

CHAPTER 4.14

**ASSURANCE OF ADEQUATE PUBLIC FACILITIES**

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4.14.010 INTENT

It is the intent of the Chapter to:

Adopt a program to ensure that land for Public Facilities and the Public Facilities needed to support new development meet or exceed Adopted Level of Service standards approved by the Town;

Insure that no Subdivision approval, Planned Unit Development approval, Development Permit approval, or Special Use Permit is granted or issued which would cause a reduction in the level of service for any Public Facilities below the Adopted Level of Service standards approved by the Town;

Insure that adequate Public Facilities or in the case of schools the availability of land needed to support new development or a special use are available concurrent with the impacts of such development or use;

Establish uniform procedures for the review of the adequacy of Public Facilities needed to service new development, new subdivisions or new special uses;

Facilitate implementation of the goals and policies of the Town's Master Plan, including the Eagle Area Community Plan relating to adequacy of Public Facilities; and

Insure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

It is the intention of this Chapter that in the case of schools, the adequacy of public facilities may be satisfied by the adequate provision of land that is available to the Eagle County School District and specifically designated for the construction of new schools.

4.14.020 APPLICABILITY

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). No applications for such approval shall be granted unless a positive Determination of Adequacy or positive Determination of Adequacy subject to conditions has been made by the Town Board, in its discretion, in accordance with this Chapter. This Chapter shall not apply to any special use, development, project, structure or activity that does not result in the creation of new residential, commercial, or industrial structure or change of use that materially impacts existing Public Facilities. For purposes of this Chapter, the following shall be deemed not to materially impact existing Public Facilities: (a) Subdivisions, Planned Unit Developments, Development Permits, or Special Use Permits for ten (10) or fewer single-family or ten (10) or fewer multi-family units located on one (1) or more contiguous parcels of land held under the same

or substantially the same ownership; and (b) non-residential developments containing 12 or less equivalent units (EQR), as defined in Chapter 12.16 of the Eagle Municipal Code, on one (1) or more contiguous parcels of land held under the same or substantially the same ownership.

Sequential land use applications on contiguous property for the purpose of the avoidance of these regulations are prohibited.4.14.030 DEFINITIONS

As used in this Chapter, the following words and phrases are defined as follows:

- A. “Adopted Level of Service” means the Level of Service (LOS) standards as adopted by the Town.
- B. “Applicant” means the property owner, or duly designated representative of the property owner who submits an Application for Development Approval.
- C. “Application for Development Approval” means an application for approval of a Subdivision Preliminary or Final Plan, approval of a Planned Unit Development, approval of a Development Permit, or approval of a Special Use Permit.
- D. “Capacity” means the maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service standards for such facility.
- E. “Capital Improvements Program” means a program adopted by the Town for providing Public Facilities, including the Town’s Street Improvements Plan.
- F. “Determination of Adequacy” means a determination that each Public Facility will or will not be available concurrent with the impacts of the proposed development of special use at the Adopted Levels of Service standards or will be available subject to certain conditions. A Determination of Adequacy shall be made by the Board of Trustees, Planning Commission or administrative personnel that is vested with authority pursuant to this Title to review and render a final approval of an Application for Development Approval.
- G. “Level of Service” means an indicator of the extent or degree of service provided by, or proposed to be provided by, a Public Facility based upon and related to the operational characteristics of the Public Facility or the capacity per unit of demand for each Public Facility.
- H. “Planned Capital Improvements” means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a Capital Improvements Program.
- I. “Public Facilities” means capital improvements provided by the Town of Eagle or another governmental entity including, but not limited to,

facilities for providing water, wastewater, fire protection, emergency services, public schools, parks, and transportation facilities which are required by this Chapter to be adequate and available as a condition of development or special use approval. In the case of schools, Public Facilities may also include land owned by the Eagle County School District or land to be dedicated that is specifically intended for the construction of schools.

#### 4.14.40 PUBLIC FACILITIES INFORMATION REPORT

- A. All applications to which this Chapter is applicable pursuant to 4.14.020 shall be accompanied by a Public Facilities Information Report. Such report shall include sufficient information to allow the Town to coordinate with applicable service providers to determine the impact of the proposed subdivision, development or special use on Public Facilities pursuant to the procedures set forth in this Chapter. The information required shall include, but shall not be limited to:
1. The total number and type of structures or dwelling units, and the gross density of the proposed subdivision, development or special use;
  2. The location of the proposed subdivision, development or special use;
  3. An assessment of the anticipated impacts on the Town street system from the proposed subdivision, development, or special use and if applicable a statement of any steps proposed to address potential impacts;
  4. If an Applicant seeks an exemption from the requirements of this Chapter based upon a claim that the Applicant has a vested right to undertake and complete the subdivision, development or special use without an evaluation of the impact on Public Facilities, information sufficient to permit the Town to determine the validity of the Applicant's claim of exemption; and
  5. All information required by Sections 4.14.110 through 4.14.130.
  6. Any other appropriate information as may be deemed necessary by the Town Planner in evaluation the adequacy of Public Facilities consistent with the provisions of the Chapter.
- B. If the Public Facilities Information Report is incomplete or the submission requirements have not been satisfied, the Town Planner shall so notify the Applicant of any deficiencies in writing. If the Public Facilities Information Report is complete and the submission requirements have been satisfied, the Town Planner shall evaluate the proposed subdivision, development or special use for compliance with the applicable Adopted Level of Service standards and shall submit a recommendation regarding the adequacy of the Public Facilities.

RECOMMENDATION BY TOWN PLANNER

- A. Upon receipt of a completed Public Facilities Information Report, the Town Planner shall evaluate the proposed subdivision, development, or special use, using the criteria set forth in this Chapter and any other applicable or relevant and appropriate criteria.
- B. If the Town Planner concludes that each Public Facility will be available concurrent with the impacts of the proposed subdivision, development or special use at the applicable Adopted Levels of Service, or in the case of schools that either facilities are available concurrent with the impacts of the proposed subdivision, development or special use, or that land sufficient to allow for the construction of new schools is available or will be made available, the Town Planner shall make a positive Recommendation of Adequacy.
- C. If the Town Planner concludes that any Public Facility may not be available concurrent with the impacts of the proposed development, subdivision or special use at the Adopted Levels of Service based upon existing Public Facilities, the Town Planner may make a negative Recommendation of Adequacy or, in the alternative, may make a positive Recommendation with appropriate conditions consistent with the following:
1. Deferral of further Subdivision Final Plat or Development Permit or Special Use Permit approval until all Public Facilities are available and adequate if existing Public Facilities are not adequate to meet the Adopted Levels of Service for the development or special use proposal;
  2. Reduction of the density or intensity of the proposed subdivision, development, or special use including conditions regarding the phasing of the subdivision, development, or use to a level consistent with the available capacity of the Public Facility; or
  3. Provision by the Applicant of the Public Facilities, or in the case of schools land sufficient to allow for the construction of new schools, necessary to provide capacity to accommodate the proposed subdivision, development or special use at the Adopted Level of Service at the time that the impact of the proposed subdivision, development, or special use will occur; and
  4. Any other reasonable conditions, that may in the case of schools include, but not limited to, the dedication of land that is intended specifically for the construction of new schools, to insure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed subdivision, development, or special use.

- D. The Town Planner's Recommendation of Adequacy shall be made part of any Staff Report accompanying any Administrative, Planning Commission, or Town Board review of Applications for Development Approval.

4.14.060

DETERMINATION OF ADEQUACY

- A. Following receipt of the Recommendation of Adequacy and as a part of the Town's procedures for review and final approval of any Application for Development Approval, and subject to compliance with all other regulations applicable to the application and request for approval, the Town Board, Planning Commission, or administrative staff member vested with authority to approve any subdivision, development or special use may:
  - 1. Make a positive Determination of Adequacy; or
  - 2. Make a negative Determination of Adequacy; or
  - 3. Make a positive Determination of Adequacy with appropriate conditions consistent with the conditions contained in Section 4.14.050(C).
- B. If the Determination of Adequacy is different from the Town Planner's Recommendation of Adequacy, the decision-making body shall make specific findings explaining the basis for concluding that the Town Planner's Recommendation of Adequacy should not be adopted.

4.14.070

EFFECT AND EXPIRATION OF DETERMINATION OF ADEQUACY

- A. A positive Determination of Adequacy shall be deemed to indicate that Public Facilities are or will be available and adequate to serve the proposed subdivision, development or special use until such time that the Determination of Adequacy expires. No Application for Subdivision Final Plat approval, Planned Unit Development Plan approval, Development Permit approval, or Special Use Permit approval shall be granted unless a positive Determination of Adequacy or a positive Determination of Adequacy subject to conditions has been made by the Town.
- B. A positive Determination of Adequacy issued pursuant to the Chapter shall be deemed to expire at the earlier of:
  - 1. The expiration, waiver, lapse, or revocation of the subdivision, development or special use approval for which the positive Determination of Adequacy was made; or
  - 2. Failure by the Applicant to timely comply with the conditions attached to a positive Determination of Adequacy; or
  - 3. Three (3) years following the date of issuance of a positive

Determination of Adequacy, if development has not commenced.

4.14.080

CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES.

- A. Level of Service Standards. Compliance with Level of Service standards shall be measured in accordance with the standards set forth in this Chapter, as they may be amended from time to time.
- B. Range of Impacts. Any proposed subdivision development or special use which could result in a range of potential impacts shall be reviewed as if the greater impact would result. The review and evaluation of Public Facilities required by this Chapter shall compare the capacity of Public Facilities to the maximum projected demand which may result from the proposed subdivision, development or special use.
- C. Existing Demand and Capacity. Where the adequacy and availability of a Public Facility is based upon an evaluation of available capacity, the existing demand upon the Public Facility shall be determined by considering:
  - 1. The existing demand placed upon the Pubic Facility from all users whether within or outside the Town;
  - 2. The projected demand for the Public Facility created by the anticipated completion of approved but uncompleted development, considering anticipated phasing of construction;
  - 3. The projected demand upon the Public Facility created by the anticipated completion of any proposed subdivision, developments or special uses for which a Public Facilities Impact Statement has been approved by the Town;
  - 4. The extent to which existing demand may be reduced or mitigated by the adoption of conservation or other measures designed to reduce demand; and
  - 5. Anticipated future improvements to Public Facilities.
- D. Capital Improvements. No improvement proposed or undertaken by an Applicant to increase existing capacity of a Pubic Facility or an improvement proposed to be made to avoid a deterioration in the Adopted Levels of Service shall be accepted by the Town unless the improvement is included within the Town's Capital Improvement Program or unless the improvement is determined by the Board of Trustees to directly and substantially advance one or more established goals or policies of the Town of Eagle and the improvement is part of an Improvements Agreement between the Town and the Applicant. An Applicant's commitment to construct or expand a Public Facility prior to the issuance of a building permit may be included as a condition for the Determination of Adequacy and any such commitment shall include,

at a minimum, the following:

1. A finding that the planned capital improvement is included within the Capital Improvement Program or directly and substantially advances one or more established goals and policies of the Town;
  2. An estimate of the total funding needed to construct the planned capital improvement and a description of all the costs associated therewith;
  3. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
  4. At the option of the Town and pursuant to an agreement between the Town and the Applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed subdivision, development or special use, a reimbursement to the Applicant for the pro rata cost of providing the excess capacity.
- E. Availability of Land or the Dedication of Land for Schools. School facilities may be deemed adequate if the Eagle County School District owns land sufficient to construct a new school that can provide capacity to serve the proposed subdivision, development or special use. If land is not currently available, school facilities may be deemed adequate if the Applicant dedicates land as an element of the subdivision, development or special use sufficient in size to accommodate construction of a new school. In such cases, the dedication of land shall be provided concurrent with the initial final plat or the initial building permit (whichever comes first) for the subdivision, development or special use.

4.14.090

ADMINISTRATION

- A. Rules and Regulations. The Town Board may adopt, by ordinance or resolution, any necessary rules, regulations, administrative guidelines, and processes to efficiently and fairly administer and implement this Chapter.
- B. Administrative Fees. The Town Board may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations, and approvals required by this Chapter.

4.14.100

VESTED RIGHTS

- A. Nothing in this Chapter shall limit or modify the rights of an Applicant to complete any subdivision or development for which the Applicant has obtained and possesses a vested right to undertake and complete the subdivision or development pursuant to Article 68 of Title 4, C.R.S., as amended, and as implemented by Chapter 4.17, or pursuant to Colorado



law.

- B. A Determination of Adequacy shall not affect the otherwise applicable provisions of this Title 4 of the Eagle Municipal Code, all of which shall be operative and remain in full force and effect without limitation.

4.14.110.1 PUBLIC SCHOOLS

- A. Public school facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use in one of three ways:
  - 1. If existing Eagle County School District's schools facilities intended to serve residents of the subdivision, development or special use meet or exceed the applicable adopted Level of Service standards set forth below in paragraph C, or
    - a. Provision of adequate public school facilities are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a final plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
    - b. Necessary public school facilities are under construction and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or
  - 2. If the Eagle County School District owns land sufficient in size and location to allow for the construction of new school facilities that can adequately serve residents of the proposed subdivision, development or special use, and that the District's long range plans are to construct a school on such land and that this school is intended to serve the area subject to the proposed subdivision, development or special use.
  - 3. If land sufficient in size and location to allow for the construction of new school facilities that can reasonably serve the residents of the proposed subdivision, development or special use will be dedicated by the Applicant of the subdivision, development or special use to the Eagle County School District, and that the District's long range plans are to construct a school on such land.
- B. All applications to which this Chapter is applicable pursuant to 4.14.120 that contain residential units shall be accompanied by a summary of the total number of dwelling units and the type and the size of dwelling unit. This information will be used by the Eagle County School District to estimate the number of school aged children expected to be generated by the proposed development.

C. The following Level of Service standards (LOS) shall apply:

1. The maximum number of students per classroom. The following are guidelines used by the Eagle County School District for maximum class size:

Kindergarten, First Grade - 25 students per class

Second and Third Grade - 30 students per class

Grades Four through Six - 30 students per class

Grades Seven through Twelve - A school average of 25 students per class  
*(The nature of a departmentalized school is that some classes will be larger than others)*

The guidelines outlined above are established by the Eagle County School District when “economically feasible.” Maximum and average classroom sizes are dependent upon a number of factors and are subject to change over time.

2. Projected enrollments (as estimated based on Section 4.14.080(C)) of schools that will serve the residents of the proposed subdivision, development or special use do not exceed the capacity of said schools. School capacity shall be based on the average of the “stressed” and “functional” capacities as outlined in Eagle County School District Building Capacity Study, dated October 19, 2012, or as may be amended by the District.

D. Projected enrollments (as estimated based on Section 4.14.080(C)) of schools that will serve the residents of the proposed subdivision, development or special use do not exceed the capacity of said schools. School capacity shall be based on the average of the “stressed” and “functional” capacities as outlined in Eagle County School District Building Capacity Study, dated October 19, 2012, or as may be amended by the District.

E. Town of Eagle and the Eagle County School District agree to cooperate and collaborate on monitoring the rate of new residential development, existing school capacity and plans for future school capacity. The purpose of this effort is to provide an accurate data base for making future decisions on the adequacy of school facilities as contemplated by this Ordinance.

1. On an annual or as needed basis the Eagle County School District will provide to the Town a report summarizing the capacity of all existing schools that serve residents of the Town of Eagle.

2. On an annual or as needed basis Town of Eagle will provide to the District a report summarizing the location and type of all existing residential development within the Town boundary.
3. The Town of Eagle will notify the District of any new proposals for residential development that may not otherwise be addressed by this Ordinance.
4. On an annual or as needed basis the Eagle County School District will provide the Town with a report summarizing any plans for new school development contemplated for land the District owns or land that may be dedicated to the District. This report will indicate the anticipated type and size of school to be developed, however any future plans outlined in this report shall not be binding on the District.

Amended 11/21/97  
 Amended 09/17/98  
 Amended 01/26/99  
 Amended 03/25/14  
 Amended 4/25/2017

4.14.120.1 FIRE PROTECTION SERVICES

- A. Public safety facilities and equipment for fire protection and first response emergency medical services shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such services to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth in subsection (C) below, and
  1. Adequate public safety facilities and equipment for fire protection and first response emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or
  2. Provision of adequate public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
  3. Necessary public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed

subdivision, development, or particular phase thereof; or

4. Provision for adequate public safety facilities and equipment for fire protection and first response emergency medical services are guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development, or any particular phase thereof, or special use will occur; or
  5. The Town Board determines that fire protection and first response emergency medical services risks are sufficiently mitigated through the provision of approved, built-in, automatic fire protection systems in all improvements (occupancies); the use of approved fire resistive construction in all improvements (occupancies); the use and maintenance of approved fire resistive landscaping; and/or the private provision of approved first response emergency medical services. In such event, mitigation of fire protection and first response emergency medical service risks will meet the equivalent minimum Level of Service standards as set forth below and as amended from time-to-time.
- B. All applications to which this Chapter is applicable pursuant to 4.14.120 shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Greater Eagle Fire Protection District, shall approve the methodology used to develop the fire protection and first response emergency medical services aspects of such Public Safety Impact Plan.
- C. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:
1. The provisions of the current Fire Code, Building Code and any other duly adopted code, statute, ordinance, or standard related to fire protection are being met; or approved; enforceable, equivalent protection or mitigation efforts are undertaken.
  2. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:
    - a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.
    - b. Provide rescue services within eight minutes for 90 percent calls within the Town.
    - c. The response time requirement for fire response only, may be waived at the option of the Town Board in

consultation with the Greater Eagle Fire Protection District if approved, built-in, automatic fire protection systems are installed and maintained in all improvements (occupancies).

3. Capability of providing adequate fire flows. These flows represent performance standards for the Greater Eagle Fire Protection District using only its fire fighting apparatus and equipment. They do not replace the flow requirements set forth in the Fire Code, as adopted by the Greater Eagle Fire Protection District. The fire flow requirements set forth in such Fire Code anticipate the need for additional resources (mutual aid) and are based upon fire loading for particular occupancies.
    - a. 250 GPM initial attack flow within two minutes of arrival for 90 percent of all fires
    - b. 250 GPM sustained flow within five minutes of arrival for 90 percent of all fires
    - c. 500 GPM sustained flow within eight minutes of arrival for 80 percent of all structure fires
    - d. 1,000 GPM sustained flow within five minutes of arrival for all areas within 1,000 feet of a fire hydrant
    - e. 3,500 GPM sustained flow within 15 minutes of arrival for hydranted areas
  4. Consistent and adequate emergency dispatching services is maintained.
  5. Approval of the proposed subdivision, development or special use will not increase (worsen) the Greater Eagle Fire Protection District's Insurance Services Organization (I.S.O.) fire protection class rating.
  6. These LOS standards may be amended from time-to-time as changes in the Town's fire protection and emergency medical services delivery systems and technology change, and as community expectations change.
- D. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Greater Eagle Fire Protection District, upon satisfaction of the following conditions:
1. Applicant's mitigation of fire protection risks will meet or exceed equivalent protection as set forth in the provisions of the current Fire Code adopted by the Greater Eagle Fire Protection District, the Town's Building Code, and any other duly adopted

code, statute, ordinance or standard related to fire protection; and Applicant's mitigation of fire protection risks meet or exceed the equivalent minimum LOS standards as set forth in subsection (C) above, and

2. Applicant's proposed plan to mitigate fire protection and first response emergency medical service risk will be done in such a manner so as not to increase (worsen) the Greater Eagle Fire Protection District's Insurance Service Organization (I.S.O.) fire protection class rating, and
3. Applicant's proposed mitigation plan is guaranteed by an executed and enforceable agreement, with performance guarantees if necessary, between Applicant and the Town.

Amended 9/29/99  
Amended 4/25/2017

4.14.125.1 EMERGENCY MEDICAL SERVICES

- A. Public safety facilities and equipment for emergency medical response shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such services to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth below, and
  1. Adequate public safety facilities and equipment for emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or
  2. Provision of adequate public safety facilities and equipment for emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
  3. Necessary public safety facilities and equipment for emergency medical services are under construction or contract to purchase and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or
  4. Provision for adequate public safety facilities and equipment for emergency medical services are guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed

subdivision, development, or any particular phase thereof, or special use will occur; or

5. Emergency medical service risks are mitigated through the provision of approved private provision of approved emergency medical services. In such an event, mitigation of emergency medical service risks shall meet the equivalent minimum Level of Service standards as set forth in subsection (C) below and as amended from time-to-time.
- B. All applications to which this Chapter is applicable pursuant to 4.14.120 shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Western Eagle County Ambulance District, shall approve the methodology used to develop the emergency medical services aspects of such Public Safety Impact Plan.
- C. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:
1. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:
    - a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.
    - b. Provide advanced life support within eight minutes for 90 percent of all requiring emergency medical assistance within the Town.
  2. Consistent and adequate emergency dispatching services is maintained.
  3. These LOS standards may be amended from time-to-time as changes in the Town's emergency medical services delivery systems and technology change, and as community expectations change.
- D. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Western Eagle County Ambulance District, upon satisfaction of the following conditions:
1. Applicant agrees to mitigate emergency medical service risks through the provision of approved private emergency medical services, and
  2. Applicant's proposed mitigation plan shall meet the equivalent minimum LOS standards set forth in the subsection above, and

3. Applicant's mitigation plan is guaranteed by an executed and enforceable agreement, including performance guarantees if necessary, between the Town and the Applicant.

Amended 9/29/99  
Amended 4/25/2017

4.14.130 STREET FACILITIES

- A. Street facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use if the subdivision, development or special use meets or exceeds the applicable Adopted Level of Service standards set forth below, and
  1. All necessary street facilities are currently in place or will be in place prior to issuance of a Special Use Permit or the issuance of the first Building Permit for the development; or
  2. Provision of required street facilities are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, or the issuance of the Special Use Permit, or issuance of the first Building Permit for the proposed subdivision or development; or
  3. Required street facilities are under construction and will be available at the time that the impacts of the proposed subdivision, development or special use will occur, or
  4. Provision for street facilities needed to achieve the Adopted Level of Service standards are guaranteed by an executed and enforceable Development Agreement or Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development or special use will occur; or
  5. Street facilities needed to achieve the Adopted Level of Service standards are included in the Capital Improvements Program; and
    - a. The Capital Improvements Program contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed subdivision, development, or special use; and
    - b. The street facilities are likely to be constructed and available at the time that the impacts of the proposed subdivision, development or special use will occur.
- B. The Town of Eagle Transportation Study Guidelines provides



information on submittal requirements, Level of Service standards, and Determination of Adequacy of facilities. Major elements are summarized in this subsection; however, when preparing a submittal, the Town recommends consulting the full document for guidance.

1. Traffic Impact Study Submittal Requirements

All applications to which this Chapter is applicable pursuant to 4.14.120 shall be accompanied by a Traffic Impact Study (TIS) performed by a Registered Professional Engineer in the State of Colorado. The following “levels of effort” shall be required for a TIS.

- a. Where the daily trip end generation is less than 500 (50 peak hour trip ends) and no access changes are proposed for the development or use, the TIS may be waived at the Town’s discretion upon written request from the Applicant. Every request for a waiver of the TIS requirement shall contain information sufficient to permit the Town Planner to determine whether the proposed development or special use qualifies for a waiver.
- b. Where the proposed development or special use will present the following conditions, an intermediate level TIS will be required:
  - (1) The daily trip end generation is between 500 and 1000, and
  - (2) There are less than 100 peak hour trip ends (when the peak hour occurs on the adjacent facility), and
  - (3) The LOS of the adjacent facility, when the development or special use is completed, equals or exceed the LOS standard established for that facility.
- c. A full TIS shall be prepared by the Applicant for all other proposed developments or special uses and, in particular, for developments or special uses with greater than 1,000 daily trip ends or more than 100 peak hour trip ends (during this peak hour on the adjacent facility).
- d. The Town may require a TIS due to special concerns involving impact to the street system or to track the phased implementation of large developments. All TIS’s shall be performed at the cost and expense of the Applicant and submitted in writing to the Town with formal submittal of the Application for the approval requested.

2. Level of Service Standards (LOS)

The Level of Service (LOS) standards for arterial and collector streets in Eagle is Level of Service C or higher. The LOS standards for local streets is Level of Service B or higher. The level of service for an intersection shall be the overall level of service for all the movements. The normal analysis periods are the peak hours of usage of the streets.

Amended 12/21/97  
Amended 9/29/99  
Amended 4/25/2017