

# VAIL RESORTS EAST VAIL WORKFORCE HOUSING PARCEL

Planning and Environmental Commission

September 11, 2017



# AGENDA

- Introduction to the Project Team
- Overview of the Proposal
- Vail Resort's Commitment to Employee Housing
- Process for Project
- Location and Property Information
- Existing Zoning: Two-Family Residential
- Proposed Zoning: Housing and Natural Area Preservation
- Workforce Housing Need
- Environmental Characteristics
- Criteria for Review
- Conclusions



# PROJECT TEAM



**CHRIS JARNOT**  
*EVP, Mountain Division*



**DOUG LOVELL**  
*VP & COO, Vail Mountain*



**KRISTIN KENNEY WILLIAMS**  
*VP, Mountain Community Affairs*



**MATT JONES**  
*VP, Human Resources Colorado, Urban Resorts & Employee Housing*



**KEVIN HOPKINS**  
*Senior Finance Manager, Vail Resorts Development Company*



**DOMINIC MAURIELLO**  
*Principal, Mauriello Planning Group*



**RICK THOMPSON**  
*Wildlife Biologist, Western Ecosystems, Inc.*



**JULIA FRAZIER**  
*Senior Geologist, Cesare*

# COMMUNITY SUSTAINABILITY



Vail Resorts' First  
Chair Employee  
Housing located in  
Lionshead

- In 2015, recognizing a housing crisis across our mountain resort communities, Vail Resorts, Inc. announced a commitment to spark partnerships to develop new employee housing
- VR currently owns or leases about 1,500 beds in Eagle County
- Willing to use own land, capital, or commitments to long-term lease guarantees to bring new employee housing projects to fruition

# WORKFORCE HOUSING: VAIL HOUSING STRATEGIC PLAN - 2016

## VISION

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### ***An Eye on the Future***

We envision Vail as a diverse, resilient, inclusive, vibrant and sustainable mountain resort community where year-round residents are afforded the opportunity to live and thrive. We take a holistic approach to maintaining community, with continuous improvement to our social, environmental, and economic well being. We create housing solutions by recognizing and capitalizing on our unique position as North America's premier international mountain resort community in order to provide the highest quality of service to our guests, attract citizens of excellence and foster their ability to live, work, and play in Vail throughout their lives.

Our strategic solutions and actions result in the retention of existing homes, creation of new and diverse housing infrastructure, and collaboration with community partners. For Vail, no problem is insurmountable. With a consistent, community-driven purpose and an entrepreneurial spirit, Vail will lead the industry in innovative housing solutions for the 21<sup>st</sup> century. The Town is well positioned financially to undertake this significant challenge.

## MISSION

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### ***Maintaining and Sustaining Community***

*"We create, provide, and retain high quality, affordable, and diverse housing opportunities for Vail residents to support a sustainable year round economy and build a vibrant, inclusive and resilient community. We do this through acquiring deed restrictions on homes so that our residents have a place to live in Vail."*

# WORKFORCE HOUSING: VAIL HOUSING STRATEGIC PLAN

## TEN YEAR GOAL

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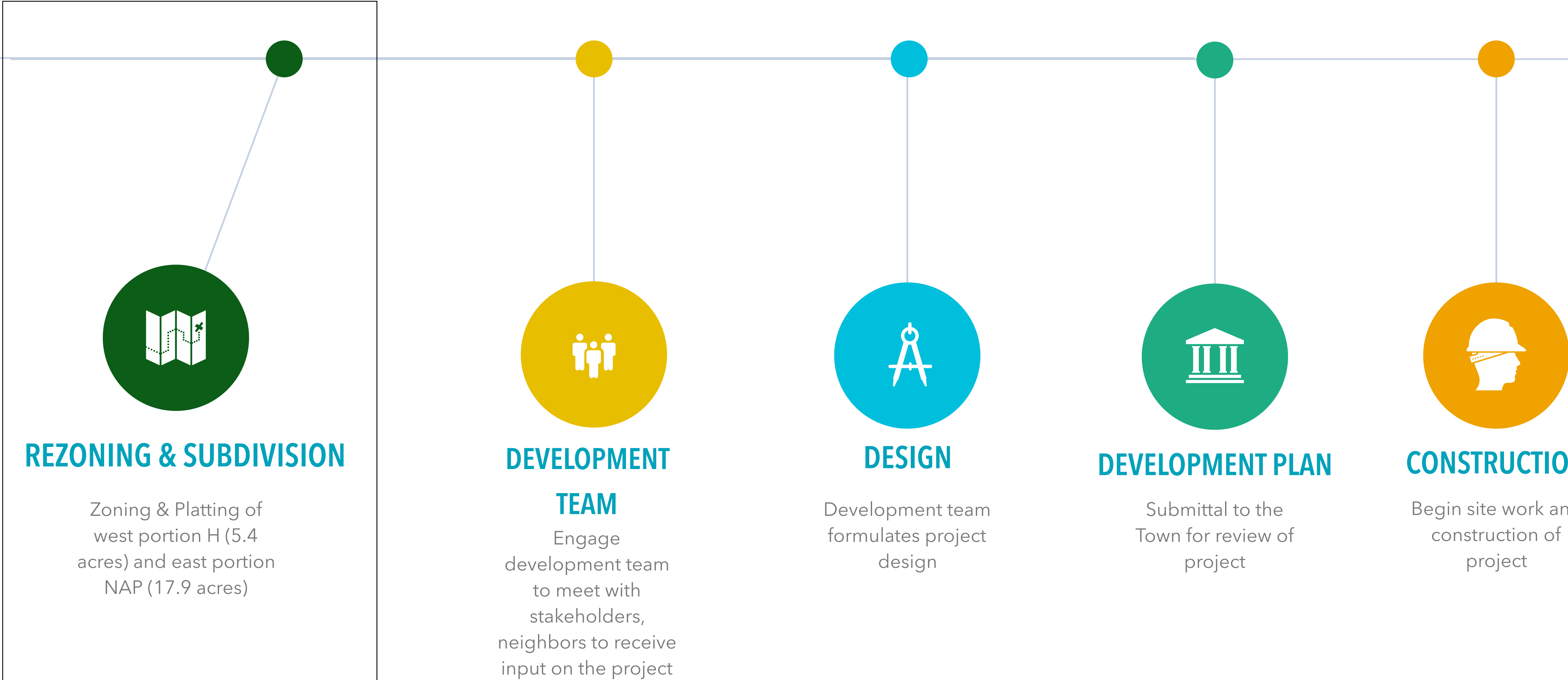
“The Town of Vail will acquire **1,000** additional resident housing unit deed restrictions by the year **2027.**”

These new deed restrictions will be acquired for both existing homes as well as for homes that are newly constructed by both the Town of Vail and private sector developers.

By virtue of the occupancy requirements of the deed restrictions, the Town of Vail does not need to own resident homes to forward its mission of maintaining and sustaining community.

Title to real estate can change ownership often. Once recorded, a deed restriction transfers with the title and survives changes in ownership over time, thus assuring long term resident housing.

# EAST VAIL WORKFORCE HOUSING PARCEL PROCESS



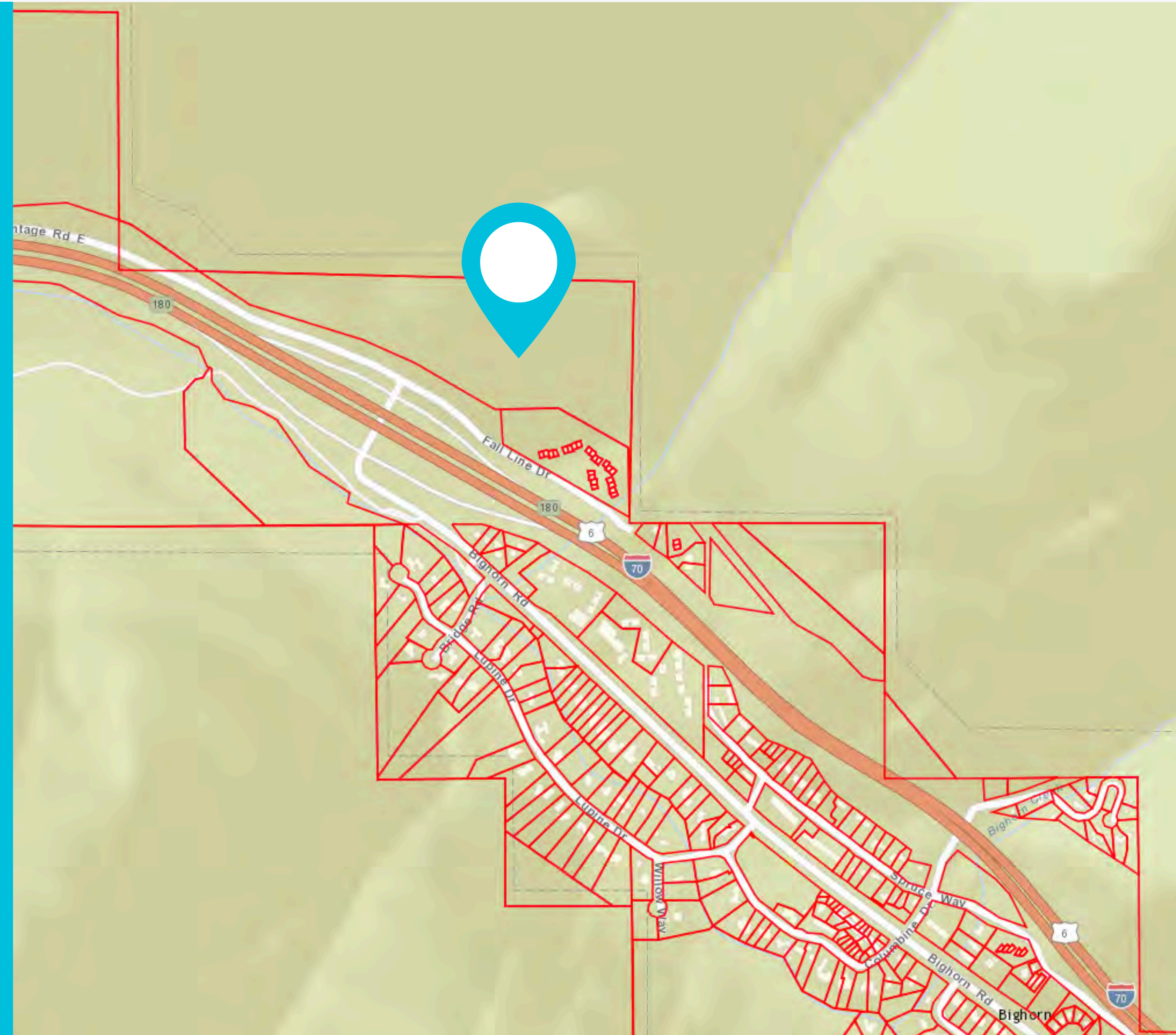
# VAIL LOCAL HOUSING AUTHORITY

- The Authority has reviewed the proposal and is supportive of the proposal
- Members of the Authority are here today to offer its support



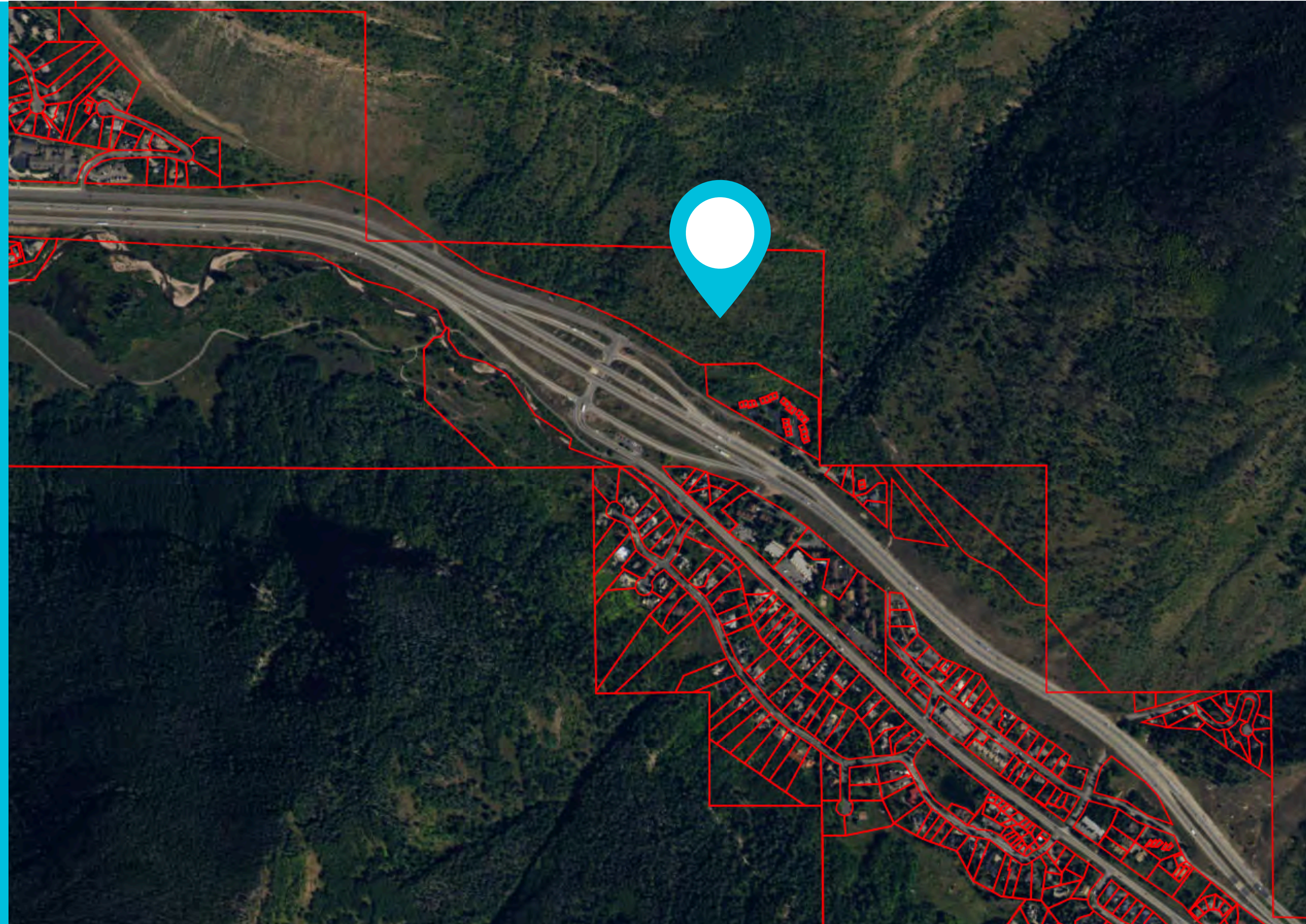
# LOCATION OF THE SITE

- Located just north of the I-70 interchange in East Vail
- Adjacent to the Falls at Vail
- East of the Booth Creek neighborhood
- Owned by Vail Resorts



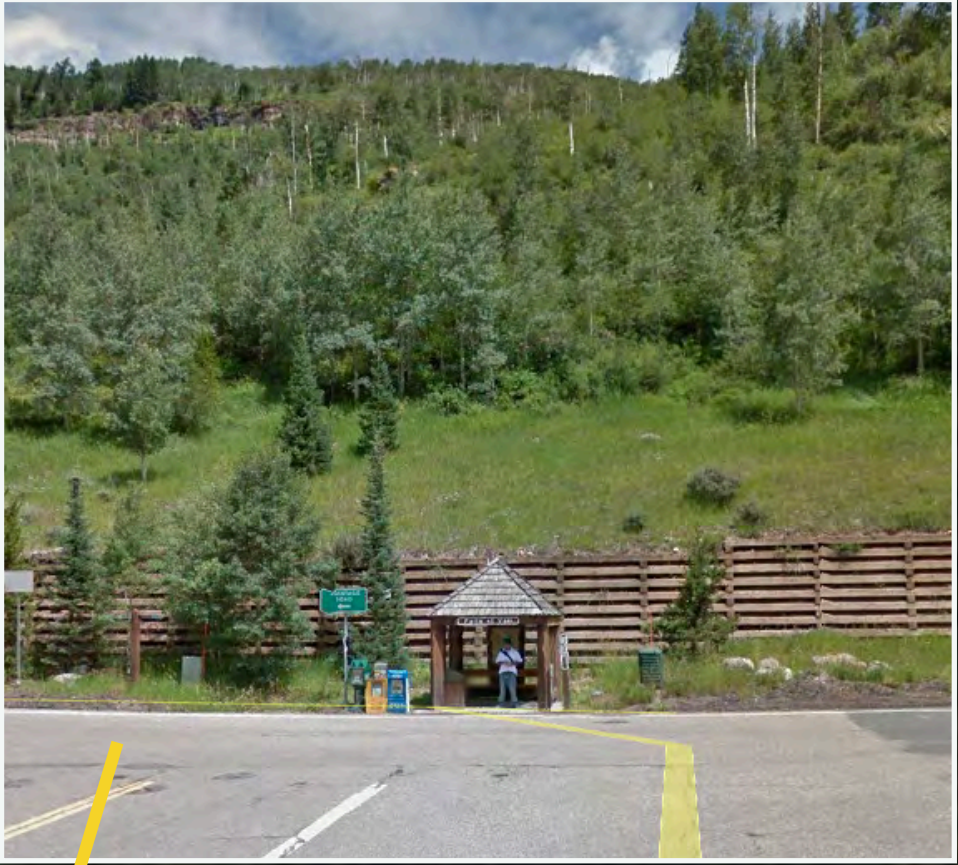
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**3,321 FT. (0.63 MI) FROM BUS STOP TO KATSOS RANCH ROAD**



**4,300 FT. (0.81 MI) FROM BUS STOP TO BOOTH FALLS ROAD**



**HOUSING PARCEL**  
5.4 acres

**OPEN SPACE PARCEL**  
17.9 acres



# PROPERTY BACKGROUND

Recorded at 9:05 o'clock A M. Jan. 26, 1962 3/7103  
 Reception No. 95680 Thomas F. McBreen Recorder.

RECORDER'S STAMP

THIS DEED, Made this 15th day of July in the year of our Lord, one thousand nine hundred and Sixty-one between THE TRANSMONTANE COMPANY, a general partnership ~~and~~ duly organized and existing under and by virtue of the laws of the State of Colorado of the first part, and VAIL ASSOCIATES, LTD., a limited partnership ~~and~~ duly organized and existing under and by virtue of the laws of the State of Colorado, of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00)-----DOLLARS to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described TRACTS or parcels of land, situate, lying and being in the County of Eagle and State of Colorado, to-wit:

TRACT I  
 Township 5 South, Range 80 West, 6th P. M.

Sec. 6: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying north of U. S. Highway 6; SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$ ; Lots 1 and 2, but excepting from such Lots 1 and 2 the tracts conveyed to The Fleming Lumber and Mercantile Company by Warranty Deed recorded in Book 126 at Page 583 for 4.4410 acres, more or less, and by Warranty Deed recorded in Book 126 at Page 486 for 6.3088 acres, more or less.

Sec. 7: Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ NE $\frac{1}{4}$  together with all water, ditch and reservoir rights, and water easements, belonging to or in any manner connected with or appertaining to the above-described lands which are now or may be hereafter used on such lands for irrigation or domestic uses, excepting all easements and rights-of-way of record and subject to the options to purchase described below, containing 300 acres, more or less.

TRACT II  
 Township 5 South, Range 80 West, 6th P. M.

Sec. 2: SW $\frac{1}{4}$  and the S $\frac{1}{2}$ SE $\frac{1}{4}$  except a parcel of land described as follows:  
 Commencing at the southeast corner of SE $\frac{1}{4}$  of Section 2, thence north along the east line of Section 2 a distance of 400 feet, more or less, to a point, thence north 60° west 420 feet, more or less, to a point, thence west a distance of 1050 feet, more or less, to a point on the north boundary of the right-of-way of U. S. Highway No. 6, thence in a northwesterly direction along the north boundary of right-of-way of U. S. Highway No. 6 a distance of 660 feet, thence south a distance unknown to a point on the south line of Section 2, thence east along the south line of Section 2 to the point of beginning.

Sec. 3: SE $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$

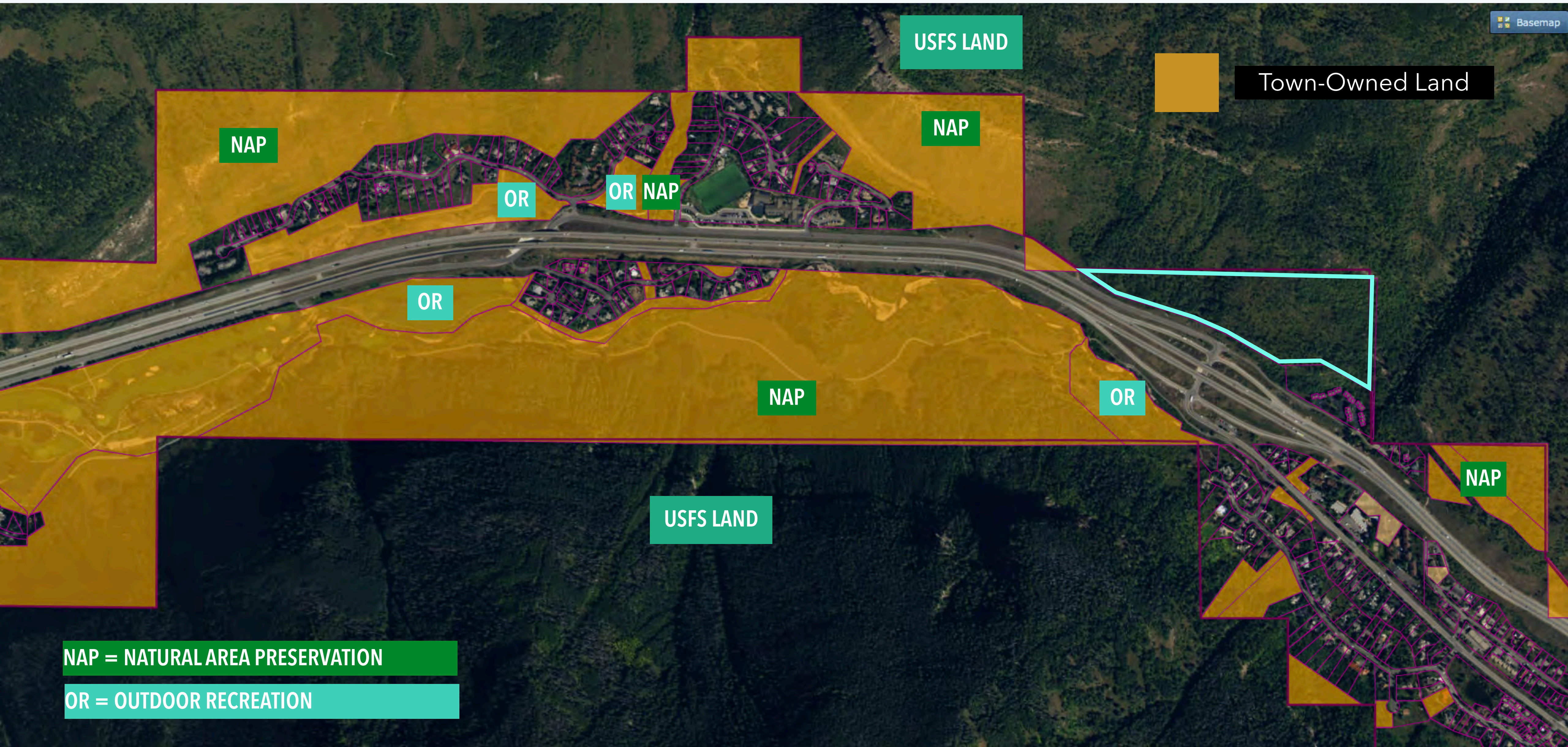
7.67  
 UNDER S. No. 7103  
 PAID UNDER PROTEST

094046

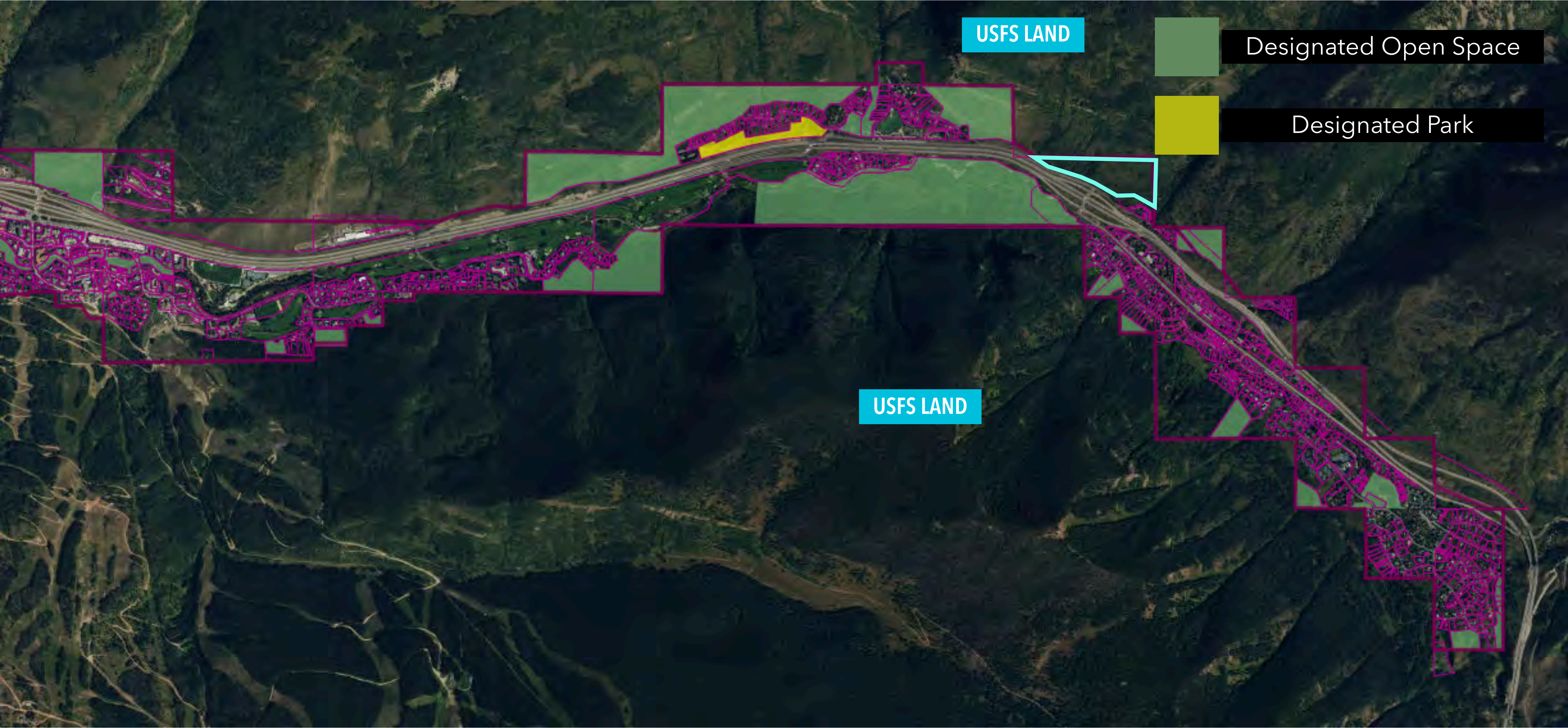
No. 994A. WARRANTY DEED—Corporation to Corporation. —Bradford-Robinson Ptg. Co., Mfrs. Robinson's Legal Blanks, Denver, Colo.

- Owned by Vail Resorts since 1961
- Annexed into the Town of Vail in 1975
- Zoned Two-Family Residential
- At some point, ownership information was not appropriately reflected in the County Records
- Town & County believed property was owned by CDOT
- Created confusion in Town planning documents based on error in understanding of property's ownership

# TOWN OWNED LAND IN VICINITY



# DESIGNATED OPEN SPACE FROM MAIN VAIL TO EAST VAIL



# EXISTING ZONING



# TWO FAMILY RESIDENTIAL ZONE DISTRICT

- Allows single family homes, duplex structures, and Type 2 employee housing units
- Property could support 10 - 15 lots with three units on each lot
  - 30 - 45 units with significant GRFA
  - Roads to serve new lots
- By Conditional Use, property could be developed with:
  - Schools
  - Public buildings
  - Public parks
  - Public utilities
  - Ski lifts and funiculars
  - Bed and breakfast facility
  - Dog kennels

## SPRADDLE CREEK EXAMPLE





# PROPOSED REZONING - OUR PROPOSAL



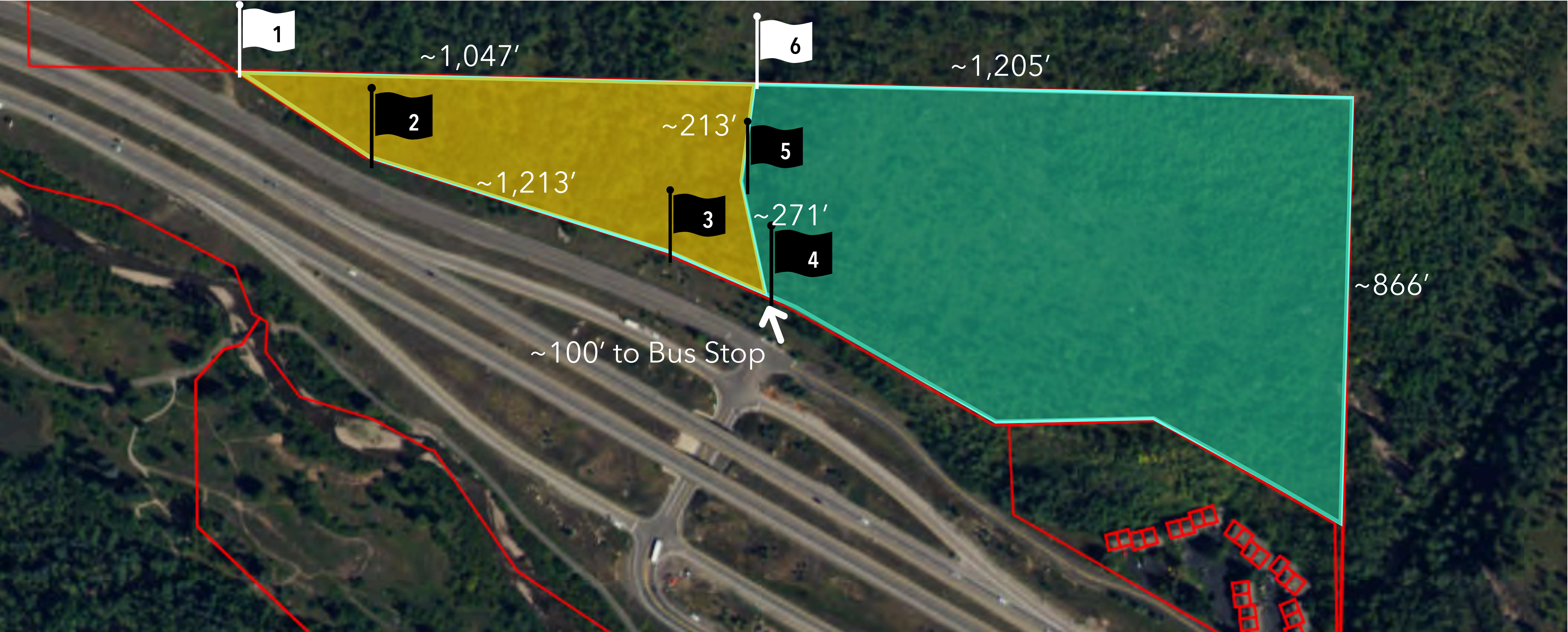
**HOUSING ZONE DISTRICT**  
WESTERN 5.4 PORTION OF THE SITE

**H ZONE DISTRICT**  
5.4 ACRES

**NAP ZONE DISTRICT**  
17.9 ACRES

**NATURAL AREA PRESERVATION ZONE DISTRICT**  
EASTERN 17.9 PORTION OF THE SITE

# POINTS STAKED ON THE PROPERTY



# HOUSING ZONE DISTRICT: PURPOSE STATEMENT

- The housing district is intended **to provide adequate sites for employee housing** which, because of the nature and characteristics of employee housing, cannot be adequately regulated by the development standards prescribed for other residential zone districts
- It is necessary in this zone district to provide development standards specifically prescribed for each development proposal or project to achieve the purposes prescribed in section 12-1-2 of this title and to provide for the public welfare
- Certain nonresidential uses are allowed as conditional uses, which are intended to be incidental and secondary to the residential uses of the district
- The housing district is intended to **ensure that employee housing permitted in the zone district is appropriately located and designed to meet the needs of residents of Vail, to harmonize with surrounding uses, and to ensure adequate light, air, open spaces, and other amenities** appropriate to the allowed types of uses

HOUSING ZONE DISTRICT  
5.4 ACRES



# HOUSING ZONE DISTRICT

- Allows employee housing, bicycle/pedestrian paths, communication antennas, passive outdoor recreation and open space
- Conditional Uses:
  - Commercial uses to serve the project
  - Free market units for the purpose of subsidizing employee housing not exceeding 30% of the floor area
  - Public and private schools
  - Public buildings
  - Public parks
  - Public utilities
- **Requires PEC approval of detailed development plan**
- Town Council can appeal any PEC approval

# DEVELOPMENT PLAN

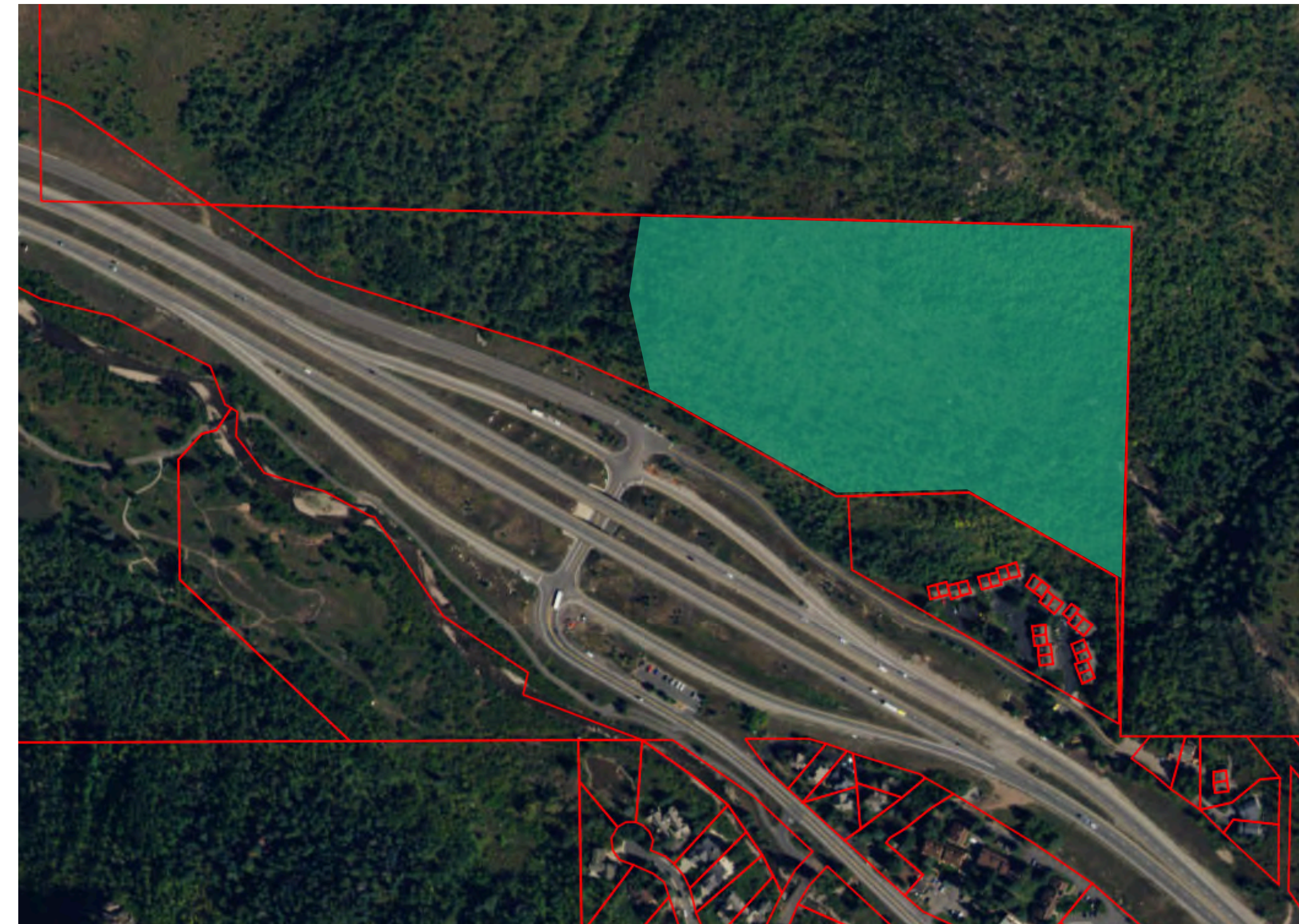
- Planning and Environmental Commission determines:
  - Density/Number of units
  - GRFA = Floor Area
  - Building height
- H District requires:
  - 20 ft. setbacks
  - 55% site coverage maximum
  - 30% landscape area minimum
- Similar to General Use District
- Town has complete control



# NATURAL AREA PRESERVATION ZONE DISTRICT: PURPOSE

- The natural area preservation district is designed to provide areas which, **because of their environmentally sensitive nature or natural beauty, shall be protected from encroachment by any building or other improvement**, other than those listed in section 12-8C-2 of this article
- The natural area preservation district is intended to ensure that **designated lands remain in their natural state**, including reclaimed areas, by protecting such areas from development and preserving open space
- The natural area preservation district includes lands having valuable wildlife habitat, exceptional aesthetic or flood control value, wetlands, riparian areas and areas with significant environmental constraints
- Protecting sensitive natural areas is important for maintaining water quality and aquatic habitat, preserving wildlife habitat, flood control, protecting view corridors, minimizing the risk from hazard areas, and protecting the natural character of Vail which is so vital to the town's tourist economy
- The intent shall not preclude improvement of the natural environment by the removal of noxious weeds, deadfall where necessary to protect public safety or similar compatible improvements

NAP ZONE DISTRICT  
17.9 ACRES



# NATURAL AREA PRESERVATION ZONE DISTRICT

- Permitted Uses: Nature preserves
- Conditional Uses:
  - Equestrian trails, used only to access national forest system lands.
  - Interpretive nature walks
  - Parking, when used in conjunction with a permitted or conditional use
  - Paved and unpaved, nonmotorized, bicycle paths and pedestrian walkways
  - Picnic tables and informal seating areas. Requires PEC approval of detailed development plan

# WHAT THIS REZONING DOES **NOT** DO

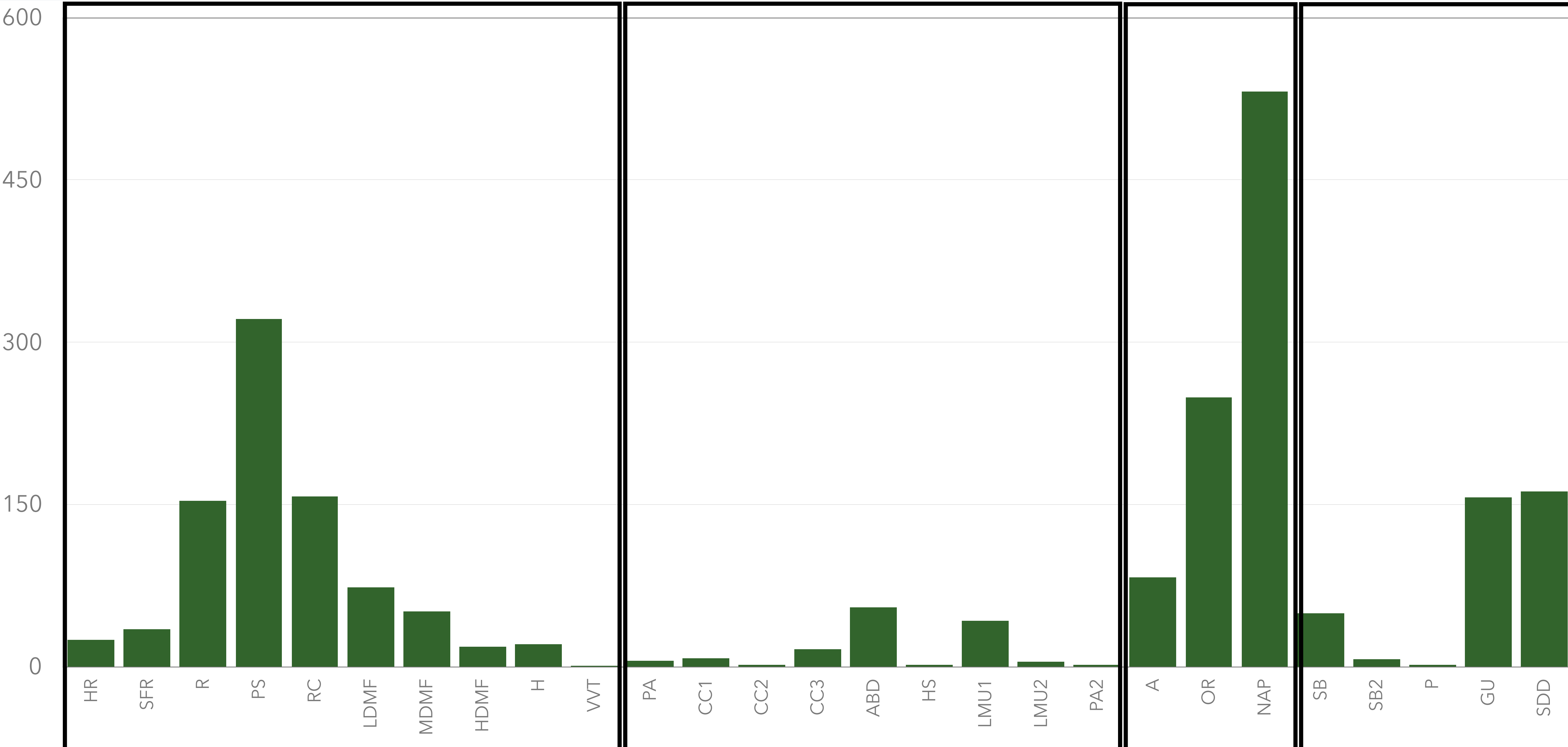
- Zoning does not grant any vested right
- There are specific State Statutes and Town Code provisions that apply
- Only “site specific development plan” can grant a vested right, not automatic
- One has to apply for a vested right and following language has to be on site specific development plan:
  - ***“Approval of this plan may create a vested property right pursuant to Colorado Revised Statutes title 24, article 68, as amended.”***
- Rezoning does not assure any density will be approved in the future
- Rezoning does not assure any building height will be approved



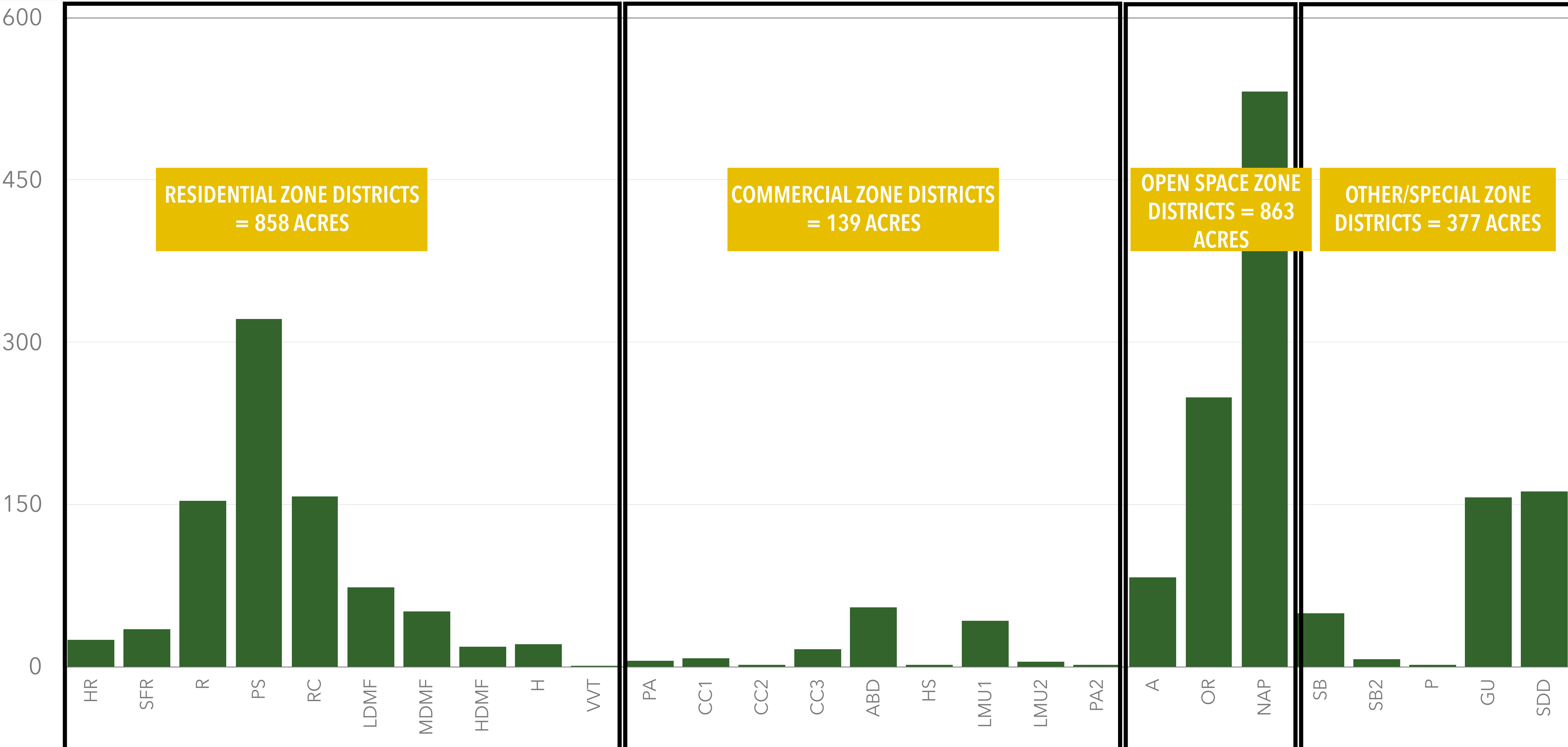
## REZONING VS. EXISTING ZONING

- No guarantees what development will be approved under the H zone district
- If the rezoning is not approved, future development of the site will be under Two-Family Residential zoning
- A vote on this application is not about development versus no development
- Its about what gets developed

# ZONE DISTRICTS IN THE TOWN OF VAIL



# ZONE DISTRICTS IN THE TOWN OF VAIL



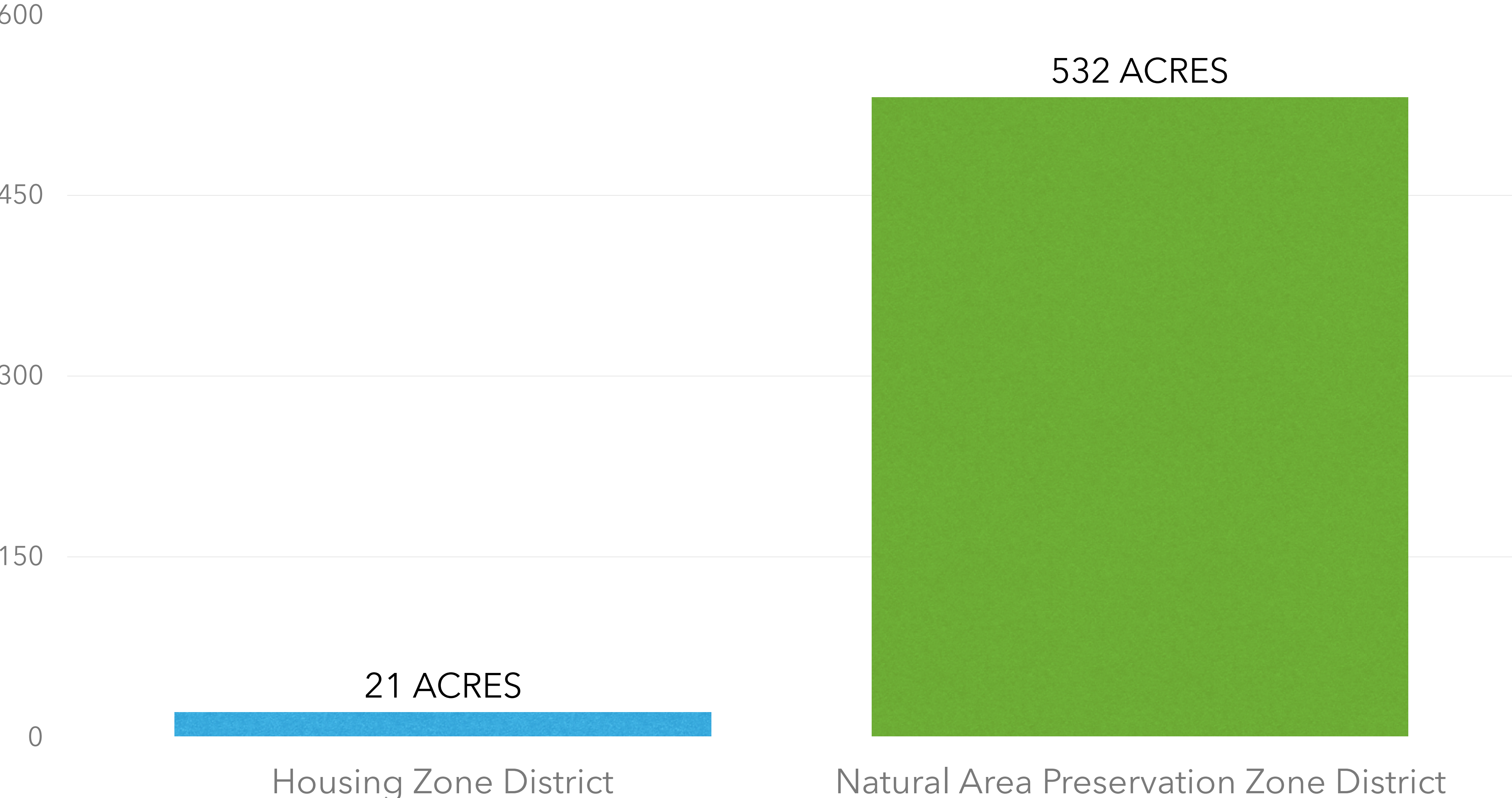
**RESIDENTIAL ZONE DISTRICTS**  
= 858 ACRES

**COMMERCIAL ZONE DISTRICTS**  
= 139 ACRES

**OPEN SPACE ZONE DISTRICTS**  
= 863 ACRES

**OTHER/SPECIAL ZONE DISTRICTS**  
= 377 ACRES

# H ZONE DISTRICT VS. NAP ZONE DISTRICT



# WORKFORCE HOUSING: STUDIES AND RECOMMENDATIONS

## VAIL HOUSING 2027

*"A Strategic Plan for Maintaining and Sustaining Community through the Creation and Support of Resident Housing in Vail"*

Adopted - September 6, 2016.

Resolution No. 29, Series of 2016

## Eagle County Housing – Strategic Plan

### Why do we need affordable housing?

- Eagle County has a significant housing problem. We need 4,466 housing units today and will need a total of 11,960 by 2025 to house our workforce.
- 50% of homeowners and 46% of renters pay too much towards their mortgages and rent.
- People move out of Eagle County when they reach their early 30's and don't stop leaving until their early 60's. We are losing people in their peak earning years. Many attribute this, in part, to a lack of housing affordable to these employees. Losing employees costs local businesses a lot of money.
- Shelter is a basic need. The success of families, children in school, and employees is greatly improved when they have a safe, warm

### New Construction of Deed Restricted Housing for Renters

- Increase the availability of deed restricted rental housing in the community (example of Lake Creek Village Apartments)
- Long term leases to workforce, seniors, and special needs populations
- Partner with private and other public entities
- Strategic land acquisition – in locations where workforce housing development is appropriate based upon proximity to jobs and transportation as well as community desires
- Create incentives for developers to build affordable units

### Better Utilize Current Stock of Developed Real Estate

- Improve the quality and affordability of housing in Eagle County
- Acknowledging that land in Eagle County is limited, acquire and renovate existing properties to be converted into workforce housing
- Purchase deed restrictions for existing properties
- Unit buy-downs to keep units affordable to employees within the county
- Preservation of existing deed restricted units
- Short term rental buy-backs

### Down Payment Assistance Loans

- Leverage dollars to make homes more affordable to our workforce
- Work with real estate agents to increase knowledge and usage of program

### Education

- Home buyer education
- Renter and homeowner education
- Education of lenders, appraisers regarding housing program
- Credit counseling and foreclosure prevention



## 2017 Workforce Survey Report

June 2017



Prepared by:  
Vail Valley Partnership/Vail Valley Economic Development  
101 Fawcett Rd., Ste. 240 | Avon, CO 81620 | 970-476-1000  
[vailvalleypartnership.com](http://vailvalleypartnership.com) | [vailvalleymeansbusiness.com](http://vailvalleymeansbusiness.com)  
Report Author: Andrej A. Birjulin, Ph.D., Research Director | 970-328-0299



## Housing Needs Assessment Update 2016

**Venturoni Surveys & Research**  
Linda Venturoni, President  
Jim Westkott, Senior Economist and Demographer



## Town of Vail Community Survey 2016

Final Report  
June 2016

Prepared for:  
Town of Vail

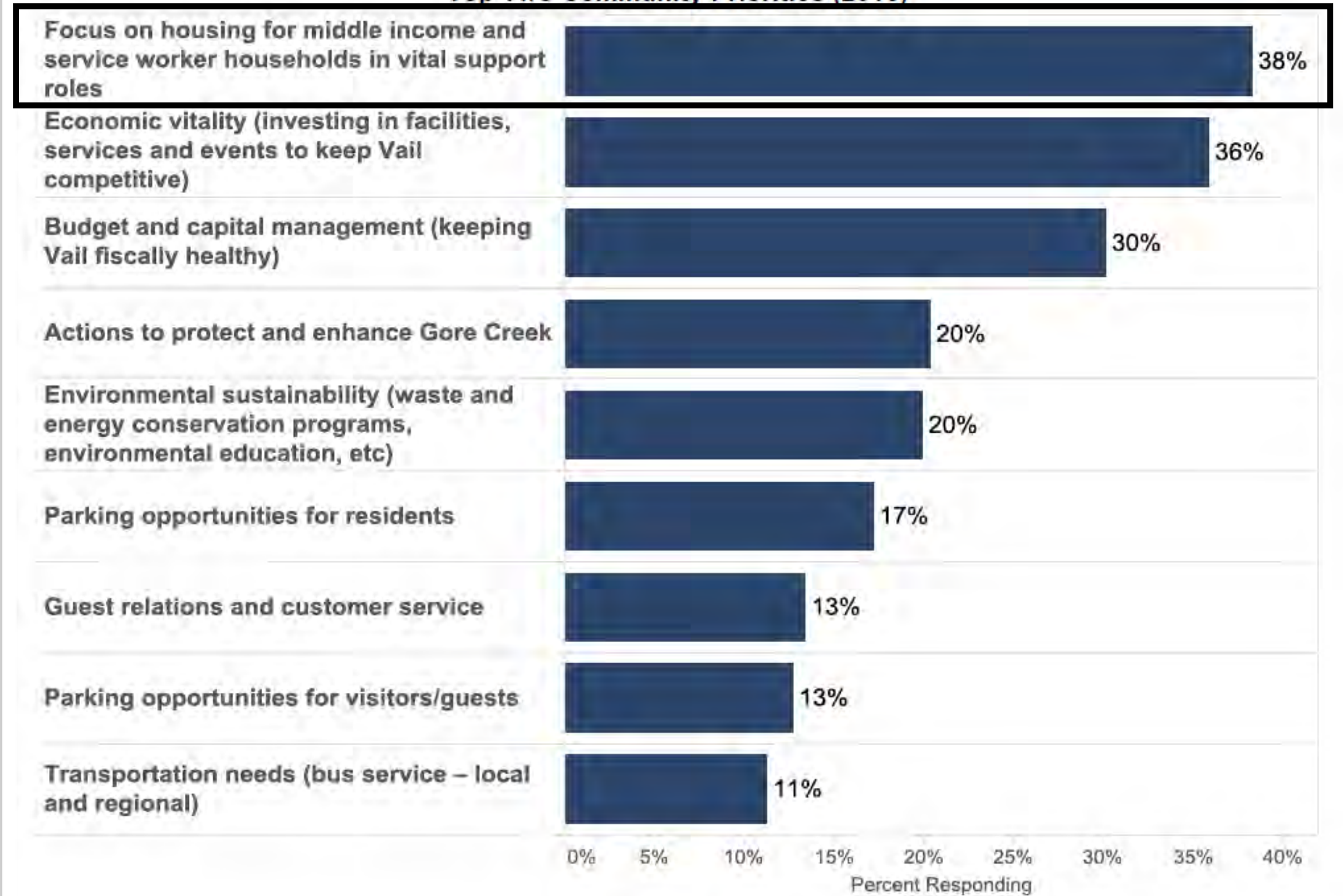
Prepared by:  
RRC Associates, LLC  
4940 Pearl East Circle, Ste 103  
Boulder, CO 80301  
303/449-6558  
[www.rrcassociates.com](http://www.rrcassociates.com)



# WORKFORCE HOUSING: TOWN OF VAIL COMMUNITY SURVEY

**Housing.** Affordable and adequate housing for employees in the Town of Vail was one of the top issues that came up repeatedly throughout the survey results. Respondents identified housing as their top priority among all of the community issues and also allocated the most funding towards it in a monetary exercise designed to determine top financial priorities (discussed below). Housing emerged prominently from the open-ended comments as well; many respondents are concerned about the issue and feel it needs to be addressed by the Town.

**Figure 48.**  
**Top Two Community Priorities (2016)**



# WORKFORCE HOUSING: EAGLE COUNTY HOUSING STRATEGIC PLAN

## Eagle County Housing – Strategic Plan

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- Shelter is a basic need. The success of families, children in school, and employees is greatly improved when they have a safe, warm place to call home.

### What is needed to help reduce the problem?



### How can we make it happen?

#### New Construction of Deed Restricted Housing for Owners

- Increase the availability of deed restricted ownership housing in the community (example of Miller Ranch)
- Partner with private and other public entities
- Strategic land acquisition – in locations where workforce housing development is appropriate based upon proximity to jobs and transportation as well as community desires
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#### Down Payment Assistance Loans

- Leverage dollars to make housing purchases and monthly payments more affordable to our workforce
- Work with real estate agents and lenders to ensure widespread knowledge and usage of program

#### Education

- Home buyer education
- Renter and homeowner education
- Education of lenders, appraisers, real estate agents and others regarding housing programs
- Credit counseling and foreclosure prevention counseling

- Recognizes a regional need of approximately 4,500 housing units today
- 50% of homeowners and 46% of renters pay too much towards housing

# WORKFORCE HOUSING: EAGLE COUNTY HOUSING STRATEGIC PLAN

## Recommendations:

- New Construction of Deed Restricted Housing for Renters

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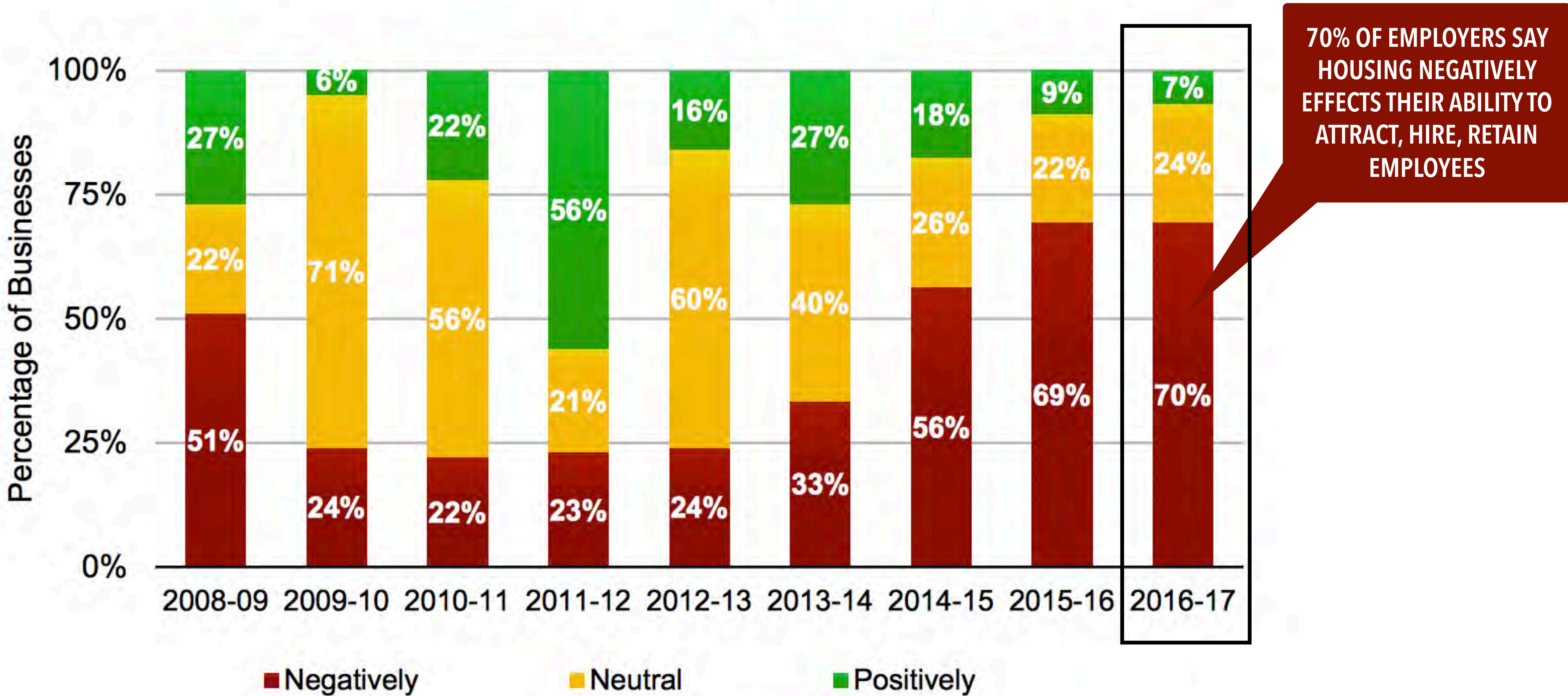
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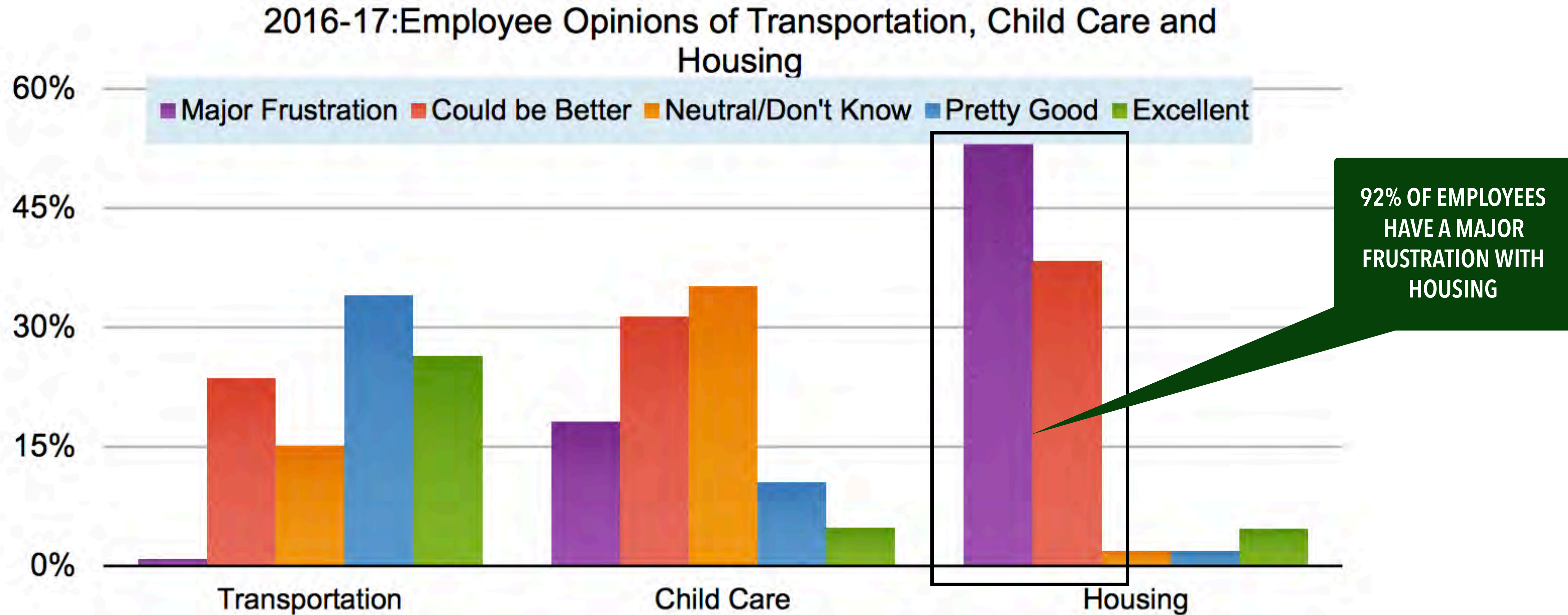
# WORKFORCE HOUSING: VVP WORKFORCE SURVEY

## Effect of Housing on Ability to Attract, Hire and Retain Employees

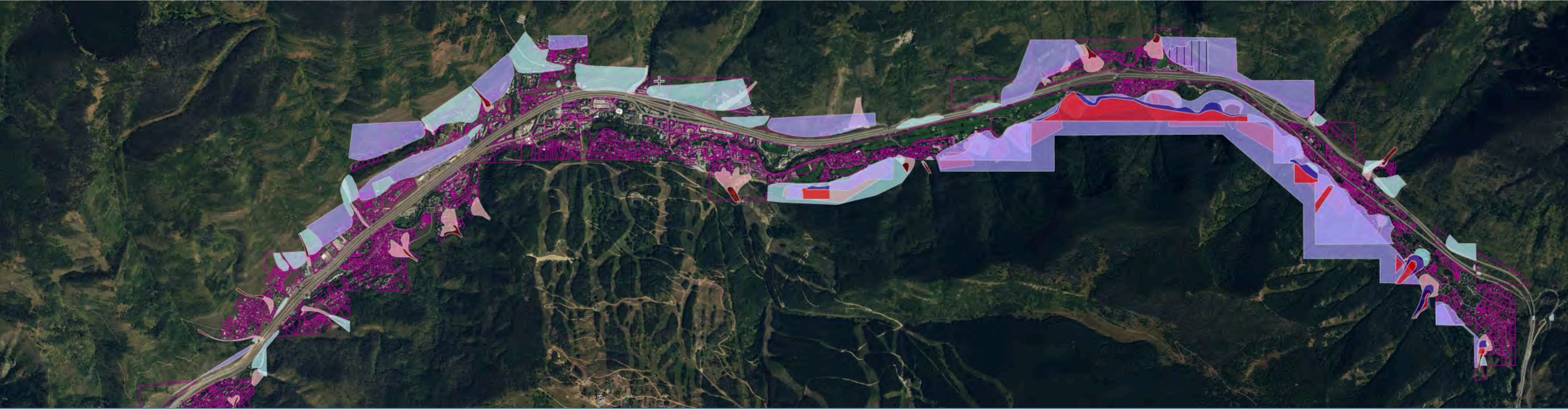


Source: 2017 Workforce Survey Report, June 2017

# WORKFORCE HOUSING: VVP WORKFORCE SURVEY



Source: 2017 Workforce Survey Report, June 2017



# ENVIRONMENTAL CHARACTERISTICS

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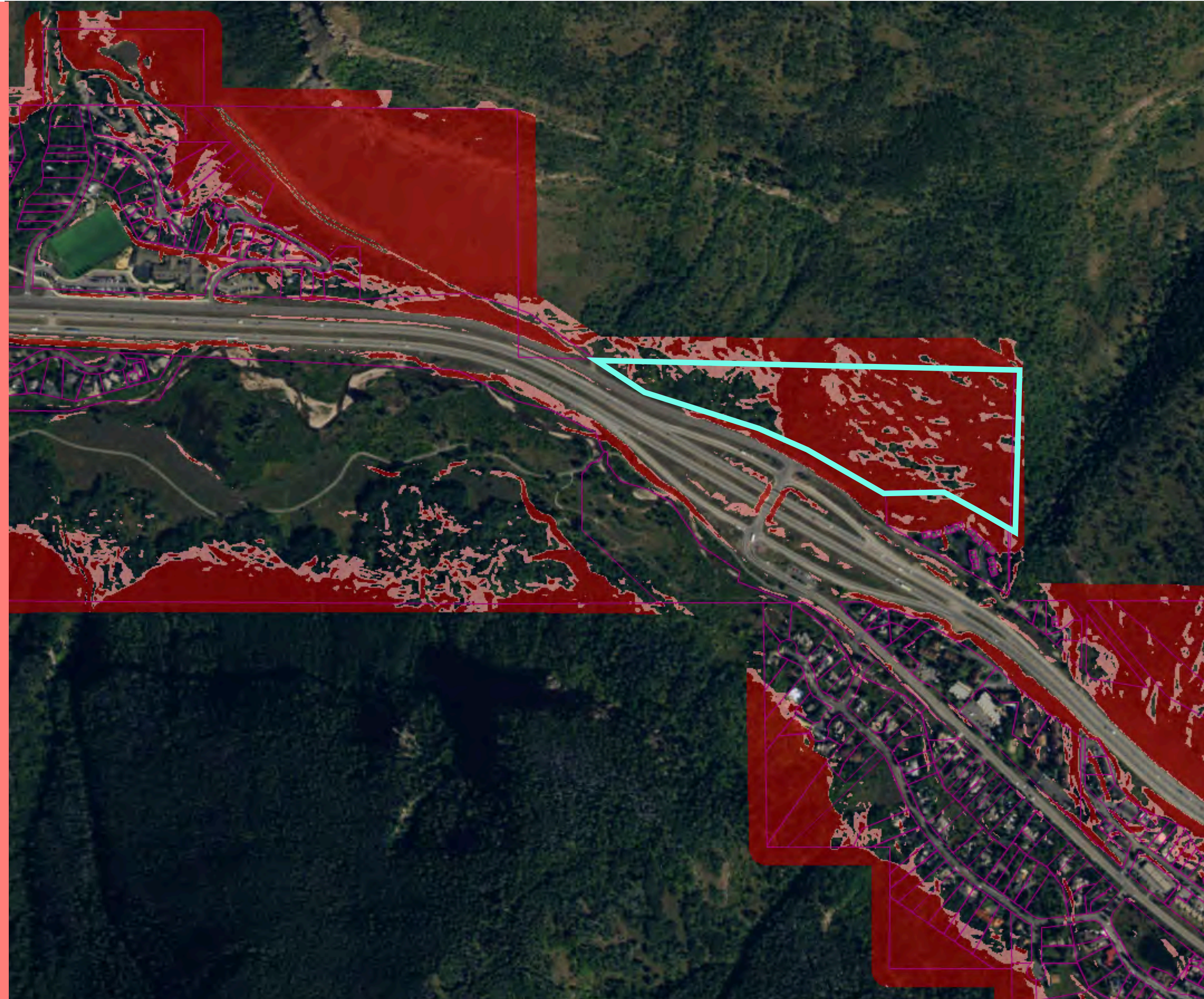
# ROCKFALL HAZARD

- Property is located in a High Hazard Rockfall zone
- Similar to most of the surrounding neighborhoods
- Geologic Hazards study by Cesare, Inc. provided with the submittal



# STEEP SLOPES

- 40% slopes are concentrated on the parcel proposed to be zone NAP
- Parcel to be zoned Housing is largely areas of less than 40% slopes
- Town regulations allow single family or duplex homes on 40%+ slopes



# GEOLOGIC HAZARD EXPERT

- Julia Frazier, PG
  - Professional Geologist
  - B.S. Geological Sciences, California State University, Long Beach
  - M.S. Earth Science, University of California, Santa Cruz
  - 13 years experience in:
    - Engineering geology
    - Geologic characterization with analysis of landslides, debris flows, seismicity, and geologic suitability

# GEOLOGIC HAZARD STUDY



## ROCKFALL HAZARD STUDY

East Vail Parcel  
Vail, Colorado



### Report Prepared for:

Mr. Kevin Hopkins  
Vail Resorts Development Company  
PO Box 959  
Avon, CO 81620

Project No. 17.5029  
June 19, 2017

## Rockfall

- Recommends a rockfall wall at least 12 ft. in height
- Recommends a catchment zone of at least 10 ft. in width

## Landslide

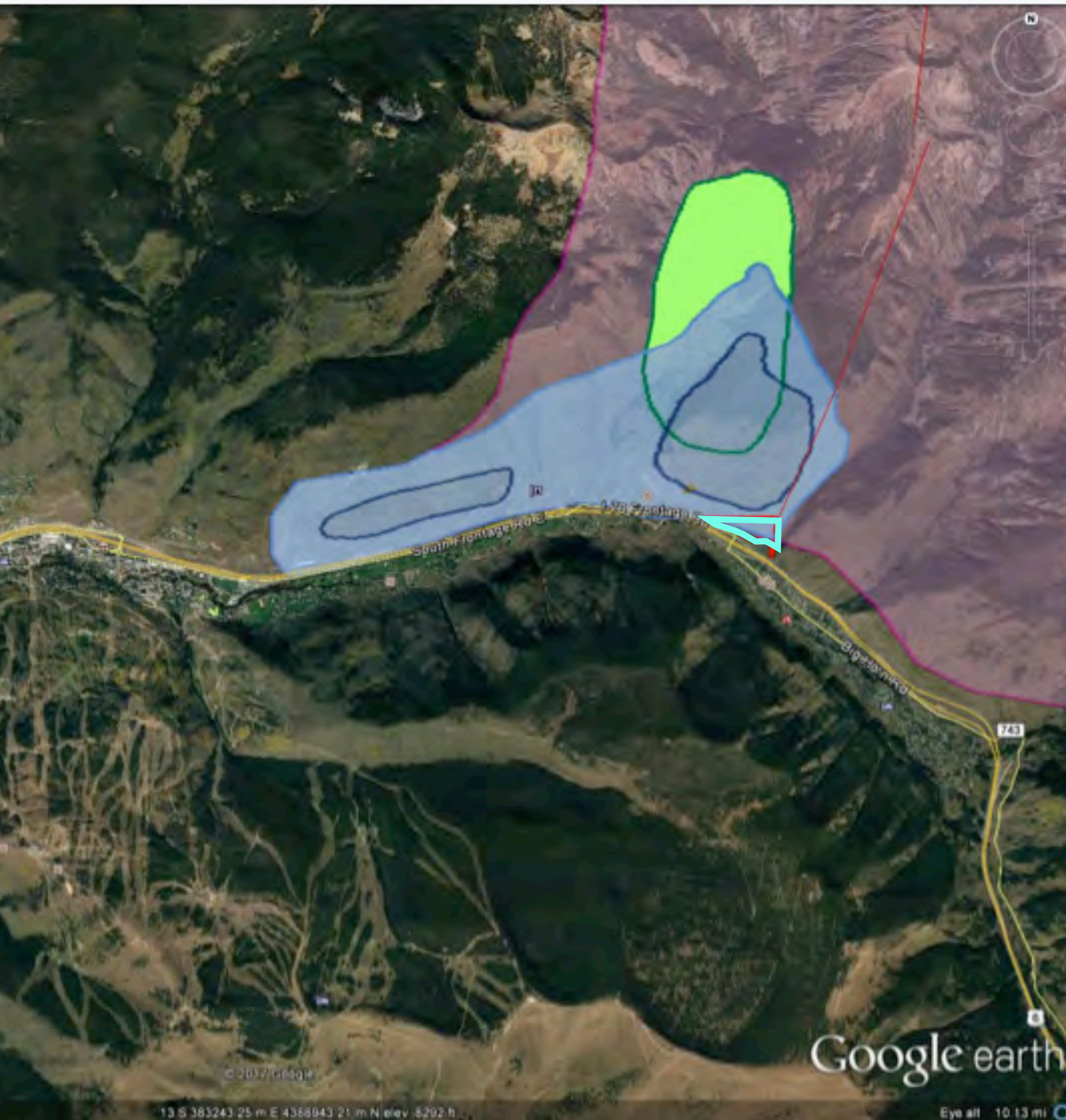
- No evidence of recent landslide movement on western portion of site

# WILDLIFE EXPERT

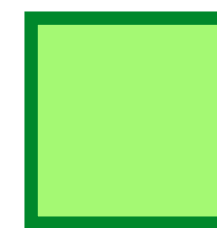
- Rick Thompson
  - Certified Wildlife Biologist
  - B.S. in Wildlife Research, University of Wyoming
  - M.S. in Zoology and Physiology, UW
    - Ecological physiology of mountain goats in the Gore Range and temporal geographic variation in the lambing season of bighorn sheep in North America
  - Founded Western Ecosystems, Inc. in 1982
  - Working in Eagle County since 1977



# WILDLIFE STUDY: BIGHORN SHEEP



**Overall range and summer range.** Overall Range is defined as the area which encompasses all known activity areas within the observed range of a population. Summer Range is defined as that portion of the overall range where 90% of the individuals are located between spring green-up and the first heavy snowfall.



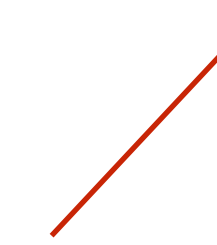
**Lambing.** Production areas are defined as that part of the overall range occupied by pregnant females during a specific time period in the spring (May 1 to June 30).



**Winter Range** is that part of the overall range where 90% of the individuals are located during the average five winters out of ten, from the first heavy snowfall to spring green-up. **Severe Winter Range** is that part of the winter range where 90% of the individual animals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten.



**Winter Concentration Area** is a subset of the winter range where animal densities are at least 200% greater than the surrounding winter range density during the same period used to define the winter range, in the average five winters out of ten.



Bighorn sheep **migration pattern** is a subjective indication of the general direction taken by migratory ungulate herds. The line indicates that bighorns move downhill in this area during fall towards their winter range, then move uphill in spring to their summer range.

# WILDLIFE: BIGHORN SHEEP


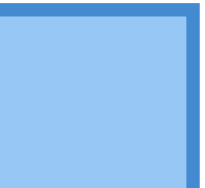




## Bighorn Sheep

- The relatively small (5.4-acre) potential East Vail development would result in a further loss of winter range, but its location in an area whose habitat effectiveness has been reduced by existing human disturbance and development should have minimal effects on sheep habitat use and should not affect herd size.

# WILDLIFE STUDY: ELK



-  **Elk Winter Range** is that part of the overall range of elk where 90% of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up, or during a site specific period of winter as defined for each Data Analysis Unit.
-  **Elk severe winter range** represents that part of the overall range of elk where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. The winter of 1983-1984 is a good example of a severe winter.
-  **Elk winter concentration area** represents that part of the winter range of elk where densities are at least 200% greater than the surrounding winter range density during the average five winters out of ten from the first heavy snowfall to spring green-up.
-  **Elk production areas** represent that part of the overall range of elk occupied by the females from May 15 to June 15 for calving.

# WILDLIFE: ELK



## Elk

- Similar to sheep, the relatively small (5.4-acre) potential East Vail development would result in a further loss of winter range, but its location in an area whose habitat effectiveness has been reduced by existing human disturbance and development should not result in any measurable change in elk habitat use or herd size.
- Approximately 77% of the parcel would remain available for continued elk use.

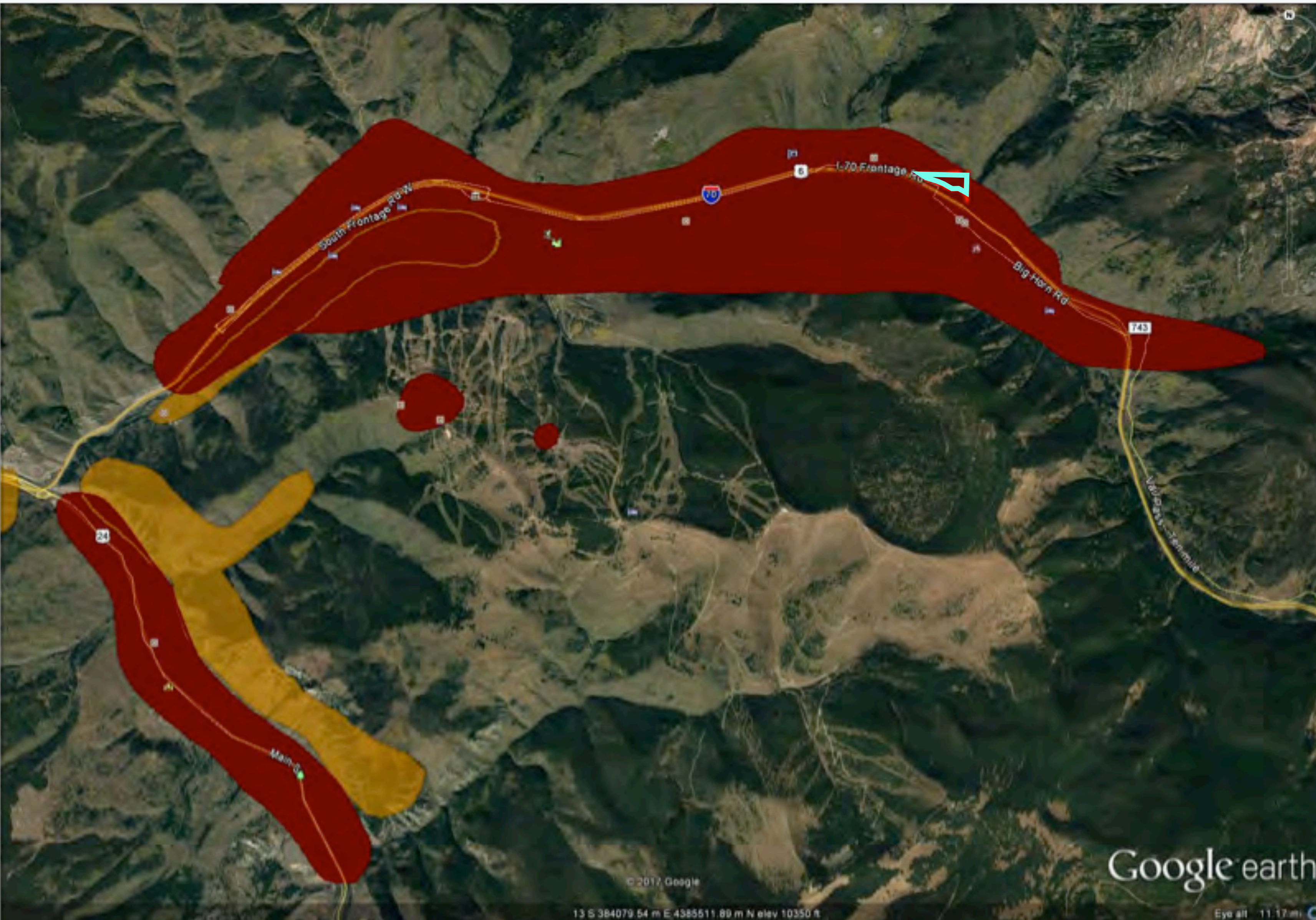
# WILDLIFE STUDY: PEREGRINE FALCON

## Peregrine Falcon



- Future construction and habitation of the subject parcel, buffered from the nesting cliff by distance, elevation, and more acute intervening disturbances/ activities would be more of the same type of structures and activities that should not negatively affect the nesting pair.
- It is also likely, with an increasing peregrine population and competition for nest cliffs, that future pairs of peregrines would also find the cliff complex viable with future development of the proposed as currently considered.
- That assumes that the valley's prey base remains adequate, which is likely given the avoidance of wetland and riparian habitats supporting higher prey densities and the limited amount of further development potential.
- The subject parcel's airspace would remain available for peregrine hunting and approximately 77% of the parcel would remain available to support potential peregrine prey.

# WILDLIFE STUDY: BLACK BEAR



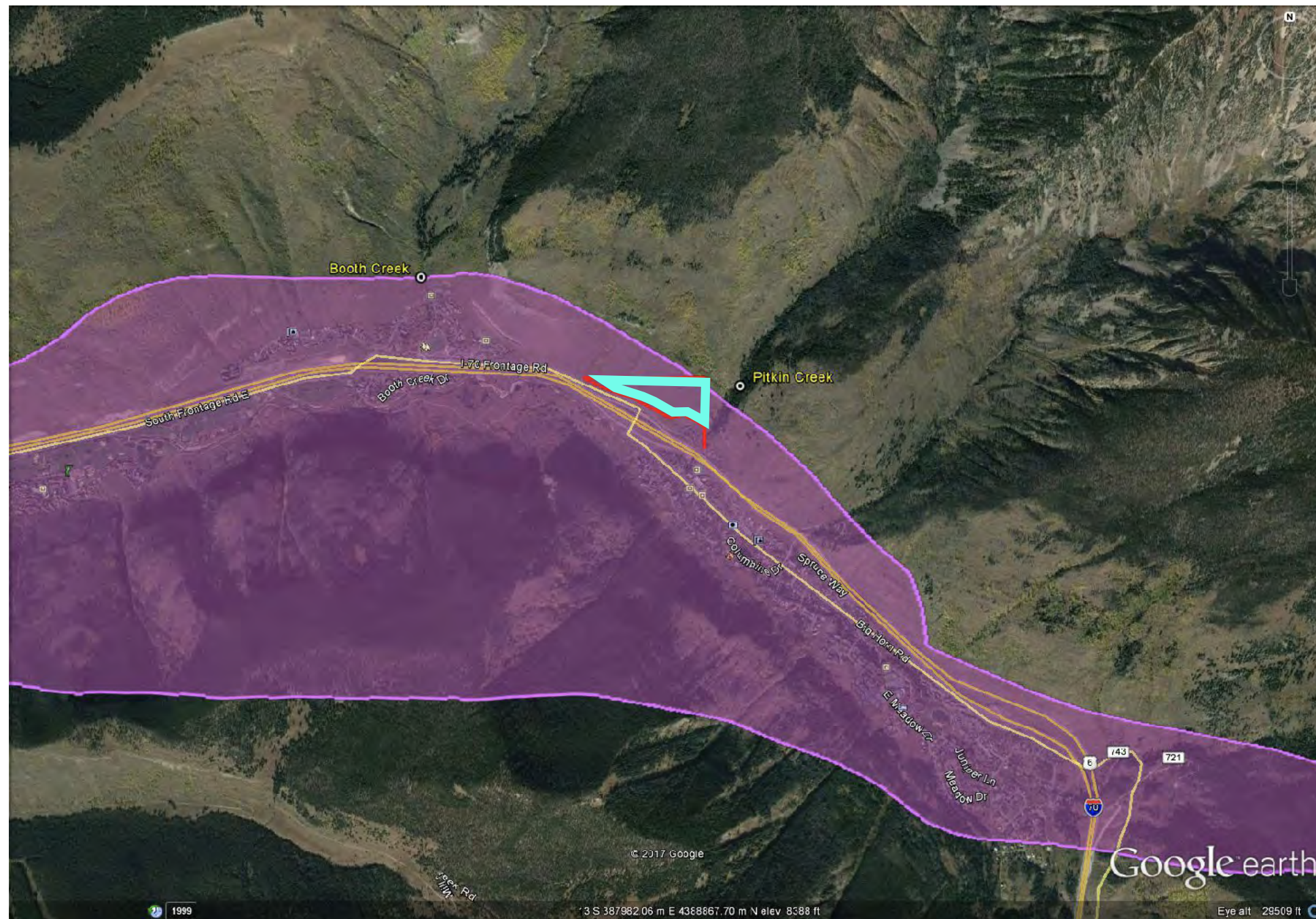
Black Bear Human Conflict Areas are defined as that portion of the overall range where two or more confirmed black bear complaints per season were received which resulted in Colorado Division of Wildlife investigation, damage to persons or property (cabins, tents, vehicles, etc.), and/or the removal of the problem bear(s). This does not include damage caused by bears to livestock.

Black Bear Summer Concentration Areas are defined as those parts of the overall range where activity is greater than the surrounding overall range during that period from June 15 to August 15.

Black Bear Fall Concentration Areas are defined as those parts of the overall range that are occupied from August 15 until September 30 for the purpose of ingesting large quantities of mast and berries to establish fat reserves for the winter hibernation period.

# WILDLIFE: BLACK BEAR

## Black Bear



- Potential residential development on the subject parcel will be of concern for bears because of the small, but additional net loss of summer forage habitat, further impaired effectiveness of habitat within the influence of the development, and other potential habitation-related effects [e.g., potential garbage handling issues.
- Approximately 77% of the parcel would remain available for continued bear use.

# WILDLIFE EFFECTS

- Detailed analysis of development effects cannot be conducted at this time because there is no development proposal
- However, the general effects are known:
  - Net loss of seasonal habitats / additive to collective losses
  - Further impaired effectiveness of habitat within the influence of the development
  - Other potential habitation-related effects (e.g., garbage disposal, free-ranging dogs, and dispersed recreation originating from residences)
- Wildlife would be impacted by any future development



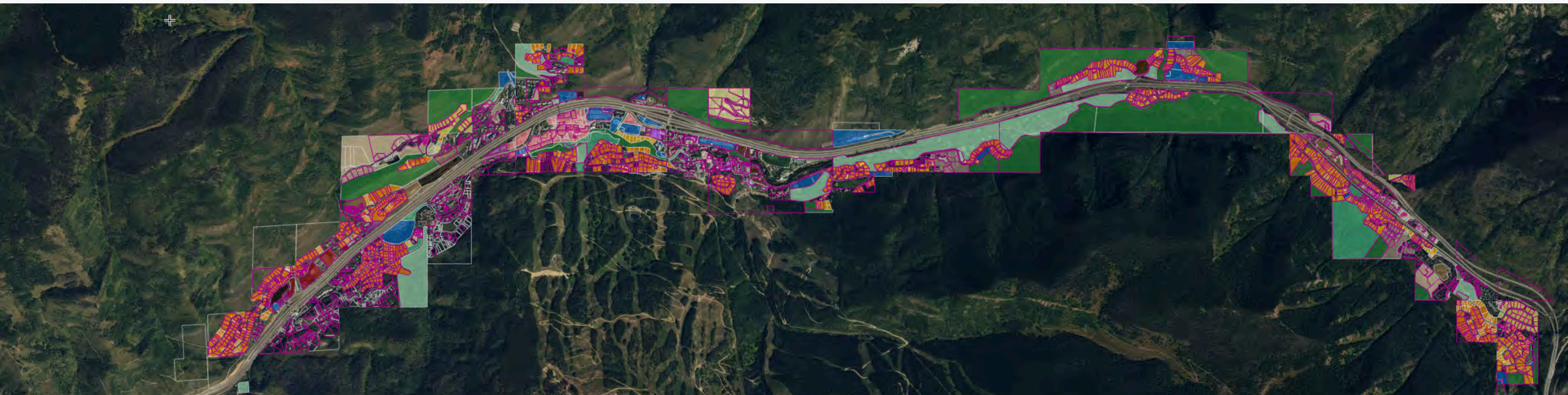
# PROPOSED DEVELOPMENT SCENARIO WOULD BE BETTER FOR WILDLIFE

- Existing **Two Family Residential** zoning:
  - 30 - 45 units spread out across more/most of parcel
  - Roads and driveways
  - No open space
- Proposed **Housing and NAP** zoning:
  - X units clustered into 23% of parcel
  - Development within that 5.4-acre area further limited to 55% site or building coverage
  - 77% (17.9 ac.) of the property protected as open space via NAP Zone District

# WILDLIFE MITIGATION CONCLUSION

A Wildlife Mitigation Plan could be developed & implemented for development under either zoning that would avoid and reduce some project effects.

**Development under Housing and NAP District Zoning with a Wildlife Mitigation Plan would be better for wildlife.**



# CRITERIA FOR REVIEW

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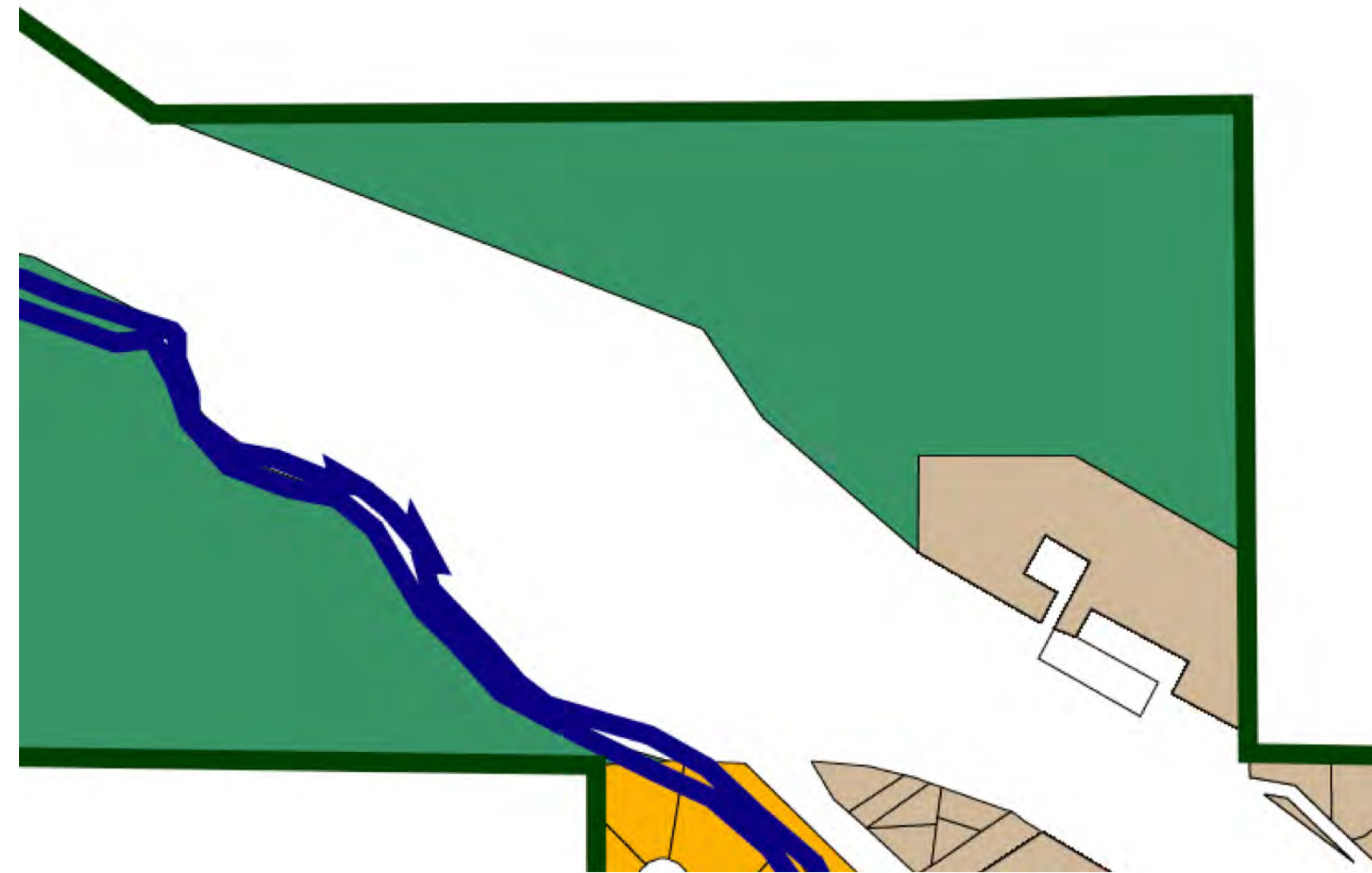
Zoning Amendment

(1) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH ALL THE APPLICABLE ELEMENTS OF THE ADOPTED GOALS, OBJECTIVES AND POLICIES OUTLINED IN THE **VAIL COMPREHENSIVE PLAN** AND IS COMPATIBLE WITH THE **DEVELOPMENT OBJECTIVES OF THE TOWN**

## Vail Land Use Plan

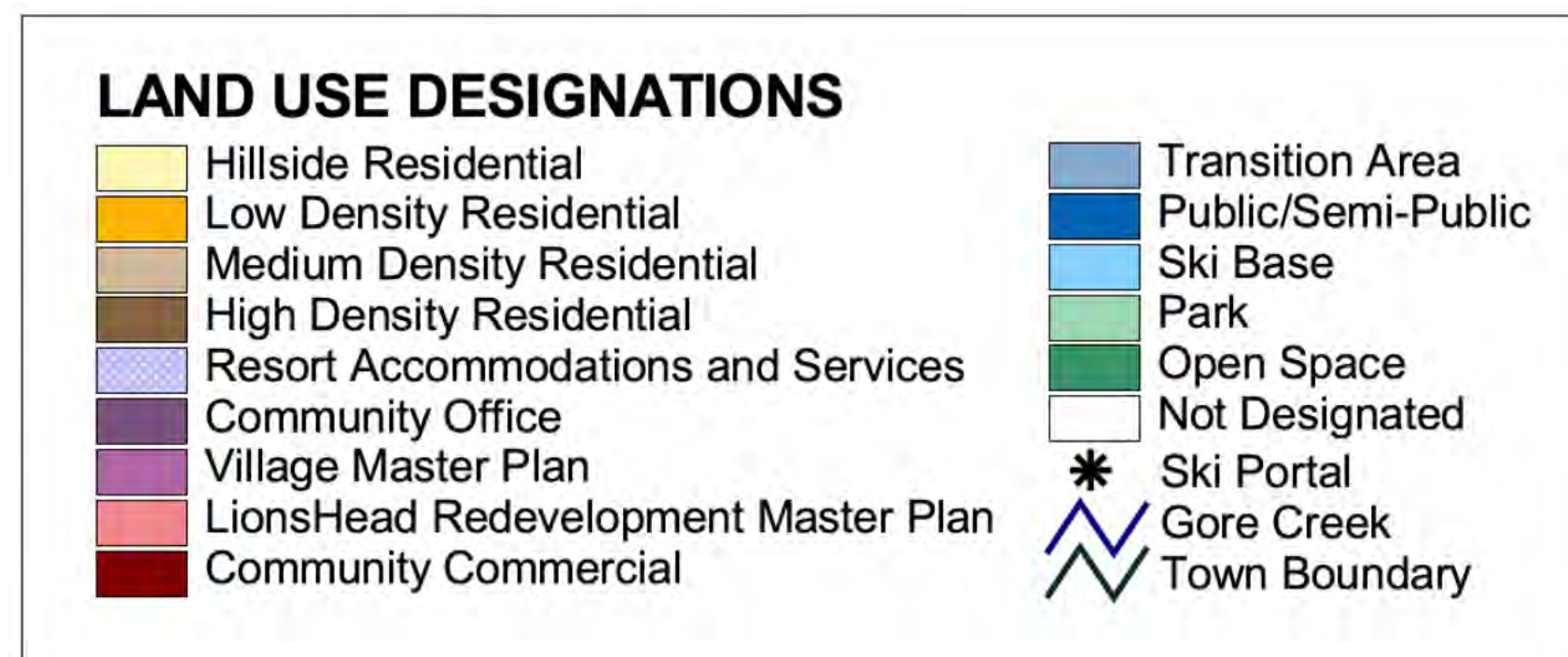
- 5. Residential
- 5.3. Affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions
- 5.4. Residential growth should keep pace with the market place demands for a full range of housing types
- 5.5. The existing employee housing base should be preserved and upgraded.  
**Additional employee housing needs should be accommodated at varied sites throughout the community**

(1) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH ALL THE APPLICABLE ELEMENTS OF THE ADOPTED GOALS, OBJECTIVES AND POLICIES OUTLINED IN THE **VAIL COMPREHENSIVE PLAN** AND IS COMPATIBLE WITH THE **DEVELOPMENT OBJECTIVES OF THE TOWN**



## Vail Land Use Plan

- *Passive recreation areas such as greenbelts, stream corridors and drainage ways are the types of areas in this category. Hillsides which were classified as undevelopable due to high hazards and slopes over 40% are also included in this area. These hillside areas would still be allowed types of development permitted by existing zoning, such as one unit per 35 acres, for areas in agricultural zoning. Also, permitted in this area would be institutional / public uses.*



(1) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH ALL THE APPLICABLE ELEMENTS OF THE ADOPTED GOALS, OBJECTIVES AND POLICIES OUTLINED IN THE **VAIL COMPREHENSIVE PLAN** AND IS COMPATIBLE WITH THE **DEVELOPMENT OBJECTIVES OF THE TOWN**

## Vail Land Use Plan

- Property was likely included in this category due to the confusion regarding ownership, in addition to steep slopes and high rockfall hazard
- At the time of the adoption of the Vail Land Use Plan the zoning and private ownership status of the property was not clear
- **Property zoned Two Family Residential at the time the Plan was created**
- **The Plan states that Zoning takes Precedence over land use designation**
- Housing zone district focused on less steep portion of property
- Balances community goals with employee housing and land preservation
- Rockfall hazard can be mitigated as indicated by the Rockfall Study similar to other properties in Vail

(1) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH ALL THE APPLICABLE ELEMENTS OF THE ADOPTED GOALS, OBJECTIVES AND POLICIES OUTLINED IN THE **VAIL COMPREHENSIVE PLAN** AND IS COMPATIBLE WITH THE **DEVELOPMENT OBJECTIVES OF THE TOWN**

## Comprehensive Open Lands Plan

- **At time of plan, property was thought to be owned by CDOT**
- Identifies property as zoned Two-Family Residential
- Use of open space as a high priority
- With the steeper portions of the site proposed to be zoned NAP, and only flatter, more developable areas proposed to be zoned H, intent of the Comprehensive Open Lands Plan is met, while simultaneously helping to meet the Town's goals of providing more employee housing within the Town boundaries
- Clearly had the property been known to be privately owned, recommendations of plan would have been different to avoid taking of private development rights

Parcel 35: Parcels G-2, G-3, G-4 and G-5

Low priority LOA parcels: TOV acquire from U.S. Forest Service. Then TOV should trade these parcels to CDOT for parcel 36 (which is now owned by CDOT).



\*Parcel 36: Unplated Land North of East Vail Interchange

High priority: TOV acquire development rights for open space use or trade parcel(s) 35 for parcel 36. Has potential for development.

## Vail 20/20

- Vail 20/20 Plan provides following goals:
  - *Deed-restricted **housing for at least 30 percent of the workforce** through policies, regulations and publicly initiated development*
  - *Need for **housing as infrastructure** that promotes community, reduces transit needs and keeps more employees living in the town*
- Proposed zoning of Housing on buildable area of site helps to further this goal
- Property creates an exciting opportunity to create new housing stock, while still protecting the steeper hillside from development by zoning steep portions NAP



## Employee Housing Strategic Plan

- Employee Housing Strategic Plan outlines Town's goals and policies to ensure employee housing:
  - *Actively address affordable housing for Vail workers to ensure that the community remains competitive in economic terms*
  - *Increase and maintain deed-restricted housing within the Town to encourage the efficient use of resources by placing employees closer to their place of work*
- Zoning will allow for creation of new deed-restricted employee housing units within Town
- Allows Vail to remain economically competitive in attracting and maintaining a quality workforce

(1) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH ALL THE APPLICABLE ELEMENTS OF THE ADOPTED GOALS, OBJECTIVES AND POLICIES OUTLINED IN THE **VAIL COMPREHENSIVE PLAN** AND IS COMPATIBLE WITH THE **DEVELOPMENT OBJECTIVES OF THE TOWN**

## Employee Housing Strategic Plan

- Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027
- Deed restrictions will be acquired for both existing homes as well as for homes that are **newly constructed private sector developers**



Proposal is consistent with goals and objectives of various Town of Vail planning documents and helps to further one of Vail's critical needs: **creating employee housing within the Town of Vail boundaries to ensure that Vail remains economically competitive**



(2) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS **SUITABLE WITH THE EXISTING AND POTENTIAL LAND USES** ON THE SITE AND EXISTING AND **POTENTIAL SURROUNDING LAND USES** AS SET OUT IN THE TOWN'S ADOPTED PLANNING DOCUMENTS



(2) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS **SUITABLE WITH THE EXISTING AND POTENTIAL LAND USES** ON THE SITE AND EXISTING AND **POTENTIAL SURROUNDING LAND USES** AS SET OUT IN THE TOWN'S ADOPTED PLANNING DOCUMENTS



View from property marker (1) to the west

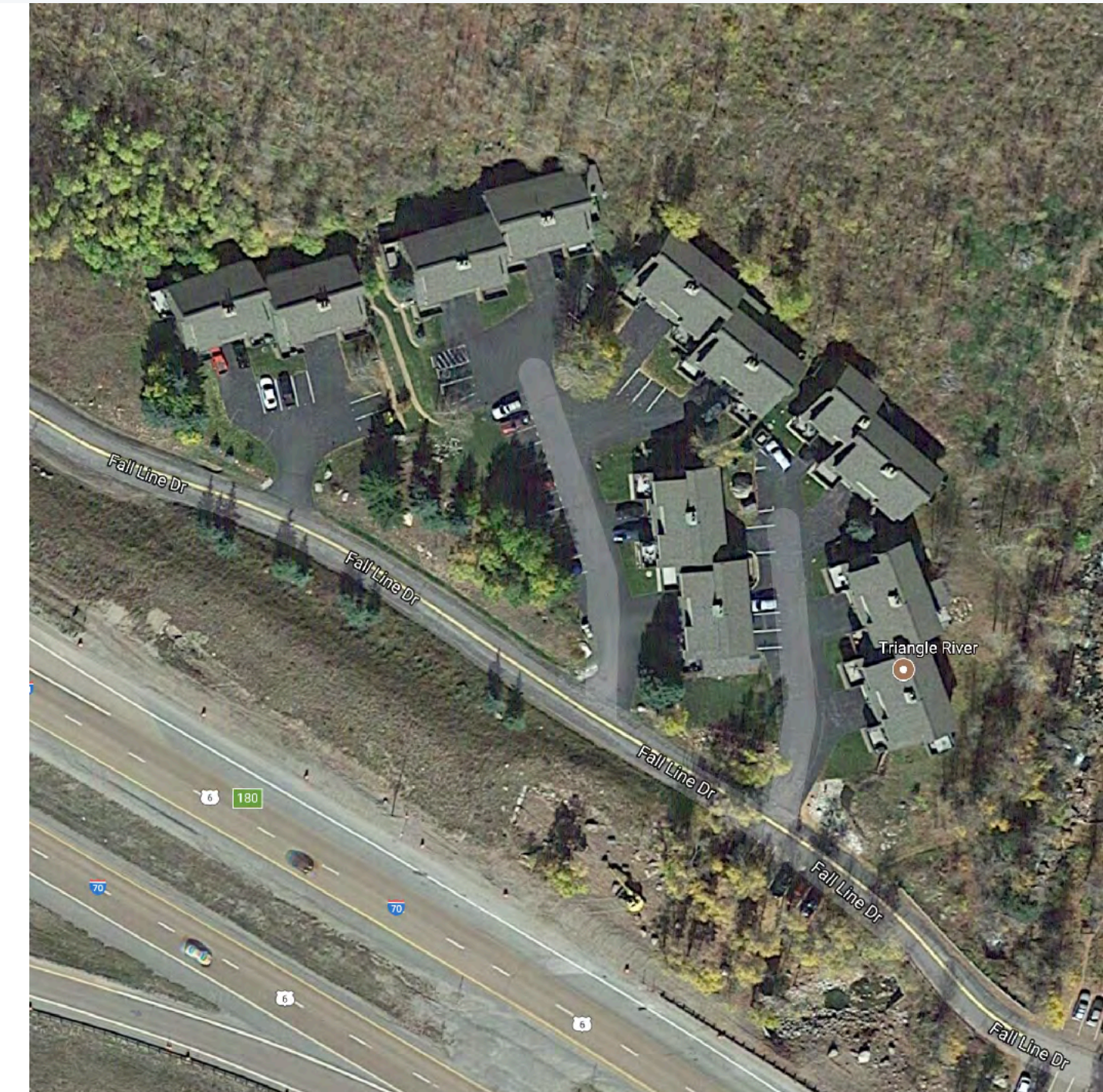


View from property marker (3) to the south

(2) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS **SUITABLE WITH THE EXISTING AND POTENTIAL LAND USES** ON THE SITE AND EXISTING AND **POTENTIAL SURROUNDING LAND USES** AS SET OUT IN THE TOWN'S ADOPTED PLANNING DOCUMENTS

- Though site is visible from East Vail I-70 interchange, is relatively isolated from other uses in vicinity
- Only directly adjacent residential property is Falls at Vail
  - Zoned Residential Cluster / land use designation is "Medium Density Residential."
  - The Falls at Vail consists of 23 townhouses constructed in early 1980s
  - 3 of the units are deed-restricted EHUs
  - Permitted uses allowed by RC zone district are primarily residential uses, including EHUs, multiple-family, single family and duplex units
  - Some limited commercial uses allowed by conditional use
  - Separated from any developable areas by large tract proposed for NAP zoning

 **The rezoning complies with this Criterion**



(3) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT PRESENTS A **HARMONIOUS, CONVENIENT, WORKABLE RELATIONSHIP** AMONG LAND USES CONSISTENT WITH MUNICIPAL DEVELOPMENT OBJECTIVES

- The proposal to rezone the property to H and NAP furthers two major development objectives:
  - Provision of employee housing
  - Protection of environmentally sensitive land
- Rare that these two often-times competing objectives can come together in one project
- Proposal creates an opportunity for employee housing, while protecting a vast amount of the property
- Creates a unique opportunity to create a harmonious relationship among land uses
- Applying these two zone districts to the property insures that these municipal objectives are being provided



**The rezoning complies with this Criterion**

(4) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT PROVIDES FOR THE **GROWTH OF AN ORDERLY VIABLE COMMUNITY** AND DOES NOT CONSTITUTE SPOT ZONING AS THE AMENDMENT **SERVES THE BEST INTERESTS OF THE COMMUNITY AS A WHOLE**

- Proposed zone district amendment provides for growth of orderly viable community by establishing site for employee housing
  - *Close to services*
  - *Close to transit and transportation facilities*
  - *Reduces up valley commuter traffic*
  - *Reduces impact to public parking facilities*
- Employee housing is key to ensuring Town remains economically viable and competitive with local workers in close proximity to employment and adding to mix and culture of Town
- Does not constitute spot zoning, as both zone districts help further municipal goals and because entire property is already zoned for development of residential uses



 **The rezoning complies with this Criterion**

(5) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT RESULTS IN **ADVERSE OR BENEFICIAL IMPACTS ON THE NATURAL ENVIRONMENT**, INCLUDING, BUT NOT LIMITED TO, WATER QUALITY, AIR QUALITY, NOISE, VEGETATION, RIPARIAN CORRIDORS, HILLSIDES AND OTHER DESIRABLE NATURAL FEATURES

- The entirety of the property today allows for development
- Large portion of the property is preserved with this proposal
- As demonstrated by our wildlife consultant, rezoning results in potential for less impact to wildlife
- A development plan is required for any development in the Housing Zone District thus requiring detailed EIR
- The rezoning avoids the steep slope areas of the site
- Rockfall hazard can be mitigated to protect the future residents of the property



 **The rezoning complies with this Criterion**



(6) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH THE **PURPOSE STATEMENT OF THE PROPOSED ZONE DISTRICT**

- Section 12-61-1 provides the purpose of the H zone district:

*The housing district is intended to **provide adequate sites for employee housing** which, because of the nature and characteristics of employee housing, cannot be adequately regulated by the development standards prescribed for other residential zone districts. It is necessary in this zone district to provide development standards specifically prescribed for each development proposal or project to achieve the purposes prescribed in section 12-1-2 of this title and to provide for the public welfare. Certain nonresidential uses are allowed as conditional uses, which are intended to be incidental and secondary to the residential uses of the district. **The housing district is intended to ensure that employee housing permitted in the zone district is appropriately located and designed to meet the needs of residents of Vail, to harmonize with surrounding uses, and to ensure adequate light, air, open spaces, and other amenities appropriate to the allowed types of uses.***

(6) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH THE **PURPOSE STATEMENT OF THE PROPOSED ZONE DISTRICT**

- Western portion of site is proposed to be zoned H, which creates unique opportunity for employee housing, in furtherance of the goal of the Town of Vail to provide deed-restricted housing for 30% of workforce
- Site is within Town boundaries, adjacent to established transportation routes, including a Town of Vail transit stop and in close proximity to the recreation path
- Housing zone district allows the PEC to set most development standards, creating flexibility to create a housing project that is suitable to the individual site
- As a result, proposed zone district amendment is consistent with the purpose statement of the H zone district



**The rezoning complies with this Criterion**

(6) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH THE **PURPOSE STATEMENT OF THE PROPOSED ZONE DISTRICT**

- Section 12-8C-1 provides the purpose of the NAP zone district:

***The natural area preservation district is designed to provide areas which, because of their environmentally sensitive nature or natural beauty, shall be protected from encroachment by any building or other improvement, other than those listed in section 12-8C-2 of this article. The natural area preservation district is intended to ensure that designated lands remain in their natural state, including reclaimed areas, by protecting such areas from development and preserving open space.*** The natural area preservation district includes lands having valuable wildlife habitat, exceptional aesthetic or flood control value, wetlands, riparian areas and areas with significant environmental constraints. Protecting sensitive natural areas is important for maintaining water quality and aquatic habitat, preserving wildlife habitat, flood control, protecting view corridors, minimizing the risk from hazard areas, and protecting the natural character of Vail which is so vital to the town's tourist economy. The intent shall not preclude improvement of the natural environment by the removal of noxious weeds, deadfall where necessary to protect public safety or similar compatible improvements.

(6) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT IS CONSISTENT WITH THE **PURPOSE STATEMENT OF THE PROPOSED ZONE DISTRICT**

- Majority of the site, including the areas of 40% slopes, will be zoned NAP
- Allows for land area that is environmentally sensitive to be preserved as open space with no development to occur in this area
- Helps to preserve wildlife habitat and protects natural character of Vail
- As a result, proposed zone district amendment is consistent with the purpose statement of the NAP zone district



 **The rezoning complies with this Criterion**

(7) THE EXTENT TO WHICH THE ZONE DISTRICT AMENDMENT DEMONSTRATES **HOW CONDITIONS HAVE CHANGED** SINCE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY WAS ADOPTED AND IS NO LONGER APPROPRIATE

- The property is zoned Two Family Residential zone district and property is owned by Vail Resorts
- Town planning documents were in error when they were adopted therefore resulting in inaccurate conclusions
- Two Family zoning allows for low-density, suburban residential development
- The conditions and needs of the Town have changed since the 1970's as recognized by the Town's emphasis on employee housing
- The current zone district is no longer appropriate across the entire property
- **The proposal strikes an extraordinary balance between employee housing and preserving the environment**

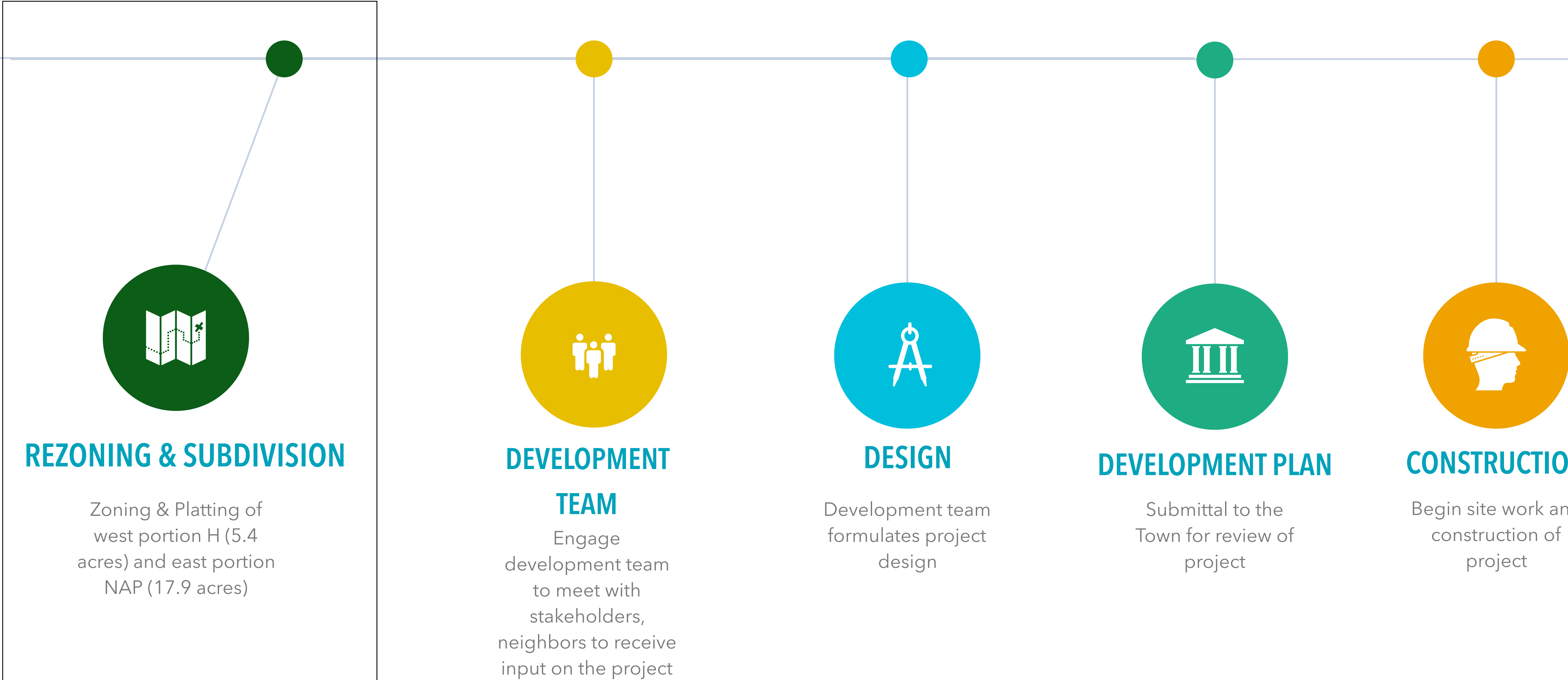


**The rezoning complies with this Criterion**

(8) SUCH OTHER FACTORS AND CRITERIA AS THE COMMISSION AND/OR COUNCIL DEEM APPLICABLE TO THE PROPOSED REZONING

- No other factors or conditions have been established to address this criterion

# EAST VAIL WORKFORCE HOUSING PARCEL PROCESS



# STAFF RECOMMENDATION

- Staff has recommended the application be continued to September 25 in order to receive input from Colorado Parks and Wildlife and Colorado Geological Survey
- Since their recommendation, CPW has opined on the application
- CPW recognizes the preservation steps being taken and recommends their involvement when a development plan is being created
- CGS has not opined but their role is to ensure hazards are identified and adequate plans for mitigation are put in place
- We believe our consultant has provided a credible analysis of the property
- The applicant requests that the PEC make a recommendation today
- The Town Council will make the final decision on this application



# CONCLUSION

- Complies with all of the criteria for review of a zoning amendment
- Serves the best interest of the community
- The proposal furthers two major development objectives:
  - Provision of employee housing
  - Protection of environmentally sensitive land
- Environmental considerations will be appropriately addressed with any development plan



# EAST VAIL WORKFORCE HOUSING



THANK YOU

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