



2018 OPEN LANDS PLAN UPDATE

A PLAN FOR OPEN SPACE, TRAILS AND THE USE OF TOWN LANDS

Text in “**green**” reflects refinements made to the Plan during the Planning and Environmental Commission review process. Text in “**red**” reflect refinements made during the Town Council review process.



An element of the Vail Comprehensive Plan
Adopted xxx, xxx, Resolution #xx, Series 20xx

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

Introduction

The 1994 Comprehensive Open Lands Plan was adopted 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. **workforce** housing, public facilities)”. This update process was initiated by the Vail Town Council due to the age of the ‘94 Plan and in response to many conditions that have changed over the past twenty-four years.

The broad objectives of this planning process were to:

- Confirm the community’s goals for the Plan,
- Evaluate Action Items from the ‘94 Plan and identify new Action Items to further goals for protecting environmentally sensitive lands and addressing other goals of the Plan,
- Provide better direction regarding recreation trails,
- Evaluate how Town-owned lands can be used to address community needs, and
- Define management strategies for Town-owned lands.

Community Planning Process

Community input was an integral part of this planning process and involved the following:

- Three community scoping sessions
- Two community input sessions
- Trail-specific small group meetings and a community-wide meeting

- A wildlife forum
- Use of the Town’s web-based portal to obtain community input, and
- Public hearings with the Planning and Environmental Commission and Town Council.

Environmentally Sensitive Lands

The acquisition and protection of environmentally sensitive and other lands was a major focus of the ‘94 Plan. During this update process community input was clear that the protection of sensitive lands remains a very high priority. In 1994, an evaluation of all privately-owned lands was completed that identified thirty environmentally sensitive parcels to be acquired and protected by the Town. A similar process was done as a part of this update process. The updated Plan identifies **fifteen** such parcels (some of which were also recommend in the ‘94 Plan). The Plan also recommends establishing a task force to further study techniques for the protection of environmentally sensitive lands that could include increased use of the Town’s Designated Open Space process and the use of conservation easements.

Town-owned Lands and Use of Lands

The ‘94 Plan identified land needs for Town facilities and uses and provided recommendations for the use of eight Town-owned parcels. Many of these needs and recommendations have been implemented. This update process included the evaluation of all Town-owned lands to identify any parcels that may be suitable for Town use. None of the Town’s vacant parcels are suitable for the

development of public uses or community-oriented facilities. It is possible, however, that public facility needs could be provided by the redevelopment of currently developed parcels (e.g. the east end of the Lionshead Parking Structure or the Vail Municipal Building site). Four privately-owned parcels are identified for potential acquisition by the Town for future public use or community-oriented facilities.

Trails

Improving the trail and bike system was listed as one of the top three priorities for open space and recreation from the '94 Plan. Many trail and trailhead improvements have been completed since 1994. Trails remain a community priority and this Plan identifies a number of potential new trail ideas.

Wildlife resources in and around Vail have been significantly impacted by changes in the Gore Valley that have occurred since the early 1960's. The use of recreational trails can add to these impacts. For this reason, this update recommends that a number of steps be taken to improve wildlife resources prior to the development of any new trails. These steps include community education regarding how trail use affects wildlife, enforcement of seasonal trail closures, and enhancement of wildlife habitat. Further, it is recommended that prior to any new trail development a comprehensive, site-specific analysis of how existing trails, social trails and new trail ideas could impact environmental and wildlife resources be completed. This analysis will be used in making decisions on closing or formalizing social trails and on the development of any new

trails. The objective of this analysis is that any new trails must balance the community's recreational needs with sensitivity to wildlife and environmental considerations by **minimizing, mitigating, or eliminating** potential impacts from trails.

Implementation of the Plan

Steps to implement the goals of this Plan are provided in two chapters. Chapter 5 - Action Plan provides a summary of all Action Items - recommended land and easement acquisitions for the protection of environmentally sensitive lands, for the potential future development of recreation trails and for Town uses. Chapter 6 - Implementation provides a summary of follow-up studies and of other programs and tasks recommended to implement the goals of this Plan.

CHAPTER 1 - INTRODUCTION



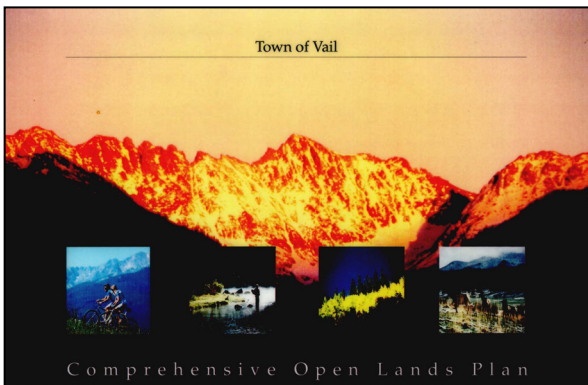
The Town of Vail has a long history of acquiring lands to preserve as open space and to develop park facilities. Over the years the Town has also been diligent in developing a recreational trail system and in the development of necessary public facilities. Toward that end, the 1994 Comprehensive Open Lands Plan (the '94 Plan) was adopted for the stated purpose:

“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).”

In the spring of 2016 the Vail Town Council initiated a process to update the '94 Plan.

The '94 Plan was developed over a period of two years with involvement of the Open Lands Steering Committee and after numerous community meetings. The five objectives of the '94 Plan were to:

- Identify a comprehensive system of open space uses such as parks, recreation, protection of environmental resources, trails and to reserve lands for public uses,
- Prioritize available open lands for acquisition or protection,
- Identify creative strategies to implement the acquisition and protection program,
- Define a management system to appropriately manage Town-owned open lands, and
- Buffer neighborhoods with open space.



1994 Comprehensive Open Lands Plan.

During the development of the '94 Plan the Town was involved in a number of related activities. These included inventorying all Town lands, revisiting open space zone districts, working on a Land Ownership Adjustment Plan (LOA) with the United States Forest Service,

developing an inventory of environmentally sensitive open lands (with the Colorado Natural Heritage Program) and proposing zone changes for public and private parcels. The 1994 Comprehensive Open Lands Plan served to integrate these efforts and to provide a framework for these and other actions related to open lands.

The main elements of the '94 Plan included an Action Plan for the acquisition of land or easements and other steps to protect sensitive lands and further the goals of the Plan, a conceptual trails plan, identification of public facility needs and recommended uses for some Town lands, .

NEED TO UPDATE THE 1994 OPEN LANDS PLAN

The Vail Town Council directed Town staff to update the '94 Plan in the Fall of 2016. Discussion of the potential re-development of the Vail Trail was the catalyst that prompted this update. Notwithstanding why the Town Council initiated this process, an update of the '94 Plan was needed if for no other reason than twenty-four years have passed since its adoption.

There has been a great deal of change in Vail and Eagle County over the past twenty-four years and much of this change is directly or indirectly related to specific recommendations of the '94 Plan:

- Significant population growth in Vail and Eagle County,
- Increased summer visitation,
- Gore Creek is now listed as Impaired,
- Ever increasing challenges with establishing workforce housing in Vail,
- The 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, and
- Significant declines in wildlife populations and resources.
- In 2018 Vail was recognized as the first sustainable mountain resort destination in the world and the first Certified Sustainable Destination in the United States certified by a Global Sustainable Tourism Council-Accredited body, Green Destinations.

Each of these considerations reinforce the need to re-visit the '94 Plan.

GOALS FOR UPDATING THE 1994



Gore Creek is now listed as Impaired.

OPEN LANDS PLAN

The Town Council specifically asked for an update to the '94 Plan, and not an entirely new open lands plan. As an update, it has been assumed that the basic format and topics addressed by the '94 Plan are valid today. As such, the focus of this planning process was to revisit all elements of the '94 Plan and evaluate



Existing section of the Vail Trail.

how they can be refined to better respond to conditions in Vail today and into the future. In essence, the goal of this planning process was to update the Plan to provide a framework for effectively implementing actions to achieve Vail's goals for the preservation of open space, the development of trails and the use of Town lands.

The process for updating the '94 Plan was designed to address the following broad objectives:

- Confirm the community's overall goals and

priorities for the Plan,

- 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,
- Provide better direction for the potential development of recreation trails,
- Evaluate Town-owned lands for how they can be used to meet community needs,
- Define management strategies for Town-owned lands, and
- Protect environmentally sensitive lands and wildlife.

APPROACH TO THIS UPDATE PROCESS

The major steps in updating the '94 Plan included:

Evaluation of the '94 Plan

A critical review of the '94 Plan was completed to understand the strengths of the Plan and elements of the Plan that could be improved.

Community Scoping Sessions

At the outset of the project three community scoping meetings were held. Information about Vail's Comprehensive Plan, the '94 Plan and related topics were presented. Participants were encouraged to provide questions and comments at these meetings and a portal was established on the Town's web page as another means for the community to offer comments on the Plan.

Technical Advisors

Throughout the planning process, technical experts, agencies and potential partners who are involved in topics addressed by the Plan were engaged. Examples of these include Colorado Parks and Wildlife, Vail Resorts trails staff, Eagle County and the Eagle Valley Land Trust.

Evaluation of Lands

Extensive evaluations of Town-owned and privately-owned lands were completed to gain a comprehensive understanding of these lands and to identify the role they could play in implementing the goals of this Plan.

Community Meetings

Two community meetings were held during the planning process. These meetings focused on various aspects of the update and allowed for community interaction and conversation about the Plan.

Recreation Trails

A series of small group scoping meetings specific to trails and a community-wide trails workshop were held to better understand perspectives regarding existing trails and potential improvements to the Town's trail system.

Review Process

Following preparation of a draft plan, the proposed update was reviewed by the Vail Planning and Environmental Commission and the Vail Town Council.

COMMUNITY INVOLVEMENT

Community involvement played a significant role in this update process. Input was obtained during three scoping meetings, two community meetings, a series of small group meetings and a community-wide workshop dedicated to trails.



Small group discussion at second community meeting.

A portal dedicated to open lands was provided on the Town's web page and input was obtained by written questionnaires that were provided during meetings. Community input was also obtained during the formal review of the Plan by the Planning and Environmental Commission and the Town Council.

Input from the community during the planning process was a major influence in the development of the updated Plan. Trails are a good example of how community input influenced the planning process. During scoping and community meetings, many passionate opinions were expressed about Vail's existing trails, the need for new trails and the potential impact from trail use on wildlife. To better understand how the community felt about trails and to bring those with divergent viewpoints together for discussion, small group sessions specific to trails and a community-wide trails workshop were held. The SE Group, a design firm that specializes in trail design and planning, was engaged to facilitate these efforts. A wildlife forum was then held to discuss the state of wildlife in the Gore Valley. The effort put towards trails was considerably greater than originally anticipated and this effort was taken in direct response to input from the community.

As with any community planning process, it is often difficult to draw consensus from input that is provided from the community. This is because in most cases community members will have a variety of different viewpoints and while some conclusions can be drawn from opinions provided by those who participate in a planning process, the opinions of those who do not participate are not heard. For many reasons, finding a clear consensus on community goals is a challenging task.

Subsequent chapters of this Plan provide a summary of comments that were heard from the community during this update process. In most cases a wide range of divergent comments were heard. These summaries are not scientific and are not intended to suggest community consensus. Rather, the summaries of community input provided in the following chapters are intended to convey general themes of what was expressed by the community

ORGANIZATION OF THIS PLAN

The 2018 Open Lands Plan Update includes the following chapters:

1. Introduction

This chapter provides background on the '94 Plan, the need, goals for and approach to this update.

2. Environmentally Sensitive Lands

This chapter summarizes how the '94 Plan addressed environmentally sensitive lands and community input during this update process, defines environmentally sensitive lands, outlines measures that have been taken to protect such lands and identifies additional lands that may warrant protection.

3. Town-Owned Lands and Use of Lands

A summary of how the '94 Plan addressed Town-owned lands, community input during this update process, an evaluation of all Town-owned lands and privately-owned lands (that could further the goals of this Plan) are provided in this chapter.

4. Trails

Goals and accomplishments relating to trails from the '94 Plan, community input during this update process, a vision for trails, a conceptual trails plan and subsequent steps in the planning and approval processes for any new trail development are provided in this chapter.

5. Action Plan

The '94 Plan includes an Action Plan that identified fifty-one Action Items to acquire easements or land necessary to implement the goals of the Plan. Many of these action items have been accomplished. An updated Action Plan is provided in this chapter.

6. Implementation

This chapter outlines implementation steps and follow-up tasks.

7. Appendix

The '94 Plan and other supplemental information are found in the appendix.

The 2018 Open Lands Plan Update provides a framework for actions the Town can implement for the protection of lands, trails and the use of Town lands. The 2018 Open Lands Plan Update was adopted by Resolution No. XX, Series 20XX by the Vail Town Council after recommendation from the Vail Planning and Environmental Commission. This Plan is an element of the Town's Comprehensive Plan.

TERMS USED IN THIS PLAN

Below are definitions for terms used throughout this Plan:

Conservation Easement – A voluntary legal agreement between a landowner and a land trust (or other qualified organization) in which

the land owner places restrictions on the use of his or her land in order to protect its conservation values.

Designated Open Space - Property owned by the Town of Vail which has been dedicated by ordinance as designated open space.

Easement - A legal right to use another's land for a specifically defined purpose.

Environmentally Sensitive Lands – Lands that include natural features such as wetland or riparian habitat, water courses, wildlife habitat, native plant or other unique vegetation, steep slopes or other geologic hazards.

Land Trust - A charitable organization that acquires land or conservation easements, or that stewards land or easements, for conservation purposes.

National Environmental Policy Act (NEPA) - A federal environmental law in the United States that promotes the enhancement of the environment and established the President's Council on Environmental Quality (CEQ). NEPA requires Federal Agencies to assess the environmental effects of their proposed actions prior to making decisions.

Open Lands – Vacant, undeveloped land that may be owned by the Town of Vail or privately-owned.

Open Space – Lands owned by the Town of Vail that have been assigned as Designated Open Space, or Town-owned land or privately-owned lands that are zoned for open space or have a conservation easement.

Pump Track - A soft surface cycling trail consisting of a circuit of banked turns and features designed to be

ridden completely by riders creating momentum by "pumping" the bicycle.

Social Trail - An unofficial or non-designated soft surface trail that has not been formally approved by the land owner or applicable review authority. Social trails are typically not constructed based on design plans, rather they develop overtime from hiking or biking activity.

Task Force – A small group of people appointed to a special committee formed expressly for the purpose of studying a particular problem for a limited timeframe.



CHAPTER 2 - ENVIRONMENTALLY SENSITIVE LANDS

While the '94 Plan addressed recreational trails, Town facilities and the use and management of Town lands, the identification of environmentally sensitive lands and recommendations for their acquisition and protection was the primary focus of the Plan. The '94 Plan's focus on environmentally sensitive lands is evident a number of ways. Two of the five objectives of the '94 Plan were to "prioritize available open lands for acquisition or protection" and to "identify creative strategies to implement the acquisition and protection program". The number one priority for recreation and open space is to "acquire, preserve and protect natural open space" and the top priority for land acquisitions is to "protect sensitive natural habitat areas, riparian areas and hazard areas". Thirty of the fifty-one Action Items from the '94 Action Plan involve the acquisition and protection of environmentally sensitive lands and over half of the Action Items that have been implemented have resulted in the acquisition and preservation of such lands.

Since its adoption, the '94 Plan has been regarded by some as an "open space plan". While the '94 Plan is far more than just an open space plan, the emphasis of the '94 Plan is clearly on the preservation of environmentally sensitive and other open space lands.

The terms "open lands" and "open space" are used throughout this Plan. When used, open lands refer to vacant, undeveloped land that may be owned by the Town or privately-owned. Open lands are generally discussed in the context of how they could be used by the Town to address the need for public

uses or facilities or how the lands could be protected as open space. Open space generally refers to lands owned by the Town that have been assigned as Designated Open Space, or Town-owned or privately-owned lands that are zoned for open space or have a conservation easement. Open space is also used to refer to lands recommended by this Plan for acquisition by the Town for protection as open space, or privately-owned lands that may be appropriate for conservation easements or other protection measures.

This chapter summarizes community input on environmentally sensitive lands and provides an explanation of the type of lands that are considered environmentally sensitive. Explanation of how potentially environmentally sensitive, privately-owned lands were evaluated and recommendations for lands to be acquired by the Town are provided. Finally, techniques to be used for the protection of these lands are addressed.

COMMUNITY INPUT

There was very broad support among those who participated in scoping sessions and community meetings for the Town to continue efforts to acquire and protect environmentally sensitive lands. Most felt that the '94 Plan and the Town's previous efforts to acquire lands for open space (and for park and trail development) have been very beneficial. Reasons for continuing these efforts varied. For many, the need to protect our environmentally sensitive

lands and wildlife resources were the most compelling reasons for the Town to acquire lands. For others, the benefit of acquiring lands was to prevent them from being developed. Acquiring lands to create buffers between neighborhoods and to establish open space that would offset the impacts from the ongoing redevelopment of Vail was also mentioned.

There was a noticeable emphasis in public input regarding the water quality of Gore Creek and the potential benefits of land acquisitions that could contribute to improving the health of this creek and its tributaries.

The Real Estate Transfer Tax (RETT) has been the Town's primary funding source for the purchase of lands for open space or recreational purposes. There were many comments regarding RETT, ranging from a suggestion to expire the tax due to the lack of lands available for purchase, to refocusing the use of RETT funds on land purchases as opposed to maintenance and other purposes. There were a number of comments that land purchased with RETT funds should only be used for open space or park purposes. A summary of how the RETT ordinance has been amended over the years is found in the appendix.

ENVIRONMENTALLY SENSITIVE LANDS

In the '94 Plan, the primary reason for the Town to acquire open lands was to protect environmentally sensitive land resources. The protection of the Gore Creek corridor and its importance as a wildlife, riparian and wetland resource and recreation amenity was also

mentioned, as were open space acquisitions that would preserve the "mountain experience and the natural character of the Vail Valley".

While these reasons provided some guidance in identifying potential parcels for acquisition, they are broadly stated and do not provide specifics with regards to what is meant by environmentally sensitive lands. Considerations below define environmentally sensitive lands:



Wetland / Riparian area along Gore Creek.

Wetland and Riparian Areas

Wetlands and riparian areas provide flood control, filtration of storm water run-off and important habitat for a myriad of wildlife and plant species. These areas are particularly important to Gore Creek for two reasons. Gore Creek has been listed as Impaired by the Colorado Department of Public Health and Environment due to lack of aquatic life and the lower stretch of the creek is designated Gold Medal Water by Colorado Parks and Wildlife. The Town has responded to this situation a number of ways, most notably by the adoption of Restore the Gore, a Gore Creek Strategic Plan for

improving the health of this water course. The acquisition and protection of parcels along Gore Creek and its tributaries that could help improve water quality and benefit the aquatic health of this water course should be considered.

Wildlife Corridors and Habitat

The abundance and variety of wildlife that can be seen in and around Vail are resources valued by both residents and guests. Population declines of key species such as elk, mule deer and bighorn sheep over the past two decades have been attributed to habitat fragmentation and increased trail and recreational use. Acquisition of parcels which could establish habitat connectivity, potential wildlife corridors and areas known to contain seasonal habitat for species should be considered.

Native Plant Habitat

Lands that support sensitive or native plant species and other notable vegetation cover that contributes to the Town's scenic and natural qualities.

Geologically Sensitive Lands

Lands that include geologically sensitive areas such as avalanche, debris flow, rockfall, steep slope and floodplain hazards.

The considerations above have been used to identify lands that if acquired and protected would further the goals of this Plan.

EVALUATION OF UNDEVELOPED PRIVATELY-OWNED LANDS

The major focus of the '94 Plan was to identify environmentally sensitive lands and to outline strategies for the Town to acquire and protect them. A comprehensive evaluation of all undeveloped lands not owned by the Town was completed. The purpose of this evaluation was to identify specific parcels that if acquired or protected could further the goal of protecting sensitive environmental resources. This evaluation resulted in thirty parcels that were recommended for acquisition and protection.

As a part of this update process, an evaluation similar to that done in 1994 was completed for all privately-owned, undeveloped lands within the Town. The purpose of this evaluation was twofold - to identify any lands that may have been overlooked by the '94 Plan and to see if changed conditions warrant the inclusion of lands that were not addressed by the '94 Plan. One hundred and six parcels were evaluated relative to the considerations described above.

The Privately-Owned Lands/Parcels for Acquisition and/or Protection Plan on the following page depicts all undeveloped, privately owned parcels within the Town of Vail and the **fifteen** parcels recommended for acquisition or protection (note that privately owned also includes land owned by agencies such as the Eagle River Water and Sanitation District and the Colorado Department of Transportation).

Properties identified on the Privately-Owned Lands/Parcels for Acquisition and/or Protection Plan include parcels that:

- Are located adjacent to Gore Creek or one of its tributaries,
- Benefit wildlife habitat by providing movement corridors or other benefits,
- Are inaccessible due to terrain or ownership or where access would have negative impact on the land,
- Include steep slopes or other environmental hazards.

Not all parcels that met the parameters above are recommended for acquisition or protection. For example, a two-acre parcel in East Vail was originally recommended for acquisition or protection. After discussion with landowners (Bighorn Mutual Sanitation and Recreation District) of their intentions to maintain the parcel as open space, it was determined by Council to not recommend this parcel for acquisition or protection.

Acquisition of parcels would involve the Town approaching the land owner to gauge their interest in selling their land to the Town. Subject to agreeing on terms, the Town would acquire the land and then take steps to ensure it is protected from development. In lieu of outright acquisition, the protection of lands could also be achieved by the Town working with land owners to protect the land from development. This could be accomplished by placing a conservation easement on the land that would restrict or limit its development. In certain cases, the conservation easement could involve compensation to the land owner for development rights that would be relinquished by

the conservation easement. Another alternative could be to work with land owners to rezone property to limit its development potential or to define no-build areas that would prevent



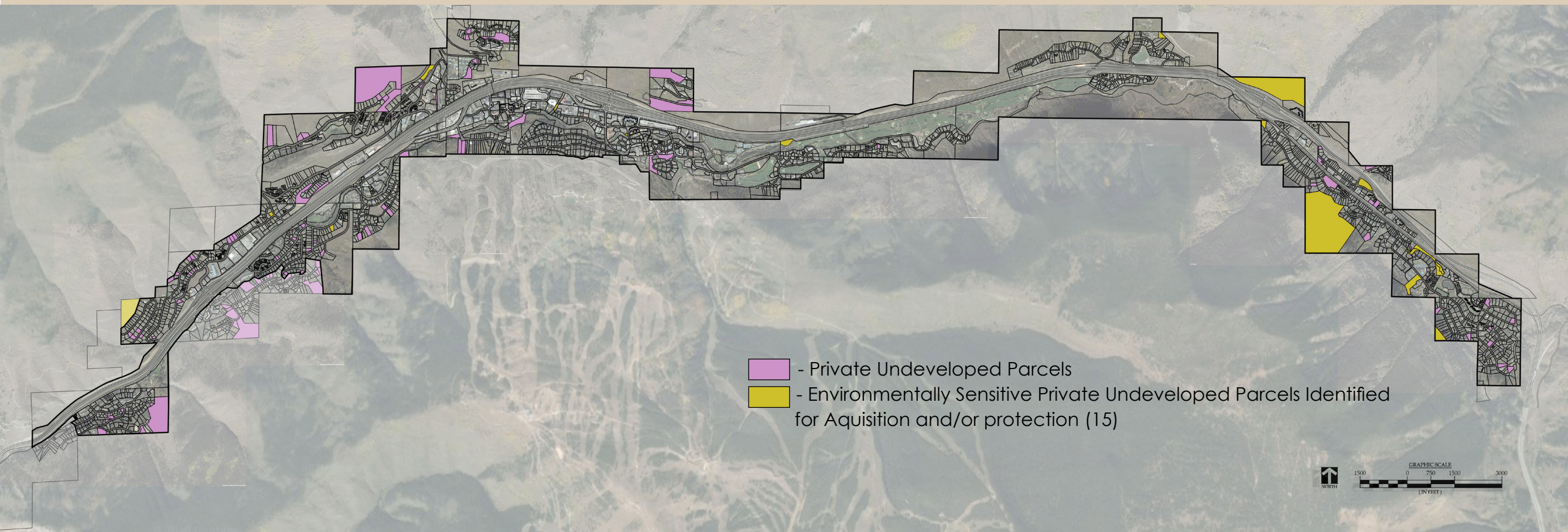
Rockfall and steep slope hazards in the Lionsridge neighborhood.

development of environmentally sensitive portions of a parcel.

Each of the **fifteen** parcels identified for acquisition or protection are more specifically discussed in Chapter 5 - Action Plan. Information provided in Chapter 5 includes the parcel size, zoning and ownership, the benefits for acquisition and protection of the land, and recommendations for acquisition of the land or other protection strategies.

PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS

The '94 Plan addressed the importance of the Town protecting environmentally sensitive lands from future development or changes of use.



PRIVATELY-OWNED LANDS/PARCELS FOR ACQUISITION AND/OR PROTECTION PLAN

This was prompted in part by community input during the development of the '94 Plan:

“one of the concerns frequently expressed at the public meetings was the need to ensure that once lands are acquired for open space, parks and trails that they be protected from conversion to other uses in the future”

From 1994 Open Lands Plan

In response, the '94 Plan suggested two approaches for protecting lands – the use of conservation easements or a referendum process that would require voter approval to change the zoning and use of Town-owned lands.

Conservation Easements

Conservation easements permanently protect the conservation values of land by limiting the use or development of the land. Establishing a conservation easement is the decision of the land owner and involves working in partnership with an independent land trust, such as the Eagle Valley Land Trust, which would hold the easement. The easement is legally enforceable and is recorded with the property deed. Subject to the goals of the land owner and negotiations with the land trust, an easement may allow for limited uses (such as trails or utilities) that do not compromise the conservation values of the land and may also specify management practices for the land. Once an easement is in place the land owner retains ownership of the land while the land trust is responsible for monitoring the land to ensure its use is consistent with the terms of the easement. Conservation easements

are considered to be unchangeable and establish permanent protection of the land's conservation values.

The role conservation easements can play in the Town's goals for protection of environmentally sensitive lands is discussed in Chapter 6 Implementation.

Referendum/Voter Approval

A common approach for communities to protect publicly-owned lands from future development or changes of use is to zone the property so that development potential is very limited and then require a vote of the public to change such zoning. Voter approval to change zoning eliminates concerns with future councils changing the decisions of previous councils. This approach is considered to be an effective means for protecting lands but is less permanent than a conservation easement.

While a handful of conservation easements are in place on Town-owned lands, the Town Council amended the Town Charter in 1995 to establish Designated Open Space. Designated Open Space is an overlay designation that can be applied by the Town Council to any Town-owned parcel that satisfies certain criteria. The open space designation cannot be changed, nor can a parcel that has been dedicated Designated Open Space be sold, without a three-fourths vote of the Town Council and then a vote of the public. Specific procedures for Designated Open Space as prescribed by the Town Charter are found in the appendix of this Plan.

Community Input on the Protection of Lands

The protection of Town-owned lands was discussed throughout this update process. This discussion focused on the need for lands to be protected

and more specifically the methods used for protection. Two common themes, or questions, were heard:

Are there additional environmentally sensitive lands owned by the Town that warrant being dedicated Designated Open Space?

While the process to change a parcel that has been dedicated Designated Open Space may be challenging, are there lands owned by the Town that warrant further protection via a conservation easement?

In response to these questions, an evaluation of Town-owned lands that could qualify to be Designated Open Space and Town-owned lands that could be considered for conservation easement protection was completed.

DESIGNATED OPEN SPACE LANDS

Since 1995, the Town has applied the Designated Open Space overlay to fifty-seven Town-owned parcels that comprise 533 acres. The process for applying this designation involves a recommendation from the Open Space Board of Trustees (comprised of the Town manager, one member from the Town Council and one member from the Planning and Environmental Commission) that is presented to the Town Council. The Open Space Board of Trustees recommendation must be unanimous. A three-fourths vote of the entire Town Council is then required to apply the open space designation on a parcel of land.

To be considered for dedication as Designation Open Space, a parcel must be owned by the

Town of Vail and zoned either Natural Area Preservation, Outdoor Recreation or Agricultural Open Space. In addition, the parcel must be either:

1. Environmentally sensitive lands (wetlands, riparian areas, critical habitat identified by Colorado Parks and Wildlife, or the Natural Heritage Program);
2. High natural hazard areas including the 100-year flood plain, red avalanche hazard area, high rock fall hazard area, and high debris flow hazard area; or
3. Town of Vail parks that provide passive outdoor recreation opportunities.

A map depicting the Town's Open Space Zoned Lands, Designated Open Space, and Conservation Easements is found on the following page. This Plan depicts:

- Town-owned parcels that are Designated Open Space,
- Town-owned parcels that are zoned Natural Area Preservation, Outdoor Recreation or Agricultural Open Space but **do not** meet one of the three criteria listed above,
- Town-owned parcels that are zoned Natural Area Preservation, Outdoor Recreation or Agricultural Open Space that **do** meet one of the other three criteria, and
- Town-owned lands with a conservation easement

A total of twenty-six Town-owned parcels are appropriately zoned and satisfy one or more of the criteria pertaining to environmental sensitivity, natural hazards or passive recreation,

but are not Designated Open Space. Each of these parcels could potentially be Designated Open Space.

While Designated Open Space parcels can be changed, once a parcel is dedicated as Designated Open Space it is arguably locked up as park or open space land, due to the steps necessary to change such designation. As such, dedicating a parcel Designated Open Space should only be done after thorough consideration of all relevant factors. The Town must be certain of their commitment and understand that any future or unforeseen land needs that may arise could only be developed on designated parcels if such uses conformed to the limited range of uses permitted by these three open space zone districts.

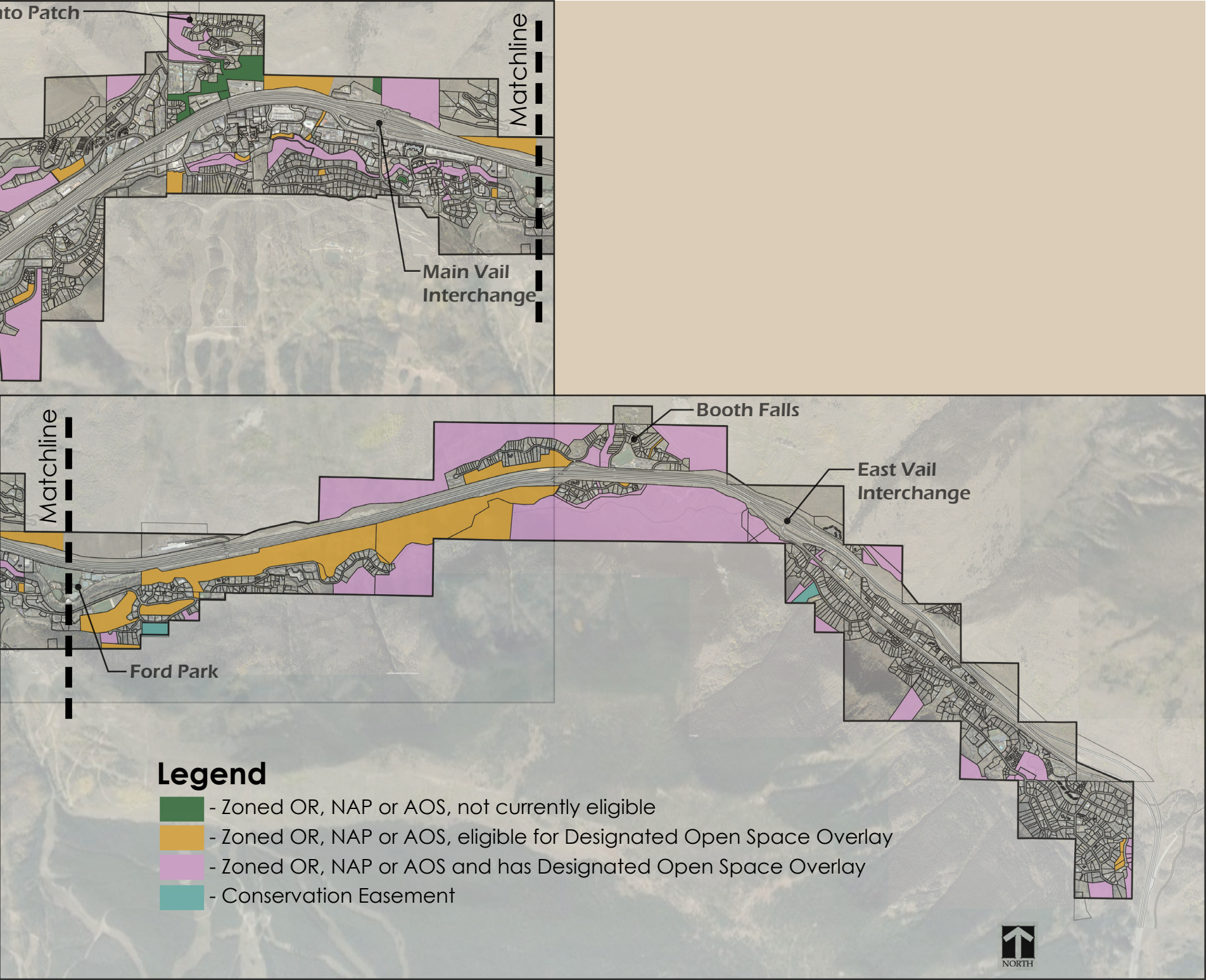
In depth study of these twenty-six parcels is necessary in order to determine which, if any warrant being dedicated as Designated Open Space. Factors to be studied include site characteristics, zoning and potential opportunities for future Town use. This effort should be initiated by Town Staff and supported by a citizen's task force to ensure there is broad community involvement in this process.

As a part of the staff and task force efforts described above, all Town-owned lands should be evaluated to identify any parcels that are currently not zoned Natural Area Preservation, Outdoor Recreation or Agricultural Open Space, but may otherwise be appropriate for Designated Open Space. In such cases, consideration could be given to re-zoning such lands to one of the three open space districts so that they would be eligible to be Designated Open Space. The Designated Open Space process as outlined in the Town Charter should also be evaluated to determine if changes could be made to



A conservation easement has been established on the Town's waterfall parcel in East Vail.

**OPEN SPACE ZONED LANDS
DESIGNATED OPEN SPACE AND
CONSERVATION EASEMENTS**



increase the flexibility of how Designated Open Space can be established. Such decisions would ultimately be made by the Town Council after recommendation from the staff and task force.

Refer to Chapter 6 – Implementation for more information.

CONSERVATION EASEMENTS

The Town's Designated Open Space process provides very strong assurances that designated lands will be protected by limiting uses and preventing the sale of such lands. It is very difficult to change Designated Open Space once it has been established. That said, community input has suggested the use of conservation easements to provide stronger protection of the Town's open spaces.

Conservation easements are held in perpetuity by a land trust which in essence means the land is protected forever. Conservation easements are widely considered the most effective means of protecting lands from development or changes in use that could otherwise affect the conservation values of the land.

The benefit of applying a conservation easement to Town-owned land is that the land would be protected in perpetuity, and in doing so would provide lasting protection of environmentally sensitive lands or lands with other characteristics that are valued by the community for preservation. The potential detriment of applying a conservation easement to Town-owned land is that the Town would be committing to limitations on the use of such lands and giving up the control of the land to the land trust. A conservation easement would

limit land uses and in doing so limit the Town's flexibility in using land to meet future, unforeseen land needs.

In response to community sentiment and the value held by many for the importance of the Town to protect key open space parcels in perpetuity, the task force efforts described above should also include the evaluation of Town-owned lands that may warrant protection by a conservation easement. Establishing an additional layer of protection afforded by a conservation easement may be beneficial on lands that could otherwise have some level of development potential or where unique site characteristics may warrant additional protection. The key questions when considering the implementation of a conservation easement is whether the value of the land as open space is such that it should always and forever be protected and maintained as open space and whether the Town is prepared to relinquish control of the land to a third party. By placing a conservation easement on Town-owned land, the Town would be making a statement about its commitment to the environment and leaving a legacy of conservation for future generations.

The Town Council has the authority to establish easements on Town-owned lands and this authority includes conservation easements. If the Town Council initiates a staff/task force effort to study conservation easements, it is anticipated that this will involve a comprehensive evaluation of the pros and cons of conservation easements, identification of parcels that may be appropriate for protection by a conservation easement and recommendations on a formal process for establishing such easements.

Town Parcels to Consider for Conservation Easement

The four areas of Town described below are dedicated as Designated Open Space and each provides open space that is highly valued by the community for the scenic qualities, neighborhood buffers or sensitive lands they contain. These parcels are suggested for further evaluation to understand the potential benefits of protecting these lands with a conservation easement. This evaluation should also consider other Town-owned parcels that may warrant protection by a conservation easement.



Gore Creek Corridor

The Town owns the majority of the Gore Creek corridor between Ford Park and Donovan Park. These parcels total approximately 37 acres and approximately half of these parcels are Designated Open Space. These parcels include Gore Creek and associated floodplain, wetlands and riparian areas. With the exception of trails or passive recreation improvements such as benches, these parcels are not buildable. Establishing a conservation easement on these lands would be a strong statement as to the

importance of Gore Creek's aquatic health. Any conservation easement would need to acknowledge the limited existing (and future) improvements such as trails, bridges, utilities and drainage improvements, etc.



Katsos Ranch

The 144 acre Katsos Ranch is arguably Vail's most renowned open space parcel. The land includes wetlands, Gore Creek and associated floodplain and riparian habitat, high and moderate severity debris flow, high severity rock fall and avalanche hazards. The site provides an important buffer between East Vail and the Aspen Lane neighborhood and coupled with its scenic qualities and environmentally sensitive features, this parcel warrants consideration for a conservation easement. If a conservation easement is pursued, reserved rights for trails and the Memorial Garden should be retained.



Booth Falls Parcels

Two parcels located around the Booth Falls neighborhood are both zoned Natural Area Preservation. The easterly parcel is 30.2 acres and is impacted by steep slopes and high severity rockfall hazard. The westerly parcel is 93 acres and is impacted by debris flow hazards. Both parcels are considered critical bighorn sheep range/habitat. The bighorn sheep habitat on these parcels make them unique and this warrants consideration of a conservation easement. If a conservation easement is pursued, reserved rights for trails and maintenance of rockfall mitigation should be established.



Upper Bench of Donovan Park

The +/-35 acre Upper Bench parcel is zoned Outdoor Recreation and was purchased with RETT funds. The parcel is impacted by high hazard debris flow and steep slopes. The parcel provides an open space buffer within the Matterhorn neighborhood. The property has good access and subject to mitigation of hazards, could have development potential and for this reason this parcel warrants consideration of a conservation easement. If a conservation easement is pursued, reserved rights for trails, passive recreation use and temporary uses such as staging areas for timber removal.



CHAPTER 3 - TOWN-OWNED LANDS AND USE OF LANDS

One of the five objectives of the '94 Plan was to:

“Identify a comprehensive system of open space uses such as parks, recreation, protection of environmental resources, trails and to reserve lands for public use”

One of the stated purposes of the '94 Plan was to “create a small amount of contingency land for unforeseen needs (e.g. **workforce** housing, public facilities)” and an objective of the Plan was to “identify, to the extent possible, future public needs (or needs not currently being met) that will require land”. The Action Plan included recommendations for the use or acquisition of “parcels intended for other community needs such as an additional fire station”.

The '94 Plan identified five Town of Vail issues and needs for community-oriented projects that would require land:

1. Expansion of the Public Works facility
2. New West Vail Fire Station
3. Vail Police Department firing range
4. Expanded play areas at Red Sandstone Elementary School
5. **Workforce** housing projects at Vail Commons and the Mountain Bell site

With the exception of the Police Department firing range, each of the projects listed above have been implemented. The Public Works expansion and the Chamonix housing project are located on land that was identified for acquisition by the '94 Action Plan.

The '94 Plan also provided recommendations for the use of eight Town-owned parcels. Three of these recommendations involved the development of **workforce** housing on the Vail Commons parcel, on four lots located on Garmish Drive and on the Mountain Bell site. Each of these recommendations has been implemented. While the Berry Creek parcel located in Edwards was ultimately sold to Eagle County, the Plan's recommendations for recreational and housing development on this parcel have been implemented by others.

The purpose of this chapter is to understand the Town's land resources and how they can address the Town's future land needs. Below is a summary of community input on the use of Town-owned lands and the need for new or expanded community facilities. An evaluation of whether Town-owned lands can accommodate future community-oriented uses, input from Town staff on the need for new or expanded community facilities and an evaluation of all vacant, privately-owned land that could potentially address future public needs is also provided.

COMMUNITY INPUT ON THE USE OF TOWN LANDS

A variety of opinions were expressed by the community regarding Town facilities, the need for expanded or new facilities, the use of Town-owned lands and if or under what circumstances the Town should acquire land for