



Town Board of Trustees

AMENDED

Tuesday, March 12, 2019

Public Meeting Room / Eagle Town Hall

200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Meetings are also aired online at <https://vimeo.com/channels/Townofeagle/>.
Times listed are approximate and are subject to change.*

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

ADOPTION OF AGENDA *(Opportunity for amendment or deletions to this evenings agenda.)*

PUBLIC COMMENT - *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

OPEN PUBLIC HEARING

1. Land Use File Number AN17-01 Red Mountain Ranch Annexation (Statute requires this to be open for public hearing for at least one hour.)

CONSENT AGENDA *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes) Roll Call Votes shall occur whenever Town funds are expended.*

1. Minutes
2. Bill Pay
3. Resolution 14-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving an Intergovernmental Agreement with The Eagle County Housing and Development Authority for Affordable Housing Services
4. Resolution 16-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Setting Forth Check and Electronic Fund Transfer Signing Authority
5. Resolution 17-2019 A Resolution Adopting The 2018 Eagle County, Co Hazard Mitigation Plan Update and Authorizing the Chairman of Eagle River Fire Protection District to Sign the Approved Agreement

TOWN MANAGER AND DEPARTMENT UPDATE

1. Town Manager Update
2. Department Update
3. Lower Basin Water Treatment Plant Update, MWH Constructors

PUBLIC HEARING - QUASI JUDICIAL HEARING

1. Project: Reserve at Hockett Gulch Annexation and Planned Unit Development

File#: AN 18-01 and PUD18-02

Applicant: Dan Metzger, Brue Baukol Capital Partners

Location: 016186 Highway 6, Unincorporated Eagle County – 29.65 acres on the west end of the Town of Eagle boundaries. Parcel Number 2109-053-00-002.

Staff Contact: Morgan Landers, Town Planner

- a. EXECUTIVE SESSION - To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) as it relates to Reserve at Hockett Gulch Annexation and Development Agreement.

OLD BUSINESS

1. NWCCOG THOR & Broadband Options

NEW BUSINESS

1. Resolution 15-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving the Second Amendment to Annexation and Development Agreement for The Haymeadow Development
2. Contingency Transfer - Water Enterprise Fund (roll call vote)

CLOSE PUBLIC HEARING

1. Land Use File Number AN17-01 Red Mountain Ranch Annexation (Statute requires this to be open for public hearing for at least one hour.)

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. EXECUTIVE SESSION - To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and 5 and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) as it relates to the THOR Broadband Contract with NWCCOG.

ADJOURN

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 - TOEE – ((TOEE Wireless))



To: Mayor and Town Board of Trustees

From: Morgan Landers, Town Planner

Date: March 11, 2019

Agenda Item: Red Mountain Ranch Annexation Hearing

REQUEST: Staff is requesting the Board of Trustees continue the annexation hearing to **March 26, 2019**.

BACKGROUND:

On February 13, 2018, the Board of Trustees passed a resolution finding the Annexation Petition and Plat for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S. This resolution also set the date for the Public Hearing to determine if the proposed annexation complies with the Colorado Constitution and applicable sections of the Colorado Revised Statutes. The file has since been continued to allow staff additional time for review of the land use application associated with the annexation petition.

ANALYSIS:

The planning commission heard file PUD18-01 Red Mountain Ranch at their regular meeting on February 19, 2019 and the file has been scheduled for the March 26, 2019 hearing of the Board of Trustees. Continuing this hearing until the March 26th meeting allows the application timelines for the Annexation and Zoning Plan to align.

COMMUNITY INPUT:

The Annexation Petition and Plat have been noticed per Section 31-12-108, C.R.S. Noticing requirements include four consecutive notices within the timeframe outlined in the statute. The statute also requires that the proof of publication and the annexation petition be sent to the Eagle County Board of County Commissioners, Eagle County Attorney, and all applicable taxing districts. These notices were distributed via certified mail and a follow up email was also sent to ensure proper distribution. Public notices for PUD18-01 have been published per Section 4.03.060 of the Town's Municipal Code.

BUDGET / STAFF IMPACT: n/a

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: This request is in alignment with Major Objective 10: Address Essential Planning and Land-Use Challenges. Specifically, the project is being reviewed according to the Town of Eagle Land Use and Development Code as well as the Colorado Revised Statutes

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to continue the Annexation Public Hearing for Red Mountain Ranch to March 26, 2019.

ATTACHMENTS: None



**Town Board of Trustees
Tuesday, February 26, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

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TRUSTEES PRESENT

Anne McKibbin, Mayor
Kevin Brubeck, Mayor Pro Tem
Scott Turnipseed
Matt Solomon
Paul Witt
Mikel "Pappy" Kerst (Absent)
Andy Jessen

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Jenny Rakow, Town Clerk
Morgan Landers, Town Planner/Comm Dev Director
Jeremy Gross, Marketing and Events Manager
Lynette Horan, Human Resources Manager
Bill Shrum, Assistant to the Town Manager
Bryon McGinnis, Public Works Director
Joey Stauffer, Police Chief
Erin Ivie, Executive Assistant

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

ADOPTION OF AGENDA –One Book One Valley has been postponed until the March 26, 2019 Town Board Meeting on request of Lori Barnes.

PUBLIC COMMENT

Dave Kulesza requested follow up from Town Manager on letter he received from an attorney in response to his questions regarding Eagle Police Department response on incident with his son who was reported missing. Concerns were related to language in the letter relating to lawsuits. Is still seeking answers on why the police chose not to call search and rescue. Brandy Reitter will set up a time to meet with Mr. Kulesza.

OPEN PUBLIC HEARING

1. Land Use File Number AN18-01 The Reserve at Hockett Gulch Annexation (Statute requires this to be open for public hearing for at least one hour.) Mayor McKibbin opened the public hearing for Land Use File Number AN18-01 – The Reserve at Hockett Gulch Annexation for one hour. Mayor McKibbin asked if there were any audience members present for this item. There was not. (6:08 p.m.)

PRESENTATIONS

1. Home Rule Survey Results, David Flaherty Magellan Strategies – Bill Shrum introduced David Flaherty who

presented the findings and results from the survey.

Board Comments: discussion on how the survey was developed, David worked with Brandy Reitter and also used themes from the recent Castle Pines Home Rule election. The survey was randomized. Additional information for the public should include specific examples of what local concerns are that can be addressed with Home Rule. Trustees were interested in hearing from Town Attorney on how they can legally approach discussing this topic with the public.

2. One Book One Valley Proclamation, Lori Barnes Vail Public Library – *(Rescheduled to the March 26, 2019 Town Board Meeting)*

Greater Eagle Fire Protection District Proposed Wildfire Mitigation Projects” (20 min) – Hugh Fairfield-Smith GEFPD Wildland Coordinator and John Staight Open Space Coordinator. Hugh Fairfield-Smith gave his presentation on proposed mitigation projects within and surrounding the Town of Eagle.

3. Board Comments: meeting with homeowners and HOAs was requested and is being scheduled by EFPD. Affirmed with Town Manager that Town staff can participate in this project.

MOTION: Trustee Solomon motioned to direct staff work with Greater Eagle Fire Protection District on Firewise Mitigation steps. Motion was seconded and PASSED unanimously.

4. Mental health Awareness and Resource Management - Recognition of Erin Ivie, Eagle Police Department. Police Chief Joey Staufer provided background and information for awarding Erin Ivie with the Eagle Police Department Meritorious Conduct Award for her distinguished service and work in the area of mental health for our community members and for our local law enforcement professionals.

CONSENT AGENDA

1. Minutes - February 12, 2019

MOTION: Trustee Witt motioned to approve the Consent Agenda. Motion was seconded and PASSED unanimously, with Trustee Turnipseed abstaining.

TOWN MANAGER AND DEPARTMENT UPDATE

Town Manager Update – Charlie Davis has accepted position as Building Official and will be starting shortly. We have also hired a new Information Center Manager, Suzanne Goodwin. New staff will be introduced to the Board next month.

1. The Pool and Ice Rink Master Planning RFP has been announced. Eagle 2020 is next Wednesday at 6 pm. Topics will be THOR and Home Rule. Trustee Turnipseed stated that he was part of the interviewing building inspector and the Town had three great candidates and he was impressed with the process.

OLD BUSINESS

1. Resolution 13-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Appointing Erik A. Johnson As the Judge of The Eagle Municipal Court and Approving an Associated Agreement

MOTION: Trustee Witt motioned to approve Resolution 13-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Appointing Erik A. Johnson As the Judge of The Eagle Municipal Court and Approving an Associated Agreement. Motion was seconded and PASSED unanimously with the following roll call vote: AYE: Solomon, Jessen, Brubeck, McKibbin, Turnipseed and Witt. NO: None.

a. Oath of Office – Town Clerk provided the Oath of Office to Erik Anderson as Municipal Court Judge.

THOR Update – Brandy Reitter stated that Gypsum has opted out temporality which has increased costs to other stakeholders. Brandy has a meeting with Comcast on Thursday to discuss the Eagle market.

2. Board Comments: concern regarding Comcast effect on THOR, more information on the differences in costs and situation on whether Eagle County of the Town hosts the Meet Me Center. Concerns regarding stakeholders and whether a Meet Me Center is a contribution. More information on the Phases of this project, including potential customers, timing and costs to the Town. Brandy will provide more information to the Town Board on March 12th.

NEW BUSINESS

CLOSE PUBLIC HEARING

1. Request to continue Land Use File Number AN18-01 The Reserve at Hockett Gulch Annexation to March 12, 2019.

MOTION: Trustee Brubeck motioned to close the public hearing for Land Use File Number AN18-01 The Reserve at Hockett Gulch Annexation and continue to the March 12, 2019 Town Board Meeting. Motion was seconded and PASSED unanimously.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

State of the County Presentation – Video was provided for information purposes.

Matt Mire Town Attorney provided high level advice to the Board regarding Home Rule discussions with the public. FCPA rules prohibit expenditures after the ballot is set. Board can have discussions with the public individual opinions outside of formal meetings.

Trustee Jessen would like update on sidewalk on Chambers by Sinclair. Bryon McGinnis will have numbers for that project to use for budget.

Trustee Solomon – would like to start discussion on financing and in-kind donations for Eagle River Park improvements outside of the current project.

Trustee Solomon updated the Board regarding the Citizens Committee and their work on the naming rights. Would like to be able to negotiate with the individuals and asked the board permission to do so, they agreed.

Mayor McKibbin spoke with the Post Master. Post Office will not take steps to expand services until all developments are approved. Cluster Boxes for delivery to new development was discussed as a strong suggestion to alleviate any further capacity and parking issues at the current location. Board felt the Post Office is not being proactive or prepared and response was unacceptable regardless if box shortage is related to seasonal workers.

Board will need to contact our Congressperson to address this as a priority.

Mayor McKibbin update on meeting with Colorado Parks and Wildlife and Town staff on Eagle River Park as positive.

Mayor McKibbin noted that the topics for the Eagle 20/20 will be THOR and Home Rule.

ADJOURN (7:50 p.m.)

WORKSESSION

1. Economic Vitality & Town Revenues

ADJOURN (8:50 p.m.)

APPROVED:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

**BILL SCHEDULE
FEBRUARY 2019**

GENERAL FUND

General Government

Pinnacol Assurance	Workers Compensation	\$	263.39
Eagle Valley Medical Center	Flu Shots		50.00
Interactive Health, Inc	Biometric Health Testing		195.00
Triad EAP	Employee Assistance Program		10.58
Cintas Corporation	Office Supplies		13.11
Staples	Office Supplies		19.95
Executech Utah LLC	Equipment (Non-Capital)		2,269.96
Colorado Bar Association	Legal Notices		150.00
Colorado Mtn. News Media	Legal Notices		708.03
Downtown Colorado Inc	Dues & Subscriptions		225.00
Walking Mountains Science Center	Dues & Subscriptions		5,000.00
Verizon Wireless, Bellevue	Utility Services		52.72
Hoffman, Parker, Wilson & Carberry PC	Legal-General		5,296.50
Carlson & Carlson, Attorneys At Law PC	Legal Prosecutor		1,500.00
Executech Utah LLC	Computer Support		159.45
Limelight Hotel-Aspen	Travel Expense		176.97
Punch Bowl Social	Travel Expense		63.50
PR Studio	Public Relations		308.45
CCCMA	Tuition & Books		60.00
Kryterion Global Testing Solutions	Tuition & Books		75.00
PR Studio	Contract Payments		1,500.00
Cirsa	Property & Casualty Insurance		27,432.50
Corazon De Esperanza, Inc.	Community Request		250.00
EVHS Project Graduation	Community Request		500.00
Porchlight Players	Community Request		500.00
Red Ribbon Project	Community Request		300.00
Vail Valley Partnership	Community Request		4,650.00
Total General Government		\$	51,730.11

General Administration

Racetrac	A/R-CC Fraudulent Activity	\$	149.73
Shell Oil	A/R-CC Fraudulent Activity		430.46
Morningstar Mountain Property LLC	Deposits Payable		192,689.76
Hartford, The	Disability Insurance		1,627.26
Meritain Health	Health Insurance		29,282.21
MetLife	Vision Insurance		592.04
Colorado Department Of Revenue	Misc Deductions Payable		450.00
Alfaro, Anna	Facility Usage Deposit Refund		525.00
Arzaga, Antonio	Facility Usage Deposit Refund		375.00
Gutierrez, Yolisma	Facility Usage Deposit Refund		375.00
Mackey, Caleb	Facility Usage Deposit Refund		750.00
R.A. Nelson	Facility Usage Deposit Refund		750.00
Sanchez, Yesenia	Facility Usage Deposit Refund		375.00
Steadman Clinic Professional	Facility Usage Deposit Refund		750.00
Pinnacol Assurance	Workers Compensation		295.22
Eagle Valley Medical Center	Flu Shots		50.00

General Administration (Cont.)

Interactive Health, Inc	Biometric Health Testing	1,170.00
Meritain Health	HIPPA Notice	4.50
Triad EAP	Employee Assistance Program	25.79
Cintas Corporation	Office Supplies	74.27
Sandy's Office Supply	Office Supplies	141.18
Fleet Services	Gas & Oil	24.89
Batson's Corner Store	Employee Appreciation	4.58
City Market	Office Supplies	9.64
Coolhorse	Employee Appreciation	140.00
Eagle Visitor Center	Office Supplies	20.00
Montauk Seafood Grill	Employee Appreciation	75.00
Coolhorse	Communication & Transportation	10.00
USPS	Communication & Transportation	24.90
Impact Development Fund	Dues & Subscriptions	1,500.00
Mail Chimp	Dues & Subscriptions	75.00
Century Link	Utility Services	1,136.69
Chase Paymentech	CC Transaction Fees	1,208.57
Xpress Bill Pay	CC Transaction Fees	611.06
Colorado Bureau Of Investigation	Professional Admin Services	77.00
Municipal Code Corporation	Professional Admin Services	736.35
Caselle, Inc.	Computer Support	4,906.00
Executech Utah LLC	Computer Support	541.31
TEC Integration, Inc.	Computer Support	2,426.92
Grand Ave	Meeting Expense	170.85
Red Canyon Café	Meeting Expense	107.10
Lewan & Associates	Copier Contract	149.78
US Bank Equipment Finance	Copier Contract	374.70
Cirsa	Property & Casualty Insurance	23,472.57
Cirsa	Insurance - Pavilion	443.42
Total General Administration		\$ 269,128.75

Community Development

Pinnacol Assurance	Workers Compensation	\$ 367.34
Interactive Health, Inc	Biometric Health Testing	585.00
Triad EAP	Employee Assistance Program	28.20
Plotter Supplies Inc	Office Supplies	101.40
Staples	Office Supplies	19.93
Walmart	Office Supplies	16.41
PR Studio	Communication & Transportation	10.00
Verizon Wireless, Bellevue	Utility Services	120.59
International Code Council	Personnel Services	150.00
BBC Research & Consulting	Professional Services	8,000.00
McCool Development Solutions, LLC	Professional Services	3,203.90
Certified Mail Envelope	Planning Reimbursable	238.63
Garfield & Hecht, P.C.	Planning Reimbursable	675.00
Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	75.00
Quenon Engineering And Surveying	Planning Reimbursable	225.00
Resource Engineering Inc	Planning Reimbursable	591.50
Executech Utah LLC	Computer Support	233.30
Zoom.Us	Computer Support	14.99

Community Development (Cont.)

Vail Symposium	Tuition & Books	12.00
US Bank Equipment Finance	Copier Contract	374.71
Total Community Development		\$ 15,042.90

Municipal Court

Pinnacol Assurance	Workers Compensation	\$ 41.39
Triad EAP	Employee Assistance Program	8.09
Amazon	Equipment (Non-Capital)	519.97
Carlson & Carlson, Attorneys At Law PC	Legal Prosecutor	1,500.00
Executech Utah LLC	Computer Support	16.80
Technovia Consulting	Computer Support	110.25
High Country Copiers	Copier Contract	18.87
Total Municipal Court		\$ 2,215.37

Streets

Pinnacol Assurance	Workers Compensation	\$ 12,600.78
Eagle Valley Medical Center	Flu Shots	43.75
Interactive Health, Inc	Biometric Health Testing	497.25
Triad EAP	Employee Assistance Program	33.14
Amazon	Office Supplies	13.26
Cintas Corporation	Office Supplies	32.99
King Soopers Customer Charges	Office Supplies	4.84
Quill Corporation	Office Supplies	62.81
Alpine Lumber Co.	Repair & Maintenance Supplies	165.15
Colorado Asphalt Services, Inc	Repair & Maintenance Supplies	1,880.00
Ewing Trucking And Construction LLC	Repair & Maintenance Supplies	11,854.46
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	4.40
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	14.10
Lawson Products	Repair & Maintenance Supplies	256.54
MacDonald Equipment	Repair & Maintenance Supplies	399.38
Mid-American Research Chemical	Repair & Maintenance Supplies	45.50
Paint Bucket	Repair & Maintenance Supplies	29.42
PST Enterprises, Inc	Repair & Maintenance Supplies	657.57
United Rentals (North America) Inc	Repair & Maintenance Supplies	161.70
Wagner Equipment Co	Repair & Maintenance Supplies	998.18
Wylaco Supply Co	Repair & Maintenance Supplies	1,493.18
G & S Tool Clinic, LLC	Vehicle Repair & Maintenance Supplies	242.73
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	3,748.17
Fleet Services	Gas & Oil	3,649.39
G & S Tool Clinic, LLC	Gas & Oil	43.97
Executech Utah LLC	Equipment - Supplies	157.00
G & S Tool Clinic, LLC	Communication & Transportation	13.86
Hobbs Excavating	Communication & Transportation	700.00
Lawson Products	Communication & Transportation	18.86
MacDonald Equipment	Communication & Transportation	173.53
Mid-American Research Chemical	Communication & Transportation	5.95
PST Enterprises, Inc	Communication & Transportation	236.24
Century Link	Utility Services	898.44
Holy Cross Energy	Utility Services	5,071.27
Verizon Wireless, Bellevue	Utility Services	88.90

Streets (Cont.)

Eagle County Solid Waste & Recycling	Repair & Maintenance Services	105.34
G & S Tool Clinic, LLC	Repair & Maintenance Services	8.80
Executech Utah LLC	Computer Support	70.77
John Deere Financial	Winter Snow Equip Rental	137.42
Cirsa	Property & Casualty Insurance	25,237.91
Total Streets		\$ 71,856.95

Public Safety

Pinnacol Assurance	Workers Compensation	\$ 23,709.89
Eagle Valley Medical Center	Flu Shots	25.00
Interactive Health, Inc	Biometric Health Testing	390.00
Triad EAP	Employee Assistance Program	78.96
Amazon	Office Supplies	27.98
Buhlman, Carrie	Office Supplies	10.89
Sandy's Office Supply	Office Supplies	173.85
Staufer, Joey	Operating Supplies	359.82
Vista Print	Operating Supplies	207.81
Amazon	Uniforms	121.83
Patterson, Jamie	Uniforms	56.75
Walter F. Stephens, Inc.	Uniforms	61.20
Auto Zone, Inc	Vehicle Repair & Maintenance Supplies	13.58
John Deere Financial	Vehicle Repair & Maintenance Supplies	226.40
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	54.00
Fleet Services	Gas & Oil	1,915.67
PST Enterprises, Inc	Gas & Oil	83.86
Sanders, Joshua	Gas & Oil	42.60
Vista Print	School Resource Officer Supplies	34.34
Amazon	Equipment - Supplies	268.99
Pro Force Law Enforcement	Equipment - Supplies	1,425.90
Quiet Kat	Equipment - Supplies	4,135.00
Staufer, Joey	Equipment - Supplies	2,090.99
King Soopers Customer Charges	Equipment & Supplies- Grants	44.60
Federal Express Corp.	Communication & Transportation	127.93
Nelson, Carla	Communication & Transportation	10.24
Walter F. Stephens, Inc.	Communication & Transportation	8.25
Colorado Assn Chiefs Of Police	Dues & Subscriptions	300.00
FBI-LEEDA	Dues & Subscriptions	50.00
IACP	Dues & Subscriptions	190.00
Int'l Assoc. For Property & Evidence Inc	Dues & Subscriptions	50.00
AT&T Mobility	Utility Services	1,162.34
Century Link	Utility Services	736.96
White Water Express Carwash	Repair & Maintenance Services	95.50
Executech Utah LLC	Computer Support	87.20
SMTP2GO	Computer Support	23.88
Technovia Consulting	Computer Support	2,094.75
Tyler Technologies, Inc	Computer Support	795.69
Buhlman, Carrie	Travel Expense	19.72
Embassy Suites	Travel Expense	116.00
Gaspard, Colleen	Travel Expense	29.34
Hinton, Bryce	Travel Expense	19.00

Public Safety (Cont.)

Sanders, Joshua	Travel Expense	16.58
Casa Mexico	Meeting Expense	68.73
Red Canyon Café	Meeting Expense	101.78
Stauffer, Joey	Meeting Expense	511.00
Colo District Atty Council	Training & Travel-Grants	3,125.00
FBI-LEEDA	Travel & Training-Grants	350.00
Amazon	Tuition & Books	266.55
Colorado Assn Chiefs Of Police	Tuition & Books	195.00
Dolan Consulting Group LLC	Tuition & Books	390.00
National Online Training	Tuition & Books	89.85
Eagle County Animal Control	Animal Control	2,857.00
Amazon	Volunteer Recognition	11.99
Fire Awards.Com	Volunteer Recognition	184.27
National Law Enforce. Museum	Volunteer Recognition	23.20
Colorado Bureau Of Investigation	Contract Payments	300.00
High Country Copiers	Copier Contract	169.94
Paper Wise	Contract Payments	50.00
Steven A. Nofziger	Contract Payments	175.00
Cirsa	Property & Casualty Insurance	25,954.23
Total Public Safety		\$ 76,316.83

Buildings and Grounds

Pinnacol Assurance	Workers Compensation	\$ 8,079.32
Interactive Health, Inc	Biometric Health Testing	624.00
Triad EAP	Employee Assistance Program	26.43
Amazon	Office Supplies	13.26
Cintas Corporation	Office Supplies	32.99
King Soopers Customer Charges	Office Supplies	4.84
Quill Corporation	Office Supplies	62.81
Alpine Lumber Co.	Repair & Maintenance Supplies	140.44
Bobcat Of The Rockies	Repair & Maintenance Supplies	71.67
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies	212.80
John Deere Financial	Repair & Maintenance Supplies	493.17
Mid-American Research Chemical	Repair & Maintenance Supplies	45.50
Potestio Brothers Equipment, Inc	Repair & Maintenance Supplies	492.80
PST Enterprises, Inc	Repair & Maintenance Supplies	44.47
Skyline Mechanical, Inc.	Repair & Maintenance Supplies	83.31
Summit Supply Corporation	Repair & Maintenance Supplies	89.00
Superior Alarm & Electronics	Repair & Maintenance Supplies	22.00
Two Valley Tire LLC	Repair & Maintenance Supplies	200.00
John Deere Financial	Vehicle Repair & Maintenance Supplies	140.62
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	703.78
Fleet Services	Gas & Oil	604.21
PST Enterprises, Inc	Gas & Oil	53.47
Executech Utah LLC	Equipment - Supplies	78.50
U-Line	Equipment - Supplies	199.00
Supply Works	Janitorial Supplies	1,293.60
Bobcat Of The Rockies	Communication & Transportation	76.31
John Deere Financial	Communication & Transportation	160.93
Mid-American Research Chemical	Communication & Transportation	5.94

Buildings and Grounds (Cont.)

Potestio Brothers Equipment, Inc	Communication & Transportation	215.00
PST Enterprises, Inc	Communication & Transportation	18.65
Summit Supply Corporation	Communication & Transportation	16.50
U-Line	Communication & Transportation	18.53
Black Hills Energy	Utility Service	4,821.15
Century Link	Utility Service	2,151.43
Holy Cross Energy	Utility Service	3,712.19
Verizon Wireless, Bellevue	Utility Service	52.72
Eagle Ranch Metropolitan Dist.	Irrigation Services Agreement	3,661.71
Jerry-master Janitorial	Janitorial Maintenance Contract	4,316.00
John Deere Financial	Repair & Maintenance Services	106.40
Skyline Mechanical, Inc.	Repair & Maintenance Services	650.18
Sno-White Linen Rental	Repair & Maintenance Services	185.74
Superior Alarm & Electronics	Repair & Maintenance Services	731.00
Venzor Carpet Cleaning	Repair & Maintenance Services	375.84
Executech Utah LLC	Computer Support	52.60
Cirsa	Insurance	22,937.74
Total Buildings and Grounds		\$ 58,078.55

Information Center

Pinnacol Assurance	Workers Compensation	\$ 91.97
Triad EAP	Employee Assistance Program	28.20
Colorado Candy Kitchen	Supplies For Resale	287.60
Mike Luark	Supplies For Resale	420.00
Mountain Sights, Inc	Supplies For Resale	266.70
Paper And Stone	Supplies For Resale	600.00
Derived From Nature	Supplies - Consignment	16.80
Eagle County Historical Society	Supplies - Consignment	43.07
Horn, Rena	Supplies - Consignment	12.00
Nature's Details Photography	Supplies - Consignment	109.50
New Song Corporation	Supplies - Consignment	21.00
Oliphant, John	Supplies - Consignment	26.25
Pamela Saden	Supplies - Consignment	225.38
Rick Olsen	Supplies - Consignment	6.75
Selcke, Jim	Supplies - Consignment	18.75
Teresa Hauser	Supplies - Consignment	27.00
Williams, Sam	Supplies - Consignment	3.75
Colorado Department Of Revenue	Sales Tax	285.05
Eagle County Environmental Health	Dues & Subscriptions	195.00
Century Link	Utility Services	201.71
Executech Utah LLC	Computer Support	13.21
Total Information Center		\$ 2,899.69

Marketing and Events

Pinnacol Assurance	Workers Compensation	\$ 1,456.84
Interactive Health, Inc	Biometric Health Testing	195.00
Triad EAP	Employee Assistance Program	7.76
Staples	Office Supplies	19.93
OG Printer Inc	Promotional Materials	342.75
Auto Zone, Inc	Vehicle Repair & Maintenance Supplies	11.68

Marketing and Events (Cont.)

PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	34.65
Fleet Services	Gas & Oil	33.10
PST Enterprises, Inc	Gas & Oil	53.88
Spotify	Dues & Subscriptions	10.98
Verizon Wireless, Bellevue	Utility Services	52.58
Executech Utah LLC	Computer Support	34.92
Color Coffee Roasters	Meeting Expense	11.58
PR Studio	Public Relations	2,500.00
Vail Symposium	Tuition & Books	12.00
Optimum Event Concessions, LLC	Events	5,000.00
Total Marketing and Events		\$ 9,777.65

Engineering

Pinnacol Assurance	Workers Compensation	\$ 3,075.25
Eagle Valley Medical Center	Flu Shots	23.25
Interactive Health, Inc	Biometric Health Testing	310.05
Triad EAP	Employee Assistance Program	14.37
Cintas Corporation	Office Supplies	32.99
King Soopers Customer Charges	Office Supplies	4.84
Quill Corporation	Office Supplies	77.10
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	5.23
Fleet Services	Gas & Oil	142.14
PST Enterprises, Inc	Gas & Oil	27.12
American Society Of Civil Engineers	Dues & Subscriptions	280.00
I-70 Coalition	Dues & Subscriptions	1,758.00
Verizon Wireless, Bellevue	Utility Services	165.09
DLT Solutions, LLC	Computer Support	2,307.90
Executech Utah LLC	Computer Support	63.86
Total Engineering		\$ 8,287.19

TOTAL GENERAL FUND**\$ 565,333.99****CAPITAL IMPROVEMENTS FUND**

Ferguson, Amanda	Use Tax Refund	\$ 6,191.84
Poukish, John	Use Tax Refund	4,245.13
Robinson, Suzie	Use Tax Refund	194.10
Wynton Homes	Use Tax Refund	6,371.96
Mountain Communications & Electronics	4X4 Pickup	683.00
Alpine Lumber Co.	Police Department Equipment	35.21
Amazon	Police Department Equipment	2,511.13
Paint Bucket	Police Department Equipment	88.75
Stand Up Desk Store	Police Department Equipment	753.34
Kustom Signals	Patrol Vehicles	1,478.00
PCS Mobile	Patrol Vehicles	4,189.00
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 26,741.46

WASTE WATER FUND

Pinnacol Assurance	Workers Compensation	\$ 5,323.22
Eagle Valley Medical Center	Flu Shots	41.50
Interactive Health, Inc	Biometric Health Testing	542.10

WASTE WATER FUND (Cont.)

Triad EAP	Employee Assistance Program	35.56
King Soopers Customer Charges	Office Supplies	60.87
Western Slope Supplies Inc	Office Supplies	7.45
Mid-American Research Chemical	Operating Supplies	132.75
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	99.89
Water Technology Group	Repair & Maintenance Supplies	202.00
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	163.80
Fleet Services	Gas & Oil	197.60
Executech Utah LLC	Equipment - Supplies	392.48
Fastenal Company	Equipment - Supplies	1,235.92
Nextrust Inc	Communication & Transportation	5.83
Water Technology Group	Communication & Transportation	15.48
Western Slope Supplies Inc	Communication & Transportation	1.75
Parker, Jerad	Dues & Subscriptions	6.00
Black Hills Energy	Utility Service	6,868.60
Century Link	Utility Service	516.76
Holy Cross Energy	Utility Service	11,248.72
Verizon Wireless, Bellevue	Utility Service	52.72
Info Cubic	Professional Services	24.85
Veris Environmental LLC	Sludge Disposal	5,018.92
Executech Utah LLC	Computer Support	105.21
SGS North America Inc	Testing & Permits	1,012.34
Meridian Intermountain	Contract Payments	431.42
Cirsa	Property & Casualty Insurance	24,507.55
Mountain Communications & Electronics	Pickup Trucks	341.50
PST Enterprises, Inc	Pickup Trucks	1,088.88
Wylaco Supply Co	Pickup Trucks	393.55
Ewing Trucking And Construction LLC	Violet Lane Waste Water Line	98,969.41
Grand Junction Pipe & Supply	Violet Lane Waste Water Line	549.44
Ground Engineering Consultants	Violet Lane Waste Water Line	301.00
Schmueser, Gordon, Meyer Inc.	Violet Lane Waste Water Line	469.00
TOTAL WASTE WATER FUND		\$ 160,364.07

WATER FUND

Pinnacol Assurance	Workers Compensation	\$ 10,744.66
Eagle Valley Medical Center	Flu Shots	91.50
Interactive Health, Inc	Biometric Health Testing	561.60
Meritain Health	Retiree Health Ins	854.12
Triad EAP	Employee Assistance Program	41.82
Amazon	Office Supplies	26.52
Cintas Corporation	Office Supplies	32.99
King Soopers Customer Charges	Office Supplies	4.84
Quill Corporation	Office Supplies	62.80
DPC Industries, Inc.	Operating Supplies	190.00
Kubwater Resources, Inc.	Operating Supplies	4,447.07
Manley Brothers	Operating Supplies	293.52
Municipal Treatment Equip. Inc	Operating Supplies	5,343.68
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	3,976.67
Oldcastle SW Group Inc	Repair & Maintenance Supplies	5,145.36
PST Enterprises, Inc	Repair & Maintenance Supplies	93.89

WATER FUND (Cont.)

Wylaco Supply Co	Repair & Maintenance Supplies	93.27
PST Enterprises, Inc	Vehicle Repair & Maintenance Supplies	200.91
Fleet Services	Gas & Oil	262.25
PST Enterprises, Inc	Gas & Oil	87.00
Browns Hill Engineering	Equipment - Supplies	451.41
Executech Utah LLC	Equipment - Supplies	941.98
Hach Company	Equipment - Supplies	2,097.00
United Rentals (North America) Inc	Equipment - Supplies	411.66
Core & Main LP	Meters & Related Items for Resale	2,000.00
Federal Express Corp.	Communication & Transportation	79.95
Hach Company	Communication & Transportation	81.68
Kubwater Resources, Inc.	Communication & Transportation	443.71
Manley Brothers	Communication & Transportation	835.00
Municipal Treatment Equip. Inc	Communication & Transportation	52.81
Nextrust Inc	Communication & Transportation	5.83
Parker, Jerad	Dues & Subscriptions	5.99
Amerigas	Utility Services	2,791.24
Century Link	Utility Services	2,077.39
Holy Cross Energy	Utility Services	6,170.49
Verizon Wireless, Bellevue	Utility Services	157.88
Brendle Group Inc	Professional Services	720.25
Info Cubic	Professional Services	24.85
Garfield & Hecht, P.C.	Legal	525.00
Hoffman, Parker, Wilson & Carberry PC	Legal	450.00
Resource Engineering Inc	Engineering	352.00
360 Civil, Inc.	Repair & Maintenance Services	1,835.00
Hobbs Excavating	Repair & Maintenance Services	480.00
Dominos Pizza	Meeting Expense	96.06
Executech Utah LLC	Computer Support	425.72
Lewan & Associates	Copier Contract	193.49
PR Studio	Contract Payments	1,000.00
US Bank Equipment Finance	Copier Contract	374.70
Cirsa	Property & Casualty Insurance	31,315.20
Mott MacDonald	Tank Replacement	4,000.00
Mountain Communications & Electronics	Pickup Trucks	341.50
PST Enterprises, Inc	Pickup Trucks	1,088.87
Wylaco Supply Co	Pickup Trucks	393.56
Schmueser, Gordon, Meyer Inc.	Violet Lane Water Line	4,868.25
Ground Engineering Consultants	Lower Basin Water Treatment Plant	2,030.00
MWH Constructors Inc.	Lower Basin Water Treatment Plant	641,848.00
Schmueser, Gordon, Meyer Inc.	Lower Basin Water Treatment Plant	59,432.08
TOTAL WATER FUND		\$ 802,953.02

REFUSE FUND

Pinnacol Assurance	Workers Compensation	\$ 264.23
Nextrust Inc	Communication & Transportation	5.84
Vail Honeywagon	Contract Services	47,377.93
TOTAL REFUSE FUND		\$ 47,648.00

SALES TAX CAPITAL IMPROVEMENTS FUND

Alpine Engineering, Inc.	Design	\$ 2,588.28
Forterra Pipe & Precast	Design	7,363.25
Eagle County Solid Waste & Recycling	Construction	3,423.04
Gore Range Surveying	Construction	330.00
Hobbs Excavating	Construction	256,596.98
TOTAL SALES TAX CAPITAL IMPROVEMENTS FUND		\$ 270,301.55

OPEN SPACE FUND

Pinnacol Assurance	Workers Compensation	\$ 1,571.50
Triad EAP	Employee Assistance Program	6.55
Alpine Lumber Co.	Repair & Maintenance Supplies	32.15
Integra Auto Repair	Repair & Maintenance Services	105.75
Vail Honeywagon	Repair & Maintenance Services	242.00
Executech Utah LLC	Computer Support	46.95
Outdoor Services Inc	Weed & Pest Control	1,139.56
Western Ecological Resource, Inc	Weed & Pest Control	186.25
Cirsa	Property & Casualty Insurance	4,266.30
TOTAL OPEN SPACE FUND		\$ 7,597.01

TOTAL	\$ 1,880,939.10
PAYROLL	\$ 276,007.30
GRAND TOTAL	\$ 2,156,946.40

OVERTIME SUMMARY

FEBRUARY OVERTIME	\$ 9,955.51
YTD OVERTIME	\$ 31,671.74
ANNUAL OVERTIME BUDGET	\$ 92,152.00
PERCENTAGE OF BUDGET - YTD	34%



To: Mayor and Town Board of Trustees

From: Morgan Landers, AICP, Town Planner/Community Development Director

Date: March 7, 2019

Agenda Item: IGA with the County for LERP Administration

REQUEST: Staff is requesting the board approve the proposed IGA for the administration of the town's Local Employee Residency Program.

BACKGROUND: The Town Board of Trustees reviewed a draft IGA between the Town of Eagle and the Eagle County Housing and Development Authority (ECHDA) on February 12, 2019. The board directed staff to revise the agreement based on the discussion and present a revised agreement and resolution for adoption at a subsequent meeting.

ANALYSIS: The original agreement included three items in the scope of service including general support services to the town and prospective purchasers, services related to the sale of deed restricted units when ECHDA is not the listing broker, and development review services for projects bringing new units to market. The board directed staff to remove the scope of service for sale of units when ECHDA is not the listing broker. The attached agreement reflects that change and also includes some minor revisions from the town attorney. All revisions were incorporated by Eagle County and are represented in the attached agreement.

COMMUNITY INPUT: This is not a public hearing, therefore no public comment was sought for this item.

BUDGET / STAFF IMPACT: The 2019 budget for the town included \$2500 for the administration of the LERP program, which fully covers the cost of this agreement through the end of the fiscal year.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The town's strategic plan outlines Major Objective #8: Improve Housing Affordability and Availability. Solutions in that objective include working actively with Eagle County on efforts to provide affordable housing. The county continues to be a primary partner with the town in the development and management of affordable housing and execution of this agreement would assist the town in developing new inventory while maintaining existing inventory.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to **approve or deny** Resolution 14-2019 "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE EAGLE COUNTY HOUSING AND DEVELOPMENT AUTHORITY FOR AFFORDABLE HOUSING SERVICES."

ATTACHMENTS:

IGA between ECHDA and Town of Eagle
Resolution 14-2019

**INTERGOVERNMENTAL AGREEMENT BETWEEN
EAGLE COUNTY HOUSING AND DEVELOPMENT AUTHORITY
AND THE TOWN OF EAGLE**

This Agreement is made this _____ (the "Effective Date"), by and between Eagle County Housing and Development Authority, a body corporate and politic ("ECHDA") and the Town of Eagle, a Colorado municipal corporation (the "Town") (each a "Party" and collectively the "Parties").

WITNESSETH

WHEREAS the Town has a portfolio of deed restricted housing units; and

WHEREAS, pursuant to the Town's Ordinance #19, Series of 2002, the Town's Inclusionary Residential Requirements for Local Employee Residency, the Town's portfolio of deed restricted housing units is growing; and

WHEREAS, the median price of free market housing in the Town exceeds what residents earning the area median income can afford, creating a lack of housing affordable for the local workforce of the Town; and

WHEREAS, the Urban Land Institute recommended forming a regional housing body to address the lack of affordable housing with participation from public and private sectors throughout Eagle County; and

WHEREAS, ECHDA, in a multi-jurisdictional effort, has opened a centralized affordable housing management organization known as The Valley Home Store, LLC ("TVHS") to provide one physical and electronic location in Eagle County to purchase housing stock affordable to Eagle County's workforce; and

WHEREAS, TVHS was formed by the ECHDA in 2008, and ECHDA is the majority member of TVHS with 99.9% ownership; and

WHEREAS, the Town desires to contract with ECHDA for the performance of the hereinafter described affordable housing services on the terms and conditions hereinafter set forth; and

WHEREAS, ECHDA is agreeable to rendering such affordable housing services through TVHS on the terms and conditions hereinafter set forth; and

WHEREAS, this type of agreement is authorized pursuant to Sections 29-1-201 and 30-11-101, Colorado Revised Statutes, as amended, and Article XIV, Section 18, of the Colorado Constitution.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises contained herein, the Parties agree as follows:

1. Services. ECHDA agrees to diligently provide all services, labor, personnel and materials necessary to perform and complete the services described in Exhibit A (the “Services”), attached hereto and incorporated herein by reference. The Services shall be performed in accordance with the provisions and conditions of this Agreement. When appropriate and as determined by ECHDA, the Services may be performed by TVHS.

In the event of any conflict or inconsistency between the terms and conditions set forth in Exhibit A and the terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall prevail.

2. Term of the Agreement. This Agreement shall commence upon the Effective Date, and subject to the provisions of paragraph 11 hereof, shall continue in full force and effect through the 31st day of December, 2019.

Either Party has the right to terminate this Agreement with or without cause at any time by giving the other Party thirty (30) days' prior written notice of termination. Upon termination, ECHDA shall be entitled to compensation for services performed prior to such termination, and both Parties shall thereafter be relieved of any and all duties and obligations under this Agreement.

3. Extension or Modification. This Agreement may be extended for up to three additional one-year terms upon written agreement of the Parties. 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. The Town shall have no obligations under this Agreement after, nor shall any payment be made to ECHDA in respect to any Service performed after December 31 of any year, without an appropriation therefore by Town in accordance with a properly adopted budget.

4. Compensation. Town shall compensate ECHDA for the performance of the Services in a sum computed and payable as set forth in Exhibit A. Payment will be made for Services satisfactorily performed within thirty (30) days of receipt of a proper and accurate invoice from ECHDA. All invoices shall include detail regarding the hours spent, tasks performed, who performed each task and such other detail as Town may request. Separate invoices shall be generated for the separate tasks outlined in Exhibit A.

5. Official Status. For the purpose of performing the Services, ECHDA shall enforce, as the Town’s agent, the Town's Restrictive Covenants, Housing Guidelines, and any Town ordinances relating to affordable housing now in effect and as amended.

6. Personnel. ECHDA, TVHS and their respective staff will receive full cooperation from the Town and its employees so as to facilitate the performance of this Agreement.

- a. All persons employed by ECHDA or TVHS in the performance of the Services shall be employees of Eagle County. All TVHS staff working pursuant to this Agreement shall be licensed real estate agents in the state of Colorado. TVHS shall at all times remain a real estate brokerage company licensed in the State of Colorado.
- b. The rendition of the Services, the standards of performance, the discipline of staff, and other matters incident to the performance of the Services and the control of personnel so employed rest exclusively with ECHDA.

7. Liability and Insurance. ECHDA, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of the Town or of any officer or employee thereof. Likewise, the Town, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of ECHDA, TVHS, or of any officer or employee thereof.

- a. ECHDA agrees to indemnify, defend and hold harmless, to the extent allowed by law, the Town, its respective agents, officers, servants and employees of and from any and all loss, costs, damage, injury, liability, claims, liens, demands, action and causes of action whatsoever, arising out of or related to ECHDA's or TVHS' intentional or negligent acts, errors or omissions, or that of their agents, officers, servants, and employees, whether contractual or otherwise. Likewise, the Town agrees to indemnify, defend and hold harmless, to the extent allowed by law, ECHDA or TVHS, as appropriate, its respective agents, officers, servants and employees of and from any and all loss, costs, damage, injury, liability, claims, liens, demands, action and causes of action whatsoever arising out of or related to the Town's intentional or negligent acts, errors or omissions, or that of its agents officers, servants and employees, whether contractual or otherwise.
- b. ECHDA, TVHS, and the Town shall respectively provide its own public liability, property damage, and errors and omissions insurance coverage as each Party may deem adequate and necessary for any potential liability arising from this Agreement. Further, ECHDA and the Town, respectively, shall name, subject to the approval of each respective Party's insurance carriers, the other Party as a co-insured under such insurance policies to the extent of any potential liability arising under this Agreement and, upon reasonable written request, shall furnish evidence of the same to the other Party.

8. General Provisions.

- a. All notices, requests, consents, approvals, written instructions, reports or other communication by the Town and ECHDA under this Agreement shall be in writing and shall be deemed to have been given or served, if delivered or if mailed by certified mail, postage prepaid or hand delivered as follows:

ECHDA:
Attention: Kim Bell Williams
500 Broadway
Post Office Box 850

Eagle, CO 81631
Telephone: 970-328-8773
Facsimile: 970-328-8787
E-mail: kim.williams@eaglecounty.us

With a copy to:
Eagle County Attorney
500 Broadway
Post Office Box 850
Eagle, CO 81631
Telephone: 970-328-8685
Facsimile: 970-328-8699
E-mail: atty@eaglecounty.us

TOWN:
Town of Eagle:
Community Development Director
Post Office Box 609
Eagle, CO 81631
Telephone: 970-328-9651
Facsimile: 970-328-5203
E-mail: morgan.landiers@townofeagle.org

Either Party may change the address to which notices, requests, consents, approvals, written instructions, reports or other communications are to be given by a notice of change of address given in the manner set forth in this paragraph.

- b. This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceedings against either the Town or ECHDA because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein. There are no intended third-party beneficiaries to this Agreement.
- c. 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.
- d. No modification or waiver of this Agreement or of any covenant, condition, or provision herein contained shall be valid unless in writing and duly executed by both Parties.
- e. This Agreement embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into either by ECHDA or the Town other than those contained herein.
- f. Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other.

- g. All provisions herein are severable, and in the event that any of them shall be held invalid by a court of competent jurisdiction, this Agreement shall be interpreted as if such invalid Agreement or covenant were not contained herein.
- h. The Town has represented to ECHDA and, likewise, ECHDA has represented to the Town, that it possesses the legal ability to enter into this Agreement. In the event that a court of competent jurisdiction determines that either of the Parties did not possess the legal ability to enter into this Agreement, this Agreement shall be considered null and void as of the date of such Court determination.
- i. The Town and ECHDA, and their respective 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 ECHDA and their respective officers, attorneys or employees.

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

EAGLE COUNTY HOUSING AND
DEVELOPMENT AUTHORITY

By: _____
Jeanne McQueeney, Chair

Attest:

By: _____
Regina O'Brien, Clerk

TOWN OF EAGLE

By: _____
Anne Mckibbin, Mayor

Attest:

By: _____
Jenny Rakow, Town Clerk/Treasurer

EXHIBIT A

SCOPE OF SERVICES AND FEES

TVHS shall continue to administer and manage the Town's Local Employee Residency Program ("LERP"). The general administrative services component shall include qualifying buyers, handling of applicable annual residency affidavits, approving capital improvements, facilitating sales, and acting as a resource for buyers, sellers, developers, Realtors, appraisers and lenders.

TVHS shall also provide free education to the general public, foreclosure prevention or mitigation counseling, offers down payment assistance programs, and serves as a rental resource for the community.

TVHS staff will strive to provide excellent customer service in all of their work, as evidenced by positive customer service surveys. TVHS staff performing services under this Agreement shall be licensed Realtors and experienced in the resale of deed restricted housing units. All services offered by TVHS will be available to individuals interacting with the Town LERP housing units.

In addition to the general administrative services described above, TVHS shall also provide the following services to the Town at the following rates.

1. Existing Town of Eagle LERP units –

ECHDA/TVHS will serve as a resource to the Town and consumers regarding the Town's **existing** affordable housing program by providing the following:

- a) Management of the 29 existing LERP units with regard to pricing, refinancing, compliance, etc.
- b) Manage all inquiries from public with regard to the LERP program, rules and regulations, sales process, available units, and other resources for the public including buyers, sellers and employees within in Town of Eagle;
- c) Communicate Town's information on TVHS website;
- d) Provide at least one in person first time homebuyer education course at Town of Eagle Town Hall; and

Compensation for this Service will be \$2,500 and will be paid by the Town to ECHDA/TVHS.

2. New Town of Eagle LERP units –

ECHDA/TVHS will serve as a resource to the Town, developers and Realtors as **new LERP units** are brought to market and constructed as follows:

- a. Assist developers and realtors in understanding the LERP program and provide basic initial analysis including initial maximum sales price and market analysis
- b. Review as requested LERP plans and provide analysis to Town staff and/or Board of Trustees
- c. Attend work sessions with Board of Trustees or Planning and Zoning Commission as requested and provide recommended best practices

- d. Assist developer and/or Listing Broker with initial deed restriction application and marketing development
- e. Qualify and approve initial buyers
- f. Prepare and provide required deed restricted documentation for initial closings; and

Compensation for this service will be billed **monthly** at a rate of \$60/hour to the Town. The Parties acknowledge that this cost will be treated as a pass through cost by the town as third party consultants for development review as permitted by Section 4.03.080(b) of the Town of Eagle Municipal Code, as amended. As such, the Town is not independently responsible for payment of paragraph (2) Services. If the Town is not timely paid by the developer for the Services, the Town will certify the amount due to the County Treasurer to be placed on the tax list for the current year and to be collected in the same manner as other taxes are collected. ECHDA will then be paid when the Town is paid.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 14
(Series of 2019)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE EAGLE COUNTY HOUSING AND DEVELOPMENT AUTHORITY FOR AFFORDABLE HOUSING SERVICES

WHEREAS, the Town has a portfolio of deed restricted housing units;

WHEREAS, pursuant to the Town's Ordinance #19, Series of 2009, the Town's Inclusionary Residential Requirements for Local Employee Residency, the Town's portfolio of deed restricted housing units is growing;

WHEREAS, the median price of free market housing in the Town exceeds what residents earning the area median income can afford, creating a lack of housing affordable for the local workforce of the Town;

WHEREAS, the Urban Land Institute recommended forming a regional housing body to address the lack of affordable housing with participation from public and private sectors throughout Eagle County;

WHEREAS, the Eagle County Housing and Development Authority ("ECHDA"), in a multi-jurisdictional effort, has opened a centralized affordable housing management organization known as The Valley Home Store, LLC ("TVHS") to provide one physical and electronic location in Eagle County to purchase housing stock affordable to Eagle County's workforce;

WHEREAS, TVHS was formed by ECHDA in 2008, and ECHDA is the majority member of TVHS with 99.9% ownership;

WHEREAS, the Town desires to contract with ECHDA for the performance of the hereinafter described affordable housing services on the terms and conditions hereinafter set forth;

WHEREAS, ECHDA is agreeable to rendering such affordable housing services through TVHS under the terms outlined in the intergovernmental agreement (the "IGA") attached hereto; and

WHEREAS, the IGA is authorized pursuant to C.R.S. §§ 29-1-201 and 30-11-101, as amended, and Article XIV, Section 18, of the Colorado Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The IGA 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 IGA on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 26, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Jill Kane, Finance Director

Date: March 12, 2019

Agenda Item: Resolution 16-2019 – Check Signing and Electronic Transfer Authority

REQUEST: Staff requests the Board review resolution 16-2019 setting forth check and Electronic transfer authority.

INTRODUCTION: Currently there is a limited segregation of duties in the Town's accounts payable (A/P) process. The Finance Director/Treasurer currently has the authority to prepare and sign checks. Although limited segregation of duties is not uncommon for smaller organizations, one simple practice to achieve greater internal controls is to remove signing authority from the Finance Director/Treasurer.

This is a recommendation from the Town auditor as well as from the Finance Department review, prepared by Tim Gagen in 2018.

COMMUNITY INPUT: None

BUDGET / STAFF IMPACT: This policy change will have no budget impact, however, will have a staff impact. When organizations increase internal control from a point with few internal controls, it will increase the time it takes to complete tasks. However, increasing accounting oversight and protecting the Town from potential internal fraud outweigh the increased time it will take for two authorized signors to review source documentation and sign checks. Accounts Payable checks are issued every other Friday. This policy change may increase the A/P process by 2-4 hours on a bi-weekly basis.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

- Enhance the Financial Health of the Town – Increasing internal controls and the segregation of duties as well as documenting financial standards, policies, and procedures will enhance and protect the financial health of the Town. This policy will continue the Town's movement toward ensuring the Town's financial management is sound.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to **approve** or **deny** adoption of resolution 16-2019, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, setting forth check and electronic fund transfer signing authority."

ATTACHMENTS:

- Resolution 16-2019
- Check and Electronic Transfer Signing Authority Policy
- Electronic Transfer Authorization Form

Town of Eagle
Check and Electronic Transfer Signing Authority
Effective Date: March 12, 2019

Purpose:

The purpose of this policy is to do the following:

1. Establish internal controls over the disbursement process.

Policy:

It is the Town of Eagle's policy to require "wet" or "live" signatures for all checks and electronic transfers (wire or ACH). Stamp, copy or facsimile signatures are not authorized.

Guidelines:

1. Authorized Signers

The positions of Town Manager, Town Clerk, Mayor, Mayor Pro-tem, their successors and interim appointments, are authorized signers.

Any changes made to authorized signers is approved by resolution by the Town Board of Trustees.

2. Signing Requirements

All checks require **two** "wet" signatures from authorized signers, except payroll checks and electronic transfers. At least one signature shall be from either the Town Manager or Town Clerk.

Payroll checks only require one authorized signature.

Electronic transfers, for recurring or non-recurring disbursements, may be set up only with prior Town Manager and Finance Director approval.

Electronic transfers for non-recurring expense payments, exceeding \$15,000, require two "wet" signatures from authorized signers.

Electronic transfers for recurring expense disbursements do not require authorized signatures.

3. Signatory Responsibility

All signers must review source documentation (i.e. invoice, purchase order, packing slip, etc.) to confirm the authenticity of the expense, departmental approvals, the amount and the payee.

When signing checks, review the check sequence to determine if any checks are missing or out of order.

No signer may sign a check which is made out to themselves.

Signing of blank checks is strictly prohibited.

4. Finance Department Responsibility

Prior to payment, Finance will review and organize documentation received from departments, code and enter invoice information in Caselle, and prepare checks to be signed.

Finance is to keep blank check stock in a locked secure place when not in use. Only pre-numbered checks shall be used and always in sequence.

Finance will run a monthly missing check report in Caselle to ensure no checks are missing.

Finance will verify there are sufficient funds to pay for the checks issued.

Finance will review the signing requirements have been met prior to mailing payments to vendors or employees.

Finance will review all cleared checks on the checking account bank statements monthly to ensure that the two-signer requirement is being met.

5. Definitions:

Recurring Expense: A recurring expense is any regular (monthly, quarterly, annual) expense that is already anticipated in the annual budget. The expense may either be the same amount (i.e., rent lease payment on equipment for which we have signed a contract); a varying amount based on use (e.g., health plan - varies depending on the number of persons in the plan, copying and mailing service - depends on number of items sent out); or an amount for a regular expense, such as monthly payment of membership dues or payment of annual premium on liability insurance.

Non-Recurring Expense: A non-recurring expense would be a major capital purchase or the initial payment for a new contract for a consulting job, or any other expense for a purpose or activity not undertaken in the past.



Town of Eagle

Electronic Transfer Authorization Form

The following information is needed when an Electronic Funds Transfer or Wire Transfer is requested to be sent to a company or agency from a Town of Eagle department. The information should be accompanied with the invoice and other backup source documentation for the requested electronic Transfer. Please also attach the banking information for the Electronic Fund or Wire Transfer.

Department: _____

Vendor: _____

Description: _____

DISBURSEMENT TYPE & THRESHOLD			
Type	Amount	Please select One	Requirements
Recurring	All		Requires Town Manager & Finance Director Prior Approval
Non-Recurring	Less than \$15,000		Requires Town Manager & Finance Director Prior Approval
Non-Recurring	\$15,000 or more		Requires Town Manager & Finance Director Prior Approval and Two Authorized Signatures to initiate the transfer

Submitted by:

(Print Name / Sign Name)

Date

Electronic Transfer Set up Authorization:

Approved	Denied

Finance Director

Date

Town Manager

Date

Non-Recurring Electronic Transfer Authorization:

Authorized Signor (Print Name/Sign Name)

Date

Authorized Signor (Print Name/Sign Name)

Date

Please turn into the Finance Department once complete. *If Electronic Fund Transfers are to be received from a company or organization to the Town of Eagle, please contact Finance and we will distribute bank information to the appropriate party.*

RESOLUTION NO. 16
(Series of 2019)

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO,
SETTING FORTH CHECK AND ELECTRONIC FUND TRANSFER SIGNING AUTHORITY**

WHEREAS, the Town of Eagle is required to issue checks and process electronic fund transfers in the course of everyday business; and

WHEREAS, the Town of Eagle desires to set forth signing requirements for the release of such checks and electronic fund transfers.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That the Town of Eagle, does hereby approve the following positions and their successors, including interim appointees, with check and electronic fund transfer signing authority:

1. Town Manager
2. Town Clerk
3. Mayor
4. Mayor Pro Tem

Section 2. That all accounts payable checks require two signatures, of which at least one signature shall be from either the 1) Town Manager or 2) the Town Clerk.

Section 3. That all electronic transfers for non-recurring expenditures, exceeding \$15,000, require two signatures, of which at least one signature shall be from either the 1) Town Manager or 2) the Town Clerk.

Section 4. That all payroll checks require one signature from an authorized signor.

Section 5. That all signatures shall be live signatures, and not by stamp, copy, or facsimile

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on March 12, 2019.

TOWN OF EAGLE, COLOARDO

By _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Bill Shrum, Assistant to the Town Manager

Date: March 12, 2019

Agenda Item: Resolution 17-2019 Adoption of the 2018 Eagle County Hazard Mitigation Plan Update

REQUEST: Staff is requesting that the Board of Trustees approve a resolution to adopt the proposed 2018 Eagle County Hazard Mitigation Plan Update on the consent agenda.

BACKGROUND: Last year, the Town of Eagle partnered with Eagle County and the Eagle River Fire Protection District to develop a Natural Hazard Mitigation plan to guide pre and post disaster mitigation efforts in a coordinated way with other planning mechanisms in the jurisdiction. The plan is pending approval from FEMA but requires local jurisdictions to authorize support for the plan before implementation.

ANALYSIS: FEMA approved Natural Hazard Mitigation studies help the Town of Eagle and partner jurisdictions secure grants for funding mitigation efforts from State and Federal agencies. With the coordinated effort and the potential for financial assistance, the Town of Eagle is better prepared to protect the loss of life and property and minimize economic losses through this plan. The Eagle County Hazard Mitigation Plan addresses the following topics:

- Develop and coordinate Planning Process and Methodology
- Identify Natural Hazards and Risk Assessment of member communities
- Assess current Capabilities for Natural Hazard Mitigation
- Detail current and future Mitigation Strategies for coordinated Natural Hazard Mitigation.

COMMUNITY INPUT: Community input was not needed as a part of this process.

BUDGET / STAFF IMPACT: There is no budget impact to the adoption of the plan. The opportunity for future outside grant funding for mitigation would lower future staff and budget impacts for mitigation efforts and natural hazard recovery.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Adoption of the Eagle County Natural Hazard Mitigation Plan 2018-2023 helps to maintain and enhance the quality of life for everyone in our

community by identifying efficient and effective mitigation procedures to reduce the risk of natural hazards. As the Town of Eagle is in the Rocky Mountains, natural hazards such as wildfires, avalanches, severe winter storms, and other phenomena are common and can have significant impacts on our Town. This Plan takes a long-term view and works to coordinate with regional partners to determine the appropriate investments and strategies needed to continue making Eagle a safe and healthy Town to live, work, and play.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve or deny Resolution 17-2019 A Resolution Adopting The 2018 Eagle County, Co Hazard Mitigation Plan Update and Authorizing the Chairman of Eagle River Fire Protection District to Sign the Approved Agreement and adopt the Eagle County Hazard Mitigation Plan.

ATTACHMENTS:

- Town of Eagle Resolution 17-2019 Adopting the Eagle County Natural Hazard Mitigation Plan
- Eagle County Natural Hazard Mitigation Plan Link:
https://docs.google.com/document/d/14W066WGwcM_bcl4d28H5Kc4enJv85PB4nRgaJbo7rME/edit#

RESOLUTION 17
(SERIES 2019)

A RESOLUTION ADOPTING THE 2018 EAGLE COUNTY, CO
HAZARD MITIGATION PLAN UPDATE AND AUTHORIZING THE CHAIRMAN OF EAGLE RIVER FIRE
PROTECTION DISTRICT TO SIGN THE APPROVED AGREEMENT

WHEREAS, all jurisdictions within Eagle County, Colorado have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; Eagle County along with a coalition of municipalities and special districts with like planning objectives has been formed to create consistent mitigation strategies within Eagle County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED BY THE EAGLE TOWN BOARD:

- 1) Adopts as approved by FEMA in its entirety, the 2018 Eagle County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.

7) Will provide an update of the Plan in conjunction with the County no less than every five years.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on March 12, 2019.

TOWN OF EAGLE, COLORADO

By: _____
Anne McKibben, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: March 12, 2019

Re: Town Manager Report

Administration & Organization

I met with Jeff Shroll on March 6 to discuss various policy items. Provided below is the outcome of the discussion:

- There is support for a full annexation of the River Park and Fairgrounds. Jeff wants to engage in a fairgrounds master plan first and felt it could be a quick process. Timing on a possible annexation would be 2020 for both property annexations.
- There is support for establishing a pilot campground program in 2019 in partnership at the fairgrounds. The goal is to test the concept and analyze lessons learned before a major investment might be made. We want to engage Mountain Recreation as well.
- Jeff wants to set up a stakeholder group to help inform the pilot program. The group will include boaters, mountain bikers, anglers, and trail groups in the area.

The Home Rule kickoff party went well. Approximately 30 people showed up and staff and trustees answered questions the public had. All the materials are posted on the website and are located in town hall. The next steps are:

- In April we will use social media to get the facts out on the issues.
- We will begin collecting charters from various communities that were recommended by CML, CIRSA, and DOLA.

The Eagle Vision 20/20 event went very well. Out of the last few events, this was well attended. The Mayor did a great job giving updates on town projects including Home Rule. Jon Staveny did a great job giving an overview of THOR. The Chamber gave their annual report and attached to this report is the presentation the town and NWCCOG gave.

The Employee Handbook review is in progress. The draft will be sent to CIRSA and the Employers Council by March 15.

The Mayor, Managers and Partners meeting on March 8 was well attended. Below are a few highlights:

- Uniform Animal Code – The county wants to make animal regulations consistent across the communities. The goal is to create efficiencies with training, education, and compliance. They will be meeting with municipalities to get feedback. The goal is to have a draft ordinance by August with a 2020 implementation.
- Eagle County Housing Group – Their programs are very successful, and they had a record year in 2018 making loans to home buyers. Their revolving loan fund has been depleted and they only have 12 loans left. They are fundraising for \$500,000 this year to keep up with demand.
- Tobacco Nicotine Bill HB19-1033 – The county has been lobbying for this bill. Currently, statute doesn't let counties regulate tobacco use that differs from the state. The bill would allow counties to regulate age limits and excise taxes on tobacco products including e-cigarettes. The support for the county's participation came from the public health and youth stakeholder communities.
- Minimum Wage Option Bill HB19-1210 – This bill will likely pass, and the group had a discussion on how we approach the implementation regionally. This bill would allow local jurisdictions to set their own minimum wage. Currently, the state sets the wage. The benefit is that the wage can be adjusted to reflect the differences in cost of living in an area. The disadvantage is the burden on businesses and pitting communities against each other. A working group will be formed to develop a regional solution for the county.
- Transportation polling results – After the transportation funding ballot failed last fall, the county wanted to poll the community to see what challenges exist and to assess willingness to pay. The poll has been completed and the official results will be presented to each community.
- Drone regulations – This was discussed because there are issues with people flying drones in restricted areas. The group wants to come up with sensible regulations to address the issue. The NWCCOG will assist with the effort. The county would like to see consistency across the region.
- New Mayors – Minturn and Redcliff introduced their new leadership.

Economic Development and Planning

Eagle River Park – The next EC meeting is on April 15.

Elevate Eagle - The consultant is working on drafting the chapters and vision statements in preparation of the comprehensive plan committee meeting on March 20.

Downtown Revitalization – Work continues with the committee in preparation of the Challenge Studio in April. Below are a few updates:

- The official assessment will occur in September
- The group is reviewing the business survey
- The downtown real estate inventory is complete
- The group is going to rank and prioritize the improvements that are needed
- They are working on a framework for the Challenge Studio

Outreach & Meetings – *Updates on participation on community outreach opportunities, regional/community meetings, and project specific meetings.*

- March 20 – Comprehensive Plan Committee meeting.
- March 21 – Vail Board of Realtors meeting and town presentation.

Reminders – *Updates on events or meetings that might be of interest to the Board of Trustees.*

- None.

Sincerely,



Brandy Reitter
Town Manager



Eagle Vision 20/20

Eagle Chamber of Commerce
Town of Eagle

EAGLE
colorado

Discover New Terrain

Agenda

- Welcome Message – *Mick Daly, Chamber President*
- Elevate Eagle – *Brandy Reitter, Town Manager*
- Town of Eagle – *Anne McKibbin, Mayor*
 - River Park
 - Home Rule
 - THOR
- THOR – *Jon Stavney, Northwest Colorado Council of Govts.*
- State of the Chamber & Awards – *Mick Daly, Chamber President*



Elevate Eagle

Comprehensive Plan & Land Use Code

- Outreach in January
- Feedback incorporation
- Drafting vision statements
- Committee meetings in March
- Outreach event in April





Register now to get involved and start sharing YOUR best ideas for the future of Eagle!

ELEVATE EAGLE IS
GOING ON THE ROAD!

Come tell us **YOUR** vision for the future of Eagle!



Visioning Pop-Ups

We are elevating the future of Eagle and we are coming to you to find out how. Beginning Tuesday, January 29th, town staff, citizen committee members, and our consultant team will be popping up in var...

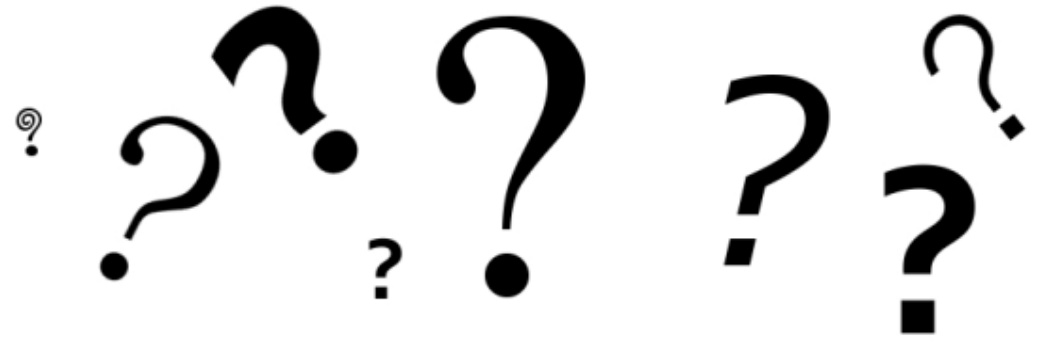
[READ MORE](#)

An aerial watercolor illustration of Eagle River Park. The scene shows a river with a small waterfall and rapids. People are kayaking and tubing down the river. On the left bank, there's a grassy area with several large, rounded, purple-colored trees or bushes. A wooden bridge crosses a small stream that flows into the main river. In the background, a parking lot with several cars is visible, and a tall water tower stands prominently. The overall style is artistic and colorful, with a soft, painterly texture.

Eagle River Park

- Continued work with partners
- Instream work completed
- Upland Park under construction
- Ribbon Cutting May 24, 10 a.m.
- Phase 2 planning & construction

What is Home Rule?



Authority granted from Article XX of the Colorado Constitution – provides a process by which voters at the local level can gain governmental authority of issues of local concern.

“The government closest to the people serves the people best.”

Thomas Jefferson

A handwritten signature of Thomas Jefferson in cursive script on aged paper.



Home Rule Movement

History

- 10th Amendment, US Constitution
- Dillon's Rule – 1868
- Home Rule movement in 1875 - Missouri
- Progressive Era – 1900 - 1920
 - Expanded the movement
 - National Municipal League “Model City Charter”



Home Rule Movement in Colorado

Origins – Denver

- Territorial charters established by the state
- State legislature used laws to control Denver
- Conflict broke out in 1894 in Denver
- In 1902 Article XX was adopted
- Important amendments: 1912, 1950, and 1970



Home Rule & Eagle

Why Now?

- Outgrown state's basic template for governance
- Growth issues conflict with statutory template
- Unique characteristics cannot be facilitated
- Risk associated with deferring to state legislature
- Status quo is not cost effective or efficient



Home Rule & Eagle

What does it allow?

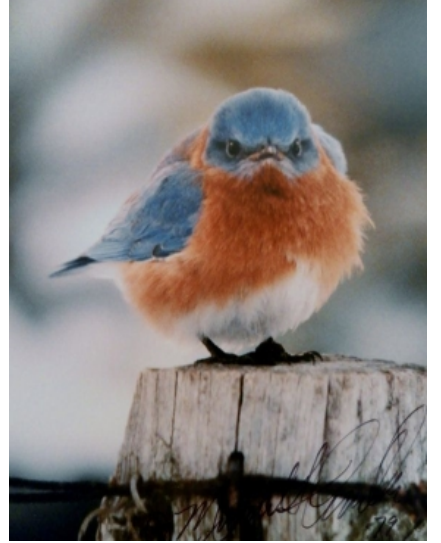
- Revise land use noticing and variance criteria procedures
- Improve subdivision plat approval procedures
- Provide economic development incentives for all businesses
- Improve safety regulations to traffic codes
- Generate revenue from untapped resources
- Create more cost effective and efficient processes



Home Rule & Eagle

What are the Disadvantages?

- Restrictive charter
- Amendments hard to appeal – voter approval required
- Creates uncertainty in new areas of local concern
- Expenses associated with the process
- Risk aversion with status quo
- More local oversight vs. statutory oversight



Home Rule Outreach

Key Findings:

- After voters were informed, support increased from 47% to 71%
- 74% of voters were more likely to be supportive after learning that federal and state laws apply but municipalities have power to create policies with minimal state intervention
- Among respondents, 38% are not at all familiar, and 26% not too familiar
- Voters support Home Rule because of local control but need more education



Home Rule Outreach

What's next?

- Home Rule Charter research
- Social media and website outreach
- Q&A panel with other Home Rule communities
- Town's education process ends in July 2019



Most Important - Educate, Educate, Educate



THOR & Town of Eagle



PROJECT THOR EAGLE 20/20

A COOPERATIVE REGIONAL MIDDLE MILE BROADBAND
PROJECT

Thank you to Town of Eagle and Eagle Chamber for Invitation



A REGIONAL ENTITY SUPPORTING LOCAL GOVERNMENTS SINCE 1972
28 MEMBER TOWNS AND COUNTIES
DELIVERING NEEDED PROGRAMS & SERVICES
MAKE SENSE WITH CRITICAL MASS AT REGIONAL LEVEL

- * ELEVATOR INSPECTIONS (1993)
 - * AGING SERVICES (1978)
 - * WEATHERIZATION (1977)
 - * WATER QUALITY/QUANTITY (1977)
 - * BUSINESS LOAN FUND (2013)
 - * BROADBAND TECHNICAL SUPPORT (2012)
-

Who is NWCCOG?



MAYOR MCKIBBIN IS A LEADER ON OUR COUNCIL
RESOURCE & INFORMATION SHARING ACROSS JURISDICTIONS
WE INSPECT 30 ELEVATORS ANNUALLY
MEALS FOR SENIORS AT GOLDEN EAGLE AND HOME DELIVERY,
BOOK RIDES AND REIMBURSEMENTS FOR MEDICAID,
TRAINING EVENTS —DISASTER PREPAREDNESS, ENERGY, ED
OMBUDSMAN FOR CASTLE PEAK SENIOR CENTER,
RECENT BUSINESS LOANS—EAGLE CLIMBING GYM

Eagle Direct Benefits

We are what our members want us to be.



MEMBERS DUES FUND MATCH FOR BB POSITION & DOLA GRANT
BROADBAND REGIONAL PLAN 2013
BROADBAND REGIONAL COORDINATOR 2014
SUPPORTED MORE THAN 16 LOCAL PROJECTS, OVER \$13M
HALF PAID BY DOLA GRANT

NON-BIASED TECHNICAL ASSISTANCE FROM PUBLIC PARTNER

NWCCOG Broadband Program



PITKIN COUNTY REGIONAL WIRELESS PROJECT \$4.2 M—BB TO EVERY PREMISE
RIO BLANCO COUNTY \$12M –FIBER OR WIRELESS TO EVERY BUSINESS & HOME
STEAMBOAT SPRINGS –NCB – GROUP OF 5 ENTITIES, FIBER NETWORK TO ANCHORS
KEY PROJECTS IN TOWNS OF VAIL, ASPEN AND BRECKENRIDGE—VARIOUS ONGOING
SUMMIT COUNTY LEVERAGING THOR TO CREATE COUNTYWIDE NETWORK
CITY OF CRAIG TO BE SERVED BY YAMPA VALLEY ELECTRIC VIA THOR
MIDDLE PARK HEALTH TO SERVE GRAND COUNTY TOWNS THROUGH THOR
CLEAR CREAK COUNTY, CITY OF GLENWOOD SPRINGS LEVERAGING THOR
EAGLE, GYPSUM, EAGLE COUNTY – HR GREEN STUDY

Local Projects Tailored to Local Needs Supported by NWCCOG Technical Assistance



LOCAL PARTNERS ASKED FOR IT.
WANT RESILIENT NETWORK
WANT AFFORDABLE PRICING
WANT MORE BANDWIDTH
WANT OPTION FOR FUTURE
WANT TO CONTROL OWN DESTINY

WHY Project THOR?

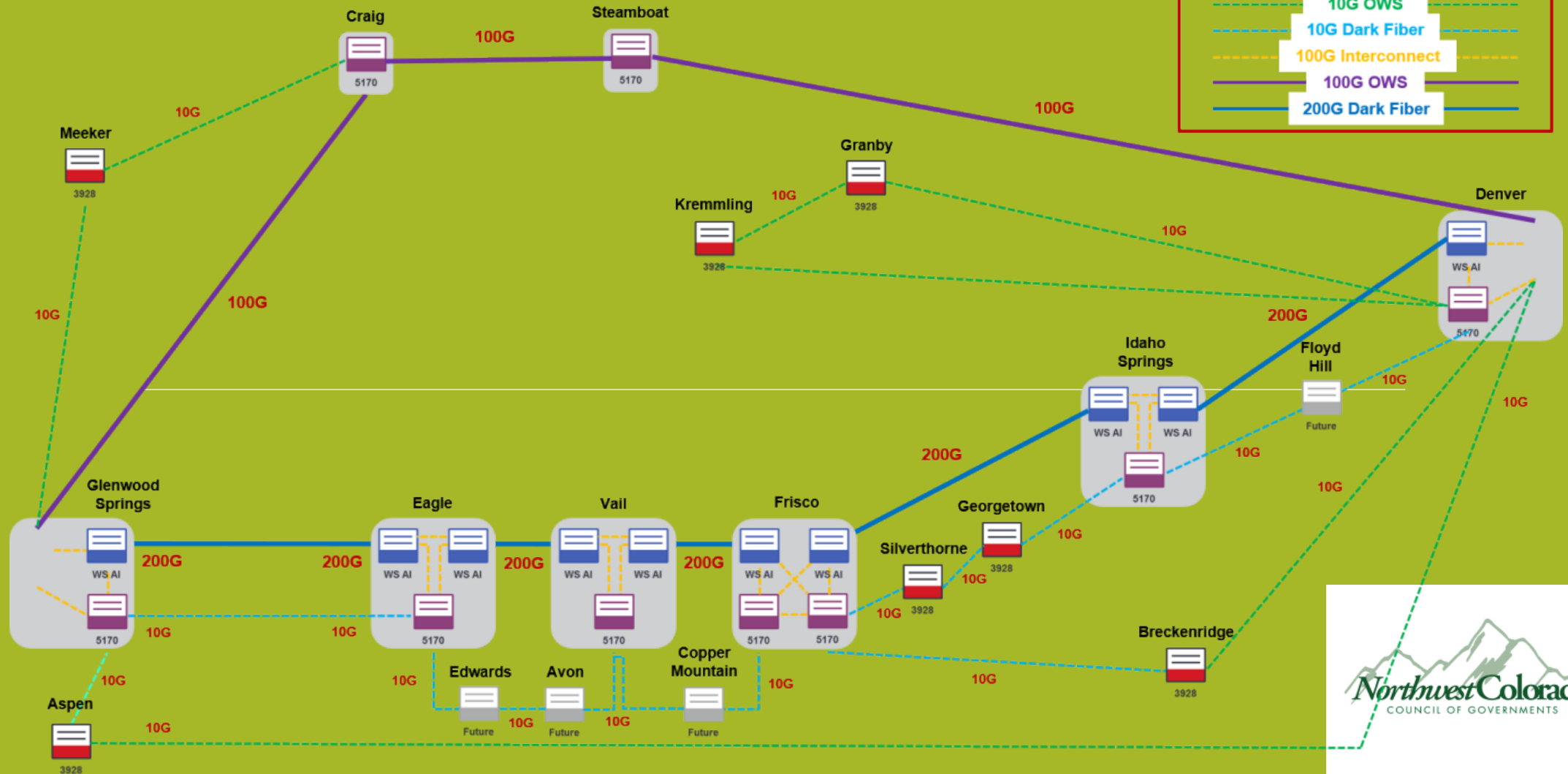


VETTED AND SUPPORTED BY GOVERNORS
OFFICE OF INFORMATION TECHNOLOGY AND
COLORADO DEPARTMENT OF LOCAL AFFAIRS
DOLA \$1M GRANT, PENDING \$300K GRANT
LOCAL PARTNER STARTUP MATCH \$900,000

How Is THOR Funded?



Network Design – 200G Core



NWCCOG
9 LOCAL GOVERNMENTS
YAMPA VALLEY ELECTRIC ASSOCIATION
MIDDLE PARK HEALTH
CIENA AI WAVESERVERS
MAMMOTH NETWORKS
COLORADO DEPARTMENT OF TRANSPORTATION
COLORADO DEPARTMENT OF LOCAL AFFAIRS

Public Private Partnerships



LOCAL PARTNERS ARE TAKING CONTROL, NO LONGER WAITING ON PRIVATE SECTOR ALONE TO DETERMINE THEIR COMMUNITY BROADBAND AND ECONOMIC DEVELOPMENT FUTURES



MARCH FINALIZE CONTRACTS
APRIL ORDER NETWORK EQUIPMENT
JUNE CDOT FIBER
JUNE-SEPTEMBER INSTALLATION
SEPTEMBER LAUNCH

Project THOR Schedule





SERVING LOCAL GOVERNMENTS

THANK YOU





To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager and Department Leaders

Date: February 28, 2019

Re: Department Updates for February 2019

TOWN CLERK

- Communications Committee (PR Studios, Jeremy Gross, Jessica Lake, Erin Ivie, Bill Shrum)
 - February 13, 2019 Eagle Today E-Newsletter sent out
 - February 13, 2019 Website Redesign Meeting
 - February 14, 2019 Communications Meeting
 - February 19, 2019 Home Rule Communication Review
 - February 27, 2019 Home Rule Reveal Public Open House
 - February 28, 2019 Communications Meeting, including Home Rule Debrief
- Licenses
 - BUSINESS: Issued 20 Business License Renewals; late fee of \$15 has been instituted for late renewals after March 1st.
 - LIQUOR: Approved two renewals
 - Gourmet China
 - Dusty Boot II
 - MARIJUANA: Approved Report of Changes (Location change to 825A Chambers Avenue) for Sweet Leaf
- Information Technology Committee (John Boyd, Deron Dirksen, Colton Berck, Bill Shrum and Thomas Boyken)
 - Contract approval with Forward Tech (Thomas Boyken)
 - Onboarding steps for IT priorities with Executech
 - Coordinate meetings with CenturyLink
- Department Support/Coordination
 - Create Yard Waste Hours Survey for Public Works
- Municipal Court
 - February 8, 2019 Submitted 95 outstanding accounts to Integral Recoveries for Collection, amount due \$7299.26.

- February 25, 2019 Meet with new judge, prosecutor, police and court staff regarding new court and new judge orientation
- CivicClerk
 - Beta tested Agenda and Packet with Mayor at February 26 TBOT Meeting. Successful. Next steps are to create Minutes template, incorporate video and train staff and users. Full implementation goal is April 2019.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Department Activities

- Continued internal review of annexation and PUD applications
- Continue Development Review Coordination
- Development of Land Use Application review standards in conjunction with other departments
- Monthly Invoicing of reimbursable expenses
- Continued work on EQR Table consolidation
- Continued work on Municipal and Park Land Dedication Policy
- Continued work on Water Availability Report and Water Efficiency Plan
- Finalized IGA between the Town and County for administration of the town's LERP program.
- Review potential involvement in Growing Water Smart Retreat (in conjunction with Public Works/Engineering)
- Comp Plan and Land Use Code Update:
 - Finalized existing conditions report
 - Continued development of Chapter 4.03 of the Land Use and Development Code - clean-up of inconsistencies in timeframes and language
 - Continued refining vision statements for finalization in March
 - Developed Vision Outreach Summary Document
 - Next Steps
 - Plan committee meeting March 20th
 - Finalization of vision statements
 - Check-in presentations to P&Z (3/19) and Board of Trustees (3/26)
- Active Land Use Files as of **March 6, 2019**:
 - AN17-01 & PUD18-01 Red Mountain Ranch Annexation & PUD Zoning Map
 - AN18-01 & PUD18-02 Reserve at Hockett Gulch Annexation & PUD Zoning Map & Subdivision Sketch Plan
 - LLA19-01 229/243 Wall Street Lot Line Adjustment
 - S18-01 Haymeadow Filing 1
 - SU19-01 304 Wall Street High Density Multifamily Dwelling
 - SU19-02 245 Marmot Lane #6 Accessory Apartment
 - V18-05 421 E 3rd Minimum Lot Area per Dwelling Unit & Setback Variance
- Pre-Application Meetings
 - Conducted 7 pre-application meetings in the month of February
- Code Enforcement
 - For 2019 we have 7 Code Enforcement files under review and 1 file closed out.
 - Code Enforcement Policies, SOP's, complaint forms are under internal review.
- Upcoming activities for March 2019:
 - Review of Municipal and Park Land Dedication calculation policies
 - GIS – Interdepartmental meetings on implementing Geographic Information System (GIS) for the Town
 - Developing interdepartmental downtown parking education, outreach, and enforcement plan
 - Notice and review update to Chapter 4.03
 - Land Use Application Review and Coordination

Building Department Activities

- General coordination of contractors and projects

- Participation in Development Review Team meetings as needed
- Plan review and inspection services for pending and active permits
- Coordination meetings with the Fire District for review and approval of permits
- Building Official Position – Hired-Charlie Davis starting March 18th

The chart below shows the number of inspections conducted and building permits issued for the current month, the previous month, and the year to date.

Building Department Activity 2019				
	January 2019	February 2019	YTD 2019	YTD 2018
Number of Inspections	184	140	324	264
Number of Building Permits	11	7	18	65
<i>ALL Commercial</i>	2	1	3	2
<i>SF Detached Residential</i>	1	0	1	2
<i>Multi-Family & Attached SF Residential</i>	0	0	0	0
<i>Residential Remodel/Addition/Basement Finish</i>	4	3	7	9
<i>MEP Permits</i>	4	3	7	52

- Major Construction Projects Under Review and Oversight:
 - Lower Basin Water Treatment Plant
 - Eagle Landing at Brush Creek
 - Eagle Climbing Gym
 - Chambers Lofts
 - Soleil Homes
 - River Park Restrooms
 - Outwest Drywall
 - Library Expansion
- Upcoming Activities for March 2019:
 - Onboarding for Building Official and amendment to the SafeBuilt Contract
 - Continue developing department audit
 - Begin Migration to Community Core Solutions (New Meritage Permitting System)

HUMAN RESOURCES

1. Benefits – general administration
 - a. Additional contract review and discrepancies with Agent
 - b. Research Mental Health Benefits for Police Department
2. Budget:
 - a. Research FTO pay practices for Finance/Payroll
 - b. Continue compensation market research for 2020 budget
 - c. 2019 Holidays sent to all staff
3. Recruiting
 - a. Interviewed and hired Building Official, starts 3/18/19
 - b. Interviewed and hired Information Center Manager, Suzanne Goodwin started 2/25/19
 - c. Municipal Judge Interviewed, check references, assist with contract, started 2/25 for transition meeting, 3/12 for court
 - d. 3 New Hire Orientations Conducted and paperwork processed
 - i. Police Officer
 - ii. Info. Center Manager
 - iii. Admin/Event Intern
4. Policies - Handbook under review, will send to legal for review by end of March
5. Risk Management Safety and Work Comp
 - a. Participate in Safety Meeting
 - b. Manage 2 CIRSA Claims, 1 Work Comp Incident
 - c. Research Mental Health Resources for Police Dept.
6. Other
 - a. 1 Exit Interview Conducted - Police
 - b. 2 new position job descriptions researched and drafted for Public Works

MARKETING AND EVENTS

Marketing and Events Career X Inter Started. High school intern working 2 hours/week.

Events

1. Continued vendor and sponsor sales for Eagle Outside Festival and Whitewater Throwdown
2. Determined flight days theme, started booking vendors, bands, etc.
3. Reached sponsorship goal for Whitewater Throwdown
4. February Events
 - a. HS Climbing League Regional Championship Event
 - b. Porchlight Players
 - c. Home Rule Open House

Marketing

1. Placed Eagle Outside Festival Billboard on SH119
2. Passed the FAA Part 107 certification for Commercial Drone Operation
3. Installed new signage hardware at the Eagle County Airport Kiosk to sell tourism ads for eagle businesses

River Park

1. Updated fundraising documents with new sponsorship opportunities
2. Met with potential river park donors to solicit funding
3. Supported town staff and project team with river park communications

POLICE DEPARTMENT



Calls for Service- 886 (February 2018 = 724; February 2017 = 688)

Community Policing- Chief Staufer and Sheriff Vanbeek were guest speakers at Zealous School for a disaster management presentation. Officers continued to check on the TOE Park ice rink and check-in with skaters. Officers have been able to stop by the Eagle ice rink for hockey games. Business checks and community foot patrols continue to be focus activities, as staffing permits.

Events- 2019 Family Fun Fair – SRO C. Gaspard assisted at the event and handed out goodies to children.

Notes- Your Eagle Police Department continues to note increased calls for service. When compared to February 2018, EPD responded to 8 more domestic violence calls, twice the amount of calls involving disturbances, trespassing, vandalism, welfare checks, intoxicated subjects, sex offender registration checks & medical calls, 21 more after-hours animal calls, 11 more agency assists and five more traffic crash investigations. Calls regarding juvenile delinquency, civil standby/complaints, noise complaints, suspicious circumstances and lost property reports remained consistent with February 2018 data. Fortunately, EPD noted a decrease in suicidal subject calls. Parking complaints/activities also declined.

Our School Resource Officer assisted with the coordination of the Eat, Chat, Parent – Cyberbullying presentation and the ACT presentation. Our SRO has been spending time in the classrooms, completed a Stranger Danger class for St. Mary's Preschool and assisted students/staff with suicide awareness.

As our weekend night shift begins to provide for 2-officer minimum staffing levels, there will be an increase in community-oriented policing and pro-active crime prevention policing. EPD has observed an increase with business checks and theft-prevention foot-patrol efforts. is back on assignment at our local schools. SRO Gaspard has a satellite office at the EVMS and has already coordinated efforts for training, a special event, lockdown and investigations into alleged misconduct involving youth.

Executive Assistant Erin Ivie received an Eagle Police Department Meritorious Service Award for her continued effort and work with suicide awareness and suicide resources for Eagle County. Erin continues to recognize the concerns and needs of law enforcement 1st responder mental health and goals to improve upon the awareness and treatment for our 1st responders in our Eagle Valley. She continues to assist our community with funding local mental health resources which have proven to be highly effective. One such program, "Hope Center," which instituted a co-responder model for Eagle County, was one resource which required additional funding (over 800 families have been served by the Hope Center since its inception in the fall of 2018). In 2018, Erin applied for a Colorado State Grant. She managed the data for the grant. Due to her efforts, a \$266,000 grant for Eagle County communities and 1st responders was awarded in January, 2019.

New hire! Hernan Samudio joined our team February 21st. Officer Samudio is an Eagle County native who graduated from Battle Mountain High School in 2015. Samudio graduated from Colorado Mountain College (CMC) Spring Valley Campus during the fall of 2018 with a Colorado Law Enforcement Training Academy certificate. He is

scheduled to complete EPD "ground school" March 12th and then placed into an "officer in training" status and on routine patrol with his field training officers, through mid-July.

Summary of Investigations and Other Notes of Significance-

1st Degree Trespass. *Purse stolen & credit card used at Avon Walmart. AVP has video. Under investigation.*

1st Degree Trespass. *Vehicle burglary – purse taken from unlocked car.*

Assault. *Suspect fled area, but is identified. Under investigation.*

At Risk Adult. *Elder care report. Adult Protective Services and EPD investigating possible neglect.*

Child Abuse. *Dual inquiry and review by EPD and DHHS. Under investigation.*

Civil. *Mediated a dispute between property owners regarding civil issues. Advised to work with HOA covenants.*

Crash. *Unleashed dog ran into traffic and was hit. Dog is okay. Another loose dog (separate incident) nearly run over.*

Crash. *Vehicle v. elk. Driver unhurt, vehicle totaled, elk did not make it.*

Credit Card Theft. *Card number used in Florida following a purchase in Eagle. Under investigation.*

CSP Asst. *Sgt. was on her way home and assisted CSP for the fatal pedestrian crash on I-70 MM 118.*

Death Investigation. *Under review by Eagle County Coroner.*

Disorderly. *Subject called in as high on methamphetamines & out of control. Contacted and arrested for his warrant.*

Disorderly/Trespassing. *Belligerent adult directed to leave County Building. Failed to cooperate with police. Arrested.*

Disorderly/Trespassing. *Local liquor establishment refused service. Adult refused to leave. Uncooperative. Arrested.*

Domestic Assault. *Filed with District Attorney.*

Domestic Harassment. *Ex's made reports on each other regarding harassment. Under review by prosecutor.*

Domestic Violence Assist. *Suspect fled ECSO and located at local Eagle hotel. EPD assisted ECSO.*

DUI. *Off-duty EPD officer saw vehicle weaving. Called REDDI report. ECSO responded and stopped/arrested driver DUI.*

ECSO Asst. *EPD assisted high-risk contact in Dotsero -vehicle/subjects matched armed assault subjects from Gypsum.*

Fight/Disorderly. *Subject located. Summoned.*

Fraud by Check. *Bank fraud. Suspect identified. Warrant was issued.*

Harassment. *Under investigation.*

Hit & Run. *Driver followed run vehicle until it parked. EPD responded for crash report. Summons issued to run driver.*

Hit & Run. *EPD awaiting video from neighboring business to see if vehicle may be identified.*

Hit & Run. *Suspended driver fled crash. Found in Gypsum. EPD summonsed driver for multiple violations.*

Hit & Run. *Vehicle fled scene after driver stated he would remain once other driver finished dropping child at daycare.*

Juvenile Family Assist. *Family asked officers to talk to teenage son regarding consequences of poor decisions.*

Lost Dog. *Reported day. Night officer on community patrol heard dog barking near local hotel. Reunited w/ owner.*

Medical. *Adult male transported to medical center due to high level of alcohol.*

Medical. *Highly intoxicated adult female found by landlord. Transported to hospital.*

Medical. *Highly intoxicated adult male with depression located in Eagle. Transported to hospital for services.*

Medical. *Juvenile male suffering allergic reaction. Ambulance arrived and transported to hospital.*

Medical. *Juvenile under 10 years of age difficulty breathing. Ambulance arrived and transported to hospital.*

Medical. *Officers assisted adult having breathing difficulty. Ambulance arrived and transported to hospital.*

Missing Juvenile. *Located.*

Motor Vehicle Theft. BOLO from Ft. Collins PD & ECSO. EPD spotted vehicle and driver in parking lot. Driver arrested.

Restrained. Driver arrested for being revoked per se (DUI) after being contacted for speeding.

Runaway Juvenile. Located at local service station. Reunited with parent.

Runaway Juvenile. Reported to be missing for 24-hours. Juvenile eventually located at a friend's home in Eagle.

Suicidal Adult. Services rendered at medical center.

Suicidal Juvenile Asst. Reported to be living in Eagle. EPD found family moved to Gypsum. ECSO responded to assist.

Suicidal Juvenile. Co-responder response. Transported to hospital.

Suicidal Juvenile. Co-responder with Hope Center. Services rendered to juvenile and family.

Suicidal Juvenile. Reported to EPD & located in Gypsum. Co-responder response. Services rendered.

Suspended. Suspended driver on second offense, contacted for crossing two lanes (careless). Arrested on warrant.

Theft. Phone order to local restaurant. Failed to pick-up merchandise. Under review by prosecutor.

Vandalism. Leads exhausted - \$1,200 business sign.

Warrant. Burglary suspect from previous month was arrested by neighboring agency on her EPD warrant.

Training/Grants- Psychiatric Emergencies (7 officers), Chief Staufer attended the Colorado Assoc. of Chiefs of Police Mid-year conference; Ofc. Sanders became certified as a Less Lethal Instructor; Sgt. Stonum and Sgt. Rich attended a 3-day Frist Line Supervisors course. Sgt. Stonum is attending and online Supervisor Liability course.

EPD was awarded additional scholarships from the I-70 POST Region for training courses to include Single Response to Active Shooter and an FBI-LEEDA Supervisor Liability course.

Noteworthy Items- Thankfully, no one was hurt: an intoxicated subject locked himself out of his residence and elected to jimmy the lower level window open to get inside. As he was crawling through the window, the resident who actually lived there called police for assistance. The intoxicated subject realized his mistake when he didn't recognize the room he crawled into.

Municipal Court Report – Cases filed in Municipal Court this month:

- Criminal cases - 9
- Juvenile cases - 2
- Animal Control - 1
- Parking tickets - 23

County Court – Available upon request.

Local and Regional Calls for Service – Available at Dispatch

GENERAL ADMINISTRATION – FINANCE

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID				
	2018	2019	VARIANCE	
JANUARY	258	303	45	17.4%
FEBRUARY	272	254	(18)	-6.6%
YEAR TO DATE	530	557	27	5.1%

Financial

- Policies:
 - Check Signing and Electronic Transfer Authority Policy – Staff completed this policy to increase the Town's financial internal controls and will be in the 3/12 packet for review and approval
 - Petty Cash Policy – Staff updated the Town's petty cash policy to removes all petty cash which increases the Town's financial internal controls and efficiencies
- Admin Cash Receipt Printer: Staff has received and set up a receipt printer for cash receipting – Staff will be preparing guidelines and conducting training in March for Admin Staff – Customers will receive a printed receipt instead of a handwritten receipt going forward – To be fully implemented March 31st
- In March staff will be gearing up and preparing for the 2018 Audit in April

Budget:

- Staff initiated planning for the 2020 budget process

Training:

- Ongoing weekly cross training with Senior Accountant and Finance Director
- Monthly Accounting Alert – Webinar – Jill

Payroll/HR

- New Positions:
 - New hire Caselle setup – 2 employees (Marketing & Events Intern/Collections & Distributions Maintenance Tech)
 - Worked with public works staff regarding duties and scheduling for part-time weekend Building & Grounds and seasonal Yardwaste positions
- Floating Holiday guidelines/policy: Staff surveyed other municipalities through the CGFOA to see guideline/policy options for the new floating holiday – Staff will be working to complete guidelines in March
- Electronic Timekeeping – Staff began working with Caselle to initiate electronic timesheets – This will enable staff to submit and approve timesheets electronically instead of utilizing paper timesheets – To be implemented by the end of May 2019
- Electronic Paystubs (NATPAY) – Staff began working with Caselle to initiate electronic paystubs, so staff will receive paystubs via email instead of paper copies – staff will also be able to pull 12 months of prior paystubs at their convenience – To be implemented by the end of April 2019
- Retirement: Staff met with Edward Jones to review 401K funds – the Town will be removing 4 funds that are not performing as well as we would like or are redundant and adding 5 new funds to the plan

GENERAL ADMINISTRATION – FINANCE (continued)

Utilities

- New Accounts Setup – 6
- Property Transfers – 8
- 3rd Party Utility Billing: minor adjustments were made to the statements based on customer feedback
 - Autopay message was added
 - Graph adjustments – appeared to be a month off
 - Tier water rate descriptions were adjusted to be less confusing
- Construction Water Policy: Staff researched comparisons from other local water districts – Staff will be recommending a policy at the 3/26 meeting along with the EQR update and removal of Utility Fees from the code
- Yardwaste Survey: Staff worked with public works on language for the yardwaste schedule survey to receive customer input – With the new position for the yardwaste site staff will be increasing hours and would like to move the schedule from Saturdays and Wednesdays to Friday through Sunday

Lower Basin Water Treatment Plant

Project Progress Report – March 7, 2019

SAFETY

Total manhours worked to date = 12,559

Health, Safety, and Environmental Incidents			
Incident Type	Details	Total Incidents in the Period	Total To Date
Health & Safety	None for reporting period	0	1
Environmental	None for reporting period	0	0
Community	None for reporting period	0	0

SCHEDULE

Project schedule update provided to team on March 7, 2019

Notice to Proceed: 11 July 2018	<u>Original Contract</u>	<u>Current Contract</u>	<u>Forecast</u>
Total Contract Time	731 Days	750 Days	~750 Days
Substantial Completion Date	11 July 2020	30 July 2020	30 July 2020
Final Completion Date	11 September 2020	30 September 2020	30 September 2020

PROJECT FINANCIALS

Payment Application #8 is scheduled to be submitted during the week of 3/11/19.

Preconstruction Contract Amount	\$638,062
Original Construction Contract Amount	\$22,938,752
Change Orders Approved to Date	\$107,441
Current Contract Amount	\$23,684,255
Forecast Cost At Complete	\$23,684,255
Change Orders Approved to Date	3
Payment Applications Submitted	7
Amount Billed to Date	\$3,077,648

PROJECT UPDATE SUMMARY

- Completed backfilling of Raw Water Pump Station foundation area
- Installed under slab plumbing for Water Treatment Building south and middle sections
- Installed Structural fill for south and middle sections of Treatment Building slab on grade
- Formed, placed rebar and poured concrete for south sections of Treatment Building slab on grade

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Remove groundwater dewatering system at Raw Water Pump Station area
- Continue installation of Water Treatment Building under slab plumbing for north section
- Install structural fill for north section of Treatment Building slab on grade
- Continue forming and installing rebar for middle and north sections of Treatment Building slab on grade
- Pour and finish middle sections of Treatment Building slab on grade
- Begin forming and placing rebar for Treatment Building south section walls



CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

DATE: March 12, 2019

PROJECT: Reserve at Hockett Gulch Annexation and Planned Unit Development

FILE NUMBER: PUD18-02

APPLICANT: Dan Metzger, Brue Baukol Capital Partners

LOCATION: 016186 Highway 6, Unincorporated Eagle County – 29.65 acres on the west end of the Town of Eagle boundaries. Parcel Number 2109-053-00-002.

CODE: Chapter 4.15 – Annexation
Chapter 4.11 – Planned Unit Development
Chapter 4.17 – Vested Property Rights

ZONING: (Existing) Residential Suburban Medium Density (RSM) in Unincorporated Eagle County; (Proposed) High Density Planned Unit Development (HD/PUD) in the Town of Eagle

EXHIBITS: Full Copies of the staff report and exhibits are available at Town Hall. Hard copies will also be available at the hearing.

A: Application and Written Narrative (attached)
B: Annexation Petition (attached)
C: Annexation Map (attached)
D: Annexation Impact Report (attached)
E: Town of Eagle Water Availability Report (attached)
F: Water Rights and EQR Request Memo (attached)
G: Town of Eagle Water Rights and EQR Review Memo (attached)
H: Fiscal Impact Report (attached)
I: Town of Eagle Public Safety Impact Memo ([LINK](#))
J: PUD Zoning Plan Map (attached)
K: PUD Guide (attached)
L: PUD Concept Plan (attached)
M: Variations Memo (attached)
N: Site Visit Packet and P & Z Site Visit Comments ([LINK](#))
O: Cost Estimate of Public Park Improvements (attached)
P: Drainage Report ([LINK](#))
Q: Environmental Conditions ([LINK](#))
R: Debris Flow Report ([LINK](#))

S: Raw Water Supply Memo ([LINK](#))
T: Traffic Report ([LINK](#))
U: Soils Report ([LINK](#))
V: Utility Impact Report ([LINK](#))
W: Utility Letters ([LINK](#))
X: Town of Eagle Referral Response Summary Report dated June 8, 2018 ([LINK](#))
Y: Applicant's Response to Referral Comments dated August 30, 2018 ([LINK](#))
Z: Town of Eagle Referral Response Summary Report dated November 6, 2018 ([LINK](#))
AA: Public Comment (attached)
BB: Planning Commission Minutes – February 5, 2019 (attached)

PUBLIC COMMENT: Staff has received 15 letters of public comment, see Exhibit AA, which includes all comments received as of 12pm on March 8, 2019. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Carrie McCool, Planning Consultant, McCool Development Solutions
Morgan Landers, AICP, Town Planner/Community Development Director

REQUESTS:

1. Annexation
2. Planned Unit Development (PUD) Zoning Map Application - max of 500 dwelling units of various types and/or 30,000 SF of commercial on 29.65 acres; and
3. Site Specific Development Plan (vesting of property rights)

BACKGROUND

The applicant, Dan Metzger on behalf of Brue Baukol Capital Partners, proposes to annex and initially zone 29.65 acres of property located just west of the Town boundary to Planned Unit Development ("PUD") to accommodate residential and limited commercial development. The request to initially zone the property to PUD is accompanied by a PUD Zoning Plan, in the form of a Zoning Plan Map and PUD Guide, in accordance with Chapter 4.11 of the Municipal Code. While the current use of the land remains consistent with the zoning in Eagle County, annexation and PUD zoning are proposed in order to accommodate additional density and ancillary commercial uses.

Title 31, Article 12 of the Colorado Revised Statutes (the Annexation Statute) requires that any Petition for Annexation be presented to the Board of Trustees for acceptance in order to initiate the annexation proceedings. The Eagle Board of Trustees found and determined that the petition for annexation known as "Reserve at Hockett Gulch Annexation" filed with the Town Clerk on March 9, 2018 was in substantial compliance with Section 31- 12- 107(1), C. R. S., as amended. Pursuant to Sec. 4.15.010 (B), the applicant has submitted a request for zoning of the property to High Density Planned Unit Development (HD/PUD) along with a statement that the extension of water and sewer service to the property will be at the expense of the petitioners (applicants).

The purpose of the PUD Zoning Plan is to establish the permissible type, location, and densities of land uses and to determine the compatibility of the PUD proposal with the Town's goals, policies and plans and with the purposes of the Planned Unit Development Zone District. Unlike past applications that have gone before the Board of Trustees, the subject proposal does not include a PUD Development Plan, Development Permit, or Subdivision Plat; thus, the level of review by the Board is more broad-level at this stage and is to be reviewed based on the request to establish zoning only.

In addition to the request for approval of PUD Zoning, the applicant is also requesting for the PUD Zoning Plan to be designated as a “Site-Specific Development Plan” to be vested for a period of 7 years. The Town Board may, by agreement with the applicant, designate approval of the PUD Zoning Plan (i.e. PUD Zoning Plan Map and PUD Guide) establishing types and intensity of uses, without being accompanied by Subdivision or Development Plan, to serve as the Site-Specific Development Plan approval for this specific project pursuant to Section 4.17.020(D) of the Land Use and Development Code. The action of the Planning & Zoning Commission and Town Board for approval of a Site-Specific Development Plan shall be in the same form as that required to approve the PUD Zoning Plan.

The Planning and Zoning Commission heard and considered the PUD Zoning Plan and Site-Specific Development Plan at the February 5, 2019 regular meeting. The Board of Trustees takes final action on all three applications.

It should also be noted that while assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a determination by the Commission or Board. Section 4.14.020 states, “Except as provided below, the provisions of this chapter shall apply to all applications for subdivision approval pursuant to Chapter 4.12; planned unit development approval pursuant to Chapter 4.11; development permit approval pursuant to Chapter 4.06; and special use permit approval pursuant to Section 4.05.010. *In cases where multiple land use applications are required, compliance with APF (Chapter 4.14) shall be required to be demonstrated with the land use application last in sequence (time).*” For the subject proposal, a determination will be required at time of Development Permit or Subdivision which creates individual residential lots.

Further approval of a Development Plan and Permit, along with Subdivision, will be required if the PUD is approved and once final design is known, to implement any concepts shown. The applicant has provided a Concept Plan, which depicts one potential development scenario that the PUD Guide would allow (see Exhibit L).

PROJECT SUMMARY

An application has been submitted to annex to the Town of Eagle a 29.65-acre residential suburban property and establish a high density Planned Unit Development (HD/PUD) on the property. The property is accessed by Grand Avenue to the north and Sylvan Lake Road to the east, and is currently zoned Residential Suburban Medium Density (RSM) in unincorporated Eagle County. The subject property is located within the Town’s Urban Growth Boundary pursuant to the Eagle Area Community Plan, and the Community Plan recommends annexation of properties into the Town that are contained within the growth boundary.

The PUD Zoning Plan provides for five planning areas within the PUD across 29.65 total gross acres. These five planning areas include two open space planning areas, OS-1 and OS-2; one residential planning area, HD/PUD-2; and two mixed use planning areas, HD/PUD-1 and HD/PUD-3. In short, the PUD would allow for a maximum overall residential density of 16.86 units per acre; a minimum overall residential density of 6.65 units per acre; a maximum of 30,000 sq. ft. of commercial floor area (envisioned along Sylvan Lake Road and/or Grand Avenue); and a minimum of 9.22 acres of open space with 4.77 acres reserved for active recreation. This could yield anywhere from 197 to 500 dwelling units and zero to 30,000 square feet of commercial. The project was reviewed by staff and external agencies based on the applicant’s vision of the property at the highest potential yield (i.e. 500 dwelling units and 30,000 square feet of commercial). Requirements such as land dedication, infrastructure improvements, and impact fees will be re-evaluated at time of Development Permit or Subdivision where individual lots are being created, once more specifics to the design are known and unit counts are defined.

HD/PUD-1 (located along Sylvan Lake Road) and HD/PUD-2 (located central to the development), make up 17.38 acres combined, and are envisioned to contain up to 400 multifamily apartments, with up to 15,000 square feet of commercial uses. HD/PUD-3 contains 6.65 acres and allows up to 100 dwelling units in a variety of formats (single-family, duplex, and multifamily) and a small retail and service market place of no larger than 30,000 square feet. The total PUD is limited to 30,000 square feet of commercial floor area. The open space planning areas, containing a combined 5.62 gross acres and located along the north and south sides of the development, are intended to remain free from development but include uses such as trails, drainage facilities, underground utilities, and debris flow mitigation. The open space planning areas make up a portion of the minimum open space and recreational areas provided onsite in addition to the private usable open spaces within the proposed residential areas as shown on the PUD Concept Plan. OS-1, which contains a public trail component, is proposed to be dedicated to the Town of Eagle to satisfy in part the park land dedication requirement and as a public benefit to the Town.

Please reference the Annexation Map, Annexation Impact Report, Written Narrative, PUD Zoning Plan Map, and PUD Guide attached for specific details and standards set forth for each planning area (see Exhibits A, C, D, I, and J).

STANDARDS FOR APPROVAL

Annexation

Annexation is a discretionary action on the part of the Town. Section 4.15.010 of the Town's Municipal Code address the Annexation process and requirements as well as the Eagle Area Community Plan. Annexations must also be in compliance with Title 31, Article 12 of the Colorado Revised Statutes:

Standard #1: Compliance with the provisions of Title 31, Article 12 of the Colorado Revised Statutes.

Standard #2: Conformance with the Town's Municipal Code Chapter 4.15.

Standard #3: Conformance with the Comprehensive Plan.

Zoning – Planned Unit Development

The purpose of Planned Unit Developments is outlined in Section 4.11.020 of the Municipal Code. PUDs are intended to encourage innovative and unique, mixed-use developments that promote efficiency and support a balance of preservation, open space, and cohesive development that provides a public benefit to the community. Standards and requirements for Planned Unit Developments are set forth in Section 4.11.030, and summarized below as follows:

Standard #1: Every PUD shall be in conformance with this Code and the Town's ordinances, goals, policies and plans.

Section 4.11.030 of the Municipal Code outlines specific requirements of PUDs as it relates to:

- A. Size
- B. Zoning
- C. Open Space
- D. Maintenance of Open Space
- E. Municipal and Park Land Dedication
- F. PUD Perimeter
- G. Street Standards
- H. Phasing

Staff finds that the proposed project is in general compliance with the requirements for Annexation, with the exception of the proposed water rights dedication and plant investment fee request as further discussed in the next section. Staff also finds that the Planned Unit Development is in general conformance with the standards set forth in Code, subject to the conditions of approval outlined at the end of the staff report.

REVIEW OF STANDARDS

Annexation

Standard #1: *Compliance with the provisions of Title 31, Article 12 of the Colorado Revised Statutes.*

The statute regulates eligibility of property for annexation and specifies criteria to be used in evaluating and approving proposed annexations.

Section 31-12-104 of the Colorado Revised Statutes (CRS) states that a property is eligible for annexation if a municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area.

Staff Comment: The Town received and accepted a petition from the Dan Metzger, Brue Baukol Capital Partners, as single owner of the entire property seeking annexation, at its Board of Trustee meeting on March 13, 2018.

Section 31-12-104(a) of the CRS requires that at least one-sixth of the perimeter of the area proposed to be annexed be contiguous with the annexing municipality.

Staff Comment: The property's boundaries are contiguous with the Town of Eagle boundary for 1,589 feet of its 5,153 foot total exterior boundary (or 30 percent of its perimeter), as demonstrated on the Annexation Map in Exhibit C, thereby meeting and exceeding the one-sixth contiguity requirement.

Section 31-12-104(b) of the CRS requires that a community of interest exist between the area proposed to be annexed and the annexing municipality. In addition, the CRS requires that the property be urban or is expected to be urbanized in the near future, and that the property be determined to be integrated with or capable of being integrated with the annexing municipality.

Staff Comment: Because the area proposed to be annexed has the required one-sixth contiguity with the Eagle, it meets the urbanization and integration requirements as allowed by the statute. Both the Town of Eagle and the property owner are interested in the annexation of the property to allow for a variety of housing types, commercial areas, and open space/ recreation areas serving the Town of Eagle residents and visitors as outlined in the Eagle Area Community Plan and the Town of Eagle Strategic Plan.

The property itself is located within the designated Urban Growth Boundary as identified in the Eagle Area Community Plan and is capable of being integrated with the Town of Eagle. The site is adjacent to Highway 6 on the west end of town. Due to the size and orientation of the parcel, there is access to the Eagle Ranch community and the Highway 6 corridor from the site. The site is also adjacent to the town's comprehensive multi-use trail and parks network along Highway 6 (Eagle Valley Trail) and the Brush Creek valley.

The Eagle County Transit Authority operates bus service between the Town of Eagle and the down-valley (Gypsum and Dotsero) and up-valley communities. The ECO Transit Valley Route runs along Highway 6 adjacent to the property and there is a bus stop at Highway 6 and King Road less than ¼ of a mile east on Highway 6 from the proposed project. In the future, changes to the bus system and additional stop locations will assist in the integration of the project.

Section 31-12-105(1)(e) of the Colorado Revised Statutes places limits on municipalities which annex land by mandating that "no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year."

Staff Comment: The proposed annexation would not extend the Town's boundary more than three miles.

Standard #2: Conformance with the Town's Municipal Code Chapter 4.15.

The Town's Municipal Code reiterates the requirements of the Colorado Revised Statutes as it relates to Annexations and adds that "All petitions for annexation shall also be accompanied by a statement setting forth the proposed water rights to be dedicated to the Town at the time of annexation."

The Town's Municipal Code requires that projects shall dedicate water rights for 0.95 acre feet/EQR and pay plant investment fees for the project. The water rights dedication and plant investment fees are calculated using the town's adopted Table of Equivalent Units (EQR Table) in Section 12.16.060.A.1. Based on 500 units and 30,000 SF of commercial, the number of EQRs is estimated to be between 350-400 depending on unit mix and discount for non-potable. Based on information provided by the applicants, the water rights proposed for dedication are substantially less than the requirement, a cash-in-lieu will be required.

The applicant is requesting a variance to the town's requirements as outlined in Exhibit F: Water Rights and EQR Request Memo. In general, the request is a variance to the EQR Table of 60-70% resulting in a reduction of EQRs between 200-300 depending on final unit mix of the development plan. Town staff, the town's water engineer, and the town's water attorney do not support the proposed variations for the following reasons:

- The town conducted an extensive [Water Rate and Tap Fee Study in 2017](#) to update the town's plant investment fee (tap fee) rate
- The town's tap fees are based on the replacement cost of the system, not water usage
- The town's EQR rate (\$9,258/EQR) cannot be compared to other municipal systems as the water portfolio and infrastructure costs are very different
- The town updated the EQR Table in 2018 to be more consistent with the town's policies and to align more closely with surrounding municipalities
- The change to the EQR table reduced the EQR allocation for multi-family units and increased the allocation for large lot SF home
- Conservation of water is encouraged through the rate structure for water usage as well as the town's watering restrictions
- Tap fee payments provide revenue to the town's capital improvements fund, reductions and waivers jeopardize the town's ability to execute the capital improvement plan
- No variances for water rights dedication or plant investment fee waivers have been granted by the town
- The town's regulations, Eagle Area Community Plan, and adopted strategic plan mandate equal and fair application of the town's fees in order to provide public services and infrastructure that meet the needs and expectations of the community
- The town's fee schedule includes a 50% discount on water tap fees for deed restricted units

The town's water attorney and water engineer have provided a technical memo to town staff in review of the information presented by the applicant. This memo is included as Exhibit G for your review. The town has also developed a Water Availability Report (Exhibit E) to track the town's water rights portfolio, infrastructure capacity, and obligated water demand based on approved projects. Although a determination of adequate public facilities is not required for this stage of the process, staff has assessed the potential needs of the project and confirmed that the town can serve the project with municipal water service once the Lower Basin Water Treatment Plant is operational. The existing sewer treatment plant has the capacity to serve the project.

Standard #3: Conformance with the Comprehensive Plan

The property is located within the Urban Growth Boundary of the town as outlined in the Eagle Area Community Plan (EACP). Staff has provided a detailed analysis on conformance (and nonconformance) with the Eagle Area Community Plan and the Town of Eagle Strategic Plan starting on page 7 of this staff report. The comprehensive plan outlines the need to provide public services and infrastructure that meet the needs and expectations of the community. The town should look comprehensively at the impact of new developments on the town financially and whether the project will generate the annual revenues

needed to provide services to the future residents long term. The applicants have provided a fiscal impact analysis to the town prepared by Stan Bernstein and Associates (Exhibit H).

In general, the report assumes that at the highest potential development scenario (500 residential units and 30,000 SF of commercial) the project will add approximately 900 residents to the town. The project is not proposing any public streets maintained by the town, however, there will be additional utilities (water, sewer, storm) as well as open space parcels (with improvements) that will become the responsibility of the town. In addition to the increased financial needs to maintain these systems, increased population creates an increase demand on other town services such as administration and public safety.

The fiscal impact report includes one-time revenues/expenditures and annual revenues/expenditures after project stabilization (2027). As the town grows, additional staff or other resources will need to be added to the various departments of the Town of Eagle. These are considered ongoing expenses to the town and are outlined in the fiscal impact analysis on page 6 of the impact report. Assuming the project stabilizes in year 2027, the project is anticipated to generate \$620,202 in annual revenue with an anticipated expenditure by the town of \$418, 405.

From a staffing perspective, it is difficult to fully assess staffing needs for some departments, however, there will be short term and long-term staffing needs to serve the development. In the short term, the Building Department will need to provide review and inspection services during construction. Depending on the number of active construction projects, additional contract assistance may be needed depending on the timing of construction. In the long term, there will be additional staffing needs for the Public Works Department and for Public Safety. For Public Works, resources will be needed for maintenance of the open space parcel and facilities. For Public Safety, staffing is recommended based on the town's population. The Town of Eagle has assessed the national average as well as reviewed best practices recommended by professional organizations to determine minimum staffing needs. This data indicates a standard of 2.0 officers per 1,000 residents. The project is not proposing occupancy restrictions so there is some variability in the number of anticipated residents. Based on minimum standards for public safety, this project would generate the need for two additional sworn officials. A public safety impact memo is included in your packet as Exhibit I.

Zoning - Planned Unit Development

Standard #1: The proposed development shall be in conformance with the town's regulations, goals and policies.

Town of Eagle Goals and Policies

In review of the first standard, staff refers to three main documents:

- The Eagle Area Community Plan – Adopted in 2010
- Town of Eagle Strategic Plan – Adopted in 2017
- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code

Eagle Area Community Plan

The Eagle Area Community Plan addresses this project through goals and policies outlined in Chapter 3: Land Use, Chapter 4: Future Land Use Map, Chapter 5: Special Character Areas, Chapter 6: Community Design and Appearance, Chapter 10: Housing, and Chapter 11: Economic Development and Sustainability. The following is an overview of the concepts for which the subject proposal is found to comply:

1. Chapter 3: Land Use Goal #2, Policies 2.1, 2.2: The PUD achieves infrastructure and transit efficiency by encouraging growth within the Town's established urban growth boundary; promoting compact, pedestrian friendly development; and considering underutilized land located adjacent to existing development to minimize infrastructure and service needs.
2. Chapter 3: Land Use Goal #3, Policy 3.1: The PUD assures access to surrounding neighborhoods and commercial areas, and accommodates mobility options by providing means of

interconnection utilizing the existing transportation network, and providing the potential to connect local paths to regional trail systems.

3. Chapter 3: Land Use Goal #6, Policy 6.1: The PUD utilizes horizontal mixed use development strategies to increase density, foster efficient lifestyles, enhance social interaction, and facilitate commercial and retail success.
4. Chapter 4: Future Land Use Map: Conservation Oriented Development: The PUD aims to balance conservation and development objectives to achieve the intent of the Conservation Oriented Development land use designation by setting aside land as open space and fostering compact development; providing quality open space by dedicating lands to be used for trails, drainage, debris flow mitigation, roadways, landscaping and active recreation opportunities (i.e. play areas, sports courts, and integrated trails); providing setbacks of 25' from major roads; and facilitating the preservation of attributes of high conservation value on the property. It also provides for small-scale commercial opportunities along Grand Avenue and Sylvan Lake Road to serve the needs of the immediate neighborhood.
5. Chapter 5: Special Character Areas, Western Gateway Character Area: The PUD acknowledges that the property lies within the Western Gateway Character Area, and incorporates planning principles such as landscaping, buffering, architectural design to achieve an attractive, well-managed landscape and distribution of land uses at the Town's western boundary.
6. Chapter 6: Community Design and Appearance Goal #1, Policy 1.3: The PUD sets forth overall architectural guidelines in order to enhance the uniqueness of the land while being consistent with Eagle's small town character; The PUD incorporates public gathering areas to accommodate activities that can help to maintain and enhance the sense of community in the Eagle area.
7. Chapter 10: Housing Goal #1, Policies 1.1, 1.2, 1.3: The PUD provides housing opportunities for a wide range of economic levels by incorporating workforce housing options of diverse types, and promoting increased residential densities in mixed-use commercial residential areas.
8. Chapter 11: Economic Development Goal #1, Policies 1.1, 1.2: The PUD aims to support a vibrant, sustainable, and diverse economy by necessitating high quality development 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; and by providing opportunities to optimize commercial development and capitalize on the proximity to the Eagle County Regional Airport.

The following is an overview of the concepts for which the subject proposal is found to conflict with the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #4, Policy 4.1: The PUD could have potential impacts on existing wildlife resources, water resources, forest resources and viewsheds; and may detract from the quality of life in the Town of Eagle based on the character that the ecosystem provides.
2. Chapter 3: Land Use Goal #5, Policy 5.2: The PUD proposes development that eradicates a portion of the natural landscape and may negatively impact sensitive lands and environments.
3. Chapter 4: Future Land Use Map: Conservation Oriented Development: The PUD proposes high densities that conflict with the intent of the Conservation Oriented Development land use designation and reduce the balance between conservation and development objectives by diminishing the density transition to rural lands; and impacting viewsheds and wildlife movement corridors.
4. Chapter 8: Natural Resources Goal #1, Policies 1.1, 1.5, 1.6: The PUD, if not implemented successfully, could have impacts from point source and non-point source runoff, which could degrade the overall water quality in the area; have repercussions on the existing wildlife habitats that move through the area; and degrade the quality of viewsheds.
5. Chapter 13: Public Service & Infrastructure Goal #1, Policy 1.4: The proposal may involve varying from town-wide fee based revenues that could impact servicing and infrastructure costs to the community as a whole.

The Town of Eagle Strategic Plan provides guidance for this project in Major Objective 5: Stimulate Economic Vitality, Development, and Major Objective 8: Improve Housing Availability and Affordability. The following is an overview of the concepts for which the subject proposal is found to comply:

1. Major Objective #5: The PUD has the potential to stimulate economic vitality by providing opportunities for economic development and incorporating standards that enhance the look, feel, and experience of Eagle; maintaining the small town feel and great place to raise a family; and continuing to advance Eagle as a government, business, and recreational hub for the region.
2. Major Objective #8: The PUD improves housing availability and affordability by providing workforce housing opportunities and a mix of unit types in a walkable neighborhood that can support diverse populations.

Staff finds that the PUD generally meets the standards set by the Community and Strategic Plans. This project falls in line with the intended use, character, and design established by these plans.

Town of Eagle Regulations

Title 4 of the Municipal Code contains the Land Use and Development Code. Applicable Chapters include:

- Chapter 4.11: Planned Unit Development
- Chapter 4.06: Development Review & Chapter 4.07: Development Standards
- Section 4.04.110: Local Employee Residency Program
- Chapter 4.17: Vested Property Rights

Per Chapter 4.11, the PUD review process includes two steps: 1) the PUD Zoning Plan, which establishes zoning, densities, uses and their locations within the PUD; and 2) development plan review, in compliance with Chapters 4.06 and 4.07. At this time, the applicant is requesting approval of a PUD Zoning Plan only, to be reviewed primarily in accordance with the standards and requirements of Section 4.11.030 as it relates to size, zoning, open space, maintenance of open space, municipal and park land dedication, PUD perimeter, street standards, and phasing. Designation of the PUD Zoning Plan as a Site-Specific Development Plan for purposes of vesting is also being requested, to be reviewed in accordance with Chapter 4.17 and related staff comments are provided below. Additionally, inclusionary residential requirements for local employee residency set forth in Section 4.04.110 shall apply to any new residential development. Staff has also provided a brief summary of adequate public facilities; traffic; wildlife and environmental impacts; impact fees; and utilities, grading, and drainage, which are important for the Planning & Zoning Commission to consider with zoning, but more heavily impact the terms of Annexation to be reviewed by the Board of Trustees.

Chapter 4.11 Planned Unit Development

The purpose of the PUD Zoning Plan review shall be to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town's goals, policies, and plans, and with the purposes of Chapter 4.11, and to provide a basis for PUD zoning. A future Development Plan will be required to evaluate the details of the PUD according to the purposes and procedures of Chapters 4.06 and 4.07, contingent upon approval of the PUD Zoning Plan.

The standards and requirements of Section 4.11.030 shall apply to all PUDs and shall take precedence over other standards and requirements. In a PUD, zone district regulations per Chapter 4.04, and design standards per Chapter 4.07, may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

A. Minimum Size. Every PUD shall have a minimum gross area of five acres.

Staff Comment: The proposed PUD contains a gross area of 29.65 acres and therefore exceeds the required minimum size.

B. PUD Zoning.

1. *Every PUD shall be divided into one or more PUD zone district in accordance with Section 4.11.030(B).*

Staff Comment: The PUD is proposed to be designated primarily as High Density Planned Unit Development (HD/PUD) in accordance with Section 4.11.030(B), with two smaller planning areas reserved for open space.

2. *Uses. The uses potentially allowed within the HD/PUD zone district shall be those permitted and special uses as set forth in Chapter 4.04 for the R, RR, RL, RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible. Within each PUD zone district, specific uses shall be allowed only as set forth in the approved PUD zoning plan and development permit. Conditions may be imposed on such uses by the Town, and any such conditions shall be set forth in the development permit.*

Staff Comment: The proposed HD/PUD-1 and HD/PUD-2 planning areas reflect the uses found in the RH and RMF zone districts; however, the applicant is requesting a variation for the uses allowed in HD/PUD-3 to permit limited non-residential uses and commercial development (no larger than 30,000 square feet in floor area) as a use by right, rather than require Special Use Permit review. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit M. Staff supports the requested variation because it has potential to provide a needed service and benefit not only to the residents of the development, but also to the surrounding area; and complies with the Eagle Area Community Plan which promotes limited commercial uses within this area. The commercial area in HD/PUD-3 shall be limited to a maximum of 30,000 square feet and generally located along the Grand Avenue frontage, as stated in the PUD Guide.

3. *Density. The maximum gross density to be allowed in the HD/PUD zone district shall not exceed 20 dwelling units per acre.*

Staff Comment: The applicant is requesting a maximum of 23 units per acre in HD/PUD-1 and 2, 16.86 units per acre in HD/PUD-3, and no residential development in open space planning areas (i.e. OS-1 and OS-2); equating to a maximum overall density of 16.86 dwelling units per acre (based on the request for a maximum of 500 dwelling units on 29.65 gross acres), falling within the maximum allowed 20 units per acre. Additionally, a minimum overall density of 6.65 units per acres is being requested in order to ensure a denser residential component to the project and avoid typical large lot single-family homes. The average maximum overall density proposed at 16.86 dwelling units per acre meets the maximum gross density requirements of the Land Use and Development Code.

The applicant is requesting to allow acreage and density transfers per the PUD Guide to accommodate flexibility in final platting and design. In short, HD/PUD-1, 2, and 3 may increase in acreage by up to 15%. Residential densities between HD/PUD-1 and 2 may freely transfer between the two planning areas as long as the total unit count of the combined planning areas does not exceed the maximum allotted 400 dwelling units. No residential density may transfer to or from HD/PUD-3. Staff supports the acreage and density transfer as proposed so long as maximum densities are maintained and open space requirements are met.

- C. *Open Space. The Town Code recommends a minimum of 20% of the total gross area of a PUD to consist of common open space. Seventy-five percent (75%) of the required common open space shall have a slope of 10% or less, and at least half of the portion with slopes of 10% or less shall be developed for active recreation. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development shall be provided for open space areas.*

Staff Comment: The applicant is required to provide 5.93 acres (i.e. 20%) of open space to meet the recommendation of Town Code; 4.45 acres (75% of 5.93 acres) of which shall have a slope of 10% or less; and at least 2.22 acres (50% of 4.45 acres) reserved for active recreation. The applicant is proposing to provide a minimum of 9.22 acres of total open space or 31% of the 29.65-acre site; 4.77 acres of which has a slope of 10% or less; and approximately 3.5 acres reserved for active recreation. See Table 1 below for a summary of each requirement.

The open space planning areas designated as OS-1 and OS-2 on the Zoning Plan Map are intended to provide sites for natural open space, recreation access, paved trails, unpaved trails and facilities, single-track trails, water storage, drainage improvements, debris flow mitigation, roadways, and landscaping. The open space planning areas make up a portion of the minimum open and recreational areas provided on site in addition to the private usable open spaces around the proposed residential uses located within HD/PUD-1, HD/PUD-2, and HD/PUD-3 as shown on the PUD Concept Plan (see Exhibit L). OS-1 contains a public trail component, to be dedicated to the Town of Eagle, as well as a minimum of an 8,000-square-foot park/usable open space area. Private open space areas are envisioned to contain improved park-like areas to accommodate recreation needs of children (i.e. playgrounds, play areas, play fields) and adults (i.e. sport courts and picnic areas). The applicant is currently proposing to allow the acreage in OS-1 and OS-2 to be reduced by no more than 10% if needed to accommodate final platting, which staff is acceptable to so long as minimum open space requirements are maintained. Staff finds the proposal meets the recommendations and requirements for PUD open space.

Table 1. PUD Common Open Space, Usable Open Space, Active Recreation

Required 20% of total area		5.93	acres
Required 75% Usable (<10% Slope)		4.45	acres
Required Active Recreation (50% of Usable)		2.22	acres
Proposed Common Open Space:		5.93	acres
PUD-1	15%	0.468	acres
PUD-2	15%	2.139	acres
PUD-3	15%	0.9975	acres
OS-1	100%	3.5	acres
OS-2	100%	2.12	acres
Total	31%	9.2245	acres
Balance		+3.2945	acres
Proposed Usable Open Space:		4.45	acres
OS-1 and OS-2		1.17	acres
PUD 1-3		3.6	acres
Total		4.77	acres
Balance		+0.32	acres

Proposed Active Recreation:		2.22	acres
OS-1, OS-2, PUD-1, PUD-2, PUD-3 Total		3.5	acres
Balance		+1.28	acres

As it relates to the PUD Open Space requirements for irrigation system water rights, the proposal includes the granting of water rights and offers the opportunity to use non-potable, untreated water for irrigation of landscaped areas. Overall water rights dedication and will be presented to the Board for consideration in relation to annexation. See Water Rights Memo provided by the applicant in Exhibit F.

- D. Maintenance of Open Space. An organization shall be established, which is responsible for ownership, permanent care and maintenance of open spaces and recreational areas and facilities; and shall be recorded by instrument to be recorded prior to sale of any residence.*

Staff Comment: OS-1, upon dedication to the Town, will be owned and maintained by the Town of Eagle. OS-2 and common open space areas throughout the PUD will be owned and maintained by an established property owner or property owner's association as required by Code. Details regarding the maintenance structure will be documented at the time of Subdivision or Development Permit. Staff finds that the proposed overall structure for open space maintenance complies with PUD standards and requirements of Town Code, and sets forth appropriate triggers for establishment.

- E. Municipal and park land dedication. Every PUD shall be subject to the requirements of Section 4.13.190 for municipal and park land dedication or fee, except that one-half of such requirement shall be waived in consideration of the active recreation development required in this chapter.*

Staff Comment: Pursuant to Section 4.13.190 of the Municipal Code, and based on a maximum density yield of 500 dwelling units, 15 acres of land is required to be dedicated to the Town, half of which may be private recreation facilities intended to serve the development (i.e. 7.5 acres private plus 7.5 acres public); or payment-in-lieu shall be provided. Eighty percent (80%) or 6 acres of the 7.5 acres public land dedication required shall contain a slope of 10% or less (i.e. "usable open space"). The applicant is proposing 5.62 acres of public land dedication, 1.17 of which is considered usable open space; and 3.6 acres of private land dedication. Thus, the application is deficient by a total of 5.78 acres of land dedication and 4.83 acres of usable open space as it applies to public dedication. The applicant is requesting a variation to the requirement to reduce the total municipal and park land dedication to 7.5 acres. Please reference the attached Variations Memo provided by the applicant in Exhibit M. The final municipal and park land dedication amount will be determined at development permit, once final unit counts are defined. See Table 2 below for a summary of each requirement.

Table 2. Municipal and Park Land Dedication

Total Project Area 29.65 acres

REQUIRED

Total Units	500	MF units
# of people (2.5/unit)	1250	people
Required Acres (.012)	15	acres
Public/Private 50%	7.5/7.5	acres

PROPOSED

Total Public Dedication		
OS-1	3.5	acres

OS-2	2.12	acres
*Total	5.62	acres
Balance	-1.88	acres
Total Private Dedication		
PUD 1-3 Total	3.6	acres
Balance	-3.90	acres
Total Provided	9.22	acres
Total Balance	-5.78	acres
*Of the public land dedication (5.62 acres total provided), 80% must be usable (i.e. having a slope of 10% or less). Subject application proposes 1.17 acres usable where 6 acres is required.		

Staff has worked with the applicant to devise creative solutions and offset the deficient land dedication. The applicant has been responsive in this request and proposes the following improvements to compensate the need for the additional 7.5 acres park land dedication as follows:

1. Dedication of OS-1 (3.5 acres total, 0.556 acres less than 10% slope) which contains the trail connection to future offsite access;
2. Dedication of an easement on OS-2 (2.12 acres total, 0.6176 acres less than 10% slope) which contains a soft path connection to the Town's trail system and a stormwater management area;
3. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;
4. Construction of a 5' wide soft path loop generally around the perimeter of the PUD that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
5. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road and accessed directly from Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
6. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;

Note: The bathroom facility was originally planned at the base of Hockett Gulch, rather than near the trailhead parking area. After further review by Public Works based on the current proposed location, there appears to be an opportunity to connect to town services (water, heat, and electric) and construct a fully functioning bathroom facility. The applicant has agreed to provide a bathroom facility and evaluate the feasibility of a full function restroom at the time of Development Permit as more information becomes available. The cost of the upgraded facility will need to be evaluated and a potential cost share of that facility may be requested if the amount exceeds the amount estimated for the vault toilet.

7. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
8. Development of recreation areas within the PUD consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and

9. A payment in lieu of Park Land Dedication, which is reflective of the additional recreational improvements being provided and the extent of commitment to workforce housing development, of \$50,000.

The applicant has provided an estimate of costs for the improvements proposed above and is attached as Exhibit O. Additionally, the applicant is currently proposing to allow the acreage in OS-1 and OS-2 to be reduced by no more than 10% if needed to accommodate final platting, which staff is acceptable to so long as minimum land dedication amounts as determined through the process are maintained, or appropriate payment-in-lieu provided. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention.

Staff supports the additional improvements proposed and recommends approval to vary from the usable open space required; however, staff recommends that payment-in-lieu of park land dedication equivalent to the deficient 5.78 acres, minus the Town's determined value of the proposed improvements listed above, be provided per Town standard. While the Town does not have a set per-acre fee for the cash in lieu payment currently, staff is in process of developing a Town-wide per-acre fee for the Board's consideration, which is anticipated to go before the Board in late February. If a Town-wide fee is adopted prior to the Board's consideration of the subject application, staff recommends that the payment-in-lieu amount be revised to match Town standard. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention. All above calculations are based on the highest density yield scenario (i.e. 500 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit.

- F. *PUD Perimeter. The boundary between a PUD and adjacent land uses shall be landscaped so as to adequately buffer potential incompatibility between land uses.*

Staff Comment: The PUD is proposed to contain building setbacks at a minimum of 25 feet from the perimeter of the entire PUD, including OS-1 and OS-2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD. Staff finds the proposed perimeter setbacks, in combination with bordering OS-1 and OS-2 which are generally set aside to remain free from development, are adequate to buffer surrounding land uses and mitigate any potential impacts of the development.

- G. *Street Standards. Every PUD shall be designed and constructed in conformance with the Town's street construction regulations.*

Staff Comment: Street standards are provided for within the PUD Guide. All driveways and access drives are proposed to remain private, and have some flexibility to vary from Town street construction regulations so long as they meet minimum requirements for site safety and access. The design standards accommodate access for service vehicles, trash trucks and fire trucks owned by the Greater Eagle Fire Protection District. Staff is acceptable to the street standards as proposed. Street construction drawings will be required to be reviewed and approved by Public Works at time of Development Permit.

- H. *Phasing. Where a PUD is developed in phases, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built will comply with the overall density and open space requirements of Chapter 4.11 at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.*

Staff Comment: The PUD Guide requires each Planning Area to comply with the development standards as they are developed. While larger spans of open space and recreation areas may

theoretically be developed after portions of the residential development, there are stipulations set forth within the PUD Guide for each planning area to ensure an appropriate amount of open space is provided for to serve the residents of each phase. For example, multifamily and single-family/duplex development requires a minimum of 300 square feet of usable open space for each dwelling unit; and in no case shall there be less than 15% usable open space. Staff supports the phasing strategy for open space as proposed.

Chapter 4.06: Development Review & Chapter 4.07: Development Standards

While the applicant has chosen not to submit a Development Plan concurrently with the PUD Zoning Plan, the PUD Guide sets forth standards for review and development that should be considered at a broad level of review as it relates to the proposed PUD Zoning Plan, to ensure compliance with Chapter 4.06 and 4.07. A Development Plan and Permit will be required to be reviewed and approved in accordance with the policies set forth in Chapter 4.06 prior to development.

The development standards chapter of the Land Use and Development Code addresses general lighting, landscape, architectural, and parking standards for the Town. This project does not fall within a specific character area of the code, so only general architectural standards apply (4.07.020). Staff has provided a brief summary of the applicable items below, but please reference the PUD Guide for full details.

Lighting

The PUD Guide requires all development to comply with the lighting standards of the Town's Land Use and Development Code, except the LED light sources shall be specifically permitted when meeting equivalent light standards of the Town.

Landscaping

The PUD Guide requires all development to comply with the landscape standards of the Town's Land Use and Development Code, except that specific standards have been set forth in relation to the PUD perimeter, special treatment landscaping along the frontages of Grand Avenue and Sylvan Lake Road, parking area landscaping in the form of islands or fingers (recommended per PUD Guide to be spaced every 10 to 20 parking spaces), and recommended vegetation types. The PUD Guide states that strict compliance to the Town's standards or PUD Guide is not required, and minimum number of trees or other plant materials is not prescribed. Landscape island spacing as proposed (i.e. to be spaced every 10-20 spaces) is less prescriptive than that required by Code (i.e. required every 10 spaces minimum). Maximum impervious coverage requirements proposed for the PUD are generally in conformance with typical standards set forth in the Land Development Code. The intent is to provide a substantial level of vegetation that produces a high quality, livable environment consistent with the adjacent developments within Eagle Ranch. Detailed landscape plans will be provided during the Development Permit review process.

General Architectural Standards

General requirements of architectural design are set forth in Section 4.07.040 and are intended to allow architecture of various types that is cohesive with surrounding areas and considers orientation, sun, views, natural light, shadows and ventilation for inhabitants, prevailing winds, slopes, existing and future drainage patterns, snow shedding, existing landscaping, pedestrian circulation, and compatibility with scale. The PUD Guide incorporates further standards that are unique to the development, including the use of sloping roof forms, limiting flat roofs to commercial buildings, and limiting building materials to ensure the use of cohesive, high quality materials such as brick, stone, and wood. Detailed elevations will be provided during the Development Permit review process.

One conflicting provision of the PUD Guide relates to the maximum building height. The applicant is requesting a variation to the Town's typical height limitation of 35', to allow multi-family buildings to have a maximum height of 45' and accommodate three-story structures, appropriate architectural treatment of the building, and sloped roof forms. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit M. Staff supports the

proposal to allow multi-family buildings to have a maximum height of 45' or three-stories to accommodate high-quality architecture. In a PUD, typical design standards per Chapter 4.07 may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

Parking and Access

Parking standards are provided within the PUD Guide for single family dwellings, duplexes, multi-family dwellings and supporting uses (i.e. leasing office, club house, etc.) and commercial uses. All standards proposed generally comply with Section 4.07.140 of the Municipal Code, except that the applicant has requested a variation to eliminate guest parking requirements associated with multi-family uses. Typically, guest parking is required at a rate of 1 space per 6 dwelling units for multi-family developments per Code. Justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit M. While the applicant has provided a parking study indicating that parking rates provided exceed industry standard, staff is concerned that there may be potential impacts if unit counts exceed 2 occupants per dwelling unit. Staff could support the proposed variation to eliminate required guest parking if parking spaces are not assigned specifically for residents; thereby increasing parking options for guests. Staff is looking to the Planning & Zoning Commission for feedback on this recommendation. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention. In a PUD, typical design standards per Chapter 4.07 may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

The PUD Guide proposes two separate points of access, one along Sylvan Lake Road and the other along Grand Avenue. An access easement will be required in order to gain access from Sylvan Lake Road. The timing of the construction of access points is dependent on the sequencing of development. The applicant is proposing that one access be required at time of development of HD/PUD-1 (via Sylvan Lake Road) or HD/PUD-3 (via Grand Avenue), and two points of access be required at time of development of HD/PUD-2. Public Works has reviewed the proposal and recommends that both access points be provided with initial development of the site. Staff will continue to work with the applicant during the Development Plan process to identify the access needs of the project depending on the phasing of the project.

Section 4.04.110: Local Employee Residency Program (LERP)

The purpose of Section 4.04.110 is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town. This section requires new residential development to provide at least 10% of the owner-occupied housing that it produces to be affordable to lower and moderate income households as further defined in the local employee residency requirements and guidelines. The mix of local employee residences available for purchase shall average a price affordable to households earning 90% of the maximum income limits as set forth in the Town's local employee residency requirements and guidelines.

Staff Comment: The PUD is proposing to exceed the 10% requirements as it applies to for-sale housing by providing 15% deed restricted housing but with an allowance that household income limits can be up to 120% of Area Median Income (AMI). Additionally, the PUD provides that 30% of any rental housing would be deed restricted so that the dwelling units are occupied by the local workforce population without income restrictions. The applicant is requesting a variation to LERP requirements in regards to the affordability aspect of for-sale units; to vary from the requirement to average a price affordable to households earning 90% of the maximum income limits set forth in the Town's employee residency requirements and guidelines, and instead proposing that household income limits can be up to 120% of the AMI level as set by HUD for Eagle County. The Town currently does not have employee residency guidelines that define maximum income limits, but as standard practice, the Town typically requires

income limits to be set between 90-100% of AMI. Staff views the request for income limits set at 120% of AMI as a variation because of how income limits have been applied in the past. To provide additional benefit, the applicant is proposing to apply deed restrictions to 30% of the rental units to increase workforce housing opportunities since for-sale units are minimal (approximately 100 for-sale units of the 500 units at maximum). Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit M. Staff sees benefits and drawbacks to the proposal as a whole, and is generally supportive of the proposal with varied income limits, but has some reservations in respect to true affordability. Staff recommends requiring income limits to be set between 90-100% of AMI in order to be consistent with the Town's standard application of LERP. Staff is looking to the Planning Commission for feedback on this recommendation. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention.

Chapter 4.17 Vested Property Rights

The applicant is requesting for the PUD Zoning Plan to be designated as a "Site-Specific Development Plan" to be vested for a period of 7 years. Appropriate process and development sequencing will be required within each phase of development, which is anticipated to occur in two phases, which could take approximately 3.5 years per phase to permit and complete. Building permit will likely not be sought for the entirety of a phase, rather components within each phase. Staff generally supports the request for 7-year vesting of the Zoning Plan to allow some flexibility in timing of full build-out.

Adequate Public Facilities

While assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a determination by the Commission or Board. For the subject proposal, a determination will be required at time of Development Permit or Subdivision that creates individual residential lots. Adequate public facilities are assessed based on the availability of the Town's utility services (water and sewer), public schools, fire protection services, emergency medical services, and street facilities. Staff is in review of the preliminary information provided with the request for PUD zoning and annexation. Public Works has confirmed that the Town has the infrastructure to serve the development with adequate pressures and no additional storage capacity needs, but water services are contingent upon the Lower Basin Water Treatment Plant becoming operational, which is anticipated in October of 2020. Eagle County Schools, Police, and the Fire Protection District have also completed a preliminary review of Adequate Public Facilities, with no vast concerns relayed regarding the capacity to serve. Please reference the Referral Response Summary reports provided in Exhibits X, Y, and Z attached.

Traffic

A Transportation Impact Study was provided by the applicant and is under review. Based on the highest development yield scenario (i.e. 500 dwelling units and 30,000 square feet of commercial), the site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. It was found that the proposed site traffic volumes will warrant eventual improvements and several auxiliary turn lanes along Grand Avenue and Sylvan Lake Road. Along Grand Avenue, an eventual right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane will be needed. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns. Public Works will require further traffic studies and evaluate the proposal at time of Development Plan as the improvements required to obtain adequate levels of service will be highly dependent upon ultimate density of the project at build-out (i.e. traffic generated by multi-family versus single-family homes), as well as the multiple variables and ultimate build-out of development outside of the subject project area that are used to determine traffic volumes along Highway 6. Public Works will review to ensure the level of service meets minimum Town standards.

The project's traffic volumes at the Sylvan Lake Road access will warrant the construction of a southbound right and north bound left turn lane. The Eagle Medical Center facility is responsible for the

construction of a southbound left turn lane into their facility at two locations based on its previous approvals. This turn lane improvement may also provide left turn access into the PUD depending on the final design. This left turn improvement was to be completed by the Eagle Medical Center in 2016 however the agreement was amended in the fall of 2017 to tie the improvements to a volume of traffic trigger. The applicant will coordinate with the Eagle Medical Center to provide these roadway improvements when they are triggered during the development of the PUD. Staff agrees with the assumptions and recommendations of the Transportation Impact Study provided, and the applicant is amenable to constructing the recommended improvements. Traffic considerations will be adjusted based on final unit counts proposed at Development Permit or residential subdivision where individual lots are being created.

Wildlife & Environmental Impacts

An environmental impact report was provided by the applicant and was reviewed by Colorado Parks and Wildlife, the Colorado Geological Society and Eagle River Watershed Council. Overall, it was found that while wildlife do migrate through the property, there is no identified established habitat or sensitive species (i.e. elk) that would be impacted. Per CGS, the applicant has incorporated fencing stipulations in the PUD Guide as to not preclude wildlife movement, as well as information on black bears and mountain lions to protect the habitat and residents. Colorado Parks and Wildlife also recommended the applicant to incorporate seasonal closures on trails to protect wintering wildlife and reduce impacts from dispersed use onto adjacent public lands.

The primary impacts perceived by the Eagle River Watershed Council are seen to occur via the incremental development of the valley floor and associated increase in impervious surfaces, which can cause runoff and alter the hydrologic regime of receiving streams. The applicant has incorporated low-impact development techniques in efforts to manage direct site stormwater runoff and promote groundwater infiltration.

Colorado Geological Society strongly recommended to address debris flow. As such, a debris flow analysis was completed and provided. The PUD as proposed can accommodate any mitigation that may be necessary within the channel for Hockett Gulch drainage being proposed. The PUD Guide requires further analysis when a development plan is reviewed by the Town. All comments received from various external agencies are provided in the Referral Response Summary Reports (See Exhibits X and Z).

Impact Fees

The Municipal Code requires impact fee payments for the street improvement fee, fire department impact fee, water tap fee, sewer tap fee, and school land dedication fee all of which are to be paid at time of PUD or Subdivision approval. The applicant is requesting a variation to allow such payments to occur at time of Development Permit or residential subdivision where individual lots are being created, when more specifics to the development are known and fees can be more accurately calculated. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit M. Staff, the Fire District, and Eagle County Schools supports the request to defer impact fee payment until Development Permit or residential subdivision where individual lots are being created. Impact fee calculations included in the review are based on the highest density yield scenario (i.e. 500 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit or residential subdivision where individual lots are being created.

Utilities, Grading, and Drainage

The Reserve at Hockett Gulch property is proposed to be annexed into the Town of Eagle which would in turn provide water service and sanitary collection service to the project. Public Works has confirmed that the Town has the infrastructure to serve the development with adequate pressures and storage. Adequate Public Facilities (Chapter 4.14), which will be reviewed at time of Development Permit, is contingent upon the Lower Basin Water Treatment Plant becoming operational, which is anticipated in October of 2020 as mentioned in the above section pertaining to Adequate Public Facilities. The Town is working

with the applicant to accommodate future upsizing of the water main in Sylvan Lake Road, to accommodate future development in the surrounding area.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission considered the Reserve at Hockett Gulch PUD Zoning Plan and Site Specific Development Plan (vesting of property rights) on February 5, 2019. Meeting minutes from the hearing are included as Exhibit BB in this packet. Staff recommended approval with the following conditions: and unanimously recommended approval with the following conditions.

- 1) OS-1 and OS-2 shall only be allowed to be reduced in acreage (at a maximum of 10%) if compliance with open space and municipal park land dedication requirements is maintained;
- 2) The payment-in-lieu for municipal and park land dedication shall be revised to match Town standard;
- 3) Guest parking for multi-family uses may only be eliminated if general parking spaces are not assigned specifically for residents, thereby offering guest parking options; and
- 4) Household income limits shall be lowered to 90-100% of AMI as it applies to for-sale units.

Upon review of the application, the Planning and Zoning Commission unanimously approved the project with the following revised conditions:

1. OS1 and OS2 shall only be allowed to be reduced in acreage each (at a maximum of 10% each), provided that the gross acreage is not reduced, if compliance with open space and municipal park land dedication requirements as proposed is maintained.
2. Guest parking for multi-family uses may only be eliminated if general parking spaces are not assigned specifically for residents, thereby offering guest parking options, excluding the individual garages that would be separately rented.
3. HD/PUD 1 and 2 shall not have any single-family residential zoning.

Staff and the applicants support the conditions of approval from the Planning and Zoning Commission.

Since the planning commission recommendation, staff has continued to work with the applicants on the Municipal and Park Land Dedication. Staff has requested that the PUD Guide provide flexibility on the type of restroom provided in OS1 to be negotiated at Development Permit. The applicant is amendable to this proposal and a condition has been added below to reflect this.

STAFF RECOMMENDATION

Staff recommends **approval** of the Reserve at Hockett Gulch Annexation, **with the following conditions:**

1. The project shall dedicate water rights to the town per the town's municipal code and currently adopted EQR Table.
2. The project shall pay a cash-in-lieu for water rights dedication.
3. The project shall pay plant investment fees according to the currently adopted EQR Table.

Staff recommends **approval** of the Reserve at Hockett Gulch Annexation, PUD Zoning Plan and Site Specific Development Plan (vesting of property rights), **with the following conditions:**

1. OS1 and OS2 shall only be allowed to be reduced in acreage each (at a maximum of 10% each), provided that the gross acreage is not reduced, if compliance with open space and municipal park land dedication requirements as proposed is maintained.
2. Guest parking for multi-family uses may only be eliminated if general parking spaces are not assigned specifically for residents, thereby offering guest parking options, excluding the individual garages that would be separately rented.
3. HD/PUD 1 and 2 shall not have any single-family residential zoning.
4. The PUD Guide shall be revised to reference a restroom not specific to a vault toilet in the Municipal Park Land Dedication description.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
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LAND USE & DEVELOPMENT PERMIT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW ☐ Special Use Permit ☐ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations	DEVELOPMENT REVIEW ☐ Minor Development Review ☐ Major Development Review	SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW ☒ Concept Plan ☐ Preliminary Plan ☐ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☐ Minor Subdivision ☒ P.U.D. Zoning Plan
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PROJECT NAME Reserve at Hockett Gulch

PRESENT ZONE DISTRICT RMF (Eagle County) **PROPOSED ZONE DISTRICT** PUD
(if applicable)

LOCATION

STREET ADDRESS 016186 Highway 6

PROPERTY DESCRIPTION

SUBDIVISION Unplatted **LOT(S)** _____ **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE Annexation and PUD Zoning Plan to allow
for the development of Reserve at Hockett Gulch (aka the JHY Parcel)

APPLICANT NAME Dan Metzger, Brue Baukol Capital Partners **PHONE** 720-907-1948

ADDRESS 1555 Blake St. Suite 210 Denver, CO 80202-1866 **EMAIL** dan.metzger@bruebaukol.com

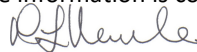
OWNER OF RECORD BCP-Eagle I LLC **PHONE** 720-907-1948

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REPRESENTATIVE Dominic Mauriello **PHONE** 970.376.3318

ADDRESS POB 4777 Eagle, CO 81631 **EMAIL** dominic@mpgvail.com

The above information is correct and accurate to the best of my knowledge.

 **January 31, 2018**
Signature Date

In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.

FOR OFFICE USE ONLY	
DATE RECEIVED _____	BY _____
REVIEW FEE _____	DATE PAID _____
DATE CERTIFIED COMPLETE _____	BY _____
P&Z HEARING DATE _____	DECISION _____
TBOT HEARING DATE _____	DECISION _____

Reserve at Hockett Gulch Planned Unit Development Town of Eagle, CO

Annexation & Planned Unit Development Applications

Revised Submittal
January 31, 2018
August 30, 2018
January 11, 2019

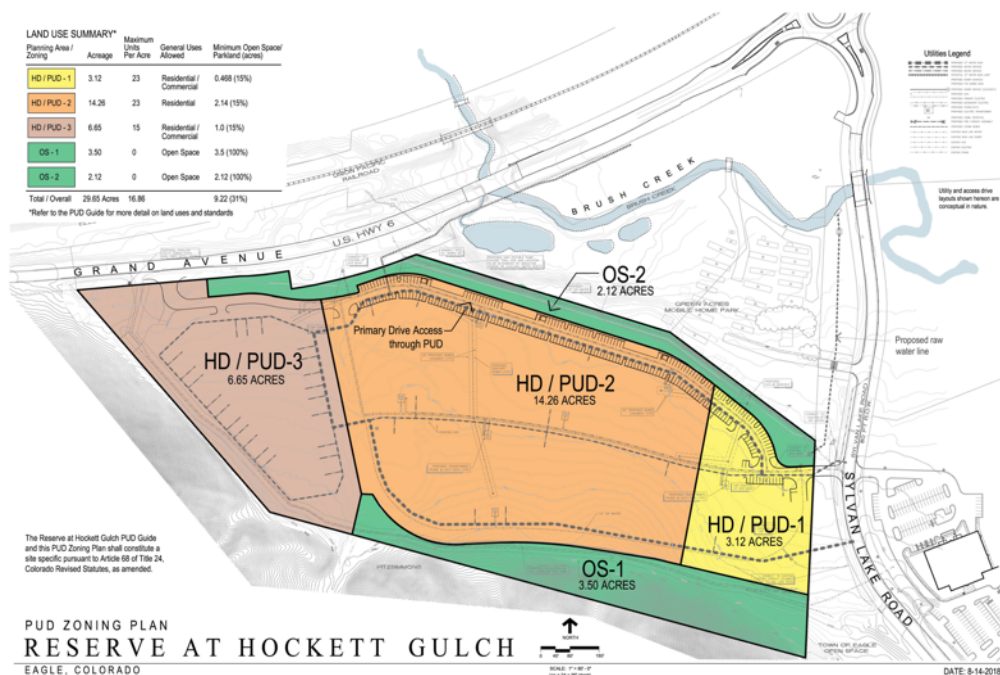


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Development Applications
Eagle, CO

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Section 1: Introduction and Overview

Brue Baukol Capital Partners ("Applicant") is submitting an annexation petition for the Reserve at Hockett Gulch property, also known as the JHY Parcel, a 29.65-acre parcel located west of Sylvan Lake Road and south of Grand Avenue adjacent to the Town of Eagle municipal boundaries. Accompanying the annexation petition is an application for Planned Unit Development ("PUD"), zoning, and a illustrative concept plan.

The PUD is the result of discussions between the property owner, project team, and Town officials over the last year (submittal January 31, 2018) and the review of the Town's comprehensive planning guidance documents. The property is uniquely positioned to have direct access to both Grand Avenue and Sylvan Lake Road. The PUD Zoning Plan reflects the flexibility this dual access affords the potential for development of both commercial and residential uses. The proposed zoning plan and conceptual plan included with this submittal are the result of responding to the county-wide need for workforce housing, assessing the feasibility of access and utility services to the parcel, allowing for open space areas, providing for onsite amenities, providing for trail access across the property, and meeting the parking demands.

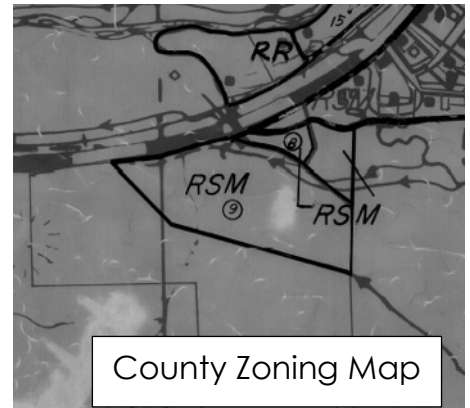
The Reserve at Hockett Gulch PUD will provide for residential and limited commercial development that can provide a catalyst for the redevelopment of the Grand Avenue corridor and West Eagle area while supporting the Eagle business community with access to housing for its employees. The project will add vibrancy to the Town by growing our population in a compact design and location with limited impacts to existing residential areas.

By 2027, it is anticipated that the Town will realize annual revenues of approximately \$1.22 million a year due to the project. Based on an estimated assessed valuation of \$14.58 million at full buildout (tax collection year 2027), it is anticipated that Eagle County, the School District, and Colorado Mountain College will receive increased annual revenues of \$124,000, \$363,000, and \$60,000, respectively. One-time fees collected by the Town from the PUD are estimated at \$8,355,573 million with construction use tax fees accounting for \$3.4 million of the one-time fees. See Section 2 of this report for a broader summary of fees and revenues and the Fiscal Report for the PUD provided by Stan Bernstein and Associates, Inc.

Background:

The subject property is currently located in unincorporated Eagle County. The parcel was originally zoned Resource in 1972 and rezoned to Residential Suburban Medium Density (RSM) in 1979 by the County. The property remains zoned RSM today. For the last almost 40 years the property has been anticipated to be developed with a multifamily community. The RSM zone district also allows for convenience grocery store and other ancillary uses. Significant changes have occurred in the Town of Eagle and Eagle County since the zoning was established in 1979.

While the use of the land remains consistent with what was envisioned 40 years ago, the need for more density and ancillary commercial uses to address issues like workforce housing and the growing demands of the Town have been recognized by the Town's plans.



Overview of the PUD:

The proposed PUD allows for 500 dwelling units, 400 of which are envisioned to be rental apartments in one and two-bedroom formats. These envisioned apartment buildings will be three story walkups with approximately 13 structures in total. The remaining 100 units, anticipated in phase 2 of the project, may be a variety of townhouses, apartments, and single-family homes. A minimum density per acre for residential requirement in the PUD will ensure a denser residential component to the project.

The proposed PUD allows for a very limited amount of commercial space; 30,000 sq. ft. in total expressed as an FAR (Floor to Area Ratio) in the PUD Guide. The PUD allows the commercial space to be developed along the Grand Avenue frontage (HD/PUD-3) or the Sylvan Lake Road frontage (HD/PUD-1, at a more restricted amount of 15,000 sq. ft, reduced at the suggestion of Town staff). It is envisioned as small local retail or commercial spaces serving the neighborhood with retail, grocery, and office/service uses to complement the current commercial offerings in the region while not competing with other commercial centers.

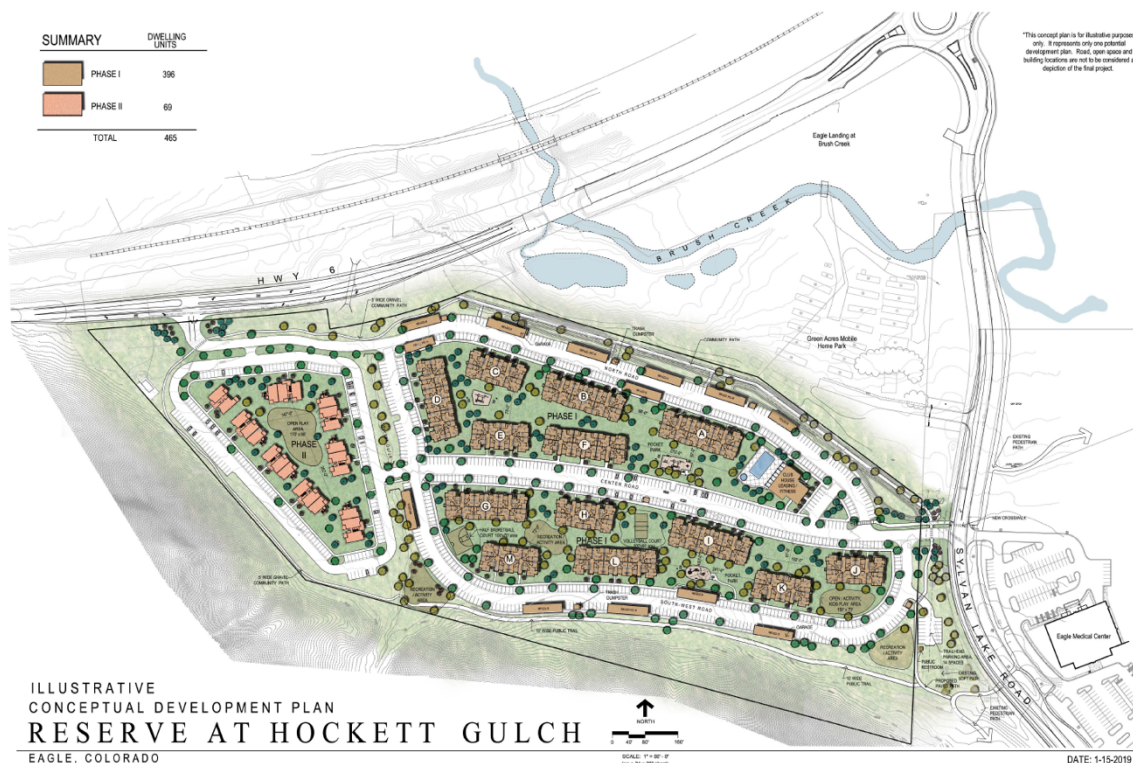
Below are two location maps of the property.



Illustrative Concept Plan:

Note original scale of 1"= 80' on 24 x 36 sheet for the concept plan.

The concept plan shown below and included with the submittal is intended to be just that; conceptual. This is one potential development scenario for the property. As shown below, this scenario shows the entire PUD developed with residential uses and does not include the 30,000 sq. ft. of commercial that would be allowed in the PUD. This conceptual plan shows a total of 465 dwelling units, 396 of which are rental multifamily units in one and two-bedroom formats. All of these multifamily structures shown here in Phase I are assumed at 3-stories. The plan also shows approximately 100 parking spaces located in garages made available to tenants as part of the required parking. A clubhouse, leasing office, and other amenities are also shown along with an outdoor swimming pool as amenities for residents of the PUD. Large open areas and pocket parks are also shown in a campus-like environment and represent another 3.6 acres of open space for a total of over 9 acres of open space and common areas. Recreation paths are also provided, including a perimeter trail around the entire PUD, that link directly to the Town's recreation path system. The parking shown complies with the parking requirements of the PUD which will accommodate all parking demands of this conceptual development scenario. The conceptual plan shows a setback of structures from the edge of pavement on Grand Avenue of approximately 170' and of approximately 150' to Sylvan Lake Road. Phase II depicts a possible townhome development consisting of 69 units.



Design:

The overall design intent of the proposed PUD is to be consistent with the historic mountain architecture of the Town of Eagle, compatible with the nearby uses and residential neighborhoods, and in keeping with the policies of the Eagle Area Community Plan. Specific details are provided within the PUD Guide. The following images are of the rental multifamily structures shown in the conceptual development plan in Phase I of the PUD.

**Access:**

The project will connect to both Sylvan Lake Road and Grand Avenue, which will promote easy access to and from the PUD. As currently conceived, the access is

aligned along the northern boundary of the site and directly across from the existing Eagle Medical Center. Arrangement of the access and parking areas allow for a number of possible phasing and building arrangements on three separate building tracts. On the southern end of the property, a trail system for use by pedestrians, bicyclists, and motorcycle (subject to restrictions found in the PUD Guide) will extend the existing Eagle Ranch trail to access Hockett Gulch to promote the Town's trail system. This trail affords the opportunity for the Town and local trail community, if they are able to gain access through the adjacent privately-owned property, to connect the Eagle Ranch trail with the BLM land to the south and west of the Town. A perimeter pedestrian trail system is also proposed around the entire PUD which connects to the Town's trail system at two locations. A pedestrian warning system is proposed at the Town's existing crosswalk within Sylvan Lake Road to allow safe passage of pedestrians across the street with connections to the Town's park, trail, and open space system.

Traffic:

The traffic analysis was prepared based upon the anticipated full buildout conditions of the site. This included 30,000 square-feet of commercial property and 500 residential dwelling units. The site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. This includes both the residential volume of 3,262vpd for an average weekday, and 3,540vpd for an average Saturday; and the retail component consisting of 2,030vpd for an average weekday, and 2,937vpd for an average Saturday. Both residential and retail components include reductions of traffic for internal capture (where residents would use the retail uses and not leave the site), and a multi-modal reduction for walking and cycling. Both the internal capture and multi-modal traffic volume reductions are based upon accepted practices as detailed in the *ITE Trip Generation Manual*.

The traffic volumes for the site accesses will warrant some proposed improvements to Grand Avenue and Sylvan Lake Road.

Grand Avenue / North Site Access: Similar to all accesses on Grand Avenue, the north access will eventually see excessive levels of delay for the northbound left movement. At that time, it is likely that drivers will prefer to turn right and utilize the Sylvan Lake Road roundabout to turn return towards Gypsum to the west. The proposed site traffic volumes warrant the installation of three auxiliary lanes on Grand Avenue, specifically, a right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns.

Sylvan Lake Road / East Site Access: The intersection is anticipated to operate at an acceptable level of service during the evening and Saturday peak traffic hours through Year 2040. However, the morning peak hour traffic is anticipated to have difficulty leaving the site by Year 2040.

The project's traffic volumes at this access will warrant the construction of a southbound right and north bound left turn lane. The Eagle Medical Center facility is responsible for the construction of a southbound left turn lane into their facility at two locations based on its previous approvals. This turn lane improvement may also provide left turn access into the PUD depending on the final design. This left turn improvement was to be completed by the Eagle Medical Center in 2016 however the agreement was amended in the fall of 2017 to tie the improvements to a volume of traffic trigger. The applicant will coordinate with the Eagle Medical Center to provide these roadway improvements when they are triggered during the development of the PUD.

Parking:

The goal of the parking plan is to provide adequate parking for all uses, without creating an overabundance of excess parking. The parking rates are pursuant with the Town's parking standards, except that the PUD Guide eliminates the Town's guest parking requirement. This modification is supported by an analysis from our traffic engineer submitted with this application and as discussed below.

Parking is proposed at the following rates:

Use	Town of Eagle Standards	Proposed with PUD
Single Family or Duplex	3 spaces for 3 or more bedrooms 2 spaces for <3 bedrooms	Same
Multiple Family	2.5 spaces for 3 or more bedrooms 2 spaces for 2 bedrooms 1.5 spaces for 1 bedroom or studio 1 additional space per 6 dwelling units for guest parking	Same per-bedroom parking standards Guest Parking Deleted Leasing office/amenity facility: 3 parking spaces
Restaurant or Bar	1 1/2 per 100 square feet of floor area used or designed for use by the public, plus 1 1/2 per 200 square feet of kitchen floor space	Same
Retail and General Commercial	Parking area equal in square footage to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment	Same
Office (all)	General Office, Public Administration - 1 space for 300 sq. ft. of leasable floor area	Same

	Medical, Dental, Veterinary Office, Service Establishment – 1 per 250 square feet of floor area used or designed for office or public use	
Grocery	Parking area equal in square footage to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment	Same

McDowell Engineering prepared a parking analysis, based on ITE parking data of suburban mid-rise apartment complexes, and has found that parking demand for multiple family dwellings, in a development location and scenario similar to the Reserve at Hockett Gulch, at an average of 1.10 to 1.37 space per unit. This average is based on a variety of one, two, and three bedroom units and includes all parking onsite; guest or tenant.

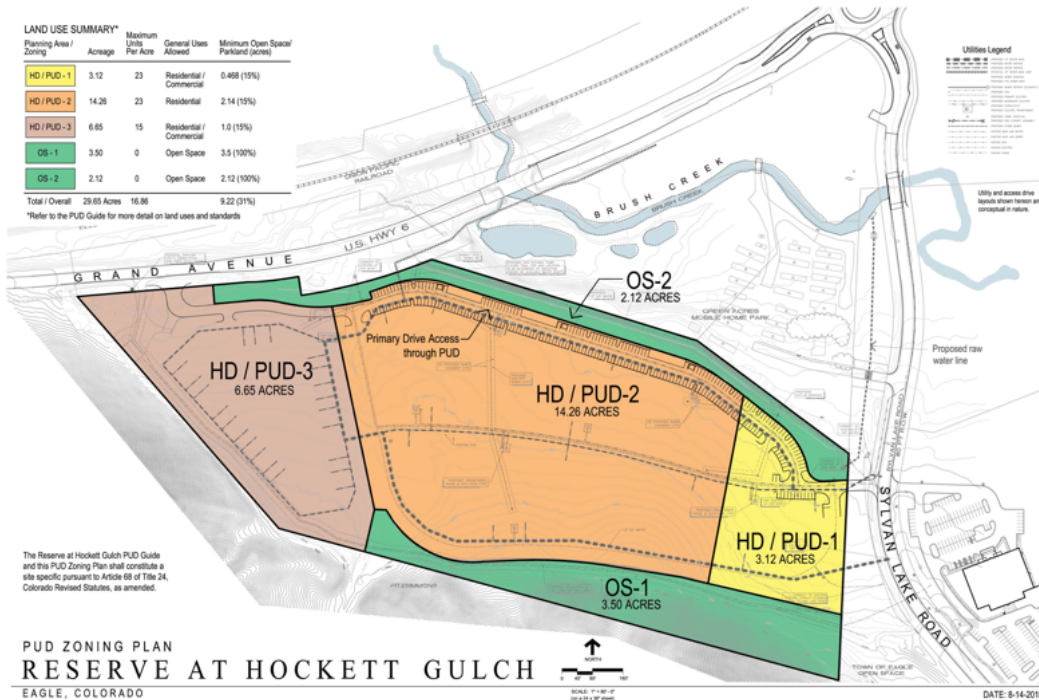
The applicant's proposed rate for multiple family units is 1.75 parking spaces per unit (average of all unit types), which is well above the ITE predicted rate of 1.37, using the high end of the demand prediction. The 1.75 rate matches the Town's current parking requirements before adding in the guest parking requirement.

Considering the conceptual plan for the project with 396 multiple family dwelling units in Phase I with 50% one-bedroom units and 50% two bedroom units, the applicant's proposed parking plan contemplates 693 parking spaces whereas the ITE prediction, with a 95% confidence interval, would be 543 spaces (at 1.37 spaces per unit). The conceptual plan exceeds the ITE prediction by 150 parking spaces. The current Town code would require 759 parking spaces. A variation is proposed to address this difference.

PUD Guide Summary:

The full PUD Guide, which provides all of the zoning and land use restrictions for the PUD, is included as an attachment.

The PUD Zoning Plan shown below provides for five districts or planning areas within the PUD. These five planning areas include two open space districts, OS-1 and OS-2, one residential district, HD/PUD-2, and two mixed use districts, HD/PUD-1 and HD/PUD-3.



The following is a summary of the uses and development allowed in each district:

OS-1 (3.5 Acres) and OS-2 (2.12 Acres):

The open space districts do not allow for vertical development generally. They are set aside to remain free from development but include uses such as trails, drainage facilities, underground utilities, and debris flow mitigation. The OS parcels are located on the north and south sides of the development and act as a buffer to the adjacent private properties. These open space parcels make up a portion of the minimum open and recreational areas provided onsite in addition to the private useable open spaces around the proposed residential uses as shown on the concept plan. With the private open space areas (approximated at a minimum of 3.6-acres+) as shown on the conceptual development plan total open space ends up at approximately 31% of the overall PUD land area, which includes active recreation areas. OS-1, which contains a public trail component, is proposed to be dedicated to the Town of Eagle to satisfy in part the park land dedication requirement and as a public benefit to the Town.

HD/PUD-1 (3.12 Acres):

This is a mixed-use parcel that allows for residential uses and limited commercial uses of no greater than 15,000 sq. ft. Recognizing the existing and future medical uses planned on the property across Sylvan Lake Road, the PUD is proposed to allow flexibility to create opportunities for uses that complement the neighborhood and provide convenient commercial uses for the entirety of Eagle and the Eagle Ranch community. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and expressed as an FAR. Commercial and nonresidential uses in this planning area require a Special Use Permit which is reviewed and approved by the Board of Trustees. In addition to the limited commercial uses, this parcel also allows residential uses, including multifamily apartments consistent with the HD/PUD-2 parcel. HD/PUD-1 along with HD/PUD-2 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD as shown on the conceptual plan.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, townhomes, and commercial structures. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 23 units per acre (72 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.53:1 and maximum commercial floor area 0.11:1.

HD/PUD-2 (14.26 acres):

This parcel is largely restricted to residential uses. Also allowed in this planning area are the common amenities associated with quality multifamily developments including park areas, swimming pool, and clubhouse with fitness facilities. The conceptual plan envisions apartment buildings assembled around common green spaces and amenities with parking on the perimeter. Other customary and accessory uses are allowed

in this district as detailed in the PUD Guide. HD/PUD-2 along with HD/PUD-1 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD and in the first phase of the PUD.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, and townhomes. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 23 units per acre (328 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.53:1.

HD/PUD-3 (6.65 acres):

This planning area is a mixed-use parcel that allows for limited commercial uses of no greater than 30,000 sq. ft. and residential uses. The PUD allows flexibility so that this parcel can be developed with a commercial component with direct access from Grand Avenue and internal access from other areas of the PUD. The planning area allows up to 100 dwelling units in a variety of formats (single-family, duplex, and multifamily) and a small retail and service market place of no larger than 30,000 sq. ft. based on an FAR. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and 500 residential units.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, townhomes, and commercial structures. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 15 units per acre (100 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.86:1 and maximum commercial floor area 0.11:1.

In summary, the permitted residential uses in the PUD include multiple-family, duplex, townhouses, and single-family. The PUD requires a minimum density of 6.5 units per acre, overall, provided as to ensure a more densely-developed property, in contrast to many areas of Eagle that have been developed with larger lot residential development. The intent of allowing single-family and duplex uses is to allow flexibility and creativity in design and development and to meet changing market conditions. It's not uncommon, to have a mixture of housing types densely developed in a variety of formats, including single-family or duplex homes.

Section 2: Benefits and Fiscal Analysis of the PUD and Annexation

Annexation and zoning of the Reserve at Hockett Gulch will create significant benefits and revenues to the Town and the region. These benefits are outlined below.

Fiscal and Revenue Benefits to the Town:

A detailed fiscal analysis was performed for this project by Amy Greer of Stan Bernstein and Associates, Inc. Below is a summary of the positive revenue impacts of this project to the Town of Eagle and other taxing entities.

The PUD at buildout is estimated to generate a full-time population of approximately 900 people and result in an increase in assessed land valuation from approximately \$136,260 to \$14.58 million (year 2027).

The table below summarize the revenues to the Town and other agencies generated by this project. It should be noted that the one-time fees do not include the School Land Dedication Fee that will be based on the appraised value of the land calculated during the Development Permit or Subdivision process.

Revenues at Stabilization - 2027		
Revenue Source - Town of Eagle	Occurrence	Projected Total Amount
Sales Tax Revenues - General Fund	Annual	401,960
Property Tax - General Fund	Annual	35,342
Water User Fees	Annual	303,981
Sewer User Fees	Annual	336,120
Other Revenues (fines, charges, misc)	Annual	137,010
Conservation Fund Revenues	Annual	6,230
Total	Annual	\$ 1,220,643
One Time Fees		
Water Plant Improvement Fees	One time fee	1,234,072
Sewer Plant Investment Fees	One time fee	1,227,600
Street Improvement Fees	One time fee	366,465
Construction Use Tax	One time fee	3,483,400
Licenses and Building Permits	One time fee	1,069,500
Inspection Fees	One time fee	500,000
GEFPD - Fire Impact Fees	One time fee	424,536
Park Land Dedication Fee	One time fee	50,000
Total		\$ 8,355,573
Others receiving revenues		
Eagle County	Annual	123,915
School District	Annual	363,217
GEFPD	Annual	145,800
WECMRD	Annual	53,217
Library District	Annual	40,095
Eagle Cemetery District	Annual	3,587
Ambulance District	Annual	40,139
Colorado Mountain College	Annual	58,276
Colorado River Water Conservation District	Annual	3,703
Total		\$ 831,949

* Water and Sewer Plant Investment Fees are based upon the applicant's EQR and water usage analysis

Density and Diversification:

The proposed PUD is located in a relatively isolated section of the Town on its western border. The parcel is ideally suited for higher density residential development and limited commercial uses due to the gentle slope of the land and few environmental resources contained on the land. This property is an infill property located adjacent to two public streets requiring little extension of community infrastructure. The parcel is connected to the fabric of the Town but isolated in terms of impacts to existing developed residential neighbors. This site is ideally located for adding density with relatively few impacts to the Town.

Allowing up to 500 residential units in this location, in close proximity to regional transportation routes and bus facilities, will help diversify the housing types available within the Town and add needed residents, employees, and consumers to allow the Town to thoughtfully grow and yet remain a vibrant small-Town community. In addition, multifamily development is a less burdensome development pattern that increases the Town's ability to deliver clean water and treat wastewater.

Local Workforce Housing:

The Eagle County Housing Needs Assessment prepared in 2018 recognizes a significant housing problem in Eagle County, identifying a need of 2,780 housing units in 2018 and projecting a total of 7,970 housing units needed by 2030. It further recommended that more emphasis be placed on the need for rental housing.

The need for housing is also recognized by the Eagle Area Land Use Plan, which provides the following vision:

Ideally, people who work in Eagle should be able to live in Town or in the surrounding area, and the people who live in Eagle should not have to commute great distances to find good employment. Therefore, as the community grows, a variety of housing types and price points should be maintained, and businesses that offer higher paying jobs should be encouraged to locate within the area.

The PUD goes well beyond the Town's workforce housing requirements which require 10% of the for-sale units to be deed restricted for the local workforce. The PUD requires that at least 30% of any rental multiple family housing be deed restricted for the local workforce with a Residence Occupancy type deed restriction (no rent caps or income caps). As envisioned in the concept plan, that would result in 118 rental units deed restricted for the workforce housing. The PUD also requires that at least 15% of any for-sale housing be similarly restricted as workforce housing but with income restrictions based on Eagle County AMI (120%). As envisioned by the concept plan, that would result in 10 workforce housing units based on 69 for sale units.

The proposed concept plan anticipates that the multiple family development in phase 1 will be developed as rental apartment units in one and two-bedroom formats. This PUD helps relieve the burden of the Town of Eagle to generate workforce housing solutions and helps local businesses by providing housing opportunities for employees in close proximity to businesses while also adding residents into the economy helping local businesses to grow and be successful. This community benefit comes without Town subsidy.

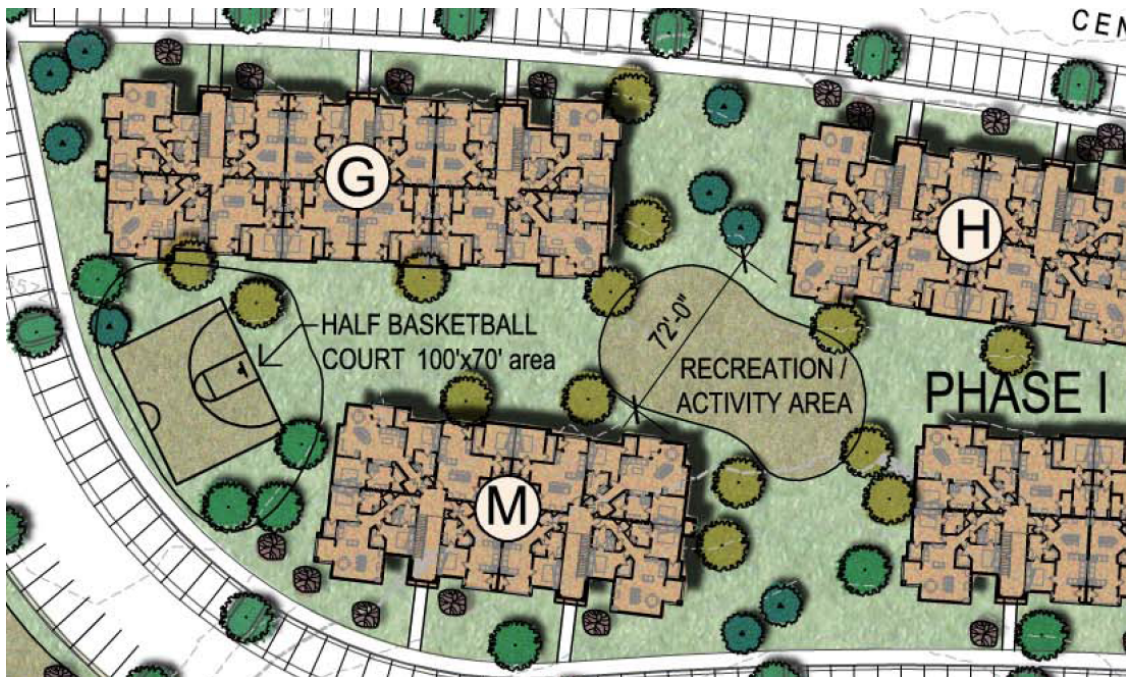
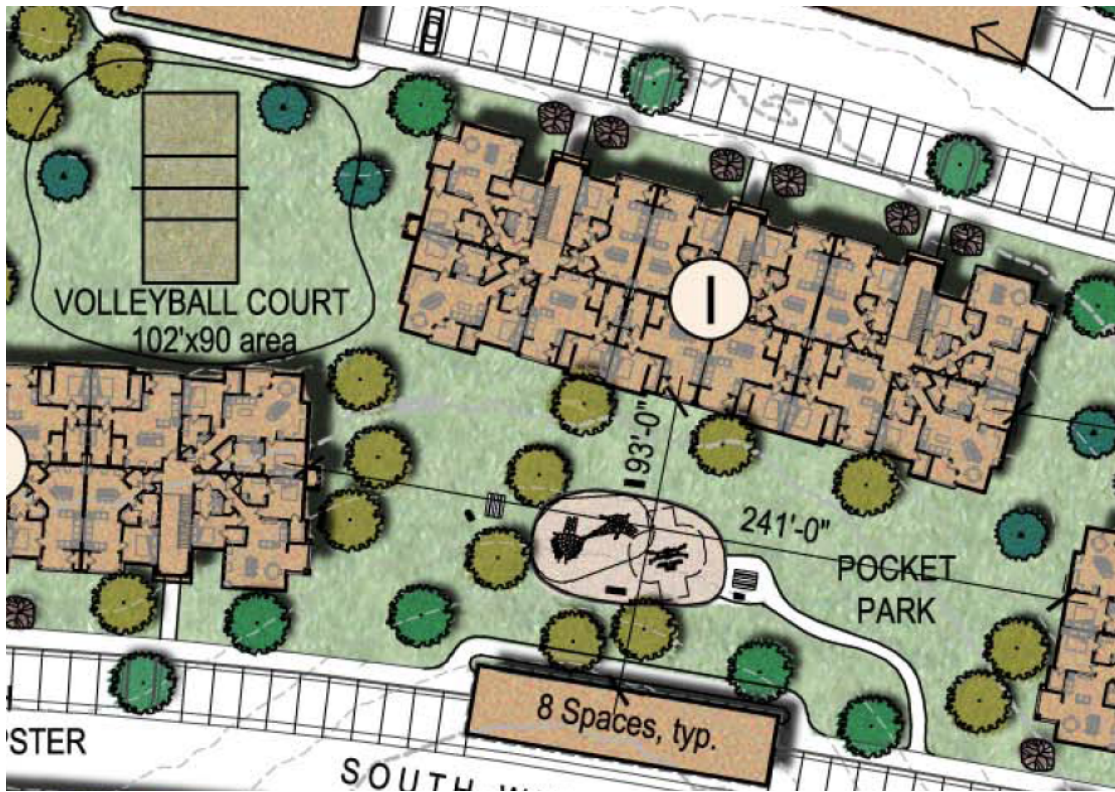
Trails and Amenities:

The PUD recognizes the value placed by the Eagle community on trails, mountain biking, and access to create opportunities for connections to local trails. The proposal includes connecting the current Eagle Ranch trail system located along Sylvan Lake Road to the Hockett Gulch area with a soft path intended for use by pedestrians, bicyclists, and motorcycles (subject to restrictions). Currently there is a private parcel of land located between the PUD and the BLM land system where there is an extensive trail system. The PUD is providing for a connection that can occur in the future should the Town or another organization obtain access across the adjacent private land. Making this connection is a huge benefit to the recreation community by advancing and improving the Town's trail system which helps to enhance the quality of life in Eagle and benefit its economy as a recreation destination. Additionally, the proposal is providing a 5' wide soft recreation trail around the perimeter of the PUD that will connect with the Town's current trail system giving residents of the PUD and the entire community another recreational opportunity.

The project will include extensive passive and active private recreation areas and open spaces as well as anticipated fitness, swimming pool, playgrounds for children, and other onsite amenities to serve the residents living within the PUD as depicted on the concept plan. While the Town and BLM today have extensive park, trails, and recreation facilities, this project will help to serve its own residents with amenities and lessen any burden placed on the Town's resources as well as providing benefits to the entire community.

As part of the proposed trail connection, the PUD is proposing to construct a 14-space trailhead parking lot and waterless vault toilet within the Town's open space along Sylvan lake Road to accommodate a future potential connection to Hockett Gulch.

Below are some images taken from the Conceptual Development Plan showing the size and types of recreation uses that will be provided in the PUD:



Irrigation and Water Use:

The PUD is projected to generate significant revenues annually to the Town's water and sewer funds to pay for capital improvements including the new water plant. The PUD goes further to grant water rights to the Town as well as provide the opportunity to use non-potable, untreated, water for irrigation of landscaped areas. This will reduce the impact to the Town's water treatment needs thus providing a public benefit and a sustainable approach to development. A detailed Water Management and Analysis Report prepared by our water consultant and water engineer has been provided which shows how this project will use water in an extremely efficient manner. Please see water rights letter provided with the submittal that details all of the water rights dedication approaches that may be used with this project and how access to non-potable water for irrigation can be achieved.

The Town's new water plant needs access through the property to accommodate an upsized water distribution pipe that will serve the entire community. The PUD will be accommodating the Town's need for an upsized pipe to run through the property, at the Town's cost.

In addition to using untreated water and efficient irrigation measures, the applicant is proposing to use water efficient fixtures and other monitoring devices to ensure very efficient water use of all residential uses.

Section 3: PUD Review Criteria

Section 4.11.040 of the Eagle Land Use Code provides the following requirement for a PUD Submittal:

A statement of intent, with explanation of how the proposed PUD provides benefits over standard development design and how the proposed PUD meets each of the purposes of this Chapter, as set forth in Section 4.11.020.

An analysis of each of these requirements is provided below:

1. **Statement of Intent**

The intent of the Reserve at Hockett Gulch is to allow for the development of a compact residential neighborhood along with some ancillary commercial uses. The PUD is focused on multifamily residential development (minimum density requirement ensures this focus) in order to provide housing to the local population of the region. The PUD is a creative, environmentally sensitive, and a high-quality design that is consistent with the Eagle Area Community Plan and its goals.

2. **PUD provides benefits over standard development design**

The proposed PUD, unlike standard development design, provides benefits by allowing for development which furthers the goals and objectives of the Eagle Area Community Plan for a conservation-oriented development. The PUD allows for a dense and compact development that better conserves resources while addressing community needs for diverse housing types without impacting environmentally sensitive lands. In addition, the proposed PUD allows both the applicant and the Town of Eagle to have a clear guide for development which restricts the future uses of the site and provides architectural controls.

3. **How the PUD meets the purposes of this chapter (4.11.020)**

- A. *To encourage innovations in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space;*

Applicant Response:

The proposed PUD allows flexibility in the design and build-out standards of the project, within set zoning parameters and guidelines as contained in the

PUD Guide. The site is uniquely positioned to develop both commercial and residential types, meeting the greater needs of the Eagle community and simultaneously utilizing visually appealing and geologically constrained areas as open space buffers. The project also provides future trail access dedicated to the Town to provide for a new portal to the extensive mountain biking and hiking trail network above Hockett Gulch.

The PUD responds directly to the needs of the community as documented in Town planning documents and Eagle County studies that indicate the need for variety and diversity of housing types in the Town. The PUD promotes the development of multifamily units, primarily directed at rental opportunities, which is in high demand and low supply within the Town. The density proposed is a response to the desire to use resources and land efficiently so that land in the Eagle area can be appropriately conserved while adding the population base needed to make Eagle a vibrant community, economically, and socially.

B. To promote the most appropriate use of the land;

Applicant Response:

The PUD is proposed on a parcel of land being annexed to the Town. The property sits adjacent to Grand Avenue and along the primary access to the Eagle Ranch neighborhood which contains a variety of institutional, residential, and commercial uses in close proximity to the property. The land itself, as discussed in the environmental study provided, is well suited to development given its lack of environmental resources and its position within the Town. The property is well suited for residential development given its connected, yet isolated nature along with some limited commercial opportunities along the frontages of Grand Avenue and Sylvan Lake Road. The property is located within the Town's urban growth boundary.

C. To improve the design, character and quality of new development;

Applicant Response:

The application has included additional design guidelines to establish character of future development on the parcel to create a quality project consistent with design objectives of the Town and those that exist in Eagle Ranch.

D. To facilitate the adequate and efficient provisions of streets and utilities;

Applicant Response:

The PUD will not have an adverse impact on any existing utilities or street capacities. The traffic impact study provided with the submittal indicates that the project can be added to the surrounding public roads without a degradation of level of service in the short term. Utilities and stormwater facilities have adequate capacity to serve the proposed development.

E. *To facilitate efficient provision of solar access;*

Applicant Response:

The property orientation lends itself to significant solar access. The proposed building heights are low and adequate open spaces are planned to allow solar access to all future residential buildings.

F. *To achieve beneficial relationships with the surrounding area;*

Applicant Response:

The PUD will achieve meaningful and beneficial relationships with the surrounding area.

The PUD Zoning Plan was developed as a potential mixed use (residential and commercial), in part, because of the proximity of the project to established residential and commercial areas of the Town and the direct accessibility to Grand Avenue. The project will provide housing for the local workforce thus supporting the local retail and other commercial businesses within the Town. The property is within walking distance to local employers such as the Eagle Healthcare Center, Castle Peak Senior Life and Rehabilitation, Brush Creek Elementary School, and numerous employers within the Eagle Ranch commercial complex, on Grand Avenue, in downtown Eagle, and within the I-70 commercial district, thus providing businesses with convenient housing for workers. The PUD also provides for a new population of consumers to help bolster Eagle's growing business community. The benefits to the surrounding community are significant.

G. *To preserve the unique, natural and scenic features of the landscape;*

Applicant Response:

The PUD is designed with logical placement of development parcels including trails, roadways, and parking areas which was done after analysis of the unique, natural, and scenic features of the landscape. The natural hillside to the south is being protected within an open space parcel. Hockett Gulch, a debris channel, is being recognized and maintained as a natural feature in the landscape. An open space parcel is provided along

the north boundary of the site providing for water quality detention to protect Brush Creek and to provide a sizable buffer to the residents of the Green Acres Mobile Home Park. Therefore, the project is preserving the natural and scenic features of the property.

H. To preserve open space as development occurs;

Applicant Response:

Dedicated open space tracts are included on the zoning and development plan, including a dedicated trail for future access to Hockett Gulch and the extensive Hardscrabble trail network. Significant open space areas are proposed within the residential areas to provide for recreation and relaxation opportunities.

I. To provide for necessary commercial, recreational and educational facilities conveniently located to housing;

Applicant Response:

The PUD provides housing which is in close proximity to commercial, recreational, and educational facilities. The commercial component of this PUD is geared toward the convenience of the residential uses onsite and those in close proximity within Eagle Ranch and the Town. The commercial component is limited to 30,000 sq. ft. allowing it to provide ancillary commercial space within the Town without competing with the Town's commercial cores. The residential component includes ample areas for recreational uses onsite while not duplicating the abundance of under-utilized public parks and facilities located throughout the Town. The property is located in close proximity to schools and its bus routes.

J. To lessen the burden of traffic on streets and highways.

Applicant Response:

The traffic analysis was prepared based upon the anticipated full buildout conditions of the site. This included 30,000 square-feet of commercial property and 500 residential dwelling units. The site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. This includes both the residential volume of 3,262vpd for an average weekday, and 3,540vpd for an average Saturday; and the retail component consisting of 2,030vpd for an average weekday, and 2,937vpd for an average Saturday. Both residential and retail components include reductions of traffic for internal capture (where residents would use the retail uses and not leave the site), and a multi-modal

reduction for walking and cycling. Both the internal capture and multi-modal traffic volume reductions are based upon accepted practices as detailed in the *ITE Trip Generation Manual*.

The traffic volumes for the site accesses will warrant some proposed improvements to Highway 6 and Sylvan Lake Road.

Grand Avenue/North Site Access: Similar to all accesses on Grand Avenue, the north access will eventually see excessive levels of delay for the northbound left movement. At that time, it is likely that drivers will prefer to turn right and utilize the Sylvan Lake Road roundabout to turn return towards Gypsum to the west.

The proposed site traffic volumes warrant the installation of three auxiliary lanes on Highway 6, specifically, a right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns.

Sylvan Lake Road / East Site Access: The intersection is anticipated to operate at an acceptable level of service during the evening and Saturday peak traffic hours through Year 2040. However, the morning peak hour traffic is anticipated to have difficulty leaving the site by Year 2040.

The project's traffic volumes at this access will warrant the construction of a southbound right and northbound left turn lane. The Eagle Ranch Healthcare facility is responsible for the construction of a southbound left turn lane into their facility based on its previous approvals.

Section 4: Review the Town of Eagle Planning Documents

This section provides for a review of the Town of Eagle's planning documents which support the proposed PUD.

Eagle Area Community Plan

The PUD is consistent with the following guiding policies of the Eagle Area Community Plan adopted in 2010:

Land Use Policy 1.1:

Use the goals, policies, principles, implementation strategies, resource maps and future land use designations of the Eagle Area Community Plan in the evaluation of new land use proposals.

Land Use Policy 2.2: *New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs.*

- a. Promote the development of compact neighborhoods in close proximity to public transit options and established neighborhood retail centers.*
- c. Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.*
- d. Identify specific redevelopment and infill opportunities on vacant or under-utilized lots in otherwise built-up areas ... Ensure that (development) areas contain sufficient land for community facilities, recreation and government services as appropriate.*
- e. Utilize incentives including public-private partnerships, density bonuses and modification of development requirements to encourage infill and redevelopment.*
- f. Ensure residential infill and redevelopment outcomes blend appropriately with the character and scale of surrounding neighborhoods.*

Land Use Policy 3.1: *Assure adequate access to and appropriate mobility options within all developed areas.*

- d. Interconnect residential neighborhoods, neighborhood retail centers and other public destinations with a paved recreational path and/or sidewalk system. Connect local paths to regional paths at appropriate locations.*

Land Use Policy 4.1: Preserve high quality agricultural lands, public lands, wildlife resources, water resources, forest resources and viewsheds in the Eagle Planning Area.

- d. Utilize compact development, infill and conservation oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.

Land Use Policy 6.1: Promote vertical mixed use, horizontal mixed use or a combination of mixed-use patterns in appropriate areas within the Town's Urban Growth Boundary.

Community Design Policy 1.3: Work to maintain and enhance the sense of community in the Eagle area.

- c. Design public gathering areas to accommodate activities consistent with their intended use. Differentiate areas suitable for small-scale neighborhood activities and events from those suitable to support larger community activities and events.

Housing Policy 1.1: Support and contribute to efforts to address needs for affordable housing.

Housing Policy 1.2: Promote the preservation and/or creation of a wide range of housing units, including single family, duplex, multi-family and mixed-use arrangement units.

Housing Policy 1.3: Promote increased residential densities in mixed-use commercial residential areas.

Economic Development Policy 1.1: Support an economic development strategy that is consistent with the vision statement.

- g. Work to better capitalize on the Town's proximity to the Eagle County Regional Airport.

Economic Development Policy 1.2: Expand retail diversity to reduce sales tax leakage.

- a. Work to better capitalize on the Town's proximity to the Eagle County Regional Airport.
- d. Optimize commercial development. Determine factors that are preventing build-out of existing commercial centers.

ACTION Plan

The Town of Eagle Planning and Zoning Commission and Eagle County Planning Commission reviewed the recommended strategies for each

policy contained in the Eagle Area Community Plan, and further organized strategies identified as most important to implement, including:

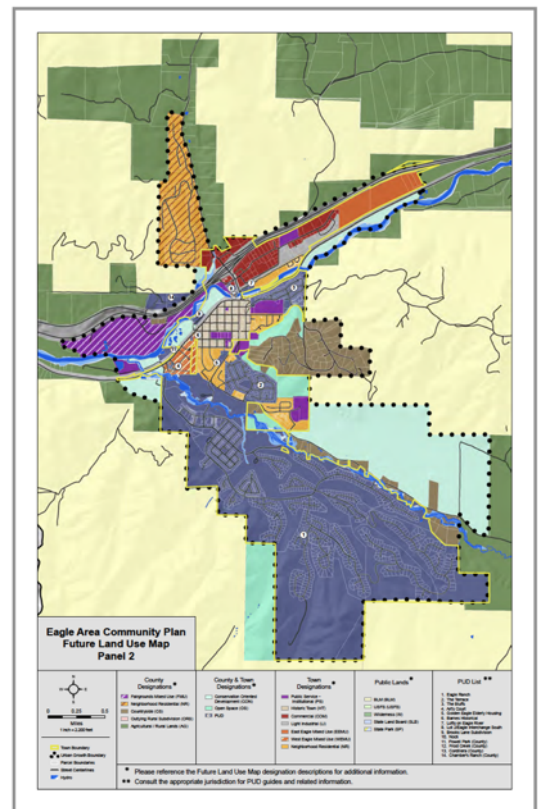
Place Making: Design gateway to reflect the Town's unique identity, providing clear sense of arrival and departure.

Economic Development: Support opportunities to expand the number and diversity of businesses in Eagle and create more local jobs and outlets for goods and services... particularly commercial development that will generate sales tax revenue.

Eagle Area Community Plan Future Land Use Map (FLUM) Designations for Lands within the Town's Urban Growth Boundary:

The PUD project is located with the "Conservation Oriented PUD" Designation of the FLUM and is compatible with the intent, character, location criteria and land uses of the plan, including:

- Development over and above that allowed by existing zoning on properties with this designation predicated on annexation to the Town of Eagle.
- Avoid disconnected, sprawling development by locating higher densities and intensities of land use close to existing developed areas.
- Locate commercial uses in areas easily accessed by automobiles and trucks.
- Development is clustered providing walkable neighborhoods, developed areas are compact and well connected with multimodal, path and trail systems.
- Locate (development) in areas that can be efficiently served by town infrastructure, within reasonable proximity to public services, job centers and shopping, where environmentally or aesthetically valuable lands also exist.
- Use the PUD (Planned Unit Development) zone district for new development



Future Land Use within the Urban Growth Boundary

The PUD is also located in "Western Gateway" special character area identified in the 2010 Eagle Area Community Plan. This special designation includes planning principles that are designed to achieve an attractive, well-managed landscape and distribution of land uses at the Town's western boundary.

The PUD Zoning Plan has taken into consideration the planning principles outlined in the character area and is compliant with the recommendations of the Eagle Area Community Plan.

Section 5: Preliminary Impact Report

Pursuant to Town Planner determination, and in accordance with Section 4.07.030 of the Land Use and Development Code, the applicant has been requested to identify any potential environmental, socioeconomic and utility impacts of the proposed development through submittal of a Preliminary Impact Report. Preliminary Impact Report criteria are as follows:

1. By altering an ecological unit or land form, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature;

Applicant Response:

The proposed PUD will not alter an ecological unit as described.

2. By directly or indirectly affecting a wildlife habitat, feeding or nesting ground;

Applicant Response:

The proposed PUD will have limited affects to area wildlife as discussed in the baseline ecological report.

3. By substantially altering or removing native grasses, trees, shrubs or other vegetative cover;

Applicant Response:

The proposed PUD will not substantially alter or remove native grasses, trees, shrubs or other vegetative cover as described; the project is on land already zoned historically utilized for irrigated pasture land.

4. By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk or scale that would be in marked contrast to natural or existing cultural features;

Applicant Response:

The proposed PUD will not affect the appearance or character of a significant scenic area or resource, nor will it be in marked contrast to natural or existing cultural features as described. Specific development standards will be applied to all development constructed.

5. By potentially resulting in avalanche, landslide, siltation, settlement, flood or other land-form change of hazard to health and safety;

Applicant Response:

The proposed PUD will not result in any increased land-form change or risk to health and safety; recommendation of the soils and structural engineers will be employed as a part of the design and permitting process. A report analyzing the potential for debris flow has been provided and concludes that any impact of debris flow is minor and can be adequately mitigated within the PUD.

6. By discharging toxic or thermally abnormal substance or involving use of herbicides or pesticides, or emitting smoke, gas, steam, dust or other particulate matter;

Applicant Response:

The proposed PUD will not result in any discharge of toxic or abnormal materials or substances, including smoke, gas, steam dust or other particulate matter.

7. By involving any process which results in odor that may be objectionable or damaging;

Applicant Response:

The proposed PUD will not result in any process which results in odor that may be objectionable or damaging.

8. By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;

Applicant Response:

The proposed PUD will not require any new waste treatment, cooling or settlement ponds other than those techniques used to retain and treat generated stormwater runoff.

9. By discharging significant volumes of solid or liquid wastes;

Applicant Response:

The proposed PUD will not discharge significant volumes of solid or liquid wastes.

10. By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment;

Applicant Response:

The proposed PUD will not increase demand on existing or planned sewage systems, storm drainage, water distribution systems, street or other utility systems to a level that is likely to cause an adverse impact on the environment. Adequate services are available through the Town of Eagle and, as necessary, will be constructed to provide additional capacity so as not to cause an adverse impact.

11. By involving any process which generates noise that may be offensive or damaging;

Applicant Response:

The proposed PUD will not generate noise that may be offensive and damaging, as it proposes uses that are typical to the Town of Eagle and already permitted under area zoning regulations.

12. By either displacing significant numbers of people or resulting in a significant increase in population;

Applicant Response:

The proposed PUD will not displace significant numbers of people (the land is currently vacant) but will result in an increase in population through the development of up to 500 dwelling units with an estimated population of 900 persons.

13. By pre-empting a site which is desirable for recreational uses or planned open space;

Applicant Response:

The proposed PUD will not pre-empt a site which is desirable for recreational uses or planned open space; the site is fully developable and uses proposed are consistent with guidance from the Town. Open space is being dedicated within the PUD and includes new trail access to desirable recreational opportunities that are not currently accessible to the public from such a convenient location. The Town and the County have created an abundance of open space areas within the region and the increase of such open spaces is not necessary to be repeated in this location.

14. By altering local traffic patterns or causing an increase in traffic volume or transit service need;

Applicant Response:

According to a study of trip generation of the PUD, acceptable levels of service on impacted roadways are anticipated by build out and the PUD will not cause an unacceptable increase in local traffic patterns or transit service needs.

15. By substantially affecting the revenues or expenditures of the Town government.

Applicant Response:

As proposed, the PUD will positively impact the revenues of the Town of Eagle in several ways including generation of a yearly recurring property tax revenue, and recurring sales tax from proposed commercial areas. The PUD will also expand the permanent residential population that supports existing business and commerce within the Town. The PUD decreases the need of the Town to generate local workforce housing solutions.

16. By increasing the demand on existing or planned school facilities to a level which is likely to cause an adverse impact on such school facilities, an adverse impact on educational opportunities, or an adverse impact on the revenues and expenditures of the Eagle County School District RE-50J.

Applicant Response:

The proposed PUD will not increase demand on school facilities likely to cause an adverse impact. The PUD Guide provides for school land dedication fee payment. The PUD will increase the property value, thus providing the school district with additional revenues.

17. By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.

Applicant Response:

The proposed PUD will not be part of a larger project.

See the compendium of technical reports for more detailed analyzes and development restrictions proposed.

PETITION FOR ANNEXATION

RESERVE AT HOCKETT GULCH - ANNEXATION

TO THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

The undersigned ("**Petitioner**"), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below ("**Annexation Act**"), hereby petitions the Board of Trustees of the Town of Eagle, Colorado ("**Board**"), to annex to the Town of Eagle ("**Town**") the unincorporated territory located in the County of Eagle, State of Colorado, which property is more particularly described by its legal description in **Exhibit A** attached hereto and incorporated herein by reference ("**Property**"). In support of this Petition for Annexation ("**Petition**") the Petitioner states that:

1. It is desirable and necessary that the Property be annexed to the Town.
2. The requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - (a) Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town.
 - (b) A community of interest exists between the Property and the Town.
 - (c) The Property is urban or will be urbanized in the near future.
 - (d) The Property is integrated with or is capable of being integrated with the Town.
 - (e) In establishing the boundaries of the Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:
 - (i) is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or
 - (ii) comprising twenty (20) acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of Two Hundred Thousand and 0/100 Dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Property without the written consent of the landowner or landowners.
 - (f) The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.

- (g) The proposed annexation will not result in detachment of area from any school district or attachment of same to another school district.
 - (h) The annexation of the Property will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary.
 - (i) Prior to completion of the annexation of the Property, the Town will have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town; and the proposed land uses for the area.
 - (j) If a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed.
 - (k) The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.
3. Petition is the landowner of the entirety of the Property and, thus, Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, and alleys and any land owned by the annexing municipality, and the Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith.
 4. This Petition is accompanied by four (4) copies of the annexation map (Reserve at Hockett Gulch Annexation Map) containing, among other things, the following information:
 - (a) A written legal description of the boundaries of the Property;
 - (b) A map showing the boundary of the Property, which has been prepared by a registered engineer as evidenced by the engineer's seal;
 - (c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
 - (d) Next to the boundary of the Property, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the Property, and a showing of the dimensions of such contiguous boundaries.
 5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as **Exhibit B** and is incorporated herein by this reference.

6. The proposed annexation of the Property complies with Section 30(1)(b) of Article II of the Colorado Constitution.
7. Petitioner has executed and submitted this Petition for the purposes of, *inter alia*: (a) facilitating annexation, zoning and development approvals for the Property, in form and substance acceptable to Petitioner, to enable Petitioner's development of the Property under the Town's jurisdiction in a manner consistent with Petitioner's future development plans for the Property ("**Entitlements Condition**"); and (b) facilitating resolution of ingress/egress, access approvals/permits, and similar traffic matters ("**Traffic Condition**"). Accordingly, it is Petitioner's intent, and Petitioner has submitted this Petition on the express condition, that Petitioner may withdraw its signature from this Petition at any time prior to the effective date of the annexation in accordance with the provisions of C.R.S. § 32-12-107(1)(e) of the Annexation Act by delivering written notice of such withdrawal to the Town Attorney's Office. If Petitioner withdraws its signature from the petition in accordance with this Section 7, this Petition shall be void and of no further effect.
8. Accordingly, in connection with the processing of this Petition, Petitioner requests that the Town, in order to satisfy the Entitlements Condition and the Traffic Condition, approve the terms of an annexation and development agreement in form and substance acceptable to Petitioner ("**Annexation and Development Agreement**") that addresses the terms and conditions upon which the development of the Property will occur after annexation, including, but not limited to, the terms and conditions pertaining to the Entitlements Condition, the Traffic Condition, and the scope and duration of vested property rights.
9. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation and Development Agreement, the Property will become subject to all ordinances, rules and regulations of the Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following adoption of the annexation ordinance.
10. Except for the terms and conditions contained or referenced in this Petition, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §§ 31-12-107(4) and 31-12-110(2) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.

THEREFORE, Petitioner requests that the Board complete and approve the annexation of the Property pursuant to the provisions of the Annexation Act.

[Signature Page Follows This Page]

Respectfully submitted this 7th day of March, 2018.

Signature of Petitioner:

BCP-EAGLE I LLC,
a Colorado limited liability company

By: BRUE CAPITAL PARTNERS, LLC, a
Colorado limited liability company
Its: Manager

By: 
Chad Brue, its Manager

Date of Signature: 3.07.2018

Mailing Address: 1555 Blake Street, Suite 210,
Denver CO 80202

Resident of the Property? NO

EXHIBIT A
TO PETITION FOR ANNEXATION

Legal Description of Property to be Annexed

SURVEYED LEGAL DESCRIPTION:

A TRACT OF LAND DESIGNATED THE MONTGOMERY TRACT LOCATED IN TRACTS 49 AND 50 OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE AND STATE OF COLORADO AS DESCRIBED IN THE DEED RECORDED IN BOOK 440 AT PAGE 486, ALL BEARINGS SHOWN HEREON BEING BASED ON A BEARING OF N0°33'00"W BETWEEN STREET MONUMENTS FOUND AT 5TH AND BROADWAY AND 2ND AND BROADWAY BOTH BEING 2" BRASS MONUMENTS IN CAST IRON MONUMENT BOXES, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING A CORNER NO. 1 OF THE MONTGOMERY TRACT FROM WHICH A 1-1/2" ALUMINUM CAP WITNESS CORNER, PLS 23089, ON A 5/8" REBAR BEARS N72°59'13"W 60 FEET AND ALSO FROM WHICH CORNER NO. 1 OF TRACT 49, BEING A FOUND 3" ALUMINUM CAP ON ALUMINUM PIPE, PLS NO. 26967 BEARS N47°02'40"E 586.67 FEET; THENCE N72°59'13"W 730.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24, TO A FOUND 2" ALUMINUM CAP ON A NO. 6 REBAR, PLS NO. 23089; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES:

1. 356.57 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1529.01 FEET, A TANGENT OF 179.01 FEET, A DELTA ANGLE OF 13°21'42", AND A CHORD THAT BEARS S74°36'16"W 355.77 FEET;
2. N8°42'53"W 49.89 FEET;
3. 104.29 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1479.08 FEET, A TANGENT OF 52.17 FEET, A DELTA ANGLE OF 4°02'24" AND A CHORD THAT BEARS S83°18'19"W 104.27 FEET;
4. S85°19'31"W 481.28 FEET;

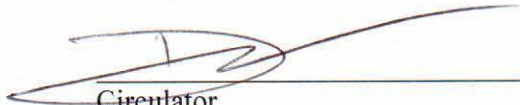
THENCE DEPARTING THE RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24 S40°59'23"E 1.63 FEET TO A FOUND BRAZED CAP, STAMPED "MONTGOMERY TRACT"; THENCE S40°59'23"E 808.14 FEET TO A FOUND 2" BRAZED CAP, STAMPED "MONTGOMERY TRACT"; THENCE S74°48'55"E 1526.35 FEET TO A POINT ON THE TRACT LINE BETWEEN CORNER NO. 1 AND CORNER NO. 6 OF TRACT 49, FROM WHICH CORNER NO. 6, A 3" ALUMINUM CAP ON AN ALUMINUM PIPE, PLS NO. 23089 BEARS S02°33'18"W 14.67 FEET; THENCE ALONG THE 6-1 LINE OF TRACT 49 N02°33'18"E 597.31 FEET; THENCE DEPARTING SAID TRACT LINE N53°18'48"W 497.53 FEET TO THE POINT OF BEGINNING.
Containing 29.65 Acres more or less.

EXHIBIT B
TO PETITION FOR ANNEXATION

Affidavit of Circulator

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and says:

That (s)he was the circulator of the foregoing Petition for Annexation of lands to the Town of Eagle, Colorado, consisting of five (5) pages, including **Exhibits A**, but excluding the page of this **Exhibit B**, and that the signature thereon was witnessed by the circulator and is the true and original signature of the person whose name its purports to be, and that the date of the signature is correct.



Circulator

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER)

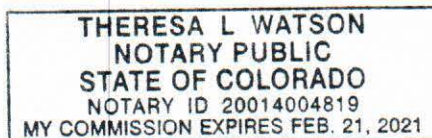
The foregoing AFFIDAVIT OF CIRCULATOR was subscribed and sworn to before me
this 7th day of March, 2018, by Daniel Metzger.

My commission expires: 2.21.21

Witness my hand and official seal.



Notary Public



ANNEXATION MAP

LOCATED IN TRACTS 49 AND 50 OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN
RESERVE AT HOCKETT GULCH ADDITION
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

CERTIFICATE OF OWNERSHIP

BCP-EAGLE I, LLC, A COLORADO LIMITED LIABILITY COMPANY being the sole owner of 100 percent of the property exclusive of streets and dleys herein, to wit:

A TRACT OF LAND DESIGNATED THE MONTGOMERY TRACT LOCATED IN TRACTS 49 AND 50 OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE AND STATE OF COLORADO AS DESCRIBED IN THE DEED RECORDED IN BOOK 440 AT PAGE 466, ALL BEARINGS SHOWN HEREON BEING BASED ON A BEARING OF INTERSECTION BETWEEN STREET MONUMENTS ROUND AT 5TH AND BROADWAY AND 2ND AND BROADWAY BOTH BEING 2" BRASS MONUMENTS IN CAST IRON MONUMENT BOXES, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING A CORNER NO. 1 OF THE MONTGOMERY TRACT BEING WHICH A 1.17' ALIQUINDA CAP CORNER NO. 1 OF TRACT 49, BEING A ROUND 2" ALUMINUM CAP ON ALIQUINDA PIPE, PLS NO. 26667 BEARS N7°02'40"E 386.67 FEET; THENCE N7°29'13"W 790.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24, TO A ROUND 2" ALUMINUM CAP ON A NO. 6 REBAR, PLS NO. 28089; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES:

- 1. 364.87 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 129.01 FEET, A TANGENT OF 170.01 FEET, A DELTA ANGLE OF 13°21'42", AND A CHORD THAT BEARS S°46°16'W 355.77 FEET;
- 2. N8°42'33"W 49.89 FEET;
- 3. 104.29 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 479.18 FEET, A TANGENT OF 52.17 FEET, A DELTA ANGLE OF 4°02'24" AND A CHORD THAT BEARS S85°18'19"W 104.27 FEET;
- 4. S89°19'31"W 481.28 FEET;

THENCE DEPARTING THE RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24 S60°29'25"E 1.68 FEET TO A ROUND BRAZED CAP STAMPED "MONTGOMERY TRACT", THENCE S9°48'58"E 163.83 FEET TO A POINT ON THE TRACT CORNER NO. 1 OF TRACT 49, BEING A ROUND 2" ALUMINUM CAP ON ALIQUINDA PIPE, PLS NO. 26667 BEARS N7°02'40"E 386.67 FEET; THENCE N7°29'13"W 790.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24, TO A ROUND 2" ALUMINUM CAP ON A NO. 6 REBAR, PLS NO. 28089; THENCE ALONG THE 6-1 LINE OF TRACT 49 N02°39'18"E 597.31 FEET; THENCE DEPARTING SAID TRACT LINE N83°18'49"W 497.53 FEET TO THE POINT OF BEGINNING.

Containing 29.65 Acres more or less.

Have by these presents laid out and platted the same as shown hereon and designate the same as Reserve at Hockett Gulch Addition to the Town of Eagle, Eagle County Colorado.

EXECUTED this _____ day of _____, A.D., 20____
Owner: BCP-EAGLE I, LLC, A COLORADO LIMITED LIABILITY COMPANY
1555 BLAKE ST STE 210
DENVER, CO 80202-1866

By: _____

STATE OF COLORADO
COUNTY OF _____ } ss

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, 20____, by _____, as _____ of BCP-EAGLE I, LLC, A COLORADO LIMITED LIABILITY COMPANY.

Witness my hand and official seal.

My Commission expires _____

Notary Public

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the Eagle County Office of the Clerk and Recorder at _____ o'clock _____ on this day of _____, 20____, and is duly recorded at Reception No. _____

Eagle County Clerk and Recorder

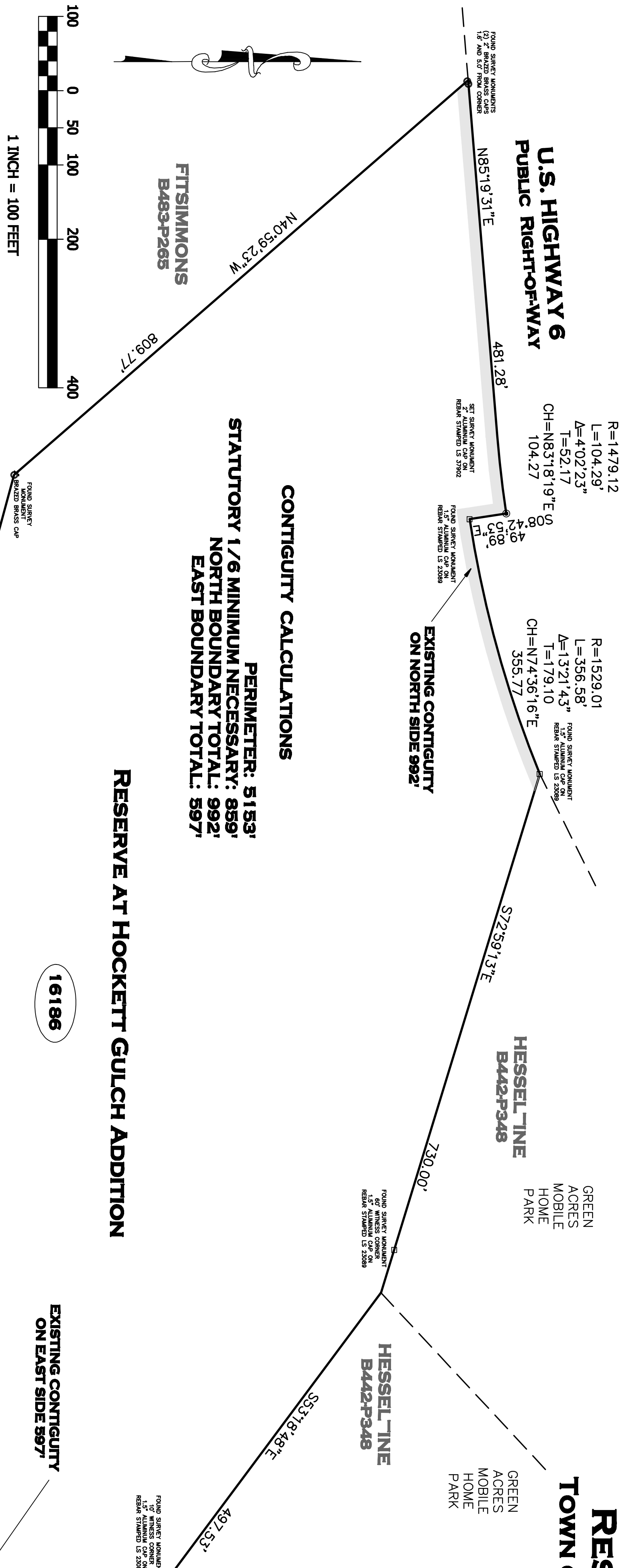
By: _____
Deputy

Initial Units of the U.S. Survey Foot were used hereon.

ANNEXATION MAP			
LOCATED IN TRACTS 49 AND 50 OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN			
RESERVE AT HOCKETT GULCH ADDITION			
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO			
BOOK NO.	SHEET	DATE	REVISIONS
TJA	1 of 1	02-01-2016	15213 ANNEX.dwg

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

REVISED 03-07-2018 TJA PER TOWN COMMENTS
REVISED 01-29-2018 TJA CHANGED NAMES



STATUTORY 1/6 MINIMUM NECESSARY: 856'
NORTH BOUNDARY TOTAL: 892'
EAST BOUNDARY TOTAL: 597'

CONTIGUITY CALCULATIONS

PERIMETER: 5153'

BOARD OF TRUSTEES CERTIFICATE

The Board of Trustees of the Town of Eagle, Colorado, by Resolution No. _____, duly adopted on the _____ day of _____, 20____, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the Town of Eagle. The Board of Trustees of the Town of Eagle, Colorado, by Ordinance No. _____, duly adopted on the _____ day of _____, 20____, did annex the property herein described to the Town of Eagle, Colorado.

Attest:

Town Clerk

SURVEYOR'S CERTIFICATE

I, Theodore J. Archibeque, a professional land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information herein is correct to the best of my knowledge and belief, and that no less than 10 days prior to the filing of this map, I have caused to be posted on the existing boundaries of the property shown on this map have been monumented on the ground in accordance with Section 4.15.010(g) of the Eagle Municipal Code.

Executed this _____ day of _____, 20____.



Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



ANNEXATION IMPACT REPORT

Project:

RESERVE AT HOCKETT GULCH ANNEXATION

16186 Hwy 6 (unincorporated Eagle County)
Eagle, CO 81631

Prepared By:

Town of Eagle
Morgan Landers, Town Planner
200 Broadway St
Eagle, CO 81631

Date: April 13, 2018

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3.0 Annexation Eligibility Requirements.....	3
4.0 Limitation of Annexation.....	5
5.0 Impact Report Requirements.....	5

Attachments

Property Aerial Photo

Annexation Map

Development Concept Plans

Annexation Noticing Agencies

1.0 APPLICANT AND LOCATION

Applicant(s): BCP Eagle I, LLC

Project: The Reserve at Hockett Gulch

Location: 16186 Highway 6, Eagle, CO 81631

Town of Eagle File References: AN18-01 and PUD18-02

BCP Eagle I, LLC requests that the full 29.65 acre tract of land on the attached “*Annexation Map*” be annexed into the Town of Eagle.

2.0 OVERVIEW

The proposed Reserve at Hockett Gulch Annexation is located on the south side of Highway 6 west of the Town of Eagle boundaries. The project area includes 29.65 acres in Tracts 49 and 50 of Sections 5 and 6, Township 5 South, Range 84 West of the Sixth Principal Meridian and is owned by one entity, BCP Eagle I, LLC as listed above. The project area consists of one parcel. The proposed annexation does not include the annexation of any Highway 6 right-of-way. Highway 6 is already annexed into the Town of Eagle.

Of the 29.65 acres, all property is located south of Highway 6, west of the Green Acres Mobile Home Park, southwest of the Sylvan Lake Rd roundabout. The property is currently a vacant piece of property with no active uses. The property proposes two access points, one from Highway 6 and one from Sylvan Lake Rd. The property has frontage along Highway 6. There are some steep slopes on the property that have been identified.

The proposed Reserve at Hockett Gulch development, proposed as a Planned Unit Development with residential, commercial, and open space/recreation uses of varying densities. In general, the project envisions up to 500 residential units and up to 30,000 square feet of commercial space. Proposed densities and open space areas are shown in the attached “Concept Plan” attached to this report.

3.0 ANNEXATION ELIGIBILITY REQUIREMENTS

As set forth in 31-123-104, C.R.S., below is information addressing the Annexation Eligibility Requirements for the Reserve at Hockett Gulch Annexation proposal:

- A. Not less than one-sixth of the perimeter of the areas proposed to be annexed is contiguous with the Town of Eagle.

More than one-sixth of the perimeter of the area proposed to be annexed is contiguous per the attached “Annexation Map”.

- B. A community of interest exists between the area proposed to be annexed and the Town of Eagle.

The property will include a variety of housing types, commercial areas, and open space/recreation areas serving the Town of Eagle residents and visitors as outlined in the Eagle Area Community Plan (adopted 2010) and the Town of Eagle Strategic Plan (adopted 2017).

- C. The site is urban or will be urban in the near future.

The Eagle Area Community Plan identifies an Urban Growth Boundary for the Town of Eagle. The proposed annexation is within the designated Urban Growth Boundary.

- D. The site is integrated or is capable of being integrated with the Town of Eagle.

The project area is capable of being integrated with the Town of Eagle. The proposed project is adjacent to Highway 6 on the west end of town. Due to the size and orientation of the parcel, there is access to the Eagle Ranch community and the Highway 6 corridor from the site. The site is also adjacent to the town's comprehensive multi-use trail and parks network along Highway 6 (Eagle Valley Trail) and the Brush Creek valley.

The Eagle County Transit Authority operates bus service between the Town of Eagle and the down-valley (Gypsum and Dotsero) and up-valley communities. The ECO Transit Valley Route runs along Highway 6 adjacent to the property and there is a bus stop at Highway 6 and King Rd less than ¼ of a mile east on Highway 6 from the proposed project. In the future, changes to the bus system and additional stop locations will assist in the integration of the project.

3.0 LIMITATION OF ANNEXATION

As set forth in 31-12-105 C.R.S., below are responses to the Limitation of Annexation:

- A. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract of parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners.

Existing right of way and property lines are being used as boundaries for annexation and all parties have provided written consent.

- B. In establishing the boundaries of the areas proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) has been included without written consent of the landowners.

All land included with the annexation boundary is included with the written consent of the landowners.

- C. That no annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality.

The site has not been petitioned for annexation to another municipality.

- D. If a portion of a platted street or alley is to annex, the entire width of said street or alley is included within the area proposed to be annexed.

The annexation proposal does not include any platted street or alley.

4.0 REQUIREMENTS OF THE IMPACT REPORT

As set forth in 31-12-108.5 C.R.S., below are the responses to the Annexation Impact Report Requirements:

- (a) A map or maps of the municipality and adjacent territory to show the following information:

- (I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;

Refer to "Annexation Map" attached to this report.

(II) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and

Refer to the "RHG Concept Plans" attached to this report.

(III) The existing and proposed land use pattern in the areas to be annexed;

The property is currently in unincorporated Eagle County and is zoned Residential Suburban Medium Density. The proposed land uses are outlined in the "RHG Concept Plans" attached to this report.

(b) A copy of any draft or final preannexation agreement, if available;

An Annexation and Development Agreement will be negotiated through the land use review and approval process.

(c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;

Municipal services are within the vicinity of the project along Highway 6 and Sylvan Lake Rd. Extension of municipal services will be addressed, negotiated, and memorialized in the Annexation and Development Agreement at the time of annexation between the town and the petitioners.

(d) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;

Extension of water and sewer service to the property will be at the expense of the petitioners.

(e) A statement identifying existing districts within the area to be annexed; and

Refer to the "Annexation Referral Contact List" attached to this report.

(f) A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

Potential impact to the school district is currently under review. The impact to the school district will be a function of the number of units approved and the type of those units. The school district is a referral agency of the annexation as well as the Planned Unit Development (PUD) application that has been submitted to the town.

TOWN OF EAGLE, CO

Water Analysis Report

1/28/2019

	Production Capacity	Water Rights
	MGD	MGD
Upper Basin Water Treatment Plant, Completed	3.9	4.3
Lower Basin Water Treatment Plant, Phase 1, Completion Scheduled Summer 2020	2.5	5.0
Lower Basin Water Treatment Plant, Phase 2, Future	1.25	0.0
Lower Basin Water Treatment Plant, Phase 3, Future	1.25	0.0
Upper Basin Water Treatment Plant, Expansion, Future	0.4	0.0
TOTAL:	9.3	9.3

ASSUMPTION GPD/SFE	1100	
	Production Capacity	Water Rights
	SFE	SFE
Upper Basin Water Treatment Plant, Completed	3,545	3,909
Lower Basin Water Treatment Plant, Phase 1, Completion Scheduled Summer 2020	2,273	4,545
Lower Basin Water Treatment Plant, Phase 2, Future	1,136	0
Lower Basin Water Treatment Plant, Phase 3, Future	1,136	0
Upper Basin Water Treatment Plant, Expansion, Future	364	0
TOTAL:	8,455	8,455

SFE Based on Current Water Right Portfolio and Infrastructure (Insert total SFE)	Production Demanded
Current SFE Available	3,545
SFE Utilized	3,364
Total Remaining SFE	182

Obligated SFEs	Production Demanded
Total Obligated Taps	1,543

SFE Remaining at Full Obligated Build-Out	Production
SFE Balance at Full Build-Out	-1,361

POTENTIAL NEW WATER**Lower Basin Water Treatment Plant, Phase 1**

Approximate Cost to Complete	\$24,000,000.00
SFE Generated	2,273
Completion Date	2020

Lower Basin Water Treatment Plant, Phase 2

Approximate Cost to Complete (2016 Dollars) per 2018 SGM Water Rate and Tap Fee Study Report	\$4,493,507.68
SFE Generated	1,136
Completion Date (Estimated)	2040

Lower Basin Water Treatment Plant, Phase 3

Approximate Cost to Complete (2016 Dollars) per 2018 SGM Water Rate and Tap Fee Study Report	\$1,405,049.60
SFE Generated	1,136
Completion Date (Estimated)	2049

Upper Basin Water Treatment Plant, Expansion

Approximate Cost to Complete (2016 Dollars) per 2018 SGM Water Rate and Tap Fee Study Report	\$3,012,542.00
SFE Generated	364
Completion Date (Estimated)	2022

Memorandum

DATE: February 26, 2019 (updated March 6, 2019)

TO: Brandy Reiter and Morgan Landers, Town of Eagle

FROM: Dan Metzger, Reserve at Hockett Gulch Applicant
Dulcinea Z. Hanuschak, Reserve at Hockett Gulch Water Counsel

RE: Reserve at Hockett Gulch Development - Water Issues

This memorandum is intended to restate prior correspondence on the topic of water between the Reserve at Hockett Gulch applicant ("RHG") and the Town of Eagle ("Town") specific to the Reserve at Hockett Gulch PUD ("Project"), to outline RHG's water position at the Project, and to convey what RHG is seeking in terms of deviation from Town policy with respect to water as part of the Annexation of the Project into the Town.

Background and Introduction

RHG has previously provided the Town a report by Aquacraft Water Engineering & Management ("Aquacraft") dated December 14, 2018 regarding the projected water demands of the Project. This report is attached as Exhibit A. The Aquacraft report outlines the actual indoor and outdoor gross water demands for multifamily rental communities with one- and two-bedroom units. The report's findings are based on empirical data and the use of water-saving plumbing fixtures planned within the Project. Aquacraft's report assumes a maximum buildout of 500 residential units and 30,000 SF of commercial, which corresponds with Project's entitlements. The report determined that the Project will require a water demand of 167.53 EQRs, which includes 43.37 EQRs for irrigation and 124.17 EQRs for indoor water. In contrast, under current Town municipal code, the total EQRs would be calculated as 367.3 for the same Project which is not conducive to water conservation.

RHG contracted with Aquacraft to provide the December 14th analysis because we believe a development should pay its fair share for its water use, but not more than that. We believe the provisions of the Town's Code that pertain to water rights dedication and water/sewer plant investment fees ("PIFs") do not address circumstances in which a developer/builder has analyzed and determined how to effectively use water-saving measures to conserve water, nor does it appropriately allocate actual consumption based on the product type(s) being proposed within the planned annexation/PUD or incentivize developers and builders to perform these analyses. However, RHG has done this work and, therefore requests that the Town adjust its "default" dedication and PIF requirements in the Town Code as applied to the Project. Further, the Project is a dense development geared towards workforce housing and additional costs associated with both raw water dedication along with PIF charges place significant undue burden on an attainable housing development of this type.

Several years ago, the Town contracted with a water engineering firm to analyze how peer towns set their EQR schedules in their respective town codes for purposes of dedication and impact fee calculations. The result of the recommendations in that report, which largely were adopted in the Town code, show how the Town is now generally in line with peer towns from an EQR-per-property-type standpoint. Outside the scope of that report, however, was an evaluation of overall cost impact of the PIF fees versus peer towns. RHG has analyzed what the residential component (which makes up nearly all of the proposed entitlements) of our proposed Project would cost in different peer municipalities, and the result is that this same exact project would cost an average of \$1.6 million less in water/sewer tap fees to build in neighboring towns than it would in the Town of Eagle. In fact, this same Project would cost \$1.2 million less in tap fees if built in Vail and \$1.6 million less if built in Edwards. This analysis is provided in Exhibit B.

The Town has raised concerns about the water demand estimates that RHG has provided through its consultants, based on concerns about the enforceability of the water-savings measures that RHG proposes. We have confidence that the water conservation measures that our consultants have thoroughly evaluated are effective, and we are willing to stand by those numbers, even willing to pay a monetary penalty to the Town in the event that we exceed its calculated water use. We outline this penalty approach in further detail later in this memo.

The Project consists of multiple development phases, with the size and makeup of development beyond the initial multifamily development still very much undefined. The need to define water demands has been provided below by Aquacraft based on their water demand study regarding housing type, number of bedrooms in residential units, commercial SF and irrigation requirements, so that as the Project becomes more defined the PUD will have specific EQR's defined for all allowable uses. That schedule appears as Table 2 to Aquacraft's February 15, 2019 memo (attached as Exhibit C) and outlines an EQR schedule that RHG proposes be utilized related to the Project's water rights dedication and water/sewer tap fees, with a 5% increase over our engineer's estimate. We are summarizing that schedule shown below in Figure 1:

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Figure 1 (the “RHG Water Table”)

Category	BR	Engineer EQR/Unit	Increase Factor	RHG EQR/Unit
Residential - SF	1	0.192	105%	0.202
Residential - SF	2	0.212	105%	0.223
Residential - SF	3	0.244	105%	0.256
Residential - SF	4	0.272	105%	0.286
Residential - SF	5	0.303	105%	0.318
Residential - SF	6	0.317	105%	0.333
Residential - MF	0	0.161	105%	0.169
Residential - MF	1	0.161	105%	0.169
Residential - MF	2	0.240	105%	0.252
Residential - MF	3	0.283	105%	0.297
Residential - MF	4	0.312	105%	0.328

Category	Type	Engineer EQR/1000 sf	Increase Factor	RHG EQR/1000 sf
Irrigation	High Water	0.146	105%	0.154
Irrigation	Low Water	0.088	105%	0.092

Category	Type	Engineer EQR/1000 sf	Increase Factor	RHG EQR/1000 sf
Commercial	Restaurants	1.276	105%	1.340
Commercial	Offices	0.074	105%	0.077
Commercial	Food Stores	0.188	105%	0.197

Category	Type	Engineer EQR/Rec Center	Increase Factor	RHG EQR/Rec Center
Common	Rec Center	2.55	105%	2.68

Definitions related to Figure 1:

- SF means Single-Family
- MF means Multiple-Family
- High water irrigation above means high-volume watered areas of turf or other high-water-use plants
- Low water irrigation areas means low-volume watered areas such as of xeriscape or other low-water-use plants
- EQR means gross water diversion at the rate of 1 EQR/127,750 gal/year

Water Rights Dedication

Due to the water saving measures that RHG will be implementing in the Project, RHG is seeking a deviation from the Town Code calculation for water rights dedication, to instead use the corresponding EQRs outlined in the RHG Water Table above.

Per prior correspondence on this topic, RHG's predecessors-in-interest dedicated a portion of the Ditch No. 3 water right (decreed in Case No. 80CW269) to the Town to serve the Project property and RHG intends to dedicate the remainder of its interest in Ditch No. 3 to the Town at annexation. Based on the historical consumptive use associated with the Ditch No. 3 water right, the water right provides sufficient water to serve up to approximately 101.8 EQRs for the Project.

With respect to water dedication, RHG is proposing that all remaining water rights that it owns with respect to the Property be dedicated to the Town at annexation such that the total EQRs associated with the Property equals 101.8 (as calculated in the manner described in prior memos from Dulcinea Hanuschak to Mary Elizabeth Geiger related to the Property), and that as each site specific development application is submitted, the EQR of each property type and unit count reflected in the proposed development plan will be calculated using the RHG Water Table, and in the event that the proposed cumulative development resulted in more EQRs (as calculated by the RHG Water Table) than 101.8, RHG would then satisfy this shortfall by purchasing and dedicating additional, decreed water rights sufficient to cover any EQRs or by making a payment-in-lieu of water rights dedication in accordance with Section 12.26.050 of the Town Code.

Example: By way of example only, if the first phase of development reflected 100 one-bedroom MF units and 100 two-bedroom MF units and contained 20,000 SF of high-water irrigation and 20,000 SF of low-water irrigation, this would result in 46.9 EQRs using the RHG Water Table in Figure 1. No additional EQRs would need to be dedicated at the time of the phase 1 site specific development application because it did not exceed 101.8.

Type	EQR/Unit	Units	SF	EQR
1Br MF	0.169	100		16.9
2Br MF	0.252	100		25.2
High Water	0.154		20,000	3.1
Low Water	0.092		20,000	1.8
Total				46.9

Using this same example, if the second phase of development in RHG had a unit mix that resulted in 60 EQRs using the EQR/unit methodology in Figure 1 (such that the total between phases one and two were 106.9 EQRs), then in order to develop the second phase, RHG would need to dedicate 5.1 EQRs or make a payment-in-lieu for this equivalent. Using this same example, all calculated EQRs of any subsequent phases (using the RHG Water Table) would need to be satisfied by an equivalent EQR dedication or payment-in-lieu.

[Depletions Update dated 3/6/2019: RHG's water engineer consultant Aquacraft recently completed a depletion study for the project, which we are forwarding under separate cover. We commissioned this analysis in response to Mary Elizabeth Geiger's January 30, 2019 memorandum, which directed us to calculate water dedication requirements based on either the Town Code provision that approximately 1 acre-foot of water should be dedicated for each EQR (which is in-line with the approach we used for the purposes of the water rights dedication methodology and example above), or based on a depletion analysis prepared by RHG's engineer. The depletion study shows that all of the interior water uses at the Project will result in depletions of 4.87 acre-feet per year to the Eagle River and it estimates that the raw water irrigation system will result in 13.63 acre-feet of depletions per year to the Eagle River, for a total of 18.50 AF of depletions. Based on these calculations versus the dedicated water rights of approximately 29 acre-feet of consumptive use available under the Ditch #3 water right, we believe RHG's dedication of water rights to the Town will provide ample water to cover depletions from RHG's interior water uses as well as the depletions from our raw water irrigation system. In fact, this depletion analysis shows that RHG would be dedicating 10.5 acre-feet of additional consumptive use to the Town beyond the calculated depletions, therefore providing a public benefit.]

As of the date of this updated memo, Town Staff and Town Water Counsel have not had the opportunity to thoroughly review the depletions study and vet the assumptions with Aquacraft. We believe further discussions are necessary based on this recently-completed depletion study, and these discussions could have an impact on the proposed Water Rights Dedication Penalty system that we are proposing below.]

Under the Town Code and pursuant to an annexation agreement, the Town has substantial discretion in evaluating how an applicant can satisfy the dedication requirements and whether a payment-in-lieu is an appropriate mechanism to satisfy those requirements.

The Town also has considerable discretion to craft terms and conditions for the water rights dedication that are appropriate to address the specific circumstances at hand – including timing of dedication or payment-in-lieu – as the Town Code (Section 12.26.50.B.2) provides that “[t]he Town Manager may, in his discretion, negotiate with the new user to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this chapter.” RHG’s proposed timing for its payment-in-lieu for any subsequent phases that exceed 101.8 EQR is appropriate under the circumstances and well within the realm of what the Town may authorize.

Raw Water Irrigation System

RHG intends to irrigate the Project using a raw water system, thus reducing the impacts to the Town water and wastewater treatment systems. According to our engineer, and in coordination with Town staff, this is feasible and would involve a system that diverts water from Brush Creek to the Project. RHG would obtain any necessary easements and bear all construction costs associated with implementing this system.

Plant Investment Fees

Like the water dedication, RHG proposes that the RHG Water Table provide the basis for determining the amount of EQRs used to calculate the PIF for indoor use since all landscape will occur via a raw water irrigation system as described herein. Because irrigation will be provided via a raw water system, the irrigation portion of the RHG Water Table should be excluded from the calculation of PIF requirements.

RHG is proposing that it pay the applicable water PIF prepayment (as described in Town Code Section 12.16.050.A.) at the time that it obtains a development permit for each phase of development. Per Town Code Section 12.16.050.B, RHG will pay the remainder of the PIF at the time that building permits are issued.

Note that RHG is proposing not to receive the 50% Water PIF discount reserved for “Deed Restricted Affordable Housing or Local Employee Residence” as noted in the Town rate table that was adopted by Town Resolution 70 (Series of 2018), as we believe the RHG Water Table already accounts for a fair EQR assessment of the water use in the development without the need for any additional discount.

Penalty

Each development phase of RHG will be separately metered for irrigation water usage and for indoor domestic water usage. In response to the Town’s concerns about the enforceability of RHG’s water-saving measures, RHG proposes the following evaluation and penalty structure:

Starting on the first anniversary of the date the last building in a development phase receives its certificate of occupancy, the water use for that development phase (for both outdoor irrigation and indoor domestic) will be evaluated for a period of five (5) years ("Evaluation Period"). If the average actual water usage for either irrigation or indoor domestic use is greater than the EQR calculation derived from the RHG Water Table during the Evaluation Period, then the following shall occur:

- 1) Water Rights Dedication Penalty. The difference of (a) the higher of actual annual total (indoor and irrigation) EQRs measured during the Evaluation Period and (b) the total (indoor and irrigation) EQRs calculated from the RHG Water Table, shall be the subject of additional EQR dedication or payment-in-lieu plus a penalty of 25% on the difference.

By way of example only, if the RHG Water Table at the time of the development permit resulted in 50 EQRs and if the average actual water use during the Evaluation Period was 60 EQRs, then the developer/owner would need to dedicate or pay a fee-in-lieu based on 10 EQRs plus a 25% penalty on the 10 EQR difference, so a total dedication or fee-in-lieu for 12.5 EQRs.

- 2) PIF Payment Penalty. The difference of (a) the higher of actual annual indoor diversions in EQRs as measured during the Evaluation Period and (b) the total indoor EQRs calculated from the RHG Water Table, shall be the subject of additional PIF fees plus a penalty of 25% on the difference.

By way of example only, if the RHG Water Table at the time of the development permit resulted in 35 EQRs and if the average actual water use during the Evaluation Period was 40 EQRs, then the developer/owner would need to pay the then-current water and sewer PIF fees based on 5 EQRs plus a 25% penalty on the 5 EQR difference, so a total PIF fee based on 6 EQRs.

As outlined in Aquacraft's December 14, 2018 report, one EQR equals 127,750 gallons per year, so that number will be utilized in determining the EQRs from the actual data.

Conclusion

The primary objective of the RHG development is to create workforce housing in the Town, in a way that is sustainable. By implementing an RHG-specific water dedication and impact fee schedule whereby RHG will only pay for what it uses, RHG is incentivized to construct its development with high-efficiency water devices. This will have a meaningful long-term impact to the Town and will allow the Town to grow with minimal burden on its water treatment systems. In fact, we believe that if more developments in Eagle took this same approach, it could delay future water and sewer capital projects. We look forward to working with Town staff to implement this approach.

EXHIBIT A



December 14, 2018

Mr. Carmine Iadarola
AquaSan Network
4100 East Mississippi Avenue, Suite 500
Glendale, CO 80246

Re: Water Demand Projection for the Reserve at Hockett Gulch

Dear Mr. Iadarola:

As requested I have reviewed the information you provided on the Hockett Gulch residential project, and have generated water use estimates based on information generated from previous studies conducted by Aquacraft over the years. All of the information is empirical in nature and was obtained from surveys, billing data, field studies including data logging for disaggregation of water use into end uses.

Aquacraft has been collecting demand information on municipal water users since 1995, when we began using data loggers and proprietary software to disaggregate residential water uses into end use categories. We are specialists in demand analysis and have established techniques for determining how many gallons per day of water were used for domestic uses and irrigation. These techniques have been used in the U.S. and around the world to measure both baseline uses and the impacts of upgrades and retrofits on water use. We have also conducted numerous studies on commercial, institutional and industrial water uses, which can be reviewed and downloaded from our website www.aquacraft.com. We have attached a bibliography of the source data used for our analysis at the end of this report, and a more complete listing of our reports and publications are available in our Statement of Qualifications and my resume, which are also available on our website.

In 1996 Aquacraft was hired as the principal investigator for the American Water Works Association Research Foundation¹ study of water demands by residential customers. The purpose of this project was to do pure research into residential water demands. The project was jointly sponsored by 14 municipal water agencies and the American Water Works Association Research foundation. Our task was to quantify how much water was being used by random sets of single family residential accounts in the water agencies, and to identify the end uses to which this water was put. The water customers in the 14 study sites were surveyed and 100 homes in each group of survey respondents were data logged in order to break down the water use into individual water use events, each of which was characterized by the type of use, the volume, flow rate and duration. This information, coupled with the information from the surveys and other customer information allowed us to create mathematical models of residential water use based on the

¹ Now the Water Research Foundation

factors that were found to be most important for predicting household and per capita demands. This was applied research that has been used by the water industry since the report was published in 1999. This information was used to generate the relationships such as those shown in Figures 1 and 2 of this report.

Since 1999, when the REUWS1 study was published, Aquacraft has completed many other studies using techniques similar to those employed in the study. The six most pertinent to the current study are listed at the end of this report, along with links from which they can be downloaded.² A more complete list of reports and projects is attached to our statement of qualifications, which we have provided. Our clients for the 6 cited studies included the California Department of Water Resources, the U.S. EPA, the Irvine Ranch Water District, the City of Denver and the Water Research Foundation. In each case Aquacraft was hired because of our expertise in analysis of water demands and how these demands are affected by things like the number of persons in the home and the nature of the fixtures and appliances present in the homes. The data we have collected and the relationships we have identified have allowed use to generate the demand information on which our analysis of the Reserve at Hockett Gulch is based. This is the type of application for which the research was intended.

My analysis of the water demands for Hockett Gulch are based on a ground up analysis of anticipated demands based on household models rather than per capita estimates. The reason for this is because water demands are not a linear function of the number of persons in the home. My estimates include the types of uses anticipated, their physical characteristic and the anticipated population of the project. While I reviewed AquaSan's analysis, I also performed an independent analysis of my own so that the results could be compared objectively. Our analysis is based on the information we collected and analyzed in the reports we have cited.

Most recently, I have been invited by the U.S. State Department to travel to India as part of their visiting expert program to meet with water officials in Chennai, Bangalore, Hyderabad and Delhi to discuss water planning and management of municipal water systems in the United States, and how some of the approaches we have developed in our work can be applied to the serious water problems in India.

Basically, as explained below, the results of my analysis of the Reserve project largely confirm yours. Given the fact that the two estimates were derived using different methodologies, the similarity gives confidence in the results.

Description of Hockett Gulch Project

The Reserve at Hockett Gulch is a residential development in the Town of Eagle, Colorado. It will consist of a combination of multi-family apartments, single-family homes/townhomes, irrigated landscape, recreational and commercial uses. I have used the information that AquaSan provided on the project along with historical data and demand models we have generated from detailed demand analyses on thousands of residences and businesses. Our analysis is based on the maximum buildout configuration of the project.

² The three reports published by AWWARF must be purchased from the foundation, or the executive summaries can be downloaded free of charge. The reports published by Aquacraft are available from our website for a small charge.

Residential

At buildout the project will include 13 apartment buildings containing 396 multi-family units, of which 198 will be 1 bedroom, and 198 will be two bedrooms. These will be built in 2 phases.

The third phase of the project will consist of 104 single family units, of which 69 will be built first, and the remaining 35 will follow. We have prepared estimates for both 69 and with an additional 35 SF units.

Irrigation

There will be a total of 8.2 acres of irrigated landscape on the project, of which 4.7 will be turf or other high water use plants and 3.5 will be lower water using vegetation. The turf will have a water application rate of 30 inches (18.7 gal/sf) and the low water use vegetation will have an application allowance of 18 inches (11.2 gal/sf). All irrigation will be done using non-potable supplies and will not impact the Town water system.

Commercial

It is presently projected there will be 30,000 sf of mixed commercial space, the exact configuration of which has not been specified. Aquacraft has assumed for purposes of this report that the commercial space it will be split evenly between offices, restaurants and convenience retail/food stores.

Recreation

There will be a club house building with a pool, hot tub, restrooms, and a kitchen. We do not have exact measurements for the pools or other facilities to be included, but we can make general comparisons to other recreation facilities we have studied.

Population

It is difficult to find hard data that relate the number of occupants in multi-family apartments to the number of bedrooms in the units. The City of Irvine Ranch, California, did a detailed study of their multi-family customers as part of their water budget program. As part of this study they surveyed a large group of multi-family customers and obtained both occupancy and bedroom data. This is a valuable data set for our purposes. Irvine Ranch hired Aquacraft to analyze the water use in these units and compare their use to the water budgets so that they could evaluate how well the budgets were matching the customers' use.

In the Irvine study we had approximately 700 multi-family households in the data set. (Ref 4). Even though one study was in California and the current study is in Colorado there is no reason to think that the Irvine data should not be valid in Colorado for our purposes. Aquacraft has studied over 7000 homes, and have found that the variations in their water use are more strongly related to their occupancy and physical characteristic than their geography. So, in the absence of local data that is equal to or better we suggest using the data from Irvine Ranch.

The results of the occupancy vs bedroom analysis are shown in Figure 1. Since these values were based on actual survey data rather than assumptions, we have used them to estimate the numbers of occupants for each of the apartment units on the property. For 1 BR units the estimate is 1.4 persons per unit, and for 2 BR units the estimate is 2.6 persons per unit.

For the single family units we have used the average occupancy of 2.7 persons per home that was determined from the Residential End Uses of Water Study update. (Ref 6). We believe

this is a better value than a national average from the Census because it is based on only single family homes that are similar to those that will be built in the Reserve and come from random samples of homes that provided surveys.

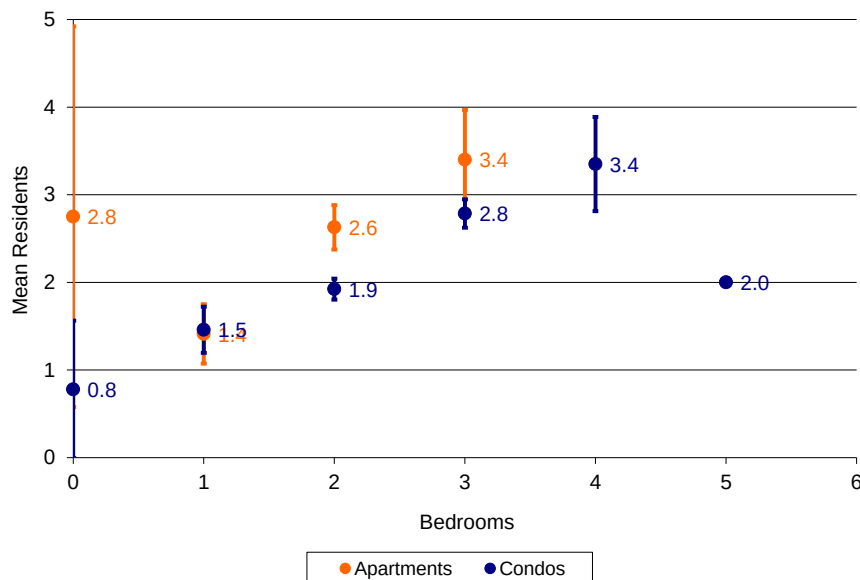


Figure 1: MF Occupancy vs number of bedrooms

Water Management Plan

According to the water management plan prepared by AquaSan all of the housing units will have best available technology for all fixtures and appliances. In addition they will have active leak detection capability provided by a combination of real time data from the water meters plus ultrasonic sensors on each supply line for the units. The water meters (Metron meter) will be linked into a cloud server and will be programmed to send alerts to property management that indicate leakage is occurring. In addition to this each unit will be equipped with a Streamlabs monitor that will identify in which units the leakage is occurring. The combination of these two monitoring devices should make it possible to hold leakage to a minimum, and especially to prevent long-term leaks that are responsible for the majority of water loss to leakage. In addition to the active leak detection:

All toilets will use 1.8 gpf or less.

Clothes washers will be rated at no more than 16 gallons per load (standard load)

Showers will have a max flow rate of 2.0 gpm

Kitchen sinks faucets will have a max flow rate of 2.2 gpm

Lavatory faucets will have a max flow rate of 0.5 gpm

Pre rinse sprayers for kitchen sinks will have a max flow rate of 0.8 gpm

Hot water system designed to deliver hot water to all fixtures within 15 seconds

We assume that the accomplishment of these items will be verified by the Town as part of its building inspection process.

Household Water Demands in New High Efficiency Homes

After having done the Residential End Use Study in 2000 the next logical step was to study groups of newer home that were built after 2001. Aquacraft did this in the Analysis of Water Use in New Homes, that was jointly funded by the U.S. EPA and the Salt Lake City Corporation, along with support from eight other water agencies located across the United States. As part of this study (Ref 5), approximately 25 homes were equipped by the builders with water using devices that match the requirements shown above for the water management plan. These were the High Efficiency New Homes, and our goal was to determine how indoor water use varied with occupancy for houses equipped with the best available plumbing fixtures and appliances. The only missing element in these homes was an active leak detection system. For each home we knew the average daily indoor water use (from data logging) and the number of residents in the home (from surveys). This allowed us to generate the relationship between the number of occupants in the home and the daily water use. This curve is shown in Figure 2.

It is important to note that the curve is not linear, but is a power curve where the indoor use varies with the number of persons in the home raised to the power of 0.53. This means that it is impossible to use a single per capita value of water use and apply it to houses of different sizes, since the per capita use varies with the number of persons in the home.

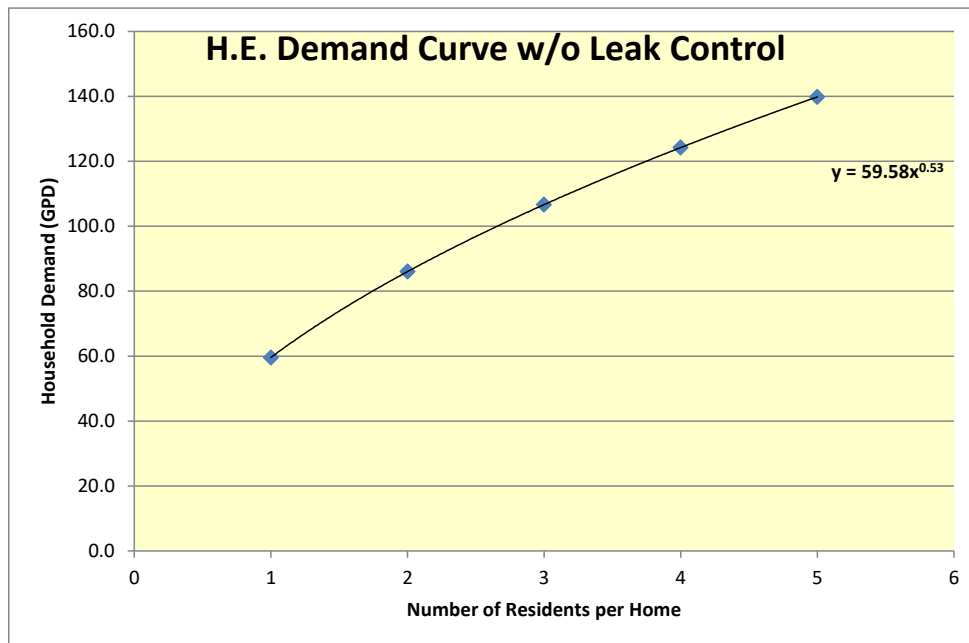


Figure 2: Household daily demands verses number of residents for high efficiency home

The relationship between residents and household use and per capita is shown in Table 1. If a single estimate of, say, 35 gpcd was used to estimate household use it will result in greatly underestimating the use in homes with fewer persons and over estimating use in homes with more persons. This same general form of demand power curve has been observed in every study of residential water use Aquacraft has done. The only difference is the value of the coefficient and the exponent. The same curve generally applies to both MF and SF homes.

Table 1: Household and per capita water use versus number of residents

Residents/Unit	Household Use (GPD)	Per Capita Use (GPCD)
1	59.6	59.6
2	86.0	43.0
3	106.7	35.6
4	124.2	31.1
5	139.8	28.0

To emphasize the fact that all homes do not use the same amount of water, and that the water use patterns of new, more efficient homes, are lower than those of the original homes studied as part of the first Residential End Uses of Water Study we have inserted a copy of a figure from the EPA New Home Study (Ref 5) as Figure 3, below. This figure shows the household use versus number of residents curves for four sets of houses, which include the high efficiency new homes curve shown in Figure 2, above. When the high efficiency demand curve is plotted along with the other curves the reduction in household water use becomes more apparent than when a single curve is plotted.

The top curve in the figure shows the curve for the homes from the REUWS1 study, which were random homes from the mid 1990's. As one would expect, these homes showed the highest indoor water use patterns of the four. This situation began to change with the passage of the 1992 Energy Policy Act³, which mandated the use of more efficient toilets and showers. Between 2005 and 2011 when we did the New Home study the random samples of homes built after 2001, shown in green, had a significantly lower demand curve.

The most efficient homes were reflected by the pink and purple lines on the curve. These were homes that were either built with the best available fixtures and appliance already installed, the purple curve, or were new homes in which these devices were installed as retrofits as part of the study. The data on which these curves were based was collected in many different cities over many years of observations. They consistently show the same results and we believe they are trustworthy.

Many water agencies are failing to take the reductions in water demands into account in their water planning. This has resulted in oversizing of facilities and over-investment in capital projects. Using demand estimates that are too large is not really a conservative approach, since it leads to excess capital spending on plants and water resources. This excess spending must be paid for by the existing and new water customers. By using the updated demand numbers water utilities can minimize their capital spending and the amount of money they need to recover in tap fees and rates. This is the main reason why our research has been funded over the years.

³ Even though the act was passed in 1992 it did not have a significant impact on the housing stock for several years.

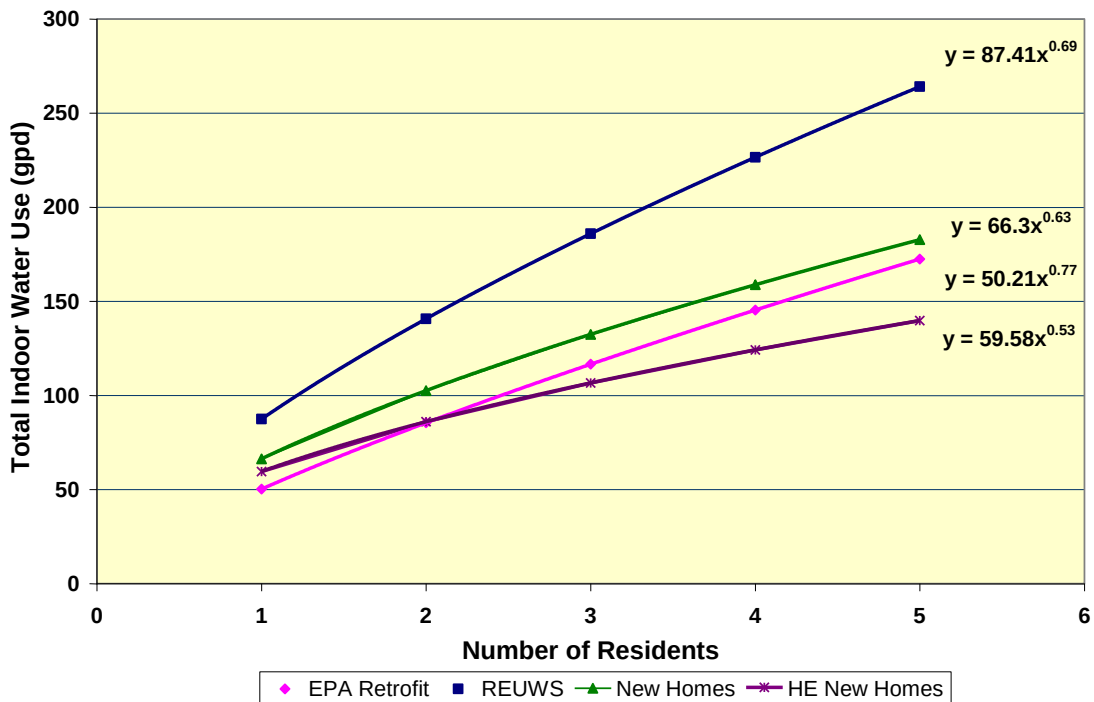


Figure 3: Comparison of residential indoor use vs residents (from EPA New Home Study)

Correction for Leak Control

The high efficiency homes used to generate the curve shown in Figure 2 did not contain any active leak control devices. The disaggregation of end uses in the homes, done using the flow trace data obtained from the water meters, showed average daily leakage rates of 19.2 gallons per day. Because the homes in the Reserve project will have an advanced system of active leak control we have adjusted the household use calculated from the populations and demand curves to show the effect of the leak control. For MF units we have reduced the leakage from 19.2 to 4.2 gpd, which is close to the median value. For SF units we reduced the leakage to 9.2 gpd. Single family homes always have more opportunities for leakage including some outdoor hose bibs, which is the reason why we used a lower reduction for SF homes than MF homes.

Irrigation Demands

In order to determine the water demands for irrigation the same application rates used for the Town EQR allocations were used to calculate the water requirements for turf (30 inches or 18.7 gpsf) and low water use plants (18 inches or 11.2 gpsf). These rates were multiplied by the respective areas of high and low water use vegetation obtained from the landscape plans, and the annual irrigation water demand was obtained.

The Town has pointed out that the code does not make provisions for having landscape that includes low water using plants. This is not a technically defensible position, because it is well known that landscapes can be designed to include a wide variety of plant types that have a

similarly wide range of water demands. So, stating that the landscapes will be designed to use less water by intentionally choosing the right mix of high and low water using plants is a totally valid assertion. Furthermore, requiring landscapes to contain nothing but high water using plants (i.e. turf) is a very wasteful practice when most agencies are encouraging just the opposite approach.

Finally, the fact that the project will rely on a non-potable irrigation system where water will be drawn from Brush Creek makes the discussion of irrigation demands irrelevant, since no water from the Town system will be used for irrigation. In our analysis we have added in the irrigation demands into the gross demands, but then deducted them from the net demands.

Commercial Demands

Immediately after completion of the Residential End Use study in 1999, Aquacraft was chosen as one of the lead investigators on the AWWRF study of Commercial and Institutional End Uses of Water (Ref 2). As part of this study water use and survey data from a large sample of commercial customers in Phoenix and Southern California were analyzed. These data were then normalized on a square foot basis by percentiles ranging from 10% (the lowest users) to 90th percentile (the highest users). For our purposes we have used the 25th percentile use to estimate water use for the commercial uses on the site, which we are assuming will be 30,000 sf split evenly into 10,000 sf of offices, restaurants and food stores. The use of the 25th percentiles is justified given the fact that the new commercial uses on the site will all be new and use the best available fixtures and appliances. As in the case of the occupancy for multi-family residences, we believe that in the absence of good locally derived data, these data from the Water Research Foundation ICI study provide reliable guidance for commercial demands.

Table 2: Water Use for Commercial Uses

Commercial Use	25th Percentile use (gal/sf/year)
Restaurants (full service)	163
Offices	9.4
Food stores	24

Recreation Uses

We know that the Reserve is to have a recreation facility and club house, but the precise configuration of the facility has not been determined. Aquacraft did detailed water audits for 36 urban recreation centers for the City of Denver (Ref 3). As part of the audits the average daily use was determined for a series of end uses on the sites. We have listed the average for the 36 audits for the end uses that we believe are applicable to the club house at the reserve project in Table 3. These centers were large urban recreation centers with large pools and locker rooms that served populations of thousands of persons, which are much larger than the few hundred to be served by the Reserve club house. We therefore, believe it reasonable to adjust the annual demands down to 25% of the Denver center demands, which results in an annual demand estimate of 326,219 for the club house.

Table 3: Recreation end uses from Denver Rec Centers

End Use	Average gpd for 36 recreation facilities
Kitchen and faucet use	53
Showers	423
Toilets	344
Urinals	104
Pools/hot tubs	2261
Leaks and other	390
Total gpd	3575
Total gpy	1,304,875
Estimate for the Reserve (25%)	326,219

Water Use Calculations

The detailed water use calculations for the Reserve project are shown in Table 4. The residential demands start with the number of occupants per unit obtained from Figure 1, from which the household demands are calculated using the power curve from Figure 2 and correcting for the active leak control systems to be employed by the developer. The MF units are shown in Phase 1 and 2 sections of the table. The SF units are shown in Phase 3. The table uses 104 single family units to generate the SF demands. The irrigation demands are based on the areas and application rates described above. (These are included even though this water will be supplied from the non-potable irrigation system). The commercial demands are estimated using the data from the AWWARF CII study. Finally, the demands for the recreation facility have been estimated using the audit data from the 36 recreation centers in Denver, as adjusted to account for the smaller population served by the Reserve clubhouse.

As shown in

Table 4, the estimate for the annual water use for the Reserve project, as designed with 500 housing units is 20.98. When the calculations are run with 465 units the annual demands are 19.82 million gallons per year. The next step is to convert these annual demands into equivalent residential units.

Table 4: Water demand calculations (500 units)

Water Use for High Efficiency Homes	Occupants	Buildings				
		Type 1	Type 2	Totals (Buildings & Gal)	GPCD	GPCD
Indoor Demands						
Bedrooms						
1 BR	1.4	12	18		56.21	40.15
2 BR	2.6	12	18		83.86	32.26
Units/Bldg		24	36			
Total Occupants		48	72	120		

Water Use for High Efficiency Homes	Occupants	Buildings				
Indoor Demands		Type 1	Type 2	Totals (Buildings & Gal)	GPD	GPCD
Total No. Bldgs Phase		2	4			
Total 1BR Units				96		
Total 2 BR Units				96		
Total Units in Phase		48	144	192		
GPD for Each Building by type		1681	2521			
GPY for Each Building by type		613,528	920,291			
GPY for Phase 1		1,227,055	3,681,166	4,908,221		
1 BR	1.4	12	18		56.2 1	40.1 5
2 BR	2.6	12	18		83.8 6	32.2 6
Units/Bldg		24	36			
Total Occupants		48	72	120		
Total No. Bldgs Phase		4	3			
Total 1BR Units				102		
Total 2 BR Units				102		
Total Units in Phase		96	108	204		
GPD for Each Building by type		1681	2521			
GPY for Each Building by type		613,528	920,291			
GPY for Phase 2		2,454,110	2,760,874	5,214,985		
SF Homes	2.7		104	280.8	90.8 6	33.6 5
Total GPD for SF Homes			9450			
Total GPY for SF Homes				3,449,084		
Irrigation		High	Low			
Acres		4.7	3.5	8.2		
SF		204732	152460	357,192		
Application Rate (inches)		30	18			
Application Rate (gpsf)		18.70	11.22			
Total Annual Irr Demand (gal)		3,829,152	1,710,898	5,540,050		
Commercial	SF	Gal/SF	GPY			
Restaurants (sf)	10000	163				

Water Use for High Efficiency Homes	Occupants	Buildings				
		Type 1	Type 2	Totals (Buildings & Gal)	GPD	GPC D
Indoor Demands			1,630,000			
Offices (sf)	10000	9.4	94,000			
Markets (sf)	10000	24	240,000			
Annual Demand for Commercial (gal)				1,964,000		
Club House (pool and hot tub)				326,219		
Total 1 BR Units				198		
Total 2 BR Units				198		
Total MF Units				396		
Total SF Units				104		
Total Housing Units				500		
Total Population				520.8		
Total Annual Water Demand (gal)				21,402,558		
Total EQR				167.53		

EQR Conversion

In order to convert from gallons per year to EQR's we need to know the annual water use of the typical residential customer served by the town of Eagle's water system, since this is the accepted method of determining the EQR value.

What is an EQR?

In the comments of the Town Engineer to the AquaSan report it was correctly pointed out that "The EQR represents a widely accepted methodology for equitably determining the cost to buy into the existing system." I agree with this completely, but for the system to be equitable the value of the EQR must be directly related the amount of water used by the average household in the water system under consideration. An EQR is not an arbitrary number.

There is a very good definition of the EQR by the Washington State Department of Health⁴, which I believe captures the general understanding of the definition by the water industry. It states:

"When designing or evaluating a water system, we compare non-residential and multifamily water demands to the typical amount of water a single-family residential unit uses. We use the term 'equivalent residential unit' (EQR) as a basis for this comparison."

⁴ <https://www.doh.wa.gov/portals/1/Documents/pubs/331-441.pdf>

This means that for the EQR system to be valid and have a claim on equity the annual volume needs to be based on empirical data from the Town of Eagle on the average annual water use of the existing single family homes.

In response to the client's request, the town provided the billing data for their residential customers for the period from December 2016 through November 2018. Based on this information the average number of residential accounts on the system was 1962 units and the average annual water delivery was 243,195,500 gallons. This means that the EQR is 123,827 gallons per year. The town data was not separated into single family and multi family accounts, so if there are a large number of multi-family residences on the system this would increase the number of relative to the number of accounts, and thus decrease the EQR value to some degree. Without exact information on this, however, it is not possible for us to make a precise determination, so we have used the value of 123,827 as the EQR value from the billing data. This value is slightly lower than the EQR estimate recently provided by the town of 350 gal/day or 127,750 gal/yr. Given the fact that the two values are so close to each other, we believe they confirm each other.

Problems with the Existing Table of Equivalent Units

The existing PIF ordinance contains contradictions and inconsistencies that we found difficult to reconcile. The ordinance defines a single family residence equal to 1 EQR, but it does not state how many gallons per year this unit is allocated. It does say that the EQR is to include 2500 sf of irrigated landscape. Since we know that the Town assumes an application rate of 30" of water, and each inch is equivalent to 0.623 gallons per square foot, this implies the annual volume for irrigation will be $2500 \text{ sf} \times 30 \times 0.623 \text{ gpsf} = 46,750 \text{ gpy}$ for irrigation⁵. So the volume of the EQR appears to be the sum of the domestic use by the average single family house plus 46,750 gal for irrigation. This gives us a hint but does not answer the question.

The single family home table does include information on the ratio of gallons per EQR in that it states the each 1000 sf of irrigated area is equivalent to 0.25 EQR. We know that 1000 sf of irrigated area will require a volume of 18,700 gallons. So this implies that the EQR consists of $18,700 \text{ gallons} / 0.25 \text{ EQR} = 74,800 \text{ gallons}$. If this is correct then by the Town's definition a single family residence has an annual water demand of **1 EQR = 74,800 gallons/yr**, which is **28,050 for indoor use and 46,750 for irrigation**. This is equivalent to 77 gallons per household per day for indoor uses or 28.5 gallons per person per day. I have no idea if this is the correct value, but it is what the ordinance is implying.

The ordinance defines the water use of a 1 bedroom/1 bathroom apartment as 0.6 EQR including 500 sf of irrigation. At the rate of 74,800 gal/EQR, this suggests that the anticipated water use for a 1 bedroom apartment will be 44,880 gallon per year of which 9350 gallons (500 x 18.7) will be for irrigation and 35,530 gallons will for indoor use. The implication is that the typical single family home will use 28,050 gallons per year for indoor uses and a 1 bedroom apartment will use 1.3 times this amount or 35,530 gallons per year. This does not seem reasonable.

⁵ This is based on an application rate of 2.5 feet where 1 ft of applied water = 0.623 gal/inch

According to the ordinance a 2 bedroom/2 bathroom apartment is assumed to use 0.8 EQR or 59,840 gallons per year. This will include the same 500 sf of irrigated area per unit, so the indoor/outdoor breakdown would be 50,490 gallons for indoor use and 9350 gpy for irrigation. So in this instance the indoor use of a 2 bedroom apartment is assumed to be 1.8 times that of a single family residence, which also seems unreasonable.

The situation with credits for non potable irrigation is equally confusing. When the developer purchases EQRs for irrigation the buy-in rate is $0.25 \text{ EQR}/(1000 \text{ sf} \times .0187 \text{ kgal/sf}) = 0.0134 \text{ EQR/kgal}$. When the credits are given for installing a non-potable irrigation system the calculation is $0.25 \text{ EQR}/(2500 \text{ sf} \times 0.187 \text{ kgal/sf}) = .0053 \text{ EQR/kgal}$. So the credit is only 39.5% of the buy in cost. There is no explanation for the discrepancy. It seems that if anything, the savings from water use from non-potable irrigation would be more valuable since they reduce the peak day demand, which has a direct bearing on the water treatment plant capacity.

Rather than try to reconcile the inconsistencies in the ordinance we believe it would make more sense to simply use the value of 127,750 gallons per year per EQR obtained from the Town for determining both the buy-in and the credits for the non-potable irrigation system.

Allocation of Costs/EQR

The water fees assign a cost of \$8,050/EQR for potable water and \$10,000 per EQR for wastewater. The Reserve project will require a maximum of 167.53 EQRs of water based on the anticipated annual demand of 21,402,558 gallons of water. This equates to $167.53 \times (\$8050 + \$10,000) = \$3,023,917$ for water and wastewater. The non-potable irrigation system will supply 5,540,050 gallons of water for which neither water nor wastewater fees should be charged. This is equivalent to 43.36 EQRs., which equates to a credit of $43.36 \times (\$8050 + \$10,000) = \$782,648$. The net amount due for the entire project would be $\$3,023,917 - \$782,648 = \$2,241,269$.

Summary

In this report we have performed a ground-up estimate of annual water demands for the Reserve at Hockett Gultch project. We have based our estimate on the numbers of households and their respective occupancy rates. The indoor water demands for these were calculated using the power curve relationship for household water demand for high efficiency homes obtained from the cited studies. These demands were adjusted to account for the fact that the households in the reserve project will all be equipped with active leak detection devices that will recognize long term leaks and alert the project managers of their presence. Annual demands were also determined for irrigation, recreation and commercial uses on the project. The resulting demand estimates were 158.45 EQRs for 465 housing units and 167.53 EQRs for 500 units. The developer should receive a credit for 44.74 EQRs based on the water saved by the non-potable irrigation system.

The average ratio of EQRs per housing unit based on our projections is 0.33 EQRs. The reasons this value is lower than the estimate in the Town ordinance, which range from 0.6, 0.8

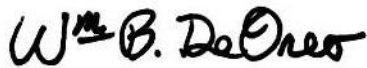
⁶ 18.7 gallons/sf = .0187 kgal/sf

and 1.0 for 1BR and 2BR apartments and single family homes respectively are: first, due to the high efficiency fixtures and appliances (including lead detection devices), and ,second, due to the non-potable irrigation system.

Aquacraft conducted this independent engineering review of the Hockett Gutch project's water demands separately from AquaSan's report. The results were not compared until our independent analysis was completed. Our estimates were based on the assurance that the development would follow the water plan outlined by AquaSan. Furthermore, if the actual water use for the development exceeds the estimate based on the water plan, then the PIF charges should be adjusted accordingly so that both the Town and the Developer are protected.

We appreciate the opportunity to assist you with this project, and are available to meet in person or by phone to answer any questions you, your client or the Town of Eagle may have on our work.

Sincerely,



William B. DeOreo, M.S., P.E.
President
Colorado

P.E.

16824





References for Aquacraft reports cited in this document:

1. Residential End Uses of Water Study, Water Research Foundation, Denver (1999) (www.waterrf.org)
2. Commercial and Institutional End Uses of Water, Water Research Foundation (2000) (www.waterrf.org)
3. Water Efficiency Report, Denver Recreation Centers and Pools, Denver Water Department (2007) <http://www.aquacraft.com/downloads/audit-report-on-36-recreation-centers-in-denver-co/>
4. Analysis of Water Use Patterns om Multi Family Residences, Irvine Ranch Water District (2008) <http://www.aquacraft.com/downloads/multi-family-water-use-study/>
5. Analysis of Water Use in New Single Family Homes, Salt Lake City Corporation and U.S. EPA (2011) <http://www.aquacraft.com/downloads/epa-new-home-water-use-study/>
6. Residential End Uses of Water Study-Version 2, Water Research Foundation, (2014) (www.waterrf.org)

EXHIBIT B

Comparison of Water/Sewer PIFs if Reserve at Hockett Gulch project (Residential Component Only) Were Built in Peer Municipalities																	
		Eagle		New Castle		Glenwood Springs		Carbondale		Gypsum		Vail		City & County of Denver		Edwards	
		EQR ratio	EQRs	EQR ratio	EQRs	EQR Ratio	EQR	EQR ratio	EQRs	EQR ratio	EQRs	SPE ratio	SPEs	Per Unit	Units	SPE ratio	SPEs
#						*1											
Total 1 BR Units (880 SF)	198	0.6	118.8	0.8	158.4	0.5	104.5	0.8	158.4	0.7	138.6	0.5	99	1	198	0.5	99
Total 2 BR Units (1150 SF)	198	0.8	158.4	1	198	0.7	136.6	1	198	1	198	1	198	1	198	1	198
Total Multi-Family Units	396		277.2		356.4		241.2		356.4		336.6		297		396		297
Total Single Family	104	1	104	1	104	1	104	1	104	1	104	1	104	1	104	1	104
Project Total	500		381.2		460.4		345.2		460.4		440.6		401		500		401
				Difference	79.2	Difference	-36.036	Difference	79.2	Difference	59.4	Difference	19.8	Difference	118.8	Difference	19.8
												400 * 880 SF and 100 * 1800 SF	\$4.86			400 * 880 SF and 100 * 1800 SF	\$4.86
												532,000 SF	\$3.86			532,000 SF	\$3.86
Cost to Developer		Eagle		New Castle		Glenwood Springs		Carbondale		Gypsum		Vail		City & County of Denver		Edwards	
		Per EQR	Total	Per EQR	Total	Per EQR	Total	Per EQR	Total	Per EQR	Total		Total	Per Unit	Total	Per SPE	Total
System Improvement Fee																	
Water Fee (Potable Water)		\$ 8,050.00	\$ 2,671,151	\$ 6,000.00	\$ 2,762,400	\$ 6,964.91	\$ 2,404,036	\$ 6,060.00	\$ 2,790,024	\$ 7,000.00	\$ 3,084,200	\$ 6,447.68	\$ 2,585,520	\$ 2,166.72	\$ 1,083,360	\$ 5,412.87	\$ 2,170,560
- Eagle includes employee housing discount																	
Sewer (Waste Water)		\$ 10,000.00	\$ 3,812,000	\$ 6,000.00	\$ 2,762,400	\$ 4,178.95	\$ 1,442,423	\$ 4,420.00	\$ 2,034,968	\$ 7,000.00	\$ 3,084,200	\$ 5,121.00	\$ 2,053,520	\$ 4,680.00	\$ 2,419,460	\$ 5,121.00	\$ 2,053,520
Total PIFs		\$ 18,050.00	\$ 6,483,151	\$ 12,000.00	\$ 5,524,800	\$ 11,143.86	\$ 3,846,459	\$ 10,480.00	\$ 4,824,992	\$ 14,000.00	\$ 6,168,400	\$ 11,568.68	\$ 4,639,040	\$ 6,846.72	\$ 3,502,820	\$ 10,533.87	\$ 4,224,080
Raw Water Irrigation Credit (If Applicable)		0.25 EQR per 2,500 sqft, not to exceed 25% of total EQR		25% of water tap fees		50% of assessed EQR - 0.1 EQR per 2,000 sq ft landscaped area, including turf grass, greater than 3,500 sq ft, rounded to the next highest 1,000		0.02 EQR per 100 sqft, not to exceed 25% of the EQR dedication		0.5 EQR per 2,500 sqft, not to exceed 50% of total EQR		N/A		N/A		N/A	
Irrigation (SF)		357,192				358,000		357,192		357,192							
Credit		35.72	\$ 644,731.56		\$ 690,600.00	89.5	\$ 623,359.45	71.44	\$ 748,674.43	71.44	\$ 1,000,137.60		\$ -		\$ -		\$ -
Total Cost to Project			\$ 5,838,419		\$ 4,834,200		\$ 3,223,100		\$ 4,076,318		\$ 5,168,262		\$ 4,639,040		\$ 3,502,820		\$ 4,224,080
				Difference	\$ 1,004,219	Difference	\$ 2,615,320	Difference	\$ 1,762,102	Difference	\$ 670,157	Difference	\$ 1,199,379	Difference	\$ 2,335,600	Difference	\$ 1,614,339
*1: Calculated as the greater of 0.25 EQR per bedroom or 0.06 EQR per 100 sqft, not to exceed 1.0 EQR. Able to have up to 3 bedrooms, 2 baths, and 3,500 sqft of irrigated lawn																Average Difference	\$ 1,600,160

EXHIBIT C



Memo

To: Dan Metzger, Brue Baukol Capital Partners

From: William B. DeOreo, P.E.

CC: Carmine Iadarola, AquaSan Network

Date: March 5, 2019

Re: Supplemental Analysis for EQR determination of the Reserve at Hockett Gulch Water Demands

On December 14, 2018 we prepared a report on the anticipated water demands for the Reserve at Hockett Gulch project in Eagle Colorado. That report based the estimated water demands on empirical data for water use by residential customers in relationship to the number of occupants in the homes and the types of fixtures and appliances present. Our conclusions at that time were that the project as then constituted would require 21.4 million gallons of water, including 5.54 million gallons of water for irrigation, which is to be supplied from a raw water irrigation system. So, the net water demand for the project was estimated at 15.86 million gallons for non-irrigation uses. At the rate of 127,750 gallons/EQR this comes to a net EQR requirement of 124.17 EQR needed to service the proposed development. By our calculations using the Town ordinance #18 the EQR requirement would come to 367.28 EQR, a difference of 243.1 EQR.

The project is to consist of 3 separate phases of development plus some commercial and recreation uses. While the configuration of the first phase is certain, it is possible that there may be some variation from the plan in the succeeding phases. Therefore, you asked us to develop a schedule of water demands and EQRs based on the housing type and number of bedrooms for residential uses, irrigated areas and plant types for any land to be irrigated from the town water system and a mix of commercial and recreational uses.

In order to do this the only additional piece of data we needed was the most probable number of residents in single family homes with varying numbers of bedrooms. In our December report we assumed that the homes would have an average of 2.7 persons per household, but in this version we have provided water demands for the single family homes based on the number of bedrooms. For purposes of this classification we used survey data from the Residential End Uses of Water Update referenced in our December report. That survey contained occupancy and bedroom data for 4,446 homes. We used this to create a table of the average number of occupants in single family homes with varying numbers of bedroom. These results are shown in Table 1. We used the same demand curve and the same adjustments for the active leak control system that was described in our previous report, and based on the AquaSan water management program.

Table 1: Number of residents vs number of bedrooms in single family homes

Bedrooms in Residence	Average of Residents in Home
1	1.64
2	1.93
3	2.43
4	2.92
5	3.51
6	3.81
Grand Total	2.59

The EQR schedule is shown in Table 2. It contains 4 categories of uses: residential, irrigation, commercial and common. There are types of uses defined within the residential, irrigation and commercial categories such as SF and MF for residential and Restaurants, Offices and Food Stores for commercial. These are shown in Columns A and B of the table.

For the residences, the number of bedrooms and number of occupants are shown in Columns C and D, and the daily indoor use, calculated from the demand curve ($Y=59.58 \times \text{Res}^{0.53}$) minus the leak correction, is shown in Column E. The Annual demand is shown in Column F and the EQR value is shown in Column G. Comments are shown in Column H. In the future the EQR values for each type of housing can be used to determine the proper number of EQRs for any combination of single family and multi-family housing units.

In the event that some irrigated areas are added that need to be supplied from the town system the annual irrigation demands for high and low water use plants per 1000 sf are shown in Column F. These can be multiplied by the areas of each plant type to determine future irrigation requirements, if necessary.

Only three types of commercial uses are anticipated: restaurants, offices and food stores. The annual use per sf and per 1000 sf is shown in Columns C and F respectively, and the EQR per 1000 sf of floor area is shown in Column G.

The water use for the clubhouse/recreation center is the most uncertain of all of the categories since the exact size and configuration of the center is not known. We have made what we believe to be a conservative estimate base on recreation centers we audited in Denver. These centers are large and have the full range of water using equipment and facilities one might expect in a recreation center. Some additional refinement to this estimate would be in order once the exact design of the clubhouse, including pools and spas, is better defined.

These estimates should provide the developer the ability to arrive at reasonable values for water use at the Reserve for purposes of paying PIF charges. We understand that it is the responsibility of the developer to ensure that the requirements of the AquaSan water management plan are implemented so that the actual water demands do not exceed the estimates we have made in reliance on that plan. If actual demands exceed our estimates it may be necessary to pay additional tap fees.

We appreciate the opportunity to assist you in this project, and look forward to seeing it come to a successful conclusion.

Sincerely,

Wm B. DeOreo

William B. DeOreo, P.E.





Table 2; Schedule for EQR determination for Reserve at Hockett Gulch

A	B	C	D	E	F	G	H
Cat	Type	BR	Occupancy	Indoor Daily Demand (gpd)	Indoor Annual Demand (gpy)	EQR	Comments
Residential	SF	1	1.64	67.35	24,583	0.192	Residences to be equipped with best available water conserving fixtures and appliances + leak detection
Residential	SF	2	1.93	74.37	27,143	0.212	
Residential	SF	3	2.43	85.29	31,131	0.244	
Residential	SF	4	2.92	95.22	34,754	0.272	
Residential	SF	5	3.51	105.96	38,675	0.303	
Residential	SF	6	3.81	111.08	40,544	0.317	
Residential	MF	0	1.40	56.21	20,517	0.161	Multi-family includes duplex, fourplex, apartments and condos all with BAT + leak detection
Residential	MF	1	1.40	56.21	20,517	0.161	
Residential	MF	2	2.60	83.86	30,610	0.240	
Residential	MF	3	3.40	98.97	36,123	0.283	

A	B	C	D	E	F	G	H
Residential	MF	4	4.00	109.22	39,865	0.312	
Cat	Type	App Rate (gpsf)	Unit Area (sf)		Annual Demand (gpy)	EQR/1000 sf	
Irrigation	High Water	18.703	1000.00		18,703	0.146	Cool season turf
Irrigation	Low Water	11.222	1000.00		11,222	0.088	low water use plant material
Cat	Type	Use Rate (gpsf)	Unit Area (sf)		Annual Demand (gpy)	EQR/1000 sf	
Commercial	Restaurants	163	1000		163,000	1.276	full service restaurants with dish washing
Commercial	Offices	9.4	1000		9,400	0.074	typical office buildings with no rec centers
Commercial	Food Stores	24	1000		24,000	0.188	supermarkets with cooling towers for refrigeration
Cat	Type	Use per unit	Units		Annual Demand (gpy)	EQR/Rec Center	
Common	Rec Center	326219	1		326,219	2.55	includes pools, lockers, showers and kitchens. Will be refined upon more definite design.

Memorandum

To: Morgan Landers, Community Development Director

From: Michael J. Erion, P.E. 

CC: Brandy Reitter, Bryon McGinnis, Fred Tobias, Carrie McCool, Mary Elizabeth Geiger

File: 161-9.21

Date: March 8, 2019

Re: Reserve at Hockett Gulch – Technical Review of Water Related Submittals

At the request of the Town of Eagle, Resource Engineering, Inc. (RESOURCE) reviewed the water related documents in the Annexation and Planned Unit Development (PUD) submittal for the proposed Reserve at Hockett Gulch project. The water documents include an August 16, 2018 memorandum from Brownstein Hyatt Farber Schreck (BHFS), Water Management and Analysis Report prepared by Aquasan Network (Aquasan) dated August 20, 2018, and Raw Water Supply System Conceptual Design Review Technical Memo prepared by Alpine Engineering, Inc. (AEI) dated August 10, 2018. Additional water documents were submitted and include a December 14, 2018 report prepared by Aquacraft Water Engineering and Management (Aquacraft) and a February 26, 2019 memorandum jointly prepared by BHFS and the Applicant. Additional information was received at the end of the day on March 7, 2019 including a depletion analysis from Aquacraft dated March 6, 2019 and an updated memo from the Applicant and BHFS dated March 6, 2019. RESOURCE's technical review comments are presented below.

RAW WATER SUPPLY AND DELIVERY SYSTEM

The proposed concept plan prepared by AEI appears feasible and consistent with potential options discussed between Applicant and Town staff. The AEI memo does not indicate how many acres will be irrigated with the raw water system, however, it assumes there will be an adequate amount of Ditch No. 3 water rights assigned to the raw water system. The August 16, 2018 BHFS memo also indicates that the raw water irrigation system will utilize the Applicant's Ditch No. 3 water rights. The Aquasan and Aquacraft reports indicate that 8.2 acres of raw water irrigation are proposed for the project, but the PUD appears to indicate 7.5 acres of raw water irrigation. For purposes of RESOURCE's review, 8.2 acres are used in the analysis for comparison to Applicant's reports.

Ditch No. 3 historically irrigated 24 acres of land on Applicant's property as described in Water Court Case No. 80CW269. The dry up of 12.07 acres and 16 AF of consumptive use credit was conveyed to the Town pursuant to the 1981 JHY Agreement and 2.04 acres is associated with the 2.7 AF for the Middle Eby Creek Subdivision as decreed in 80CW269. It appears there are 9.89 acres of dry up with

13.1 AF of consumptive use credit and 0.209 cfs of water in Ditch No. 3 remaining and owned by the Applicant. This should be adequate for raw water irrigation of 8.2 acres for lawn and landscape. Once the balance of the Applicant's interest in Ditch No. 3 is conveyed to the Town pursuant to the water rights dedication requirement outlined below, the Town would need to change the point of diversion for these water rights for raw water irrigation to a pump station on Brush Creek and to municipal use at the Town's Lower Basin Water Treatment Plant to the extent not used for irrigation. The Town would lease back the water rights necessary for the raw water irrigation system.

The Applicant, in its February 26, 2019 memo, is now proposing to dedicate all of its remaining Ditch No. 3 water rights to partially satisfy the water rights dedication requirement for the potable water service. The February memo does not indicate what water rights would be used for the raw water system. It appears the Applicant is proposing that the Town change water rights from the Town's portfolio for diversion at the raw water diversion. As described above, the Ditch No. 3 water rights should be used for the raw water system and any excess applied to the potable water dedication requirement. Either way, Reserve at Hockett Gulch would be paying a cash-in-lieu of water rights fee for potable water and/or raw water rights supplied by the Town, plus the cost of a water court case to change the water rights for use at the raw water system (and for use at the treatment plant). A change in point of diversion for the Applicant's Ditch No. 3 right would be much easier and less costly than changing another water right owned by the Town.

EQR ANALYSIS

The Town's EQR schedule is set forth in Section 12.16.050 of the Town Municipal Code, as was amended by Ordinance No. 18, Series 2018. The recent update reduced the EQR rating for multi-family units and the overall update was consistent with Town goals and with surrounding communities. There is no provision for an applicant to modify the EQR schedule and the calculation of the number of EQRs for the Reserve at Hockett Gulch project must follow the Town's schedule.

An EQR value is used by water service providers for purposes of tap fees or plant investment fees (PIF) for water and sewer facilities. A PIF is a "buy in" to the existing infrastructure such as diversion and treatment facilities, water/sewer mains, storage tanks, lift stations, and pressure reducing valves. Some of these facilities have an inverse relationship to daily water use. For example, fire flows are a significant portion of storage tank and water main sizing (and looping of water mains). Multi-story multi-family buildings require more fire flow capacity than single family units. For sewer systems, there is both a hydraulic loading and an organic loading to the system that requires treatment and must meet discharge standards. The organic loading is the same whether the toilet uses 5 gallons or 1.5 gallons and the concentration is higher in lower flows requiring more treatment to meet standards. PIF fees provide revenue to the Town's capital improvement funds and are utilized so that development pays its own way rather than being subsidized by monthly service fees of existing residents. The EQR represents a widely accepted methodology for equitably determining the cost to buy into the existing systems. The EQR schedule is based on a relative scale of water use and is therefore also the basis for water rights dedication and/or cash-in-lieu of water rights fee.

EQR Calculation

The Reserve at Hockett Gulch project proposes a mix of one and two bedroom multi-family units, single family, and commercial uses. The actual EQR rating will depend on the final mix of units, however, for purposes of review of the application, RESOURCE is using the most recent project configuration. The EQR calculation for the Reserve at Hockett Gulch, according to the Town Code, is approximately 396.2 EQR (depending on actual commercial development), less 35.7 EQR credit for raw water irrigation, for a total of **360.5 EQR**. The calculation includes 198 one bed/one bath units @ 0.6 EQR (**118.8 EQR**), 198 two bed/two bath units @ 0.8 EQR (**158.4 EQR**), 104 single family @ 1.0 EQR (**104 EQR**), and 30,000 SF of commercial @ 0.5 EQR/1000 SF (**15.0 EQR**) totaling **396.2 EQR**. It is noted that the commercial use EQR rating depends on the actual use and the Town Code is not 0.5 EQR/1000 SF. The value of 0.5 EQR/1000 SF is a reasonable estimate for planning purposes.

The Town Code allows for a reduction of 0.25 EQR per 2500 square feet of irrigation if raw water irrigation is provided. The project proposes 8.2 acres of raw water irrigation which would result in a reduction of 35.72 EQR ($8.2 \text{ ac} \times 43,560 \text{ SF/ac} \times 0.25 \text{ EQR} / 2500 \text{ SF}$) that could be allowed for the project. The 396 multi family units are allowed up to 500 SF of irrigation per unit for a total of up to 198,000 SF and the 104 single family units are allowed up to 2500 SF of irrigation for a total of up to 260,000 SF with a combined total of 458,000 SF (10.51 acres). This equates to 45.8 EQR ($458,000 \text{ SF} \times 0.25 \text{ EQR} / 2500 \text{ SF}$) and therefore a **credit of 35.7 EQR** would be allowed.

The net EQR total for the project is estimated at **360.5 EQR** ($396.2 - 35.7$) including 345.5 EQR for residential development and an estimated 15 EQR for 30,000 SF of commercial development. However, as noted above, the actual residential mix commercial EQR will be calculated based on actual type of use.

The Applicant's February memo presents a comparison of EQR ratings and system improvement fees from surrounding communities for the residential component of the project. It is important to note that the EQR ratings are very similar among the communities, and the Town of Eagle is less than every community except Glenwood Springs. The difference in the "cost to the developer" is in the water and sewer fees, not in the EQR schedule. The difference is primarily in the sewer fee where the Town's \$10,000 fee is more than the surrounding communities. Each community as a rational nexus basis for their PIF fees that relate to the individual communities, which have different water portfolios and water and sewer infrastructure. The "cost to developer" for water and wastewater PIF fees is only one of many components of the cost to develop in a community.

Plant Investment Fees

Currently, the Plant Investment Fee and pre-payment amounts should be calculated based on **360.5 EQR**. The final payment of fees would be based on actual development approved by the Town Board for residential uses plus the actual commercial uses approved and developed within the project. The water PIF fee would be \$3,337,509 ($360.5 \times \$9,258$) and the sewer PIF fee would be \$3,605,000 ($360.5 \times \$10,000$) for a total of \$6,942,509. The applicant is proposing to deed restrict 15 for sale units and 120 rental units, which may qualify for a 50% PIF fee discount for affordable housing. If such units qualify, and assuming an equal mix of one and two bedroom rental units, a PIF fee discount of approximately

\$820,000 would apply. The 50% discount is an incentive to develop affordable housing and is not in the code for other communities.

The Aquacraft report and the prior Aquasan report are water demand analyses from around the country that are used to estimate the population and water demand for the proposed project. The reports then develop a project specific EQR schedule. Aquacraft calculates the project at approximately 123 EQR including 105 EQR for 500 units (an average of 0.2 EQR per unit) and 18 EQR for commercial use. This is inconsistent with the Town Code and with every surrounding community.

The Applicant proposes a water PIF fee of approximately \$1,138,734 and a sewer PIF fee of approximately \$1,230,000 for a total of approximately \$2,368,734. The Applicant is requesting that the Town waive approximately \$3,750,000 to \$4,575,000 in PIF fees. This equates to a 60% to 70% reduction in PIF fees.

The Applicant argues that the project will have low flow fixtures and will conserve water. The Town already encourages water conservation through the increasing block water rate structure that reduces water demand and irrigation restrictions that reduce peak demands on the water system.

Water Rights Dedication

According to the Town Code, the Reserve at Hockett Gulch project water rights dedication requirement is based on the EQR calculation of **360.5 EQR** outlined above, plus the water rights necessary for the raw water irrigation system. The 1981 JHY Agreement provides for 88 EQR of water service and dedication of 16 AF of historic consumptive use credit associated with 0.255 cfs of the Ditch No. 3 water right. This water right was conveyed to the Town. Therefore, the Applicant must provide a water rights dedication for **272.5 EQR**, plus raw water irrigation rights. In accordance with Section 12.26.030(c), the basic water rights dedication is 0.95 AF per EQR during the irrigation season (April – October). In addition, a cash fee (determined by the Town Board) is also assessed for the non-irrigation season demand. The Town Code requirement would include water rights with 258.9 AF of historic consumptive use and cash payment for 13.6 AF (0.05×272.5) of contract storage water. The additional water rights dedication has not been adequately addressed by the Applicant.

The March 7, 2019 submittal includes a diversion and depletion analysis and a water rights dedication proposal. RESOURCE's initial review is that the Applicant's remaining water rights in Ditch No. 3 are not adequate to meet the dedication requirements and additional water rights and/or a cash-in-lieu of water rights dedication will need to be provided by the Applicant. It is RESOURCE's understanding that the Town and Applicant will be working on this issue in the coming weeks.

Stan Bernstein and Associates, Inc.

Financial Planners and Consultants

For Local Governments, Municipal Bond Underwriters, and Real Estate Developers

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MEMORANDUM

TO: Mr. Dan Metzger, Sr. Vice President, Brue Baukol Capital Partners

FROM: Amy Greer

DATE: March 6, 2019

SUBJECT: Analysis of Potential Incremental Town of Eagle Revenues Generated, and General Fund Expenditures Incurred as a result of the Reserve at Hockett Gulch PUD

In accordance with your request Stan Bernstein and Associates, Inc. has developed this **ANALYSIS OF POTENTIAL INCREMENTAL TOWN OF EAGLE REVENUES GENERATED, AND GENERAL FUND EXPENDITURES INCURRED, AS A RESULT OF THE RESERVE AT HOCKETT GULCH PUD** (the “Fiscal Impact Analysis”).

THE RESERVE AT HOCKETT GULCH PUD

The Fiscal Impact Analysis is based upon the construction of a total of 500 residential units and 30,000 square feet of commercial space. It is expected that buildout will be complete by the end of 2025 with an aggregate non-inflated value of approximately \$173.25 million as set forth on Schedule 1. Based upon an average occupancy of 1.80 persons per home it is projected that The Reserve at Hockett Gulch will generate approximately 900 full-time equivalent incremental residents at full-buildout.

INCREMENTAL TOWN OF EAGLE REVENUES, AND GENERAL FUND EXPENDITURES, BY INDIVIDUAL ACCOUNTING FUNDS

The following paragraphs summarize the forecasted non-inflated incremental Town of Eagle revenues, and incremental general fund expenditures, by individual accounting funds.

- **General Fund (Exhibit I, page 1)** Incremental General Fund revenues are forecasted to exceed incremental expenditures by approximately \$201,797 annually at stabilization (year 2027). It should be understood that Exhibit I assumes that only 3% of the incremental Town of Eagle's 4% sales tax revenues will be used to fund incremental General Fund expenditures (i.e., the remaining 1% incremental sales tax revenues will be transferred to the Town of Eagle's Capital Improvements Fund).
- **Capital Improvement Fund (Exhibit II, page 2)** Incremental Capital Improvement Fund revenues, which include street impact fees, 4% construction use tax revenues, and 1% of the incremental sales tax revenues, are forecasted to generate in excess of \$4.4 million on a non-inflated basis during the analysis period. These revenues will be available to fund incremental capital expenditures necessitated by the Town of Eagle.
- **Sales Tax Capital Improvement Fund (Exhibit III, page 3)** Incremental Sales Tax Capital Improvement Fund revenues, which include 0.5% sales tax revenues, are forecast to generate in excess of \$291,000 on a non-inflated basis during the analysis period. These revenues will be available to fund the debt service for the River Park, as well as fund other Town park and pathway capital improvements necessitated by the Town.
- **Water Fund (Exhibit IV, page 4)** Incremental Water Fund user fee revenues are forecast to generate approximately \$304,000 annually at full buildout. These revenues will be available to defray water utility operating costs and for transfer to the General Fund. Incremental Water Fund plant investment fee revenues are based on 124.16 EQR's (per AquaCraft Water Engineering and Management) and total approximately \$1.53 million. This assumes a tap fee rate of \$9,258 per EQR in 2019 with 15% annual increases in 2020 - 2022 and 3% annual increases thereafter. It is assumed that these revenues will be used to pay water utility related capital and/or debt service costs.
- **Wastewater Fund (Exhibit IV, page 4)** Incremental Wastewater Fund user fee revenues are forecast to generate approximately \$340,000 annually at stabilization. These revenues will be available to defray wastewater utility operating costs and for transfer to the General Fund. Incremental Sewer Fund plant investment fee revenues are based on 124.16 EQR's (per AquaCraft Water Engineering and Management) and total approximately \$1.24 million.

APPROACH, METHODOLOGY AND UNDERLYING ASSUMPTIONS

Stan Bernstein and Associates, Inc. believes that the most understandable way to assess The Reserve at Hockett Gulch revenue and expenditure impacts to the Town of Eagle is to identify (i) the incremental General Fund revenue and expenditure impacts, and (ii) the individual revenue impacts for the Town of Eagle's Capital Improvements Fund, Water Fund, Wastewater Fund, and Refuse Fund. Although not a direct revenue impact to the Town of Eagle, the incremental Fire Impact Fee revenues have also been identified. The incremental revenue and expenditure impacts have been identified for the years ending December 31, 2019 through 2028.

Incremental Town of Eagle Assessed Valuation. Incremental assessed valuation expected to be generated as a result of The Reserve at Hockett Gulch is forecast to increase from approximately \$130,260 in 2018 to approximately \$14.58 million for tax collection year 2027 as set forth on Schedule 1. Assessed valuation is expected to increase as a result of the completion of residential units and commercial square feet. Assessed valuation forecasts do not include the impacts of inflation and assume commercial property will be assessed at 29% of market value and residential units will be assessed at 7.20% of market value.

Incremental Town of Eagle Property Tax Revenues. Incremental Town of Eagle property tax revenues expected to be generated from The Reserve at Hockett Gulch are forecast to increase from \$316 for tax collection year 2020 to \$35,342 by tax collection year 2027 as presented on Exhibit I, page 1. This assumes that the Town of Eagle General Fund mill levy remains 2.424.

Incremental Town of Eagle Sales and Use Tax Revenues. Non-inflated incremental Town of Eagle 4% sales tax revenues expected to be generated from Reserve at Hockett Gulch are forecast to increase from \$160,784 for tax collection year 2021 to \$401,960 by tax collection year 2026 as presented on Schedule 2, page 9. Sales tax revenues have been forecasted for the Town of Eagle's General Fund (3%) and Capital Improvements Fund (1%). The sales tax revenue forecasts assume that an average of 1.8 persons will occupy each completed living unit; it is assumed that 100% of residential living units will be occupied for a full-year. It is assumed that each "full-year equivalent household" will generate incremental sales-taxable expenditures averaging \$20,098 annually (this level of expenditure was calculated by dividing the year 2018 budgeted taxable sales (\$92.45 million) by the number of Town of Eagle households (2,300) which results in an average taxable expenditure per capita of \$40,197 which has been factored by 50% to compensate for expenditures incurred by non-Eagle related I-70 travelers).

Non-inflated 4% Town of Eagle construction materials use tax revenues expected to be generated from The Reserve at Hockett Gulch are forecast to generate approximately \$3.48 million during 2020 through 2025 and be used to fund capital improvements (i.e., these revenues are earmarked for the Town of Eagle's Capital Improvements Fund). This does not account for any use tax refunds that may be issued by the Town. The construction materials use tax revenue forecasts assume that the

average non-inflated construction value of an average home is \$332,500 excluding land and builders' profit and that 50% of such costs will be for construction materials.

Incremental Town of Eagle General Fund Other Revenues. Non-inflated incremental Town of Eagle General Fund revenues (i.e., other than sales or property tax revenues) have been forecast for each General Fund revenue source based upon a "revenue generation per household" approach. This approach assumes that each incremental household within The Reserve at Hockett Gulch will generate the same amount of incremental revenues to the Town of Eagle's General Fund that are currently being generated for each household within the boundaries of the Town of Eagle (for financial planning purposes it is assumed that there are approximately 2,300 households within the Town of Eagle. These incremental forecasted General Fund revenues are presented on Exhibit I, page 1.

Incremental Town of Eagle General Fund Expenditures. Uninflated incremental Town of Eagle General Fund expenditures have been forecasted by departments (i.e., General and Administration Department; Building, Zoning and Planning Department; Public Safety – Police Department; and Buildings and Grounds Department). Incremental Administration Department cost allowances associated with The Reserve at Hockett Gulch are difficult to assess but have been forecasted to be \$121 per household based on the assumption that 33% of the Town of Eagle's year 2018 budgeted Administrative expenses are variable costs. Building, Zoning, and Planning Department annual incremental costs have been forecasted to be 65% of permit revenues and 65% of construction related reimbursement revenues. Public Works - Streets is not included as it is anticipated that the roads within The Reserve at Hockett Gulch will remain private and be maintained as such. Public Safety – Police Department annual incremental costs have been forecasted to be \$370 per household based on the assumption that 50% of the Town of Eagle's year 2018 budgeted Police Department costs are variable type costs. Buildings and Grounds Department annual incremental costs have been forecasted to be \$145 per household based on the assumption that 50% of the Town of Eagle's year 2018 budgeted Building and Grounds Department costs are variable type costs. These incremental General Fund Expenditures are presented on Exhibit I, page 1.

Incremental Town of Eagle Water, Wastewater, and Street Improvement Fee Revenues. Incremental Water Plant Investment Fee revenues are based on 124.16 EQRs as provided by AquaCraft Water Engineering and Management and total approximately \$1.53 million. This assumes a plant investment fee rate of \$9,258 per EQR and include 13% increases during 2020 -2022 and 3% annual increases thereafter. Water User Fee revenues are based upon a monthly base rate of \$35.29 per dwelling unit, a user fee of \$1.50 per 0 – 6,000 gallons of water used (assumes average usage of 3,000 gallons per household), and an average monthly usage surcharge rate of \$12.50 per dwelling unit and are forecast to generate approximately \$304,000 annually at full-buildout. Incremental Sewer Plant Investment Fee revenues are based on 124.16 EQR's as provided by AquaCraft Water Engineering and Management and total approximately

\$1.24 million. This assumes an average Sewer Plant Investment Fee rate of \$10,000 per EQR in 2019 and 0% annual increases. Sewer User Fee revenues are based upon an average monthly base rate per dwelling unit of \$56.02 and are forecast to generate approximately \$340,000 annually at full-buildout.

Incremental Trash Removal (Refuse) User Fee revenues are not included as they are contracted with Vail Honeywagon at cost.

Incremental Street Improvement Fee revenues, which are earmarked for the Town of Eagle's Capital Improvements Fund, have been based upon an average one-time single-family residential rate of \$1,016, multifamily residential rate of \$646, restaurant rate of \$3,613 and commercial rate of \$1,016 per 1,000 square feet of commercial space. They are forecast to generate approximately \$366,465 from 2019 through 2024.

A park land dedication fee of \$50,000 will be paid upfront to the Town of Eagle by the applicant.

School land dedication fees are estimated at \$207,328 (based on \$155,000 per acre).

Incremental Fire Impact Fee Revenues. Although not a revenue source to the Town of Eagle, incremental Fire Impact Fee revenues are based upon one-time impact fee rates of \$806.40 per multi family dwelling unit and \$711.20 per 1,000 square feet of commercial. Fire Impact Fee revenues are forecast to total \$424,536 during the analysis period.

LIMITING FACTORS

Although Stan Bernstein and Associates, Inc. believes the assumptions and methodology that have been used to develop the Fiscal Impact Analysis are reasonable, certain assumptions may or may not materialize which might cause actual results to differ from forecasted results and such variation may be material. Consequently, Stan Bernstein and Associates, Inc. does not vouch for the achievability of the assumptions or for the forecasted results.

If you have any questions or comments regarding this analysis, please do not hesitate to contact me.

Very truly yours,

STAN BERNSTEIN AND ASSOCIATES, INC. (signed)

Stan Bernstein and Associates, Inc.

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
GENERAL FUND
FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
2019\$ (NO INFLATION)

Working Draft, Subject To Change
6-Mar-19

EXHIBIT I - PROJECTED GENERAL FUND REVENUES AND EXPENDITURES

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
<u>GENERAL FUND - REVENUES:</u>											
TAXES:											
General Property @ 2.424 Mills (See Schedule 1)	0	316	2,424	12,120	12,120	12,120	21,816	21,816	35,342	35,342	153,416
Sales Tax for General Fund @ 4% (See Schedule 2)	0	0	160,784	160,784	160,784	321,568	321,568	401,960	401,960	401,960	2,331,368
Franchise Taxes @ \$91.78 per Household	0	0	<u>18,356</u>	<u>18,356</u>	<u>18,356</u>	<u>36,712</u>	<u>36,712</u>	<u>45,890</u>	<u>45,890</u>	<u>45,890</u>	<u>266,162</u>
Total Taxes	0	<u>316</u>	<u>181,564</u>	<u>191,260</u>	<u>191,260</u>	<u>370,400</u>	<u>380,096</u>	<u>469,666</u>	<u>483,192</u>	<u>483,192</u>	<u>2,750,946</u>
LICENSES AND PERMITS:											
Building Permits @ .006 x Cost of Construction	0	<u>399,000</u>	0	0	<u>399,000</u>	0	<u>271,500</u>	0	0	0	<u>1,069,500</u>
Total Licenses and Permits	0	<u>399,000</u>	0	0	<u>399,000</u>	0	<u>271,500</u>	0	0	0	<u>1,069,500</u>
INTERGOVERNMENTAL REVENUE:											
Motor Vehicle License Fee @ \$13.04 per household	0	0	2,608	2,608	2,608	5,216	5,216	6,520	6,520	6,520	37,816
Specific Ownership @ 7.8% of Property Taxes	0	25	189	945	945	945	1,702	1,702	2,757	2,757	11,966
Cigarette Tax @ \$4.78 per household	0	0	956	956	956	1,912	1,912	2,390	2,390	2,390	13,862
Road & Bridge Fund @ .6795 mills (50% of County R&B Fund)	89	680	3,398	3,398	3,398	6,116	6,116	9,907	9,907	9,907	52,913
County Sales Tax @ 3.4% of 4% Town sales taxes	0	0	<u>5,467</u>	<u>5,467</u>	<u>5,467</u>	<u>10,933</u>	<u>10,933</u>	<u>13,667</u>	<u>13,667</u>	<u>13,667</u>	<u>79,267</u>
Total Intergovernmental Revenue	<u>89</u>	<u>704</u>	<u>12,617</u>	<u>13,374</u>	<u>13,374</u>	<u>25,122</u>	<u>25,878</u>	<u>34,185</u>	<u>35,240</u>	<u>35,240</u>	<u>195,824</u>
CHARGES FOR SERVICES:											
Inspections and Reimburseables @ \$1,000 per unit(construction related)	0	<u>200,000</u>	0	0	<u>200,000</u>	0	<u>100,000</u>	0	0	0	<u>500,000</u>
Total Charges For Services	0	<u>200,000</u>	0	0	<u>200,000</u>	0	<u>100,000</u>	0	0	0	<u>500,000</u>
FINES AND FORFEITURES:											
Fines and Forfeitures @ \$56.04 per household	0	0	<u>11,208</u>	<u>11,208</u>	<u>11,208</u>	<u>22,416</u>	<u>22,416</u>	<u>28,020</u>	<u>28,020</u>	<u>28,020</u>	<u>162,516</u>
Total Fines and Forfeitures	0	0	<u>11,208</u>	<u>11,208</u>	<u>11,208</u>	<u>22,416</u>	<u>22,416</u>	<u>28,020</u>	<u>28,020</u>	<u>28,020</u>	<u>162,516</u>
MISCELLANEOUS REVENUE:											
Interest & Other @ \$147.50 per household	0	0	<u>29,500</u>	<u>29,500</u>	<u>29,500</u>	<u>59,000</u>	<u>59,000</u>	<u>73,750</u>	<u>73,750</u>	<u>73,750</u>	<u>427,750</u>
Total Miscellaneous Revenue	0	0	<u>29,500</u>	<u>29,500</u>	<u>29,500</u>	<u>59,000</u>	<u>59,000</u>	<u>73,750</u>	<u>73,750</u>	<u>73,750</u>	<u>427,750</u>
			53,325	54,082	54,082	106,538	107,294	135,955	137,010	137,010	786,090
TOTAL GENERAL FUND REVENUES	<u>89</u>	<u>600,020</u>	<u>234,889</u>	<u>245,342</u>	<u>844,342</u>	<u>476,938</u>	<u>858,890</u>	<u>605,621</u>	<u>620,202</u>	<u>620,202</u>	<u>5,106,535</u>
<u>GENERAL FUND - EXPENDITURES:</u>											
GENERAL AND ADMINISTRATION @ 33% variable = \$121.07 per household	0	0	24,214	24,214	24,214	48,428	48,428	60,535	60,535	60,535	351,103
BLDG, ZONING, PLANNING (65% of Inspection Fees + Reimbursements)	0	389,350	0	0	389,350	0	241,475	0	0	0	1,020,175
PUBLIC WORKS - STREETS @ 50% variable (assumes roads private)	0	0	0	0	0	0	0	0	0	0	0
PUBLIC SAFETY - POLICE @ 50% variable = \$370.21 per household	0	0	74,042	74,042	74,042	148,084	148,084	185,105	185,105	185,105	1,073,609
BUILDINGS AND GROUNDS @ 50% variable = \$144.55 per household	0	0	28,910	28,910	28,910	57,820	57,820	72,275	72,275	72,275	419,195
TRANSFER TO CAPITAL IMPROVEMENT FUND (25% of Sales Tax Revs)	0	0	<u>40,196</u>	<u>40,196</u>	<u>40,196</u>	<u>80,392</u>	<u>80,392</u>	<u>100,490</u>	<u>100,490</u>	<u>100,490</u>	<u>582,842</u>
TOTAL GENERAL FUND - EXPENDITURES	0	<u>389,350</u>	<u>167,362</u>	<u>167,362</u>	<u>556,712</u>	<u>334,724</u>	<u>576,199</u>	<u>418,405</u>	<u>418,405</u>	<u>418,405</u>	<u>3,446,924</u>
EXCESS ANNUAL REVENUES OVER EXPEND. - GENERAL FUND	<u>89</u>	<u>210,670</u>	<u>67,527</u>	<u>77,980</u>	<u>287,630</u>	<u>142,214</u>	<u>282,691</u>	<u>187,216</u>	<u>201,797</u>	<u>201,797</u>	<u>1,659,611</u>
CUMULATIVE EXCESS REVENUES OVER EXPEND. - GENERAL FUND	<u>89</u>	<u>210,758</u>	<u>278,286</u>	<u>356,265</u>	<u>643,895</u>	<u>786,109</u>	<u>1,068,800</u>	<u>1,256,017</u>	<u>1,457,814</u>	<u>1,659,611</u>	<u>1,659,611</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
 CAPITAL IMPROVEMENT FUND
 FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
 2019\$ (NO INFLATION)

Working Draft, Subject To Change
 6-Mar-19

EXHIBIT II - PROJECTED CAPITAL IMPROVEMENT FUND REVENUES

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
CAPITAL IMPROVEMENT FUND REVENUES:											
STREET IMPACT FEES (SCHEDULE 3)	129,200	0	0	129,200	0	108,065	0	0	0	0	366,465
4% USE TAX (SCHEDULE 2)	0	1,330,000	0	0	1,330,000	0	823,400	0	0	0	3,483,400
25% OF SALES TAX TRANSFERRED FROM GENERAL FUND (EXHIBIT I)	<u>0</u>	<u>0</u>	<u>40,196</u>	<u>40,196</u>	<u>40,196</u>	<u>80,392</u>	<u>80,392</u>	<u>100,490</u>	<u>100,490</u>	<u>100,490</u>	<u>582,842</u>
TOTAL REVENUES	<u>129,200</u>	<u>1,330,000</u>	<u>40,196</u>	<u>169,396</u>	<u>1,370,196</u>	<u>188,457</u>	<u>903,792</u>	<u>100,490</u>	<u>100,490</u>	<u>100,490</u>	<u>4,432,707</u>
EXPENDITURES:											
ALLOWANCE FOR PAY AS YOU GO CAPITAL IMPROVEMENTS	<u>129,200</u>	<u>1,330,000</u>	<u>40,196</u>	<u>169,396</u>	<u>1,370,196</u>	<u>188,457</u>	<u>903,792</u>	<u>100,490</u>	<u>100,490</u>	<u>100,490</u>	<u>4,432,707</u>
TOTAL EXPENDITURES											
EXCESS REVENUES OVER EXPENDITURES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
 SALES TAX CAPITAL IMPROVEMENT FUND
 FOR THE YEARS ENDING DECEMBER 31, 2018 THROUGH 2028
 2019\$ (NO INFLATION)

Working Draft, Subject To Change
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EXHIBIT III - PROJECTED CAPITAL IMPROVEMENT FUND REVENUES

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
SALES TAX CAPITAL IMPROVEMENT FUND REVENUES:											
0.5% SALES TAX (SCHEDULE 2)	<u>0</u>	<u>0</u>	<u>20,098</u>	<u>20,098</u>	<u>20,098</u>	<u>40,196</u>	<u>40,196</u>	<u>50,245</u>	<u>50,245</u>	<u>50,245</u>	<u>291,421</u>
TOTAL REVENUES	<u>0</u>	<u>0</u>	<u>20,098</u>	<u>20,098</u>	<u>20,098</u>	<u>40,196</u>	<u>40,196</u>	<u>50,245</u>	<u>50,245</u>	<u>50,245</u>	<u>291,421</u>
EXPENDITURES:											
ALLOWANCE FOR PAY AS YOU GO CAPITAL IMPROVEMENTS	<u>0</u>	<u>0</u>	<u>20,098</u>	<u>20,098</u>	<u>20,098</u>	<u>40,196</u>	<u>40,196</u>	<u>50,245</u>	<u>50,245</u>	<u>50,245</u>	<u>291,421</u>
TOTAL EXPENDITURES											
EXCESS REVENUES OVER EXPENDITURES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
WATER, WASTEWATER AND REFUSE FUNDS
FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
2019\$ (NO INFLATION)

Working Draft, Subject To Change
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EXHIBIT IV - PROJECTED WATER, WASTEWATER AND REFUSE FUND REVENUES

<u>WATER FUND</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
Water Plant Investment Fee Revenue (See Schedule 3)	459,678	0	0	699,113	0	370,845	0	0	0	0	1,529,636
Water User Fee Revenue (See Schedule 3)	<u>0</u>	<u>0</u>	<u>116,523</u>	<u>117,478</u>	<u>118,461</u>	<u>238,948</u>	<u>241,035</u>	<u>303,981</u>	<u>306,748</u>	<u>309,598</u>	<u>1,752,772</u>
TOTAL WATER FUND REVENUES	<u>459,678</u>	<u>0</u>	<u>116,523</u>	<u>816,591</u>	<u>118,461</u>	<u>609,793</u>	<u>241,035</u>	<u>303,981</u>	<u>306,748</u>	<u>309,598</u>	<u>3,282,408</u>
TOTAL WATER FUND REVENUES - CUMULATIVE	<u>459,678</u>	<u>459,678</u>	<u>576,201</u>	<u>1,392,792</u>	<u>1,511,253</u>	<u>2,121,046</u>	<u>2,362,082</u>	<u>2,666,062</u>	<u>2,972,810</u>	<u>3,282,408</u>	<u>3,282,408</u>
<u>WASTEWATER FUND</u>											
Wastewater Plant Investment Fee Revenue (See Schedule 3)	496,520	0	0	496,520	0	248,260	0	0	0	0	1,241,300
Wastewater User Fee Revenue (See Schedule 3)	<u>0</u>	<u>0</u>	<u>134,448</u>	<u>134,448</u>	<u>134,448</u>	<u>268,896</u>	<u>268,896</u>	<u>336,120</u>	<u>336,120</u>	<u>336,120</u>	<u>1,949,496</u>
TOTAL WASTEWATER FUND REVENUES	<u>496,520</u>	<u>0</u>	<u>134,448</u>	<u>630,968</u>	<u>134,448</u>	<u>517,156</u>	<u>268,896</u>	<u>336,120</u>	<u>336,120</u>	<u>336,120</u>	<u>3,190,796</u>
TOTAL WASTEWATER FUND REVENUES - CUMULATIVE	<u>496,520</u>	<u>496,520</u>	<u>630,968</u>	<u>1,261,936</u>	<u>1,396,384</u>	<u>1,913,540</u>	<u>2,182,436</u>	<u>2,518,556</u>	<u>2,854,676</u>	<u>3,190,796</u>	<u>3,190,796</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
 CONSERVATION TRUST FUND
 FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
 2019\$ (NO INFLATION)

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EXHIBIT V - PROJECTED CONSERVATION FUND REVENUES

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
<u>CONSERVATION TRUST FUND REVENUES</u>											
Conservation Trust Fund Revenues @ \$12.46 per Household	<u>0</u>	<u>0</u>	<u>2,492</u>	<u>2,492</u>	<u>2,492</u>	<u>4,984</u>	<u>4,984</u>	<u>6,230</u>	<u>6,230</u>	<u>6,230</u>	<u>36,134</u>
TOTAL CONSERVATION TRUST REVENUES - CUMULATIVE	<u>0</u>	<u>0</u>	<u>2,492</u>	<u>4,984</u>	<u>7,476</u>	<u>12,460</u>	<u>17,444</u>	<u>23,674</u>	<u>29,904</u>	<u>36,134</u>	<u>36,134</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
PROJECTED FIRE IMPACT FEE REVENUES
FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
2019\$ (NO INFLATION)

Working Draft, Subject To Change
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EXHIBIT VI - FIRE IMPACT FEE REVENUES

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
FIRE IMPACT FEE REVENUES (SCH. 3)	<u>161,280</u>	<u>0</u>	<u>0</u>	<u>161,280</u>	<u>0</u>	<u>101,976</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>424,536</u>
FIRE IMPACT FEE REVENUES - CUMULATIVE	<u>161,280</u>	<u>161,280</u>	<u>161,280</u>	<u>322,560</u>	<u>322,560</u>	<u>424,536</u>	<u>424,536</u>	<u>424,536</u>	<u>424,536</u>	<u>424,536</u>	<u>424,536</u>

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE
 PROJECTED PROPERTY TAX REVENUES GENERATED FOR VARIOUS OVERLAPPING
 TOWN OF EAGLE GOVERNMENTAL ENTITIES
 FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028
 2019\$ (NO INFLATION)

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EXHIBIT VII - PROJECTED PROPERTY TAX REVENUES GENERATED FOR OVERLAPPING TAXING ENTITIES

	ASSUMED MILL LEVY	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	TOTALS
PROJECTED ASSESSED VALUATION - RESERVE AT HOCKETT GULCH PUD		0	130,260	1,000,000	5,000,000	5,000,000	5,000,000	9,000,000	9,000,000	14,580,000	14,580,000	
<u>OVERLAPPING ENTITIES (EAGLE IN TOWN MILL LEVY):</u>												
EAGLE COUNTY	8.499	0	1,107	8,499	42,495	42,495	42,495	76,491	76,491	123,915	123,915	537,912
COLORADO MOUNTAIN COLLEGE	3.997	0	521	3,997	19,985	19,985	19,985	35,973	35,973	58,276	58,276	252,975
SCHOOL DISTRICT RE-50J	24.912	0	3,245	24,912	124,560	124,560	124,560	224,208	224,208	363,217	363,217	1,576,712
TOWN OF EAGLE	2.424	0	316	2,424	12,120	12,120	12,120	21,816	21,816	35,342	35,342	153,418
EAGLE CEMETERY DISTRICT	0.246	0	32	246	1,230	1,230	1,230	2,214	2,214	3,587	3,587	15,570
GREATER EAGLE FIRE PROTECTION DISTRICT	10.000	0	1,303	10,000	50,000	50,000	50,000	90,000	90,000	145,800	145,800	632,913
WESTERN EAGLE COUNTY RECREATION DISTRICT	3.650	0	475	3,650	18,250	18,250	18,250	32,850	32,850	53,217	53,217	231,013
COLORADO RIVER WATER CONSERVATION DISTRICT	0.254	0	33	254	1,270	1,270	1,270	2,286	2,286	3,703	3,703	16,076
EAGLE VALLEY LIBRARY DISTRICT	2.750	0	358	2,750	13,750	13,750	13,750	24,750	24,750	40,095	40,095	174,051
EAGLE COUNTY HEALTH SERVICE (AMBULANCE)	2.753	0	359	2,753	13,765	13,765	13,765	24,777	24,777	40,139	40,139	174,241
TOTAL - ALL OVERLAPPING ENTITIES	59.485	-	7,749	59,485	297,425	297,425	297,425	535,365	535,365	867,291	867,291	3,764,881

SCHEDULE 1
RESERVE AT HOCKETT GULCH
PROJECTED ASSESSED VALUATION - BUILDOUT & LOT SALES
FOR THE YEARS ENDING DECEMBER 31, 2018 THROUGH 2028
2019\$ (Uninflated)

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BUILDOUT - INCLUDES UNIT LOT VALUES AS SHOWN BELOW:			
	Planned	Average	Total
Description of Unit	Number	Per Unit	Gross Unit
	of Units	Price	Volume
Phase 1			
1 Bedroom Apartments	200	275,000	55,000,000
2 Bedroom Apartments	200	350,000	70,000,000
Phase 2			
2 Bedroom Condo/TH	50	375,000	18,750,000
3 Bedroom Condo /TH	50	450,000	22,500,000
Total Project	500	332,500	166,250,000
Commercial Sq. Ft.			
Grocery	15,000	400	6,000,000
Retail	10,000	200	2,000,000
Restaurant	5,000	200	1,000,000
	30,000		9,000,000
Total Value - Entire Project			173,250,000

Estimated Actual Value of Residential

1 Bedroom Apartments	0	0	27,500,000	0	0	27,500,000	0	0	0	0	0	0	0	0
2 Bedroom Apartments	0	0	35,000,000	0	0	35,000,000	0	0	0	0	0	0	0	0
2 Bedroom Condo/TH	0	0	0	0	0	0	0	0	0	18,750,000	0	0	0	0
3 Bedroom Condo /TH	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>22,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Incremental Estimate Actual Value of Residential	<u>0</u>	<u>0</u>	<u>62,500,000</u>	<u>0</u>	<u>0</u>	<u>62,500,000</u>	<u>0</u>	<u>0</u>	<u>41,250,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Cumulative Estimate Actual Value of Residential	<u>0</u>	<u>0</u>	<u>62,500,000</u>	<u>62,500,000</u>	<u>62,500,000</u>	<u>125,000,000</u>	<u>125,000,000</u>	<u>166,250,000</u>	<u>166,250,000</u>	<u>166,250,000</u>	<u>166,250,000</u>	<u>166,250,000</u>	<u>166,250,000</u>	<u>166,250,000</u>

Estimated Actual Value of Commercial

Grocery	0	0	0	0	0	0	0	6,000,000	0	0	0	0	0	0
Retail	0	0	0	0	0	0	0	2,000,000	0	0	0	0	0	0
Restaurant	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Incremental Estimate Actual Value of Commercial	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Cumulative Estimate Actual Value of Commercial	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>

Estimate Assessed Value (Cumulative)

Estimated Assessed Value Of Vacant Land @ 29%	<u>130,260</u>	<u>1,000,000</u>	<u>500,000</u>	<u>500,000</u>	<u>500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Estimated Assessed Value Of Residential Product @ 7.20%	<u>0</u>	<u>0</u>	<u>4,500,000</u>	<u>4,500,000</u>	<u>4,500,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>11,970,000</u>	<u>11,970,000</u>	<u>11,970,000</u>	<u>11,970,000</u>	<u>11,970,000</u>	<u>11,970,000</u>	<u>11,970,000</u>
Estimated Assessed Value Of Commercial Property @ 29%	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,610,000</u>	<u>2,610,000</u>	<u>2,610,000</u>	<u>2,610,000</u>	<u>2,610,000</u>	<u>2,610,000</u>	<u>2,610,000</u>
Total Estimated Assessed Value Of Vacant Land, Comm. & Resid.	<u>130,260</u>	<u>1,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>9,000,000</u>	<u>9,000,000</u>	<u>14,580,000</u>	<u>14,580,000</u>	<u>14,580,000</u>	<u>14,580,000</u>	<u>14,580,000</u>	<u>14,580,000</u>	<u>14,580,000</u>

TOE Mill Levy	2.424	<u>316</u>	<u>2,424</u>	<u>12,120</u>	<u>12,120</u>	<u>12,120</u>	<u>21,816</u>	<u>21,816</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>
TOE Mill Levy - WW	0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	2.424	<u>316</u>	<u>2,424</u>	<u>12,120</u>	<u>12,120</u>	<u>12,120</u>	<u>21,816</u>	<u>21,816</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>	<u>35,342</u>

Year Assessed Valuation Certified	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029		
Year Taxes Received	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		

SCHEDULE 2

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE

PROJECTED TOWN OF EAGLE 4.5% SALES AND USE TAXES

FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028

2019\$ (Uninflated)

Working Draft, Subject To Change

6-Mar-19

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
Projected Cumulative Households Completed (Occupied 1 year after completion)	<u>0</u>	<u>0</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>400</u>	<u>400</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>500</u>
Projected Households:											
Assumed Average Number of Residents per Household	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	<u>1.80</u>	
Assumed Number of Residents	<u>0</u>	<u>0</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>720</u>	<u>720</u>	<u>900</u>	<u>900</u>	<u>900</u>	<u>900</u>
Allocation of Types of Households:											
Assumed Percentage of Households Occupied for Full Year	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	
Assumed Percentage of Households Occupied for Half Year	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	
Assumed Percentage of Households Occupied for One Month	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	
Assumed Number of Households Occupied for Full Year	<u>0</u>	<u>0</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>400</u>	<u>400</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>500</u>
Assumed Number of Households Occupied for Half Year	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Assumed Number of Households Occupied for One Month	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Assumed Total Number of Households	<u>0</u>	<u>0</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>400</u>	<u>400</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>500</u>
Assumed Total Number of Full Year Equiv. Households	<u>0</u>	<u>0</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>400</u>	<u>400</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>500</u>
Projected Town of Eagle Taxable Sales Generated From Groceries/Residential Utilities/Other (liquor, sundries, hardware and materials, clothing, gifts, restaurants, etc.):											
Assumed Annual Taxable Sales for Households Occupied for Full Year (1)	20,098	20,098	20,098	20,098	20,098	20,098	20,098	20,098	20,098	20,098	
Assumed Annual Taxable Sales for Households Occupied for Half Year	10,049	10,049	10,049	10,049	10,049	10,049	10,049	10,049	10,049	10,049	
Assumed Annual Taxable Sales for Households Occupied for One Year	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	
Projected Annual Taxable Sales Generated From Groceries/Residential Utilities/Other (liquor, sundries, hardware and materials, clothing, gifts, etc.):											
Projected Annual Taxable Sales for Households Occupied for Full Year	0	0	4,019,600	4,019,600	4,019,600	8,039,200	8,039,200	10,049,000	10,049,000	10,049,000	58,284,200
Projected Annual Taxable Sales for Households Occupied for Half Year	0	0	0	0	0	0	0	0	0	0	0
Projected Annual Taxable Sales for Households Occupied for One Year	0	0	0	0	0	0	0	0	0	0	0
Projected Annual Sales from All Households - (Groceries/Utilities/Other)	<u>0</u>	<u>0</u>	<u>4,019,600</u>	<u>4,019,600</u>	<u>4,019,600</u>	<u>8,039,200</u>	<u>8,039,200</u>	<u>10,049,000</u>	<u>10,049,000</u>	<u>10,049,000</u>	<u>58,284,200</u>
Projected 4.5% Town of Eagle Sales Tax Revenues from Groceries/Utilities/Other:											
Projected 4.5% Sales Tax Revenues for Households Occupied for Full Year	0	0	180,882	180,882	180,882	361,764	361,764	452,205	452,205	452,205	2,622,789
Projected 4.5% Sales Tax Revenues for Households Occupied for Half Year	0	0	0	0	0	0	0	0	0	0	0
Projected 4.5% Sales Tax Revenues Households Occupied for One Year	0	0	0	0	0	0	0	0	0	0	0
Projected 4.5% Sales Tax Revenues from Groc./Util./Other - All Residents	<u>0</u>	<u>0</u>	<u>180,882</u>	<u>180,882</u>	<u>180,882</u>	<u>361,764</u>	<u>361,764</u>	<u>452,205</u>	<u>452,205</u>	<u>452,205</u>	<u>2,622,789</u>
Projected 4.0% Sales Tax Revenues from Hockett Gulch to General Fund	<u>0</u>	<u>0</u>	<u>160,784</u>	<u>160,784</u>	<u>160,784</u>	<u>321,568</u>	<u>321,568</u>	<u>401,960</u>	<u>401,960</u>	<u>401,960</u>	<u>2,331,368</u>
Projected .5% Sales Tax Revenues from Hockett Gulch to Sales Tax Capital Imp. Fund	<u>0</u>	<u>0</u>	<u>20,098</u>	<u>20,098</u>	<u>20,098</u>	<u>40,196</u>	<u>40,196</u>	<u>50,245</u>	<u>50,245</u>	<u>50,245</u>	<u>291,421</u>
Projected 4% Town of Eagle Use Tax Revenues from Construction Materials:											
Projected Building Permit Value @ \$332,500 Average Bldg. Permit	0	<u>66,500,000</u>	0	0	<u>66,500,000</u>	0	<u>33,250,000</u>	0	0	0	<u>166,250,000</u>
Assumed Cost of Construction Materials @ 50% of Bldg. Permit Value	0	<u>33,250,000</u>	0	0	<u>33,250,000</u>	0	<u>16,625,000</u>	0	0	0	<u>83,125,000</u>
Projected Non-Residential Value Constructed	0	0	0	0	0	0	<u>12,000,000</u>	0	0	0	<u>12,000,000</u>
Assumed Cost of Construction Materials - Commercial @ 33%	0	0	0	0	0	0	<u>3,960,000</u>	0	0	0	<u>3,960,000</u>
Projected 4% Use Tax Construction Materials - Residential	0	<u>1,330,000</u>	0	0	<u>1,330,000</u>	0	<u>665,000</u>	0	0	0	<u>3,325,000</u>
Projected 4% Use Tax Construction Materials - Non-Residential	0	0	0	0	0	0	<u>158,400</u>	0	0	0	<u>158,400</u>
Projected 4% Use Tax Revenues from Construction Materials	<u>0</u>	<u>1,330,000</u>	<u>0</u>	<u>0</u>	<u>1,330,000</u>	<u>0</u>	<u>823,400</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,483,400</u>

Note 1: The \$20,098 per household expenditure was estimated as follows: \$92,452,289 budgeted year 2018 taxable sales divided by 2,300 current Town of Eagle households = \$40,197 per household divided by two = \$20,098 sales taxable expenditures per household

SCHEDULE 3

RESERVE AT HOCKETT GULCH - DIRECT FISCAL IMPACTS TO TOWN OF EAGLE

PROJECTED WATER AND SEWER TAP FEE AND USER FEE REVENUES

Working Draft, Subject To Change

PROJECTED TRASH REMOVAL USER FEE REVENUES

6-Mar-19

PROJECTED STREET IMPACT FEE REVENUES

PROJECTED FIRE IMPACT FEES

FOR THE YEARS ENDING DECEMBER 31, 2019 THROUGH 2028

2019\$ (NO INFLATION)

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>TOTALS</u>
Total Projec. Number of Incremental EQR's per AquaCraft	<u>167.53</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>167.53</u>
Projec. Number of Incremental EQR's online for full year (1 dwelling unit = .335 EQR)	67.0	0.0	0.0	67.0	0.0	33.5	0.0	0.0	0.0	0.0	167.5
Less non potable credit (total IRR = 43.37)	<u>(17.3)</u>	<u>0.0</u>	<u>0.0</u>	<u>(17.3)</u>	<u>0.0</u>	<u>(8.7)</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>(43.4)</u>
Net Number Incremental EQR's for Water and Sewer PIF	<u>49.7</u>	<u>0.0</u>	<u>0.0</u>	<u>49.7</u>	<u>0.0</u>	<u>24.8</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>124.1</u>
Projected Water Plant Investment Fee Revenues:											
Assumed Average Rate per EQR per Town of Eagle (paid at permit)	<u>9,258</u>	<u>10,647</u>	<u>12,244</u>	<u>14,080</u>	<u>14,503</u>	<u>14,938</u>	<u>15,386</u>	<u>15,847</u>	<u>16,323</u>	<u>16,813</u>	
Total Projected Water Plant Investment Fee Revenues	<u>459,678</u>	<u>0</u>	<u>0</u>	<u>699,113</u>	<u>0</u>	<u>370,845</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,529,636</u>
Projected Sewer Plant Investment Fee Revenues:											
Assumed Average Rate per EQR of Eagle (paid at permit)	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	
Total Projected Plant Investment Fee Revenues	<u>496,520</u>	<u>0</u>	<u>0</u>	<u>496,520</u>	<u>0</u>	<u>248,260</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,241,300</u>
Projected Water User Fee Revenues:											
Assumed Average Annual Rate per dwelling unit (\$35.29/Month/Ave. for 1,000 gallons)	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	<u>423.48</u>	
Additional Usage Fee per 0 - 6,000 gallons (3% increases)	<u>1.50</u>	<u>1.55</u>	<u>1.59</u>	<u>1.64</u>	<u>1.69</u>	<u>1.74</u>	<u>1.79</u>	<u>1.84</u>	<u>1.90</u>	<u>1.96</u>	
Additional Annual Usage Fee Revenues at average 3,000 gallons used per EQR	<u>54.00</u>	<u>55.62</u>	<u>57.29</u>	<u>59.01</u>	<u>60.78</u>	<u>62.60</u>	<u>64.48</u>	<u>66.41</u>	<u>68.41</u>	<u>70.46</u>	
Assumed Average Annual Surcharge per EQR (\$12.50/Month Average Usage)	<u>150.00</u>	<u>154.50</u>	<u>159.14</u>	<u>163.91</u>	<u>168.83</u>	<u>173.89</u>	<u>179.11</u>	<u>184.48</u>	<u>190.02</u>	<u>195.72</u>	
Total Projected Water User Fee Revenues	<u>0</u>	<u>0</u>	<u>116,523</u>	<u>117,478</u>	<u>118,461</u>	<u>238,948</u>	<u>241,035</u>	<u>303,981</u>	<u>306,748</u>	<u>309,598</u>	<u>309,598</u>
Projected Sewer User Fee Revenues:											
Assumed Average Annual Rate per dwelling unit (\$56.02/Month)	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	<u>672</u>	
Total Projected Sewer User Fee Revenues	<u>0</u>	<u>0</u>	<u>134,448</u>	<u>134,448</u>	<u>134,448</u>	<u>268,896</u>	<u>268,896</u>	<u>336,120</u>	<u>336,120</u>	<u>336,120</u>	<u>1,949,496</u>
Projected Street Impact Fee Revenues (paid at permit):											
Assumed Average Rate per DU - Multi Family Residential	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	<u>646.00</u>	
Assumed Average Rate per 1,000 SF - Commercial	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	<u>1,016.00</u>	
Assumed Average Rate per 1,000 SF - Sit Down Restaurant	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	<u>3,613.00</u>	
Projected Street Improvement Fee Revenues	<u>129,200</u>	<u>0</u>	<u>0</u>	<u>129,200</u>	<u>0</u>	<u>108,065</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>366,465</u>
Projected Fire Impact Fee Revenues (paid at permit):											
Assumed Average Rate per MF DU - Residential	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	<u>806.40</u>	
Assumed Average Rate per 1,000 SF - Commercial	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	<u>711.20</u>	
Projected Fire Impact Fee Revenues	<u>161,280</u>	<u>0</u>	<u>0</u>	<u>161,280</u>	<u>0</u>	<u>101,976</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>424,536</u>

Revenues at Stabilization - 2027

Revenue Source - Town of Eagle	Occurrence	Projected Total Amount
Sales Tax Revenues - General Fund	Annual	401,960
Property Tax - General Fund	Annual	35,342
Water User Fees	Annual	303,981
Sewer User Fees	Annual	336,120
Other Revenues (fines, charges, misc)	Annual	137,010
Conservation Fund Revenues	Annual	6,230
Total	Annual	\$ 1,220,643
One Time Fees		
Water Plant Improvement Fees	One time fee	1,529,636
Sewer Plant Investment Fees	One time fee	1,241,300
Street Improvement Fees	One time fee	366,465
Construction Use Tax	One time fee	3,483,400
Licenses and Building Permits	One time fee	1,069,500
Inspection Fees	One time fee	500,000
GEFPD - Fire Impact Fees	One time fee	424,536
Park Land Dedication Fee	One time fee	50,000
School Land Dedication Fee	One time fee	207,328
Total		\$ 8,872,165
Others receiving revenues		
Eagle County	Annual	123,915
School District	Annual	363,217
GEFPD	Annual	145,800
WECMRD	Annual	53,217
Library District	Annual	40,095
Eagle Cemetery District	Annual	3,587
Ambulance District	Annual	40,139
Colorado Mountain College	Annual	58,276
Colorado River Water Conservation District	Annual	3,703
Total		\$ 831,949

2019 Town of Eagle Public Safety Staffing – Summary Overview of Current Staffing and Financial Impacts of New Annexation & Development

As the Town of Eagle completes staffing assessments for several service sectors, Police Public Safety continues to further proper staffing levels in balance with variables to include officer safety, community needs, calls for service, population, seasonal activities, events, community policing and policies.

Proper staffing coincides with our Town of Eagle Strategic Plan. Specifically, the Town of Eagle must engage in planning and provide essential services designed to sustain a vibrant community, while furthering opportunities and initiative to improve upon essential services, such as public safety.

The projected growth for Eagle County is approximately 3.55% this year. The Town of Eagle continues to embrace growth, as noted by the number of residential building permits, additional commercial projects, new river park amenities and adding (and expanding to) our community events. The Town will also incur additional growth from pre-approved projects such as Haymeadow and other subdivisions.

The Eagle County School District has embraced growth with the addition of new space at the Eagle Valley Middle School, as well as a new Eagle Valley Elementary School campus with additional student programs, a new preschool and daycare center. This has required our School Resource Officer to designate additional time at the schools, per the SRO job description, in lieu of covering patrol shift work.

The additional growth in our community, via proposed annexations and development, will require the Town to increase police staff to meet minimum standards and the inherent increased demand in police services as a result of such growth. Most importantly, proposed growth has and will continue to provide for the need to increase minimum staffing levels on designated patrol shifts for both officer safety and community safety.

Continued growth has been apparent in the public safety sector for fire and police. The Town of Eagle Police Department continues to experience additional calls for service (CFS) each year, requiring an adjustment with additional staff to accommodate service, while providing for minimum staffing standards to enhance officer safety. The assessment of CFS is generally an accepted practice for police agencies when evaluating staffing.

CFS requiring a minimum two-officer response (i.e. suicidal subjects, DUI investigations, crimes against persons, domestic violence, weapons violations, narcotics, threats of violence, burglaries, panic alarms, etc.) is a critical key component of staffing. Normally, law enforcement agencies develop minimum staffing provisions based on CFS data.

Assessments of CFS data, in conjunction with risk and protective factors (i.e. administrative back-up availability, location/availability of other agencies, event projections, common liquor consumption times, operating times of higher-risk establishments, etc.) are commonly discussed and evaluated to provide for the availability of a minimum of two-sworn members for these types of responses.

Currently, the Eagle Police Department has minimum mandatory staffing level of two sworn members for weekend night shifts. This was created in response to the number of disturbances, intoxicated subjects, DUI investigations and lack of other available support resources. However, following an assessment of CFS data (from 2014 through 2018) and internal monthly reports (January 2017 through

January 2019), these minimum mandates will need to be expanded for all evening shifts and specific dayshifts when sergeants are unavailable. This will require additional position(s) in patrol, or use of additional overtime.

Annual CFS reports continue to signify the increase in the demand for police services

Calls for Service – Eagle Police Department

- 2014: 7,598
- 2015: 9,366
- 2016: 9,609
- 2017: 10,429
- 2018: 10,364 (2018 had a significant period of staffing anomalies)

**CFS do not include calls handed in our community by our contracted Animal Services provider.*

While Town of Eagle Public Safety has been able to staff for events and routine CFS, the Town has had to contract with other law enforcement agencies during periods of low-staffing to maintain minimum staffing levels for special events. While the Town has been able to absorb the increased calls for service, community initiatives, structured community policing goals, administrative functionality and pro-active involvements with our community have often been placed on a “hold” status, as CFS take priority. This becomes significant, as community policing, pro-active patrol and crime prevention activities should be consistently provided by patrol officers in order to be effective and maintain principles normally furthered by Department standards. In fact, the International Association of Chiefs of Police recommends that 1/3 of a patrol officers time be devoted to standards of community policing and pro-active crime prevention patrol.

The complexity of staffing allocations under the IACP model is furthered by the lack of a full-time detective assignment, which normally takes the dayshift officer out of patrol to focus on time-intensive criminal investigations, follow-up, evidence processing and warrant approvals. **A proposal to staff a full-time detective position was considered in 2019 and will be submitted for an FTE approval request for 2020. While no IACP standards currently exist for detective/investigation models of staffing, law enforcement entities have used a ratio by which 10% of allocated patrol staff should be assigned to investigations.*

Law enforcement entities have commonly referred to population models to reference staffing needs. While the IACP referenced Department of Justice Federal Bureau of Investigation (DOJFBI) reports on crime and police employee data in a previous report, the IACP has shifted to other models to include variables such as CFS, seasonal populations, local policies, community policing, etc. However, population models continue to be used as a reference to support staffing needs when used with other data, such as CFS.

Using the 2016 DOJFBI population and officer ratio and CFS data, when compared to other mountain communities, it is evident that the Town of Eagle should already have at least two additional sworn staff members and must be prepared to add additional public safety staff as our community continues to grow.

-----Ratios and calls for service in mountain communities-----

Town	Population 16'	Square Miles	Sworn Staff	Code Enforcement	CFS 17'
Town of Dillon	961	2.42	10	1	5,118
Town of Eagle	6,739	4.61	11	0	10,429
Town of Basalt	3,929	2.08	12	1	12,763
Town of Avon	6,525	8.10	18	0	22,890
Glenwood Springs	9,997	6.69	26	1	26,150

The Department of Justice Federal Bureau of Investigation 2016 report on crime and police employee data reflect a nationwide ratio of 2.4 sworn officials to each 1,000 residents. County agencies averaged 2.7 sworn per 1,000 residents, while cities with a population less than 10,000 reported an average of 3.7 officers per 1,000 residents. The Town of Eagle has assessed the national average and determined minimum staffing to reflect a standard of 2.0 officers per 1,000 residents. This average was based on an analysis of CFS and special events in 2017 and may need to be adjusted to maintain pace with new demands, such as amenities, community access, thoroughfares and other conditions which provide for increased traffic and/or population in Town. *Proper law enforcement staffing using CFS, number of events, community infrastructure and FBI ratios were noted in a 3rd party review of the police department by True to Course, LLC.*

The Town of Eagle must be prepared to adequately staff Public Safety with additional sworn personnel and support services in conjunction with the approval of any annexation process and/or additional development. The safety of our team and of our community demands that Public Safety staffing considered as a top-priority.

In order to plan and prepare for the demands of increased services, Community Development and Public Safety propose the following population chart as a conservative aid to determine additional population growth (residents added to Town Limits) as a result of additional proposed residential development. This may be used to determine the number of public safety staff, using the conservative population approach of 2 officers for each 1,000/population ratio. *This chart reflects residential growth only and does not consider implications of increased service for new commercial, recreational or other service-oriented additions.*

Population Chart Averages for Residential Development

- *Studio and one bedrooms = 2 residents*
 - *Single family homes with two bedrooms = 3 residents*
 - *Three bedrooms = 4 residents*
 - *Four bedrooms = 6 residents*
 - *Any auxiliary unit or one bedroom finished basement = 2*
-

Using the population chart, the Town of Eagle inherently approves one sworn police officer for each segment of 500 people that a new annexation and/or development is proposing to bring to the Town. As other variables in a development proposal (i.e. commercial, recreational, school/daycare facilities, etc.) may provide for additional Public Safety resources, the population chart should be viewed as a conservative approach to police staffing. As such, when developers indicate a particular revenue stream as a result of their development review process, the Town of Eagle should evaluate if such proposal will cover the costs of Public Safety, to include not only the average cost to employ a sworn officer, but also associated costs of adding a new staff member (i.e. certification, training, vehicle, uniforms, equipment and maintenance).

Non-sworn support staff services must be considered as well, as the Eagle Police Department has already identified a current need for a non-sworn front-desk position. Currently, our Executive Assistant provides for administrative coverage and management of records, evidence and public information, in addition to duties assigned by the Chief of Police. The increases in calls for service have provided additional workload and demand for records and evidence. A second support position will become a necessity with new growth. *This will become invaluable as new growth will increase the workload for police records, front-desk inquiries and increased administrative oversight.*

Annexation and new development must be aligned with the goal to maintain a safe community and safe public safety operations with sufficient staff. The challenge for any community facing growth is to maintain efficient levels of quality service and delivery, while furthering community policing objectives and maintaining a low crime rate.

Notes: Due to the number of allocated sworn staff members for Public Safety, our current staffing model relies heavily upon the sergeants, our SRO and the Chief of Police to fill scheduled and/or partial patrol shifts. The current model provides for allocated staffing without expanding on minimum mandatory requirements and without incorporating staffing variables such as vacation leave, sick leave, medical/injury status, training, court, vacancy, etc.

The current number of allocated sworn officers restricts the progress of community policing, pro-active policing and task/assignment roles when a vacancy or other leave is experienced. Staffing reached a critical point during the fall of 2018 due to various unplanned leave which not only affected community policing roles, but also restricted CFS and 24-hour coverage by Town officers. *During that period, several patrol officers were on leave. The Department relied heavily on overtime and use of our SRO, one sergeant and Chief of Police to cover shifts. Officers covering overtime shifts became exhausted (increasing officer safety and injury risk), our SRO program was cancelled for the remainder of 2018, community initiatives were placed on hold, the Department was unable to maintain 24-hour coverage and administrative tasks were delayed.*

Utilizing the conservative approach of 2 officers for each 1,000 population segments, the Town of Eagle Police Department should be currently staffed with thirteen sworn members (using 2016 population assumptions). Unfortunately, the number of residents is assumed at a conservative approach and does not take into account the number of individuals renting rooms in unassigned accessory dwelling units or the fact that fire and police commonly observe two and three families living in a single apartment.

The approach of population and CFS staffing should exclude the Chief Operating Officer in the number of sworn staff reserved to cover scheduled staffing, as a Chief of Police or Sheriff position (for average size mountain communities) is normally reserved for administrative tasks, staff development, operational management, community development, etc. Shift assignments for upper management is normally reserved for urgency, emergency or critical incidents/disasters. In fact, the completion of this report was delayed by the need of the Chief of Police to respond to and complete interviews/police reports, as police reports require a priority status when charges are filed.

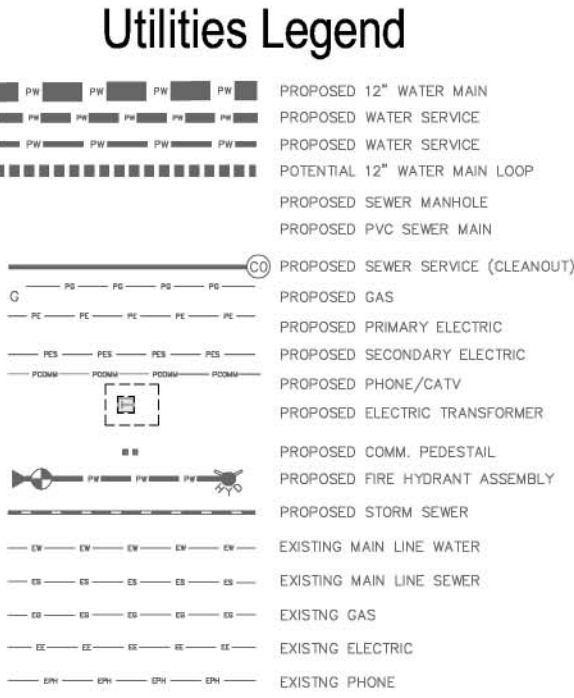
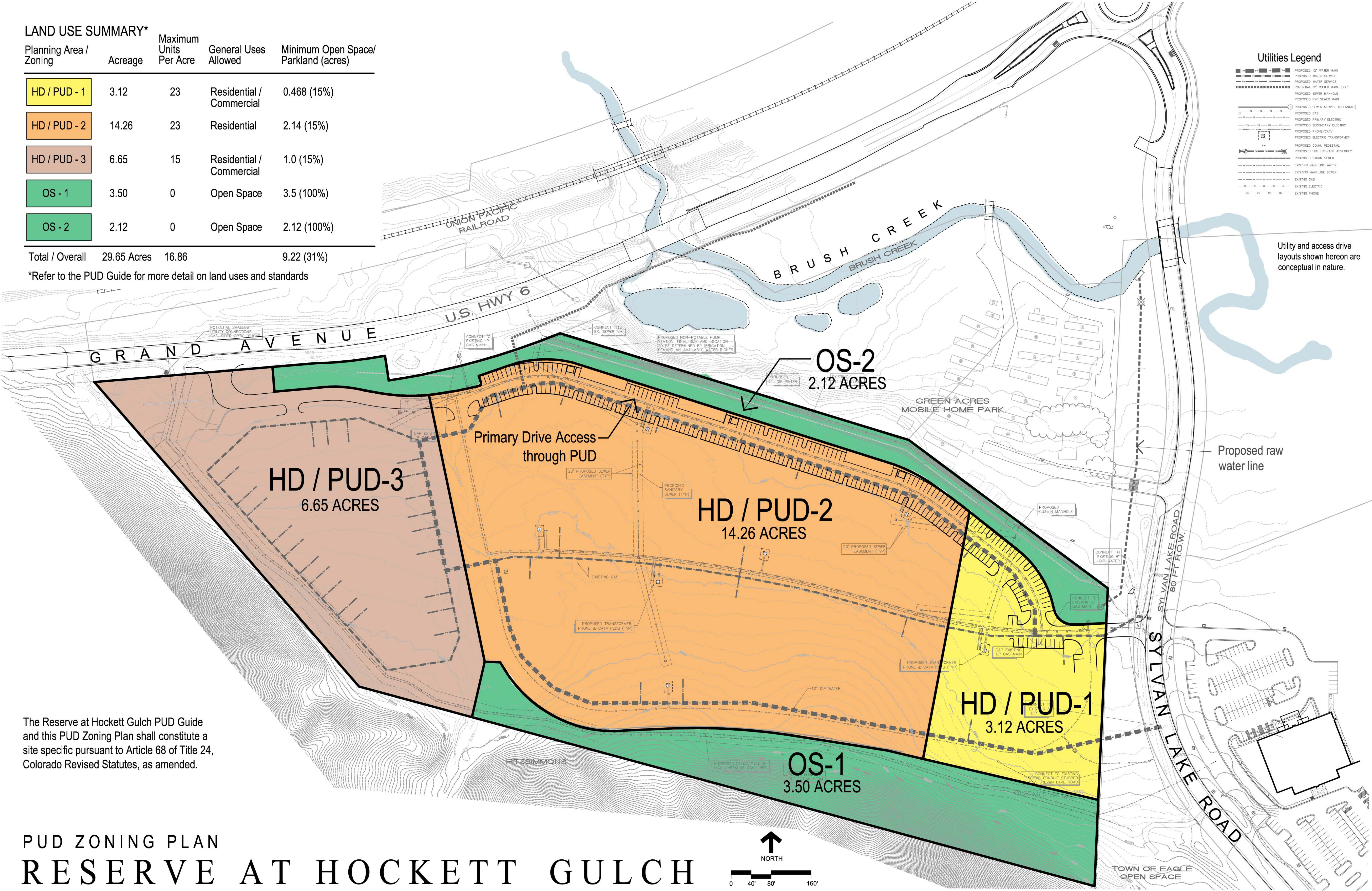
The supply of and demand for qualified police officers are changing at a time when the economy is imposing unprecedented challenges on local communities. The cost of living and variables in police wages in our mountain region continue to impact retention levels, adding to the complexity to the nationwide problem of recruiting qualified sworn staff. In fact, the Town of Eagle Police Department has been consistently impacted with retention of qualified police officers for the past twelve years. One of the top reasons cited by police officers for leaving has been the cost of living. As such, the Department must be prepared to absorb a patrol vacancy without negatively impacting safety, service and use of extensive overtime, while maintaining minimum mandatory staffing levels.

LAND USE SUMMARY*

Planning Area / Zoning	Acreage	Maximum Units Per Acre	General Uses Allowed	Minimum Open Space/ Parkland (acres)
HD / PUD - 1	3.12	23	Residential / Commercial	0.468 (15%)
HD / PUD - 2	14.26	23	Residential	2.14 (15%)
HD / PUD - 3	6.65	15	Residential / Commercial	1.0 (15%)
OS - 1	3.50	0	Open Space	3.5 (100%)
OS - 2	2.12	0	Open Space	2.12 (100%)

Total / Overall 29.65 Acres 16.86 9.22 (31%)

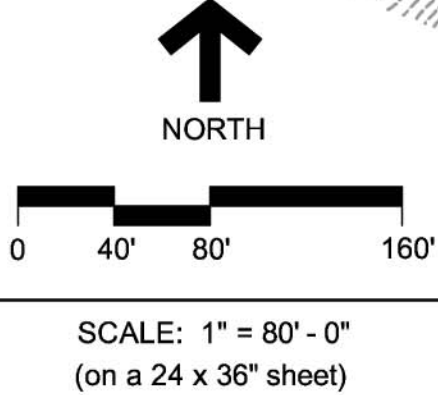
*Refer to the PUD Guide for more detail on land uses and standards



Utility and access drive layouts shown hereon are conceptual in nature.

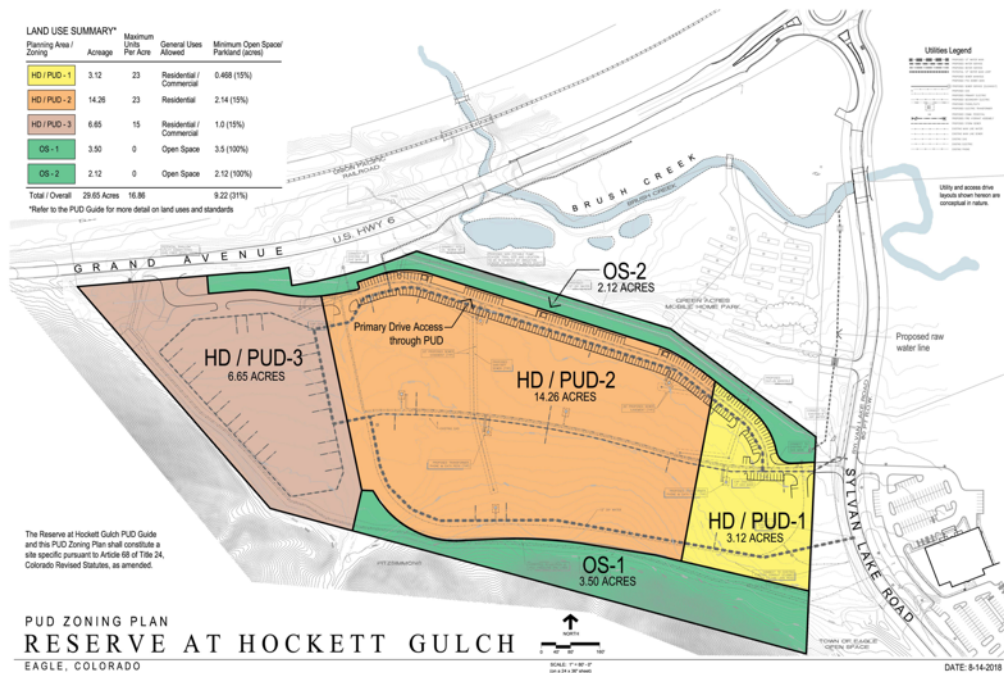
The Reserve at Hockett Gulch PUD Guide and this PUD Zoning Plan shall constitute a site specific pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

PUD ZONING PLAN
RESERVE AT HOCKETT GULCH
EAGLE, COLORADO



DATE: 8-14-2018

Reserve at Hockett Gulch Planned Unit Development Guide Town of Eagle, CO



Revised January 15, 2019

APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT PURSUANT TO SECTION 24-69-103, C.R.S., AS AMENDED

1. Statement of Purpose & Intent

The purpose of this PUD Guide is to serve as the land use regulations that will govern and control the orderly development of the Reserve at Hockett Gulch PUD (the "PUD"). The PUD Guide will serve as the zone district regulations for the PUD and shall supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the municipal code. This PUD Guide, PUD Zoning Plan, and exhibits shall constitute a site-specific development plan and creates a vested right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended for a period of 7 years.

2. Definitions

Words or Terms not defined herein shall be construed to have the meaning given by common and ordinary use as defined by the Merriam-Webster Dictionary New Edition 2016 unless otherwise provided herein.

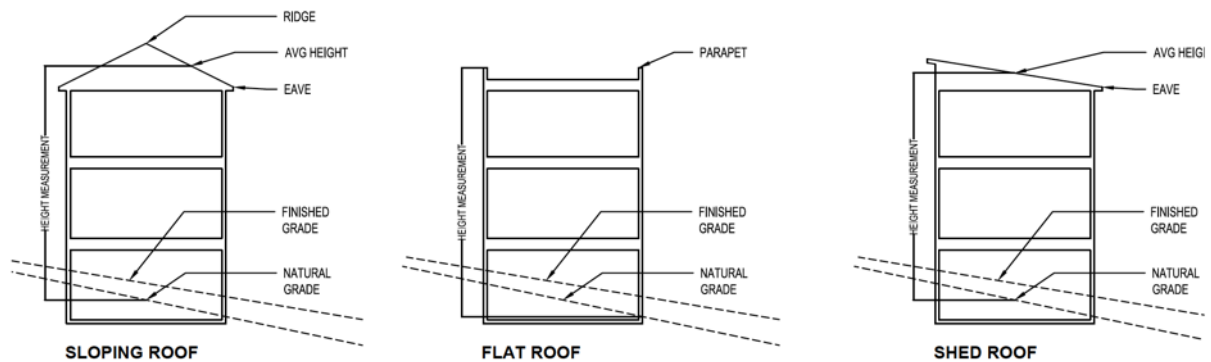
Active Recreation. Common areas within the PUD which include useable open space; improved common recreational amenity areas such as pools and fitness facilities; picnic sites; playgrounds; open turf and lawn areas that are sufficient in size to support recreational sports activities; trails and adjacent open spaces not required for direct access to dwelling units or commercial facilities, if connected to a regional system or established trail network; and similar areas as determined by the Town Planner.

Building Coverage: That portion of a lot or site covered by a building footprint measure to exterior materials at grade level.

Building Height Measurement:

The maximum distance possible measured vertically from undisturbed natural ground level to: top of parapet for a flat roof or average distance between eaves and the apex or ridge of a sloping roof. A shed roof will be measured to the average of the high point and low point of the shed roof. Chimneys, vents, and elevator or stair penthouses that are required to be above the surface of the roof may exceed building height by 15% or that required by Building Code, whichever is greater.

Building height measurement diagrams:



Commercial Use(s): Commercial uses include restaurants, taverns, breweries and tasting rooms that produce less than 15,000 barrels per year, retail stores, banks, grocery stores, personal service establishments such as a hair salon, barber, nail salon, offices, including flexible space with retail showrooms and ancillary storage, childcare facilities in excess of 6 children, and uses determined to be similar by the Town Planner.

Density: Dwelling units per acre of total land area.

FAR:

Floor to Area Ratio. The ratio of the floor area within a building to total land area. Commercial and residential floor to area ratios are separate calculations with both calculated based on the total land area of the PUD Zone District.

Impervious Coverage: That portion of a lot or site covered by materials forming any unbroken surface impervious to water including building coverage.

NA: Not Applicable.

Planning Area(s): Parcels HD/PUD-1, HD/PUD-2, and HD/PUD-3 as indicated on the PUD Zoning Plan.

PUD, PUD Zone Districts: Parcels HD/PUD-1, HD/PUD-2, HD/PUD-3, OS-1, and OS-2 as indicated on the PUD Zoning Plan.

Short Term Rental: A rental for a period not exceeding thirty (30) days.

Special Use: Uses allowed subject to the procedures found in the Town of Eagle Municipal Code contained in Chapter 4.05, as may be amended.

Useable Open Space. Open area of a lot designed and developed for uses including, but not limited to recreation, courts, gardens, parks, and landscaping,

which open space may include a maximum of 20 percent of non-living materials such as walks, decks, terraces, water features and decorative rock.

3. PUD Zone Districts

a. Mixed Use Parcel (HD/PUD-1)

i. Purpose

To promote the development of a more densely populated residential neighborhood in connection with HD PUD-2 while also allowing for a small commercial shopping area given proper market conditions, that is conveniently located within the Town of Eagle, has direct access to Sylvan Lake Road and provides opportunities for neighborhood shopping and residential housing opportunities.

ii. Uses by Right

Multifamily, two-family, and single-family dwellings along with all allowed accessory uses.

Child care facility with a maximum of 6 children.

iii. Special Uses

Commercial Uses.

Nursing home, group home, independent or assisted living.

iv. Accessory Uses

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.

Clubhouses and leasing offices.

Carports.

Pools, playground or picnic shelters.

Home occupations as defined by the Town Municipal Code.

Parks, open space and trails, and community gardens.

Pedestrian and bicycle trails.

Outdoor and Indoor recreation facilities.

Other uses customarily appurtenant and incidental to uses by right or special use.

v. Minimum Building Setbacks

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Commercial: Building setbacks shall be a minimum of 10' from parking areas or streets and 20' from any adjacent residential area, or common area.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

vi. Maximum Building Heights

Commercial/Mixed Use: 35 feet.

Single Family, Duplex and Townhomes: 35 feet.

Multifamily: 45 feet and limited to three stories.

vii. Minimum Lot area

Multifamily: 15,000 sq. ft.

Single-Family/Duplex: 2,500 sq. ft. (platted lot)

Commercial: 20,000 sq. ft.

viii. Maximum Building and Impervious Coverage

The maximum building coverage shall be 55%.

The maximum impervious area shall be 75%.

ix. Maximum Commercial Floor Area

The maximum commercial floor area shall not exceed an FAR of 0.11:1 which limits floor area in HD/PUD-1 to 15,000 sq. ft. There is no minimum required commercial floor area. There is an overall maximum commercial floor area within the PUD of 30,000 sq. ft.

x. Maximum Residential Floor Area

The maximum residential floor area shall not exceed an FAR of 0.53:1.

xi. Minimum and Maximum Density

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely

developed multifamily uses. The maximum density allowance in HD/PUD-1 is 23 units per acre or 72 units.

xii. Useable Open Space

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

xiii. Mixed Use Designation

HD/PUD-1 is intended to allow for horizontal mixed use with residential use and commercial uses. This Planning Area could also develop as a residential only neighborhood or a commercial only neighborhood. If commercial uses are developed, they will be focused on the Sylvan Lake Road frontage. The residential areas would be developed with reasonably separated access from the commercial areas to provide a more residential feel to the residentially developed areas. Commercial development shall be well coordinated with the adjacent residential uses such that there is adequate setback, screening, and buffering of the commercial uses while at the same time allowing for appropriate pedestrian and vehicular connections so that the result is a well-planned and accessible development. Great attention will be given to the landscape design to ensure exceptional cohesion of commercial and residential areas.

b. Residential Parcel (HD/PUD-2)

i. Purpose

To provide residential housing opportunities, including multifamily, two-family, and/or single-family dwellings at a moderate to high level of density.

ii. Uses by Right

Multifamily, two-family, and single-family dwellings with accessory uses.

Child care facility with a maximum of 6 children.

iii. Special Uses

Nursing home, group home, independent or assisted living.

Child care facility in excess of 6 children.

iv. Accessory Uses

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.
Clubhouses and leasing offices.
Carports.
Pools, playground or picnic shelters.
Home occupations as defined by the Town Municipal Code.
Parks, open space and trails, and community gardens.
Pedestrian and bicycle trails.
Outdoor and Indoor recreation facilities.
Other uses customarily appurtenant and incidental to uses by right or special use.

v. Minimum Building Setbacks

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, building setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

vi. Maximum Building Heights

Single Family, Duplex and Townhomes: 35 feet.
Multifamily, Apartments: 45 feet and limited to three stories.

vii. Minimum Lot area

Multifamily: 15,000 sq. ft.
Single-Family/Duplex: 2,500 sq. ft. (platted lot)

viii. Maximum Building and Impervious Coverage

The maximum building coverage shall be 55%.

The maximum impervious area shall be 75%.

ix. Maximum Residential Floor Area

The maximum residential floor area shall not exceed an FAR of 0.53:1.

x. Minimum and Maximum Density

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely developed multifamily uses. The maximum density allowance in HD/PUD-2 is 23 units per acre or 328 units.

xi. Useable Open Space

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

c. Mixed Use Parcel (HD/PUD-3)

i. Purpose

To promote the development of a more densely populated residential neighborhood in connection with HD PUD-2 while also allowing for a small commercial shopping area given proper market conditions, that is conveniently located within the Town of Eagle, has direct access to Grand Avenue and provides opportunities for neighborhood shopping and residential housing opportunities.

ii. Uses by Right

Commercial Uses.

Multifamily, two-family, and single-family dwellings.

Lodging, temporary and extended stay.

iii. Special Uses

Nursing home, group home, independent or assisted living.

iv. Accessory Uses

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.

Clubhouses and leasing offices.

Carports.
Pools, playground or picnic shelters.
Home occupations as defined by the Town Municipal Code.
Parks, open space and trails, and community gardens.
Pedestrian and bicycle trails.
Outdoor and Indoor recreation facilities.
Other uses customarily appurtenant and incidental to uses by right or special use.

v. Minimum Building Setbacks

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, building setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Commercial: Buildings setbacks shall be a minimum of 10' from parking areas or streets and 20' from any adjacent residential area, or common area.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

vi. Maximum Building Heights

Commercial/Mixed Use: 35 feet.
Single Family, Duplex and Townhomes: 35 feet.
Multifamily, Rental Apartments: 45 feet and limited to three stories.

vii. Minimum Lot Area

Multifamily: 15,000 sq. ft.
Single-Family/Duplex: 2,500 sq. ft. (platted lot)
Commercial: 20,000 sq. ft.

viii. Maximum Building and Impervious Coverage

The maximum building coverage shall be 55%.
The maximum impervious area shall be 75%.

ix. Maximum Commercial Floor Area

The maximum commercial floor area shall not exceed an FAR (floor to area ratio) of 0.11:1. There is no minimum required commercial floor area. There is an overall maximum commercial floor area within the PUD of 30,000 sq. ft.

x. Maximum Residential Floor Area

The maximum residential floor area shall not exceed an FAR of 0.86:1.

xi. Maximum Density

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely developed multifamily uses. The maximum density allowance in HD/PUD-3 is 15 units per acre or 100 units.

xii. Useable Open Space

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

xiii. Mixed Use Designation

HD/PUD-3 is intended to allow for horizontal mixed use with residential use and commercial uses. This Planning Area could also develop as a residential neighborhood. If commercial uses are developed, they will be focused on the northern half of the property where there is frontage on and access to Grand Avenue. The residential areas would be developed with reasonably separated access to provide a more residential feel to the residentially developed areas. Commercial development shall be well coordinated with the adjacent residential uses such that there is adequate setback, screening, and buffering of the commercial uses while at the same time allowing for appropriate pedestrian and vehicular connections so that the result is a well-planned and accessible development. Great attention will be given to the landscape design to ensure exceptional cohesion of commercial and residential areas.

d. Open Space Parcels (OS1, OS2)

i. Purpose:

To 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. These parcels are zoned open space pursuant to this PUD Guide.

ii. Uses by Right:

Pedestrian and bicycle trails.

Shade shelters and picnic facilities.

Public and private parks.

Public or private roadways, trailhead access and/or parking (OS-1 only), public restrooms, utilities including tanks, lines, mains, pumphouses, facilities and other public services and utility buildings.

Community gardens and associated facilities.

Special events associated with community gardens, trails or trailheads.

4. Planning Area Summary Chart

The chart below provides a summary of uses and development standards of each Planning Area. Consult each zone district above for greater detail.

Planning Areas/Entire PUD	Uses Allowed	Acreage	Percent of Total site area	Maximum Density/Min. Density (units per acre)	Maximum Residential FAR	Maximum Commercial FAR or Sq. Ft.	Minimum Useable Open Space	Maximum Building Coverage	Maximum Impervious Area	Maximum Building Height	Building Setbacks	Minimum Lot Area
Entire PUD	NA	29.65	100%	16.86/6.5	NA	30,000 sq. ft.	4.77 acres	NA	NA	NA	25' perimeter	NA
HD/PUD-1	Residential Commercial See Section 3 of PUD Guide	3.12	10.52%	23	0.53:1	0.11:1	0.468 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35' Com: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear Commercial: 10' from parking/streets 20' from residential/common area	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft. Commercial: 20,000 sq. ft.
HD/PUD-2	Residential See Section 3 of PUD Guide	14.26	48.1%	23	0.53:1	NA	2.139 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft.
HD/PUD-3	Residential Commercial See Section 3 of PUD Guide	6.65	22.43%	15	0.86:1	0.11:1	0.99 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35' Com: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear Commercial: 10' from parking/streets 20' from residential/common area	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft. Commercial: 20,000 sq. ft.
OS-1	Open Space See section 3 of PUD Guide	3.5	11.8%	NA	NA	NA	0.556 acres	NA	NA	NA	NA	3.5 acres
OS-2	Open Space See section 3 of PUD Guide	2.12	7.15%	NA	NA	NA	0.6176 acres	NA	NA	NA	NA	2.12 acres

5. Open Space and Park Land Dedication

OS-1 will be dedicated to the Town and allow for public access, debris flow mitigation, storm-water facilities, public and private utilities, and other uses as specified herein. OS-2 shall remain privately owned but shall be provided to the Town of Eagle through dedication of an open space easement allowing public access, debris flow mitigation, storm-water facilities, public and private utilities, and other uses as specified herein. Said easement and dedication shall only be conveyed upon approval of any final plat for the PUD. In addition to the proposed recreation trail use, OS-1 will be developed with a minimum of an 8,000 sq. ft. park/useable open space area, as defined by Municipal Code.

Additionally, private useable open space areas within each Planning Area will contain improved park-like areas designed to accommodate recreation 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 10%.

The Town Code would typically require this 29.65-acre PUD to provide 15 acres (approximately 50% of the property) of park land dedicated to the Town. The Town Code provision is inconsistent with the overall intent of this PUD to provide workforce housing opportunities. The Town Code allows the 15-acre requirement to be reduced to 7.5 acres in exchange for provision of private recreation facilities that provide for the recreational needs of the residents of the proposed development. The PUD provides for the recreational needs of the residents. Unlike a typical PUD, the Reserve at Hockett Gulch is focused on the delivery of workforce housing which requires more density than a typical residential PUD within the Town of Eagle. The PUD has demonstrated sufficient useable and active recreation areas within the PUD that satisfy the intent of the remaining 7.5 acres of park land dedication, which includes the following improvements and contributions:

- A. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;
- B. Construction of a 5' wide soft path loop generally around the perimeter of the PUD (located in HD/PUD-3 and OS-2) that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
- C. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
- D. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;

- E. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- F. Development of recreation areas within the PUD (all planning areas) consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and
- G. A payment in lieu of Park Land Dedication of \$50,000, which takes into consideration the cost of providing the improvements included in this list above, will be documented in the Annexation and Development Agreement.

6. Maintenance of Open Space

Open space parcel OS-1 will be owned and maintained by the Town of Eagle. OS-2 will be owned and maintained by the property owner or property owner's association. Common open space areas provided within the other Plan Areas as determined during the Development Permit process, will be maintained by either the owner of the property (i.e., in the case of an apartment community under one ownership) or a property owner's association established to maintain open and common areas. Details regarding this maintenance structure will be documented at the time of subdivision or development permit.

7. PUD Zone District Acreage and Density Transfer

Flexibility is inherent within the PUD. PUD zone districts or Planning Areas may change in acreage to accommodate flexibility in final platting and other considerations such as stormwater needs. HD/PUD-1, 2, and 3 may only increase in acreage by 15%. OS-1 and OS-2 may not be reduced in acreage by more than 10% unless approved by the Town but may be increased to any degree necessary. The acreage of Planning Areas represented on the PUD Zoning Plan are expressed as gross acreage. Useable open space and active recreation areas will adjust in proportion to the change in size of planning areas.

Residential density between HD/PUD-1 and HD/PUD-2 may freely transfer between the two planning areas as long as the total unit count of the combined area of the two Planning Areas does not exceed 400 dwelling units. No residential density may transfer to or from HD/PUD-3.

Acreage changes and density transfers will be reviewed and approved through the Development Permit or Subdivision process where individual lots are being created for development.

8. Water Rights, Tap Fees, and Other Water and Sewer Fees

Water rights, tap fees, plant investment fee, wastewater fees, and issues related to landscape irrigation will be approved in the Annexation and Development Agreement. Indoor efficient water use and conservation measures will also be documented in the Annexation and Development Agreement.

9. School Land Dedication

The PUD contemplates residential development of up to 500 dwelling units. The ultimate format of the dwelling units is flexible however it is anticipated that approximately 400 of the dwelling units proposed will be rental multifamily units in one and two-bedroom formats which will have nominal impact on public school facilities as they will be occupied largely by persons without children. Additionally, the PUD is addressing a public need for local workforce housing by exceeding the Town's minimum workforce housing requirement and developing a housing format that will address housing for local workforce persons which includes school district employees and teachers. Onsite physical school land dedication is not required for this PUD. Any fee payment in-lieu of providing land onsite shall be calculated in accordance with the Municipal Code. School land dedication fees shall be payable upon Development Permit approval or residential subdivision where individual lots are being created for development for any planning area within the PUD. School land dedication fees shall not be required for an initial subdivision to divide ownership of larger development parcels (i.e., HD/PUD-1, HD/PUD2, and HD/PUD-3) for which there is no Development Permit approval or residential subdivision where individual lots are being created for development.

10. Street Improvement Fee

Payment of any Street Improvement Fee will be made at Development Permit approval or subdivision where individual lots are being created for development.

11. Fire District Impact Fee

Payment of any Fire Protection Impact Fees will be made at Development Permit approval or subdivision where individual lots are being created for development.

12. Trail Use in OS-1

Public access is proposed within planning area OS-1 that will be owned by the Town. The Town will put in place restrictions on the trail use in OS-1 consistent with this subsection. The public access is limited to day light hours for pedestrians and bicyclists (including electric assist bicycles) and restricted to the extent of the improved path provided within the parcel.

Motorized access for motorcycles (all-terrain vehicles and four-wheeled vehicles prohibited) may be allowed subject to an agreement between the Town and the applicant which addresses the following issues and impacts at a minimum to the residential community within the PUD:

- Noise produced by vehicles;
- Hours of operation (7:30 am – 7:30 pm);
- Seasonal closure (December – May);
- Fencing and trespass;
- Access only, no parking, no idling;
- Speed of motorized vehicles;

- Restriction to use of improved single-track trail only;
- Long term maintenance of trail;
- Enforcement and violations; and
- Provisions for revoking of easement due to lack of enforcement.

Any travel through the OS-1 parcel in order to ultimately gain access to the non-adjacent public lands of Hockett Gulch and beyond shall be prohibited unless there exists a valid easement or license agreement with any adjacent private owner or ownership is obtained by a public or quasi-public agency, which permits access through any adjacent private owners' land in order to access public lands.

13. Parking, Streets, and Other Standards

The required number of parking spaces shall be as follows:

Single Family Dwelling or Duplex: 2 spaces per dwelling unit for units with fewer than three bedrooms, and 3 spaces per dwelling unit for units with 3 or more bedrooms. Tandem parking is permitted.

Multiple Family Dwelling: 1.5 spaces per dwelling unit for units with one bedroom, 2 spaces per dwelling unit for units with 2 bedrooms, and 2.5 spaces per dwelling unit for units with 3 or more bedrooms. Leasing management office, club house, etc. shall require a total 3 spaces.

Commercial Uses: per Municipal Code.

Uses that are accessory to the residential uses such as leasing offices, clubhouses, meeting rooms, fitness and recreational facilities, and storage areas, intended to serve primarily the residents onsite, shall not require additional parking.

Parking Standards:

Parking space size will be 9' x 19'. Spaces may be reduced to 9' x 18' where a curb or wheel stop is provided to allow for overhang of the vehicle. 25% of the total number of required parking spaces may be reduced to 8' x 16' for compact parking spaces.

Driveways and Private Access Drives:

The standards below are for private driveways and parking lots within the PUD. There are no public dedicated streets proposed. The design standards accommodate access for service vehicles, trash trucks and all Fire Trucks owned by Greater Eagle Fire Protection District.

Minimum Drive Lane width: 12'

Minimum Drive Aisle or Private Street width (two-way traffic): 24' wide

Minimum Drive Aisle or Private Street width (two-way traffic) adjacent to multiple family structure over 30' in building height: 26' wide
Gutter pan shoulder: 1.5' when necessary
Curb and Gutter: 2' when necessary
Valley Pan: 3' wide
Maximum Drive Aisle/Street centerline grade: 10%
Minimum Drive Aisle/Street centerline radius: 150'
Minimum Drive curb return radius at intersections: 15'
Minimum Drive Aisle/Street cross slope: 2%
Minimum Crest curve K value: 5
Minimum Sag curve K value: 10
Minimum pavement section: Per Geotechnical Report for property
Design Speed: 25 MPH

Sidewalks and Trails:

Sidewalks internal to the development areas will have a width of 4' to 5' depending on the frequency of use and location. The width of a sidewalk may need to be increased to accommodate the overhang of parked vehicles to maintain minimum ADA. All sidewalks shall be constructed with an all-weather surface.

Internal pedestrian pathways and trails within common areas will have a minimum width of 4'. There may be instances where soft, unimproved, dirt paths and bike trails may be allowed where appropriate.

The recreation trail located on OS-1 is envisioned at 8' in width and as soft, unimproved, dirt or gravel path.

The perimeter trail shown in HD/PUD-3 and OS-2 will be a soft, unimproved, dirt or gravel path with minimum average width of 5'.

The trail located within the Town's open space parcel located along Sylvan Lake Road will be a paved trail with a minimum width of 5' and developed consistent with the Town's adjacent paved trails.

No trails will have slopes in excess of 10%. Cross slope will be a maximum of 3%.

14. Local Employee Residence Program (LERP) Plan

To satisfy the intent Local Employee Housing Residency Requirements and Guidelines and Section 4.04.120 of the Eagle Municipal Code and because the development includes a significant number of rental housing opportunities targeted at the local workforce population, the PUD shall be permitted to vary from the Town's local employee housing requirements.

While the Town's standard for fee simple ownership housing is ten percent (10%) of the units must be restricted for local employee occupancy, the PUD shall require that thirty percent (30%) of the multifamily rental units and fifteen percent (15%) of fee simple, for sale residential units will be restricted to households where at least one member of the household meets at least one of the following criteria:

- a. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
- b. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
- c. Employees that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or
- d. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or
- e. Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have met the intent of the programs criteria; or
- f. The household cumulatively earns at least 75% of the Household's Gross Household Income in Eagle County.

Additionally, the fifteen percent fee-simple, for-sale units noted above shall also require that the total household income of owners of these units have incomes less than or equal to one hundred and twenty percent (120%) of the area median income (AMI) as published by HUD for Eagle County, Colorado at the time of purchase.

There will be no price appreciation cap required of any dwelling unit.

There will be no income restrictions of any kind placed on rental dwelling units or rental rate restrictions.

There shall be no local employee housing requirement for any non-residential uses within the PUD.

Priority on the wait list for the leasing of any rental community dwelling unit shall be given to the employees of the Town of Eagle, Greater Eagle Fire Protection District, the Eagle County Health Service District, and the local School District (the "Employees") to the extent allowed by law. The Employees, in order to qualify, shall meet all other leasing requirements such as but not limited to criminal back-

ground checks, appropriate credit, and sufficient qualifiable income in the same manner as any other resident applying to live within the rental community.

If a rental unit is later converted to a fee simple for sale unit, the requirements for a fee simple, for sale unit will apply.

No deed restricted unit shall be available for Short Term Rental.

Deed restrictions will be recorded against restricted dwelling units in accordance with the requirements of this section and as further agreed to by the Applicant and the Town of Eagle.

15. Project Design, Signage, and Exterior Lighting

In order to enhance the visual quality of any form of development in the PUD, all development permits shall include an Architectural Design Plan consistent with the standards of Eagle Town Code Section 4.07.020 and more specific design standards identified herein.

Architecture:

The architecture of residential and nonresidential buildings on site shall be consistent with the policies of the Eagle Area Community Plan with specific emphasis on visual quality and consideration of policies to create a western gateway (parcel HD/PUD-3 only). The architecture of all buildings should be sympathetic to residential uses in the area and include the use of sloping roof forms. The use of flat roofs shall be limited to commercial buildings designed with a historic Eagle vernacular as one may find on Broadway or within the commercial core of Eagle Ranch Village (i.e., brick façade, wood siding, and/or stone facade with an articulated and ornamented terminus to the parapet). Building materials may include brick, stone, faux stone, wood board and baton, wood lap siding, cementitious versions of wood siding, wood timbers, exposed wood or metal beams, natural and painted metal structural members, high quality asphalt shingles, architectural metal siding and roofing materials. Imitation stucco is not allowed however a three-coat stucco system is allowed. Low quality building materials such as vinyl siding shall not be allowed. The overall development of the property shall be integrated well with the topography.

Landscaping:

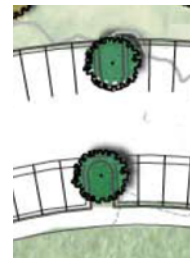
Landscape installation shall be per Land Use and Development Code except as noted herein. Care will be taken to ensure that landscape materials are placed in a manner that does not inhibit commercial performance but results in an attractive presentation of the site for adjoining public spaces. Noting the importance of the location of this PUD as prominent as a portion of the western gateway to the Town of Eagle on Grand Avenue and the part of the gateway to Eagle Ranch on Sylvan Lake Road, great care shall be taken to ensure that the landscape buffer along these roadways is substantial in terms of width and proposed landscape materials. Generous setbacks from the

perimeter of the PUD have been provided to ensure adequate areas for landscape materials.

Manicured water-efficient landscaping to include deciduous trees and native shrubs shall be provided to create an appropriate feel along the frontages of Grand Avenue and Sylvan Lake Road. 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.

Landscaping within the development areas will include substantial numbers of trees and shrubs to help ground buildings within the landscape, create screening and buffering between buildings and parking areas or driveways, and enhance the enjoyment of open and recreational areas between buildings. Proposed vegetation shall be consistent with the Reserve at Hockett Gulch Approved Vegetation List attached to this PUD Guide. Native areas requiring less irrigation upon maturity will be provided in areas where recreational and pedestrian use is not proposed but will still be considered useable open space. Extensively used recreational areas may be developed with grass turf in order to withstand heavy use. Mulched, gravel, and other xeric practices may also be used to reduce irrigation needs.

Landscape islands or fingers (example shown here with tree) shall be provided within parking areas. These areas should contain trees to help breakup the parking area and provide the opportunity for shade. Islands or fingers of landscaping should occur every ten to twenty parking spaces as a rule of thumb but it is recognized that the number of parking spaces provided is also a critical consideration. Strict compliance to the Town's standards for landscape island spacing is not required.



A minimum number of trees or other plant materials is not prescribed by this PUD Guide. However, the intent is to provide a substantial level of vegetation that produces a high quality, livable environment consistent with the adjacent developments within Eagle Ranch. Detailed landscape plans will be provided during the Development Permit review process.

Irrigation:

All irrigation facilities and operation shall adhere to water efficient practices as adopted by the Town of Eagle. The PUD may be served by a raw water irrigation system to reduce treated water use within the PUD.

Signage:

All signs will comply with the Town's Land Use and Development Code, or a master sign program as submitted by the applicant, whichever is more restrictive.

Exterior Lighting:

All exterior lighting shall be provided in conformance with the lighting standards of the Town's Land Use and Development Code, with the provision that LED light sources shall be specifically permitted when meeting equivalent light standards of the Town.

16. Wildlife Impact Restrictions

The following wildlife related measures shall be enforced within the PUD.

Bears and Mountain Lions:

The following wildlife mitigation measures shall be adhered to:

- Utilize bear-proof dumpsters for any garbage that is generated at this location. Furthermore, use bear-proof containers for trash during the construction period and prohibit workers from leaving food or other bear attractants onsite;
- Prohibit construction workers and contractors from bringing pets on the work site;
- Outdoor feeding of pets is prohibited;
- The feeding, baiting, salting, of other means of attracting wildlife is illegal and prohibited;
- Homeowners and renters will be educated about the bears, mountain lions, and other wildlife utilizing educational brochures provided by Colorado Parks and Wildlife;
- Shield and direct all lighting fixtures downward to minimize light pollution on adjacent wildlife habitats; and
- Prohibit fruit, nut, and berry producing trees and shrubs in landscape designs.

Dogs and Pet Control:

The owner shall include pet regulations in leases and covenants to limit the number of pets allowed in each unit and restrictions necessary to prevent nuisance issues. However, owner shall not prohibit a service animal of any type that is legally designated as an assistance animal per the Americans with Disability Act. These requirements shall be considered the minimum level of regulation for this PUD. Pets shall always be on leash when outdoors on the property and under direct owner supervision and control. Pets shall not be left unattended in common areas or on outdoor porches or balconies. Pet waste shall be removed by dog owners immediately and disposed of in proper containers.

Fencing:

Fences within the PUD will be constructed in a wildlife-friendly manner that eliminates the chance of entanglement and impalement of wildlife attempting to jump fences. Pointed pickets and strands of wire at the top of perimeter fencing will be prohibited. All fencing shall be developed to allow wildlife to pass through the property.

17. Irrigation

In order to reduce financial and capacity impacts to the Town's water treatment facilities, a non-potable landscape irrigation within the PUD will be permitted.

18. Site Access & Development Phasing

The PUD shall be permitted two separate points of access. The two points of access will consist of one each from Sylvan Lake Road and Grand Avenue. Access to Sylvan Lake Road shall be granted via an easement that the Town will provide as part of the approved Annexation & Development Agreement. The phasing of development shall be at the discretion of the owner or developer. Development permit approval of HD/PUD-1 shall only require one access to Sylvan Lake Road. Development permit approval of HD/PUD-3 shall only require one access to Grand Avenue. Development permit approval which includes HD/PUD-2 shall require both access points to be developed.

Conceptually, but not a requirement, the PUD is expected to develop in two phases. Phase 1 would include development of Planning Areas HD/PUD-1 and HD/PUD-2. Phase 2 would include the development or platting of HD/PUD-3. There will be development sequencing within each phase of development and building permits will likely not be sought for the entirety of a phase but components within each phase. While build-out of the development is anticipated to occur in 7 years, each phase of the PUD is anticipated to take 3.5 years to permit and complete.

The standards provided within this PUD Guide reflect the final condition of the PUD at build-out. Each Planning Area or PUD Zone District will comply with the development standards as they are developed. Adequate parking as provided herein is required with each phase of development.

19. Development Permit

All development applications within this PUD shall be subject to review and approval of a Development Permit pursuant to Section 4.06 of the Town Land Use and Development Code.

20. Debris Flow Hazard

A preliminary hazard analysis has been performed by Wiss, Janney, Eistner Associates, Inc. and documented in a letter report dated August 17, 2018. The report generally finds that there is no significant hazard to the PUD, but that further detailed analysis should occur prior to issuing a Subdivision or Development Permit approval for development within the PUD.

21. Subdivision

The Town shall permit further subdivision of the property to allow for appropriate development and individual ownership of development properties. Subdivision Sketch Plan, Preliminary Subdivision Plan, and Final Subdivision Plat may be combined and processed as one submittal at the time of application for Minor or Major Development Permit application or may be submitted prior to application for Minor or Major Development Permit.

22. Infrastructure

In all PUD Zone Districts, utilities, facilities, and similar improvements, as well as uses and activities necessary for the development of the PUD shall be allowed. Examples of these uses, activities, and improvements, are, but not limited to, ditches, drainage improvements, all utility lines and related equipment, stormwater facilities, swales, hazard mitigation improvements, walkways and recreation paths whether paved or not, communication towers and facilities, lighting, landscape improvements, grading, irrigation improvements, signage, parking, recreation equipment and areas, parks, gardens, vegetation management, temporary construction staging, and fences.

23. Conflicts

The specific provisions of this PUD Guide shall supersede those of the Town of Eagle Land Use Regulations or other municipal requirements. However, where the PUD Guide is silent to any provision, the specific provisions of the Town of Eagle Land Use Regulations should be consulted and interpreted by the Town Planner. In case of dispute or ambiguity, the Board of Trustees shall act to interpret and render a decision. In determining similar uses as outlined herein, the Town Planner may determine a use to be permitted based on a use being similar to uses listed. When compatibility or consistency with the Town's goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.

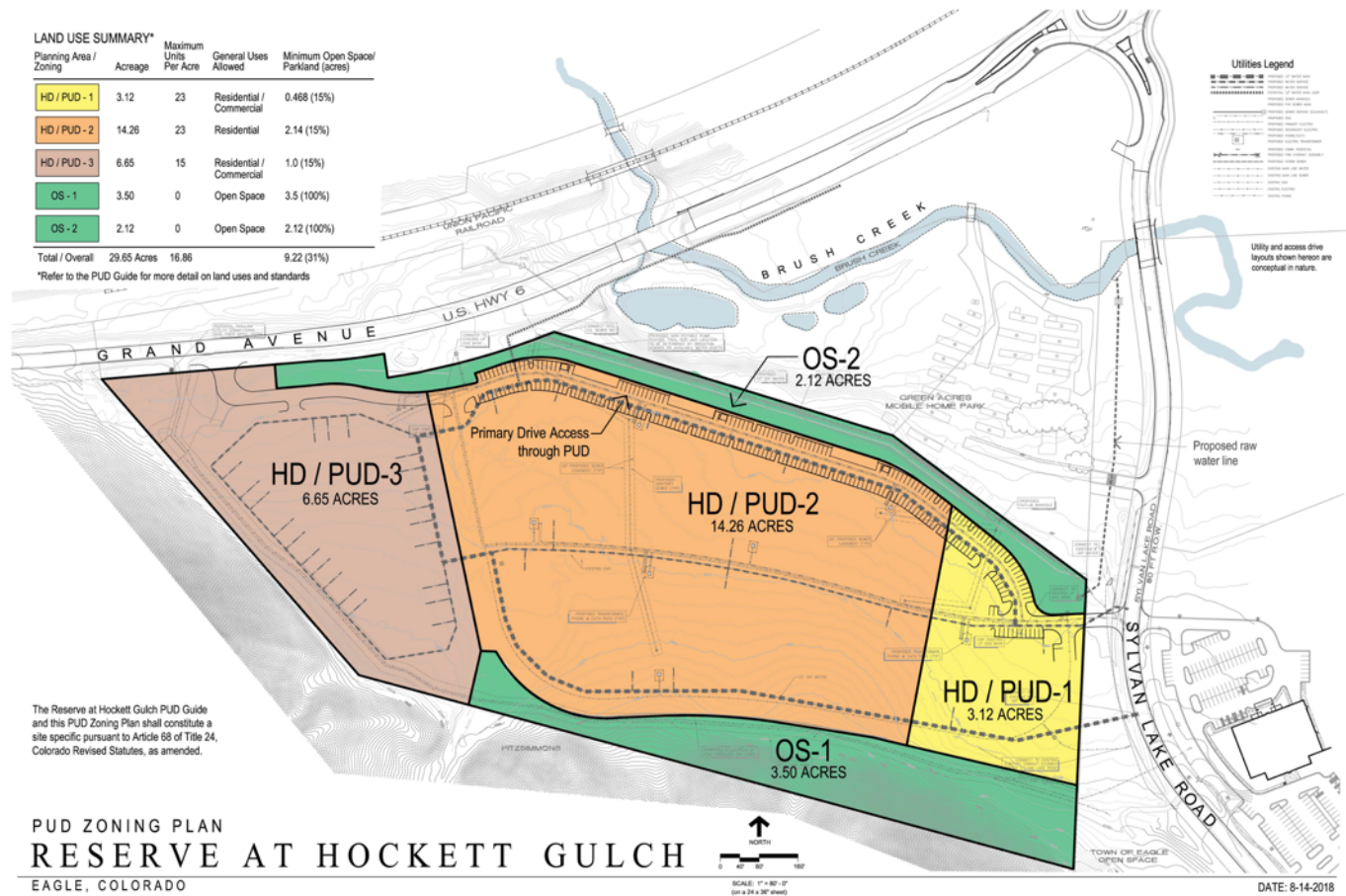
24. Amendment to PUD

Any changes to this PUD Guide or any other element of the PUD shall follow the procedures established in Section 4.11.050 of the Land Use and Development Code.

Exhibits

PUD Zoning Plan:

The following graphic is the PUD Zoning Plan for the PUD.



Reserve at Hockett Gulch Approved Vegetation List:

DECIDUOUS TREES

BOTANICAL NAME	COMMON NAME
<i>Acer ginnala</i> 'Flame'	Amur Maple
<i>Acer glabrum</i>	Rocky Mountain Maple
<i>Crataegus ambigua</i>	Russian Hawthorn
<i>Malus species</i>	Flowering Crabapple: Dolgo, Radiant, Spring Snow
<i>Populus acuminata</i>	Lanceleaf Cottonwood
<i>Populus angustifolia</i>	Narrowleaf Cottonwood\
<i>Populus tremuloides</i>	Quaking Aspen

EVERGREEN TREES

BOTANICAL NAME	COMMON NAME
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper
<i>Picea pungens</i>	Colorado Spruce
<i>Pinus edulis</i>	Pinion Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir

SHRUBS

BOTANICAL NAME	COMMON NAME
<i>Acer glabrum</i>	Rocky Mountain Maple
<i>Amelanchier alnifolia</i>	Serviceberry
<i>Artemisia tridentata</i> vaseyana	Mountain Big Sagebrush
<i>Cercocarpus montanus</i>	Mountain Mahogany
<i>Chrysothamnus nauseosus</i>	Rubber Rabbitbrush
<i>Chrysothamnus viscidiflorus</i>	Low Rabbitbrush
<i>Cornus stolonifera</i>	Redtwig Dogwood
<i>Juniperus communis</i>	Juniper
<i>Pentaphylloides floribunda</i> (Potentilla)	Shrubby Cinquefoil
<i>Prunus virginianus</i>	Chokecherry
<i>Purshia tridentata</i>	Antelope Bitterbrush
<i>Rhus glabra</i>	Smooth Sumac
<i>Rhus aromatica</i> ssp. <i>trilobata</i>	Skunkbrush
<i>Ribes cereum</i>	Wax Currant
<i>Rosa</i> 'woodsii'	Wood's Rose
<i>Rubus parviflorus</i>	Thimbleberry
<i>Sambucus racemosa</i>	Red Elderberry
<i>Shepherdia canadensis</i>	Buffaloberry
<i>Symphoricarpos orocephalus</i>	Mountain Snowberry
<i>Amelanchier alnifolia</i>	Serviceberry
<i>Amelanchier canadensis</i>	Canadian Serviceberry

<i>Amorpha caescens</i>	Blue Mist Spirea
<i>Artemisia tridentata vaseyana</i>	Mountain Sagebrush
<i>Berberis</i> spp.	Barberry
<i>Cercocarpus montanus</i>	Mountain Mahogany
<i>Cercocarpus ledifolius</i>	Curlyleaf Mountain Mahogany
<i>Chrysothamnus nauseosus</i>	Rubber Rabbitbrush
<i>Chrysothamnus viscidiflorus</i>	Low Rabbitbrush
<i>Cornus stolonifera</i>	Red Twig Dogwood
<i>Cornus stolonifera</i> 'Isanti'	<i>Cornus stolonifera</i> 'Isanti'
<i>Cornus alba</i> 'Argenteomarginata'	Variegated Dogwood
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster
<i>Cotoneaster lucidus</i>	Peking Cotoneaster
<i>Euonymus alatus</i> 'Compacta'	Dwarf Burning Bush
<i>Juniperus sabina</i> 'Buffalo'	Buffalo Juniper
<i>Juniperum horizontalis</i> 'Blue Chip'	Blue Chip Juniper
<i>Lonicera involucrata</i>	Twinberry Honeysuckle
<i>Lonicera korolkowi</i> 'Zabel's'	Zabel's Honeysuckle
<i>Spiraea</i> species	Spirea
<i>Physocarpus opalifolius</i>	Golden Ninebark
<i>Physocarpus opulifolius</i> 'Diablo'	Purple Leaf Ninebark
<i>Potentilla</i> species	Potentilla
<i>Prunus x cistena</i>	Purple Leaf Plum
<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Pentaphylloides floribunda</i> (<i>Potentilla</i>)	Shrubby Cinquefoil
<i>Prunus virginianus</i>	Chokecherry
<i>Purshia tridentata</i>	Antelope Bitterbrush
<i>Ribes alpinum</i>	Alpine Currant
<i>Ribes aureum</i>	Yellow Currant
<i>Rhus glabra</i>	Smooth Sumac
<i>Rosa</i> "woodsii"	Wood's Rose
<i>Rosa foetida</i> 'Bicolor'	Austrian Copper Rose
<i>Rubus parviflorus</i>	Thimbleberry
<i>Sambucus racemosa</i>	Red Elderberry
<i>Shepherdia Canadensis</i>	Buffaloberry
<i>Symphoricarpos oreophilus</i>	Mountain Snowberry
<i>Salix purpurea</i> 'Nana'	Snowmound Spirea
<i>Spirea nipponica</i> 'Snowmound'	Dwarf Blue Arctic Willow
<i>Syringa vulgaris</i>	Common Purple Lilac
<i>Salix monticola</i>	Mountain Willow
<i>Sorbaria sorbifolia</i>	Ural False Spirea

DWARF CONIFERS

BOTANICAL NAME	COMMON NAME
<i>Picea pungens</i> 'Fat Albert'	Fat Albert Spruce
<i>Picea pungens</i> species	Dwarf Blue, Green, Globe Spruce

PERENNIAL FLOWERS:

BOTANICAL NAME	COMMON NAME
Achillea.....	Red Yarrow
Alcea species	Hollyhock
Aquilegia species	Columbine
Aster species	Fall Aster
Centaurea montana	Mountain Bluet / Bachelor Button
Chrysanthemum maximum.....	Shasta Daisy
Delphinium elatum	Delphinium
Dianthus deltoids	Maiden Pinks
Dicentra spectabilis.....	Bleeding Heart
Gaillardia grandiflora	Blanket Flower
Hosta sp.	Plantain Lily
Hemerocallis hybrids	Daylily
Iris siberica	Siberian Iris
Linum perenne.....	Flax
Lupinus species	Lupine
Papaver orientalis.....	Oriental Poppy
Penstemon strictus.....	Rocky Mnt. Penstemon
Salvia x surperba.....	Salvia

GROUND COVERS:

BOTANICAL NAME	COMMON NAME
Aedopodium podagraria 'Variegatum'	Variegated Bishop's Weed / Snow on the Mnt.
Ajuga species	Ajuga
Arctostaphylos uva-ursi.....	Kinnikinnick
Artemisia frigida	Fringed Sage
Cerastium tomentosum	Snow-In-Summer
Delosperma nubigenum.....	Hardy Yellow Iceplant
Galium odoratum.....	Sweet Woodruff
Mahonia repens	Oregon Grape
Pachystima myrsinites	Mountain Lover
Potentilla verna 'nana'	Creeping Potentilla
Phlox spp.	Phlox
Antennaria rosea.....	Pussytoes
Fragaria vesca	Wild Strawberry
Sedum spp.	Stonecrop (sedum)
Thymus spp.	Thyme
Vinca minor.....	Periwinkle

CONTAINER GRASSES

BOTANICAL NAME	COMMON NAME
Festuca glauca 'Elijah Blue'	Elijah Blue Fescue

Helictotrichon sempervirens.....	Blue Avena Grass
Miscanthus sinensis 'Gracillimus'	Maiden Grass
Schizachyrium scoparium 'Blaze'	Blaze Little Bluestem
Calamagrostis acutiflora 'K.F.'	Feather Reed Grass

VINES

BOTANICAL NAME	COMMON NAME
Lonicera heckrottii	Heckrottii Honeysuckle
Clematis species.....	Clematis
Parthenocissus quinquefolia	Virginia Creeper / Engleman Ivy

TURF GRASSES - FORMAL TURF AREAS/RECREATION AREAS

BOTANICAL NAME	COMMON NAME
Poa pratensis.....	Kentucky Blue Grass

WILDFLOWER MIX (RECOMMENDED)

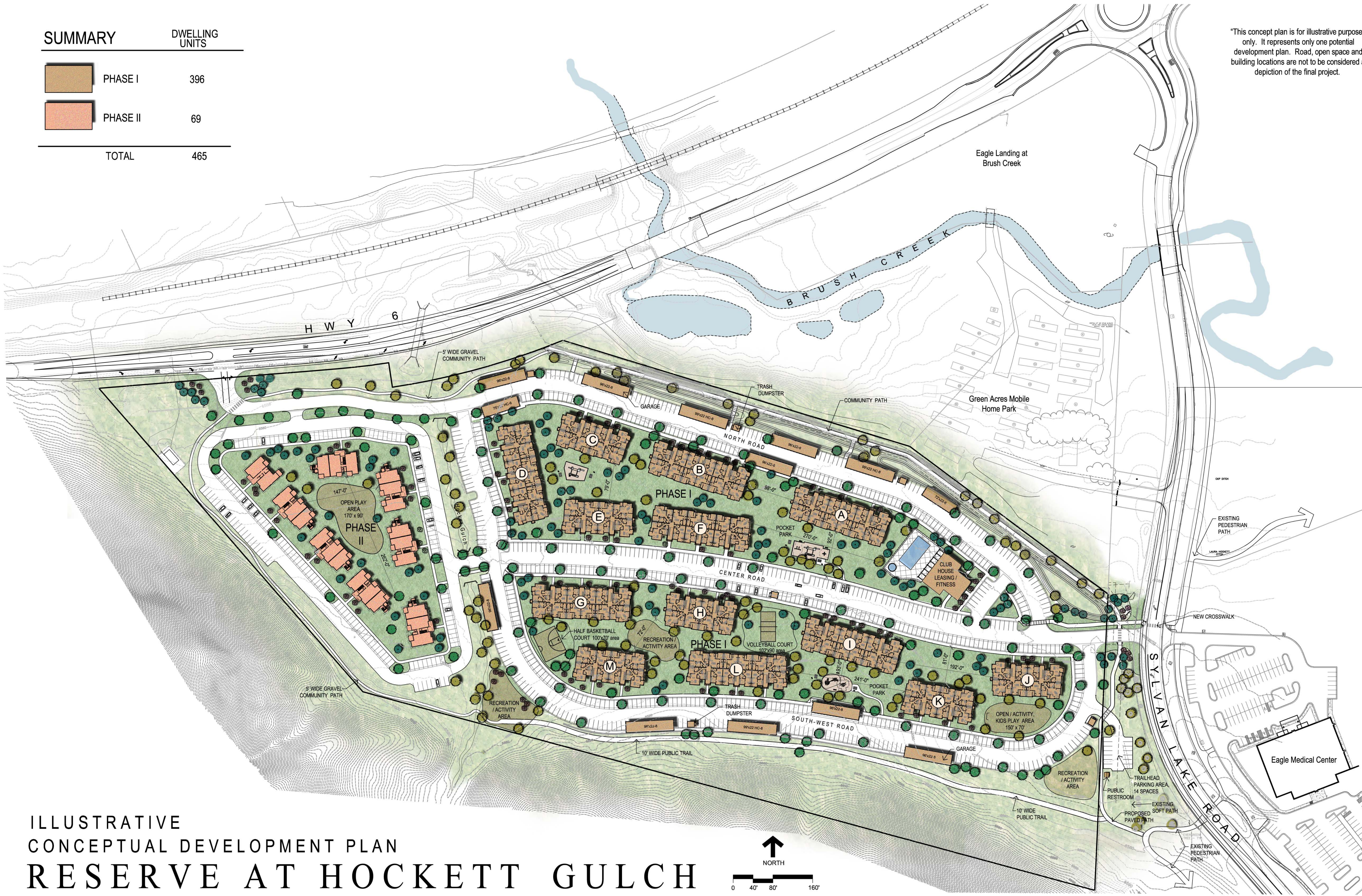
Indian Ricegrass
 Sideoats Grama
 Blue Grama
 Slender Wheatgrass
 Arizona Fescue
 Western Wheatgrass
 Canby Bluegrass
 Bluebunch Wheatgrass
 Little Bluestem

SUMMARY

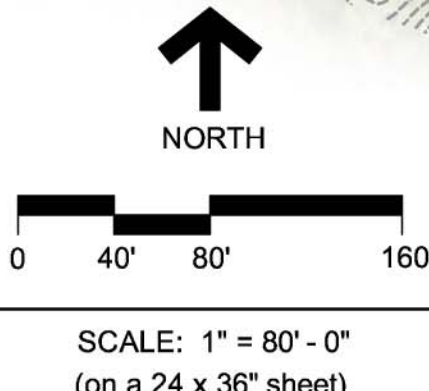
DWELLING
UNITS

PHASE I	396
PHASE II	69
TOTAL	465

"This concept plan is for illustrative purposes only. It represents only one potential development plan. Road, open space and building locations are not to be considered a depiction of the final project."



ILLUSTRATIVE
CONCEPTUAL DEVELOPMENT PLAN
RESERVE AT HOCKETT GULCH
EAGLE, COLORADO



DATE: 1-15-2019



January 15, 2019

Morgan Landers, AICP
Town Planner
Community Development Director
200 Broadway
Eagle, Colorado 81631

Re: Variations Requested as part of Reserve at Hockett Gulch PUD

Dear Morgan:

This letter is being provided at the request of the Town and its consultants to address variations from the Town's regulations being requested for the Reserve at Hockett Gulch. The Town's PUD regulations were generally written to address land that is currently located within the Town and zoned by the Town. A application would then be filed to rezone the property to a PUD. The variations requested in the PUD from the existing zone district are then documented. The code does not satisfactorily address the mechanics where a property is being annexed to the Town and zoned as a PUD without an existing underlying zone district. In this case variations are limited to those standards more universally applied to a development project as no one single district applies in this situation.

As you are also aware the Town's existing regulations tend to be internally inconsistent or not in keeping with recent approvals that have occurred within the Town, thus necessitating the need for some variation from the Town's regulations to insure a quality development. The rewrite of the Town's development regulations, which is currently underway, will likely eliminate the future need to vary from the Town's PUD standards which are intended to be flexible in application.

This summary is provided to identify those areas where the Reserve at Hockett Gulch requires general variation from the current standards or recommendations versus from a specific zone district.

1. Timing of Impact Fee Payments.

The Town of Eagle land use regulations require impact fee payments for the street improvement fee, fire department impact fee, water tap fee, sewer tap fee, and school land dedication fee all of which are to be paid at the time of PUD or subdivision approval. In the case of this PUD, it is anticipated that the initial subdivision will create 4-5 larger development parcels with the anticipation of future development or subdivision. The Board of Trustees has the ability to delay water and sewer tap pre-payment requirements (60% of the requirement) until the approval of either a building permit or a residential subdivision where individual lots are being created for development. As a variation from the Town's typical requirements, the PUD proposes that all such payments occur at the time of Development Permit approval or residential subdivision where individual lots are being created for

development. Payment at that time is the appropriate time as that is when the impacts of the proposed development are able to be accurately calculated and closer to the time that the actual impact will occur. The impacts will not be realized by the Town until a Certificate of Occupancy is issued which is likely a year or two following the approval of a Development Permit, so the fees are still being front-loaded versus when the impact occurs. The front loading of fees prior to Development Permit drives up the cost of development impacts, the ability to complete development projects, and affects the affordability of rents or sale prices. The applicant has worked with the School District to provide those upfront fees at Development Permit approval or residential subdivision where individual lots are being created for development.

- Impact to the Town: There is little to no financial impact to the Town. The Town receives the impact fees prior to the impact being realized. Additionally, the Town may realize more revenue by delaying when it receives payment since the Town often raises the fees on an annual basis (15% a year). This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing impact fees to be paid when impacts are realized and allowing growth to occur in a reasonable fashion.

2. Multiple Family Parking Requirements.

The Town of Eagle land use regulations contain a requirement for additional guest parking related to multiple-family uses. The Town's requirements, without the guest parking requirement, already exceed the anticipated demand for parking within a multiple-family environment. The PUD proposes to eliminate the guest parking requirement which still means parking provided exceeds the anticipated parking demand. The proposed multiple family uses are parked at an average rate of 1.75 spaces per unit versus 1.37 spaces per unit predicted by ITE. We have provided a report from our traffic engineer based upon ITE data to support this variation (attached).

- Impact to the Town: There is no impact to the Town as the proposed parking ratio reflects the demand created. Impacts are reduced on the environment and costs of providing housing are reduced. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing parking requirements that are reflective of demand.

3. HD/PUD Density Designation.

The Town of Eagle PUD regulations contain requirements for different types of land use categories. The HD district is listed as being intended for PUD zones of up to 20 units per acre. Reserve at Hockett Gulch has an overall density of 16.9 units per acre, taking into consideration the entire land area of the development at 29.65 acres. Two of the three HD zones proposed (HD/PUD-1 and HD/PUD-2) within the development allow densities up to 23 units per acre, but when you average those two zones with the dedicated open space areas and HD/PUD-3 the density of the PUD is 16.9 units per acre. The proposed PUD is consistent with the intent of the density limitation and the applicant does not believe this to be an actual variation.

- Impact to the Town: There is no additional impact to the Town. This variation will produce a public benefit over strict application of the regulation by providing work force housing, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing appropriate levels of density within the Town and recognizing that the overall density of the PUD complies with the Town's PUD standard.

4. HD/PUD Use Designation.

The Town of Eagle PUD regulations contain a requirement that the HD/PUD zone district reflect the uses of the R, RR, RL, RM, RMF, and RH zone districts but with the provision that Planning Commission and the Town Board can allow other uses it finds to be compatible. The RH and RMF zone districts allow retail, service, office uses, and other non-residential uses with a Special Use Permit but not as a permitted by right use. The proposed HD/PUD-1 district reflects the uses found in the RH and RMF zone district by allowing commercial uses by Special Use Permit. No variation is therefore required.

HD/PUD-3, with frontage on Grand Avenue, allows commercial and other non-residential uses but as a permitted, use by right rather than by Special Use Permit. This is appropriate given the location of HD/PUD-3 and its location on Grand Avenue and given the goals of the Eagle Area Community Plan which promotes limited commercial uses within this area. Included in the allowed uses by right in HD/PUD-3 are thus commercial uses including a child care facility.

- Impact to the Town: There is no additional impact to the Town as the commercial uses would be allowed by Special Use Permit without a variation. The variation allows the Town to achieve its goal of allowing commercial services along the Grand Avenue corridor if demand exists for it to occur. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing non-residential uses by right to be established without the burden of additional review in the future.

5. Municipal Park Land Dedication Versus Open Space.

The Town of Eagle development regulations require the dedication of park land area within every subdivision within the Town regardless of whether the subdivision is also within a PUD. The Town's regulations also **recommend** that a PUD provide for 20% of the land area of the PUD also be open space.

We don't believe it was the intent to require/recommend that the open space within a PUD was above and beyond the park land dedication but that they work together to provide open space for the occupants of a PUD.

The Town's Parkland Dedication requirement is extremely aggressive. The PUD contains a total of 29.65 acres and the Town's regulation requires 15 acres to be dedicated for park land. This quite clearly shows that the Town's formula and application are misaligned with the goal of providing workforce housing solutions and allow for more compact and dense development that utilize land resources more efficiently.

The applicant has reviewed the Town's regulations for (A) minimum open space area, (B) usable minimum open space area, (C) active recreation area, and (D) municipal park land dedication. The applicant believes that the only variation from Town code is in the area of park land dedication, yet it will address all four of these requirements.

A) **Minimum Open Space.** In the case of the Reserve at Hockett Gulch, the applicant is proposing to provide a minimum of 9.22 acres of total open area or 31% of the 29.65-acre site. This is included via private open space within HD/PUD-1, HD/PUD-2 and HD/PUD-3, as well as via public open space of OS-1 and OS-2. The 9.22 acres (31%) exceeds the PUD-**recommended** minimum 20% open space requirement (equates to 5.93 acres) and thus is not a variation.

B) Usable Minimum Open Space. The Town Code specifies that of the recommended minimum 5.93 acres (20%) of open space, at least 75% of that open space must have a slope of less than 10%, which equates to 4.45 acres. Some of the open space on OS-1 would not be considered usable due to grades exceeding 10%. After backing out these unusable areas on OS-1 (2.944 acres), the total PUD usable open space is 6.276 acres. Further, OS-2 contains areas to be used for stormwater treatment. Despite these stormwater treatment areas being improved as a large green space, the applicant has taken a conservative approach and has removed from its usable open space calculations the areas of OS-2 that will be used for stormwater treatment. There are areas of OS-2 that can be developed with a soft pedestrian trail, seating areas, and small park areas. These areas have slopes less than 10% and contain 0.6176 acres of land. After backing out the stormwater treatment areas on OS-2 (and backing out the steep slope areas of OS-1), the total PUD usable open space is 4.77 acres, which exceeds the minimum 4.45 acres noted above and thus is not a variation.

C) Active Recreation. The Town's regulations also require that of the 4.45 minimum acres, that ½ of that (or 2.22 acres) be used for "Active Recreation." The proposed trail in OS-1 has an area of 0.333 acres and the proposed perimeter trail has an area of 0.336 acres for a total area of active trails of 0.669 acres. The Conceptual Development Plan has been updated to show the location and sizes of active recreation areas including the club house and pool areas. These areas account for approximately 2.80 of active recreation areas. In total, the Conceptual Development Plan shows a total of approximately 3.5 acres of active recreation areas within the PUD. Because the applicant intends to meet or exceed the minimum 2.22 acres of Active Recreation area, this is not a variation.

D) Municipal Park Land Dedication. The Town's regulations also require a Park Land Dedication, or a payment-in-lieu. Based on the code, the Reserve at Hockett Gulch would require a land dedication of 15 acres total or just over 50% of the entire property. Clearly this requirement does not provide any incentive for higher density, more compact, smart growth types of strategies which provide workforce housing and is unreasonable in its application. It should be noted that at the time of application and as of January 11, 2019, the Town has not established land dedication fee.

Of the required 15 acres, the regulation does allow for 50% discount in the land dedication requirement "in exchange for provision of private recreation facilities that provide for the recreational needs of the residents of the proposed development." We believe the PUD allows for adequate recreational opportunities meeting the needs of the residents and therefore would permit a reduction in the requirement to 7.5 acres.

As mentioned, we believe that the calculation of the Town's Municipal Park Land Dedication disincentivizes higher density, more compact, smart growth such as the Reserve at Hockett Gulch's PUD application proposes. Additionally, the applicant is proposing improvements to offset the need for the park land dedication of 7.5 acres as follows:

- A. Dedication of OS-1 (3.5 acres total, 0.556 acres less than 10% slope) which contains the trail connection to future offsite access;
- B. Dedication of an easement on OS-2 (2.12 acres total, 0.6176 acres less than 10% slope) which contains a soft path connection to the Town's trail system and a stormwater management area;
- C. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;

- D. Construction of a 5' wide soft path loop generally around the perimeter of the PUD that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
- E. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road and accessed directly from Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
- F. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- G. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- H. Development of recreation areas within the PUD consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and
- I. A payment in lieu of Park Land Dedication, which is reflective of the additional recreational improvements being provided and the extent of commitment to workforce housing development, of \$50,000.

For these reasons, we believe a variation is necessary and appropriate. We believe the commitment of 9.22 acres of open space, with 4.77 acres of that being usable open space, is a sufficient commitment on the part of the applicant, especially when coupled with the exceedance of the Minimum Open Space and Minimum Usable Open Space as outlined in sections A-B above and the list of additional proposed improvements and a cash payment.

- Impact to the Town: While on its face the Town loses the opportunity for an additional park area within the Town, the Town gains the opportunity for housing the community's workforce, a greater need than reserving additional park and open space within the Town. The Town obtains land suitable for a coveted trail connection potentially providing access for many within the Town to federal lands beyond, including a new trailhead and waterless vault toilet. The Town potentially saves revenue by not taking on an additional park space to own and maintain. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by recognizing the extensive amount of open space and recreation areas being provided within the PUD and allowing a project to be developed at higher densities, achieve smart growth principles, and ultimately address community needs in a different way.

6. Building Height for Multiple Family Structures.

The Town's general height limit is set at 35' across all zone districts whether building a single-family home, a hotel, or a multiple family structure. The applicant is proposing to allow only the multiple family structures within the PUD to have a height of 45' to allow for three stories of residential use and appropriate architectural treatment of the building. Since the 35' height limit was established by the Town, industry standards for floor to floor heights have increased. People, even in rental apartments, are seeking or demanding appropriate ceiling heights. Generally, that means floor to floor heights of 12' in most cases. That makes it very difficult to build a three-story structure with an appropriately scaled roof form. The Town of Eagle has many examples of three-story buildings but

the architecture results in very low roof pitches or flat roofs. Those buildings with sloped roof forms generally suffer from lack of architectural interest and quality. The applicant is intending to build no more than 3 stories but allowing for steeper pitched roofs resulting in higher-quality architectural forms.

The property is isolated with respect to neighboring uses. The additional building height, with the back drop of the steep hillsides that flank the property and appropriate building setbacks from the perimeter of the PUD, will have little impact on adjoining properties.

- Impact to the Town: There is little negative impact to the Town as noted above. The overall impact is positive as it relates to the architecture of the multiple family structures. All other structures are limited to 35'. The variation allows the Town to achieve the goal of allowing a higher density and higher quality housing development serving the needs of the community. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing this building height flexibility.

7. Inclusionary residential requirements for local employee residency.

The Town's inclusionary housing policies require that 10% of the for-sale residential housing be deed restricted for occupancy by the local workforce. The Town has interpreted that these units serve households with income limits at or below 90% of the Area Median Income (AMI) level as set by HUD for Eagle County though the Town regulations are not clear in this regard. In 2018 the AMI for a family of four in Eagle County was \$86,900. 90% of that number is \$78,210.

The PUD proposing to exceed the 10% requirement as it applies to for-sale housing by providing 15% but with an allowance that household income limits can be up to 120% of AMI. In the case of a family of four, the qualifying income could be \$104,280 using 2018 HUD numbers.

Additionally, the PUD provides that 30% of any rental housing would be deed restricted so that the dwelling units are occupied by the local workforce population without income restrictions. The Town currently does not apply inclusionary zoning to rental property and so there would be no Town requirement for deed restricted rental housing units.

The deed restrictions for rental and for-sale housing would require at least one member of the household meets at least one of the following criteria:

- a. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
- b. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
- c. Employees that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or
- d. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or

- e. Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have met the intent of the programs criteria; or
- f. The household cumulatively earns at least 75% of the Household's Gross Household Income in Eagle County.

The variation being sought is from the 90% AMI limit that would typically apply to 10% of the for-sale units and allowing the PUD to adhere to a 120% AMI for 15% of the units. The applicant believes that by going above and beyond with both the percentage of for-sale housing and rental housing (which has not requirement today), justifies the variation being sought.

- Impact to the Town: The variation allows the Town to achieve the goal of providing substantial workforce housing within the Town by the private sector to help serve the long-term needs of the community. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code.

Sincerely,



Dominic F. Mauriello, AICP
Principal

RESERVE AT HOCKETT GULCH
 OPINION OF PROBABLE COSTS
 February 25, 2019



In providing this opinion of probable cost, Alpine Engineering Inc. (AEI), has no control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that AEI's opinion of probable construction costs are made on the basis of AEI's professional judgment and experience. AEI makes no warranty, express or implied, that the bids or negotiated cost of the work will not vary from AEI's opinion of probable construction costs.

Item	Description	Unit	Quantity	Unit Price	Total
10' GRAVEL TRAIL (OS1)					
1	Clearing	SF	14880	\$ 0.50	\$ 7,440.00
2	Topsoil Remove	CY	276	\$ 3.50	\$ 966.00
3	Topsoil Replace	CY	276	\$ 7.00	\$ 1,932.00
4	Excavation	CY	4820	\$ 5.00	\$ 24,100.00
5	Embankment	CY	4820	\$ 5.25	\$ 25,305.00
6	Subgrade Preparation	SY	1653	\$ 2.10	\$ 3,471.30
7	Base Course (Class 6)	TON	505	\$ 38.00	\$ 19,190.00
	SUBTOTAL				\$ 82,404.30
TRAILHEAD PARKING AND 10' PAVED TRAIL					
8	Clearing	SF	126720	\$ 0.50	\$ 63,360.00
9	Topsoil Remove	CY	235	\$ 3.50	\$ 822.50
10	Topsoil Replace	CY	235	\$ 7.00	\$ 1,645.00
11	Excavation	CY	412	\$ 5.00	\$ 2,060.00
12	Embankment	CY	412	\$ 5.25	\$ 2,163.00
13	Subgrade Preparation	SY	1408	\$ 2.10	\$ 2,956.80
14	Base Course (Class 6)	TON	577	\$ 38.00	\$ 21,926.00
15	Asphalt	TON	255	\$ 110.00	\$ 28,050.00
16	Curb and Gutter	LF	100	\$ 28.00	\$ 2,800.00
17	Striping (Parking)	LF	240	\$ 0.34	\$ 81.60
18	Signage	EA	8	\$ 500.00	\$ 4,000.00
19	Crosswalk Striping	EA	3	\$ 500.00	\$ 1,500.00
20	Concrete Ramps	EA	7	\$ 600.00	\$ 4,200.00
21	Black Pipe Pit Toilet	LS	1	\$ 75,000.00	\$ 75,000.00
22	Tapco Flashing Beacons	EA	4	\$ 4,500.00	\$ 18,000.00
	SUBTOTAL				\$ 228,564.90
LOOPED SOFT TRAIL (3000 lf)					
23	Clearing	SF	23640	\$ 0.50	\$ 11,820.00
24	Topsoil Remove	CY	438	\$ 3.50	\$ 1,533.00
25	Topsoil Replace	CY	438	\$ 7.00	\$ 3,066.00
26	Excavation	CY	768	\$ 5.00	\$ 3,840.00
27	Embankment	CY	768	\$ 5.25	\$ 4,032.00
28	Subgrade Preparation	SY	2626	\$ 2.10	\$ 5,514.60
29	Base Course (Class 6)	TON	803	\$ 38.00	\$ 30,514.00
30	Signage	EA	3	\$ 500.00	\$ 1,500.00
31	Crosswalk Striping	EA	1	\$ 500.00	\$ 500.00
32	Concrete Ramps	EA	7	\$ 600.00	\$ 4,200.00
	SUBTOTAL				\$ 66,519.60
	TOTAL				\$ 377,488.80
	15% Contingency				\$ 56,623.32
	GRAND TOTAL				\$ 434,112.12



January 24, 2019

Planning and Zoning Commission
Town of Eagle
PO Box 609
Eagle CO 81631

Dear Commission members,

I've recently been made aware of the proposed development project in Eagle Colorado, the Reserve at Hockett Gulch. As a local business owner and board member of the Eagle Chamber of Commerce, I write you this letter in support of this proposed housing project.

My family owns Color Coffee Roasters in Eagle. We employ fourteen local staff persons in our cafe and wholesale production businesses. I can tell you that one of our greatest challenges as a local small business is recruiting and retaining staff. Young people are ready to re-locate to Eagle and work for us, but accessibility and affordability in our local rental housing market are preventing them from making the commitment to Eagle and to Color Roasters.

These local housing challenges coupled with our need to recruit and retain quality staff has forced me to offer the lower level of my home for temporary staff housing. I currently have two full-time employees living with us, and we very much look forward to the day when we'll find an affordable and livable housing alternative for both.

The proposed Reserve at Hockett Gulch can be, and will be, a possible solution to the housing shortages faced in our community. Eagle is a growing and vibrant mountain community with access to everything Colorado has to offer. People want to be here - Eagle has been "discovered".

We support your effort to bring this much-needed housing community to Eagle.

Best regards,

Clark Gundlach
Owner, Color Coffee Roasters

Colton Berck

From: Gary Scanlon <gscan49@hotmail.com>
Sent: Wednesday, February 6, 2019 10:23 AM
To: Planning and Zoning
Cc: All Trustees; Morgan Landers
Subject: Hockett Gulch PUD public hearing

I was unable to attend last night's P&Z Commission meeting, but wish to offer the following concerns:

As an Eagle resident and a retired real estate development professional, I agree that the Hockett Gulch site should be developed as high density residential. However, I think that it is ridiculous to even consider that 500 dwelling units and possibly an additional 30,000 sf of commercial can be appropriate for this size site. I hope that you will thoroughly review the developer's plans and suggest that you require that a scale model be prepared so that you can fully understand the massing of the project and the negative impacts of such high density.

Even more important, It is time that the P&Z Commission and the Town Board of Trustees do something for the residents by requiring the Eagle Post Office to solve its problems. Cars were backed up on Chambers Ave every afternoon in December and many other days throughout the year because the Post Office does not have enough employees or adequate parking. There are no PO Boxes available to serve the Hockett Gulch project or any other future project, and the 30 parking spaces at the Post Office are grossly inadequate. Certainly the Town should be able to demand that the Post Office resolve these issues. I appreciate that the Town is planning for growth by investing in a new water treatment plant, but we also need a post office that can serve the existing population as well as future growth. It is time to stop forcing the town residents put up with the inconveniences of a totally inadequate and understaffed post office.

Thank you!

Gary Scanlon
937-673-4751

From: [Bruce Norring](#)
To: [Morgan Landers](#); [Jason Cowles](#); [Charlie Perkins](#); [Kyle Hoiland](#); [Jesse Gregg](#); [Stephen Richards](#); [Brent McFall](#); [Bill Nutkins](#); [Matthew Hood](#)
Subject: Hockett Gulch /Reserve at Hockett Gulch
Date: Tuesday, February 5, 2019 5:14:06 AM

Planning Commision

I'd like to go on record regarding the Reserve at Hockett Gulch project.

I, in general feel a project like this is much needed in the community. My primary concern, if built, is exterior lighting. Although this may be early in the process to address this I don't want it to be overlooked in the end. The exterior lighting needs to be minimized as much as possible so we don't end up with the massive light trespass issue that exists at the Eagle Health Care Center. (it looks like a used car lot at night.)

Thanks in advance for your attention to this matter.

Bruce Norring
702 Prince Alley

To: Eagle Board of Trustee
C/O Morgan Landers
Fr: Willy Powell

RE: Reserve at Hockett Gulch
Recommendations for an Improved Project

I have studied the application and offer the following recommendations for an improved Hockett Gulch Project. While this ambitious project brings needed employee housing to the town, it wrongfully evades some of the town's well-meaning regulations and needs further scrutiny in certain areas. Below are my recommendations and observations.

Public Transit

I have discussed this project with Chris Lubbers, ECO Transit Director. Because of the nature and intensity of the project both Chris and I recommend a transit stop along Highway 6 with a divider lane and a modest parking area. Additionally Chris has told me that dedicated parking for ride sharing should be incorporated into the project. ECO Transit has not been contacted by the town or the applicant and the agency should be involved. The existing transit stop near the Sylvan Lake Roundabout is not convenient and could impose safety concerns for those walking to the stop.

Parking

Three parking spaces at the Leasing Center and pool seem inadequate and should be fully justified. The PUD Guide also does not include the town's well intended multi-family additional parking for guests and overflow. Adequacy of parking should be evaluated after the first phase and adjusted accordingly.

Improvements to Highway 6 and Sylvan Lake Road

Has the Annexation/Development Agreement spelled out the timing of completion of the improvements?

Commercial Zoning

Should Area 3 be allowed for town-wide commercial? The town needs more affordable housing, not another commercial zone in addition to the existing underutilized zones now in existence. Small scale commercial intended principally for the on-site population may be good, but limitation on the total commercial area and maximum size of stores should be incorporated into the plan.

Domestic Water

Has the town decided the project can come on line before the Lower Basin Water Treatment Plant is completed, or is it the intent that project occupancy be timed with opening of the plant? If before, has the town concluded the Upper Basin Plant has sufficient capacity.

Exterior Path System

The current plan for the exterior trails calls for soft paths. Would the project be better served if the paths be hard surfaced and maintained for year round use?

Fitzsimmons Property

Corky Fitzsimmons has related to me that neither the town nor applicant has approached him for access to the Hockett Gulch soft paths. Lack of access could lead to the creation of an attractive nuisance with law enforcement consequences. Should a monetary fund be created between the applicant and town to pay for the needed easement? For example, should the applicant be required to contribute a fee for each unit created and to be matched in some proportion with town open space funding.

Recreation

While the project incorporates small pocket parks throughout, it is questionable if the totality of the recreation proposal is adequate. Would the project be well served by incorporating a playing field, like all other subdivisions in Eagle of this size.

Conclusion

The project is well intended and brings needed housing to the town. Certain refinements to the project should be further studied and incorporated into the project.

To: Town of Eagle Planning and Zoning

From: Jeff Kennedy/ Moe's Original Bar-B-Que

We all know that housing has become a huge obstacle for all businesses in our valley. We live in a service oriented community, but service employees can no longer afford to live here. This, I believe, has begun to impact the quality of life available for our entry level employees. At Moe's Orig, we want the younger generation of the Vail Valley to love and appreciate this valley like we did when we were fortunate enough to move here. This is difficult to do these days, with rent easily gobbling up half of a month's pay. We have recently raised our prices and are passing the increase through 100% to our employees. This effort helps, but we need multiple solutions to the problem.

I think that the proposed Reserve at Hockett Gulch is a synergetic piece of the puzzle. It brings not only reasonable priced housing, but a super cool HOME for these employees to feel like they are part of a community. And the Eagle community is as good as it gets. The amenities of RHG are perfectly aligned with what we want our employees and families to experience in this community. I am open to be involved with any discussion moving forward because I truly believe that we need this type of development in town.

Can I get on the Lottery for RHG?

Thanks for your time.

Jeff Kennedy

Colton Berck

From: Keith Klesner <keith.klesner@googlemail.com>
Sent: Wednesday, February 6, 2019 3:10 PM
To: Colton Berck; Morgan Landers
Subject: Reserve at Gulch Development Comments

Greetings,

I understand this project is up for planning and town board of trustess review. I am an Eagle Ranch homeowner at 110 Ewing St.

Density of 500 units is significant. I would prefer lower density but if more affordable housing can be realized in the project it is understandable so I ask the developer be pushed to offer affordable designated units.

EV infrastructure should be part of this large development to reduce carbon footprint of residents' transit. The biggest impediment to people buying plug-in vehicles is lack of public charging infrastructure. To enable residents to own EVs, chargers are needed where they live. For such a large development many parking spaces should have a charger installed and infrastructure installed for further building out. This should be a demand of the town for all new developments and encouragement to retrofit current condo and apartment residences. See this article.

[Condo-apartment-charging-moving-the-ev-revolution-forward](#)

Trail connection of Hocket Gulch to Hardscrabble trails is important however this should be non-motorized access as dirt bikes are loud and intrusive users. This is acute as the topography will bounce any noise right back into the development and residents/town should not be subject to motorized noise climbing out of this area. Additionally emissions from motorized users adjacent to this dense development is ill advised. Motorized access from more remote locations to the West near EGE airport are more appropriate.

Thank you for considering this input. Please share as appropriate within the town as these are important issues for such a large development.

Thank you,
Keith Klesner
303-253-1403



January 21, 2019

Town of Eagle
Attn: Planning & Zoning Commission
CC: Town Trustees
Sent via email

Dear Planning Commission members,

Vail Valley Partnership is the regional chamber of commerce, with over 850 members throughout Eagle County who collectively represent over 80% of the local workforce. We are dedicated to the economic vitality of the valley, and as such our board of governors – which includes residents & business operators throughout Eagle County – has identified workforce housing as our number one priority.

The Partnership board of governors supports the Reserve at Hockett Gulch project proposed in Eagle and believes it is a good project, in a good location, that helps meet our community housing needs. We encourage your support of the project.

As locals know, Eagle County's cost of living is higher than many other places. To no one's surprise, housing is the key element pushing Eagle County's overall cost of living above the U.S. average. The Council for Community and Economic Research produces an annual County Cost of Living Index (CCLI) that serves as a measure of relative cost of living between different locations across the county.

Eagle County's cost of living indexes at 176.30 against a nationwide average of 100. In the CCLI, a number above 100 is more expensive than the U.S. average, and a number below 100 is less expensive than the U.S. average. Housing costs in Eagle County, however, are indexed at 340, while most other consumer goods and services in the county fall slightly above or below the U.S. average, making housing the primary driver elevating local living expenses.

Eagle County faces a gap in the availability of ownership and rental housing that is affordable for local residents. Residents are burdened by high housing payments. Employees are forced to commute long distances. According to the annual workforce survey, employers believe that the availability of workforce housing is a critical or major problem in Eagle County. The Eagle County Housing Assessment shows a shortfall of 4,500 units to meet current needs.

Workforce and affordable housing has long been an issue in Eagle County. The difference today is the demographic data clearly shows an increased need for more affordable housing options for the current and future Eagle County workforce. Addressing our affordable housing issue is essential to the continued success and growth of our business community across industry sectors.



When we look at the current affordability gap we see a \$234,310 gap for that 100% AMI family, and even at 140% AMI, there is still a \$97,600 gap. These new affordability gap numbers point to the increased need for more affordable housing options for the current and future Eagle County workforce.

Currently and anecdotally, units that have been long-term workforce rentals are being removed from that market as they are converted into short-term rentals. This has the potential to grow both catch-up and keep-up needs for workforce housing.

The Partnership recently hosted the inaugural US Mountain Community Housing Summit, with over 100 attendees ranging from investors to developers, municipal planners to community stakeholders. Three themes came out of the housing summit that are relevant to The Reserve at Hockett Gulch:

1. Communities such as ours are finding ways to get to yes and to provide efficient entitlement processes.
2. Housing needs also fall in the middle, not just at the low end of the spectrum.
3. Will take all kinds of projects, and all kinds of public-private partnerships and compromises, to solve our needs.

We want to ensure our community can remain competitive to keep locals local and to support our business community. We encourage local governments and boards to approve appropriate in-fill projects such as the Reserve at Hockett Gulch, and to be open-minded and flexible to grant appropriate variances to local code to facilitate the development of these projects.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris Romer", with a long, sweeping horizontal line extending to the right.

Chris Romer
President & CEO
Vail Valley Partnership



January 24, 2019

Planning and Zoning Commission
Town of Eagle
PO Box 609
Eagle CO 81631

Dear Commission members,

I've recently been made aware of the proposed development project in Eagle Colorado, the Reserve at Hockett Gulch. As a local business owner and board member of the Eagle Chamber of Commerce, I write you this letter in support of this proposed housing project.

My family owns Color Coffee Roasters in Eagle. We employ fourteen local staff persons in our cafe and wholesale production businesses. I can tell you that one of our greatest challenges as a local small business is recruiting and retaining staff. Young people are ready to re-locate to Eagle and work for us, but accessibility and affordability in our local rental housing market are preventing them from making the commitment to Eagle and to Color Roasters.

These local housing challenges coupled with our need to recruit and retain quality staff has forced me to offer the lower level of my home for temporary staff housing. I currently have two full-time employees living with us, and we very much look forward to the day when we'll find an affordable and livable housing alternative for both.

The proposed Reserve at Hockett Gulch can be, and will be, a possible solution to the housing shortages faced in our community. Eagle is a growing and vibrant mountain community with access to everything Colorado has to offer. People want to be here - Eagle has been "discovered".

We support your effort to bring this much-needed housing community to Eagle.

Best regards,

Clark Gundlach
Owner, Color Coffee Roasters

February 1, 2019

To: Town of Eagle Planning and Zoning
From: Charlie Gundlach
Color Coffee Roasters
Re: Reserve at Hockett Gulch

Dear Planning Commission members:

Hope you're having a great start to the new year!

I wanted to write to you regarding the Reserve at Hockett Gulch. As a young business owner, I would love to see this project come to fruition. I think it would be a great addition to the community.

It is well known problem in Eagle that businesses have a hard time finding and retaining staff. This problem is true for Color Coffee Roasters as well. In addition to this though, I can offer a different perspective.

When I started Color Coffee, I had the benefit of having family to stay with during the critical first 2 years of operating. Had I not had this, I would not have been able to make it work and Color would not be in Eagle. We'd be in Longmont, Ft Collins, or Grand Junction. I was not in a position to buy a home and could not find rental options that fit my budget. With more supply on the market in Eagle, prices might have been lower and options greater.

If Eagle wants to attract entrepreneurs and new businesses like Color, we need a variety of housing options, in all sizes and price ranges - especially for rent, not just for sale.

Thank you for considering my story, and others, when deciding to approve the Reserve at Hockett Gulch. Cheers to a prosperous and beautiful future for all of us in Eagle.

Best,

Charlie Gundlach



January 21, 2019

Town of Eagle
Attn: Planning & Zoning Commission
CC: Town Trustees
Sent via email

Dear Planning Commission members,

Vail Valley Partnership is the regional chamber of commerce, with over 850 members throughout Eagle County who collectively represent over 80% of the local workforce. We are dedicated to the economic vitality of the valley, and as such our board of governors – which includes residents & business operators throughout Eagle County – has identified workforce housing as our number one priority.

The Partnership board of governors supports the Reserve at Hockett Gulch project proposed in Eagle and believes it is a good project, in a good location, that helps meet our community housing needs. We encourage your support of the project.

As locals know, Eagle County's cost of living is higher than many other places. To no one's surprise, housing is the key element pushing Eagle County's overall cost of living above the U.S. average. The Council for Community and Economic Research produces an annual County Cost of Living Index (CCLI) that serves as a measure of relative cost of living between different locations across the county.

Eagle County's cost of living indexes at 176.30 against a nationwide average of 100. In the CCLI, a number above 100 is more expensive than the U.S. average, and a number below 100 is less expensive than the U.S. average. Housing costs in Eagle County, however, are indexed at 340, while most other consumer goods and services in the county fall slightly above or below the U.S. average, making housing the primary driver elevating local living expenses.

Eagle County faces a gap in the availability of ownership and rental housing that is affordable for local residents. Residents are burdened by high housing payments. Employees are forced to commute long distances. According to the annual workforce survey, employers believe that the availability of workforce housing is a critical or major problem in Eagle County. The Eagle County Housing Assessment shows a shortfall of 4,500 units to meet current needs.

Workforce and affordable housing has long been an issue in Eagle County. The difference today is the demographic data clearly shows an increased need for more affordable housing options for the current and future Eagle County workforce. Addressing our affordable housing issue is essential to the continued success and growth of our business community across industry sectors.



When we look at the current affordability gap we see a \$234,310 gap for that 100% AMI family, and even at 140% AMI, there is still a \$97,600 gap. These new affordability gap numbers point to the increased need for more affordable housing options for the current and future Eagle County workforce.

Currently and anecdotally, units that have been long-term workforce rentals are being removed from that market as they are converted into short-term rentals. This has the potential to grow both catch-up and keep-up needs for workforce housing.

The Partnership recently hosted the inaugural US Mountain Community Housing Summit, with over 100 attendees ranging from investors to developers, municipal planners to community stakeholders. Three themes came out of the housing summit that are relevant to The Reserve at Hockett Gulch:

1. Communities such as ours are finding ways to get to yes and to provide efficient entitlement processes.
2. Housing needs also fall in the middle, not just at the low end of the spectrum.
3. Will take all kinds of projects, and all kinds of public-private partnerships and compromises, to solve our needs.

We want to ensure our community can remain competitive to keep locals local and to support our business community. We encourage local governments and boards to approve appropriate in-fill projects such as the Reserve at Hockett Gulch, and to be open-minded and flexible to grant appropriate variances to local code to facilitate the development of these projects.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris Romer", with a long, sweeping horizontal line extending to the right.

Chris Romer
President & CEO
Vail Valley Partnership

Colton Berck

From: lizabeth de la Cruz <drdelacruz@eagleortho.com>
Sent: Friday, February 1, 2019 10:37 AM
To: All Trustees; Planning and Zoning
Subject: Reserve at Hockett Gulch Project

February1, 2019

Planning and Zoning Commission
Town of Eagle
PO Box 609
Eagle CO 81631

Dear Commission members,

I've recently been made aware of the proposed development project in Eagle Colorado, the Reserve at Hockett Gulch. As a local business owner, I write you this letter in support of this proposed housing project.

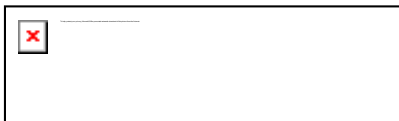
My family owns Eagle Orthodontics in Eagle. We employ six local staff persons in our office, several of them currently looking and have been looking for months for affordable housing. I can tell you that one of our greatest challenges as a local small business is recruiting and retaining staff. Young people are ready to relocate to Eagle and work for us, but accessibility and affordability in our local rental housing market are preventing them from making the commitment to Eagle and to Eagle Orthodontics. In fact, all of the dental business owners in Eagle and the Valley are short staffed for all the these same reasons.

The proposed Reserve at Hockett Gulch can be, and will be, a possible solution to the housing shortages faced in our community. Eagle is a growing and vibrant mountain community with access to everything Colorado has to offer. People want to be here - Eagle has been "discovered".

We support your effort to bring this much-needed housing community to Eagle.

Thank you so much for you time and consideration,

Lizabeth de la Cruz, DDS
Owner-Dentist @ Eagle Orthodontics
setdds@gmail.com
drdelacruz@gmail.com
O: [970.328.1075](tel:970.328.1075)
C: [512.923.7347](tel:512.923.7347)
011 Eagle Park Dr. Eagle, CO 81631



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February 1, 2019

Planning & Zoning Commission
Board of Trustees
Town of Eagle
PO Box 609
Eagle, CO 81631

Dear P&Z Commission members and Trustees:

I recently met with the team working on the Reserve at Hockett Gulch, and my first question was, "When do you break ground?" A project of this size and quality, in this location, is just what Eagle needs. The residents at the Reserve at Hockett Gulch will not only be our employees, they'll be our customers, friends and neighbors. I strongly support approval of this project.

I encourage the P&Z members, staff and town trustees to find creative ways to get to "yes" on this quality project.

As someone who has stood (or sat) on both sides of the podium, I would like to thank you for your service. Thank you for your time and your dedication to our great community.

Best regards,

Yuri Kostick

From: [Jenny Rakow](#)
To: [Morgan Landers](#)
Subject: FW: Reserve at Hockett Gulch ("RHG")
Date: Thursday, March 7, 2019 10:33:21 AM

FYI

Jenny Rakow, CMC

Town Clerk - TOWN OF EAGLE

P | 970-328-9623 e | jenny.rakow@townofeagle.org

From: Stan Kensinger <StanK@oliverreg.com>
Sent: Thursday, March 7, 2019 10:30 AM
To: All Trustees <alltrustees@townofeagle.org>
Cc: Brandy Reitter <brandy.reitter@townofeagle.org>; Bill Shrum <bill.shrum@townofeagle.org>
Subject: FW: Reserve at Hockett Gulch ("RHG")

Hi Town Board Members,

This email is being provided to you prior to your meeting on Tuesday, where The "Reserve at Hockett Gulch" (RHG) project will be presented.

Unfortunately, I will be out of town on Tuesday .

Both the Business Advocacy Council and me personally, are in favor of approving this project when it comes before you.

The reasons for our support are numerous and I believe compelling.

They are listed below:

1. The construction of up to 400 apartment units, with additional units in the 2nd phase, are very much needed for Eagle's workforce and young families in need of housing. As you know, the west end of the Eagle Valley is sorely lacking for attainable housing as evidenced by successful projects recently completed in Gypsum and the AmerciInn/The House project in Eagle. All units will be offered first to town, county, school ,fire, and police. This project will provide housing opportunities for critical/very important workforce employees.
Although these units are not considered affordable, they are considered attainable and whether prospective tenants rent these units directly or other tenants rent the units that are vacated by the new tenants at "RHG", there will be up to 500 additional units in Eagle for residents. This is up to 500 units that do not currently exist in our town. That means that there will up to 800-1000 people who can live, play and spend their money in Eagle.
2. As you know, all of Eagle's single family lots and single family housing opportunities have already been spoken for, with Eagle Ranch and Haymeadow and I believe that our town's opportunity to have increased economic vitality is to have multi family in infill locations. This project provides just that opportunity.
3. The inherent makeup of the tenancy for this project will, without a doubt, be YOUNG couples and families. Most or all of them want to live in Eagle in order to embrace our active and healthy lifestyle. They will be bikers, skiers, hikers, rock climbers, golfers, etc. They all

workout, eat and drink etc. They will embrace the retail and restaurants both our Downtown core and Eagle Ranch. More than likely they will walk, bike, etc. to these venues. These are the kind of YOUNG people who we want in Eagle and who deserve to live in Eagle. We need an influx of YOUNG people here in our town.

What a Great opportunity for our town!!!!!!!!!!!!!!!!!!!!!!

4. The town will receive approx.. \$8,300,000 in one time fees and receive approx. \$1.2 in annual taxes and other revenues, upon full buildout.

5. Water:

I feel that the Town has the opportunity to balance the need for water conservation while making sure that a development project pays for all of the water that it will use. RHG's plan to use raw water irrigation and install water reducing measures is what we need in Eagle. I believe that they are guaranteeing their projected use with a significant penalty if they are wrong. Seems like a no risk proposition for the town.

We can't saddle quality projects like this with fees that don't reflect their true impacts.

I was surprised to find out that a similar project in Edwards and/or Vail would be \$2,000,000 less in water and tap sewer fees than Eagle.

Eagle needs to be competitive with the balance of the Eagle Valley.

6. Approval of this project could will help repair Eagle's image as a "Development Unfriendly" community and hopefully approval of this project will inspire others to consider similar in fill projects.

7. This is a quality development done by a quality developer who is very experienced in multifamily development. They have the financial wherewithal and strength of ownership to complete a quality project.

As you know, my philosophy is that if there is a GREAT Project, that is GREAT for our town, then we all need to find a way to support the approval and success of a project like this.

This project fits this philosophy perfectly.

Thank you for your positive consideration of this project,

Stan

EAGLE, COLORADO....WHERE WE CAN LIVE, WORK AND PLAY.....WITHOUT
DRIVING UP VALLEY!!

Stanton Kensinger
Chairman
Business Advocacy Council
Eagle, Colorado

EAGLE, COLORADO ---- Where we are "OPEN FOR BUSINESS"



Eagle Chamber of Commerce

Business Advocacy Council

Working for Existing and New Businesses in Eagle

Town of Eagle
Planning & Zoning Commission

Dear Town of Eagle Planning & Zoning Commission members:

I have had my dental practice in Eagle since 2004. As owner of Castle Peak Dental on Market Street, we employ 21 dentists, hygienists and professional support staff. Finding suitable housing has always been a challenge for our staff, and it seems to be getting more difficult each year. Retaining quality staff and providing them with the means to enjoy the Eagle valley lifestyle is a top priority for me.

I am aware of the Reserve at Hockett Gulch project that is seeking to be annexed into the Town and is currently going through the approval process. I urge the planning and zoning commission to look favorably on this project as a means to provide high quality, attainable and very livable rental housing for employees of businesses like mine. Many of our staff are just starting their careers and are not ready to own a home. Rental properties in Eagle – especially those that allow pets and offer amenities like those proposed at the Reserve – simply don't exist.

The residents of the Reserve at Hockett Gulch will be valuable members of our community. They seek the same things we all do – the ability to live, work and contribute to a wonderful community like Eagle. While we hope these residents will be our potential customers, they'll definitely be customers of our coffee shops, breweries, restaurants, shops, movie theater, climbing gym and more.

Let's make it easier for our businesses to hire and retain quality staff, and for our valuable employees to call Eagle home.

Thank you,

A handwritten signature in black ink, appearing to read 'Summer Kassmel', written in a cursive style.

Summer Kassmel, DDS
Castle Peak Dental
56 Market Street, Suite 5
Eagle, CO 81631



January 30, 2019

Town of Eagle
Attn: Planning & Zoning Commission
CC: Town Trustees

Dear Planning Commission members,

Wanderlust Dog Ranch writes in strong support of the new Reserve at Hockett Gulch project. We have operated out of Eagle, Colorado for the last six years and have regularly dealt with the struggle to recruit and maintain quality staff due to limited housing availability, which is why your support of this project is encouraged.

The community is in need of housing specifically for those looking to root down and create a life in our vibrant mountain town. We currently employ seven local employees, however, staffing remains our biggest challenge. We have met with countless qualified candidates who are ready to make the move to Eagle but the opportunity to find an affordable place to live is not available.

It is vital to Wanderlust Dog Ranch to remain competitive and support our local community with the absolute best standard of dog care. This project is the solution to a very common problem among Eagle business owners and those wanting to move to our community. The support of this effort will minimize housing challenges and encourage continued growth among the town of Eagle.

We believe that approval of this project is critical to long-term sustainment of the local economy. It is for these reasons that we respectfully ask for your full and fair consideration of the new Reserve at Hockett Gulch project.

Best regards,

Jason Hershman
Owner, Wanderlust Dog Ranch

Dear Eagle Town Board of Trustees,

I am writing to you regarding the proposed Reserve at Hockett Gulch, as a Town of Eagle business owner, resident, and member of the Eagle Business Advisory Council.

As you may know, I recently expanded my yoga studio, Yoga Off Broadway, to include a second location at the new Eagle Climbing+Fitness facility. I am banking on Eagle's continued growth to support two locations, both with increased staff and new community members. I

n order for this growth to happen, I believe Eagle needs to support well-designed development, in in-fill locations, close to existing businesses. The Reserve at Hockett Gulch appears to be a good example of the type of project we should encourage to add to vibrancy to our community and encourage businesses like mine to grow.

I hope you will look favorably on the Reserve at Hockett Gulch's application as a positive project for Eagle.

Thank you!
Yvonne Schwartz
Owner, Yoga Off Broadway



**Planning and Zoning Commission
Meeting Minutes
February 19th, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Jesse Gregg
Matthew Hood
Bill Nutkins
Kyle Hoiland
Brent McFall

STAFF

Morgan Landers- Town Planner
Colton Berck- Planner I
Stephanie Stevens- Contract Planner
Dawn Koenig- Admin Technician

ABSENT

Charlie Perkins

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on was called to order by Jason Cowles at 6:32p.m.

APPROVAL OF MINUTES

Commissioner McFall made a motion to approve the minutes of the February 5th, 2019 meeting. Commissioner Gregg seconded. All others present voted in favor. The motion passed.

PUBLIC COMMENT

None.

LAND USE FILES

PUD18-01 Red Mountain Ranch

Commissioner Cowles opened file PUD18-01 a request for a Planned Unit Development (PUD) Zoning Map Application - max of 153 dwelling units of various types, limited commercial areas, and open space/park areas. Site Specific Development Plan (vesting of property rights).

Landers entered into the record a letter of public comment that was received after publication of the packet and distributed copies to the commissioners. She introduced several members of the project applicant team who were present at the hearing.

APPLICANT PRESENTATION

Property owner and project representative Eric Eves offered comments on the property mentioning that he currently lives with his family on the project site in Planning Area 2 which he said gives him a unique perspective and a special connection to this land. He said he sees this project as a tremendous opportunity for the Town of Eagle.

Eves said that he has been a partner with Red Mountain Ranch Partnership, LLP for over a decade. He said that there are multiple ownerships of the 130 acres with most of the property owned by Red Mountain Ranch Partnership, LLP. He gave some history of the project site. Eves said that it is the owners' desire to master plan the 130-acre site. Eves said that the project team believes that this will lead to a better project that is more cohesive, more environmentally minded, and a better product for the community. He said that there are significant land dedications as part of the proposal that are above and beyond the town's requirements.

Eves said that the project team began the master plan for the property in 2015 when the Eagle River Corridor Plan was developed. He said the plan focuses on conservation of environmentally sensitive areas and includes plans for an environmental management plan, positive economic development in the town, increased access to the river, and expanded outdoor recreation opportunities.

Eves said that the project team submitted the development application to the town in June of 2017 and they have been working with the town ever since. He said they are looking forward to continuing to work with town staff to resolve remaining issues. Eves said that Red Mountain Ranch is a local company with a long history of giving back to the community. He noted the importance of timing on a project such as this one and stated that the team cares about the fiscal and environmental health of the Town of Eagle. The team is prepared to move forward with a development permit request for Planning Area 1 if the annexation is approved, he said.

Project representative Rick Pylman gave an overall summary of the proposal including a summary of the approval process components. He stated that this project requires approval for Annexation, PUD zoning guide approval, PUD sketch plan approval, and approval for an exception to the Eagle Area Community Plan.

Pylman stated that PUD zoning was preferred over straight zoning to allow for flexibility in the project and better ability to tailor the project to the land. He said that the PUD approach allows for mixed use commercial/residential areas where current town zone districts do not allow these mixed uses. Pylman said that PUD zoning allows creation of requirements to design to Conservation Oriented Development & Clustered Residential design concepts which would allow the project to meet Eagle Area Community Plan (EACP) & Eagle River Corridor Plan (ERCP) requirements in ways that traditional zoning would not accomplish.

Pylman gave an overview of the site location and noted that the PUD Zoning Plan designates 50-70% of the total area of the land as open space. He stated that the property includes two distinct environments: Upland terrace adjacent to Hwy 6 and riparian and wetland complex along the river. He said that the development team has committed to developing a Riparian Management Plan to specifically describe riparian management and protection practices.

The Eagle Area Community Plan and the Eagle River Corridor Plan are the two guiding documents that were taken into consideration when the project was planned, Pylman said. He noted that the EACP designates the Red Mountain Ranch property as Conservation Oriented Development and the ERCPC designates the property as Cluster Residential.

Pylman described the six themes in the proposed plan: Conservation, Recreation, Economic Development, Placemaking, Transportation and Access, and finally, Education and Awareness.

Pylman gave an overview of the PUD Zoning Plan. He noted that there are seven different Planning Areas defined by site geography. He stated that they have created a transfer/flexibility mechanism in the density designations for each of the Planning Areas where the maximum total density is 153 units and a max unit has been assigned to each Planning Area not to exceed the overall max.

Pylman described each of the Planning Areas including the residential areas, open space, commercial areas, and lands to be dedicated for public access/use. He presented renderings on what the developed areas could potentially look like. Pylman gave a summary of the elements of the proposed plan that could be a net positive to the town and described several elements or areas of consideration that went into the overall design. The various Planning Areas comprise different ownership groups and the project preferably will be approved all together or the partnerships may not work, Pylman said.

Pylman noted the applicant's position on some of the staff recommended conditions for approval.

STAFF REPORT AND PERSENTATION

Landers introduced the file and the applicants as being Merv Lapin Revocable Trust and Red Mountain Ranch Partnership, LLP. She gave an overview of the location, current zoning, and current use. She gave an overview of the request. She said that staff has received one letter of public comment after the publication of the packet. She asked about site visits with commissioners Hood, Nutkins, and Cowles indicating that they had limited opportunity to visit the site and Cowles noting that he had visited the site about two years ago.

Landers gave an overview of the land use file process to date. She presented a map depicting the proposed development areas in relation to the town urban growth boundary. She gave an overview of the project including a summary of each Planning Area; types of dwelling units and density limits; commercial areas and education center; the various dedicated open space areas and trail areas; and preserved open space areas to be maintained by HOA under an approved Riparian Access and Management Plan.

Landers presented the six standards for approval for an exception to the EACP:

1. The proposal is the result of a unique or extraordinary situation or opportunity that was not anticipated or fully vetted when the Plan was adopted, and;
2. The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible, and;
3. The proposed land use is clearly in the public interest, and addresses a viable public need, and
4. The proposed land use or activity is of a nature that negative impacts to natural resources, traffic, visual quality, infrastructure, recreational amenities or Town or County services are minimal and/or clearly outweighed by the public benefits of the proposal, and;
5. If the Exception is for land that is contained within a character area as defined in Chapter 5 of this Plan, the application must adhere to the planning principles for that character area to the greatest degree possible, and;

6. If the target property is located on the periphery of the Growth Boundary, the consolidation of densities and/or a transfer of development rights on a larger piece of land has been provided such that the vast majority of the land is left in open space with adequate protections in place.

Regarding standard one, Landers noted that the timing is a critical component to consider for this project. She said that the EACP was adopted in 2010 and the ERCP was adopted in 2015 and is more specific. Regarding standard two, Landers said that the proposed plan fits with the overall goals of the town and is in close conformance with the ERCP. Landers said that standard three is more challenging to quantify, and that staff sees this project as an opportunity for the town to have control over a larger portion of the River Corridor. She said that the open space areas and the environmental educational center will be beneficial to the community. Regarding standard four, Landers said that the negative impacts of this project can be mitigated with the conservation-oriented development approach the applicants are proposing. Landers said that the development design proposal meets standards five and six.

Landers stated that the intent of creating a PUD is to encourage innovative and unique, mixed-use developments that promote efficiency and support a balance of preservation, open space, and cohesive development that provides a public benefit to the community. Landers then presented the standards for approval for a PUD.

The Town of Eagle Municipal Code, the EACP, ERCP, and the Town of Eagle Strategic Plan were taken into consideration to assess whether the proposed PUD conforms to the town's goals policies and procedures, Landers said. She noted areas of compliance and areas of potential conflict the plan may have with each of the guiding documents. She said that the project is in compliance with the EACP in that it is adjacent to existing development and will be more integrated with the redevelopment of the East Eagle Property where Eagle River Station was proposed. She said that there are considerable benefits through the dedication and preservation of public lands and recreational opportunities. Landers also noted that the proposed plan provides for unique uses that support economic diversity such as youth education, farm market/restaurant, and camping. Landers said that the proposal conflicts with the EACP in that the project has two planning areas outside the town's growth boundary. She also noted that access to the river will need to be actively managed to prevent degradation of the riparian area.

Landers said that the project is compliant with the ERCP in that it is designed for a mix of uses that prioritize conservation with a balance of housing options and small economic development opportunities. She said that the proposed density and decrease in intensity as the project moves to the east is in conformance with the ERCP. Landers noted that the plan promotes thoughtful integration of recreation such as a comprehensive trail network (soft and hard surface), a boat launch area, and camping area designations.

Landers said that the project is in compliance with the Town of Eagle Strategic Plan as it provides unique commercial opportunities, supports affordable housing by complying with the Local Employee Residence Program (LERP), and will support outdoor activities, recreation and open space.

Landers presented the areas of the Land Use and Development Code as it relates to the standards for approval of a PUD. She said that there are several items to consider, but that she will focus on a few due to time constraints. Landers stated that the project intends to comply with the LERP requirements and that the applicants have provided three options for the town to consider:

1. Off-site dedication- Property behind City Market
2. Cash in lieu
3. On site compliance

Landers said that considering these options could provide the town with an opportunity to create diversity in the available options for affordable housing. Landers said that if the town goes with the on-site compliance option, it would provide 16 units. She said that if the other options were considered, there could potentially be an opportunity to provide more units that are more centrally located in the town's core. Landers said that staff supports the cash in lieu option. She said that the town would then be able to leverage the funds to partner with the County on a project. She specifically mentioned the West Eagle Area and that the town could be better positioned to facilitate the Brush Creek Road extension and the redevelopment if underutilized property in that area. Landers stated that this would have to be a decision made by the TBOT.

Landers stated that Highway 6 is under the jurisdiction CDOT and that they are requiring an Access Management Plan prior to any development permit application. She said that a draft AMP is under review by CDOT.

Landers said that staff focused on the stream setback requirements when considering the impacts to wildlife and environmental impacts. ore setback allows better stream management. She noted that there are some inconsistencies in the guidelines on setback requirements in the town's guiding documents and that the Eagle River Watershed Plan calls for consistencies among the different jurisdictions for setback requirements. She said that staff proposes a 75 ft setback from the high-water mark except for soft surface trails, irrigation structures, and other low impact encroachments.

Cowles asked what the difference is between the high-water mark and the 100-year floodplain. Deron Dickerson with the Town Engineering Department said that the high-water mark is an average of the high-water mark taken over time. Cowles clarified that development is prohibited within the 100-year floodplain.

Landers said staff does not support alternative options for municipal water and sewer service to the project sighting environmental concerns, maintenance concerns, and cost of connecting to the municipal system in the future for homeowners.

Landers said that staff recommends approval of the Red Mountain Ranch PUD Zoning Plan and Site-Specific Development Plan (vesting of property rights), with the following conditions:

1. Development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service connections can be provided at the developer's expense, with the exception of vault toilets for campgrounds, trailheads, and other similar town facilities;
2. The PUD Guide be revised to reflect a 75-foot setback from the high-water mark except for soft surface trails, irrigations structures, and other low impact encroachments.
3. Cash in Lieu payment can be accepted in place of on-site units provided that if a negotiated amount cannot be agreed upon, the town's on-site LERP requirement will remain in place;
4. Planning Area 5B shall be dedicated at first subdivision filing and access at Hwy 6 to the parcel be completed within a certain timeframe not tied to phasing of development;
5. Payment of impact fees shall be required at time of Development Permit or residential subdivision where individual lots are being created.

Landers stated that current code requires that impact fees area paid within seven days of annexing into the town. She said that at that point, the applicants will not know the full scope of the development, so that is an unrealistic expectation. She said that staff believes it is more appropriate to require impact fees be paid at time of each development permit.

Landers said staff recommends approval of the Exception Request for Red Mountain Ranch provided that the conditions of approval are met for the Planned Unit Development as stated above. She said staff

recommends approval of the Vested Rights request of 20 years provided that the conditions of approval are met for the Planned Unit Development as stated above.

Q & A

Nutkins asked how the PUD could be approved without knowing what the access points will be and without seeing the Access Management Plan. Landers said that staff has a pretty good idea of the general locations of the proposed access points. She said that the draft Access Management Plan was included in the packet and that access permits would need to be granted by CDOT prior to development permit application. She said that if adequate access points were not approved by CDOT, the development would have to be revised. Landers said that staff and the applicant team have gone through two rounds of review with CDOT so they feel comfortable with where they are at in the approval process.

Cowles called a break at 8:04PM. The meeting was reconvened at 8:11PM.

McFall asked about the requirement to connect to the municipal water and sewer and if there is a provision in the code to allow for a variance to this requirement. Town Engineer Fred Tobias said he is not aware of any code provisions that would allow for a variance. Contract planner Stephanie Stevens mentioned that with annexation files, there may be other mechanisms in place to allow the applicants to negotiate with the TBOT for these types of allowances.

Hood asked if he could get clarification on why allowing alternatives would be either bad or good. Town Engineer Fred Tobias said that he has been contemplating the pros and cons of requiring connection to the municipal system. He said that there may be a concern regarding Planning Area 7 with maintaining the municipal system and managing the water quality in a water line that services such a small number of units. He said that in general maintaining well and septic is a general concern. Richards said that well water quality may be a concern in that area and septic could leak into the river. Tobias agreed with Richards.

Richard asked if there is a possibility to have all the units on one septic system. Tobias said he is unsure of this approach as he is unfamiliar with large scale septic systems.

Hood asked what the other options are if there are water quality concerns with connecting to the municipal water source. He also asked what the properties east of the site do for access to water and sewer. Tobias said that the other option would be well and septic and said that he assumes that the properties to the east have well and septic. Hood asked if there are any documented problems with those systems that anyone is aware of. Tobias said that he is not aware of any specific problems.

Cowles said that in the Lake Creek area of Edward the stream is impaired due to nutrient loads from septic systems. He said there are no enforcement mechanisms prohibiting nutrient loads from these septic systems. He also mentioned that allowing added nutrient loads into the river upstream from the town's wastewater plant could lead to an impaired waterway which would hinder securing the necessary discharge permits for the wastewater plant. He said that he thinks that allowing septic systems in this project is a bad idea.

Tobias said that adding municipal water and sewer lines and maintaining them can be done, however there will be added costs to the town and getting to Planning Area 7 will be challenging.

Nutkins asked if the town could put in place mechanisms to regulate private wastewater septic systems. Landers stated that the town tries to limit their risk on things that they monitor on a regular basis and do not have full control over. Landers said that if these systems were to fail, it would be the town's

responsibility for remedial measures which would be challenging and costly for the town. She said from a risk management standpoint that would not be a desirable outcome for the town. She added that the County would be an oversight agency and managing that comes with its own set of challenges.

Cowles said that Frost Creek is a good example of a development with on-site septic systems and they are required to monitor and provide evidence that they are not impacting water quality in Brush Creek.

Cowles asked if the wastewater treatment plant is subject to regulation 85 for nutrient management control testing. Dickerson said that it is and that the town is currently doing the required testing.

Cowles said that he agrees with the staff recommendation. He stated that if the houses were allowed to be developed on these parcels with well and septic initially until the municipal system is extended, the town would not extend the system at their own expense and the homeowners would have to pay tap fees and plant investment fees as well as cost associated with decommissioning the septic system. He concluded that this would not be a good scenario.

Hoiland asked about potentially looping into the existing system. Tobias said that Planning Areas One and Two can loop into the existing system via Marmot Lane. Hoiland asked if the line would cross the about railway tracks and if the railway would grant the necessary easements. Tobias said that they are amicable to granting such easements.

Cowles asked about the timing of the riparian management plan. Landers said that it would be a condition and a requirement of the annexation and development agreement. She said that it would be appropriate to require it at the first subdivision filing as it applies to the full extent of the development and added that it would likely be negotiated early in the process. Landers said that if any of the commissioners have any thoughts on what should be taken into consideration as the riparian management plan gets ironed out she would like to hear from them.

Gregg asked if the management plan would delineate riparian zones that would be protected. Landers said that it would. She said it will also include everything from short term reclamation to a long-term management strategy and public access points to the riparian areas. Landers said that the plan would have an enforcement element for the town to ensure that the HOA is following the plan.

Hoiland asked if the property has a lease with Colorado Parks and Wildlife for fishing access. The applicants said that it does. Hoiland asked if the lease agreement supersedes the town's approval or would the land owners have to renegotiate the lease they have with CPW. Landers said that it may be both. She said that the fishing access points in place now will remain, but the riparian management plan will try to achieve better and safer parking areas for public access and will provide additional public access to the river for other recreational opportunities. Hoiland asked if the riparian plan could potentially conflict with what CPW would like to see. Landers said that they have been a referral agency for this project and has been supportive of the plan as presented so far. Landers said that staff will continue to work with them throughout the approval process for this project and will seek their input.

Gregg asked if all the open space areas along the river would have public access. Landers said that the HOA will own and manage these open space areas and access points will be identified in the riparian management plan. She added that it is not desirable to open the entire river front area to public access because of the negative impacts to the riparian area. She said that access points identified in the riparian management plan will be memorialized in easements during the subdivision process.

Hood asked if there will be several HOAs. Landers said that there will be. Hood asked if each of the individual HOA would be responsible for managing access to open space areas. Landers said that the town

has requested one overall HOA responsible for managing the open space areas to ensure consistent enforcement.

Gregg asked if there is anything in the PUD guide that speaks to ensuring public access to the river front or that specifies what the access should look like. Landers said this is addressed in the riparian management plan. Gregg asked what would happen if the plan did not call for enough access areas and he said he is concerned that there is no direction in the PUD guide regarding public access to the river. Landers asked if Gregg was concerned that the riparian management plan would not identify enough public river access points. He said that is his concern. He added that he was not sure if the trail orientation as depicted in the applicants' presentation is aligned with the ERCP in that the trail does not run along the river in certain areas and the ERCP calls for public access to the river front. Landers said that it may be too early to call for specifics such as trail widths and sizes of access points. Landers suggested adding a condition that the riparian plan be approved by the Planning Commission and the TBOT at the time of subdivision filing.

Cowles asked if the trail will be soft surface or paved. Landers said it may be a combination of both depending on what makes sense and would be specified in the riparian management plan. Gregg said that he would like to see open space access points ensured in the PUD guide. Hood said that he would like to see this as well.

Landers said that if commissioners have any concerns such as this, staff will bring the concerns back to the applicants for further review.

Gregg said that he is concerned that the access would be just for the property owners in some of the planning areas.

Nutkins asked the developers if they will be developing the parcels as they get development partners to sign on to the project. Pylman said that the idea would be that the areas would get developed as partners sign on. Nutkins said that then there would need to be a master HOA called for in the PUD guide. Nutkins asked about the floating densities and what would happen if you run out of density before the last planning areas are approved. Pylman said that would be a possibility and then the area becomes open space.

Pylman clarified the plan for the public trails and where they might be located. Gregg asked Pylman if there will be public access to OS-6. Pylman said that it is not determined. Gregg said that this is a concern and should be spelled out in the PUD.

Landers asked Gregg for clarification. OS-6 and OS-7 do not have public access. Gregg said public benefit has been spelled out in the ERCP. Pylman said that only some of the river open space area will be accessible to the public as some of the riparian areas will be preserved. Eric Eves said that the riparian management plan will spell out where human access is appropriate and where it is not.

Nutkins said he would like to see language in the PUD that speaks to the riparian management plan approved by the Planning Commission.

Nutkins asked the applicant to explain the concerns they might have around the timing dedicating the area 5B. Pylman said that the concerns may dissipate if the town is requiring municipal water and sewer service. He said that the applicants would not want to have to manage access while there is undeveloped land adjacent to the boat launch.

Hood asked about the percentages of the open space within the residential PUD areas. Pylman said that they do not have charts showing the overall open space percentages. Hood said that he was trying to evaluate

what percentage of open space would be available if 5B was not dedicated for some time. Landers said that they would create a chart that would illustrate this further.

Hood asked about the urban growth boundaries and how they were determined. Landers said that the community plan was written at a time when certain developments were under consideration. She added that the growth boundary and property lines do not match up.

Nutkins asked if the Urban Growth Boundary Exception is what is prompting the counties involvement. Landers said that is part of it and they are also a referral agency for all annexations.

Hoiland asked if the school district was a referral agency for this project. Landers said that they are and that they are supportive of the cash in lieu payment for the impact fee rather than a land dedication.

Gregg asked if there will be fishing restrictions for certain practices. Eves said that the riparian management plan will lay this out. Gregg said that it is stated in the PUD guide that it is limited to fly fishing. Eves said that they would like to protect the fish population by limiting what types of fishing activities are allowed.

PUBLIC COMMENT

Frank Johnson said that he has been an Eagle County resident for over 20 years. He and his wife are local employees and would love to live and work in Eagle County into their late years. He said that he is interested in purchasing a unit at this development and has not been able to find a property like these being offered in this county.

Markian Feduschak with Walking Mountains Science Center gave an overview of the programs they offer. He said that their programs have a broad outreach specifically in Eagle County. The site that would be dedicated to Walking Mountains will be a wonderful educational opportunity for the community, he said. He said that this site is an exceptional field site. He gave examples of some of the programs they offer for different age groups. Feduschak said that there possibly could be an opportunity to create a “bridge” or a path to the existing middle school campus. He offered a personal note as a kayaker and stated that there are few existing access points on the Eagle River.

Stan Kensinger of the Chamber Business Advocacy council said this is a fabulous project and a great asset for the town. He said the economic impact could be really beneficial for the town. Kensinger said the residents of this project will be a huge boost to our economy. He said that this project could create vacancies in other more affordable units if people are moving up into these units. He added that if there is a good project that is good for the town from a quality developer, we should find a way to get it done.

Mick Daly of the Eagle Chamber of Commerce said that he commends the commissioners for their consideration of this project. Daly said he participated in creating the ERCP and was disappointed to see so much private land along the river. He said he support this project as it opens the river up to public access.

Steve McDonald said he has been in the valley for some time and has been a developer. He is interested in potentially developing areas 5 and 6. He said he is excited by this opportunity.

Project representative Merv Lapin said he wanted to make himself available for questions. He said there are 11 partners on this project and the alternative will be to sell off the land in pieces. He said that scenario would be unfortunate for the town and this collaboration will be a much better product for the town and create a more cohesive design.

Gregg asked Lapin who he saw living in this development and what the price point would be. Lapin said that he did not know what the price point would be. Lapin added that the price may depend on the requirement for municipal water and sewer connection in some of the areas. Lapin addressed Gregg's

question about access and said that there could be problems when there is public access interfacing with single family or duplex units. He said that in his experience this creates a conflict. He said that he owns a home in Vail next to a public path and has had items stolen off his patio.

Nutkins asked Lapin how they intend to create a cohesive design for the project overall and noted that the different areas will have different developers with varying design guidelines. Nutkins suggested that the PUD guide call for an overall design guideline for all of the planning areas to achieve cohesion throughout the design of the whole project. Lapin said he had a conversation with a member of the Eagle Ranch Association about the pros and cons of this aspect. He said that he would look into the issue and would discuss it with the development partners. Lapin agreed that it is a legitimate concern.

DELIBERATION

Cowles noted that Gregg would like to see inclusions in the PUD regarding the riparian management plan and ensuring adequate public access points to the river front. He suggested the issue could be addressed by adding a condition to the approval. Landers said it could be handled in one of two ways. She said that it could be added as a condition of approval or the commission could give staff direction to work with the applicants over the next few weeks and they could come up with a way to address the concern. Richards said that he would like to see it addressed as a condition of approval. Gregg agreed as long as they could come up with the language to include in the condition.

Nutkins said that he is comfortable with allowing a 50' setback requirement along certain areas of the river as long as the development plateau a certain height above the high-water mark. Richard said that he agrees with Nutkins. McFall clarified that this would mean that condition number 2 simply gets removed. Hood said he tends to agree with this as well. Cowles brought up Eagle Ranch as an example of a development that intentionally preserved large areas along Brush Creek. He noted that the Eagle River Watershed Council recommends 75' setbacks. He said in Vail there are narrow stream setbacks along Gore Creek and it is an impaired stream as a result. He suggested to the commissioners that they have an opportunity to do something that will protect the river by going with the 75' setback. He said that he supports the staff recommendation. Landers said that this was an effort by staff to manage what can be put in the stream setback area. Cowles suggested adding the boat ramp in Planning Area 5B to condition 2 as allowable development in the stream setback area.

Gregg said that he agrees with Cowles and wants to see condition 2 included.

Cowles said that he supports condition one. He said that allowing septic on these parcels could result in negative impacts that can be mitigated with this condition. He said he supports the rest of the conditions and would support a condition requiring a riparian plan in the PUD guide.

McFall said that he likes this plan very much. He stated that he likes how the density decreases further to the east. He said that he likes that it is responsive to the corridor plan. He said he has no issue with extending the growth area boundary. McFall said he has some concerns about the private streets as it may become the town's responsibility at some point in the future. He said he thought the plan shows great sensitivity to the riparian area. McFall said he is fine with the other conditions recommended by the staff and said he was trying to come up with language for a condition for approval of the riparian management plan.

Hood agreed with McFall. He said that he really wants this project to go through and would really highlight the river.

Hoiland said he is also in full support of this plan.

Nutkins said that he likes the project and that it is good for the town. Would like to see a condition added that calls for review of the riparian management plan that is tied to the PUD.

Nutkins made a motion to approve the Exception Request finding that it is in compliance with standards one through six provided that the conditions of approval are met for the PUD as stated. McFall seconded. All voted in favor.

Landers said staff would like clarity on the condition concerning Planning Area 7 and how to handle information requests and questions from the applicant team if the condition is modified from what staff is recommending. McFall asked if the condition is approved as recommended, would that provide staff with adequate direction. Landers responded that it would.

McFall made a motion to approve file PUD18-01; Red Mountain Ranch PUD Zoning Plan and Site-Specific Development Plan (vesting of property rights), with the following conditions:

1. Development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service connections can be provided at the developer's expense, with the exception of vault toilets for campgrounds, trailheads, and other similar town facilities;
2. The PUD Guide be revised to reflect a 75-foot setback from the high-water mark except for soft surface trails, irrigations structures, and other low impact encroachments, and the boat ramp located in Planning Area 5B;
3. Cash in Lieu payment can be accepted in place of on-site units provided that if a negotiated amount cannot be agreed upon, the town's on-site LERP requirement will remain in place;
4. Planning Area 5B shall be dedicated at first subdivision filing and access at Hwy 6 to the parcel be completed within a certain timeframe not tied to phasing of development;
5. Payment of impact fees shall be required at time of Development Permit or residential subdivision where individual lots are being created;
6. A Riparian Management Plan shall be required in the PUD guide and shall provide for adequate public access to the river and open space parcels and shall be submitted for review to the Planning Commission with submittal of the first development permit.

Richards seconded. All voted in favor.

S18-02 Red Mountain Ranch Subdivision Sketch Plan (Request for continuance to March 5th, 2019)

Cowles opened file S18-02 a request for a Subdivision Sketch Plan for re-subdivision of the property into seven parcels.

Landers clarified the request to continue is to the next meeting on March 5th. Hood motioned to continue file S18-02 to the hearing on March 5th and McFall seconded. All others voted in favor.

PUBLIC COMMENT

None.

ADJOURN

Nutkins made a motion to adjourn and Hoiland seconded. All voted in favor and the meeting adjourned at 10:12PM.

3/5/2019

Date



Jason Cowles – Planning and Zoning Commission Chair

3.5.19

Date



Dawn Koenig- Admin Technician



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: March 12, 2019

Agenda Item: THOR & Broadband Options

REQUEST:

Staff is requesting that the Board of Trustees discuss any follow-up items on THOR before March 26 when a vote on the contract is required.

INTRODUCTION:

The board has had several discussions on broadband and participation in THOR. Discussions included presentations from the NWCCOG, CenturyLink, HRGreen and staff. A decision to participate in THOR and explore more broadband options for the town is required by March 26. Contracts were sent to the town last week and an executive session is scheduled so that the BOT can negotiate details with the NWCCOG. The contract is a draft and feedback from the BOT is required so that staff can discuss questions on March 13 with the NWCCOG's attorney.

ANALYSIS:

On February 26, the BOT asked what made up the \$100,000 for meet me center costs and what were the pros and cons of becoming a municipal broadband provider. Staff has included an analysis attached to this memo. In addition, staff thought it might be helpful to include analysis on different ways the town can initiate broadband. Included are examples under each option. The path forward is ultimately up to the BOT.

COMMUNITY INPUT:

Community input not required.

BUDGET / STAFF IMPACT

None.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This discussion aligns with the following standards:

Strategic Plan Business Values – Economic Development

Broadband expansion makes Eagle more competitive for business attraction and retention. It improves the quality of life for residents and supports private sector development.

Strategic Plan Business Values - Protecting Public Health, Safety, and the Environment

Broadband increases redundancy and resiliency for public safety, emergency management, and utility system management.

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Motion to give direction to staff if there is any additional information that is required to make an informed decision regarding THOR participation.

ATTACHMENTS:

- Municipal Broadband Options
- Broadband Meet Me Center Cost Difference

Municipal Broadband Options

Town-Owned Utility Middle and Last Mile Network

This model is where a municipality provides community broadband subscription services to businesses and residents. There are over 800 community broadband providers in the United States. Since every community is unique, each entity differs in their offerings depending on multiple factors. Provided is a map of where these communities are located: <https://muninetworks.org/communitymap> In Colorado, a total of 40 counties and 102 municipalities have chosen to opt out of SB 152 and restore local authority over broadband. A town-owned broadband utility would include construction of middle and last mile fiber, towers, and radios.

Approach:

- The town needs to engage in a feasibility study that will include public and private stakeholders in our service area as partners. The plan will build a business case, proforma, financing and operating plan. Design and engineering might be included as well as a phasing plan. Based on planning, town would develop an RFP for construction as part of the process. The entire process would take 6 – 9 months.

Pros:

- All aspects of the service and maintenance would be controlled by the town.
- There is more accountability with a municipal broadband service.
- More competitive pricing and bandwidth is an economic driver.
- Creates competition in the market and could raise the bar for providers.
- Town would become more resilient with redundancy.
- Creates leverage for the town with new and existing developments.
- Municipalities have more financing options that the private sector doesn't.
- Additional broadband infrastructure is an asset than can be leveraged.
- Additional service generates revenue to offset the costs.
- Town already operates 2 utilities and a passthrough trash service as enterprises.
- Based on THOR's monthly reoccurring costs, town and community anchors would save money.

Cons:

- Perceived by some as not the role of government.
- Creates an additional municipal service that needs to be managed and maintained.
- More accountability means that town is on the hook for disruptions.
- More competition could impact existing broadband businesses.
- Most expensive option for tax payers.
- The utility will require a partial or full subsidy until cash flow positive.
- There are opportunity costs associated with funding broadband.
- A broadband network will create debt that wouldn't exist otherwise.
- Town politics could comprise broadband planning and implementation.

Examples:

- Longmont, CO - <https://www.longmontcolorado.gov/departments/departments-e-m/longmont-power-communications/broadband-service>
- Mountain Village, CO - <https://townofmountainvillage.com/residents/utilities/internet/>
- Centennial, CO - <http://www.centennialco.gov/Business-Services/fiber-initiative.aspx>

Town-Owned Middle Mile Network – Public-Private Partnership

Under this model the town would own and operate the middle mile network. The town would partner with local ISP(s) to construct last mile infrastructure to the customer. The ISP would handle billing, customers service, and maintenance of last mile infrastructure. The town would maintain the middle mile network. Last mile could include a combination of fiber, towers, and radios. Town would still need to set up a broadband utility but wouldn't have all the responsibilities of an ISP. This partnership could include town covering portions of the community as well.

Approach:

- The town would need to initiate a feasibility study. The process would engage stakeholders to determine guidelines for a public-private partnership. Planning and engineering is included, and town would develop RFPs for the middle mile construction and the selection of an ISP partner. The construction would be a phased approach. The process would take 6 – 9 months.

Pros

- There is some level of control and accountability in a partnership with an ISP since they would operate on town's middle mile network.
- This would be an open network for others to use using a fee based approach.
- Town has some leverage over pricing and bandwidth offerings.
- This model creates competition in the marketplace and is an economic driver.
- Town would become more resilient with redundancy.
- Creates leverage for the town with new and existing developments.
- Municipalities have more financing options that the private sector doesn't.
- Additional broadband infrastructure is an asset than can be leveraged.
- Based on THOR's monthly reoccurring costs, town and community anchors would save money.
- Public-provide partnership is a cost sharing model decreasing town's financial obligations.
- Mitigates displacement of local broadband providers and is a more business friendly approach.
- Town doesn't need to set up a broadband billing system.

Cons

- Perceived by some as not the role of government.
- Town doesn't have complete control over service delivery.
- There is a risk associated with a failed private partnership.
- Accountability means that town is on the hook for middle mile disruptions.
- Trouble-shooting middle and last mile disruptions might lead to confusion.
- There is a tax burden to citizens in the service area.
- The utility will require a partial or full subsidy until cash flow positive.
- There are opportunity costs associated with funding broadband.
- A broadband network will create debt that wouldn't exist otherwise.
- Generates less revenue for the town but also costs less to operate.

Examples:

- Montrose, CO - <https://www.cityofmontrose.org/571/Broadband>
- Glenwood Springs, CO - <http://gscbn.com/>
- Cortez, CO - <http://www.cityofcortez.com/135/Fiber-to-the-Business>

Collaboration - Broadband Authority

This was the model that was presented to the Board of Trustees in February. Under this model, the town would form a partnership with Eagle County to provide broadband services. The customer base would expand and could include residents and businesses in the county. The network would include middle and last mile connections. The county or town could host the meet me center. The authority would have a board of directors that provide oversight, be the financial agent, and have staff separate from the county and town. The board would make decisions based on their respective communities.

Approach:

- The town and county already studied the initial phase for the project that included community anchors. A phase two plan is required to include residents and businesses. Planning and engineering would be included, and the project could include public-private partnerships. The authority would need to decide how to structure O&M as well as billing and customer services practices. The process will take 4-6 months.

Pros:

- There is more control and accountability for service delivery.
- Cost burden is shared among more customers because of an expanded service area.
- Governing body should represent multiple interests.
- Authority would provide extra bandwidth for implementation – more people to do the work.
- Authority has some leverage over pricing and bandwidth offerings.
- This model creates competition in the marketplace and is an economic driver.
- Authority would become more resilient with redundancy.
- Creates leverage for new and existing developments in the service area.
- Authority has more financing options that the private sector doesn't.
- Additional broadband infrastructure is an asset than can be leveraged.
- Based on THOR's monthly reoccurring costs, towns and community anchors would save money.
- Not as expensive for customers because of economies of scale with expanded service area.

Cons:

- Perceived by some as not the role of government.
- Town doesn't have as much control over accountability.
- There is a risk that partners in the authority could become unreliable.
- Authority is subject to politics with a separately elected/appointed by the board of directors.
- There is a tax burden to citizens in the service area.
- The utility will require a partial or full subsidy until cash flow positive.
- There are still opportunity costs associated with funding broadband with an authority.
- A broadband network will create debt for the taxpayer that wouldn't exist otherwise.
- Doesn't generate revenues for the town.
- Not as much control over priorities since there is a separate governing entity making decisions.

Examples:

- Northwest Colorado Broadband (NCB), CO - <https://www.steamboatchamber.com/economic-development/business-relocation-and-expansion/communications-and-utilities/>
- Elevate – San Luis Valley, CO - <http://www.dmea.com/content/elevate-fiber>
- Roanoke Valley Broadband Authority, VA - <http://rvba.online/>

Status Quo

The town has one service provider, CenturyLink. There are providers that are interested in entering into Eagle's market, however the lack of infrastructure is a challenge for these businesses. Comcast, Visionary and Forethought have all expressed interest but nothing has materialized. The town is reconstructing the cemetery water tank that will provide an opportunity for a telecommunication tower in 2020 – 2021. The plan is to continue to construct towers as we replace old infrastructure. Town will continue to work with providers if they want to enter the market.

Approach:

- Continue to wait for the private sector to step up and provide service. This approach requires very little effort from the town as far as resources. Planning, engineering and implementation is up to the private sector. The timeline for the private sector to provide services is unknown.

Pros:

- Allowing the private sector to set up is the cheapest option for taxpayers.
- There are no opportunity costs because local funding is not required.
- This is the most business friendly approach.
- More local providers increase private market competition.
- Additional resources are not required by the town or authority.

Cons:

- There is little the town can do to control service delivery of broadband services.
- The private sector might not be able to serve the demands of the community.
- Town doesn't have leverage when it comes to economic development incentives.
- Town doesn't have leverage over customer service.
- Inconsistencies in service delivery across the community.
- Depending on the provider, there might not be redundancies.
- No reduction in monthly reoccurring costs for the town.

Examples:

- Comcast - https://www.xfinity.com/learn/xfinity-doubleplay-west?CMP=KNC-43700014226392109-GOOGLE-256840674604-c-comcast-e-Top_BR_Exact_West&gclid=EAIaIQobChMI7KXXmtjy4AIVDh6tBh2kvA4WEAAYASAAEglv-PD_BwE&gclidsrc=aw.ds
- Forethought- <https://forethought.net/>
- Visionary - <https://www.vcn.com/>
- CenturyLink - <https://www.centurylink.com/>

MMC Host Town of Eagle
 MMC Address 200 Broadway Street
 MMC Classification Class 1

Overall MMC Cost \$246,141.17

Local Meet-Me-Center Build Project (LMMCP)

Description	Part/Material	Qty	Units	Price	Labor	Total
100 KW Generator (Natural Gas) - Installed & Connected to	Generator - 100 KW	0	Ea.	\$64,250.00		\$0.00
36 KW Generator (Natural Gas) - Installed & Connected to N	Generator - 36 KW	0	Ea.	\$38,270.00		\$0.00
Generator Remote Alarm & Control	Generator Alarm & Control	0	Ea.	\$2,000.00		\$0.00
Electrician Make-Ready work on electrical service	Electrician	0	Ea.	\$2,600.00		\$0.00
APC NMC card for UPS Monitoring	UPS Monitoring Card	0	Ea.	\$100.00		\$0.00
APC Environmental NMC (9631) - Installed	Environmental Card	0	Ea.	\$200.00		\$0.00
APC PDU RACK PDU METERED 1U 15A 120V 8 OUTLETS	PDU (need 2 per rack)	0	Ea.	\$350.43		\$0.00
APC SMART-UPS 2200VA LCD 120V RACKMOUNT	UPS (need 2 per rack)	0	Ea.	\$1,072.33		\$0.00
2-Post 19" Rack STANDARD 19IN RACK BLK	2-Post 19" Rack	0	Ea.	\$133.82		\$0.00
2-Post 23" Rack UNIVRACK2STA23X70BLK	2-Post 23" Rack	0	Ea.	\$272.04		\$0.00
4-Post 19" Rack - Open GF-SERIES GLOBALFRAME CABINET S	4-Post 19" Rack open	0	Ea.	\$1,156.20		\$0.00
4-Post 19" Rack w/ side pannels GF-SERIES GLOBALFRAME C	4-Post 19" Rack w/ sides	0	Ea.	\$1,290.51		\$0.00
2-Post ODF with 288-strand and 23M pigtail (Max 288)	2-Post ODF	0	Ea.	\$2,486.81		\$0.00
Chain Link 2 walls w/ gate of 10x15 ft area	Chain Link 2-walls	0	Ea.	\$1,500.00		\$0.00
Rack Verticle Cable Org	Rack Verticle Cable Org	0	Ea.	\$250.00		\$0.00
Rack Horizontal Cable Org	Rack Horizontal Cable Org	0	Ea.	\$75.00		\$0.00
Dual Mini Split 2 Ton in Lead/Lag - Installed	HVAC 2-Ton Lead/Lag	0	Ea.	\$11,900.00		\$0.00
Dual Mini Split 3 Ton in Lead/Lag - Installed	HVAC 3-Ton Lead/Lag	0	Ea.	\$14,800.00		\$0.00
Dual Mini Split 4 Ton in Lead/Lag - Installed	HVAC 4-Ton Lead/Lag	0	Ea.	\$18,500.00		\$0.00
Premisys compatible secure card access	Card Access Door	0	Ea.	\$3,500.00		\$0.00
Premisys compatible server	Card Access Server	0	Ea.	\$10,000.00		\$0.00
Clean Agent Fire Supression	Fire Suppression	0	Ea.	\$90,000.00		\$0.00
Grounding Bus, Halo, racks/ladder bonded, etc.	Grounding	0	Ea.	\$2,500.00		\$0.00
Miscellaneous Infrastructure improvements	Miscellaneous Inside Plant	0	Ea.	\$2,000.00		\$0.00
Installation Labor	Labor	40	Hr.		\$75.00	\$3,000.00

Subtotal \$3,000.00

Contingency 20% \$600.00

TOTAL \$3,600.00

Local Fiber Connection Build Project (LFCP)						
Description	Part/Material	Qty	Units	Price	Labor	Total
Bore (3) 1.25" Ducts	(3) 1.25" Inner-Duct	904	Ft		\$1.26	\$40.00
Pull 48 Strand Fiber w/ tracer	48 Strand Fiber	940	Ft		\$1.00	\$0.95
Place Handhole	36"X24"X36" Handholes	5	Ea		\$500.00	\$500.00
Hang and Lash 48 Strand Fiber	48 Strand Fiber	5,559	Ft		\$1.35	\$2.00
	Pole Materials - Misc.	25	Ea		\$50.00	
Place Anchors	Anchor Rods	10	Ea		\$250.00	\$140.00
Place Down Guy		10	Ea			\$50.00
Prep Install Cable In Exisitng Case		1	Ea			\$250.00
Place Splice Case	Type B Case	1	Ea		\$296.43	\$250.00
Place 24 Port FDP	24 Port FDP	1	Ea.		\$87.04	\$250.00
	8 Fiber Pigtails 900um LC/UPC					
	SM 3 Meters	1	Ea.		\$72.74	
	12 Position Splice Tray	1	Ea		\$22.04	
	LC Duplex 6 Pack Plate (Bulk Head)	2	Ea.		\$32.50	
Splicing Fiber & Pigtails		40	Ea		\$40.00	
Building/Service Entrance		1	Ea			\$1,250.00
Permits		1	Ea.			\$1,500.00
Tree Trimming		1	Ea.			\$1,000.00
Traffic Control		1	Ea.			\$2,500.00
Railroad Crossing Permit		1	Ea.			\$10,000.00
Mobilization Fee		1	Ea.			\$2,500.00
Overhead Make Ready work estimate		25	Ea.			\$1,000.00
Misc. Labor		1	Ea.			\$1,000.00
Design/Engineering		6,463	Ea.			\$3.50
					Subtotal	\$138,668.44
Construction Management					10%	\$13,866.84
Contingency					20%	\$27,733.69
					TOTAL	\$180,268.97

Local Fiber Connection Build Project (LFCP)

Eagle County incremental build to 500 Broadway

Description	Part/Material	Qty	Units	Price	Labor	Total
Bore (3) 1.25" Ducts	(3) 1.25" Inner-Duct	457	Ft		\$1.26	\$40.00
Pull 48 Strand Fiber w/ tracer	48 Strand Fiber	523	Ft		\$1.00	\$0.95
Place Handhole	36"X24"X36" Handholes	4	Ea	\$500.00	\$500.00	\$4,000.00
Hang and Lash 48 Strand Fiber	48 Strand Fiber	962	Ft	\$1.35	\$2.00	\$3,222.70
	Pole Materials - Misc.	6	Ea	\$50.00		\$300.00
Place Anchors	Anchor Rods	2	Ea	\$250.00	\$140.00	\$780.00
Place Down Guy		1	Ea		\$50.00	\$50.00
Prep Install Cable In Exisitng Case		0	Ea		\$250.00	\$0.00
Place Splice Case	Type B Case	0	Ea	\$296.43	\$250.00	\$0.00
Place 24 Port FDP	24 Port FDP	1	Ea.	\$87.04	\$250.00	\$337.04
	8 Fiber Pigtails 900um LC/UPC					
	SM 3 Meters	1	Ea.	\$72.74		\$72.74
	12 Position Splice Tray	1	Ea	\$22.04		\$22.04
	LC Duplex 6 Pack Plate (Bulk Head)	2	Ea.	\$32.50		\$65.00
Splicing Fiber & Pigtails		24	Ea	\$40.00		\$960.00
Building/Service Entrance		1	Ea		\$1,250.00	\$1,250.00
Permits		1	Ea.		\$1,500.00	\$1,500.00
Tree Trimming		1	Ea.		\$1,000.00	\$1,000.00
Traffic Control		1	Ea.		\$2,500.00	\$2,500.00
Railroad Crossing Permit		0	Ea.		\$10,000.00	\$0.00
Mobilization Fee		0	Ea.		\$2,500.00	\$0.00
Overhead Make Ready work estimate		6	Ea.		\$1,000.00	\$6,000.00
Misc. Labor		1	Ea.		\$1,000.00	\$1,000.00
Design/Engineering		1,419	Ea.		\$3.50	\$4,966.50
					Subtotal	\$47,901.69
Construction Management					10%	\$4,790.17
Contingency					20%	\$9,580.34
					TOTAL	\$62,272.20

MMC Host Town of Eagle
 MMC Address 200 Broadway Street
 MMC Classification Class 1

Overall MMC Cost \$336,133.51

Local Meet-Me-Center Build Project (LMMCP)

Description	Part/Material	Qty	Units	Price	Labor	Total
100 KW Generator (Natural Gas) - Installed & Connected to	Generator - 100 KW	0	Ea.	\$64,250.00		\$0.00
36 KW Generator (Natural Gas) - Installed & Connected to	Generator - 36 KW	1	Ea.	\$38,270.00		\$38,270.00
Generator Remote Alarm & Control	Generator Alarm & Control	1	Ea.	\$2,000.00		\$2,000.00
Electrician Make-Ready work on electrical service	Electrician	1	Ea.	\$2,600.00		\$2,600.00
APC NMC card for UPS Monitoring	UPS Monitoring Card	6	Ea.	\$100.00		\$600.00
APC Environmental NMC (9631) - Installed	Environmental Card	1	Ea.	\$200.00		\$200.00
APC PDU RACK PDU METERED 1U 15A 120V 8 OUTLETS	PDU (need 2 per rack)	6	Ea.	\$350.43		\$2,102.58
APC SMART-UPS 2200VA LCD 120V RACKMOUNT	UPS (need 2 per rack)	6	Ea.	\$1,072.33		\$6,433.98
2-Post 19" Rack STANDARD 19IN RACK BLK	2-Post 19" Rack	1	Ea.	\$133.82		\$133.82
2-Post 23" Rack UNIVRACK2STA23X70BLK	2-Post 23" Rack	1	Ea.	\$272.04		\$272.04
4-Post 19" Rack - Open GF-SERIES GLOBALFRAME CABINET	4-Post 19" Rack open	1	Ea.	\$1,156.20		\$1,156.20
4-Post 19" Rack w/ side pannels GF-SERIES GLOBALFRAME C	4-Post 19" Rack w/ sides	0	Ea.	\$1,290.51		\$0.00
2-Post ODF with 288-strand and 23M pigtail (Max 288)	2-Post ODF	0	Ea.	\$2,486.81		\$0.00
Chain Link 2 walls w/ gate of 10x15 ft area	Chain Link 2-walls	0	Ea.	\$1,500.00		\$0.00
Rack Verticle Cable Org	Rack Verticle Cable Org	5	Ea.	\$250.00		\$1,250.00
Rack Horizontal Cable Org	Rack Horizontal Cable Org	9	Ea.	\$75.00		\$675.00
Dual Mini Split 2 Ton in Lead/Lag - Installed	HVAC 2-Ton Lead/Lag	0	Ea.	\$11,900.00		\$0.00
Dual Mini Split 3 Ton in Lead/Lag - Installed	HVAC 3-Ton Lead/Lag	1	Ea.	\$14,800.00		\$14,800.00
Dual Mini Split 4 Ton in Lead/Lag - Installed	HVAC 4-Ton Lead/Lag	0	Ea.	\$18,500.00		\$0.00
Premisys compatible secure card access	Card Access Door	0	Ea.	\$3,500.00		\$0.00
Premisys compatible server	Card Access Server	0	Ea.	\$10,000.00		\$0.00
Clean Agent Fire Supression	Fire Suppression	0	Ea.	\$90,000.00		\$0.00
Grounding Bus, Halo, racks/ladder bonded, etc.	Grounding	1	Ea.	\$2,500.00		\$2,500.00
Miscellaneous Infrastructure improvements	Miscellaneous Inside Plant	1	Ea.	\$2,000.00		\$2,000.00
Installation Labor	Labor	40	Hr.		\$75.00	\$3,000.00

Subtotal \$77,993.62

Contingency 20% \$15,598.72

TOTAL \$93,592.34

Local Fiber Connection Build Project (LFCP)						
Description	Part/Material	Qty	Units	Price	Labor	Total
Bore (3) 1.25" Ducts	(3) 1.25" Inner-Duct	904	Ft		\$1.26	\$40.00
Pull 48 Strand Fiber w/ tracer	48 Strand Fiber	940	Ft		\$1.00	\$0.95
Place Handhole	36"X24"X36" Handholes	5	Ea	\$500.00	\$500.00	\$5,000.00
Hang and Lash 48 Strand Fiber	48 Strand Fiber	5,559	Ft		\$1.35	\$2.00
	Pole Materials - Misc.	25	Ea	\$50.00		\$1,250.00
Place Anchors	Anchor Rods	10	Ea	\$250.00	\$140.00	\$3,900.00
Place Down Guy		10	Ea		\$50.00	\$500.00
Prep Install Cable In Exisitng Case		1	Ea		\$250.00	\$250.00
Place Splice Case	Type B Case	1	Ea	\$296.43	\$250.00	\$546.43
Place 24 Port FDP	24 Port FDP	1	Ea.	\$87.04	\$250.00	\$337.04
	8 Fiber Pigtails 900um LC/UPC					
	SM 3 Meters	1	Ea.	\$72.74		\$72.74
	12 Position Splice Tray	1	Ea	\$22.04		\$22.04
	LC Duplex 6 Pack Plate (Bulk Head)	2	Ea.	\$32.50		\$65.00
Splicing Fiber & Pigtails		40	Ea	\$40.00		\$1,600.00
Building/Service Entrance		1	Ea		\$1,250.00	\$1,250.00
Permits		1	Ea.		\$1,500.00	\$1,500.00
Tree Trimming		1	Ea.		\$1,000.00	\$1,000.00
Traffic Control		1	Ea.		\$2,500.00	\$2,500.00
Railroad Crossing Permit		1	Ea.		\$10,000.00	\$10,000.00
Mobilization Fee		1	Ea.		\$2,500.00	\$2,500.00
Overhead Make Ready work estimate		25	Ea.		\$1,000.00	\$25,000.00
Misc. Labor		1	Ea.		\$1,000.00	\$1,000.00
Design/Engineering		6,463	Ea.		\$3.50	\$22,620.50
					Subtotal	\$138,668.44
Construction Management					10%	\$13,866.84
Contingency					20%	\$27,733.69
					TOTAL	\$180,268.97

Local Fiber Connection Build Project (LFCP)

Eagle County incremental build to 500 Broadway

Description	Part/Material	Qty	Units	Price	Labor	Total
Bore (3) 1.25" Ducts	(3) 1.25" Inner-Duct	457	Ft		\$1.26	\$40.00
Pull 48 Strand Fiber w/ tracer	48 Strand Fiber	523	Ft		\$1.00	\$0.95
Place Handhole	36"X24"X36" Handholes	4	Ea	\$500.00	\$500.00	\$4,000.00
Hang and Lash 48 Strand Fiber	48 Strand Fiber	962	Ft		\$1.35	\$2.00
	Pole Materials - Misc.	6	Ea	\$50.00		\$300.00
Place Anchors	Anchor Rods	2	Ea	\$250.00	\$140.00	\$780.00
Place Down Guy		1	Ea		\$50.00	\$50.00
Prep Install Cable In Exisitng Case		0	Ea		\$250.00	\$0.00
Place Splice Case	Type B Case	0	Ea	\$296.43	\$250.00	\$0.00
Place 24 Port FDP	24 Port FDP	1	Ea.	\$87.04	\$250.00	\$337.04
	8 Fiber Pigtailes 900um LC/UPC					
	SM 3 Meters	1	Ea.	\$72.74		\$72.74
	12 Position Splice Tray	1	Ea	\$22.04		\$22.04
	LC Duplex 6 Pack Plate (Bulk Head)	2	Ea.	\$32.50		\$65.00
Splicing Fiber & Pigtailes		24	Ea	\$40.00		\$960.00
Building/Service Entrance		1	Ea		\$1,250.00	\$1,250.00
Permits		1	Ea.		\$1,500.00	\$1,500.00
Tree Trimming		1	Ea.		\$1,000.00	\$1,000.00
Traffic Control		1	Ea.		\$2,500.00	\$2,500.00
Railroad Crossing Permit		0	Ea.		\$10,000.00	\$0.00
Mobilization Fee		0	Ea.		\$2,500.00	\$0.00
Overhead Make Ready work estimate		6	Ea.		\$1,000.00	\$6,000.00
Misc. Labor		1	Ea.		\$1,000.00	\$1,000.00
Design/Engineering		1,419	Ea.		\$3.50	\$4,966.50
					Subtotal	\$47,901.69
Construction Management					10%	\$4,790.17
Contingency					20%	\$9,580.34
					TOTAL	\$62,272.20



To: Mayor and Town Board of Trustees

From: Morgan Landers, AICP, Town Planner/Community Development Director

Date: March 7, 2019

Agenda Item: Haymeadow ADA Extension Request

REQUEST: Staff is requesting the board extend the term of the Haymeadow Annexation and Development Agreement to December 31, 2020.

BACKGROUND:

The Town of Eagle approved the Annexation and PUD Development Plan for the Haymeadow PUD on March 25, 2014. The project was vested for a period of 20 years, however, the agreement included a requirement for the developers to start construction within five years of the effective date of the agreement. Per the agreement, that would require Abrika to begin construction by June 7, 2019. The effective date of the agreement is different from the date of approval due to the resolution of the referendum. Staff received the subdivision application for Filing 1 from Abrika in September 2018. The application is an active land use file under review by the town. The file is scheduled to be heard in front of the Planning and Zoning Commission on March 19, 2019 and the Board of Trustees on April 9, 2019. The town received a request from Abrika on February 14, 2019 to consider an extension to the construction start date.

ANALYSIS:

Town staff has been reviewing the application per the development review procedures outlined in the Town's municipal code and department policies. Due to the size, number, and sequencing of large development review applications and other town projects, the review period and public hearing availability has extended the review beyond initial estimates. In review of the extension request, staff considered the impacts of extending the deadline to the town, the residents, and the applicants. Allowing for an extension to the construction start date provides pros and cons to both the town and the applicants:

- Pros
 - Town - Lower demands on town staff resources during a busy construction season (in-field inspections) and delays the impact of construction traffic/impacts to local residents (including impacts to the Haymaker Trail). Preserves the resources deployed by town staff to review the project to date.
 - Applicant – allows for the construction to take advantage of a full construction season rather than spanning across multiple seasons with lag time in the middle. The provisions of the Annexation and Development Agreement remain and allows the project to continue as planned. Preserves the financial investment made to date.
- Cons
 - Town – Reduced revenues from inspection fees. A delay in infrastructure construction results in a delay in housing construction.
 - Applicant – May require review of the Annexation and Development Agreement

In review of the information above, staff supports the extension request from Abrika and proposes an extension to December 31, 2020. Staff desires to put a deadline in place that is a clear date rather than a number of years after the effective date of the agreement. This makes the deadline clearer for staff and applicant in the future. Also, an end of year deadline seems more appropriate than a deadline that falls in the beginning or the middle of the construction season.

COMMUNITY INPUT:

Although this is not a public hearing, the request was noticed according to Section 4.03.060 of the town's municipal code as required by the Annexation and Development Agreement. Town staff has been contacted by community members requesting information on the purpose of the extension request, however, no public comment was submitted.

BUDGET / STAFF IMPACT:

A postponed construction start date would have limited impact the budget for the town in 2019. The impact fees required for the development are collected upon approval of the Subdivision Plat, which would still occur in 2019. A reduction in inspection fee revenue for utility inspections will occur. Subdivisions require an extensive amount of in-field inspection time by the Public Works and Engineering departments. A postponed construction start date would reduce the staffing load until construction were to begin.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Allowing the extension of the construction start date assists in facilitating many aspects of the town's strategic plan. There are many elements of the Haymeadow project that, as agreed upon in the Annexation and Development Agreement, support the towns goals of diverse housing, open space and recreation, and economic development.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to **approve or deny** Resolution 15-2019 "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO APPROVING THE SECOND AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE HAYMEADOW DEVELOPMENT."

ATTACHMENTS:

Request Letter from Abrika to the Town of Eagle
Second Amendment to Annexation and Development Agreement
Resolution 15-2019



February 14th, 2019

Re: Haymeadow ADA & PUD Term

Morgan,

As you know, the Haymeadow design team has been working diligently with the Town planning, public works, and engineering staff on the Filing 1 application package. We originally planned to mobilize equipment February 15th, 2019 and complete infrastructure by November 1st, 2019; however, the planning process has taken longer than we anticipated due to the size and scope of our project. While we are working diligently to move the project forward, depending on how soon we're able to receive permits, we may not be able to begin construction in 2019.

We can't sign a contract with our general contractor without approvals in place, and the further we get into Spring the harder it will be for our chosen contractor to reserve the resources needed to commit to our project. Furthermore, the Haymeadow Metro District has a legal obligation to secure financing *before* signing a contract with the general contractor and cannot do so until approvals are secured. This is a challenge given how close we are to the "Start of Construction" deadline that is outlined in the approved Haymeadow Annexation and Development Agreement (the "ADA"), which poses a risk to potential lenders. Starting further into the Spring than planned may also increase the costs of the Filing 1 infrastructure work if it creates a need to split work between 2019 and 2020.

Given these concerns, we are proactively requesting an extension of the Term and some clarity on what would occur if we miss the Start of Construction deadline as there is some ambiguity in the ADA and PUD Guide.

The Town's support on this minor amendment will help assure we are ultimately able to execute on our shared vision for Haymeadow, even if we are not able to begin construction this Spring.

All the best,

A handwritten signature in black ink, appearing to be "BC", written in a cursive style.

Brandon Cohen

SECOND AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT

This SECOND AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT (the "Second Amendment") is entered into as of March __, 2019 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation (the "Town"); and ABRIKA PROPERTIES, LLC, a Florida limited liability company ("Abrika") (each a "Party" and collectively the "Parties").

WHEREAS, on March 25, 2014, the Parties entered into an agreement entitled "Agreement Relating to the Annexation and Development of Property Known as the Haymeadow Parcel A, Parcel B, and Parcel C Additions to the Town of Eagle, Colorado, Also Known as the Haymeadow PUD" (the "ADA"), which ADA was recorded on May 30, 2014, at Reception No. 201408816;

WHEREAS, on February 27, 2018, the Parties entered into a First Amendment to the ADA (the "First Amendment");

WHEREAS, pursuant to Section 1.3, the ADA expires on June 7, 2019 (the "Term");

WHEREAS, the Town and Abrika desire to extend the Term and the Determination of Adequacy set forth in Sections 1.3 and 6.2, respectively.

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 Town and Abrika agree as follows:

1. The first sentence of Section 1.3 of the ADA is hereby amended to read as follows:

1.3 Term. The Term of this Agreement (the "Term") shall commence on the effective date of the Town Board ordinance or resolution approving this Agreement and zoning the property PUD (the "Effective Date") and shall continue until December 31, 2020, but if Start of Construction occurs prior to December 31, 2020, the Term shall continue until the Completion of Construction and the expiration of any applicable warranty periods related to public improvements constructed as part of the Development.

2. Section 6.2 of the ADA is hereby amended to read as follows:

6.2 Expiration of Determination of Adequacy. Unless otherwise provided herein, the Conditional Positive Determination of Adequacy as contained herein shall expire on the date that is 20 years after the date of Final Approval (the "DOA Period"). Notwithstanding the foregoing, (a) in the event that the Developer fails to Start Construction on or before December 31, 2020, the Conditional Positive Determination of Adequacy shall expire on December 31, 2020, or (b) in the event that a development

Notary Public

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 15
(Series of 2019)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO APPROVING THE SECOND AMENDMENT TO ANNEXATION AND
DEVELOPMENT AGREEMENT FOR THE HAYMEADOW DEVELOPMENT

WHEREAS, on March 25, 2014, the Town and Abrika Properties LLC ("Abrika") entered into an agreement entitled "Agreement Relating to the Annexation and Development of Property Known as the Haymeadow Parcel A, Parcel B, and Parcel C Additions to the Town of Eagle, Colorado, Also Known as the Haymeadow PUD" (the "ADA"), which ADA was recorded on May 30, 2014, at Reception No. 201408816;

WHEREAS, on February 27, 2018, the Town and Abrika entered into the First Amendment to the ADA;

WHEREAS, pursuant to Section 1.3, the ADA currently expires on June 7, 2019 (the "Term");

WHEREAS, pursuant to Section 6.2, the determination of adequacy will expire unless the Developer commences construction within 5 years from the date of Final Approval of the ADA, or March 25, 2019 (the "Expiration of Determination of Adequacy"); and

WHEREAS, the Town and Abrika desire to extend the Term and the Expiration of Determination of Adequacy in Sections 1.3 and 6.2, respectively, via an amendment to the ADA, as set forth in the attached Second Amendment to Annexation and Development Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The Second Amendment between the Town and Abrika 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 Second Amendment on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON MARCH ___, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Bryon McGinnis

Date: March 8, 2019

Agenda Item: Contingency Transfer – Water Enterprise Fund

REQUEST AND INTRODUCTION: Staff is requesting the transfer of \$44,121.88 located in the Water Enterprise Fund from the Contingency 52-59-900 to both Facility Repair and Maintenance Supplies 52-59-230 and Repair and Maintenance Services 52-59-360.

ANALYSIS: With the water breaks occurring during winter conditions and the depth of water main lines, Public Works was unable to self-perform work of repairs. i.e. frozen conditions and depth of water main lines.

COMMUNITY INPUT: None.

BUDGET / STAFF IMPACT: Budget impact of \$44,121.88 which needs to come out of Contingency since it was not budgeted during budget season.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Protecting Public Health and Safety.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to approve or deny Contingency transfer.

ATTACHMENTS: Town of Eagle Contingency Transfer form

TOWN OF EAGLE CONTINGENCY TRANSFERS

INSTRUCTIONS:

This budget amendment request form is used to transfer funds from a Contingency Account to an expense account within the same fund. This type of amendment is usually reserved for emergencies or unanticipated expenses. This budget amendment requires the approval of the Town Board of Trustees and needs to be attested to by the Town Manager.

Please provide the following information and submit to the Finance Director

CONTINGENCY ACCOUNT(S) TO DECREASE		
GL EXPENSE ACCT #	GL ACCT DESCRIPTION	AMOUNT
52-59-900	Contingency	44,121.88
TOTAL		44,121.88

EXPENSE ACCOUNT(S) TO INCREASE		
GL EXPENSE ACCT #	GL ACCT DESCRIPTION	AMOUNT
52-59-230	Facility Repair & Maintenance Supplies	3,786.96
52-59-360	Repair & Maintenance Services	40,334.92
TOTAL		44,121.88

REASON FOR BUDGET AMENDMENT REQUEST:
Needed to contract out water main breaks. Water main breaks were unexpected, deep in the ground, and winter conditions required expertise and machinery of a local contractor to excavate and secure the construction trench. This happened on three different occasions.

Submitted by:	Deron Dircksen 	3/7/2019
	Department Head	Date
Approved by:	Bryon McGinnis 	3/7/2019
		Date
Attest:	Brandy Reitter	
	Town Manager	Date



To: Mayor and Town Board of Trustees

From: Morgan Landers, Town Planner

Date: March 11, 2019

Agenda Item: Red Mountain Ranch Annexation Hearing

REQUEST: Staff is requesting the Board of Trustees continue the annexation hearing to **March 26, 2019**.

BACKGROUND:

On February 13, 2018, the Board of Trustees passed a resolution finding the Annexation Petition and Plat for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S. This resolution also set the date for the Public Hearing to determine if the proposed annexation complies with the Colorado Constitution and applicable sections of the Colorado Revised Statutes. The file has since been continued to allow staff additional time for review of the land use application associated with the annexation petition.

ANALYSIS:

The planning commission heard file PUD18-01 Red Mountain Ranch at their regular meeting on February 19, 2019 and the file has been scheduled for the March 26, 2019 hearing of the Board of Trustees. Continuing this hearing until the March 26th meeting allows the application timelines for the Annexation and Zoning Plan to align.

COMMUNITY INPUT:

The Annexation Petition and Plat have been noticed per Section 31-12-108, C.R.S. Noticing requirements include four consecutive notices within the timeframe outlined in the statute. The statute also requires that the proof of publication and the annexation petition be sent to the Eagle County Board of County Commissioners, Eagle County Attorney, and all applicable taxing districts. These notices were distributed via certified mail and a follow up email was also sent to ensure proper distribution. Public notices for PUD18-01 have been published per Section 4.03.060 of the Town's Municipal Code.

BUDGET / STAFF IMPACT: n/a

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: This request is in alignment with Major Objective 10: Address Essential Planning and Land-Use Challenges. Specifically, the project is being reviewed according to the Town of Eagle Land Use and Development Code as well as the Colorado Revised Statutes

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to continue the Annexation Public Hearing for Red Mountain Ranch to March 26, 2019.

ATTACHMENTS: None

Project THOR Meet Me Center Host Agreement

This Agreement, dated [insert date], 2019 (the "Effective Date"), is between the Northwest Colorado Council of Governments (the "NWCCOG") located at 249 Warren Avenue, Silverthorne Colorado, and [insert name of Host], Colorado (the "Host") located at [insert Host address], referred to collectively herein as the "Parties."

Background

This Agreement provides for the provision of Middle Mile Services to Host by the NWCCOG.

WHEREAS, the NWCCOG desires to:

- continue to extend technical support to NWCCOG communities seeking local solutions to meet local broadband needs and help those communities continue to innovate and collaborate on solutions tailored to meet those needs through a robust, affordable, resilient middle mile network;
- provide leadership and promotion of the Project THOR Middle Mile Broadband Network ("Network"), owned by NWCCOG on behalf of participating Project THOR communities, to NWCCOG members and other governmental and non-governmental organizations who may benefit in the future from Project THOR;
- contract with a "Network Operator" to design, operate, and manage the Network, including without limitation, the provisions of services through the Network to the Host;
- provide guidance to the Network Operator on requirements and needs for the network as created and derived from the NWCCOG Broadband Steering Committee;
- review network development, pricing, and network performance data;



- serve as a channel to state, local government, and other partners on the status, subscription, experiences, and outcomes of the Network;
- deliver outreach to additional Colorado partners to ensure expansion of the Network to support adjacent economic development regions, the State of Colorado, and public safety; and continue to seek such connections to increase the resiliency of Project THOR with additional redundant connections;
- support and obtain funding for the Network, if necessary, to design and build network elements to achieve the objectives of the Network and Network users;
- report on Network performance, utilization, enhancement, and maintenance.

and

WHEREAS, the Host desires to:

- own and maintain a local Project THOR Meet Me Center (“MMC”);
- fund and construct that Meet-Me-Center per Project THOR network specifications, or dedicate equivalent space in an already constructed MMC;
- enter into and maintain contracts with NWCCOG to be billed through the Network Operator for the Monthly Recurring Costs for the Project THOR Network and Network Transport, and optionally with the Network Operator for specially negotiated rates for bandwidth;
- connect to and utilize the services of the Network in compliance with the requirements from NWCCOG detailed below;
- participate in the NWCCOG Broadband Steering and Project THOR Committees as appropriate;

- support NWCCOG by promoting broadband connections through the Network to local government, schools and other public entities and ISPs throughout Northwest Colorado to connect and obtain benefits from the Network;
- advise the Network Operator and NWCCOG on evaluation and expansion of connections, and network performance and scheduling for moves, adds, and changes to the Network as they affect the participants in the Network to the greater good of participating communities; and
- enter into this contractual agreement for the initial three year period with the option of additional periods to provide local match for Colorado Department of Local Affairs (“DOLA”) grant funds secured by NWCCOG for the purpose of purchasing equipment for Project THOR construction to bring the network to local Meet Me Center Host communities, as well as to commit to make monthly recurring payments so that NWCCOG may enter into a 10-year Fiber Lease with the Colorado Department of Transportation (“CDOT”) with local matching funds from MRC for a second DOLA grant to cover initial CDOT fiber lease period.

Accordingly, in consideration of the mutual promises stated in this Agreement, the parties agree as follows:

AGREEMENT

1. DEFINITIONS

- 1.1. The terms defined in the preamble and recital have their assigned meanings, and each of the following terms has the meaning assigned to it:
“Broadband Service” means the last mile service that Host may purchase from Network Operator or another ISP.



“Broadband Steering Committee” means the standing committee of the NWCCOG standing that has given direction to the establishment of Project THOR.

“Community Anchor Institutions” or **“CAI”** means governmental, nonprofit, educational and similar entities including by way of illustration and not limitation: schools, libraries, hospitals and other medical providers, public safety entities, institutions of higher education, governmental entities, rural electric cooperatives, and community support organizations that facilitate greater use of broadband by vulnerable populations, including low-income, the unemployed, and the aged.

“Customer Premises Equipment” or **“CPE”** means any equipment required to attach to the Network, including receiving radio and associated power hardware, but does not include customer routers and customer networking equipment.

“Internet Service Provider” or **“ISP”** means an entity providing retail last mile service to end user subscribers.

“Maintenance” means work that must be performed upon or to the network to ensure the continuity of an acceptable signal transmitted through wireless technology and/or fibers (in conformance with the manufacturer’s specifications), or to ensure the safety and reliability of the assets.

“Middle Mile” means the network connection between the last mile and greater Internet.

“MRC” means the monthly recurring cost of a Service which will be as set forth on **Exhibit A-PAYMENTS** or as agreed upon by the Parties and documented on a Service Order, as applicable.

“Network Operator” means the entity retained by Mammoth to provide Service on the Network to MMC hosts.

“NRC” means a one-time, non-recurring cost with respect to a Service which will be as set forth on **Exhibit A-PAYMENTS** or as agreed upon by the Parties and documented on a Service Order, as applicable.

“Project THOR Meet Me Center” or **“MMC”** means the Meet Me Centers owned by the Meet Me Center Host and future Meet Me Center hosts that may contract with the NWCCOG as part of expansion of Network.

“Project THOR Steering Committee” means a future committee comprised of the Project THOR Meet Me Center Hosts which will provide guidance to the NWCCOG regarding the direction of the project in the future.

“Service” means the broadband transport and ISP service that the parties agree, per the terms of this Agreement, which will be made available to MMC Hosts.

“Service Order” means the order form representing a specific Service or Duty to be provided for a defined period to MMC Hosts by the Network Operator.

“Transport”, “Transport Service” or **“Port to Port Service”** means the intra-network traffic between MMC Host locations independent of network traffic connecting to the internet.

“Transport Packets” means a formatted unit of data carried by a packet-switched network.

2. SCOPE OF AGREEMENT

- 2.1. **Project THOR Network:** The NWCCOG shall provide access to the Network to the Network Operator, who shall plan for and execute future

Network expansions with input and direction from the NWCCOG. The NWCCOG is financially responsible for the Network and Network Maintenance. The Network Operator will manage the day-to-day operations and maintenance of the Network. Other Network Providers may subsequently provide Broadband Services through the Network, at the discretion of the NWCCOG.

- 2.2. **Meet Me Center Host:** The Meet Me Center Host shall function as a community-facing organization for the Network. The Host is responsible for providing the Meet Me Center per NWCCOG standards; reselling of the bandwidth that it has purchased through the Network to Community Anchor Institutions, Internet Service Providers, local governments, and other regional authorities in the area(s) it serves; and bringing more of such customers to the Network to help lower aggregate bandwidth prices for all involved. The MMC Host may resell Services offered through the Network, and may, in its discretion, provide Broadband Services through the Network to end user subscribers.
- 2.3. **Customer Premises Equipment:** Host may choose to offer, for sale or lease, customer premises equipment (CPE) and Services, such as customer premises wiring and customer premises equipment which lies outside the scope of this Agreement.
- 2.4. **Host Costs:** Host will execute and maintain all contracts with their regional Community Anchor Institutions, ISPs, and other entities that want to utilize the MMC Host's bandwidth. MMC Host will maintain an accurate database of customers and Services sold from the MMC. Host is responsible for anchor customer acquisition costs and contracting with these customers. The Host may recover costs through reselling bandwidth from the MMC.

Host is responsible for building or assisting the anchor customers with direction in building any network infrastructure required to the MMC, providing the NWCCOG authorizes any required interface with the Network.

- 2.5. **Resale:** Host may not resell Service or bandwidth outside its boundaries to an entity that would qualify as its own MMC Host without the prior written authorization of the NWCCOG, which may be subject to additional fees. Host will provide to NWCCOG annually a list of all entities to which it extends Project THOR Services.
- 2.6. **Accuracy of Statements:** MMC Host will make accurate representations and statements regarding the Network that are consistent with the representations and statements made in this Agreement and will portray the Network positively to Customers or the public. MMC Host will first address any concerns to Network Operator. If MMC Host is unsatisfied with Network Operator's response, MMC will address such concerns to NWCCOG at a recorded public session.
- 2.7. **Meetings:** NWCCOG will establish and maintain a Project THOR Steering Committee or board comprised of Project THOR members to provide feedback and input on Project THOR budget and decisions. NWCCOG will establish meeting schedule and location for regular meetings and will convene meetings as needed to provide timely direction or approvals on policies impacting Network operation. MMC Host will participate in NWCCOG meetings as necessary. NWCCOG will work with Network Operator on items requiring approval in a timely manner.
- 2.8. **Project THOR Budget:** NWCCOG will establish a Project THOR budget, with monies to be used on defined project expenses

- 2.9. **Customer Support:** MMC Host will be responsible for customer support in connection with any of the entities to which it sells Services. MMC Host is responsible for providing an adequate number of qualified, courteous, knowledgeable and helpful staff to provide effective and satisfactory services in all contacts with the Customer and Network Operator.
- 2.10. **Acceptable Use Policies:** The NWCCOG may adopt Acceptable Use Policies with respect to the Network, and MMC Host shall abide by any such policies of which it has notice.
- 2.11. **NWCCOG Customer Support:** The NWCCOG is responsible for managing its contract obligations with Network Operator related to customer care issues impacting the NWCCOG elements of the Network, including but not limited to Middle Mile Network Services and SLA administration as shown on **Exhibit C-SLA**.
- 2.12. **Meet Me Center Host Locations and Equipment:** The MMC Host will fund, construct, and own space, or dedicate equivalent space for a Project THOR Meet-Me Center that meets Project THOR network specifications. MMC Host will purchase, install and maintain MMC Equipment. This equipment is defined in the MMC Equipment Specification in **EXHIBIT D-MEET ME CENTER EQUIPMENT SPECIFICATIONS**. NWCCOG will issue Request for Proposals (RFP) for required MMC Equipment. The NWCCOG will issue and maintain up-to-date network specifications for Project THOR MMC Locations. These specifications will be determined by the NWCCOG and all Meet Me Center Hosts.
- 2.13. **Middle Mile Network Equipment:** The NWCCOG will select the brand and model of equipment used to provide the Middle Mile Network, purchase the equipment used to provide the Middle Mile Network, and will be responsible

for expenses incurred by operation of the Middle Mile Network. NWCCOG will work closely with Network Operator to anticipate Network equipment and software replacement and upgrades and seek funding from all MMC Hosts as necessary.

- 2.14. **Access:** Host will permit the NWCCOG reasonable access to the MMC to access and maintain their equipment in the MMC. MMC Host shall maintain its Meet Me Center to the original specifications set forth in **Exhibit D-MEET ME CENTER EQUIPMENT SPECIFICATIONS**.

3. PERFORMANCE

- 3.1. The Host represents and warrants that it owns the Meet Me Center Location and that it has the power and authority to enter into and perform this Agreement, and that its performance of this Agreement will not infringe upon or violate the rights of any third party, nor violate any federal, state, or municipal laws (“Applicable Law”).
- 3.2. Host will perform its duties under this Agreement, such performance to be excused only due to a force majeure condition as described in Section 10.

4. PAYMENT

- 4.1. The Host shall purchase Middle Mile Service from the Network in accordance with the payment provisions below.
- 4.2. MMC Host location in [insert site of host location] is a Class [insert as applicable] location.
- 4.3. At the time of executing this Agreement, Host shall pay the **Total Non-Recurring Cost (NRC)** for network establishment for Project THOR of \$[insert amount] for [insert site] [insert additional sites as necessary] to NWCCOG. The parties understand and agree that during the six (6) months following the execution of this Agreement, the NRC may be modified based

upon the total number of MMC Hosts executing similar agreements with NWCCOG, and any increased NRC amount shall be paid within thirty (30) days of invoicing.

- 4.4. Host site [insert site of host location] is a tier [] site with **Total Monthly-Recurring Costs (MRC)** of [insert cost]. The Breakdown of MRC is contained in **Exhibit A-PAYMENTS**. MRC will be paid as billed beginning June 1, 2019.
- 4.5. Network Transport pricing on the Network will be billed to each MMC for incoming and outgoing Transport Packets at an initial rate of \$ 0.10 per megabyte. This rate applies to all traffic, including but not limited to Transport, usage for point to point Services and to facilitate internet access. Billing for Transport will be determined after the first three-year period of this agreement.
- 4.6. Network Port to Port pricing on the Network between MMCs for Project THOR Hosts is set at an initial rate of \$250 per managed port not at purchasing host's MMC per month. Transport will be limited to 10 gigabytes per port. Transport rates will continue to apply.
- 4.7. MRCs will be charged in advance, biannually for six (6) months of Network MRC in June and December of each year for the upcoming 6-month period.
- 4.8. At NWCCOG's sole discretion, there may be an annual adjustment to the monthly network enablement fee based on the overall financial stability and revenues received on the network. Future adjustments to rates or Services purchased shall be documented in mutually executed Service Orders, subject to the terms and conditions of this agreement.
- 4.9. Meet Me Center Host will have access to specially negotiated rates for bandwidth. MMC Host acknowledge that the NWCCOG may annually

adjust these rates depending on the amount of Meet Me Center Hosts participating in Project THOR. Optional Bandwidth can be purchased from NWCCOG at the bulk rates detailed in **Exhibit A-PAYMENTS** as it may be amended from time to time.

5. TERM OF AGREEMENT

- 5.1. **Initial Term:** The initial term of this Agreement shall commence on _____, 2019 (the “Effective Date”) and the initial term shall terminate on _____, 2022. This initial three (3) year term is required by DOLA as part of the Project THOR program grants received and managed by NWCCOG. The parties understand and agree that notwithstanding the commencement date of this Agreement and the beginning of payment of the MRC, the startup of the Project THOR Network depends upon completion of various MMCs and fiber builds, and will occur over a 3 – 6-month period, after which time the parties expect that all entities will have completed construction work to facilitate the Services anticipated herein from Project THOR.
- 5.2. **Renewal:** This Agreement will automatically renew for up to five (5) additional three (3) year terms unless notice is received 180 days prior to the end of each three (3) year term.

6. OPEN ACCESS

- 6.1. **Open Network:** The NWCCOG has negotiated bulk pricing for bandwidth and service level agreements with Network Operator for MMC hosts. However, Host acknowledges that Network is governed by open access principles, and therefore Hosts are free to contract with another provider for ISP Services. Because Network is an Open Access Network, while Host is free to contract with another provider for ISP Services, all such contracts

are subject to the requirement that if the Host enters into any agreement with a provider for Services on the Network, it must make the same offering to any other provider on the same terms and conditions. Notwithstanding the foregoing, in order to resell ISP Services, the Host is required to purchase its Transport Services from the Network.

- 6.2. **Network Neutrality:** Host acknowledges that the Network shall be governed by the principles of network neutrality. Therefore, Host will not block, throttle, or prioritize internet content or applications or require that customers pay different or higher rates to access specific types of content or applications, and if Host enters into any agreements for the provision of Service using the Network, any such agreement will mandate the same requirement.

7. LIMITATION OF LIABILITY

NEITHER PARTY SHALL BE LIABLE TO THE OTHER, OR ANY OF THEIR RESPECTIVE AGENTS, REPRESENTATIVES, EMPLOYEES FOR ANY LOST REVENUE, LOST PROFITS, LOSS OF TECHNOLOGY, RIGHTS OR SERVICES, INCIDENTAL, PUNITIVE, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES, LOSS OF DATA, OR INTERRUPTION OR LOSS OF USE OF SERVICE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, WHETHER UNDER THEORY OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE.

8. ASSIGNMENT AND MODIFICATION

- 8.1. **Assignment:** Host's obligations under this Agreement may not be assigned or transferred to any other person, firm, or corporation without prior written consent of NWCCOG.

- 8.2. **Transfer:** Should Host choose to terminate ownership or operation of the MMC, Host will advise NWCCOG and make all best efforts to transition ownership and control of the MMC to an agreeable party who will either assume the obligations of this Agreement, or otherwise contract with NWCCOG and the Network Operator to ensure continuity of operations and services to NWCCOG and MMC subscribers. Pursuant to Sections 5.1 and 11.1, the Parties understand and agree that this Agreement may not be transferred by the Host during the first three (3) years of its term, unless the transferee agrees to comply with all terms, conditions and obligations of this Agreement for the three (3) year term.
- 8.3. **Modification:** The Agreement may be modified only if the amendment is made in writing and is signed by both Parties.

9. Confidentiality

- 9.1. **Open Records:** The Parties acknowledge that this Agreement is public record within the meaning of the Colorado Open Records Act§ 24-72-202(6), C.R.S., and accordingly may be disclosed to the public. The Parties agree to treat as confidential any records that constitute proprietary or confidential information under State law, to the extent a party makes the other party aware of such confidentiality. Each party shall be responsible for clearly and conspicuously stamping the word "Confidential" on each page that contains confidential or proprietary information and shall provide a brief written explanation as to why such information is confidential under state law. If a party believes it must release any such confidential records in the course of enforcing this Agreement, or for any other reason, it shall advise the other party in advance so that party may take appropriate steps to protect its interests. If a party receives a demand from any person for

disclosure of any information designated by the other party as confidential, the party shall, so far as consistent with Applicable Law, advise the other party and provide the other party with a copy of any written request by the person demanding access to such information within a reasonable time. Until otherwise ordered by a court or agency of competent jurisdiction, the Parties agree that, to the extent permitted by State law, it shall deny access to any of the party's records marked confidential as set forth above to any person. The party whose records are being withheld shall reimburse the other party for all reasonable costs and attorney's fees incurred in any legal proceedings pursued under this Section.

10. FORCE MAJEURE

In the event either party is prevented or delayed in the performance of any of its obligations under this Agreement by reason beyond the control of that party, it shall have a reasonable time, under the circumstances, to perform the affected obligation under this Agreement or to procure a substitute for such obligation which is satisfactory to the other party. Those conditions which are not within the control of a party include, but are not limited to, natural disasters, civil disturbances, defaults by other parties impacting the Network, work stoppages or labor disputes, power outages, telephone network outages, and severe or unusual weather conditions which have a direct and substantial impact on the party's ability to comply with this Agreement and which was not caused and could not have been avoided by the party which used its best efforts in its operations to avoid such results.

11. DEFAULT AND TERMINATION

11.1. **Voluntary Termination:** This Agreement can be terminated by either party at any time with one hundred eighty (180) days written notice after the initial



three (3) year period.

- 11.2. **Default by Host:** The following shall constitute defaults by Host: Any failure by Host to perform any covenant or obligation required by this Agreement (other than the payment of fees due hereunder), and the failure to cure said default within a period of thirty (30) days following written notice to Host of said default. The failure to pay any fees due by Host shall be considered a default if Host does not make payment in full within seven (7) days following written notice to Host of such non-payment.
- 11.3. **Default by NWCCOG:** The following shall constitute default by NWCCOG: The breach of any promise or covenant of NWCCOG made herein which shall continue and not be cured within thirty (30) days after Host has given written notice to NWCCOG of such breach.
- 11.4. **Remedy for Default of Host:** Upon the occurrence of an event of default with respect to Host, NWCCOG may at its election terminate this Agreement by written notice to Host of such election. NWCCOG may also pursue such legal and equitable remedies for any breach by Host without waiving the right to subsequently terminate this Agreement based on the related event of default.
- 11.5. **Remedy for Default of NWCCOG:** Upon the occurrence of an event of default with respect to NWCCOG, Host may at its election terminate this Agreement by written notice to NWCCOG of such election. Host may also pursue such legal and equitable remedies for any breach by NWCCOG without waiving the right to subsequently terminate this Agreement based on the related event of default.
- 11.6. **Additional Remedies:** These remedies are in addition to any special remedies provided elsewhere in this Agreement and in addition to any other

rights or remedies now or subsequently existing at law, in equity, by statute or otherwise.

12. NOTICE

All notices required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed given when personally served or three (3) days after deposit in the United States Mail, certified mail, return receipt requested, and addressed to the following Parties or to such other addressee(s) as may be designated by a notice complying with the foregoing requirements:

For Northwest Colorado Council of Governments:

Jon Stavney, Executive Director
249 Warren Avenue
Silverthorne, CO 80498

or via US Mail to
P.O. Box 2308
Silverthorne, CO 80498

For Host, Colorado:

[Insert mailing address of Host here]

13. CONTRACT WITH INTERGOVERNMENTAL ENTITY

13.1. **Annual Appropriation:** Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the either party within the meaning of Colorado Constitution Article X, Section 20, or any other constitutional or statutory provisions. Each party's fiscal obligations hereunder are expressly conditional upon annual appropriation by its respective governing body, in its sole discretion. The Parties



understand and agree that any decision by a governing body to not appropriate funds for payment shall result in termination of this Agreement. If a MMC Host is not going to appropriate funds for its next fiscal year to continue under this Agreement, it shall utilize best efforts to advise the NWCCOG of the intent not to appropriate by October 1st of each year.

13.2. **Governmental Immunity:** No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., or any other Applicable Law, as now or hereafter amended.

14. MISCELLANEOUS PROVISIONS

14.1. **Entire Agreement:** This Agreement and all Exhibits represent the entire agreement between the Parties and there are no other promises or conditions in any other agreement whether written or oral. This Agreement supersedes any prior written or oral agreements between the Parties.

14.2. **Severability:** If any provision of this Agreement is invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

14.3. **Governing Law:** This Agreement shall be governed by and construed in accordance with the Laws of the State of Colorado, and Applicable Law.

14.4. **Jurisdiction:** Venue for any judicial dispute between the Parties arising under or out of this Agreement shall be in District Court in the county where at least one of the parties resides.



- 14.5. **Authority to Execute:** The individual executing this Agreement represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of such party, and this Agreement is binding upon such party in accordance with its terms.
- 14.6. **Waiver:** The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement. Both the NWCCOG and Host expressly reserve all rights they may have under law to the maximum extent possible, and neither the NWCCOG nor Host shall be deemed to have waived any rights they may now have or may acquire in the future by entering into this Agreement.
- 14.7. **No Joint Venture:** The relationship between NWCCOG and Host shall not be that of partners, agents, or joint ventures for one another, and nothing contained in this Agreement shall be deemed to constitute a partnership or agency agreement between them for any purposes. NWCCOG and Host, in performing any of their obligations hereunder, shall be independent contractors or independent parties and shall discharge their contractual obligations at their own risk subject, however, to the terms and conditions hereof.
- 14.8. **Survival:** Any provision of this Agreement, which by its nature extends beyond the term hereof or which is required to ensure that the parties to fully exercise their rights and perform their obligations hereunder shall survive the expiration or termination of this Agreement for any cause whatsoever.

14.9. **Headings:** Headings used in this Agreement are provided for convenience only and will not be used to construe meaning or intent.

14.10. **No Ability to Bind Other Party:** Neither Party will have the authority to bind the other by contract or otherwise or make any representations or guarantees on behalf of the other. The relationship arising from this Agreement will be and will at all times remain that of an independent contractor, and does not constitute an agency, joint venture, partnership, employee relationship or franchise.

NORTHWEST COLORADO COUNCIL OF GOVERNMENTS

By:

Jon Stavney, Executive Director

Date

[Insert Host Name], Colorado

By:

Date

EXHIBIT A-PAYMENTS

Optional bandwidth can be purchased directly from the Network Operator from which NWCCOG has negotiated the following at the bulk rate of:

IP Transit Tier			MRC Price / Mbps
1Gbps	To	2Gbps	\$0.75
2Gbps	To	5Gbps	\$0.70
5Gbps	To	10Gbps	\$0.60
10Gbps	To	15Gbps	\$0.50
15Gbps	To	20Gbps	\$0.48
20Gbps	To	30Gbps	\$0.45
30Gbps	To	40Gbps	\$0.40
40Gbps	To	50Gbps	\$0.35
50Gbps	To	60Gbps	\$0.33
60Gbps	To	70Gbps	\$0.30
70Gbps	To	80Gbps	\$0.28
80Gbps	To	90Gbps	\$0.26
90Gbps	To	100Gbps	\$0.25

Total Monthly-Recurring Costs are (MRC):

Network Transport - Quantity \$ _____.

Bandwidth - Quantity \$ _____

Network Port to Port \$ _____

TOTAL MRC:



EXHIBIT B-NETWORK (Diagram)

Network Design – 200G Core

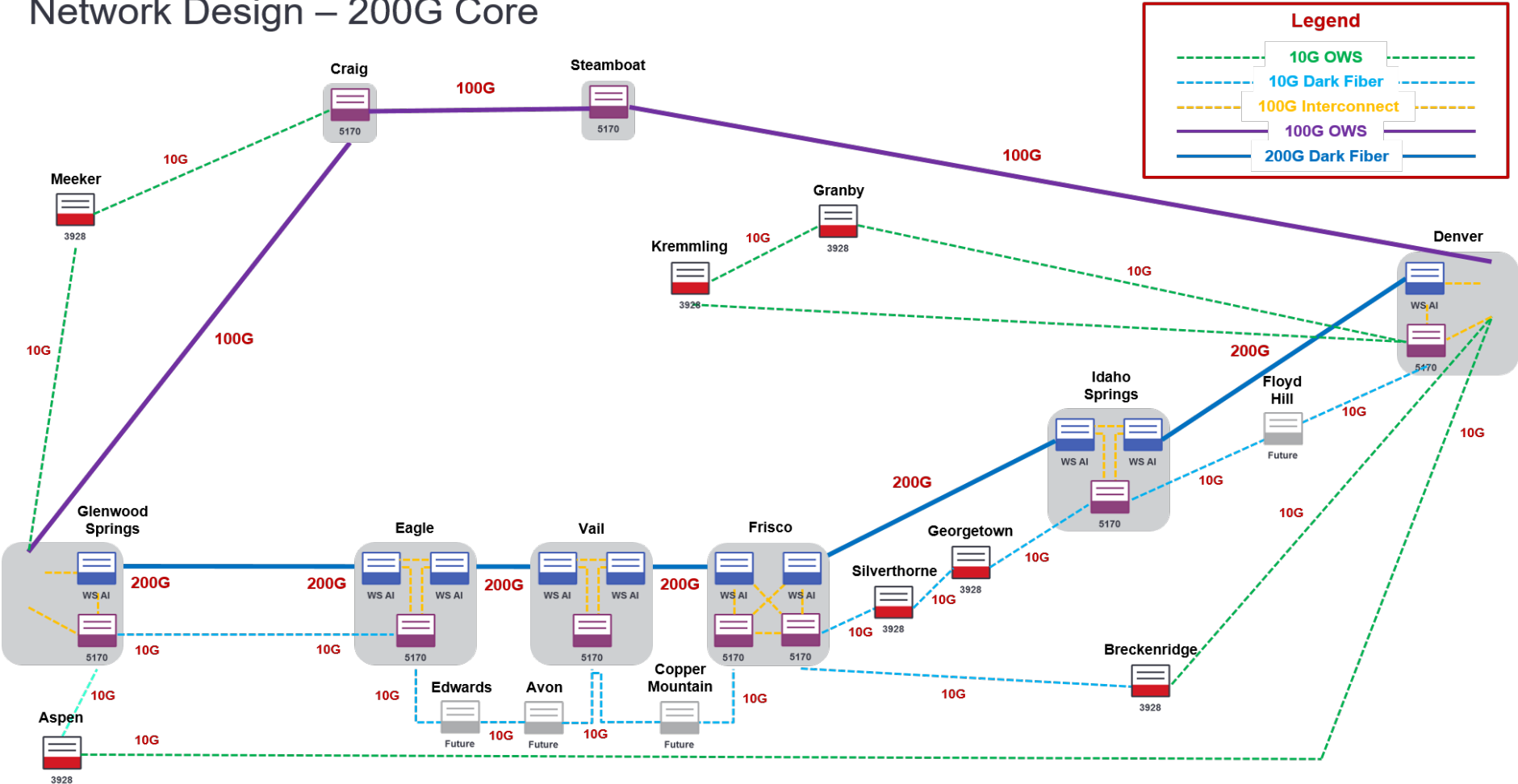


Exhibit C-Service Level Agreement

This Service Level Agreement (SLA) establishes Network Operator network performance and service level metrics for the Network. The NWCCOG has contracted with the Network Operator for its performance under the SLA described below, and each MMC Host is a third-party beneficiary to, and may independently enforce the terms of the SLA with the Network Operator with respect to the Services it purchases from the Network Operator.

[WHEN REVISED AND COMPLETED, INSERT THE FINAL SLA TERMS WITH MAMMOTH BELOW:]



EXHIBIT D-MEET ME CENTER EQUIPMENT SPECIFICATIONS

