Open Space & Recreation Advisory Committee Meeting Agenda
Tuesday, May 2, 2023, at 9:00 AM
Council Chambers - Eagle Town Hall
200 Broadway Eagle, CO 81631

This agenda, meetings, and information about the Committee can be viewed at www.Townofeagle.org.
The public is invited to comment at the end of each agenda item

OSRAC MEETING ACCESS INFORMATION

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9:00 a.m. CALL TO ORDER and ROLL CALL

9:05 a.m. PUBLIC COMMENT

9:10 a.m. APPROVAL OF APRIL MINUTES

9:15 a.m. DISCUSSION/ BUSINESS ITEMS

9:15 a.m. (45 min) ReCode Eagle presentation

10:00 a.m. (30 min) Citizen request: Consider hours of service regulations for the Second Gulch Trail

10:30 a.m. (20 min) Commercial use of open space presentation and background

10:50 a.m. (10 min) New Business/ Future Agenda items

1. Title 6 review
2. OSRAC retreat follow-up

11:00 a.m. ADJOURN

Open Space & Recreation Advisory Committee
Unapproved Meeting Minutes
Tuesday, April 4, 2023, at 9:00 AM
Council Chambers - Eagle Town Hall
200 Broadway Eagle, CO 81631

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9:00 a.m. CALL TO ORDER and ROLL CALL

Call to Order at: 9:01am

Roll Call:

Committee members present: Roger Mitchell, Chris Kehoe, Jessica Foulis, Ernest Saeger, Anna Nakae, Lizzy Owens, Erinn Hoban

Committee members absent: Phil Kirkman

Staff Present: Brian Lieberman (Open Space and Trails Manager), Melissa Daruna (Assistant Town Manager), Tom Gosiorowski (Public Works Director)

Town Council Present: Ellen Bodenheimer

9:05 a.m. PUBLIC COMMENT

- Dale Decker requested that the Committee consider distinguishing "hours of use" for Off Highway Vehicle (OHV) motorized users on the Second Gulch trail and Town roads.
    - Dale informed the Committee that motorized users access Second Gulch as early as 4am on some mornings. This disrupts the neighborhood, and Dale requests that the Committee consider recommending to Town Council to implement "hours of use" for motorized users in Open Space.

9:10 a.m. APPROVAL OF MARCH MINUTES

MOTION to approve the MARCH OSRAC meeting minutes by Owens and second by Kehoe. Motion passed with a vote of 7 in favor (Mitchell, Kehoe, Foulis, Saeger, Nakae, Owens, Hoban) and 0 opposed.

9:15 a.m. DISCUSSION/ BUSINESS ITEMS

<u>Second Gulch motorized width limit review and recommendation</u>

- Staff presented information about Second Gulch, and the background for evaluation of increasing the motorized width limit.
    - Staff presented information from:
        - Eagle County
        - Bureau of Land Management
        - U.S. Forest Service
        - Colorado Parks and Wildlife
- The Committee discussed the motorized width limit on Second Gulch.
- The Committee accepted public comments.
- Staff informed the Committee that the Town will be developing Open Space Property Management Plans in 2023.
    - The property management plans will evaluate and catalog natural resources and open space assets, seasonal use restrictions, noxious weeds/ pest management, ecologically impaired areas, highlight potential areas for restoration, and overall recreation management.
- There was consensus among the Committee that more information is needed to make a recommendation to the Town Council on the motorized width limit.
- Committee members agreed that some of that missing information would come from the property management plans.

MOTION to consider the Second Gulch motorized width limit review and recommendation as part of the Open Space Management Plan by Saeger and second by Foulis. Motion passed with a vote of 7 in favor (Mitchell, Kehoe, Foulis, Saeger, Nakae, Owens, Hoban) and 0 opposed.

<u>Spring trail projects update</u>

- Staff are coordinating with Colorado Parks and Wildlife, Eagle County, and the Bureau of Land Management on trail openings.

New Business/ Future Agenda Items

- A committee member requested an update/history on discussions of implementing commercial use regulations in open space.
- Committee members were interested in more about Title 6 of the Eagle Municipal Code and what the process would be to review and update that section of the Code.
- Staff will present a follow-up on the OSRAC retreat and some next steps.

MOTION to ADJOURN at 11:06 by Saeger and second by Hoban. Motion passed with a vote of 7 in favor (Mitchell, Kehoe, Foulis, Saeger, Nakae, Owens, Hoban) and 0 opposed.

To: Open Space and Recreation Advisory Committee (OSRAC)

From: Brian Lieberman, Open Space and Trails Manager

Date: May 2, 2022

Agenda Item: ReCode Eagle presentation

Request: Review the draft land use code via the link provided below. Pay specific attention to Section 4.13.190 (Municipal and park land dedication), Chapters 4.11 (Landscaping and Buffering Standards), and Chapter 4.14 (Sustainability, Resilience, and Hazards).

Background: The Town of Eagle is undergoing a comprehensive update to the Land Use and Development Code (LUDC) for the first time since 1976, when the LUDC was first adopted. This community-based effort will be focused on preparing a code that:

- Implements the goals and policies of the Elevate Eagle Comprehensive Plan (Amended 2021),
- Reflects complete and internally consistent regulations,
- Updates the current regulations to address important local priorities and reflect community development preferences, and
- Is more efficient and user-friendly.

Community involvement and inclusive public engagement are key components of ReCode Eagle. The planning team is seeking feedback from stakeholders and the community on the final draft at this point. They have requested that OSRAC review the draft and provide feedback. In particular, take a look through Section 4.13.190 (Municipal and park land dedication), Chapters 4.11 (Landscaping and Buffering Standards), and Chapter 4.14 (Sustainability, Resilience, and Hazards). The planning and consulting team will present the draft and accept comments and questions at the meeting.

Recommend Action or Proposed Motion: None.

Attachments:

The draft land use code can be accessed through this link: ReCode-Eagle-LUDC-Update_Public-Comment-Version (townofeagle.org) (chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.townofeagle.org/DocumentCenter/View/18586/ReCode-Eagle-LUDC-Update_Public-Comment-Version)

Section 4.13.190 (Municipal and park land dedication): https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT4LAUSDECO_CH4.13SUDEIMDE_S4.13.190MUPALADE

To: Open Space and Recreation Advisory Committee (OSRAC)

From: Brian Lieberman, Open Space and Trails Manager

Date: May 2, 2022

Agenda Item: Citizen request: Consider hours of service regulations for the Second Gulch Trail

Request: Review the request by Dale and Sam Decker for implementation of "hours of service" for Off Highway Vehicle (OHV) motorized use on the Second Gulch Trail/ TOE Open Space. Advise TOE staff if this is a concern that OSRAC would like to address. If so, consider the information necessary to discuss the issue.

Background: At the April 2023 OSRAC meeting, Dale and Sam Decker requested that the Committee consider recommending hours of service for Off-Highway Vehicle (OHV) motorized use to Council for the Second Gulch Trail during open public comment. The request is included as an attachment. Staff requests that the Committee consider if this is a concern that it wants to take up. And if so, what information would help address this issue.

Analysis: Homeowners in Eagle Ranch have expressed concern with motorized users accessing the Second Gulch Trail during the early hours of the morning. According to the letter, the chief concern of homeowners is the noise from the machines early in the morning. Currently, the Town has no regulations prohibiting OHV motorized use at any time of the day. Outside of the Town's seasonal closures, there are also no regulations restricting non-motorized use of open space properties at any point during the day.

Some open space programs throughout the state have elected to implement hours of use restrictions on open space properties.

Community Input: Besides this request, no community input has been collected.

Budget/ Staff Impact: If the Committee would like to take up this issue, staff time would initially be allocated to researching this topic. Staff would be able to determine a budget more accurately after further discussion with the Committee.

Recommend Action or Proposed Motion:

1. Motion to recommend to Town Council that the existing regulations regarding hours of service should remain in place concerning Off-Highway Vehicle motorized use on the Second Gulch Trail and Town rights-of-ways accessing Second Gulch.

2. Motion to add hours of service regulations for the Second Gulch Trail to the next available agenda for additional discussion.

Attachments: Request by Dale and Sam Decker for implementation of "hours of service" for Off-Highway Vehicle (OHV) motorized use on the Second Gulch Trail/ TOE Open Space.

TOE Noise Comments

By Dale and Sam Decker

2203 East Haystacker Drive

Eagle, CO

Thank you for the opportunity to address the Committee today. My name is Dale Decker and my wife is Sam. We have lived at 2203 East Haystacker Drive for 15 years – in fact, we were the first residents on East Haystacker. Our house is less than 200 yards to the Second Gulch Trail. While we do not support the proposal for trail use changes to be discussed today, that is not the intent of these comments.

We have been in conversation with Brian Lieberman regarding noise on the Second Gulch Trail for several years. In the process of the conversations, we learned that TOE has no regulations for trail use hours of service for any vehicles. We specifically reference vehicles as motorbikes are the reasons we bring the noise issue to the committee. It is important to emphasize that we are not trying to exclude motorized vehicles on Second Gulch Trail. The noise issue is a secondary but related issue relative to the current discussion on Second Gulch Trail use.

The issue is that some motorbike users ride the trail at 4:00am, thereby disturbing all homeowners in the area. Claims have been made that complaints are from a half dozen "whiners" but in reality, there are probably on the order of 50 homes that are impacted by this noise.

In prior conversations with Brian, he spoke directly to the motorbike riders to express our concerns. Sometimes that has helped but in the long run it has not. We have also contacted TOE police about filing a "disturbing the peace" claim. We were told that the police could do nothing since TOE has no regulations in the TOE Code addressing the hours of service issue.

Therefore, we respectfully request that the Committee recommend to TOE that hours of service regulations be established for the Second Gulch Trail. While a dusk to dawn closure could be used, it would likely be difficult to manage while specific hours would be fairly easy to regulate.

It is our opinion that a reasonable regulation would be similar to "quiet time" at a campground, perhaps 10pm to 7am.

Thank you for the opportunity to present these comments.

Dale and Sam Decker

To: Open Space and Recreation Advisory Committee (OSRAC)

From: Brian Lieberman, Open Space and Trails Manager

Date: May 2, 2022

Agenda Item: Commercial use of open space presentation and background

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Request: None.

Background: Currently, the Town of Eagle does not have any regulations pertaining to Commercial, Guided, or special uses of Town Open space. With a few exceptions, non-profits, business, and other entities can use Town trails and open space for guided trips, skills clinics/classes, babysitting groups/ childcare, and other such uses.

One exception is the launching of boats at the Chambers Park Boat Ramp. Commercial users accessing the Eagle River at this point are required to pay the Town $1 per person/boat launched at this site.

In addition, any events that take place on Town trails or open space properties are required to apply for and receive a special event permit. A special event is defined as "a planned event involving a gathering of 50 or more people which occurs on public property, including without limitation block parties, parades, festivals, walks, running or bicycle races, fundraisers, picnics, or sports tournaments, but excluding demonstrations."

Other open space programs in the state, including Eagle County, regulate the amount of commercial use permitted on open space properties and often require a fee to use the open space. This could be implemented in the Town of Eagle. However, these permit programs generally take a significant amount of staff time and resources to develop and administer.

Often, the goal of these permit programs is to protect natural resources and the public's enjoyment of trails and open space.

Recommend Action or Proposed Motion: None.

Attachments: None.