4) Proceeds of loans to the DDA;
- 5) Fees and other charges imposed in connection with projects undertaken by the DDA;
- 6) Grants and other funds made available by public agencies and other entities;
- 7) Other sources: as described below

C. Other sources: Such other sources of revenue for repayment of bonds, loans, advances or other indebtedness as may be authorized by law.

METHODS OF FINANCING OPERATIONS, MAINTENANCE, AND ADMINISTRATION

The DDA may utilize any revenue source allowed by law and approved by the Town Council, including but not limited to C.R.S. 31-25-816, to pay for its operations, maintenance, and administrative costs and expenses.

PLAN MONITORING + EVALUATION

Monitoring and evaluating the success of activities guided by the Plan of Development will be tracked through a work planning process. The DDA Board of Directors will establish a work plan that will be updated as needed, prioritizing tactical activity in achievable one-to-three-year increments. The work plan will be reviewed on an annual basis by the Executive Director who will provide status updates and recommendations.

GETTING INVOLVED

The Eagle DDA invites participation from partners, community members, business, and property owners, etc. by speaking at monthly board meetings, online participation, and other forums for engagement. The DDA presence online will provide information and share the process and timing for communicating the content and purpose of the participation.



EAGLE DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT BOUNDARY



EAGLE DOWNTOWN DEVELOPMENT AUTHORITY(DDA) PLAN OF DEVELOPMENT PAGE 8



RULES OF PROCEDURE OF THE EAGLE DOWNTOWN DEVELOPMENT AUTHORITY

ARTICLE 1.000

1.100 Establishment. Under ordinance number 599, Series of 2020, the Eagle Town Council established a Downtown Development Authority known as the "Eagle Downtown Development Authority," or the "Authority," as a body corporate.

1.200 Purpose. The Authority is established to halt and prevent deterioration of property values within its district and to assist in the development and redevelopment of its district and to use its power to promote the general welfare of the district by the use of its direct and supplemental powers.

1.300 Powers. By ordinance of the Town of Eagle (the "Town"), the Authority has all the powers authorized by Part 8 of Article 25 of Title 31, Colorado Revised Statutes, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8.

1.400 Seal. The Authority shall have a seal, which shall be circular in form and shall have inscribed thereon the name of the Authority and the word, "SEAL."

1.500 Offices. The Authority shall have the power to maintain an office within the boundaries of the Town.

1.600 Annual Budget. Each year the DDA Board shall consider and approve a budget pursuant to Section 3.550. After such approval, the budget shall be submitted to the Eagle Town Council for its approval.

ARTICLE 2.000

THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY

2.100 Board Members. The Chair and the Members of the DDA Board shall manage the affairs of the Authority.

2.110 Membership. The number and terms of DDA Board Members shall be determined by resolution of the Eagle Town Council in accordance with C.R.S. § 31-25-805, as amended.

2.120 Members shall serve staggered terms and shall serve until their term ends. Members may be reappointed to serve a new four year term.

2.130 A member representing the Eagle Town Council shall serve at the pleasure of the Eagle Town Council.

2.140 Eligibility. Each DDA Board Member, except the representative from the Eagle Town Council, shall be appointed in accordance with eligibility requirements as stated in C.R.S. § 31-25-806, as amended. No officer or employee of the Town, other than an appointee from the Eagle Town Council, shall be eligible for appointment to the DDA Board.

2.150 Compensation. All DDA Board Members, including the Chair, shall serve without compensation, but they may be reimbursed for actual and necessary expenses incurred on



behalf of the Authority.

2.200 Vacancies. In the event of one or more vacancies or expiration of any one or more DDA Board Members' terms, the Authority may at a regular or specially called DDA Board Meeting, nominate a replacement DDA Board Member(s) for consideration by the Eagle Town Council. In the event a DDA Board Member's term expired, the DDA Board shall nominate him or her for an additional term or nominate a replacement.

2.210 Nominations. The Authority may nominate a prospective DDA Board member(s) to the Town Council at least sixty (60) days prior to the expiration of an existing DDA Board member's term. When a vacancy is created the Authority shall nominate a prospective DDA Board Member(s) promptly after it receives notice of the vacancy(ies). A DDA Board Member shall use their best efforts to give at least ninety (90) days advance notice of their intent to not renew their position or resignation.

2.220 Voting. DDA Board Members whose terms are being considered by the Authority for extension or replacement are disqualified to vote on nominations for extension or replacement for their own term.

2.230 Appointment. The Eagle Town Council is not obligated to appoint DDA Board Members nominated by the Authority and may appoint DDA Board Members of their own selection. However, should the Town Council fail to extend the term of, or replace, any existing DDA Board Member nominated by the Authority for term extension, such Board Member shall continue to serve as a DDA Board Member until a successor has been appointed and qualified.

2.240 Removal. After notice and a public opportunity to be heard, the DDA Board may request that a member(s) of the DDA Board be removed for cause by the Eagle Town Council. A DDA Board Member(s) may be removed by the Town Council for misfeasance, malfeasance, nonfeasance or any other violation of the public trust or affront of the dignity of the DDA Board.

2.300 Conflicts of Interest. If any person who is a DDA Board member or staff of the Authority is aware that the Authority is about to enter into any business transaction directly or indirectly with themselves, any member of their family, or any entity in which they have any legal, equitable or fiduciary interest or position, including, without limitation, as a director, officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Authority of their interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within their knowledge that bear on the advisability of such transaction from the standpoint of the Authority, and
(c) not be entitled to vote on the decision to enter into such transaction.

2.310 Annual Conflict of Interest Statement. Each DDA Board member and staff shall annually complete and submit a Conflict of Interest Statement declaring any potential conflict of interest with regards to Authority business.

2.320. Code of Ethics. Each DDA Board member and staff must additionally comply with the Town Code of Ethics, as amended.

ARTICLE 3.000

OFFICERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

3.100 Board Chair. The DDA Board Chair shall preside at all meetings of the Authority except as otherwise authorized by resolution of the Authority. The Chair shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chair shall submit such recommendations and information as deemed necessary for the proper administration of the business affairs and policies of the Authority. In the absence or disability



of a Director, the DDA Board Chair shall assume all Director duties and responsibilities unless directed otherwise by DDA Board vote.

3.110 Election. At the first regularly scheduled meeting of the DDA Board in July of each year, a Chair shall be elected to preside at the meetings of the Authority with the full power to vote on any issue, except as otherwise provided herein. The Chair shall serve until election of a new Chair at the first regular meeting the following July, at which time the Chair may be renominated or a new Chair may be elected.

3.200 Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence, incapacity of the Chair, resignation or death of the Chair. The Vice-Chair shall perform the duties of the Chair until such time as the Authority shall select a new Chair. The Vice-Chair shall be elected in the same manner and at the same time as the Chair. An Interim Vice-Chair may be elected to perform the duties of the Vice-Chair in the absence or incapacity of the Vice-Chair, if desired by the DDA Board.

3.300 Treasurer. The Treasurer shall keep the financial records of the Authority and, together with the Director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall prepare and submit a monthly report stating the assets, liabilities and year-to-date and month-to-date expenditures of the Authority.

3.400 Secretary. The Secretary shall maintain custody of the official Seal and of all records, documents, or other papers not required to be maintained by the Treasurer. The Secretary shall attend all meetings of the DDA Board and keep a record of all its proceedings, file minutes with the Town Clerk of all regular and special meetings and shall perform such other duties as required by law, agreement with the Town Council or as may be delegated to them by the Director. The Secretary shall have power to affix the Authority's seal to and attest all contracts and instruments to be executed by the Authority.

3.500 Director. Pursuant to C.R.S. § 31-25-815, the Authority shall employ a Director. In the absence or disability of the Director, the DDA Board may designate a qualified person to perform the duties of the office of acting Director. The Director is an at-will employee and shall serve at the pleasure of the DDA Board. The DDA Board shall periodically, no less frequently than annually, review the Director's performance. The compensation to be paid to the Director shall be established by the DDA Board and budgeted accordingly.

3.510 Responsibility. The Director shall be the Chief Executive Officer of the Authority and shall have general supervision over and be responsible for the performance of the functions of the Authority. Subject to and in accordance with these Rules and direction by the DDA Board, the Director may expend funds in accordance with standard, generally accepted governmental accounting and fiscal management practices. The signature of the Director and the Treasurer shall be required for the payment of all expenses.

3.520 Staff. The Director shall be responsible for hiring and supervising a subordinate staff and for providing reports to the DDA Board. A staffing report shall be submitted monthly, which report shall include without limitation recommendations for staff hiring, separations, salaries and assigned duties of each staff member. Staff shall serve under the direction of the Director.

3.530 Bond. The DDA Board may require a bond from the Director, or, by resolution, waive the bond requirement.

3.540 Budget. The Director, working with the Treasurer, shall annually prepare a budget and submit it to the DDA Board for its approval, in accordance with applicable State law and Financial Management Rules for the Town. The budget shall indicate the amount of compensation to be paid staff and the amounts to be devoted to specific Authority projects.



3.550 Committees. The DDA Board, by resolution, may designate and appoint one or more committees, each of which shall consist of no more than two (2) DDA Board members and may contain members of the public. Committees shall have and exercise such authority as granted to them by such resolution; provided, however, no such committee shall have the power or authority to adopt an agreement of merger or consolidation or an agreement for the sale, lease or exchange of all, or substantially all, of the Authority's property and assets, dissolve the Authority or amend the rules of the Authority. Any member of a committee may be removed by the DDA Board, following notice and an opportunity to be heard, whenever in DDA Board's judgment the best interests of the Authority shall be served by such removal.

ARTICLE 4.000 MEETINGS

4.100 Regular Meetings. The regular meetings of the DDA Board shall be at such time and place as determined by the DDA Board. Regular meetings may be recessed and continued at another date. The Director shall send notice by electronic mail (e-mail) to each DDA Board member at least two (2) days in advance of each meeting stating the time and location within the Town where the meeting is to be held. By resolution, the DDA Board may direct that a regular meeting not be held, but in no event shall more than two (2) consecutive scheduled meetings be canceled. Regular meetings may be conducted in all or in part by electronic means by one or all DDA Board Members.

4.110 Attendance. In the event of the absence of a DDA Board Member for three (3) consecutive regular meetings, a letter may be written by the Director, at the direction of the Board, to the Eagle Town Council, requesting removal of that Board Member pursuant to Article 2.240 of these rules.

4.200 Special Meetings. Special meetings of the Authority may be called by the Chair or in the Chair's absence, the Vice-Chair, at a convenient place and time. The Director shall send notice by electronic mail (e-mail) to each DDA Board member at least two (2) days in advance of each meeting stating the time and location within the Town where the meeting is to be held.

4.300 Open Meetings. All meetings of the DDA Board shall be open to the public, except those that may lawfully be closed by law. Notice of all meetings of the DDA Board shall be posted on the Town's website at least twenty-four hours (24) in advance, in compliance with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* All meeting notices shall include agenda information where possible.

4.400 Quorum. The quorum necessary to conduct all business shall be a majority of all DDA Board Members, including any present by electronic means.

4.500 Voting. All regular business matters shall be decided by a majority of the Quorum unless otherwise provided for in these Rules or by law.

4.600 Rules of Order. The Chair (or the Vice-Chair in the Chair's absence) will preside at meetings, unless otherwise approved by the DDA Board. Unless otherwise required by law, action of the DDA Board will be by motion or resolution duly made, seconded, and approved by a majority of the quorum present at a public meeting. A motion or resolution may be revised before adoption with the prior approval of the maker and seconder. DDA Board members will maintain respect and decorum at meetings. The public may speak at a meeting as allowed by the DDA Board or as required by law.

ARTICLE 5.000 CONTRACTS; FINANCE

5.100 Contracts. The DDA Board may authorize, by resolution, the Chair or the Director,



consistent with the authority stated by the resolution, to enter into any contract or execute any instrument in the name of and on behalf of the Authority.

5.200 Finance

5.210 Deposits. All funds of the Authority will be deposited in a special account by the DDA Board Treasurer.

5.220 Vouchers. The Treasurer shall make payment of accounts from funds deposited to the credit of the Authority upon approval of the expenditure of Authority funds by the Director and the Treasurer.

5.230 Loans. No loans shall be contracted for on behalf of the Authority and no evidence of indebtedness shall be issued.

5.300 Property. The Authority may hold property in its name as directed by resolution of the Board and as permitted by C.R.S. § 31-25-801, *et seq.*, as amended.

5.400 Purchasing. Regardless of purchase price, all Authority purchases must comply with Town purchasing guidelines, as posted on the Town's website.

ARTICLE 6.000 AMENDMENTS

6.100 Amendments. These Rules may be amended at any regular or special meeting by a two-thirds vote of the entire DDA Board. All amendments to these Rules shall be reviewed in accordance with 8.100 and if approved, filed in the office of the Town Clerk.

ARTICLE 7.000 INDEMNIFICATION

7.100 Indemnification. Any of the Authority's officers, Directors and other employees may be indemnified or reimbursed by the Authority for reasonable expenses (including without limitation attorney fees, judgments and payments in settlement) actually incurred in connection with any action, suit or proceeding, civil or criminal, actual or threatened, to which they are made a party by reason of his being or having been, or by reason of any actual or alleged acts performed or omitted to be performed in connection with his being or having been a DDA Board member, officer or employee of the Authority; provided, however, that no person shall be so indemnified or reimbursed in relation to any matter in such action, suit or proceeding as to which they shall finally be adjudged to have been guilty or liable for gross negligence or willful misconduct or criminal acts in the performance of his duties to the Authority.

7.200 Insurance. The DDA Board may, upon affirmative vote of its Board of Directors, purchase insurance for the purpose of indemnifying the DDA Board Members, officers and other employees to the extent that indemnification is allowed in Section 7.100. The DDA Board and its Director may participate in the Town's insurance policies with the approval of the Town Council and the Town's insurance providers.

ARTICLE 8.000 APPROVAL OF RULES

8.100 Approval. Upon approval of these Rules by a two-thirds vote of all Members of the DDA Board, they shall be submitted to the Eagle Town Council for approval, and upon the approval of the Eagle Town Council shall be filed with the Town Clerk and all statutorily permissible acts previously taken by the Board and its Director shall be ratified and confirmed, by both the DDA Board and the Eagle Town Council.



ARTICLE 9.000 DISSOLUTION

9.100 Dissolution. Upon resolution by a two-thirds vote of all Members of the DDA Board, the DDA Board may request the Eagle Town Council to dissolve the Authority provided that all statutory requirements are satisfied.





NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Downtown Development Authority has submitted an Amended Plan of Development for consideration of approval. The Amended Plan of Development will be considered by the Planning & Zoning Commission at a public hearing on July 19, 2022, at 6:00 p.m. The Town Council will consider the Amended Plan of Development on July 26, 2022, at 6:00 p.m. A copy of such proposed plan has been filed in the office of the Town Clerk, where the same is open for public inspection.

Written comments may be submitted to the Town Clerk prior to the Public Hearings at clerk@townofeagle.org or testimony may be given at the Public Hearing.

By Jenny Rakow, Town Clerk

PUBLISHED: Eagle Valley Enterprise: July 14, 2022

**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 64
(Series of 2022)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF
EAGLE, COLORADO RECOMMENDING APPROVAL OF EAGLE DOWNTOWN
DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT

WHEREAS, by Resolution No. 50, Series of 2021, the Town Council adopted the Eagle
Downtown Development Authority ("DDA") Plan of Development (the "Plan");

WHEREAS, the DDA Plan did not originally include language detailing the DDA's methods
to finance projects within the boundaries of the DDA;

WHEREAS, pursuant to C.R.S. § 31-25-807(3)(a), the Downtown Development Authority
prepared the attached Amended Plan of Development (the "Amended Plan"), which includes
language that sets forth the DDA's strategy to use the debt authorized at the November 2021
election to finance projects that align with the Plan for a period not to exceed 30 years; and

WHEREAS, at a public meeting on July 19, 2022, the Commission considered the DDA Plan
of Development.

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

Section 1. The Commission hereby recommends that the Town Council approve the
Amended Plan.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 19, 2022.

TOWN OF EAGLE PLANNING AND ZONING
COMMISSION


Matthew Hood, Chair

ATTEST:


Nikki Davis, Administrative Technician II



**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 46
(SERIES 2022)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ADOPTING
THE 2022 OPEN SPACE AND TRAILS MASTER PLAN**

WHEREAS, the Town of Eagle, Colorado ("Town") manages over 1,300 acres of town-owned open space, 35 miles of paved and natural surface trails, and assists with the maintenance and management of adjacent lands and trails managed by the Bureau of Land Management; and

WHEREAS, in 2020, the Town adopted the Elevate Eagle Comprehensive Plan (Comp Plan); and

WHEREAS, the 2020 Comp Plan established the need for the development of an open space and trails master plan to identify community-desired enhancements to the trail system and management of open space; and

WHEREAS, the Town hired a consulting firm to develop an open space and trails master plan, which included community and stakeholder engagement, an inventory of existing conditions, and the development of a community-supported vision for management of open space and trails; and

WHEREAS, the Town and consulting firm conducted extensive community outreach, including two public open houses, three focus groups, stakeholder roundtables, and an extensive public comment period; and

WHEREAS, the Town's Open Space and Recreation Citizens Advisory Committee (OSRAC) has engaged with stakeholders and the public throughout the process; and

WHEREAS, OSRAC has reviewed the 2022 Open Space and Trails Master Plan and is recommending the adoption of the plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, THAT:

Section 1: The 2022 Open Space and Trails Master Plan is hereby ADOPTED as part of the Town of Eagle's Comprehensive Plan by the Town Council of the Town of Eagle, Colorado.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 26, 2022

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE

OPEN SPACE AND TRAILS MASTER PLAN



**REDLINE DRAFT
JULY 2022**



ACKNOWLEDGEMENTS

TOWN COUNCIL

Scott Turnipseed – Mayor
Mikel “Pappy” Kerst – Mayor Pro Tem
Ellen Bodenheimier – Council Member and OSRAC Committee Coordinator
Janet Bartnik – Council Member
Geoffrey Grimmer – Council Member
Sarah Parrish – Council Member
Nick Sunday – Council Member

OPEN SPACE AND RECREATION ADVISORY COMMITTEE

Ernest Saeger – Committee Chair
Jessica Foulis – Vice Chair
Erinn Hoban – Committee Member and Secretary
Craig Wescoatt – Committee Member
John Bailey – Committee Member
Lizzy Owens – Committee Member
Phillip Kirkman – Committee Member
Chris Kehoe – Alternate Committee Member

TOWN STAFF

Jim White – Interim Town Manager
Tom Gosiorowski – Public Works Director
Brian Lieberman – Open Space and Trails Manager
Halsey Lucas – Open Space and Trails Technician

FORMER TOWN STAFF

Brandy Reitter

PLANNING TEAM

SE Group



Town of Eagle
Open Space & Trails
Master Plan

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ACRONYMS

Commented [EW1]: ** Provide additional clarity

<u>ACEC</u>	<u>Area of Critical Environmental Concern</u>
<u>ADA</u>	<u>Annexation and Development Agreement</u>
<u>BCVROS</u>	<u>Brush Creek Valley Ranch Open Space</u>
<u>BLM</u>	<u>Bureau of Land Management</u>
<u>CPW</u>	<u>Colorado Parks and Wildlife</u>
<u>ECOS</u>	<u>Eagle County Open Space</u>
<u>EVLТ</u>	<u>Eagle Valley Land Trust</u>
<u>GOCO</u>	<u>Great Outdoors Colorado</u>
<u>HTC</u>	<u>Hardscrabble Trails Coalition</u>
<u>IMBA</u>	<u>International Mountain Bike Association</u>
<u>NFS</u>	<u>National Forest System</u>
<u>OSRAC</u>	<u>Open Space and Recreation Advisory Committee</u>
<u>PUD</u>	<u>Planned Unit Development</u>
<u>RMP</u>	<u>Resource Management Plan</u>
<u>RMZ</u>	<u>Recreation Management Zone</u>
<u>SRMA</u>	<u>Special Recreation Management Area</u>
<u>USFS</u>	<u>U.S. Forest Service</u>
<u>VVMTA</u>	<u>Vail Valley Mountain Trails Alliance</u>
<u>WRNF</u>	<u>White River National Forest</u>

CHAPTER 1: INTRODUCTION

The Eagle community is passionate about its open space and trails. Residents place immense value on their proximity to hundreds of miles of trails and the accessible open space that supports important wildlife habitat. This Plan identifies a vision and goals to preserve and enhance those valued qualities and guide the Town's Open Space and Trails department for the next decade. Through robust analysis and engagement process, this Plan offers guidance on community interests and gaps, opportunities, and threats associated with the existing system. Detailed recommendations and implementation priorities outline next steps for the department and its partners.

Plan Overview

PLANNING AREA

The Town of Eagle manages approximately 1,400 acres of open space and 37 miles of trail within the Town boundary, with an additional ~150 miles beyond it that connect to Town trails and act as an area-wide trail system. The land in and around Eagle is also home to diverse wildlife populations and important natural resources.

The extent of this Plan's analysis matches that of the 2014 [International Mountain Bike Association \(IMBA\)](#) Eagle Area Trails Plan, extending from the Town of Eagle west towards Gypsum, east towards Bellyache Road, south towards the White River National Forest ([WRNF](#)), and north to the Town's northern boundary. Unlike the 2014 Trails Plan, which solely focused on trails, this Plan encompasses Town Open Spaces, natural resources, and conservation as well. The planning area encompasses all trails within the Town of Eagle, the Town's open spaces, as well as trails in surrounding open spaces and federal lands. These include lands administered by the Colorado River Valley Field Office of the Bureau of Land Management (BLM) and the Eagle-Holy Cross Ranger District of the White River National Forest ([WRNF](#)), land owned by Eagle County Open Space ([ECOS](#)), and land protected by conservation easements held by the Eagle Valley Land Trust ([EVL](#)[T](#)). However, the primary focus of the natural resource management element of the plan is Town-owned Open Space. See **Figure 1** for a map of the planning area and **Figure 2** for a map of Town Open Space.

OPEN SPACE AND TRAILS DEPARTMENT AND OSRAC

Open Space and Trails-related efforts in the Town of Eagle are led by the Town's Open Space and Trails Department and the Open Space and Recreation Advisory Committee (OSRAC). The purpose of the Town department is to "preserve and protect natural open



Town of Eagle
Open Space & Trails
Master Plan

space areas and wildlife habitat while also providing outdoor recreation opportunities for Eagle's citizens and visitors."

The purpose of OSRAC is to provide additional expertise to the Town Council and the Town Manager to enhance and facilitate open space and recreation in the Town. OSRAC was founded in 2020 due to overwhelming interest in enhancing natural resource management. OSRAC acts as a catalyst between the Town, residents, relevant stakeholders, and the broader community to expand and improve the Town's internal and adjacent open space and recreation opportunities. This is done within the context of the Town's commitment to conservation, social, and environmental objectives.

The mission of OSRAC is as follows: "Ensure continuing investment, conservation, and sound management practices of open space, trails and natural resources within the Town of Eagle and adjacent public and private lands with the goal of maintaining our community's quality of life for present and future generations." This seven-person advisory committee was instrumental in the development and refinement of this plan.

PARTNERSHIPS

The Town has valuable partnerships with entities such as federal land managers, trail and recreation advocacy groups, state and local agencies, conservation groups, Homeowner's Associations, and others for trail maintenance and construction, open space management, and acquisitions. These partnerships have been instrumental in providing recreational opportunities and maintenance. This Plan makes recommendations on how to formalize and leverage these partnerships to complete new trails, maintain existing onesrecreational infrastructure, and manage open spaces and natural resources.

RELATIONSHIP TO OTHER PLANS

This planning process considers the ideas, recommendations, and documented conditions of several recent planning efforts.

The 1996 Eagle Area Community Plan and 1997 Eagle Area Open Lands Conservation Plan established important principles around open space and conservation that continue to guide this plan. The Open Lands plan first identified the management objectives for open space and outlined the vision of management by the Town. While some management strategies have evolved to address increased use, new recreational equipment developments, and changes in desired management by Town residents, many major objectives identified in that plan still hold true today.

The 2014 Eagle Area Trails Plan, completed by Hardscrabble Trails Coalition (HTC), sponsored by the Town, documented a vision for recreation,- new and trails and maintenance recommendations. This plan includes key recommendations that have yet to be implemented in light of current resource conditions and trail system gaps. This was the Town's first attempt to develop a comprehensive plan to guide recreation and trail

Commented [EW2]: Information updated for accuracy

development in the Eagle area. Some of these recommendations were considered during the development of this plan. However, several recommendations were removed or changed based on new information, community feedback, and updated goals in more recent planning documents, including the BLM's 2015 BLM Resource Management Plan (RMP).

The 2015 BLM Resource Management Plan RMP for the Colorado River Valley Field Office documents resource conditions and management practices for BLM land within the Colorado River Valley, which includes land in the Eagle planning area. The plan identifies recreation management zones around Eagle and establishes desired trail mileage and type in each management zone. New trails were planned following the directives of the BLM resource management plan.

The Town recently completed a new comprehensive plan, Elevate Eagle. The Elevate Eagle plan includes goals such as: enhancing downtown, diversifying the Town's economic opportunities, improving connectivity among neighborhoods, promoting Eagle's unique recreational offerings, balancing wildlife and recreation, and improving traffic, walkability, public transit, and other transportation options. Along with sentiments expressed in recent community surveys, this Elevate Eagle plan encourages a balanced approach to open space management that encourages responsible recreation management with regard to wildlife habitat and natural resource protection. The plan calls for the development of an Open Space and Trails Plan and the development of programs or funding around protecting wildlife habitat, maintenance and improvements to the trail system, wildlife education, and natural hazards mitigation. This Open Space and Trails Plan develops more detailed actions around these goals.

In the 2021 Community Survey, Eagle residents listed quality of life and recreational opportunities as the top two reasons they choose to live in Eagle. For quality of life, key contributing factors listed include open space & trails and the recreation-oriented lifestyle. Stream and river quality, open spaces areas, scenic/visual quality, recreational access, and wildlife conservation were among the top issues listed that need to be responsibly addressed by the Town.

Additional documents reviewed include planning and assessments for specific town open spaces (Error! Hyperlink reference not valid., Error! Hyperlink reference not valid., Brush Creek Ecological Assessment, Eagle Ranch Wildlife Mitigation Plan, Error! Hyperlink reference not valid., Haymeadow Open Space Management Plan).

The 2015 Colorado Parks and Wildlife State Wildlife Action Plan was consulted around important habitats and management actions to preserve them. In addition, the Eagle County Safe Passages for Wildlife report offers information on connecting wildlife habitat and mitigation projects throughout the County.

Commented [EW3]: OSRAC recommendation

Additional documents and plans reviewed include the Eagle River Corridor Master Plan, Brush Creek Watershed Management Plan, Brush Creek Ecological Assessment, Eagle Ranch Wildlife Mitigation Plan, Haymaker Trailhead Master Plan and Haymeadow Open Space Management Plan. The Open Space and Trails Master plan provides additional detail to these existing planning documents and/or works in tandem with the existing goals and objectives.

Commented [EW4]: Information moved.

PLAN ORGANIZATION

This first chapter introduces the Plan and establishes the vision and goals for the open space and trails system.

The second chapter of this Plan is an overview of existing conditions. This chapter includes an analysis of the existing trails system, an analysis of conservation priorities, natural resources and open space, and a discussion of the existing land management structure and directive.

The third chapter dives into the recommendations of the Plan. This chapter is the heart of the Plan, with recommendations that speak to the opportunities and gaps identified through the existing conditions analysis and discussions with the Town of Eagle community. If implemented, these recommendations will help Eagle achieve its vision and goals.

The final chapter of the Plan, Implementation, describes the priorities for all the recommendations listed throughout the Plan, outlines steps for implementation and action, and offers suggestions for funding and other opportunities to bring the Plan recommendations to life.

How to Use this Plan

The Open Space and Trails Master Plan aims to provide guidance on how to improve and enhance the trail system as well as stewardship strategies for open space management. These outcomes will only be achieved through coordination and collaboration with regional partners and the community.

This Plan provides the Town with key funding priorities, identified gaps and opportunities, strategic direction, capital projects, and partnerships to support implementation for the next 10 years. This Plan represents the community's direction to the Town around open space and trails.

Prior to the implementation of any recommendation, additional environmental review and public scoping would occur for projects on both federal land and Town Open Space. Thus,

these recommendations represent a vision for the future, rather than an approved list of projects.

Over the next decade, as habitat/natural conditions change or new data becomes available, it may be necessary to update this plan in response. In conversations with the community, land managers, and resource specialists, it became apparent that being adaptable is a necessity. While the vision below describes the overall intention, this plan can be adaptable and flexible in accordance with new information or updated data, maps, and science.

Commented [EW5]: OSRAC recommendation

Vision, Objectives, and Goals

VISION

The Town of Eagle's vibrant community values their quality of life defined by an abundance of open space, a respect for local wildlife, and an accessible trail system that has options for all users. Eagle's open space and trails system is known for its steep hillsides covered in juniper, sagebrush, ~~and gypsum dirt, all centered around a~~ and scenic river valley. The system is a hidden gem for outdoor recreation, where intentional planning balances recreation opportunities with conservation and habitat preservation. The Town's Open Space and Trails Department proactively collaborates with partners and community members to support trail maintenance, natural resource and habitat management, and unique recreational experiences.

Commented [EW6]: Wording adjustments

MANAGEMENT OBJECTIVES

The Town's 1997 Open Lands Conservation Plan laid out the following objectives around the management of open space. These objectives were reviewed as part of this plan process and reaffirmed.

- a. Conserve Natural Characteristics
- b. Protect Critical Wildlife Habitat
- c. Provide Appropriate Recreational Opportunities
- d. Maintain Scenic Qualities

GOALS

This plan has 6 primary goals with 14 additional sub-goals. These goals are listed in order of priority.

1. Inventory conditions and improve understanding of open space.
 - a. The Town is actively increasing its capacity and understanding in managing natural resource conditions and habitat.
 - b. The Town monitors and manages natural resource conditions in its open spaces in accordance with best practices and management plans.

2. Based on the outcome of conditions inventory, appropriately invest in open space, natural resources, and wildlife habitat protection.
 - a. The Town works with partners to identify and pursue appropriate habitat restoration and open space management projects on Town Open Space and surrounding federal lands.
 - b. The Town invests in wetland and riparian health, particularly around Brush Creek, and works to restore impaired wetlands for wildlife habitat and riparian health.
3. Maintain existing trails and recreation assets in open space and surrounding federal lands.
 - a. The Town has capacity to maintain trails to a high standard within its boundary and support the BLM and other partner organizations in managing and maintaining trails beyond its boundary.
 - b. Accurate and informative signage and trailhead kiosks help users navigate the system and understand resource sensitivity and proper etiquette.
4. Strategically evaluate support for new recreational opportunities with consideration to wildlife habitat, natural resource impacts, system connectivity, user experiences, and accessibility.
 - a. Together with partners, the Town strikes a community and scientifically-supported balance of wildlife and resource protection with appropriate recreational opportunities.
 - b. The Town encourages and promotes recreational use in appropriate areas based on resource/habitat sensitivity, parking and access, desired experiences, and neighborhood impacts.
 - c. Key trail connections support access to the many different parts of the system and create a cohesive trail network.
 - d. The Town strategically evaluates its support for new trails based on connectivity, wildlife habitat, user experiences, accessibility, and soil conditions.
5. Provide equitable access to the open space and trails for all users across a variety of activities and effectively communicate with residents and visitors to support accessibility, good etiquette, and an understanding of wildlife habitat and natural resource impacts.
 - a. The Town effectively communicates with the community to share important information about wildlife habitat and resource sensitivity, seasonal closures, etiquette, and system updates.
 - b. The trail system offers a variety of experiences to meet the needs of all user groups and types: welcoming beginner experiences on flatter terrain and long or difficult backcountry routes - for mountain biking, motorized, equestrian, and hiking uses.

- c. The Town works closely with its partners to creatively engage the community, support accessible recreation, and better educate open space and trail users.
 - d. The Town provides information and opportunities for open space and trail system users to understand and appreciate the diverse habitats and natural resources in and around the Town.
6. Residents and visitors to the area contribute to a consistent source of funding for the Open Space and Trails Department.

Plan Process

The planning process combined a thorough analysis of the existing system with a robust public engagement process to identify issues and opportunities for the Plan. The Eagle Open Space and Trails Master Plan process began with the planning team gathering information on the Town of Eagle's assets and perspectives on open space and trails. The team reviewed past plans and other relevant documents, developed maps of existing conditions, and hosted an initial roundtable meeting with stakeholders.

Following initial information gathering efforts, the planning team analyzed the existing open space and trails system to clearly understand the dynamics of the existing system. These analyses are summarized in Chapter 2 and available in full in **Appendix B**. At this stage, the planning team also engaged the community to understand their perceptions on the strengths and gaps in the existing system.

Utilizing the analyses and public engagement, the planning team identified key opportunities for the Open Space and Trails Department. The trails opportunity map highlights potential changes or enhancements to the trail system. Chapter 2 also exhibits opportunities for the Town to inventory and improve management of natural resources and wildlife habitat.

PUBLIC ENGAGEMENT

The planning process repeatedly invited and encouraged Eagle residents to share their ideas for the Plan. The process engaged stakeholders such as local land managers, the land trust, members of trail organizations for motorized, non-motorized, and equine user groups, members of ~~the Town's Open Space and Recreation Advisory Committee~~ (OSRAC)OSRAC, and the Fire District. In addition to stakeholder meetings, two community outreach events and one online survey were conducted to gather input from the larger community.

Roundtable

On August 2, 2021, a roundtable meeting was held to engage stakeholders, discuss desired outcomes for the Plan, and perform a SWOT (Strengths, Weaknesses, Opportunities, and

Threats) analysis of the open space and trails system. Notes from this meeting are included in **Appendix A**.

Visioning Open House and Survey

On October 19, 2021, a Plan Visioning Open House was held at the Brush Creek Pavilion. The event was an opportunity for the community to share their thoughts, ideas, and concerns towards establishing the vision and foundation of the Open Space and Trails Master Plan. The Open House had interactive boards where attendees could respond to questions about their use of trails and open space, values, issues and gaps, and vision for the future.

Following the open house, an online survey was available for those unable to attend the event. Replicating the open house experience, the open house materials were available online for context and a survey asked the same questions as the boards.

Approximately 60 guests attended the in-person open house event and the survey received 234 additional responses. Survey and open house results indicate that residents value accessibility to trails and open space areas, open space/habitat preservation, continued maintenance of trails and trailheads, trail connectivity, good user etiquette, and having a variety of trail types. Full results from the survey and event are provided in **Appendix A**.

Focus Groups

On December 9, 2021, stakeholders were gathered for two focus group discussions, one on the trails system and one on open space and natural resources. Each focus group discussed existing conditions, management efforts, issues and gaps, future challenges, and goals for open space or trails. The trails focus group primarily discussed access and connectivity of trails within the system as well as opportunity areas for new trails. The open space focus group primarily discussed natural resource management, balancing wildlife and recreation, and funding for open space areas in and around Eagle. Notes from the focus groups are provided in **Appendix A**.

The planning team also engaged Eagle Valley Outdoor Movement and Cycle Effect to discuss system accessibility during a focus group.

Plan Review

The draft plan was presented to and reviewed by OSRAC and the public. OSRAC met on March 3, ~~2022~~2022, to review the plan. On March 15, 2022, an open house was held to present the draft Plan for community feedback. A public comment period was open from March 16, ~~2022~~2022, to April 8, 2022. This feedback was incorporated into the plan prior to a meeting with OSRAC on May 3, ~~2022~~2022, to review changes. A Town Council work session was held on May 31, 2022. Subsequent to the Council work session, redline edits discussed at the work session were provided to OSRAC for review at the July 12, 2022.

Commented [EW7]: Updated to reflect project process

~~meeting.~~ ~~Both~~ All the OSRAC meeting and the Council work session were open to the public to provide additional comment.

All public engagement opportunities were advertised on the Town website, social media, at Town Hall, on user group platforms, in Eagle Today and Vail Daily, and on flyers placed around Eagle. Some meetings were advertised on the Town's electronic sign on Broadway Street as well and through HOA listservs.

A summary of the comments received and the corresponding edits is included as **Appendix C.**

DRAFT

CHAPTER 2: EXISTING CONDITIONS

The Town of Eagle's natural open space areas protect important winter range habitats for ungulates, native vegetation, and amazing vistas of peaks and forests in the Brush Creek Valley.

Recreationally, within the Town of Eagle municipal boundary, there are paved and natural surface trails, trailheads, natural open space areas, and parks. There are also opportunities for other types of recreation at the river park, Children's fishing pond, BMX/pump track, the pool and ice rink, and the nearby disc golf course on land managed by Eagle County. A map of the existing recreation offerings within the Town boundary is included as **Figure 3**.

Beyond the Town boundary, the open space and trails system expands west, south, and east onto lands managed by the Town, BLM, the [White River National Forest \(WRNF\)](#), [Eagle County Open Space \(ECOS\)](#), and land protected by conservation easements held by the [Eagle Valley Land Trust \(EVL\)](#). **Figure 4** depicts the trails, trailheads, open space, and dispersed camping surrounding the Town [on federal lands](#).

Town Open Space and Natural Resources Management

LAND CONSERVATION

The Town has historically focused available resources for conserving land on properties with high wildlife and recreation values in the Brush Creek Valley. This includes supporting the establishment of Sylvan Lake State Park and protecting properties once proposed to be part of the Adam's Rib/Hardscrabble Ranch (now the Brush Creek Valley Ranch and Open Space). In addition, the Town has worked with Eagle Valley Land Trust, Eagle County Open Space, and other community partners to purchase properties for conservation. These include the Spud Cellar and Abrams Creek Open Space properties.

EXISTING OPEN SPACE

The Town of Eagle owns 61 parcels of open space, totaling 1,371 acres, within and adjacent to the Town. These parcels have been categorized into 13 open space areas, listed in the table below and shown in **Figure 2**, numbered accordingly. There are a few small parcels that create connections between neighborhoods and paths that are shown on the map as well.

TABLE 1. TOWN OPEN SPACE

ID	Name	Acreage
1	Abrams Creek OS	174.2
2	Eagle Ranch OS	862.0
3	Haymeadow OS	58.8
4	Haymeadow School/Recreation Land Dedication	15.1
5	Haymaker Trailhead OS Involvement	6.8
6	Spud Cellar OS	34.9
7	Johnson's Corner OS	0.8
8	Bluffs Neighborhood OS	7.1
9	Eagle River OS	13.2
10	Eby Creek OS	3.5
11	Brush Creek OS	145.0
12	Brush Creek OS Extension	46.6
	Neighborhood Connections	2.57

This section describes each of the Town's open spaces, recreational opportunities, mapped habitat within them, and other natural resource information. The full review and data sources are available as **Appendix B**.

In 2020, the Town annexed Red Mountain Ranch along the Eagle River into the Town. There is a **Planned Unit Development (PUD)** with a maximum of 153 dwelling units approved for this property. The property will also include open space, some of which will be deeded to the Town. The acreage and the location deeded to the Town is unknown at the time of this plan but would **represent** an addition to the Town's open space system.

Abrams Creek OS

Abrams Creek **Open Space (OS)** is a 174.2-acre parcel located next to the Town boundary and adjacent to Eagle Ranch OS and BLM land. With the help of community partners, the Town of Eagle acquired this parcel in 2016 and Eagle Valley Land Trust has a conservation easement on the parcel. Existing trails through this parcel are LOV Connection and Abrams Creek trails, and the trails are closed December 15 – April 15 as a seasonal wildlife closure. The open space is typically accessed via the Silver Spur/Abrams trailhead or from the LOV connection trail originating at the Arroyo trailhead. Narrowly endemic Harrington's penstemon can be found within this parcel according to the Eagle Valley Land Trust. The parcel is also within mapped Elk Severe Winter Range, Elk Winter Concentration Area, Mule Deer Migration Corridor, Mule Deer Severe Winter Range, Mule Deer Winter Concentration Area, Mule Deer Summer Range, and Elk Summer Range.

The Town has conducted resource management activities such as restoring a pipeline scar and noxious weed control, along with a fence removal project. In 2021, the Town partnered with the Rocky Mountain Youth Corps to remove over 7,000 feet of unmaintained barbed wire fence on the property. Removal of the fence will benefit movement of wildlife in the important winter range.

Commented [EW8]: Council recommendation

In addition, the Town has planned efforts around hazardous fuels reduction and vegetation management. The Colorado State Forest Service has mapped the area as moderate and high wildfire risk.

The Abrams Creek Watershed is home to a rare population of native Colorado River cutthroat trout that is thought to be one of the last remaining aboriginal trout populations in the greater Eagle River watershed. The Town supports efforts by various partners to protect habitat for this population of fish while ensuring local water rights are also delivered.

Eagle Ranch OS

Open space in the Eagle Ranch PUD totals 862.9 acres and encompasses 36 different parcels. The parcels were deeded to the Town through the Eagle Ranch PUD. There is relative diversity in these parcels, with some small, neighborhood parcels and higher elevation parcels with juniper/pinions and sage. Eagle Ranch OS abuts BLM land, County Open Space, Eagle Ranch residential areas, and Abrams and Brush Creek Open Spaces. Existing trails in the open space include LOV Connection, Hernage Creek, Turniphead, Bailey, Third Gulch, Mayer Gulch, Riddle, Wall, School House Rock, Abrams Gulch, and the Highlands Paved Loop and Eagle Ranch paved paths. Trailheads and access points include Horton Street/School House Rock, Silver Spur/Abrams, Hernage Creek, and Arroyo that act as the primary access to West Eagle/Hardscrabble BLM lands from the Town of Eagle.

These parcels have been managed in accordance with the Eagle Ranch Wildlife Mitigation and Enhancement Plan. This plan was developed to “avoid, minimize, and mitigate wildlife impacts resulting from the Eagle Ranch PUD.” Development was avoided on elk and deer winter range to the maximum extent feasible, with those areas deeded to the Town as Open Space. The seasonal wildlife closure, where applicable, is December 15 – April 15. For some trails and open space on the west side of the PUD, the seasonal wildlife closure is included as a condition of the Eagle Ranch Annexation and Development Agreement (ADA). Other elements of the mitigation plan discuss fencing, building envelopes, landscaping, and potential actions on developed lots.

Much of the open space is within mapped Elk Severe Winter Range, Elk Winter Concentration Area, Mule Deer Migration Corridor, Mule Deer Severe Winter Range, Mule Deer Winter Concentration Area, Mule Deer Summer Range, and Elk Summer Range. The area is also mapped black bear habitat. Mapped noxious weeds in the open space are

limited to along Hernage Creek Road. The Colorado State Forest Service has mapped the open space as mix of moderate, high, and highest wildfire risk.

Haymeadow OS

The Haymeadow **Open Space OS** is currently comprised of three parcels totaling 59.2 acres, to the north and south of the of the future Haymeadow development. These parcels are managed in accordance with the Haymeadow Open Space Management Plan. The parcels, with changed agricultural practices, have converted from grassy hayfields to weed-dominated habitats with low vegetation cover. The northern parcel includes most of the first loop of the Haymaker Trail and a portion of the Haymeadow Paved Trail. It is bordered by BLM land to the north. The Haymeadow Wetlands paved path is located within the southern parcel. Primary access to these open space parcels is from the Haymaker Trailhead. These parcels will also include trail connections from new homes built in the Haymeadow development and existing homes in the area.

There is currently no seasonal wildlife closure on these parcels. The southern parcel is within emergent wetlands and contains a few mapped noxious weeds. An integrated weed management plan describes a range of biological, mechanical, cultural, and chemical methods to control the existing stand of noxious weeds. Additional noxious weeds found on the property are listed in the management plan. The northern parcel is located within Mule Deer Winter Concentration Area, Mule Deer Severe Winter Range, Mule Deer Migration Patterns, Elk Winter Concentration Area, Elk Severe Winter Range, Mule Deer Summer Range, and Elk Summer Range. The southern parcel is only Mule Deer Summer Range and Elk Summer Range. The parcels are at lowest risk of wildfire according to the Colorado State Forest Service. As the Haymeadow PUD is developed, additional open space parcels are proposed to be deeded to the Town.

Haymeadow School/Recreation Land Dedication

A 32.82-acre parcel, Tract E, was deeded to the Town during the first filing of the Haymeadow PUD. The parcel was deeded to the Town as a School and Recreation site. Upon request of the Eagle County School District, a portion of the parcel would be conveyed to the school district, when they see a need for a new school. The school is proposed to be located on the southern portion of the property. The amount of land needed for the school will be determined by the school district at a future point. Until and if there is a need for the school, the developer will be responsible for irrigation of the property. This parcel has been identified as low quality, weed-dominated habitat, and an Ecological Restoration Plan was developed for this parcel in 2018. This plan outlines restoration and weed management practices to be undertaken on the parcel.

With the approval of a major PUD amendment on December 8, 2021, 6.5 acres will be removed from Tract E on the northeastern side and instead will be used for housing. Haymeadow will dedicate 8 acres for a future park/recreation site at a later point in the

development. In partnership with Mountain Recreation, the Town intends to develop a new site plan for the Haymaker Trailhead and recreation site. Land in the northwestern portion of Tract E is proposed to be included in the site plan. Likely elements of this site plan include an expansion of the trailhead, overflow parking, and a bike park.

Tract E abuts land managed by the BLM and ~~OS-C~~Town Open Space on the northern side. The Haymaker and Pool & Ice Rink trails cut through the northern portion of the parcel as well, along with the Haymeadow paved path. Most of the parcel is within mapped Elk Severe Winter Range, Elk Winter Concentration Area, and Mule Deer Migration Corridors and it is entirely Mule Deer Summer Range and Elk Summer Range. It is just beyond Mule Deer Winter Concentration Area and Mule Deer Severe Winter Range. The parcel is at lowest risk of wildfire according to the Colorado State Forest Service.

Haymaker Trailhead OS Involvement

The Open Space and Trails Department helps manage the Haymaker Trailhead with the Mountain Recreation District and Town of Eagle Public Works. This 7-acre area is within a larger 19.2-acre parcel owned by the Town and includes the Haymaker parking lot, BMX track, RC car park, shade structure, pump track, and the access to the Haymaker trail. Eagle's Pool and Ice Rink complex is located on the larger parcel, as are tennis courts and other recreation amenities. This area ~~is proposed to be~~will be included in the Haymaker Site Plan described above. Most of the area is within Elk Severe Winter Range, Elk Winter Concentration Area, Mule Deer Summer Range, and Elk Summer Range. It is just beyond Mule Deer migration corridors, Mule Deer Winter Concentration Area, and Mule Deer Severe Winter Range. The parcel is considered less resilient in Nature Conservancy mapping. The parcel is at lowest risk of wildfire according to the Colorado State Forest Service.

Spud Cellar OS

Spud Cellar OS is a 34.9-acre parcel located to the north of the pool and Brush Creek Meadows neighborhood and bordered by BLM land to the west and private land in Kaibab (unincorporated Eagle County) to the north. The only trail in this parcel is a short portion of Pool and Ice Rink at the edge of the parcel. The parcel is Elk Severe Winter Range, Mule Deer Summer Range, and Elk Summer Range, and mapped Mule Deer Winter Concentration Area is just beyond the boundary. The parcel is at lowest risk of wildfire according to the Colorado State Forest Service.

Named the Spud Cellar property due to the structure that was once located in this area, this parcel was part of the expanse of working ranches that stretched from the Town south through the Brush Creek Valley. The Town purchased the property in 2006 and placed a conservation easement held by the Eagle Valley Land Trust. The easement has a significant emphasis on protection of wildlife habitat and therefore, recreational use is limited to established trails only. The conservation easement ~~allows for~~contemplates an additional

trail on the property to connect the paved path behind the Orchards neighborhood to a paved path northwest of the Terrace neighborhood.

Johnson's Corner OS

Johnson's Corner OS is a small, triangular 0.8-acre parcel off Brush Creek Road. This parcel was deeded to the Town as open space with the development of Brush Creek Village Townhomes. Prior to the development of neighborhoods in this area, Brush Creek Road used to be aligned to the south and west of this parcel. Today, recreation~~alists~~ can enjoy a soft surface trail that runs the length of the old roadbed. It is within Elk Winter Concentration Area, Mule Deer Summer Range, and Elk Summer Range. There are mapped noxious weeds on the edges of the parcel, and the parcel is mostly grass and small shrubs. The parcel is at moderate risk of wildfire according to the Colorado State Forest Service.

Bluffs Neighborhood OS

The Bluffs Neighborhood OS includes two narrow parcels, a combined 7.1-acres, between Bluff neighborhood homes along Bluffs Drive and Highway 6. There are no system trails in this area, but there are several ~~user-created/unsanctioned/game~~ trails. It is Elk Summer Range and Mule Deer Winter Concentration Area is just beyond the parcel. The parcel is at lowest risk of wildfire according to the Colorado State Forest Service. The parcels help preserve a view corridor along Highway 6 and from the Bluffs neighborhood as well.

Commented [EW9]: Council recommendation (no use of the word social)

Eagle River OS

There are three Eagle River OS parcels with a total area of 13.2 acres along the banks of the Eagle River between Eby Creek Road and the junction of Highway 6 and Nogal Road. Some of the river itself is included as well. The 2015 Eagle River Corridor Plan has zoned open space areas along the river as Preservation Areas, Natural Experience Areas, and Active Recreation Areas. The lands included within this Town Open Space on the north side of the river have been designated as a Natural Experience area, where visitors are encouraged to experience the area via soft-surface trails, offering protection of natural resources while allowing limited human visitation. This land has been more disturbed, and the area is well suited for limited improvements (benches, shade trees, educational kiosks). Several user-created trails exist from the bike path down to the water for fishing and recreation access. The Eagle River Corridor Plan recommends consolidating these trails into fewer designated trails that ~~located and designed~~~~could be aligned~~ to limit impacts to riparian vegetation and wildlife habitat.

Commented [EW10]: Wording adjustment

On the south side of the river, it is designated as a preservation area, to be protected in its natural condition without development of any kind and without the intrusion of trails. This area has mature cottonwood trees and dense thickets of willows.

There are no system trails in this open space and most of it is mapped river or riparian wetland. Most of the unsanctioned trails are steep and unsustainable. It is Elk Summer Range and Mule Deer Summer Range.

Eby Creek OS

The Eby Creek Open Space is 3.5 acres across four parcels on the north side of the interstate, close to the on-ramp for I-70 west and heading up Eby Creek Road. There are no trails in this open space, and it is largely wetlands. It is Elk Summer Range, Mule Deer Summer Range, Mule Deer Migration Corridors, and Mule Deer Severe Winter Range. The parcels are at lowest risk of wildfire according to the Colorado State Forest Service.

Brush Creek OS

Brush Creek Open Space is 145 acres, across four parcels. The Open Space extends west from Hockett Ditch to Sylvan Lakes Road at the junction with Brush Creek Road. The open space also borders portions of the Eagle Ranch neighborhood. The Brush Creek Pavilion and playground are located within this open space, as are the children's fishing pond, community garden, soccer field, and Brush Creek paved path. Much of the Open Space is mapped wetlands, a mix of forested, emergent, and riparian wetlands, with some ponds as well.

Most of the ponds in the open space are a component of the Eagle Ranch Drainage and Stormwater Management System. The intent of the system is to process stormwater sediment before the water makes its way into the wetland and riparian areas. In addition, the system diffuses water throughout the wetlands, benefiting wetland and riparian habitats.

Commented [EW11]: Additional information provided.

Portions of the open space are Elk Winter Concentration Area, Elk Severe Winter Range, Bald Eagle Roost Sites, and Mule Deer Winter Range. The entire open space is Elk Summer Range and Mule Deer Summer Range. There are many mapped noxious weeds within the open space, particularly on the northern portion. The open space is a mix of moderate and high risk of wildfire according to the Colorado State Forest Service.

The Brush Creek Watershed Improvement Project was completed circa 2011, intended to improve stream health from the lower Sylvan Lake Road bridge near Highway 6 to the upper end of the Eagle Ranch dDevelopment boundary (3.5 miles of waterway). The project was jointly coordinated by the Eagle Ranch Wildlife Committee, the Town of Eagle, and Colorado Parks and Wildlife (CPW) under a permit from the Army Corps of Engineers. The project identified well-established practices that improve stream health and fish habitat for spawning, feeding, resting, and wintering. Plan recommendations have resulted in plantings of cottonwoods, willows, and other shrub species. Disturbed sites were also replanted with a native grass/forb seed mix. These projects have been completed both on Town open space and adjacent private properties along the creek.

In 2019, the Town partnered with Eagle County to remove Russian olive, a state listed class b noxious weed, throughout the open space.

Commented [EW12]: Additional information provided

In 2021, an ecological assessment was conducted for 28 acres in Brush Creek OS west of Capitol Street. The assessment recommended adjusting noxious weed treatments according to the growing season and specific species. It also recommended the inclusion of mechanical treatments (currently just chemical). Other recommendations include a monitoring program, a map of restoration opportunity areas, and formalized paths/boardwalks for riparian areas.

Brush Creek OS Extension

Brush Creek OS Extension refers to the 46.6 acres along Brush Creek east of Sylvan Lake Road, extending southeast approximately 1.3 miles. The open space is within the Eagle Ranch PUD. This open space is significantly narrower around Brush Creek than Brush Creek OS. The ~~Open Space~~ open space is bordered by Eagle Ranch to the south and residential lots in unincorporated Eagle County to the north. The Crusher Fine Trail runs the length of the open space. Only a small portion of the parcel is mapped wetlands, with the creek itself and small pockets of riparian wetland and ponds. The open space is within Elk Winter Concentration Area, Mule Deer Migration Corridors, and Bald Eagle Roost Sites. There are some mapped noxious weeds on the eastern edge of the open space. The open space is a mix of moderate and high risk of wildfire according to the Colorado State Forest Service.

Commented [EW13]: Capitalization consistency

NATURAL RESOURCE MANAGEMENT

The Town actively manages the natural resources within its open spaces. This section describes the Town's current efforts and their efficacy. While each resource is described separately in this section, it is important to recognize that all natural resources affect each other and addressing one category may positively impact others.

At present, the Town does not have a thorough understanding of natural resource conditions in its open spaces. Therefore, one of the main goals/recommendations of the plan is to conduct studies to establish what the conditions are. Then, the Town can act on these results.

Noxious Weed Management

According to state law, the Town of Eagle is responsible for identifying and eradicating (or where not possible, containing) state listed noxious weeds on Town-owned properties and rights-of-ways, including open space. Unfortunately, detailed knowledge of the location of noxious weeds and general condition of these weeds has not been documented by the Town. The Town contracts a certified and licensed herbicide applicator to treat noxious weeds on Town owned open space. At times, the Town will organize volunteer days to help with mechanical treatments of noxious weeds. Weed Warriors of Eagle River Valley also

works to address weeds management and education for residents in the area. In the past, the Town has partnered with Eagle County to address noxious weeds along Brush Creek.

Managing noxious weeds in the Eagle area has been an ongoing challenge. Some local noxious weeds of concern include Canada thistle, musk thistle, white top, and Russian olive. Noxious weeds are particularly stubborn in the Haymeadow area, in conjunction with the development of new roads and subdivisions. Former land use (including cattle grazing and agriculture), development, and recreation within the Eagle area are driving factors for the spread of noxious weeds on Town-owned land.

Pest Control Management

Recent land use changes, development, and eradication of natural predators has led to a substantial increase in the ground squirrel population. At their current numbers, ground squirrels can spread diseases, remove native vegetation, and displace local wildlife. The Town works with a contractor to manage the population of ground squirrels in open space. In addition, the Town monitors for any new expansion of non-native pests.

Riparian, Wetland, and Water Management

The Eagle River and Brush Creek are important riparian environments for [wildlife](#) habitat, ecosystem function, and recreational access. Both of these environments have been subject to recent planning (Eagle River Corridor Plan, Eagle River Watershed Plan, and Brush Creek Watershed Management Plan). These plans provide additional information and recommendations around the management of these environments and may need to be revisited to better understand current conditions and establish criteria for management in line with open space objectives.

Brush Creek is a dynamic natural system strongly influenced by spring runoff. Throughout the Town boundaries, the river and river corridor have been protected with the designation of open space. The Town generally takes a passive approach to riparian management and permits the river to naturally run its course, although corridor enhancement work has previously occurred. The Town recently worked with the Eagle Ranch Wildlife Committee and the Colorado Parks and Wildlife on the Brush Creek Enhancement project, where they installed gravel bars, pools and riffles, and stabilized eroding stream banks in an effort to improve stream health and fish habitat.

Wildlife Habitat Management

The Eagle area is home to a critical winter range for elk and mule deer. **Figure 5** shows elk habitat in the area and **Figure 6** shows mule deer habitat in the area. These habitats, along with those of other species with important habitats in Eagle County are available at this [link](#) prepared by Eagle Community Wildlife Roundtable. Current data on habitat can be obtained directly from the local CPW staff.

In the winter, big game species seek the lower snow levels of this valley. It is critically important that recreationists give these animals ample space and do not stress them during the winter. Through seasonal wildlife closures and coordination with neighboring landowners, the Town provides these animals with open space to overwinter. A map of seasonal wildlife closures is available at this [link](#). ~~The Town supports seasonal closures to protect wildlife for any new recreation development.~~ The Town has observed a decline in non-compliance to wildlife closures likely through efforts by the Town and recreational community in education outreach. However, challenges remain around user behavior and pets on trails that are open in the winter.

Commented [EW14]: Removed as better clarity is provided in recommendations section.

During the summer, the Town takes a passive approach to wildlife habitat management, leaving most of its natural areas open for wildlife to occupy. Management for other natural resources will also improve the quality of the habitat.

Natural Resource Restoration

Town open space properties exhibit varying degrees of impacts from past land use, infrastructure to support development, and recreation. Some of these lasting impacts include land degradation from cattle grazing and agriculture, channelization of waterways to prevent flooding, habitat fragmentation from roads and trails, consequences of unmanaged recreation, interruption to a natural fire regime, and broad consequences of climate change. When funding is available, the Town works with natural resource specialists and community partners to identify critical areas for restoration (i.e., Brush Creek enhancement projects in the early 2000s). Additionally, the Town has worked to restore other more recent manmade impacts such as the scar from the repair of the gas pipeline along the Abrams Creek Open Space.

The Town has a limited understanding of current conditions and potential restoration projects, towards ultimately identifying restoration projects in line with open space management objectives.

Fish Habitat Management

The Town has worked to improve stream health and trout habitat along Brush Creek. In addition, the children's fishing pond was constructed to provide access for youth and other improvements have benefitted anglers as well.

Sustainable Trail Builds and Designs

Trails such as Pool and Ice and Redneck Ridge have been rerouted, with assistance of the Town, to provide a better user experience and decrease damage from erosion. The Town strives to build sustainable trails to protect natural resources near trails.

Fuel Loads Management

Eagle has an excess of fuel loads in the urban-wildland interface. The Town partners with the Greater Eagle Fire District to reduce excess fuel loads, conduct prescribed burns, and cut fuel breaks near homes. Most of these activities are mutually beneficial for improvements to wildlife habitat and management of vegetation.

Surrounding Federal and Publicly Accessible Lands

The landscape surrounding the Town of Eagle is managed by diverse landowners. This can make land management (including wildlife conservation, and the management and maintenance of trails and other recreational opportunities) complex, as the management regulations and goals may differ by landowner.

Land conservation and protection of wildlife habitat beyond the municipal boundary is also a priority for the Town and its residents. This section describes habitat, conservation, and resource efforts on adjacent BLM and County lands. This information is to be considered in the planning of future recreational opportunities and habitat improvement projects beyond the Town. The BLM planning zones described herein are shown in **Figure 7**.

BUREAU OF LAND MANAGEMENT

BLM lands in the Eagle area are managed according to the 2015 BLM Resource Management Plan (RMP) for the Colorado River Valley Field Office. The plan provides directives on resources and resource uses such as recreation. Special Recreation Management Areas (SRMAs) have objectives and standards specific to the nature of recreation and natural resources in the area. The area around Eagle is within the Hardscrabble/East Eagle SRMA. The Hardscrabble/East Eagle SRMA is divided into two Recreation Management Zones (RMZ). RMZ 1 is East Eagle and portions of West Eagle, and the management emphasis is non-motorized recreation such as mountain biking, hiking, and equestrian use. RMZ 2 is West Eagle/Hardscrabble, and the management emphasis is motorized recreation (refer to **Figure 7**). The BLM restricts mechanized and motorized trail use in the SRMA between December 1 to April 15 to protect wintering wildlife species. Other standards for the Hardscrabble/East Eagle SRMA allow timber harvest, fuels/vegetation treatments, and dispersed camping in specified areas and prohibit firearms in developed recreation sites, mineral leasing and disposal, and surface-disturbing activities.

Additionally, the BLM RMP established the Hardscrabble/East Eagle Area of Critical Environmental Concern (ACEC), which is also within this Plan's study area (refer to **Figure 7**). ACECs have special management objectives to protect their resource values. The Hardscrabble/East Eagle ACEC has one of the highest known concentrations of Harrington's penstemon, so it is closed to certain forestry, mineral leasing and disposal, and recreation

practices. New trail and recreation developments are intended to be confined to SRMAs rather than ACECs.

Hardscrabble/East Eagle SRMA Recreation Management Zone 1

This zone is oriented towards non-motorized recreation. The BLM approved 12 additional trail miles to be constructed in this zone in its Resource Management Plan.

Eastern Portion

This portion is 8,110 acres in East Eagle extending from Highway 6 to Brush Creek Valley Ranch Open Space. It has 18 miles of existing trails and recreational roads including Bellyache Road, Boneyard, Redneck Ridge, Pool and Ice Rink, Dirt Surfer, Will's Thrill, Belly Up, Hillbilly, and Road Gulch. Trail density is moderate/high on the northern portion of the zone and very low on the southern portion of the zone, where there are no designated trails.

The zone is within Mule Deer Migration Corridors and is largely Elk Winter Concentration Area, Elk Severe Winter Range, Mule Deer Winter Concentration Area, and Mule Deer Severe Winter Range. It is Mule Deer and Elk Summer Range.

There are no mapped wetlands. Wildfire risk is a mix of low risk at lower elevations and moderate risk at higher elevations. A study of Penstemon in East Eagle recorded species on the southern portion. It is unclear whether this study included the full extent of this portion.

Western Portion

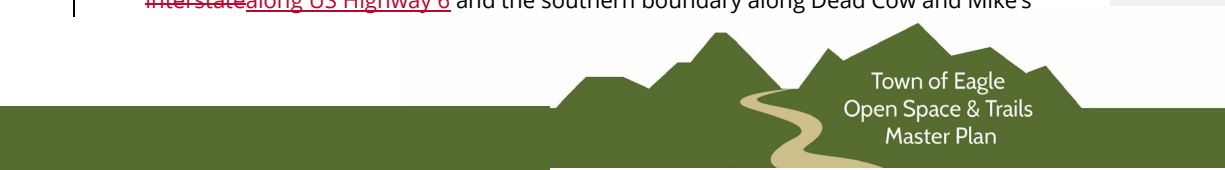
This portion is 9,407 acres in West Eagle from Hockett Gulch and the BLM boundary south, with the southern boundary just north of Firebox Road. It has 21.7 miles of existing trails and recreational roads including Hernage Creek, Abrams Gulch, Abrams Ridge, World's Greatest, School House Rock, Elmers, Scratch, and Itch. Trail density is relatively low within the zone, with higher densities on the edges around Eagle Ranch/Abrams and Reynolds Wrap and Itch.

The portion is within Elk Summer Range and Mule Deer Summer Range and is largely Elk Winter Concentration Area. A small portion of the zone close to Eagle Ranch is Elk Severe Winter Range. Mule Deer Severe Winter Range and Mule Deer Winter Concentration Areas are located on the northern portion of the zone. Mule Deer Migration Corridors are located just beyond the zone.

There are no mapped wetlands. There are no mapped noxious weeds within the zone. Wildfire risk is largely high risk.

Hardscrabble/East Eagle Recreation Management Zone 2

This zone is 19,248 acres in West Eagle west of RMZ 1, with the northern boundary ~~at the interstate~~ along US Highway 6 and the southern boundary along Dead Cow and Mike's



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Night Out. It has 58.9 miles of existing motorized trails and recreational roads including Maze, Pole Road, Elk Drop, Star Wars, Spring Creek Road, and Dead Cow. Trail density is relatively high in the zone with higher densities around Elk Drop and Star Wars, Maze, and around Itch and Cat Walk.

The zone is within Elk Summer Range and Mule Deer Summer Range and is largely Elk Winter Concentration Area. The northern portion of the zone is Mule Deer Severe Winter Range and Mule Deer Severe Winter Range.

There are no mapped wetlands. There are no mapped noxious weeds within the zone. Wildfire risk is largely high ~~risk~~.

The BLM approved 10.5 additional trail miles to be constructed in this zone in its Resource Management Plan, oriented towards Off-Highway Vehicles (OHVs).

Hardscrabble-East Eagle Area of Critical Environmental Concern

The Hardscrabble-East Eagle ACEC was established to protect one of the highest known concentrations of excellent quality occurrences of Harrington's penstemon, a sensitive plant species. Miles of routes will not increase beyond the baseline of the designated routes.

Eastern Portion

This zone is comprised of 1,320 higher elevation acres at higher elevation in East Eagle. Existing trail mileage is relatively limited, with a portion of Boneyard and Redneck Ridge in the zone, along with Bellyache Road along its edge.

Commented [EW15]: Wording improvements

The entirety of the zone is mapped Elk Summer Range, Mule Deer Summer Range, Mule Deer Severe Winter Range, and Mule Deer Winter Concentration Area. No portions of the zone are mapped Migration Corridors or Migration Patterns. The entirety of the zone is mapped Elk Winter Range and Summer Range. The southern edge of the zone is mapped Elk Winter Concentration area. Most of the zone is mapped Elk Severe Winter Range, except for a strip running east-west across the zone.

A study of Penstemon in East Eagle recorded species on the southern portion. It is unclear whether this study included the full extent of the ACEC. The area is at high wildfire risk.

Western Portion

This area is 5,703 acres in West Eagle and existing trails are Bailey, 2nd Gulch, 3rd Gulch, Jeep Road, and Hardscrabble Road.

The entirety of the zone is mapped Elk Summer Range and Mule Deer Summer Range. The northern portion is Elk Severe Winter Range, Mule Deer Severe Winter Range, and Mule Deer Winter Concentration Area, and the western portion is Elk Winter Concentration Area. There are Mule Deer Migration Corridors on the northern portion

The area is at high and moderate wildfire risk, with moderate risk more to the south. There is a small wetland along Hardscrabble Mountain Road.

North Side of the Highway

The area north of the Town of Eagle, on the opposite side of the interstate, is also BLM Land. The Town has not historically provided resources for recreation or habitat management in this area. There are numerous social-unsanctioned trails in this area and some system double tracks.

It is Mule Deer Summer Range and Elk Summer Range. Much of the area is Mule Deer Severe Winter Range and Mule Deer Migration Corridors, and some area is Mule Deer Winter Concentration Area. There are bald eagle roost sites close to the interstate.

There is a small wetland along Rule Road and some noxious weeds by Rule Road as well. Wildfire risk is moderate at lower elevations and high risk at higher elevations.

EAGLE COUNTY

The Brush Creek Valley Ranch and Open Space (BCVROS) properties also have specific directives established by the Eagle County Open Space Department, the property management plan, and the conservation easement. Trails on these properties only allow for non-motorized use, and the Salt Creek portion of the open space is limited to pedestrian and equestrian use only. Other than the Salt Creek area, the BCVROS properties have seasonal wildlife closures to all public access.

Brush Creek Valley Ranch and Open Space

The Brush Creek Valley Ranch and Open Space (BCVROS) is comprised of 1,540 acres of County open space located about 1 mile south adjacent to the east of the the eastern and southern Town boundaries (see **Figure 4**). It includes an approximately 2.5 mile stretch of Brush Creek. The land was purchased by the County in 2017 with the help of partners including the Town of Eagle. The Town of Eagle Open Space and Trails Department is an important partner to the county and assists with management efforts in this area.

The recreation opportunities within BCVROS include walking, biking, and fishing. Fishing is allowed along at public access points along the southern portion of Brush Creek. Approximately 570 acres of the BCVROS land is used for agricultural purposes such as livestock grazing, horse pasturing, or hay production. Existing conditions described in the 2018 Brush Creek Valley Ranch and Open Space Management Plan indicate noxious weed infestations over approximately 200 acres of the property, and most pastureland is in poor to fair condition.

The BCVROS area is home to a diverse array of birds, small and large mammals, reptiles, amphibians, and fish. High management priorities are riparian habitat and the winter habitat within BCVROS for elk and mule deer, as the upper ranges of the property are

Severe Winter Range and Winter Concentration Areas for these species. The area has a mix of seasonal wildlife closures to address habitat needs.

The 2018 [BCVROS](#) Management Plan offers recommendations for future vegetation and wildlife management. Specific to the sensitive resources described above, the plan recommends aggressive weed control and monitoring to control noxious weeds, installing wildlife-friendly fencing to avoid riparian habitat degradation from livestock, implementing riparian habitat improvement projects such as vegetation recovery along the creek, and continuing to enforce wildlife closures to protect mule deer and elk habitat. [The County actively pursues restoration projects to improve noxious weeds and rangeland management on the property.](#)

Commented [EW16]: Discussion with county

WHITE RIVER NATIONAL FOREST

The Bureau of Land Management land near Eagle is bordered by the White River National Forest to the south. Lands on the White River National Forest are managed in accordance with the White River National Forest Land and Resource Management Plan (2002) with recreation managed in accordance with the Forest's travel management plan. These lands are outside the study area of this plan, but this plan and recreation/natural resource management in and around Eagle have impacts on the National Forest. As a result, the U.S. Forest Service has been engaged in this plan process and will be an important partner for the Town going forward.

Trails

The Plan's study area encompasses trails on Town of Eagle, BLM, and [Eagle County Open Space-COS](#) lands. These trails provide opportunities for hiking, biking, equestrian, and motorized use. This section breaks down the existing conditions of the Eagle area trail system and includes information on the balance of the system as a whole, how trails are used, and existing maintenance strategies. This analysis then informs the recommendations outlined in Chapter 3.

TRAIL ANALYSIS

The trail analysis outlined below identifies the strengths and weaknesses of the Eagle area trail system, particularly towards providing desired experiences and opportunities at a variety of ability levels. Criteria used to analyze trails included trail type, difficulty, uses allowed, location, popularity, proximate trailheads, directionality, land managers, seasonal closures, and trail function. The results of the analysis are summarized below, and a detailed description of each criterion along with the full trail analysis document is included in **Appendix B**.

Background

The Eagle area trail system is a mix of historic BLM routes and trails, social-unsanctioned trails formalized into system routes, and newer, planned natural surface trails and paved paths. The analysis considered the extensive network of 131 trails and routes, or 184 trail and road miles.

- **Trail Type.** The trail system serves a mix of recreation and transportation purposes and as analyzed, consists of 80 miles of singletrack trails, 66 miles of doubletrack trails, 37 miles of paved paths, and 1 mile of singletrack sidewalks. The singletrack sidewalks are located parallel to other sidewalks within Town and are primarily used for recreational transportation purposes. The majority (55% or 19 miles) of trails within the Town boundary are paved paths. The singletrack trail network provides the primary recreational experience and the paved path network, singletrack sidewalks, and doubletrack are important for transportation and connecting people and neighborhoods to recreational opportunities.
- **Trail Difficulty.** The majority (64% or 68 miles) of trails in the singletrack trail system are intermediate. Beginner and advanced trail mileage is comparatively limited, at 10 and 24 miles respectively. Those interested in intermediate trails tend to make up the largest portion of the market and having an abundance of intermediate trails is desirable. The hilly terrain and limited rocks in and around Eagle lend themselves to intermediate trails. However, the terrain does present challenges for the development of sufficient mileage of easier and sustainable advanced trails.

Opportunities and Analysis

Takeaways from the trail analysis are summarized below.

- **Mileage and Access.** The bulk of the trail system mileage is located in West Eagle/Hardscrabble, particularly the motorized routes. This area has 106 trail and road miles, 75 of which are open to motorized use. While there are many trails open to motorized use in West Eagle/Hardscrabble, there are limited access points to motorized opportunities from the Town of Eagle. There are more access opportunities for motorized users on the west side of Hardscrabble, mostly from Gypsum. There are also limited access points with formalized amenities such as parking, kiosks, or restrooms for non-motorized users from Town.
- **Use and Connectivity.** Although the trail network in the Eagle area has extensive mileage, a number of the trails are not regularly used owing to their poor condition, remoteness, lack of connections to the rest of the system, or overall less desirable trail experience.
- **Popularity.** Singletrack trails with the highest popularity ratings from Trailforks are Boneyard, Pool and Ice Rink, Extra Credit, Mayer Gulch, and TurnipheadEagle Ranch

Commented [EW17]: Updated to better report general trends, lessen focus on mountain biking

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and Boneyard/Pool and Ice Rink area. Singletrack trails with the lowest popularity rankings, in order, are Blue Grouse, 2nd Gulch, Dead Cow, Elk Drop Upper, and Elk Drop Alternate tend to be further out in West Eagle/Hardscrabble. When breaking down popularity by location, a high proportion of Eagle Ranch and East Eagle trails are rated as very popular, whereas there are fewer popular trails in West Eagle/Hardscrabble. It is important to note that popularity data from Trailforks may be disproportionately reflective of mountain bike use. A majority of the singletrack trails in the Eagle area are ranked as popular or very popular. It is important to note that popularity data from Trailforks is based on recorded activities by its users and may disproportionately reflect the preferences of mountain bikers.

- **Directionality.** A small proportion of trails (13%) have a required or recommended directionality. Recommending or requiring directionality can be an important tool to reduce user conflict, particularly when a trail's build may lead to high-speed riding or blind corners on a singletrack.
- **Land Managers.** The BLM is the primarily land manager of the trail system. Over 100 miles of trails and roads are on BLM land, with some trails crossing between Town of Eagle and BLM lands. As some trails intersect lands managed by more than one entity, it is important that land managers work collaboratively to manage trails in this area.
- **Seasonal Closures.** Trail closures are important to manage the natural resources and limit impacts to wildlife in and around Eagle, and these vary by land manager. Most trails in the system have seasonal closures. The majority of trails that remain open year-round are paved paths, with the exception of some singletrack trails in East Eagle and the Haymaker trail.
- **Trail Function.** Most trails within the system are point-to-point trails. While some short connectors are available, it can be challenging to navigate the system and create shorter loops and routes.
- **Trail Grade.** Trails with an average grade over 7.5% or sustained grades higher than 10% may have sustainability issues and need to be re-routed and/or closed. There are 16 such trails in the area that have been reviewed in this process.

MAINTENANCE

The maintenance of the Eagle area trail system is a collaboration between the Town, public land agencies, Vail Valley Mountain Trails Alliance (VVMTA)/Hardscrabble Trails Coalition (HTC), volunteers, adopt-a-trail groups, and several other local organizations. Given the extensive mileage and poor-challenging soil quality, the maintenance of this network is a large undertaking, and this collaboration is essential. Existing efforts include the Adopt-a-Trail program, the VVMTA trail crew, HTC volunteer days, and a Town staff person. The Town and trail advocacy groups have championed the maintenance of signage and

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trailhead kiosks. However, there are several places where signage has been removed or up to date information is necessary but missing.

Challenges exist in aligning maintenance labor capacity to timing and seasonal needs, collective understanding of priorities, addressing more complex maintenance issues, and the funding and staffing to maintain the trails to a desired level. There are several steeper trail sections that provide a different recreational experience but *where* re-routes may resolve some habitual maintenance issues. The Town recognizes the need for additional maintenance and regular support for stewardship highlighted in Town planning documents and surveys, and the Town has worked to grow the resources available for trail maintenance each year.

While new recreational opportunities can take the pressure off some heavily used existing trails, the Town and its partners' capacity to maintain the existing network must be considered as new opportunities are proposed.

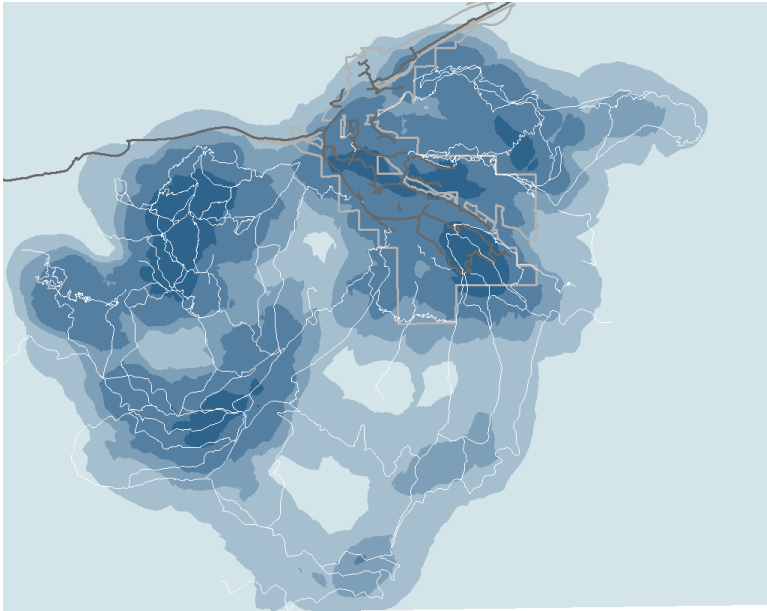
The trail system around Eagle is located on land managed by several cooperating agencies. Each agency manages trails on their respective land; however, many trails close to Eagle are adopted by groups who volunteer to take the lead on maintenance. The Town has assisted with maintenance responsibilities on BLM trails as well, as those trails provide a direct benefit to residents and visitors to Eagle.

The Eagle area trail system of singletrack, doubletrack, and paved paths in the Town and on surrounding public lands offers a very high level of mileage. This high mileage paired with the poor soil quality in the area creates challenges for keeping the trails well maintained. Even with extensive and effective trail work every season, steep sections of trail with poor soil quality often require continual maintenance.

TRAIL DENSITY

Trail density was measured by the number of trails within a 2-mile radius of any given point in the study area. It is an important factor when considering existing disturbance and potential new trails. For example, it is favorable to concentrate trails in already disturbed areas to minimize impacts to the natural environment and wildlife habitat in particular.

The area in and around Town and to the east has a relatively high density. There are also distinct areas with high trail density in West Eagle/Hardscrabble, far from Eagle access points into the system. These trail densities, along with other factors such as wildlife habitat, potential experience, and access have informed this Plan's recommendations.



TRAIL COUNT DATA

The Town had three trail counters in place on system trails to understand relative levels of use and daily/seasonal patterns on the trail system during 2021. The trail counters were placed on Boneyard, Haymaker, and 3rd Gulch (near the Arroyo trailhead) trails. These counters record each time a user passes but do not distinguish by type of user. The counters were placed shortly after the seasonal closure ended (mid-April) of 2021 and data was available through November 17, 2021 at the time of the analysis. The counters will be in place going forward to demonstrate how use is changing across the system.

According to the data collected in 2021, trails see the highest level of use in the spring, and extremely high use over the high school race weekends in the fall. In general, Boneyard sees higher use than Haymaker or 3rd Gulch trail. This information was utilized in this Plan's recommendations around dispersing and/or concentrating use and planning facilities and future maintenance needs.

CHAPTER 3: RECOMMENDATIONS

The following recommendations are aimed at achieving the goals and vision for the Town of Eagle open space and trails, as outlined in Chapter 1. The recommendations are also aimed at addressing the gaps, issues, and opportunities identified in the Chapter 2 analysis of existing conditions.

Existing and new partnerships will be fundamental to the implementation of many of these recommendations.

To note, the recommendations for open space and trails reflect the different stages each system is in. While the trail system is relatively mature and its issues and opportunities well documented, significantly less is known about the resource conditions of the Town's open spaces and the work that needs to be completed. Therefore, the recommendations for the Town's open spaces and conservation are more focused on further studies and partnerships. It is anticipated that these studies or ecological assessments would provide more detailed recommendations. Overall, the Town's goal is to increase its understanding and capacity to manage natural resource conditions.

OPEN SPACE AND CONSERVATION

The following recommendations address how the Town of Eagle can improve management of its 1,300+ acres of open space and support conservation on surrounding public lands. Given the integrated nature of natural resources and habitat, many of these recommendations are intended to address multiple challenges, such as habitat conditions, risk of wildfire, and pest control. See **Figure 8** for a map of natural resource management opportunities on Town Open Spaces.

Wildlife and Habitat

OS1 – Enforcement Officer/Ranger

Explore the inclusion of wildlife closure enforcement in Town Code Enforcement officer duties or a dedicated open space ranger.

OS2 – Habitat Improvement Projects

Provide support to habitat improvement projects on surrounding public lands.

Work with CPW and other partners to identify areas of degraded habitat on Town Open Space and projects to restore impaired habitats.

Support projects outside of Open Space that protect existing habitats or limit disturbance.

OS3 – Dog Control Policies

Work with neighboring land managers to have consistent dog control policies or to better identify dog policies according to each land manager.

OS4 – Dog/Wildlife Conflict

Work with CPW and public land managers to address dog/wildlife conflict issues and consider enforcement on open space as necessary. The Town of Eagle is currently contracted with Eagle County Animal Control, however, this could be included in the duties of the enforcement officer/ranger recommended in OS1.

OS5 – Regional Habitat Studies

Support county/regional efforts to study wildlife habitat, connectivity, and biodiversity hot spots in the region. An example could include the Watershed Biodiversity Initiative completed in the Roaring Fork Valley, as led by t~~These efforts could be led by partners such as the Eagle County Community Wildlife Roundtable and/or the Eagle Valley Outdoor Stewardship Coalition. This plan may need to~~

The Open Space and Trails Master Plan could be adaptable and flexible in accordance with new information or updated data, maps, and science from such studies. adapt~~The Town of Eagle may need to adapt this plan following the completion of such efforts studies and planning efforts.~~

Commented [EW19]: Recommendation from OSRAC

To note, additional recommendations on limiting habitat fragmentation as it relates to trails can be found under the Trails recommendations. Potential wildlife impacts and known habitat helped drive the determination of what trails to include in the trails opportunities map. Further policy around winter recreation/seasonal wildlife closures are listed under the Policy recommendations, with no new winter recreation areas~~recommended within this planning process.~~ Wildlife education-related recommendations are included under the Accessibility and Education recommendations section.

Commented [EW20]: Struck here because the appropriate terminology and language is best as clarified under that recommendation.

Open Space Assessment and Management*OS6 – Ecological Assessments*

Conduct ecological assessments for Town Open Spaces to better understand noxious weeds, habitat, and other resource conditions. Prioritize assessments in open space properties that have high ecological value or that provide important wildlife habitat, such as the Brush Creek Open Space properties. These ecological assessments should include vegetation surveys, wildlife habitat surveys, and wetland delineation/reach conditions studies if applicable.

OS7 – Spatial Inventory of Town Open Spaces

Create and maintain a spatial inventory of Town open spaces. The inventory could include named parcels, past assessments completed, and mapping of resources.

OS8 – Development of Open Space Management Plans

Develop open space management plans for each open space that the Town manages. These plans should build off~~help determine the need for the~~ ecological assessments (recommendation OS6) and include a robust inventory of existing conditions (cultural

resources, ecological resources, existing uses, easements, geology/soils), a public process, and management actions around biodiversity protection and maintenance, recreation and special uses, ~~and~~ education, interpretation, and enforcement. Further understanding the existing conditions and what needs to be done for Town open spaces will provide great clarity on where the department needs to go from a budgeting, partnerships, and capacity perspective.

Natural Resource Restoration

The spatial location of recommended natural resource restoration projects is depicted in **Figure 8**. Additional assessments and inventories of town Open Spaces (described as part of OS6/OS8) will likely result in additional areas for future such projects.

OS9 – Wetlands

Conduct further studies to better understand the conditions of wetlands in Town (e.g., Brush Creek) and prioritize projects that restore wetlands and improve riparian health and degraded wildlife habitat.

Sponsor a broad assessment of the Brush Creek wetlands on Town-owned open space to highlight sections that are impaired. Work with the community and stakeholders to establish goals for restoration. Focus on attainable restoration projects that meet the goals of restoration.

Pursue outside funding, such as [Great Outdoors Colorado \(GOCO\)](#)'s Restore grant, for large scale studies and restoration projects along Brush Creek.

OS10 – Fuels Management

Work with Eagle Valley Wildland to conduct fuels management in Town open spaces that address noxious weeds, pests, wildfire risks, and other resource conditions. Support Eagle Valley Wildland to educate the public on the importance of this work.

OS11 – Noxious Weeds Management

Develop a noxious weed management plan that set goals for the Town and lays out the Town's weed management methodology to achieve said goals. Incorporate a nimble and data-driven approach that includes innovative techniques to target weed problems on specific properties.

Work with Town Council to nominate the OSRAC as the Town's Noxious Weed Advisory Board. Bring in new committee members that have experience or expertise with noxious weeds and/or encourage existing OSRAC members to learn more about noxious weed management.

Advocate for additional resources to be allocated to noxious weed management. In addition, pursue outside partnerships and funding to strengthen the Town noxious weed

management program. Examples include the Colorado Department of Agriculture's Weed Management Grants and EVLT'S Weed Worriers Program.

OS12 – Adjacent Property Weed Coordination

Coordinate with the property owners adjacent to Town open space and HOAs responsible for open space management on noxious weeds management.

OS13 – ~~Social-Unsanctioned~~ Trail Management

Establish a "Stay on the Trail" campaign to provide education on the impacts of traveling off trail and creating ~~social-unsanctioned~~ trails.

Inventory existing ~~social-unsanctioned~~ trails on Town Open Space. Develop a plan to effectively and permanently close ~~social-unsanctioned~~ trails. Focus on education in the plan to change behavior and develop a restoration plan. Priority areas include on the Spud Cellar property, open space along the Eagle River, spurs off the Charlie Brown Trail, and near the Haymaker Trail and Trailhead area.

Work with adjacent landowners to close ~~social-unsanctioned~~ trails that start or cross on properties with different landownership.

Support the BLM to close and restore ~~social-unsanctioned~~ trails identified on BLM lands.

OS14 – Restoration near Brush Creek and Eagle River

Develop a plan to reduce erosion and improve vegetation along riverbanks where recreation has damaged natural resources. Inventory existing ~~social-unsanctioned~~ trails near waterways. Develop designated access points to popular river locations and a restoration plan to reduce off trail use and restore streambanks and vegetation.

OS15 – Restoration Organization Support

Support organizations and volunteers working on natural resource restoration projects through Town communication platforms, tools, supplies, people-hours, and coordination.

OS16 – Restoration Efforts Coordination

Work with Eagle County Open Space to better coordinate restoration efforts and habitat conservation projects with regional priorities.

Policies and Departmental

OS17 – Open Space Acquisition

If potential open space acquisition opportunities arise, look for partnerships to fund the acquisition and continued maintenance of the open space (i.e., EVLT, ECOS, Eagle Ranch Wildlife Committee, HOAs). The Town's criteria for acquisitions includes properties that are important for natural resource protection, habitat, buffers/scenic view protection, cultural ranching preservation, and/or recreational access. Properties that rank highly among

Commented [EW21]: Recommendation from council

several or all of these criteria should ~~rank highly~~ be prioritized. In addition, pursue key properties that would provide public access from Town to public lands.

Commented [EW22]: Wording improvement

Continue with the Town's historic support for land conservation in the Brush Creek Valley. ~~The Town may not be the best entity to lead acquisition/conservation efforts but could be a party to these efforts.~~

Commented [EW23]: Council recommendation

OS18 – Development Standards

Consider an update to the Town of Eagle Code of Ordinances to require that developers provide land or funds that align with Town Open Space and Trails Department needs and increased demand ~~through existing code update processes~~. Potential actions include the provision of a trail impact fee dedicated to trail maintenance, open space that provides intuitive access to the trail system and limits the potential for ~~social-unsanctioned~~ trails, ~~wildlife mitigation plans~~, and the development of trailheads that provides necessary facilities for residents and visitors.

Commented [EW24]: clarification

Commented [EW25]: Council recommendation

OS19 – ACEC/SRMA

Support the BLM in their management of the Areas of Critical Environmental Concern around Eagle, allowing the Harrington's ~~p~~Penstemon to thrive. Support the BLM in their management of SRMAs to balance recreation and conservation needs in these areas.

~~OS20~~ OS21 – Consistent Funding Source

Establish a consistent funding source to continue to provide management and restoration of Town Open Space.

OS20 – Open Space Budgeting

~~Develop a detailed cost estimate report s for the projects and tasks listed herein to better plan budgeting and further funding needs.~~

Commented [EW26]: Council recommendation

~~Develop a ballpark cost estimate report for the annual open space budget and the prioritized projects and tasks listed herein to better plan budgeting and further funding needs. Cost estimates and budgets will be reviewed on an annual basis.~~

Commented [EW27R26]: OSRAC Motion 7/12 - also recommend switching order of OS20 and OS21

ACCESSIBILITY AND EDUCATION

The following recommendations address making the trail system and open space more accessible to all users and improving education for recreationists to support better etiquette, limit confusion, and increase appreciation of the area's wildlife.

AE1 – Wildlife Education

Develop educational materials about area wildlife and their habitat, how to recreate responsibly with wildlife, and the value of seasonal wildlife closures for wildlife and residents. These materials ~~should~~ could be shared through trailhead kiosks, the Town of Eagle website, Town social media platforms, ~~open houses~~, and via partners' networks.

Commented [EW28]: Derived from council conversation

AE2 – Natural Resource Education

Develop educational materials about area natural resources and the fragile ecosystem and soils, and accordingly how to recreate responsibly. These materials should be shared through trailhead kiosks, the Town of Eagle website, Town social media platforms, and via partners' networks.

AE3 – Spanish Signage and Maps

Continue to work with community partners on improving recreation management and accessibility for non-English speakers. This could include signs, maps, trailhead kiosk information and web information about trails and open space in Spanish. This may also include working with non-English speakers and community partners to identify and remove other barriers to the outdoors.

AE4 – Community Partners

Continue partnering with the Cycle Effect, Eagle Valley Outdoor Movement, and other similar community partners to support inclusive events on the Town's open space and trail systems.

AE5 – Creative User Etiquette Signage

Develop creative signage that educates users about etiquette, with a focus on the Haymaker trail.

AE6 – Etiquette Standards

Work with local user group organizations and land management agencies to establish a standard set of etiquette guidelines and policies for trail and open space. This collaboration should also extend to the dissemination of etiquette information in member communications.

AE7 – Messaging System

Develop a messaging system with local user group organizations to share timely updates about the open space and trail system (i.e., wildlife closures, trail closures). This could be in the form of emails, newsletters, open houses, and/or social media blasts. Continue to work with the community to understand desired communication methods.

Commented [EW29]: Council recommendation

AE8 – Beginner Friendly Opportunities

Explore and collaborate on efforts to develop more beginner friendly and skills building opportunities in the area.

TRAILS

The following recommendations address maintenance, accessibility, and new opportunities for the Town's trail system. These recommendations are aimed at better connecting the system, enhancing user experiences, creating broader accessibility to the system, and concentrating use where appropriate to limit the fragmentation of habitat. The

recommendations were developed in light of the potential maintenance load and wildlife habitat and other resource concerns. Trail opportunities include both new routes and connections. Opportunities to decommission and re-route existing routes in light of soil quality, habitat ~~throughout~~, and level of use of system trails are also included here. BLM management directives have established allowable new trail mileage ~~sans in the~~ Resource Management Plan ~~update~~, and these trail recommendations on BLM land are in keeping with ~~that plan~~those totals.

Commented [EW30]: Updated language to support better clarity

The general ethos and prioritization here emphasizes maintenance of existing trails, enhancements and connectivity with the existing system, and newer trails near development, rather than major trail expansion. This is in keeping with the important habitat and challenging soils in and around Eagle.

Opportunities

T1 - Trail Opportunities

See **Figure 9** and **Table 5** for recommended trail opportunities, connections, re-routes, and decommissions. **Figure 9** also shows recommendations for areas for further study or trail zones (see **Table 6**) and specific locations/points (**Table 7**).

The trail recommendations included here represent those that align well with the community's vision and goals, specifically around an accessible trail system while continuing to conserve habitat, and the Town's capacity and priorities.

Public land managers may approve other trail alignments not shown in this Plan that meet the goals of the land manager, and this Plan, by no means, precludes that from taking place.

All trail proposals in this plan will be subject to additional environmental review and public scoping determined by each land manager's internal policies (such as National Environmental Policy Act (NEPA) on federal lands or Town of Eagle Municipal Code requirements on Town open space).

The following tables summarize the identified trail opportunities. A trail by trail list is available as **Table 5** at the end of this chapter. The numbers in the tables below represent estimates and general trail configurations, not approved alignments.

Commented [EW31]: Provide greater clarity on the role of this plan

TABLE 2. OPPORTUNITIES BY TYPE

TYPE	MILEAGE
New Trail	17.547
Re-Route Existing	1.371
New Paved Trail	4.134



TABLE 3. NEW SINGLETRACK MILEAGE BY PRIORITY

PRIORITY	MILEAGE
Low	2.663
Medium	11.7712
High	6.797
Dependent	1.822

TABLE 4. MILEAGE BY BLM ZONE

BLM ZONE	NEW TRAIL	RE-ROUTE EXISTING
ACEC	0.395	0.45
RMZ 1	9.7810	0.971
RMZ 2	6.336	0
Total	16.517	2.743

T2 – Criteria Development

Evaluate support for trails within the Town or surrounding public lands based on wildlife habitat, potential seasonal wildlife closures, filling gaps in the area's offerings, and sustainability.

T3 – Trail Hubs

Support the development of identified trail hubs in the West Eagle/Hardscrabble area with maps and signage. Re-route trails as necessary to meet up at the identified points.

T4 – Motorized Dead-ends

Work with the BLM to reduce motorized dead-ends in the trail system.

T5 – Support Horse Access

Support improved horse access to BLM land from Town and work to limit conflict with other user groups. Explore opportunities to provide horse trailer parking and equestrian access from Town to BLM lands.

T6 – Bike Skills Park

Explore opportunities to develop a bike skills park and easier loops in and around the Haymaker trailhead.

T7 – Use Changes

Work with the BLM to explore allowable use changes on area trails that accomplish other recommendations in this plan. Recommended changes are opening Dead Cow and Firebox to motorized users, ~~and allowing motorized use on Blue Grouse, including the extension.~~ Engage with user groups during this process.

Commented [EW32]: Removed as blue grouse is currently an unsanctioned trail.

T8 – Haymaker/Road Gulch/3 Sisters

Engage with Eagle County and BLM to further explore connectivity between Haymaker, Road Gulch, and Three Sisters trail.

T9 – Dirt Surfer Discussion

Engage with the BLM and user groups to discuss decommissioning, allowable use changes, or re-routes of Dirt Surfer and ~~social-unsanctioned~~ trails in that area.

T10 – Hermit Discussion

Engage with the Forest Service and ~~the~~ BLM to discuss future trails in the Hermit area and appropriate siting and connectivity for such trails, whether on BLM and/or ~~National Forest System (NFS)~~ land.

T11 – U.S. Forest Service Discussion

Engage the ~~Forest Service~~USFS to evaluate existing recreation and management in the Hardscrabble area and Sylvan Lake/Yeoman Park, and plan for needed and community supported improvements.

T12 – Funding Relationships/ Restoration Opportunity Policies

Explore the requirement of funding restoration projects or other mitigation strategies upon the development of new trail mileage.

Explore the opportunities to implement restoration projects or other mitigation strategies upon the development of new trail mileage.

Commented [EW33]: Council recommendation

Commented [EW34R33]: Highlighted text is OSRAC motion from 7/12

Trail Maintenance*M1 – Re-routes*

Re-route steep trail sections prone to erosion and frequent maintenance needs. Some longer re-routes have been listed under trail opportunities, but the Town should look for smaller such opportunities on trails within Town boundaries and provide support for such projects on surrounding public lands.

M2 – ~~Social-Unsanctioned~~ Trails

Implement signage and physical blockages, in partnership with trail maintenance crews and organizations, to discourage users from using cut-off and ~~social-unsanctioned~~ trails within the system. ~~Social-Unsanctioned~~ trails should also be incorporated into educational/etiquette campaigns around the impact of ~~social-unsanctioned~~ trails on habitat and natural resources.

M3 – Trail Maintenance Collaboration

Continue to work collaboratively with VVMTA, HTC, and other partners on supporting trail maintenance efforts on the area trail system, either through funding the trail conservation crew or hiring trail builders for more technical projects.

M4 – Early Season Maintenance

Ensure there are resources available to hire appropriate crews or builders to conduct vital early season maintenance.

M5 – Trail Conditions Facebook

Publicize VVMTA Trail Conditions Facebook page or other such social media platforms through town portals and at trailhead kiosks.

M6 – Haymaker Testing Ground

Use Haymaker as a testing ground for new and more developed armoring techniques, such as plastic armoring or chip seal. Set aside funds to collaborate with trail builders and implement these techniques.

M7 – Quarterly Meeting

Have a quarterly meeting between the Town, VVMTA, HTC, and other partnering organizations to talk about key trail maintenance priorities and support a more cohesive effort.

M8 – Maintenance Tracking System

Develop a tracking system for maintenance efforts and unmet needs shared with HTC and VVMTA and other partners. This tracking system should record where maintenance occurs in the system, the frequency of it, and the associated time and costs. This can be used to guide future maintenance planning and budgeting.

M9 – Annual Maintenance Plan

Develop an annual maintenance plan that addresses when maintenance needs to occur on each system trail, responsible party, and a monitoring strategy.

M10 – Trail Organization Support

Support HTC and other trail organizations' volunteer projects through Town communication platforms, tools, supplies, people-hours, and coordination.

M11 – Adopt-A-Trail

Support VVMTA in the management and coordination of the Adopt-a-trail program.

Support Facilities and Infrastructure**SF1 – Haymaker Trailhead**

Secure funding for more detailed site planning and the eventual implementation of the Haymaker Trailhead Master Plan, collaborating with Mountain Recreation District if possible.

SF2 – Trailheads Access

As new trail portals are added to the system, ensure that they are located and oriented in such a way that supports access for the broader Eagle community. Strategies include

providing parking, locating such trailheads along paved paths, and developing wayfinding signage.

SF3 – Wayfinding Signage

Develop effective wayfinding signage that directs people to and between Town open space and trails for pedestrians and cyclists. This may include signage from downtown to trailheads or trailhead to trailhead on the paved path network.

SF4 – Visitor Information Strategy

Develop a visitor information strategy that determines appropriate areas to encourage visitors to park and strategies to effectively ~~disseminate~~ disseminate that information (e.g., Haymaker trailhead rather than Boneyard, Brush Creek Pavilion rather than Brush Creek Elementary School). This strategy should be implemented through the development of visitor-oriented facilities (i.e., bathrooms, bike repair stations), signage, and information posted online on the Town's website and trail websites such as Trailforks or MTB ~~Project~~ Project.

SF5 – Replaceable + Replicable Signage

Add signage throughout the system that helps users better navigate the system and educates users on etiquette, wildlife, natural resources, and closures. Build signage where the information boards are replaceable and replicable and can be easily updated as information changes (i.e., new trails, changing wildlife closures).

SF6 – Motorized Access

Explore opportunities to develop better motorized access into West Eagle/Hardscrabble. This portal could have limited facilities for motorized users, supporting ride-from-home explorations rather than out-of-town ~~visitors~~ visitors.

SF7 – In-Town Camping

Explore in-town camping opportunities that are well-managed and maintained to alleviate pressure on dispersed camping on surrounding BLM land and encourage economic activity in Town. Should a campground be developed, wildfire risk should be mitigated.

SF8 – BLM Camping Level

Work with BLM to establish ~~an appropriate~~ a community supported level of dispersed camping in areas near Town that limits impacts to natural resources.

Commented [EW35]: Council conversation

SF9 – BLM Camping Services

Support the BLM to increase services for camping on nearby public lands, including fire rings, designated sites, information, parking, restrooms, and wildlife friendly trash receptacles.

SF10 – BLM Camping Capacity

Support increasing capacity for visitor services on nearby federal lands such as law enforcement, education, trail and visitor use maintenance, through additional staff and VMTA's Trail Conservation Crew.

SF11 – Trailheads with Wildlife in Mind

Follow best practices for designing, developing, or upgrading trailheads around wildlife. This would include wildlife-friendly fencing ~~and~~ approved bear-resistant containers, ~~and~~ ~~trailhead lighting~~.

POLICY CONSIDERATIONS

P1 – E-Bikes

Continue to evaluate e-bikes policies on non-motorized trails in the system. The ultimate policy should be consistent system-wide to minimize confusion.

P2 – Seasonal Wildlife Closures

With seasonal wildlife closures, work to balance consistency, changing habitat needs of wildlife, and winter recreation opportunities. All ~~new~~ recreational opportunities in ~~mapped~~ wintering range ~~and/or other environmentally vulnerable areas~~ will be ~~subject to~~ ~~considered for~~ seasonal wildlife closures. ~~Dates will be~~ determined in partnership with CPW, BLM, and any other applicable land managers.

Commented [EW36]: Council recommendation

Commented [EW37R36]: Highlights from OSRAC 7/12 meeting

P3 – Permitting Structure

Explore a permitting structure for events, programs, or commercial outfits on Town open space and trails. A fee or volunteer trail maintenance could be required, or the permit process could serve as an opportunity to communicate key etiquette or other information.

P4 – Trail Sustainability

All new trails must be built sustainably to limit impact on the natural environment and require a reduced maintenance load.

P5 – ~~Social Unsanctioned~~ Trails Policy

Develop a new culture around ~~social-unsanctioned~~ trails, where ~~social-unsanctioned~~ trails are not formalized and new trails are only added to the system following proper review of the appropriate location, alignment, trail offering and purpose. Work with the BLM to develop specific Eagle-area management objectives for closures and off-trail travel.

TABLE 5. TRAIL RECOMMENDATIONS

The ID numbers listed in this table correspond to the trail recommendation as shown in Figure 9. **Recommendations are highly conceptual and do not represent approved alignments.**

ID	NAME	Type	Priority	User Type	Difficulty	Land Manager	BLM Zone	Note	Estimated Mileage
0	Boneyard Road Bypass	New Trail	High	Non-Motorized	Intermediate	BLM	RMZ 1	Referred to as Good Bit	0.364
1	Pool & Ice - Harder Route	New Trail	High	Non-Motorized	Intermediate/Advanced	BLM	RMZ 1		0.92
2	Pool & Ice Bottom Re-Route	Re-Route Existing	High	Non-Motorized	Intermediate	BLM	RMZ 1		0.162
3	Haymaker Uphill	New Trail	Medium	Non-Motorized	Beginner/Intermediate	BLM	RMZ 1	Uphill route from Haymaker Trailhead to start of Pool & Ice. Explore opportunity to incorporate equestrian use as well while limiting conflict.	0.7
4	DM Re-Route	New Trail	Medium	Non-Motorized	Intermediate	BLM	RMZ 1	Creating singletrack option in the Road Gulch area.	0.53
5	Hillbilly Extension	New Trail	Dependent	Non-Motorized	Beginner/Intermediate	BLM	RMZ 1	Difficult trail build given resource concerns and topography, dependent on development of Trail Rec #6.	1.354
6	New Road Gulch Area Loop Route	New Trail	Medium	Non-Motorized	Intermediate	BLM	RMZ 1	Opportunity to extend trail mileage in East Eagle while limiting habitat fragmentation	1.73
7	World's Greatest Re-Route	Re-Route Existing	Medium	Non-Motorized	Advanced	BLM	RMZ 1		0.253
8	School House Uphill	New Trail	Medium	Non-Motorized	Intermediate	BLM	RMZ 1	Initial section of trail would be on Town Open Space	2.63
9	Abrams Ridge Singletrack Extension	Re-Route Existing	High	Non-Motorized	Advanced	BLM	RMZ 1	Singletrack for current doubletrack section near top of trail	0.56

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Commented [EW38]: Clarification to better describe role of this plan

Commented [EW39]: Rounded numbers to nearest tenth to better reflect the conceptual nature of these ideas

ID	NAME	Type	Priority	User Type	Difficulty	Land Manager	BLM Zone	Note	Estimated Mileage
10	Brush Creek Paved Path	New Paved Trail	High	Non-Motorized	Paved	Town/County		Planning for this path extension is already underway and would provide ADA accessible opportunities.	4.1 3
11	Blue Grouse Extension	New Trail	Low	Motorized	Intermediate	BLM	RMZ 2	Re-routing to Catwalk to create new motorized loop	0.9 2
12	Mike's Extension	New Trail	Medium	Non-Motorized	Intermediate	BLM	RMZ 2	Extending/Re-routing Mike's into new trail hub	0.5 2
13	Adam's Way Brush Creek Connector	New Trail	High	Non-Motorized	Beginner	BCVROS			0.3 26
14	Haymeadow Connector	New Trail	Dependent	Non-Motorized	Beginner	Town		Dependent on Haymeadow Development	0.4 75
15	Bailey LOV Connection	New Trail	Medium	Non-Motorized	Intermediate	BLM	ACEC	Partially on Town Open Space	0.3 94
16	Abrams Gulch Connector	New Trail	Low	Non-Motorized	Intermediate	BLM	RMZ 1		0.5 76
17	Itch to Tick Alley Connector	New Trail	Medium	Motorized	Intermediate	BLM	RMZ 2	Creating a motorized connector that allows motorized users to avoid non-motorized area	0.7 2
18	Kill Bill/School House Connector	New Trail	Medium	Non-Motorized	Intermediate	Town/BLM	RMZ 1		0.9 91
19	Spud Cellar Connector	New Trail	Medium	Non-Motorized	Beginner	Town		Additional planning needed, may be paved or singletrack	0.3 4
20	Mike's Alt	New Trail	Low	Non-Motorized	Intermediate/Advanced	BLM	RMZ 2	downhill trail	1.1 72
21	Mike's Night Up	New Trail	Medium	Non-Motorized	Intermediate/Advanced	BLM	RMZ 2		3
22	Bailey Re-Route	Re-Route Existing	High	Non-Motorized	Intermediate	BLM	ACEC	Re-route of existing trail section	0.4
	TOTAL								23.2 42

TABLE 6. POLYGON RECOMMENDATIONS

ID	NAME	PRIORITY	DESCRIPTION
I	Potential Bike Skills Park and Horse Access	High	Explore bike skills park in Haymaker Trailhead area that is open to the public and supports rider progression. Explore opportunities for trailer parking/access from Haymaker.
II	Potential Hermit Trail Zone	Low	Explore trails in this area to support access to this area and use of pipeline. Minimize habitat fragmentation in trail siting and work with Forest Service to consider opportunities on adjacent National Forest.
III	Re-routes/decommissions for Trail Hub (lower)	High	Re-route trails to all meet up at single point for trail hub (Abram's Ridge, World's Greatest, Yellow Chair, Itch, Scratch). Support motorized flow through this hub.
IV	Re-routes/decommissions for Trail Hub (upper)	Medium	Re-route trails to all meet up at single point for trail hub (Catwalk, Mike's, Reynolds, Scratch)
V	Further study of social-unsanctioned trails/motorized connections (Dirt Surfer area)	High	See recommendation T.9
VI	Further study of Haymaker/Road Gulch/3 Sisters	High	See recommendation T.8
VII	Inventory Social-Unsanctioned Trails and Add Signage (Eagle River)	Medium	Inventory social-unsanctioned trails and add signage around appropriate use for Town Open Space along the Eagle River
VIII	Social-Unsanctioned Trail Decommissioning	Medium	Social-Unsanctioned trail decommissioning along Charlie Brown Trail and in Spud Cellar Open Space
IX	Potential Red Mountain Ranch OS + Trails	Dependent	Support the development of sustainable trails in the new Red Mountain Ranch PUD open space, <u>consistent with the Eagle River Corridor Plan and PUD Guide.</u>
X	Hockett Gulch Motorized Connection	Medium	Explore opportunities and acquire land as necessary to develop motorized connection through Hockett Gulch
XI	Haymaker BLM Horse Connection	Low	Develop equestrian connection from Haymaker Trailhead onto BLM land if trailer parking is added at the Haymaker Trailhead. Explore allowing horses on recommended Haymaker uphill trail (Trail Recommendation #3).
XII	Downtown/River Connectivity	High	Enhance trail connectivity in and around downtown to and along Grand Avenue and to the River Park. Participate in the Grand Avenue Corridor Study.
XIII	East Eagle Future Study Area for area for further study of Habitat-habitat.	Low	Conduct additional study to weigh Town support/direction for new trails in this area given existing habitat and recreational uses. To note, the BLM may pursue new facilities or recreational uses in this area in the intermediary, and this recommendation would not

ID	NAME	PRIORITY	DESCRIPTION
	Conservation-conservation and Trailstrails , Consistent with SRMA		preclude that. Any ultimate recommendation would not change the land use designation on the property as established by the BLM.
XIV	Potential Trails and Connections as Part of Haymeadow Development	Dependent	As part of the approved Haymeadow Development Plan, new natural surface trails and paved paths have been planned.

TABLE 7. POINT RECOMMENDATIONS

ID	NAME	PRIORITY	DESCRIPTION
A	Hockett Gulch TH	High	Development of Hockett Gulch trailhead in conjunction with Reserve at Hockett Gulch
B	Haymeadow Trailhead 1	With build-out of PUD N/A	Planned trailhead as part of Haymeadow Development
C	Haymeadow Trailhead 2	N/A With build-out of PUD	Planned trailhead as part of Haymeadow Development
D	New Eagle Ranch Trailhead	High	Develop small trailhead with parking at Haystacker Drive intersection with Wall
E	Trail Hub (Lower)	High	See recommendation T.3
F	Trail Hub (Upper)	Medium	See recommendation T.3

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CHAPTER 4: IMPLEMENTATION AND FUNDING

Implementation is where the recommendations in this Plan can come to life! This chapter weaves together all the work generated during the Eagle Open Space and Trails Plan process into a prioritized set of recommendations, implementation strategies for completing projects, and a list of potential funding sources and grant opportunities. The money and capacity to build these projects must come from somewhere— this chapter addresses ways the Town of Eagle can raise money or dedicate existing funds to trail, open space, and connectivity projects.

Partnerships

Partnerships are essential to the current operations of the Open Space and Trails Department and to the implementation of the recommendations going forward. The following table lists who the Town would need to partner with to implement each recommendation. This list includes both existing and new partners for the Town to work with. There are some recommendations where the Town would need to work with multiple partners (i.e., the BLM and VVMTA). For specific trail recommendations, it is recommended that the Town partner with the land manager and impacted user group organizations (i.e., VVMTA/HTC, Rocky Mountain Sport Riders).

TABLE 8. PARTNERSHIPS

Partner	Recommendations
Bureau of Land Management	AE1, AE2, AE6, AE8, T1, T3, T4, T5, T7, T8, T9, T10, M1, M2, M9, SF5, SF7, SF8, SF9, SF10, OS2, OS3, OS4, OS13, OS19
Vail Valley Mountain Trails Alliance/Hardscrabble Trail Coalition and other trail maintenance organizations	AE3, AE4, AE5, AE6, AE7, AE8, T1, T3, T6, T7, T9, M1, M2, M3, M4, M5, M6, M7, M8, M9, M10, M11, SF1, SF3, SF4, SF5, SF10
Eagle Valley Outdoor Movement and similar organizations	AE3, AE4
Community outdoor recreation programming organizations	AE4, AE7, T6
Rocky Mountain Sport Riders	AE6, AE7, T1, T4, T7, T8, T9, M1, M2, SF6
Mountain Trekkers Back Country Horsemen	AE6, AE7, T1, T5, M2, SF1

Colorado Parks and Wildlife	AE1, AE2, AE6, T2, T7, SF4, SF8, SF11, P2, OS1, OS2, OS3, OS4, OS5
Eagle Valley Wildland	OS10
Eagle Valley Land Trust	OS1, OS3, OS5, O10, OS16
Eagle Ranch Wildlife Committee	AE1, AE2, OS1, OS2, OS3, OS4, OS5, OS6, OS8, OS9, OS10, OS12, OS17, OS7, OS10, OS14, OS15
Mountain Recreation District	AE4, SF1
U.S. Forest Service	T10, T11, OS2, OS13
Eagle County Open Space	T8, OS2, OS3, OS4, OS5, OS11, OS13, OS14, OS16, OS17

Intergovernmental Implementation

There are several recommendations where the Open Space and Trails Department would need to coordinate with other Town departments. Necessary collaborations include working with the Planning Department on potential code updates and the development review process (OS8), working with the Public Works Department on the Brush Creek Paved Path extension and Haymaker trailhead planning (SF1), and working with Council and the Town Manager on policies and future funding.

Grants

The following list describes grants that the Town of Eagle could pursue to implement many of the recommended projects.

GREAT OUTDOORS COLORADO

Great Outdoors Colorado (GOCO) Grant Program is a competitive grant program for park and open space land acquisition and development, outdoor recreation, environmental education, and conservation. The program is funded by the Colorado Lottery and has provided \$1.1 billion in lottery proceeds since 1992 in all 64 counties of the state. Grants are generally awarded in two funding cycles, with deadlines in the spring and fall. GOCO is currently prioritizing projects that aim to repair the disconnect between youth and nature, connecting people to the outdoors by increasing bike and pedestrian access, and protecting urban and rural land. (www.goco.org)

LAND AND WATER CONSERVATION FUND

The Colorado Land and Water Conservation Fund provides grants for the state Recreational Trails Program. Eligible applicants are any local, county, or state government with control over public lands. These projects must enhance the outdoor recreation resources on public

land and the funds are frequently used for trail building. To receive the grant, the local government must provide a 100% match. For large trail construction grants, the maximum is \$400,000; for small trail construction grants, the maximum is \$75,000.

(<https://cpw.state.co.us/Documents/Trails/LWCF/LWCFGrantsProcess.pdf>)

NON-MOTORIZED TRAILS GRANT

A grant funded by a partnership of Colorado Parks and Wildlife, GOCO, and the federal recreational trails program. A 30% match is required. Grants are available for large and small trail construction/maintenance, planning, and support. This includes constructing new trails and trailheads, maintenance or reconstruction of existing trails, enhancing existing trailheads, engineering and feasibility studies and building and enhancing volunteer organizations. The grant can be awarded to governments, nonprofits, or recreation districts. **(Error! Hyperlink reference not**

valid. <http://cpw.state.co.us/aboutus/Pages/TrailsGrantsNM.aspx>)

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COLORADO NOXIOUS WEED MANAGEMENT

The Colorado [Department of Agriculture](#) Noxious Weed Management Fund provides additional financial resources for on-the-ground noxious weeds management. Organized private interests, conservation districts, municipalities, and counties are eligible to apply. The program also administers federal noxious weed management funds from the U.S. Forest Service's State and Private Forestry program.

(<https://ag.colorado.gov/conservation/noxious-weeds/grants>)

COLORADO HABITAT PARTNERSHIP PROGRAM

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The Colorado Habitat Partnership Program funds habitat manipulation, fencing, game damage, monitoring/research and conservation easement projects. The purpose is "to reduce wildlife conflicts, especially those associated with fence and forage, and to help the Division meet game management objectives." In particular the program focuses on projects related to deer, elk, pronghorn and moose. Some level of match is typically required (ideally 50/50), although that can be in the form of funds, equipment, or other in-kind donations. These projects are applied for and coordinated through the local Habitat Preservation Program committee. **(Error! Hyperlink reference not**

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valid. <https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/HPP/HPPFAQ.pdf>).

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COLORADO OUTDOOR EQUITY GRANT

CPW and the Outdoor Equity Grant Board annually fund programs to broaden accessibility to the outdoors for those in underserved communities. Non-profit organizations and governments are eligible to apply. Grants are largely up to \$50,000 and eligible expenses include project planning or coordination, operating expenses, physical goods, staff expenses, costs of engineering/design/land acquisition, and costs associated with volunteer engagement and retention. **(Error! Hyperlink reference**

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TRAILS CONNECTING PEOPLE

Trails Connecting People with Nature is a Sierra Club initiative that works to ensure that access to the outdoors is increasingly equitable and available to all communities. The Sierra Club Foundation awards one-year trail grants ranging from \$5,000 to \$20,000 towards trail creation or maintenance projects that engage new leaders and provide opportunities for communities to connect with nature. (<https://www.sierraclub.org/nearby-nature>)

IMBA TRAIL ACCELERATOR GRANTS

The International Mountain Bike Association (IMBA) offers trail grants to municipal, state, and federal governments, along with non-profits that actively manage parks and trails. The grant awardees receive professional services from the IMBA trail solutions team. The grants typically range from \$5,000 - \$30,000 dollars are require a one-to-one match. (<https://www.imba.com/trails-for-all/trail-accelerator-grants>)

PEOPLEFORBIKES

The PeopleforBikes Community Grant program has traditionally supported bicycle infrastructure projects that make it easier for people of all ages and abilities to participate. PeopleforBikes is currently reevaluating their grant structure.

COLORADO HEALTH FOUNDATION

The Colorado Health Foundation has a variety of grant programs largely around equity and addressing inequalities particularly focused on health. There is a specific grant around creating outdoor spaces that reflect community history, culture and legacy. (<https://coloradohealth.org/open-funding>)

DOLA

The Colorado Department of Local Affairs provides grants through its Conservation Trust Fund to all communities that have established conservation trust funds in the state. It is to be used for acquiring and maintaining parks, open space, and recreational facilities. (<https://cdola.colorado.gov/funding-programs/conservation-trust-fund-ctf>)

GATES FAMILY FOUNDATION

The Gates Family Foundation provides strategic grants and capital grants for natural resource related projects. Projects can include constructing or improving parks, public recreation facilities, outdoor spaces, community gardens, particularly in underserved urban and rural areas. (<https://gatesfamilyfoundation.org/strategic-priorities/natural-resources/>)

NATIONAL FISH AND WILDLIFE FOUNDATION

The National Fish and Wildlife Foundation provides grants to projects that sustain, restore and enhance fish, wildlife and plants, and their habitats. The Foundation has funds devoted to species, ecosystems, and bioregions.

There are additional grants that the Town of Eagle may be able to pursue by working with a partner non-profit such as those offered by the Cornel Douglas Foundation or Xcel Energy.

Priority Matrix

The following matrix assigns a level of priority (low, medium, high) to each project in Chapter 3 based on its alignment with plan goals, community interest, cost, potential environment impacts, ~~and~~ accessibility, and recreational value. The intention of this matrix is so that Town Staff can use it as a guide to implement “low hanging fruit” projects in the short term and to start finding political support and funding for longer term, more visionary projects. Projects are abbreviated as listed here, with the full recommendation found in Chapter 3.

DRAFT





HIGH (0-3 YEARS)

OS1. Enforcement Officer/Ranger
 OS2. Habitat Improvement Projects
 OS5. Regional Habitat Studies
 OS8. Open Space Management Plans
 OS9. Wetlands
 OS10. Fuels Management
 OS11. Noxious Weeds Management
 OS13. Unsanctioned Trail Management
 OS14. Restoration Brush Creek/Eagle River
 OS21. Cost Estimates
 AE1. Wildlife Education
 AE2. Natural Resource Education
 T3. Trail Hubs
 T8. Haymaker/Road Gulch/3 Sisters
 M1. Re-Routes
 M3. Trail Maintenance Collaboration
 M4. Early Season Maintenance
 M7. Quarterly Meeting
 M8. Maintenance Tracking System
 M9. Annual Maintenance Plan
 SF1. Haymaker Trailhead
 SF3. Wayfinding Signage
 SF5. Replaceable + Replicable Signage
 SF6. Motorized Access
 SF8. BLM Camping Level



MEDIUM (4-6 YEARS)

OS6. Ecological Assessments
 OS12. Adjacent Property Weed Coordination
 AE3. Spanish Signage + Maps
 AE5. Creative User Etiquette Signage
 AE6. Etiquette Standards
 AE7. Messaging System
 AE8. Beginner Friendly Opportunities
 T4. Motorized Dead-ends
 T5. Support Horse Access
 T6. Bike Skills Park
 T7. Use Changes
 T9. Dirt Surfer Discussion
 M2. Unsanctioned Trails
 M5. Trail Conditions Facebook
 M6. Haymaker Testing Ground
 SF2. Trailheads Access
 SF4. Visitor Information Strategy
 SF7. In-Town Camping
 SF9. BLM Camping Services
 P1. E-bikes



LOW (7-10 YEARS)

OS7. Spatial Inventory of Town Open Spaces
 T10. Hermit Discussion
 T11. Forest Service Discussion
 SF10. BLM Camping Capacity
 P3. Permitting Structure

ADVOCACY/CONTINUED INITIATIVES

OS3. Dog Control Policies
 OS4. Dog/Wildlife Conflict
 OS15. Restoration Organization Support
 OS16. Restoration Efforts Coordination
 OS17. Open Space Acquisition
 OS18. Development Standards
 OS19. ACEC/SRMA
 OS20. Consistent Funding Source
 AE4. Community Partners
 T2. Criteria Development
 T12. Funding Relationships/Restoration Opportunity Policies
 SF11. Trailhead w/ Wildlife in Mind
 M10. Trail Organization Support
 M11. Adopt-A-Trail
 P2. Seasonal Wildlife Closures
 P4. Trail Sustainability
 P5. Unsanctioned Trail Policy

All projects are listed in this table with an estimated cost. Cost ranges are listed as approximate under the following \$ (\$0 - \$15,000), \$\$ (\$15,000 - \$50,000), \$\$\$ (\$50,000+).

TABLE 9. PRIORITY MATRIX

Recommendation	Priority	Estimated Cost (\$-\$\$\$)
OS1. Enforcement Officer/Ranger	MediumHigh	\$
OS2. Habitat Improvement Projects	High	\$\$\$
OS3. Dog Control Policies	Advocacy/Continued Initiative	\$
OS4. Dog/Wildlife Conflict	Advocacy/Continued Initiative	\$
OS5. Regional Habitat Studies	High	\$
OS6. Ecological Assessments	HighMedium	\$\$\$
OS7. Spatial Inventory of Town Open Spaces	Low	\$
OS8. Open Space Management Plans	MediumHigh	\$\$\$
OS9. Wetlands	High	\$\$\$
OS10. Fuels Management	High	\$
OS11. Noxious Weeds Management	High	\$
OS12. Adjacent Property Weed Coordination	Medium	\$
OS13. Social Unsanctioned Trail Management	High	\$\$\$
OS14 Restoration Brush Creek/Eagle River	High	\$\$\$
OS15. Restoration Organization Support	Advocacy/Continued Initiative	\$
OS16. Restoration Efforts Coordination	Advocacy/Continued Initiative	\$
OS17. Open Space Acquisition	Advocacy/Continued Initiative	\$\$\$
OS18. OS Development Standards	Advocacy/Continued Initiative	\$
OS19. ACEC/SRMA	Medium	\$
OS20. Consistent Funding Source	High	\$
AE1. Wildlife Education	High	\$
AE2. Natural Resource Education	High	\$

Commented [EW42]: Osrac recommendation

Commented [EW43]: Council recommendation

Commented [EW44]: Council recommendation

AE3. Spanish signage and maps	Medium	\$\$
AE4. Community Partners	High	\$
AE5. Creative User Etiquette Signage	Medium	\$\$
AE6. Etiquette Standards	Medium	\$
AE7. Messaging System	Medium	\$
AE8. Beginner Friendly Options	Medium	\$\$\$
T1. Trail Opportunities	See Chapter 3 for trail by trail priority	
T2. Criteria Development	Medium	\$
T3. Trail Hubs	High	\$\$
T4. Motorized Dead-Ends	Medium	\$\$
T5. Support Horse Access	Medium	\$
T6. Bike Skills Park	Medium	\$\$\$
T7. Use Changes	Medium	\$
T8. Haymaker/Road Gulch/3 Sisters	Medium/High	\$\$
T9. Dirt Surfer Discussion	Medium	\$
T10. Hermit Discussion	Low	\$
T11. Forest Service Discussion	Low	\$
M1. Re-routes	High	\$\$\$
M2. <u>Social-Unsanctioned</u> Trails	Medium	\$\$\$
M3. Trail Maintenance Collaboration	High	\$\$
M4. Early Season Maintenance	High	\$\$
M5. Trail Conditions Facebook	Medium	\$
M6. Haymaker Testing Ground	Medium	\$\$
M7. Quarterly Meeting	High	\$
M8. Maintenance Tracking System	High	\$
M9. Annual Maintenance Plan	High	\$
M10. Trail Organization Support	High	\$
M11. Adopt-A-Trail	High	\$
SF1. Haymaker Trailhead	High	\$\$\$
SF2. Trailheads Access	Medium	\$\$

SF3. Haymaker to Boneyard Signage	High	\$
SF4. Visitor Information Strategy	Medium	\$\$
SF5. Replaceable + Replicable Signage	High	\$\$
SF6. Motorized Access	High	\$\$\$
SF7. In-Town Camping	Medium	\$\$\$
SF8. BLM Camping Level	High	\$
SF9. BLM Camping Services	Medium	\$\$\$
SF10. BLM Camping Capacity	Low	\$\$\$
SF11. Trailheads with Wildlife in Mind	High	\$\$
P1. E-bikes	Medium/High	\$
P2. Seasonal Wildlife Closures	High	\$
P3. Permitting Structure	Low/Medium	\$
P4. Trail Sustainability	High	\$
P5. <u>Social-Unsanctioned</u> Trail Policy	High	\$

Funding

The Eagle Open Space and Trails Department is funded by a combination of lodging tax and contributions from the Town's general fund. The Town's lodging tax is 6% on all lodging nights, with half of that (3% of lodging fees) going directly to the Open Space and Trails Department. The tax has been recently restructured (6% of lodging fees rather a set \$4 dollar amount) and is increasingly capturing revenues from short-term rentals. Due to these changes, the revenue from the lodging tax is expected to increase. In the past few years, the Town Council has decided to make contributions of varying amounts from its general fund. In some years, the department has operated leanly and not required this contribution from Town Council.

There is a Town Open Space fee associated with commercial river access that has not been collected recently. This fee should be enforced going forward, adjusted as necessary, and applied to commercial outfits on all Town Open Spaces.

It is the recommendation of this plan that the department fund itself through a combination of increased lodging tax enforcement and growth, the fee on commercial outfitters, grants, and a funding floor from the Town's general fund. Town Council would establish a minimum amount or floor to which they would contribute each year, helping

the department better plan future projects. Further study is necessary to determine the appropriate funding floor amount.

Commented [EW45]: Council recommendation

While an additional tax may not be feasible now given the current landscape, an additional tax could be explored in the future.

DRAFT

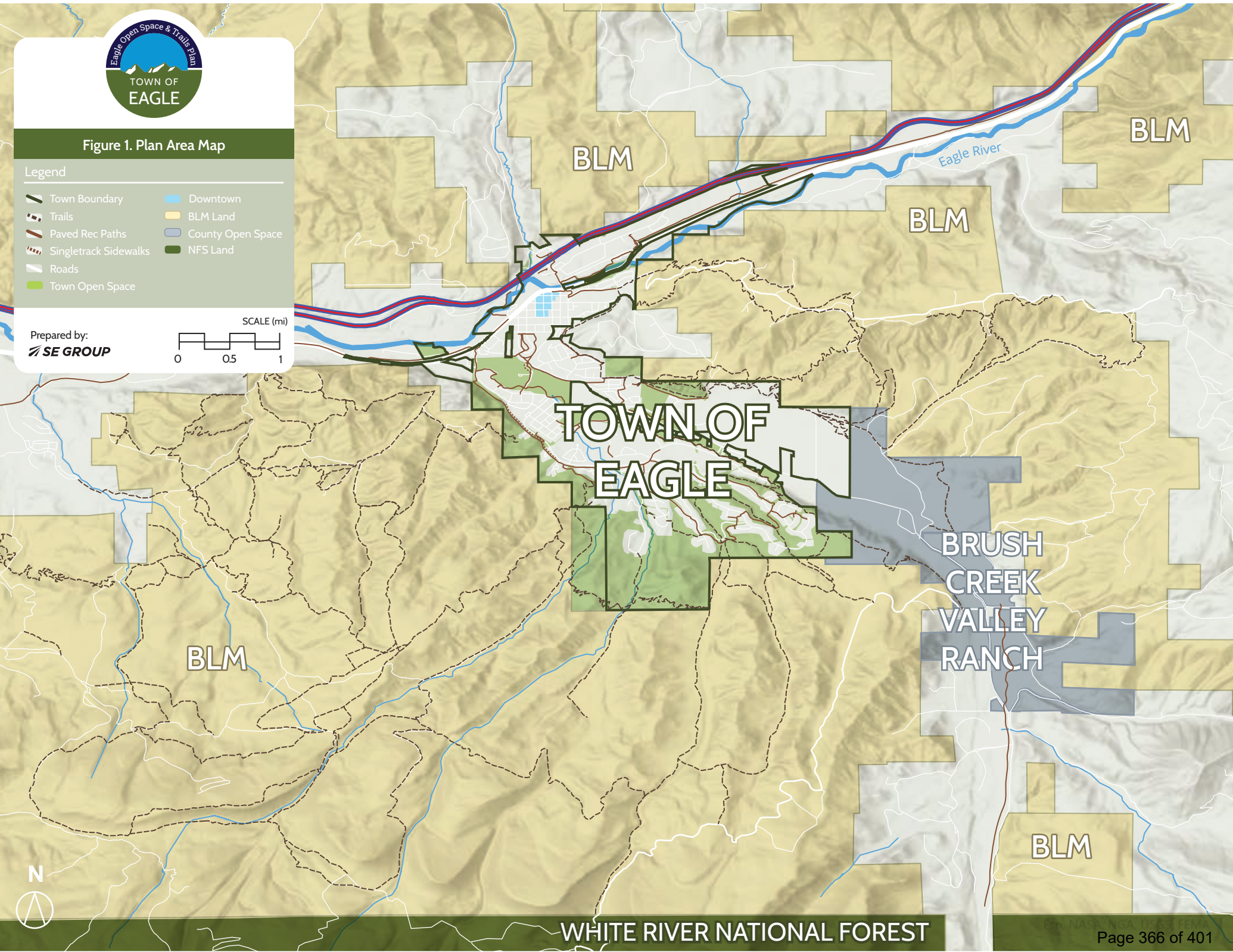
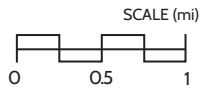


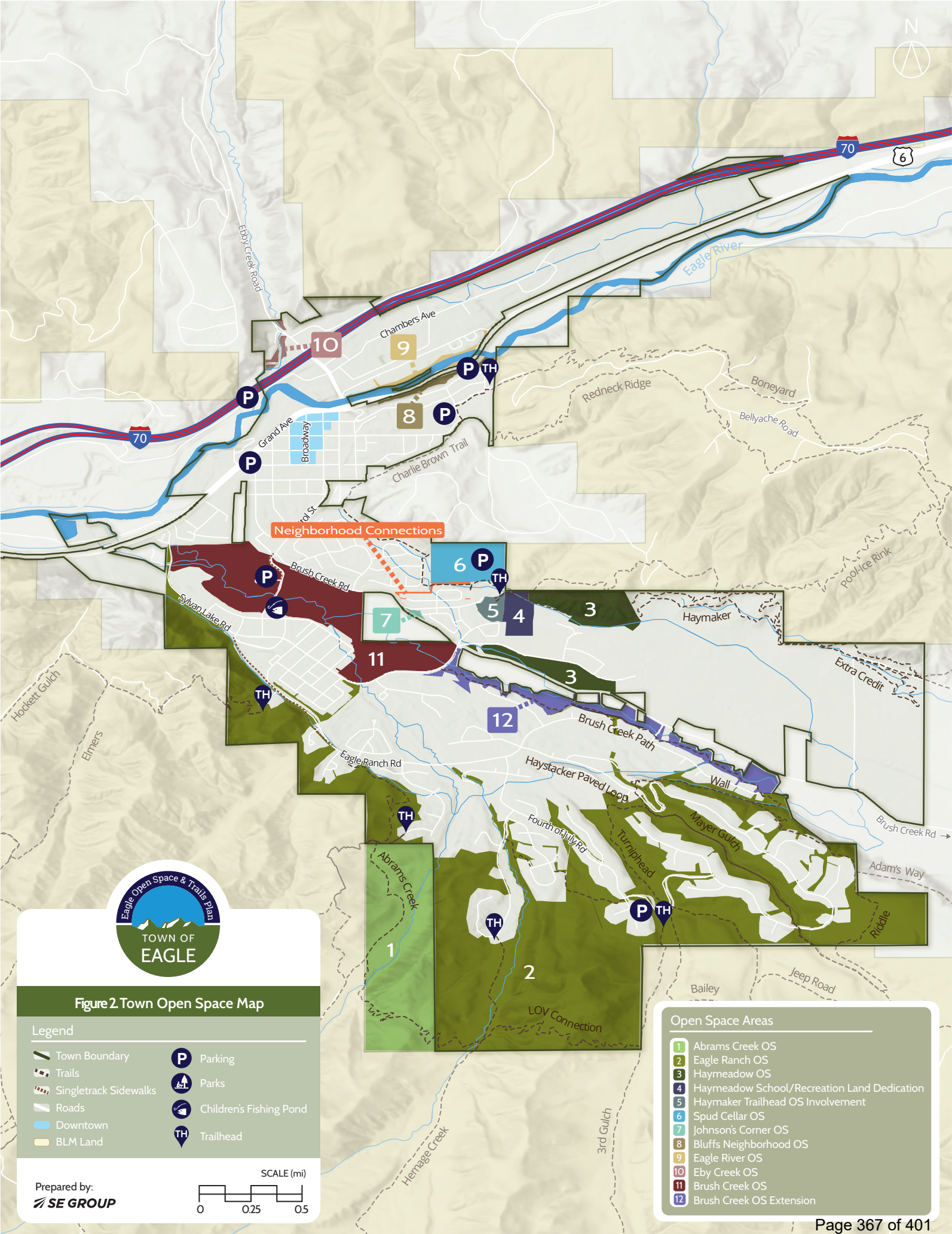
Figure 1. Plan Area Map

Legend

- Town Boundary
- Trails
- Paved Rec Paths
- Singletrack Sidewalks
- Roads
- Town Open Space
- Downtown
- BLM Land
- County Open Space
- NFS Land

Prepared by:
SE GROUP





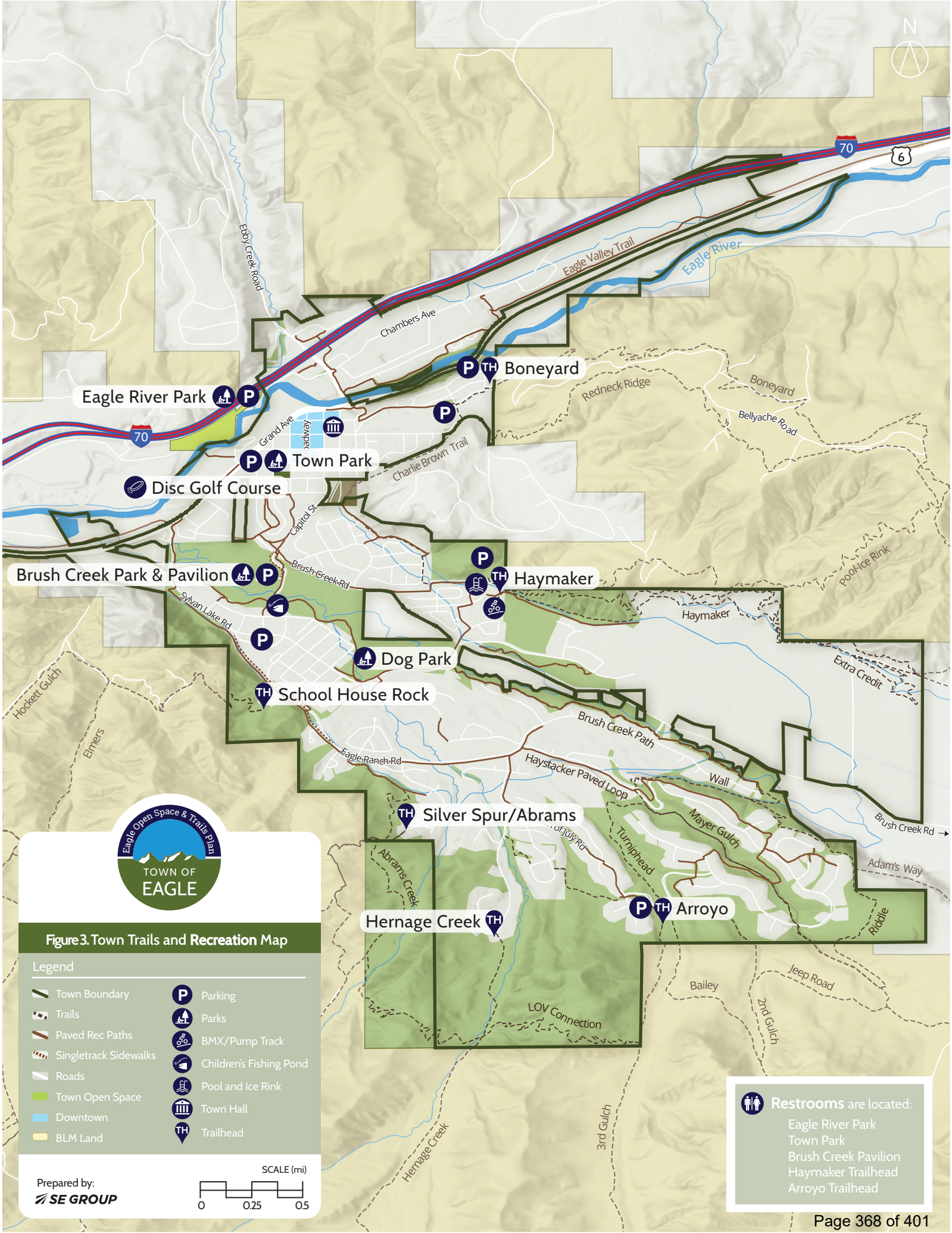
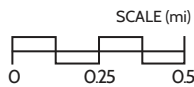


Figure 3. Town Trails and Recreation Map

Legend

- | | |
|-----------------------|-------------------------|
| Town Boundary | Parking |
| Trails | Parks |
| Paved Rec Paths | BMX/Pump Track |
| Singletrack Sidewalks | Children's Fishing Pond |
| Roads | Pool and Ice Rink |
| Town Open Space | Town Hall |
| Downtown | Trailhead |
| BLM Land | |

Prepared by:
SE GROUP



Restrooms are located:

- Eagle River Park
- Town Park
- Brush Creek Pavilion
- Haymaker Trailhead
- Arroyo Trailhead

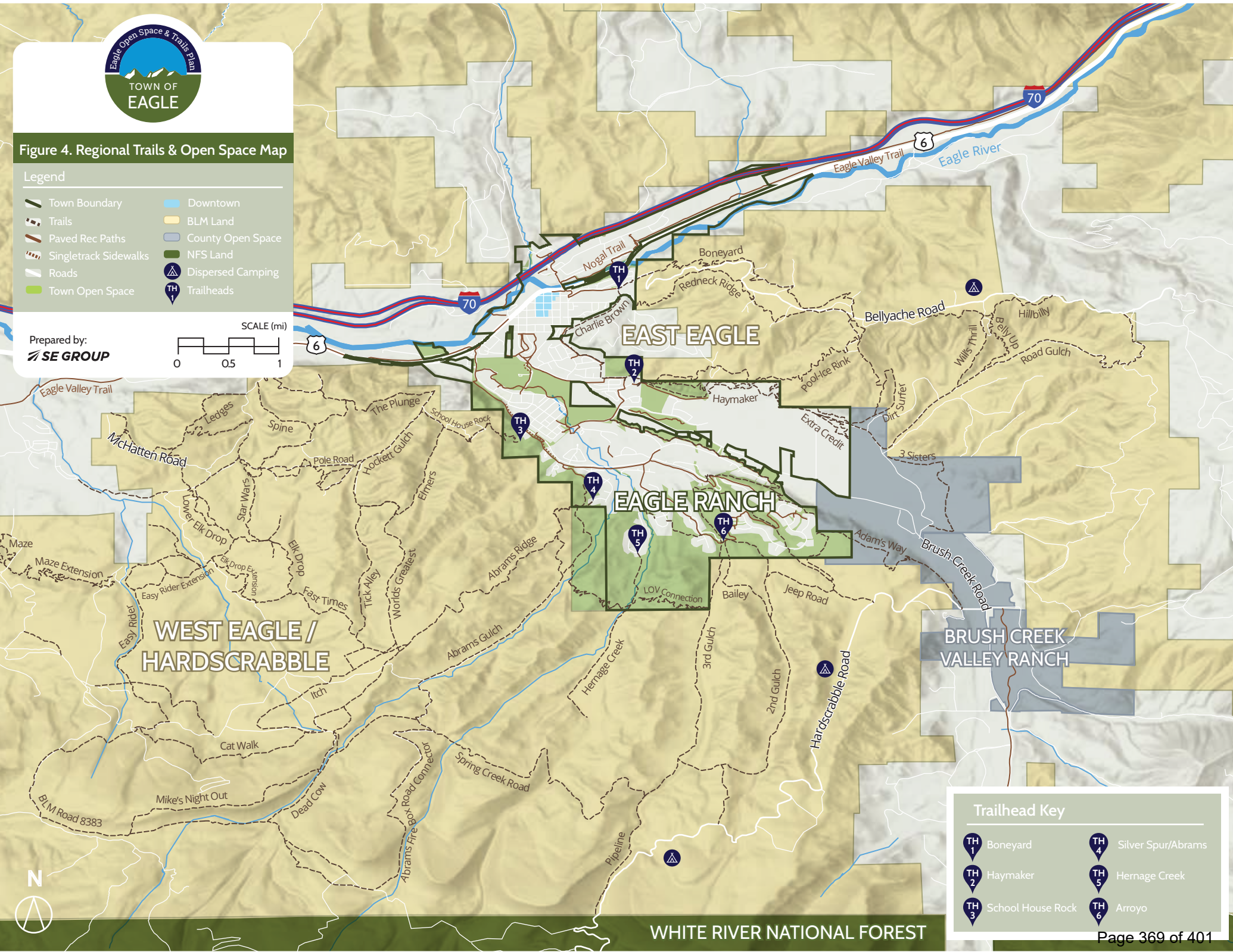


Figure 4. Regional Trails & Open Space Map

- Legend
- Town Boundary
 - Trails
 - Paved Rec Paths
 - Singletrack Sidewalks
 - Roads
 - Town Open Space
 - Downtown
 - BLM Land
 - County Open Space
 - NFS Land
 - Dispersed Camping
 - Trailheads

Prepared by:
SE GROUP

SCALE (mi)
0 0.5 1



Trailhead Key			
TH 1	Boneyard	TH 4	Silver Spur/Abrams
TH 2	Haymaker	TH 5	Hernage Creek
TH 3	School House Rock	TH 6	Arroyo



Figure 5. Elk Habitat Map

Legend

- | | |
|------------------|---|
| Town Boundary | Severe Winter Range |
| Roads | Winter Concentration Areas |
| Winter Range | Severe Winter Range/Winter Concentration Area (Overlap) |
| Production Areas | |

Elk summer range covers the whole map area except for parts of Downtown. Migration corridors and summer concentration areas are not within the frame of this map

Source: CPW Species Activity Mapper

Prepared by:

SE GROUP



SCALE (mi)



This data is provided by Colorado Parks and Wildlife. For up to date information, please contact Colorado Parks and Wildlife.



Figure 6. Mule Deer Habitat Map

Legend

- | | |
|--------------------|---|
| Town Boundary | Severe Winter Range |
| Roads | Winter Concentration Areas |
| Winter Range | Severe Winter Range/Winter Concentration Area (Overlap) |
| Concentration Area | Migration Corridor |

Mule Deer summer range covers the whole map area except for parts of Downtown

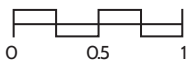
Source: CPW Species Activity Mapper

Prepared by:

SE GROUP



SCALE (mi)



This data is provided by Colorado Parks and Wildlife. For up to date information, please contact Colorado Parks and Wildlife.



Figure 7. BLM Management Zones Map

Legend

- Town Boundary
- Trails
- Roads
- Downtown
- Dispersed Camping
- Trailheads
- NFS Land
- BLM Land
- Recreation Management Zone 1
- Recreation Management Zone 2
- Areas of Critical Environmental Concern

Prepared by:
SE GROUP

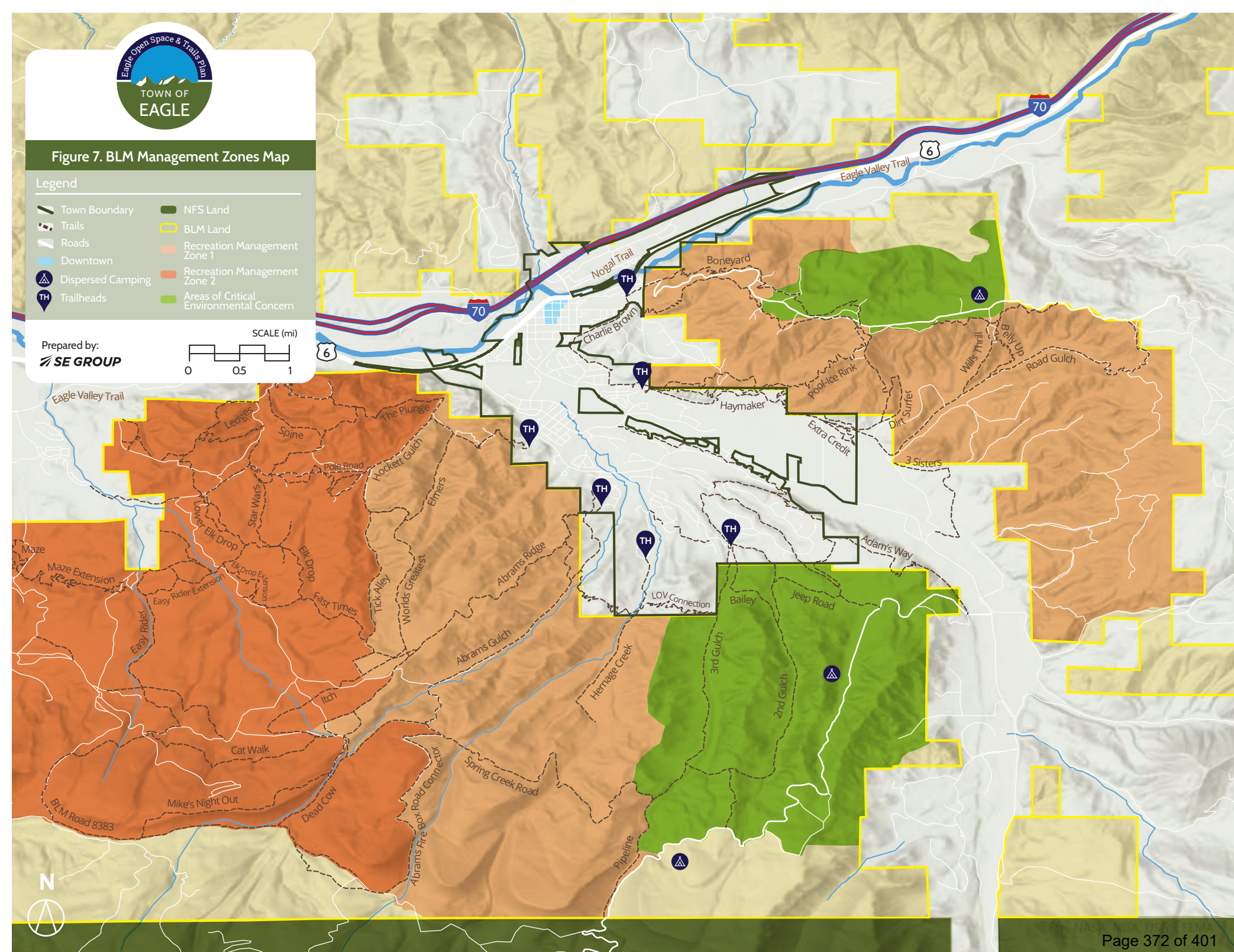
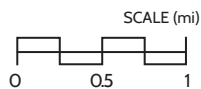


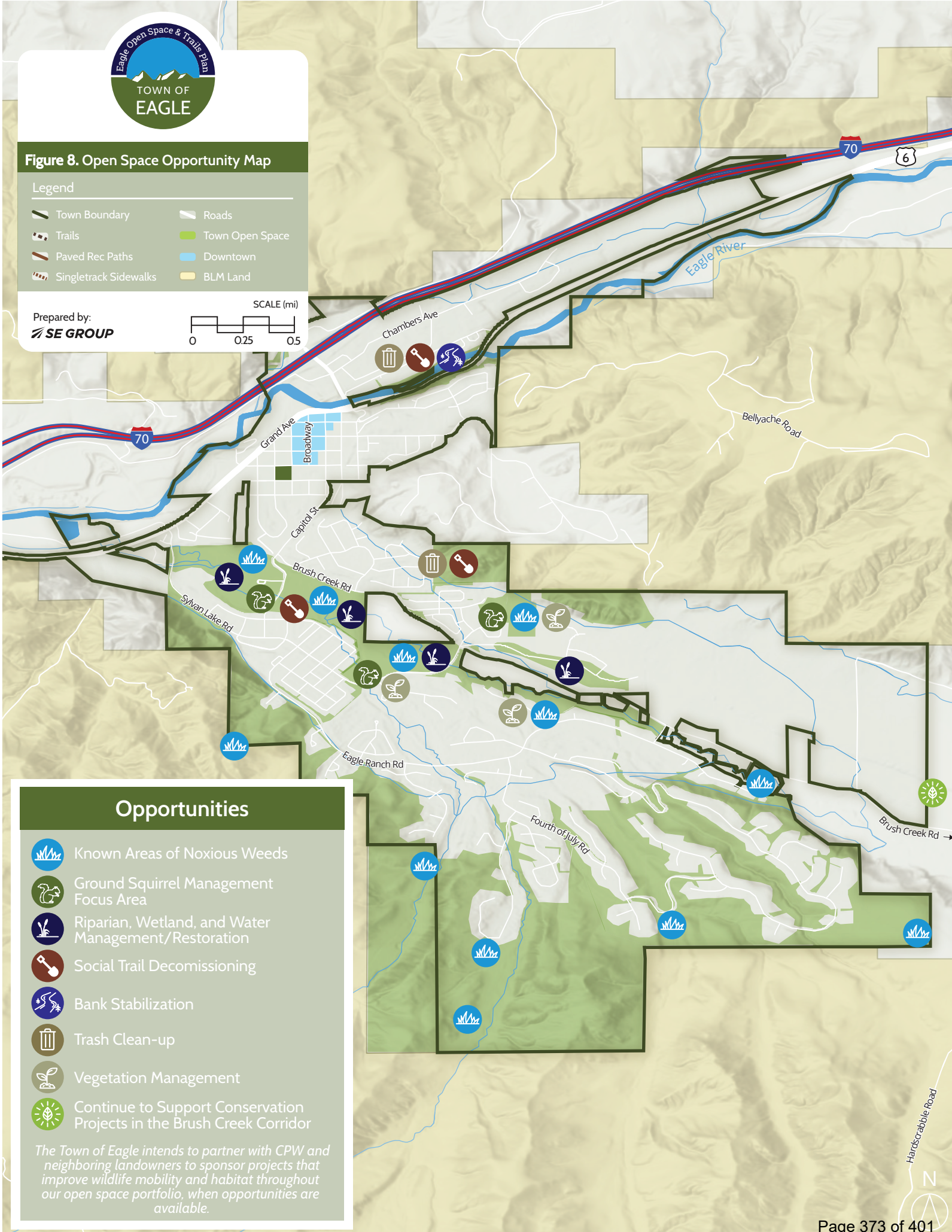
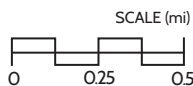


Figure 8. Open Space Opportunity Map

Legend

- | | |
|-----------------------|-----------------|
| Town Boundary | Roads |
| Trails | Town Open Space |
| Paved Rec Paths | Downtown |
| Singletrack Sidewalks | BLM Land |

Prepared by:
SE GROUP



Opportunities

- Known Areas of Noxious Weeds
- Ground Squirrel Management Focus Area
- Riparian, Wetland, and Water Management/Restoration
- Social Trail Decommissioning
- Bank Stabilization
- Trash Clean-up
- Vegetation Management
- Continue to Support Conservation Projects in the Brush Creek Corridor

The Town of Eagle intends to partner with CPW and neighboring landowners to sponsor projects that improve wildlife mobility and habitat throughout our open space portfolio, when opportunities are available.



Figure 9. Trail Recommendations Map

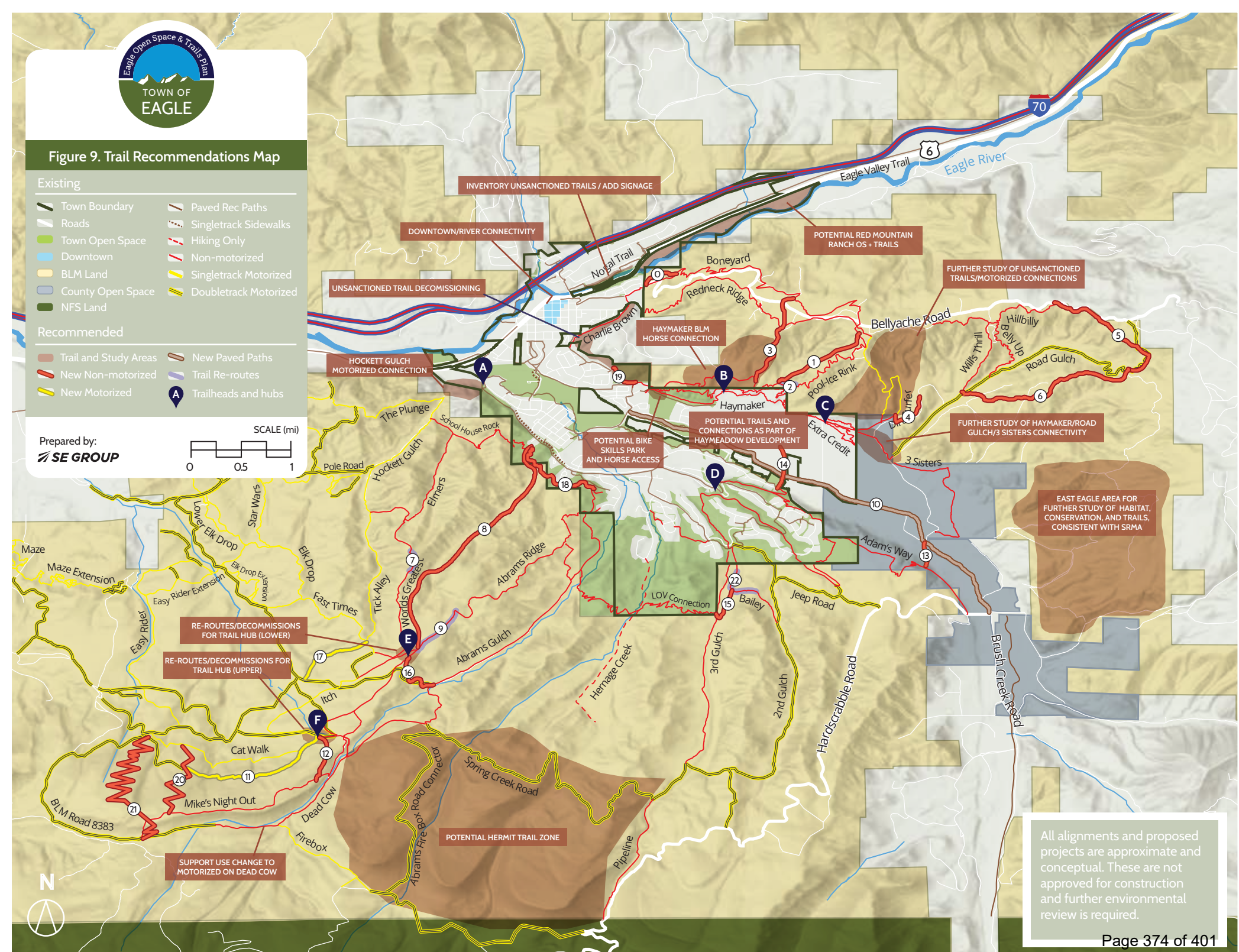
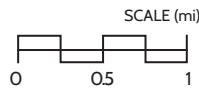
Existing

- Town Boundary
- Roads
- Town Open Space
- Downtown
- BLM Land
- County Open Space
- NFS Land
- Paved Rec Paths
- Singletrack Sidewalks
- Hiking Only
- Non-motorized
- Singletrack Motorized
- Doubletrack Motorized

Recommended

- Trail and Study Areas
- New Non-motorized
- New Motorized
- New Paved Paths
- Trail Re-routes
- Trailheads and hubs

Prepared by:
SE GROUP



All alignments and proposed projects are approximate and conceptual. These are not approved for construction and further environmental review is required.



To: Mayor and Town Council

From: Brian Lieberman, Open Space and Trails Manager

Date: July 26, 2022

Agenda Item: Resolution No. 46, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado adopting the 2022 Open Space and Trails Master Plan."

REQUEST: Staff requests that Town Council review the July 1, 2022, Redline Edits Draft of the Open Space and Trails Master Plan, with the addition of the Open Space and Recreation Advisory Committee (OSRAC) comments and recommendations. Staff also requests that Council considers adoption of the plan or that Council provide feedback on any remaining changes or edits.

BACKGROUND: In 2020, Council approved the development of the Open Space and Trails Master Plan (Master Plan). The Master Plan will be a guiding document for the Town's Open Space and Trails department that provides a continued vision for open space and trails and an action plan for implementation in the next ten years. The Master Plan includes analysis, research, and recommendations for capital projects, open space management, land acquisitions, trail development, trail maintenance, recreation services, cultural amenities, funding estimates, and funding mechanisms. In addition, the Master Plan situates itself within existing local and regional planning documents, such as the Elevate Eagle Comprehensive Plan, and builds upon existing strategic efforts in Town.

In June 2021, the Town hired the consulting firm SE group to lead the plan's development. SE Group and town staff have collected data and engaged with the community, stakeholders, and OSRAC to produce the Master Plan throughout the past year.

After the Town Council Work Session on May 31, 2022, staff and SE Group developed the July 1, 2022, Redline Edits Draft of the Master Plan. This draft includes the edits and additions from OSRAC during their May 3, 2022 meeting, edits discussed at the Council Work session at the end of May 2022, and OSRAC recommendations and comments addressing the edits proposed at the Council Work Session. In addition, some edits were added by staff and SE Group for clarification, grammar, and to add additional information where needed. The July 1, 2022, Redline Edits Draft can be viewed on the project website, eagleostplan.org, and is also included in the packet.

ANALYSIS: OSRAC reviewed the additions and edits discussed by Council at the May 31, 2022, work session during their July 12, 2022, OSRAC meeting. OSRAC recommends the adoption of the most recent draft of the Master Plan with additional recommendations. OSRAC's comments and recommendations center around three recommendations from the plan, including T12, P2, OS20, and OS21.

For most of these recommendations, OSRAC has suggested rewrites or edits. These can be viewed in the July 1, 2022, Redline Edits Draft as the highlighted text or in the motion included in the Community Input section below. Staff requests that Council reviews the recommendations proposed by OSRAC and provide support for the new recommendations or direct staff on revisions you would like to see prior to adopting the plan.

Staff has included a breakdown of the recommendations provided by OSRAC below. Staff has also attempted to provide additional sentiments from the Committee discussion.

OSRAC Recommendations

1. OSRAC's first recommendation concerns T12 (Funding Relationships/ Restoration Opportunities Policy) and is located on page 37 of the July 1, 2022, Redline Draft. *OSRAC Recommendation: "Explore the opportunities to implement restoration projects or other mitigation strategies upon the development of new trail mileage."*

T12 addresses connecting new trail mileage projects with restoration or mitigation projects. OSRAC supports this recommendation and broadly supports efforts to include restoration and mitigation in all open space and trail projects. However, OSRAC is concerned with the potential ambiguity of the word "requirement." OSRAC recommends adjusting the language on this recommendation from a "requirement" to "exploring opportunities" to implement restoration projects.

OSRAC pointed out that trail projects are already costly and challenging to execute and had concerns about tying additional projects directly together. In addition, the policy language is vague, and OSRAC pointed out that not all projects will be ripe for mitigation and/or a restoration component. OSRAC recommends that restoration and mitigation always be explored during any open space and trail projects and that the Town continue to consider exploring opportunities to execute the intent of this policy.

2. OSRAC's second recommendation concerns P2 (Seasonal Wildlife Closures) on page 40. *OSRAC Recommendation: "With seasonal wildlife closures, work to balance consistency, changing habitat needs of wildlife, and winter recreation opportunities. All recreational opportunities in mapped wintering range and/or other environmentally vulnerable areas will be considered for seasonal wildlife closures. Dates will be determined in partnership with Colorado Parks and Wildlife (CPW), the Bureau of Land Management (BLM), and any other applicable land managers."*

OSRAC supported removing the word "new" in P2, as proposed at the Council Work Session. OSRAC also recommended adding the term "other environmental vulnerable areas" to account for potential wildlife closures other than big game, such as nesting birds or endangered reptiles. OSRAC's final recommendation is to change the wording of "subject to seasonal wildlife closures" to "considered for seasonal wildlife closures."

OSRAC thought this change would better align with the intent of the Master Plan as a guiding and vision document rather than a regulatory plan. OSRAC suggested that a better place to address existing seasonal closures would be through property-specific management plans (as indicated in the Master Plan). Further, OSRAC had concerns about interpreting the policy recommendation and whether it would be applied to paved rec paths in Town. Finally, OSRAC pointed out that all trails are already required to be considered for seasonal wildlife closures, and that assessment will continue.

3. OSRAC's final recommendation addressed OS20 and OS21 (Consistent Funding Source and Open Space Budgeting). OSRAC proposes moving "Consistent Funding Source" to OS21 and "Open Space Budgeting" to OS20. OSRAC thought the budgeting process needs to come before identifying and securing a consistent funding source.

For "Open Space Budgeting" (proposed to be OS20), OSRAC Recommends: "Develop a ballpark cost estimate report for the annual open space budget and the prioritized projects and tasks listed herein to better plan budgeting and further funding needs. Cost estimates and budgets will be reviewed on an annual basis." OSRAC was concerned about the staff time it could take to identify detailed cost estimates for all the projects included in the Master Plan. Further, costs could shift with changing materials prices and as projects evolve. Therefore, OSRAC proposes developing ballpark costs for all projects in the Master Plan to identify future budgeting needs while focusing on more detailed cost estimates for high-priority projects.

COMMUNITY INPUT: Community involvement has been a cornerstone for the plan's development. Staff received over 30 comments during the public comment period (3/15/22 – 4/8/22), significant stakeholder involvement throughout the process, guidance from OSRAC, over 250 responses to the online survey, 50 attendees at our first open house (10/19/21), and over 60 at the second open house (3/15/22). More than 18 diverse stakeholders have been involved in the planning process. In addition, staff has received 38 additional comments leading up to the Council Work Session. All comments and public engagement materials are available under the [appendices on the project website](#).

OSRAC reviewed the additions and edits discussed by Council at the May 31, 2022, work session during their July 12, 2022, OSRAC meeting. Below is the motion from the OSRAC meeting. Staff attempted to provide additional sentiments and assessments from OSRAC in the Analysis Section above. Public comment was accepted at the Committee meeting.

Motion to recommend that the Town Council of the Town of Eagle, Colorado adopt the Open Space and Trails Master plan as it exists in the July 1 Redline Edits Draft, with the following edits and additions:

1. Change T12 – Funding Relationships/ Restoration Opportunity Policies to: "Explore the opportunities to implement restoration projects or other mitigation strategies upon the development of new trail mileage."
2. Change P2 - Seasonal Wildlife Closures to: "With seasonal wildlife closures, work to balance consistency, changing habitat needs of wildlife, and winter recreation opportunities. All recreational opportunities in mapped wintering range and/or other environmentally vulnerable areas will be considered for seasonal wildlife closures. Dates will be determined in partnership with CPW, BLM, and other applicable land managers."
3. OS21: rename to Open Space Budgeting (moving "Consistent Funding Source" to OS21 and "Open Space Budgeting" to OS20): "Develop a ballpark cost estimate report for the annual open space budget and the prioritized projects and tasks listed herein to better plan budgeting and further funding needs. Cost estimates and budgets will be reviewed on an annual basis."

Motion by Saeger and second by Foulis. Motion passes unanimously.

BUDGET / STAFF IMPACT: The Master Plan provides the Town with key funding priorities, identified gaps and opportunities, strategic direction, capital projects, and partnerships to support implementation for the next ten years. This strategic document will be very beneficial to staff and the annual budget as it provides a community and stakeholder-supported direction for open space and trails. The plan identifies a temporal guide for implementing community-supported projects.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Action item #3.9 in the Elevate Eagle Comprehensive Plan identifies the need for the Town to develop an Open Space and Trails Master Plan to identify community desired enhancements to open space management and the trail system.

RECOMMENDED ACTION: Motion to **approve** or **deny** the adoption of Resolution No. 46, Series 2022, “A Resolution of the Town Council of the Town of Eagle, Colorado adopting the 2022 Open Space and Trails Master Plan.”

ATTACHMENTS:

1. July 1, 2022, Redline Edits Draft of the Open Space and Trails Master Plan
2. Resolution No. 46, Series 2022
3. The Master Plan Appendices, including public comment and public engagement materials, are available on the project website: eagleostplan.org.



Open Space and Trails Master Plan

Town Council
Town of Eagle, Colorado
July 26, 2022

T12 - Funding Relationships/ Restoration Opportunities Policy

- Recommendation #1:

“Explore the opportunities to implement restoration projects or other mitigation strategies upon the development of new trail mileage.”

P2 - Seasonal Wildlife Closures

- Recommendation #2:

“With seasonal wildlife closures, work to balance consistency, changing habitat needs of wildlife, and winter recreation opportunities.

All recreational opportunities in mapped wintering range and/or other environmentally vulnerable areas will be considered for seasonal wildlife closures.

Dates will be determined in partnership with Colorado Parks and Wildlife (CPW), the Bureau of Land Management (BLM), and any other applicable land managers.”

OS20 and OS21 - Consistent Funding Source and Open Space Budgeting

- Recommendation #3:
- Change OS20 to Open Space Budgeting and OS21 to Consistent Funding Source

“Develop a ballpark cost estimate report for the annual open space budget and the prioritized projects and tasks listed herein to better plan budgeting and further funding needs. Cost estimates and budgets will be reviewed on an annual basis.”

Questions

Thank You





To: Mayor and Town Council

From: Jim White, Interim Town Manager

Date: July 26, 2022

Agenda Item: Resolution 63, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Memorandum of Understanding - Climate Action Collaborative of the Eagle County Community"

REQUEST: Consideration of approval of a Memorandum of Understanding between the Town of Eagle and the Climate Action Collaborative of the Eagle County community.

BACKGROUND: The Town of Eagle is a stakeholder in the Climate Action Collaborative (CAC) of Eagle County. The CAC aims to achieve the environmental goals established in the 2016 Climate Action Plan for the Eagle County community.

ANALYSIS: Stakeholders have a shared vision to reduce greenhouse gas (GHG) emissions by 25% by 2025 and by 80% by 2050 from the 2014 baseline established by Eagle County. The stakeholders acknowledge that impacts of climate change include: warmer and shorter winters, hotter and drier summers, drought, wildfires, extreme weather, and other impacts which threaten the natural environment, historic water cycle, private and public property, economic and recreational resources, and public health and safety of our region.

COMMUNITY INPUT: Community support has been favorable.

BUDGET / STAFF IMPACT: The Town of Eagle has made an annual contribution (\$6000 in 2022), and will reconsider its contribution during annual budget cycles.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This effort aligns with the Town of Eagle Strategic Plan goal to "Invest in Environmental and Energy Sustainability".

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to APPROVE or DENY Resolution 63, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Memorandum of Understanding - Climate Action Collaborative of the Eagle County Community.

ATTACHMENTS:

1. 63 MOU WITH CAC

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 63
(Series 2022)

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CLIMATE ACTION
COLLABORATIVE OF THE EAGLE COUNTY COMMUNITY**

WHEREAS, the Town of Eagle is a stakeholder of the Climate Action Collaborate (CAC) of the Eagle County Community; and

WHEREAS, The stakeholders of the Climate Action Collaborative (CAC) of the Eagle County Community desire a collaborative structure to meet the goals and recommendations of the 2016 *Climate Action Plan (CAP) for the Eagle County Community*. This Memorandum of Understanding (MOU) supports the creation of a collaborative structure upon which CAC stakeholders can work together and partner to achieve CAP initiatives.

WHEREAS, The stakeholders recognize that the mountain communities throughout Eagle County are bound together by common geography, shared infrastructure, and a regional economy that is highly dependent on a cold winter climate and a healthy natural environment; and

WHEREAS, The stakeholders observe that the impacts of climate change include warmer and shorter winters, hotter and drier summers, drought, wildfire, extreme weather, and other impacts which threaten the natural environment, historic water cycle, private and public property, economic and recreational resources, and public health and safety of our region; and

WHEREAS, The stakeholders have articulated a shared vision for the Eagle County community to reduce greenhouse gas (GHG) emissions in alignment with the recommended targets in the 2016 CAP (25% by 2025 and 80% by 2050 from the 2014 Eagle County baseline inventory), and to collaborate on creating a vibrant, low-carbon regional economy by transforming energy systems, buildings, transportation, waste management, and through coordinated education and outreach strategies. The stakeholders acknowledge that our mountain communities and organizations can do much individually but can do far more together to shape and benefit from the low-carbon economy of the future; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF EAGLE,
COLORADO:

The Town Council approves the Memorandum of Understanding with the Climate Action
Collaborative of the Eagle County Community attached as Exhibit "A."

RESOLVED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY 2022.

TOWN OF EAGLE, COLORADO

BY:

Mayor, Scott Turnipseed

ATTEST:

Town Clerk, Jenny Rakow

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE LOCAL GOVERNMENT MEMBERS OF THE
CLIMATE ACTION COLLABORATIVE FOR THE EAGLE COUNTY COMMUNITY**

WHEREAS, several local government entities in Eagle County, Colorado, established and joined the Climate Action Collaborative (“**CAC**”) to reduce greenhouse gas (“**GHG**”) emissions in accordance with the goals of the Climate Action Plan for the Eagle County Community (“**CAP**”) as adopted and as may be amended from time to time; and,

WHEREAS, a 2017 Letter of Intent to Join The Climate Action Collaborative of the Eagle County Community (“**Letter of Intent**”) states that the collaborative group will work to outline the organizational components of the CAC and will create a Memorandum of Understanding establishing the CAC and outlining the organizational components of the CAC; and,

WHEREAS, local government members of the CAC find that global GHG emissions continue to catalyze global climate change and global temperature increase and that such global temperature increase is projected to result in severe negative effects on habitability, production and resiliency of the global community; and,

WHEREAS, the local government members of the CAC recognize the need and benefit to understand and implement best practices to reduce GHG emissions and draw down carbon levels in the atmosphere at the local and regional level, and therefore desire to define an organizational structure which will facilitate regional decision making and alignment of CAC policies; and,

WHEREAS, the local government members who financially contribute to the CAC desire to establish and adopt this Memorandum of Understanding (“**MOU**”) to define the organizational structure;

NOW, THEREFORE, the local government entities who are signatories to this MOU establish the following organizational structure for the CAC:

- 1. CLIMATE ACTION COLLABORATIVE GOVERNING BOARD:** A governing board of the CAC is established which shall be referred to as the “CAC Governing Board”.
- 2. MEMBERSHIP:** The CAC Governing Board shall comprise the eligible local government entities situated within Eagle County who sign this MOU.
- 3. QUALIFICATION OF MEMBERS:** Members of the CAC Governing Body shall meet the following minimum qualifications:
 - (a)** municipal and county government entities legally formed in accordance with the laws of Colorado;
 - (b)** with boundaries that are within Eagle County;

- (c) with a governing body that is subject to election by qualified voters as defined in Colorado law;
 - (d) who have formally adopted the CAP; and
 - (e) who financially contribute to the CAC in accordance with requirements for financial contributions as established by the CAC Governing Board, as may be amended from time to time.
- 4. **ADDITIONAL MEMBERSHIP:** Additional members shall be included on the CAC Governing Body upon receipt of a written request to join the CAC Governing Body by a local government entity who meets the qualifications of membership.
- 5. **REMOVAL OF MEMBERSHIP:** The CAC Governing Board may remove any CAC Governing Board member who ceases to meet the minimum qualifications after providing notice to such CAC Governing Board member and stating the reasons that such CAC Governing Board member ceases to meet the minimum qualifications. .
- 6. **REPRESENTATION:** Each qualified member of the CAC Governing Board shall have one voting seat on the CAC Governing Board. Each qualified member of the CAC Governing Board shall appoint a representative who shall be an elected representative of the governing body of the qualified member, and an alternate representative who shall be either an elected official of the governing body of the qualified member or a staff person of such qualified member. The designation of representatives by each qualified member shall be in writing in a manner determined by each respective qualified member and shall be updated from time to time.
- 7. **QUORUM:** Quorum shall consist of a majority plus one of the total membership of the CAC Governing Board. In the absence of a quorum, a lesser number may adjourn any meeting to a later time and date.
- 8. **OFFICERS:** The CAC Governing Board shall appoint a Chairperson and Co-Chairperson who shall serve as the meeting moderator for meetings of the CAC Governing Board.
- 9. **MEETINGS:** The CAC Governing Board shall meet at such time, place, and frequency as is determined appropriate by the CAC Governing Board.
- 10. **DUTIES:** The CAC Governing Board shall have the following duties:
 - (a) Prepare and adopt an annual budget;
 - (b) Prepare and adopt annual goals;
 - (c) Review and approve contracts for services; and
 - (d) Adopt policies as appropriate to achieve the goals of the CAP.

11. **VOTING:** All decisions of the CAC Governing Board shall be approved by a 3/4ths affirmative vote of the quorum present.
12. **NO LEGAL OR FINANCIAL OBLIGATIONS:** This MOU shall not create any legal obligation for any member local government entity and shall not create any multi-year financial obligation that exceeds the annual financial contribution to the CAC that is approved by each qualified member.

THIS MEMORANDUM OF UNDERSTANDING IS HEREBY APPROVED AND EXECUTED BY THE FOLLOWING LOCAL GOVERNMENT ENTITIES:

TOWN OF EAGLE

BY: _____
Scott Turnipseed, Mayor

DATE: _____

ATTEST: _____
Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Brian Lieberman, Open Space and Trails Manager

Date: July 26, 2022

Agenda Item: Resolution No. 65, Series 2022, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Roger Mitchell to serve as the Alternate Member of the Open Space and Recreation Advisory Committee."

REQUEST:

Staff requests that Town Council review Resolution No. 65, Series 2022, and consider appointing Roger Mitchell as the Alternate Member of the Open Space and Recreation Advisory Committee ("OSRAC"), per OSRAC's recommendation.

BACKGROUND:

With Craig Wescoatt stepping off the Committee in May 2022, prior to the end of his term, a vacant position opened on OSRAC. After Chris Kehoe's appointment to OSRAC as a full voting member at the June 14 Council meeting, staff advertised a vacancy on OSRAC for an alternate member. The application period was open and announced from June 15 – July 6, 2022. The Committee vacancy was advertised on the Town website, on social media, and via a Vail Daily article. Five applications were received.

ANALYSIS:

According to OSRAC's Bylaws, staff establishes an application process to fill a committee vacancy which can involve input from OSRAC. Council ultimately makes the appointment to the Committee.

OSRAC reviewed and discussed the five applications received for the Committee vacancy at the July 2022 OSRAC meeting. Based on the results of reviewing applicants, the Committee recommends Roger Mitchell for appointment on the Committee.

As all five applicants were qualified for the appointment, the voting members of OSRAC developed and completed a scoring rubric, with the highest-scoring applicant recommended to Council for the appointment. Roger Mitchell's application and cover letter for the OSRAC vacancy are attached in the packet. All five applications for the OSRAC vacancy can be viewed on the [Town Website under the July 12 OSRAC meeting packet](#).

COMMUNITY INPUT:

N/A. The Committee vacancy was advertised for three weeks on the Town website, social media, and the Vail Daily.

BUDGET / STAFF IMPACT:

No impacts to the Town budget or staff.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

The Elevate Eagle Comprehensive Plan outlines several extensive goals to support and improve open space and trails in the Eagle area. OSRAC was established in November 2020 to form a group of interested citizens with relevant backgrounds to advise staff and Council on matters concerning open space and trail planning.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Resolution No. 65, Series 2022, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Roger Mitchell to serve as the Alternate Member of the Open Space and Recreation Advisory Committee."

ATTACHMENTS:

1. Resolution No. 65-2022_OSRAC Alternate Appointment_7.26.22
2. Application and Cover Letter for Roger Mitchell's OSRAC Application

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 65
(SERIES OF 2022)

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPOINTING ROGER MITCHELL TO SERVE AS THE ALTERNATE MEMBER OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE

WHEREAS, in November 2020, Town Council formed the Open Space and Recreation Advisory Committee ("OSRAC") to provide additional expertise to the Town Council and staff necessary to enhance and facilitate open space and outdoor recreation in Town; and

WHEREAS, the OSRAC Bylaws establish that staff shall create an application process to fill vacancies on the Committee, which can include input from current Committee members; and

WHEREAS, OSRAC has evaluated the applications received and recommends Roger Mitchell to be appointed as the alternate member on OSRAC to fulfill the remainder of a 4-year term.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Roger Mitchell is hereby appointed to the Open Space and Recreation Advisory Committee as the Alternate Member by the Town Council of the Town of Eagle, Colorado, for his expertise and background in open space, trails, and wildlife management beginning immediately and expiring in May 2025 or upon resignation.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 26, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Commission & Committee Application Form

Select the Council,
Commission, or Committee
applying for

Open Space and Recreation Advisory Committee

PERSONAL INFORMATION

First Name	Roger
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Last Name	Mitchell
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Address1	PO Box 4294
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Address2	0067 Hernage Creek Rd
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City	Eagle
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State	CO
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Zip	81631
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Email Address	rtmitchell16@gmail.com
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Contact Phone Number	9703760720
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Business Address	P.O. BOX 4294 Eagle CO 81631
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Business Phone Number	9703760720
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Occupation	Remodeling Contractor
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(Section Break)

COMMITTEE INFORMATION:

Economic Vitality Committee: Meetings: 1:00 p.m., meet typically on the third Monday of each month.

Open Space and Recreation Advisory Committee: Meetings 9:00 a.m., meet typically on the first Tuesday of each month.

Downtown Development Authority: Meetings: 1:00 p.m., meet typically on the first Wednesday of each month.

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served
on other Boards,
Commissions, or
Committees?

No

If yes, which

Field not completed.

Please list organization
memberships and positions
held

Rocky Mountain Elk Foundation, Colorado Bow Hunters
Association

Please List Areas of Special
Interest

Mountain biking, traditional bow hunting, nordic skiing, upland
bird hunting, public land management

(Section Break)

ADDITIONAL QUESTIONS

What opportunities does
the Town of Eagle have?

The town of Eagle has great resources out their back door for
outdoor recreation.

What challenges currently
exist in the Town of Eagle?

The Town of Eagle needs to be cognizant of the impacts this
outdoor recreation has on our wildlife resources.

As a Committee Member,
how would you approach
these challenges?

As a committee member I would use my experience as a
biker/hiker over the years and the impact on wildlife that I have
observed over my 40 years in the Eagle Valley.

Are you a resident of Eagle
or do you own real
property, own a business or
work for an Eagle owned
business?

Yes

Please attach a cover letter
or experience information

[OSRAC application.pdf](#)

Email not displaying correctly? [View it in your browser.](#)

Brian Lieberman
Open Space Manager
Open Space & Recreation Advisory Committee
Eagle Town Hall
200 Broadway
Eagle, CO 81631

July 6, 2022

Dear Mr. Lieberman,

My name is Roger Mitchell and I am submitting my name for consideration for the vacant position on the Open Space and Recreation Advisory Committee for the Town of Eagle.

I have resided in Eagle County since 1983, having lived in Vail, Eagle Vail and Avon. I have lived in Eagle with my family for the past 17 years. During my time here I use the Town of Eagle open space multiple times per week cycling and hiking in the summer.

In the past I have used my degree in Wildlife Management for 8 seasonal appointments with the Bureau of Land Management in Montana, Utah and Colorado performing range, wildlife and hydrology work pertaining to the public use of federal land.

I believe my recreational interests, academic background and public land management work in the past gives me a broad base to assist the committee in its mission to actively conserve and enhance the town's open space and recreational opportunities.

Please feel free to contact me with any questions at 970-376-0720 or rtmitchell16@gmail.com. I look forward to hearing from you.

Sincerely,

Roger Mitchell



To: Mayor and Town Council

From: Jim White, Interim Town Manager

Date: July 26, 2022

Agenda Item: Regional Transportation Authority - Authorizing Notice of Intent to Participate in a Coordinated Election

REQUEST: Consideration by the Town Council on behalf of the Town of Eagle to participate in a coordinated general election pursuant the C.R.S. 1-7-116 (5) to establish a Regional Transportation Authority.

BACKGROUND: The Town has been participating in discussions regarding the establishment of a Regional Transportation Authority since the early part of 2022. Two committees were created as part of this process. One was the Formation Committee, comprised primarily of elected representatives from each entity involved. The other was the Technical Committee, comprised of appointed representatives from each entity involved. Discussions have ensued about transit and environmental benefits to each entity; tax implications impact on the local workforce, expanded transit service, and affordability.

ANALYSIS: This request is to refer the ballot question to the voters in the Town of Eagle to let them decide. Work in both committees is continuing on ballot language which is aimed at the November 8, 2022, election day.

COMMUNITY INPUT: Representatives from entities throughout Eagle County have been involved. Several straw polls have also been conducted to determine if there is support for this effort.

BUDGET / STAFF IMPACT: To date, the Town has made a contribution to the effort itself and to the consultants leading this process (\$6400 budgeted in 2022). The Town would also have to share the cost of the election itself at a cost yet to be determined.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

This project aligns with the Town's Strategic Goals, including "Invest in Environmental and Energy Sustainability" by reducing individual vehicle use and "Stimulate Economic Vitality and Development" by providing affordable transit options for our workers.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to Authorize the Town Clerk to send a Notice of Intent to participate in a coordinated election with the Eagle County Clerk and Recorder.

ATTACHMENTS:

1. ELECTION LETTER OF INTENT



July 26, 2022

VIA ELECTRONIC MAIL

Regina O'Brien
Eagle County Clerk and Recorder
regina.obrien@eaglecounty.us

Re: Notice of Intent to Participate in a Coordinated Election

Dear Ms. O'Brien:

I am writing on behalf of the Town of Eagle to notify you that the Town of Eagle intends to participate in a coordinated general election pursuant to C.R.S. § 1-7-116 (5). The political subdivisions that will be participating in the election and entering into the associated intergovernmental agreement pursuant to C.R.S. § 1-7-116 (2) are Eagle County, the towns of Avon, Eagle, Gypsum, Minturn, Red Cliff, and Vail, and the Beaver Creek Metropolitan District (together, the "RTA Formation Committee"). The ballot question to be submitted to the voters of each political subdivision will authorize entry into a contract to establish a regional transportation authority. The ballot question also will include both tax authorization and authorization to retain revenues above the limits set forth in, and in accordance with, section 20 of article X of the Colorado Constitution ("TABOR").

Please do not hesitate to contact me with any questions or further instructions.

Sincerely,

Jenny Rakow, CMC
Town Clerk

cc: RTA Formation Committee
Bill Ray
Brent Butzin
Polly Jessen



To: Mayor and Town Council

From: Brian Lieberman, Open Space and Trails Manager

Date: July 26, 2022

Agenda Item: Comment Letter to the Bureau of Land Management RE: CRVFO SEIS

REQUEST: Staff requests that Council review the July 26, 2022, Draft Comment Letter to the Bureau of Land Management (BLM) regarding the Colorado River Valley Field Office (CRVFO) Supplemental Environmental Impact Statement (SEIS) and provide any comments or direction to staff.

BACKGROUND: To comply with a settlement agreement in litigation of the CRVFO, the BLM is completing a SEIS to evaluate downstream impacts of oil and gas leasing on federal lands. The SEIS will augment the CRVFO 2015 Resource Management Plan (RMP). The Town of Eagle is participating in this process as a Cooperating Agency. The BLM requests that all Cooperating Agencies provide initial comment letters by the end of the month.

The SEIS process will take about two years. Currently, the BLM is requesting input from cooperating agencies to help define new alternatives for the RMP. The Town will continue to be involved with this process and will likely have additional opportunities to provide comments.

RMPs for the BLM provide management objectives and strategies for lands managed by each BLM field office. Smaller areas within the field office are often broken into special designation areas with additional criteria and standards to achieve specific management objectives.

The 2015 RMP for the CRVFO creates four special designation areas on public lands adjacent to the Town of Eagle. This includes two Special Recreation Management Areas (SRMA) and two Areas of Critical Environmental Concern (ACEC). The Town was instrumental in these designations through our involvement with creating the RMP in 2015. The SRMAs and ACECs have distinct management objectives for recreation and natural resource protection that are valuable for our community.

ANALYSIS: The 2015 RMP indicates that the four special designation areas adjacent to the Town of Eagle are open to new oil and gas leasing. However, the development potential of oil and gas in the Eagle area is thought to be low, so the potential for new oil and gas development is likely limited.

Owing to the settlement agreement, the BLM is required to reevaluate downstream impacts of oil and gas leasing. These impacts will likely include the effects of adding greenhouse gas emissions from oil and gas development on federal lands into the atmosphere. To combat this, the BLM proposes closing all areas in the field office with low to medium development potential of oil and gas. This would include the area around Eagle.

Staff supports this alternative because our community values recreation and wildlife in the Eagle area. Staff believes resource extraction is not consistent with the intent and management objectives of the special designations in our area and would support this change to minimize downstream impacts from oil and gas development.

COMMUNITY INPUT: The Open Space and Trails Master plan, 2021 Community Survey, and Elevate Eagle Comprehensive Plan all indicate that Eagle Residents place immense value on access to natural open space, recreation, and the existence of wildlife in our area. In general, resource extraction can detract from these values.

BUDGET / STAFF IMPACT: None.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Action item #3.10 in the Elevate Eagle Comprehensive Plan highlights our community's desire to continue working with the BLM to implement community-supported resource management objectives on federal lands adjacent to Town.

RECOMMENDED ACTION: Motion to **Approve** or **Deny** submitting the July 26 Comment Letter to the BLM for the 2022 CRVFO SEIS project.

ATTACHMENTS:

1. July 26, 2022, Draft Comment Letter to the BLM
2. Additional information about this project can be found on the BLM's project website:
<https://eplanning.blm.gov/eplanning-ui/project/2016085/510>



July 26, 2022

Bruce Krickbaum
Supplemental EIS Project Manager
Planning and Environmental Specialist
BLM Colorado State Office

RE: Colorado River Valley and Grand Junction Field Office Supplemental Environmental Impact Statement (DOI-BLM-CO-G020-2022-0001-RMP-EIS)

Bruce and the Planning Team,

Thank you for the opportunity to provide comments on the Bureau of Land Management (BLM) Colorado River Valley Field Office (CRVFO) Supplemental Environmental Impact Statement (SEIS).

The Town of Eagle (Town) was involved as a Cooperating Agency during the development of the 2015 CRVFO Resource Management Plan (RMP). The Town strongly supported the designation of the East and West Eagle Special Recreation Management Areas (SRMA) and the two Areas of Critical Environmental Concern (ACEC) that protect recreation and resource values in the Town's backyard. The Town is thankful for our continued partnership with the CRVFO to accomplish recreation and land management goals that benefit our local community, visitors, and wildlife.

Over the past year, the Town has been working with the CRVFO and other partners to develop our first Open Space and Trails Master Plan (Master Plan). The Master Plan outlines community-supported management objectives for Town-owned open space and provides a vision for resource objectives in the special designations on federally managed lands adjacent to Town. Development of the plan included extensive public and stakeholder engagement.

The Master Plan indicates that the Eagle community continues to consider recreation, proximity to open space and public lands, and wildlife as the top reasons to live in Eagle and primary factors contributing to a high quality of life. These sentiments are further supported by the Town's recent Community Survey (2021) and Elevate Eagle Comprehensive Plan (2020).

To protect these community values, the Town supports closing new oil and gas leasing in the two SRMAs and the two ACECs adjacent to Town. We believe resource extraction is not consistent with the intent and management objectives of the special designations in our area. This is especially relevant

considering the low potential for oil and gas development in the Eagle region. Therefore, the Town is supportive of the Preliminary New Alternative that is currently proposed.

The Town looks forward to being involved throughout this process and is thankful for the collaborative approach to resource management in the Eagle area. Please reach out with any questions.

Thank you,

Scott Turnipseed
Mayor
Town of Eagle