



Memorandum

TO: Town Council

FROM: Community Development Department

DATE: June 5, 2018

SUBJECT: An update to the 1994 Comprehensive Open Lands Plan, pursuant to Section 12-3-7, Amendment, Vail Town Code. (PEC17-0049)

Applicant: Town of Vail, represented by Braun Associates, Inc.
Planner: Chris Neubecker

I. SUMMARY

The applicant, Town of Vail, represented by Braun Associates, is requesting a public hearing with the Vail Town Council to present an update to the 1994 Comprehensive Open Lands Plan through the adoption of the 2018 Open Lands Plan Update (Plan). The goal of the planning process was to update the 1994 Comprehensive Open Lands Plan to provide a framework for effectively implementing actions to achieve Vail's goals for the preservation of open lands, the development of trails, and the use of town lands.

Please use this link to obtain a high resolution version of the Open Lands Plan:

<https://www.vailgov.com/openlandsupdate>

II. DESCRIPTION OF REQUEST

The applicant, Town of Vail, represented by Braun Associates, Inc., is requesting a public hearing with the Vail Town Council to present the 2018 Open Lands Plan Update, based upon a recommendation from the Vail Town Planning and Environmental Commission (PEC) on adoption of the Plan.

The purpose of this public hearing is to accomplish the following tasks:

1. Present the Town Council with the draft Plan, including the changes to the Plan made during the public hearing process with the PEC.
2. Obtain public input on the draft Plan and suggested revisions to the Plan as submitted by members of the community.
3. Obtain feedback and direction from the Town Council on the draft Plan and any elements of the Plan that need further attention.
4. Determine any changes to the Plan that are recommended before bringing the Plan back to Town Council for adoption.

III. BACKGROUND

The Town of Vail began to develop a formal program for preservation and protection of open space in 1980 with the adoption of the 1% Real Estate Transfer Tax (RETT). The creation of the Real Estate Transfer Tax, and the use of these funds for protection of lands, is considered by many citizens to be among Vail's greatest treasures. Funds collected from RETT are restricted by town ordinance for acquiring, maintaining and improving local property for parks, recreation, open space and for supporting sustainable environmental practices.

On February 14, 1994 the Planning and Environmental Commission reviewed and recommended adoption of the 1994 Comprehensive Open Lands Plan during a public hearing. On March 1, 1994, the Vail Town Council adopted the Comprehensive Open Lands Plan, via Resolution 6, Series of 1994, with a vote of 7-0.

April 19, 2016 the Vail Town Council directed staff, through the Town Manager, to initiate a community engagement process of updating the 1994 Comprehensive Open Lands Plan. The Plan update was initiated partly in response to discussion about extending the Vail Trail.

Open house style events were held on the Plan, including January 4, 2017 (West Vail Fire Station), January 19, 2017 (Vail Golf and Nordic Center), February 22, 2017 (Grand View Room), and June 15, 2017 (Grand View Room).

On October 11, 2017 a trails workshop was held at the Vail Library, and was attended by about 40 people.

On January 18, 2018 a wildlife forum was held at the Grand View Room. The forum identified a number of concerns relating to the reduction in wildlife populations within the Vail Valley and Eagle County overall. In response to the wildlife forum, additional language on wildlife protection and habitat preservation was added to the Plan.

On February 26, 2018 the Planning and Environmental Commission was presented with an update on the state of wildlife in the Vail Valley, including presentations from Bill Andree, District Wildlife Manager and Craig Wescoatt, District Wildlife Manager, from Colorado Parks and Wildlife.

The Planning and Environmental Commission held public meetings on the Open Lands Plan update on June 26, 2017, October 9, 2017, November 13, 2017, March 26, 2018, and April 23, 2018.

At the final Planning and Environmental Commission meeting on April 23, 2018 the PEC voted 5-0 to recommend that the Vail Town Council adopt the 2018 Open Lands Plan Update, with the following finding: *"The Planning and Environmental Commission hereby finds that the proposed 2018 Open Lands Plan Update complies with the review criteria outlined in Section V of the memorandum to the Planning and Environmental*

Commission, dated April 23, 2018, and that the plan as proposed is in concert with the Town of Vail's Comprehensive Plan, and that the plan will support, strengthen, and further the development objectives of the town."

IV. SUMMARY OF PLAN GOALS AND OBJECTIVES

Goal

The goal of the planning process was to update the 1994 Comprehensive Open Lands Plan to provide a framework for effectively implementing actions to achieve Vail's goals for the preservation of open lands, the development of trails, and the use of town lands.

Objectives for Updating the Plan:

The process for updating the 1994 Plan was designed to address the following broad objectives:

Confirm the community's overall goals and priorities for the Plan.

- The planning process included a comprehensive public input process, the results of which were used to inform the content of the Plan. The community and the Vail Town Council reaffirmed the original objectives of the 1994 Plan, reiterating the priority of protection of environmentally sensitive lands and wildlife as a top priority.

Evaluate the Action Plan and identify any new Action Items to protect environmentally sensitive lands or other action to implement the goals of the Plan.

- Of the 51 Action Items from the 1994 Plan, 38 were either implemented, partially implemented, addressed in alternative ways or the items have been deemed to no longer be feasible.
- There are 106 privately owned, undeveloped parcels in Vail, and each was evaluated to determine if any could accommodate public facilities and community-oriented uses. Of the 106 parcels, three (3) were identified for potential affordable housing and others were identified for environmental protection, or deemed infeasible for development.
- In total, 28 Action Items are proposed and included in the Plan update for the purposes of protecting environmentally sensitive lands or wildlife, trail expansion or development, or for a community use such as local resident housing and other public facilities.

Provide better direction for the potential development of recreation trails.

- An extensive trails scoping and public input process was included in this update to the Plan, and has resulted in 16 newly identified trails or trail connections, along with safety, wayfinding, and educational opportunities.

Evaluate town-owned lands for how they can be used to meet community needs.

- All 161 town-owned parcels were evaluated to determine if any could accommodate the town's future needs for public facilities. Parcels that were already developed or those that had site characteristics that would prevent development were eliminated. The eight (8) parcels that were deemed to be appropriate for further consideration are included in Chapter 3 of the Plan.

Define management strategies for Town-owned lands.

- Additional management strategies were identified and included in Chapter 6 of the Plan, including the management of land for the purposes of enhanced biodiversity, the development of local resident housing, and public facilities such as community solar farms, snow dump, disc golf, and a performing arts center.

Protection of environmentally sensitive lands/wildlife

- Additional emphasis has been added to the Plan addressing wildlife issues and the potential impact on wildlife from trails and recreation construction and users. This emphasis was added at the request of the community and Town Council, with a goal that any new trail development be designed, located, constructed and managed in a manner to avoid any adverse impacts on the natural environment and wildlife resources.

V. APPLICABLE PLANNING DOCUMENTS

Staff believes that the following provisions of the Vail Town Code are relevant to the review of this proposal:

VAIL 20/20 STRATEGIC ACTION PLAN

LAND USE

Goal #1: *Vail will continue to manage growth, maintaining a balance between the bulk and mass of residential, commercial and recreational uses to ensure the quality, character, diversity and vitality of the town by ensuring that all regulatory and advisory land use documents are updated and current, providing ease of compliance and enforcement, and uniformity among regulatory and advisory documents.*

- *Update planning documents, ensuring public participation and regional government participation to reflect current conditions, management of growth and gain a clear understanding of a preferred future scenario for Vail, including:*
 - *Comprehensive Open Lands Plan*

Goal #2: *Land use and development decisions will address environmental sustainability as a priority of the community.*

PARKS AND RECREATION

Goal #1: Evaluate current recreational programming, facilities and amenities and ensure they meet the needs of all users on a year-round basis.

Goal #2: Establish and improve upon partnerships with public, private and non-profit entities, ultimately delivering added benefits to recreation users.

- *Work with Vail Resorts, Inc. and the Forest Service to build new trail systems.*
- *Work with Vail Resorts, Inc. to improve biking and hiking on Vail Mountain and create additional on-mountain recreation opportunities.*

Goal #3: Conduct necessary capital improvements of Vail's current recreational facilities and amenities to meet high standard of quality for users.

- *Create trail connections that take users off the road.*

ENVIRONMENTAL SUSTAINABILITY

Goal #5: Water Quality: Maintain Gore Creek watershed as a Gold Medal fishery, while working to maintain tributaries that meet and/or exceed aquatic life standards set by the state of Colorado.

- *Develop and implement best management practices for sedimentation and erosion control in the watershed.*

Goal #6: Education: Ensure the community is educated and aware of environmental issues to encourage responsible environmental actions.

- *Work with the Town Council to identify environmental issues that need immediate attention as well as those that will require action in the future.*
- *Build awareness of the Vail ecosystem by coordinating the promotion of outdoor recreation amenities with local stewards of the environment.*

HOUSING

Goal: The Town of Vail recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town, and will provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.

- *Conduct inventory of all sites with development potential and pursue opportunities for acquiring undeveloped or underdeveloped properties.*
- *Evaluate opportunities for potential land swaps with the Forest Service.*

TRANSPORTATION

Goal #1: Create an integrated Transportation System with high levels of service that caters to the many needs of our residents, guests and employees and embraces the many issues of the surrounding natural and built environment in its design, implementation and operation.

- Work with regional trail authorities to implement a comprehensive regional bike trail system to ensure Vail will be the center of a regional bike trail system connecting areas as far as Aspen, Rifle, Breckenridge, Fairplay, Kremmling, Leadville and Salida.*
- Work with the Forest Service, Bureau of Land Management, Greater Outdoors Colorado, Colorado Trail and other partners to implement the Rocky Mountain trail system that provides regional connections for hiking, mountain biking and other non-motorized modes of transportation, with Vail in the center of the system.*

VAIL LAND USE PLAN

CHAPTER II – LAND USE PLAN GOALS / POLICIES:

The goals articulated here reflect the desires of the citizenry as expressed through the series of public meetings that were held throughout the project. A set of initial goals were developed which were then substantially revised after different types of opinions were brought out in the second meeting. The goal statements were developed to reflect a general consensus once the public had had the opportunity to reflect on the concepts and ideas initially presented. The goal statements were then revised through the review process with the Task Force, the Planning and Environmental Commission and Town Council and now represent policy guidelines in the review process for new development proposals. These goal statements should be used in conjunction with the adopted Land Use Plan map, in the evaluation of any development proposal.

The goal statements which are reflected in the design of the proposed Plan are as follows:

1. General Growth / Development

- 1.1 Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.*
- 1.2 The quality of the environment including air, water and other natural resources should be protected as the Town grows.*
- 1.8 Recreational and public facility development on National Forest lands may be permitted where no high hazards exist if:*
 - a) Community objectives are met as articulated in the Comprehensive Plan.*

- b) *The parcel is adjacent to the Town boundaries, with good access.*
- c) *The affected neighborhood can be involved in the decision-making process.*

1.9 The existing condition and use of National Forest Land (USFS) which is exchanged, sold, or otherwise falls into private ownership should remain unchanged. A change in the existing condition and use may be considered if the change substantially complies with the Vail Comprehensive Plan and achieves a compelling public benefit which furthers the public interest, as determined by the Town Council.

1.10 Development of Town owned lands by the Town of Vail (other than parks and open space) may be permitted where no high hazards exist, if such development is for public use.

1.13 Vail recognizes its stream tract as being a desirable land feature as well as its potential for public use.

2. Skier /Tourist Concerns

2.1 The community should emphasize its role as a destination resort while accommodating day visitors.

2.2 The ski area owner, the business community and the Town leaders should work together closely to make existing facilities and the Town function more efficiently.

2.4 The community should improve summer recreational options to improve year-round tourism.

2.5 The community should improve non-skier recreational options to improve year-round tourism.

2.7 The Town of Vail should improve the existing park and open space lands while continuing to purchase open space.

5. Residential

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.

VI. CRITERIA

Amendments to the Open Lands Plan require a public hearing review process as outlined in Section 12-3-6 of the Town Code. The role of the Town Council is to consider the recommendation of the Planning and Environmental Commission, hold a

public hearing and make a final decision on adoption of the Plan, including any changes to the Plan that may be needed before adoption.

The Open Lands Plan Update, an element of the Comprehensive Plan, will need to be adopted by resolution by the Vail Town Council. Amendments to, or adoption of new elements of, the Comprehensive Plan must address the following review criteria:

Adoption of a Master Plan

The adoption of an amendment or update to a master plan needs to be in concert with the Town of Vail's Comprehensive Plan. The adopted master plan shall support, strengthen, and further the development objectives of the town. To ensure consistency with these objectives, the following factors for consideration are applied.

1) How conditions have changed since the original plan was adopted;

Staff finds that conditions have changed in the following manner since the adoption of the 1994 Comprehensive Open Lands Plan:

- Significant population growth in Vail and in Eagle County
- Increased summer visitation
- Gore Creek is now listed on the State's 303(d) list as an impaired waterway
- Ever-increasing challenges with establishing workforce housing in Vail
- Development of regionally-oriented recreation facilities in down-valley communities
- On-going redevelopment in Vail that has increased the density and intensity of use on many properties
- A dramatic increase in the level of use and types of use on recreational trails.
- Completion of 38 of the 51 original identified Action Items
- Significant impacts on wildlife resources

2) How is the original Plan in error?

The 1994 Comprehensive Open Lands Plan is not in error, but is over 24 years old. The Plan needs to be updated to remain relevant and consistent with the changing conditions and goals of the community.

This update still achieves the original objectives and is consistent with the purpose of the 1994 Plan. These objectives are:

- *To identify and develop strategies for acquiring or protecting key remaining open lands in Vail that would be valuable for recreation, protecting sensitive environmental resources, extending or connecting trails, providing adequate neighborhood open space, and creating a small amount of contingency land for unforeseen needs (e.g. employee housing, public facilities). These "public needs" lands, while included in this Plan, would be purchased from sources other than the RETT fund.*

3) How the addition, deletion, or change to the plan are in concert with the master plan in general.

Staff finds that the identified actions and supporting narrative of the 2018 Open Lands Plan Update are consistent with the stated goal and objectives of the 1994 Plan.

Following are several ways in which the Plan update is in concert with the master plan in general, and the Vail 2020 Strategic Action Plan specifically:

Land Use

- Adoption of this Plan helps to ensure that this advisory land use document is updated and current, as stated in Land Use Goal #1.
- The Plan helps to address environmental sustainability as a priority of the community.

Parks and Recreation

- The Plan helps to evaluate recreation opportunities on open space and trails, and identifies potential partnerships with public, private and non-profit entities (such as the U.S. Forest Service, Vail Resorts, Eagle County, and the Eagle Valley Land Trust) ultimately delivering added benefits to recreation users.
- Additional opportunities to enhance the trail network in Town are identified in the Plan, including opportunities to link to existing trails on Vail Mountain and outside Town of Vail municipal limits.

Environmental Sustainability

- The Plan identifies lands that can be used to maintain Gore Creek as a Gold Medal Water, and that can help to implement best practices for sedimentation and erosion control.
- The Plan helps to advance the Town's goals of educating the community on environmental issues and the role of open lands in promoting environmental stewardship.

Housing

- The Plan identifies vacant land for potential new employee housing.

Transportation

- The Plan identifies opportunities to expand the existing trail network which could also be expanded to connect to a regional rail system.

VII. RECOMMENDATION

At this time, no formal action is required by the Town Council. Staff anticipates that members of the public will attend the meeting to provide input and testimony on the draft 2018 Open Lands Plan Update, and Staff recommends that public comment be allowed.

A formal recommendation from the Staff will be provided at a later date. During their meeting of April 23, 2018, the Planning and Environmental Commission voted 5-0 to recommend approval of the 2018 Open Lands Plan Update.

VIII. ATTACHMENTS

- A. 2018 Open Lands Plan Update - DRAFT
- B. Appendix to Open Lands Plan
- C. Public Comment received on Town Website Since April 19, 2018