



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: May 21, 2019

SUBJECT: 4018 Willow Way - Permission to Proceed
Use of Town Owned Property

I. DESCRIPTION OF REQUEST

SMF East Vail LLC (Applicant), represented by Steven Finn, is requesting permission to proceed through the Town's development review process to construct a driveway and associated retaining walls, as well as utilities and drainage improvements, within a proposed easement on Town of Vail property at 4018 Willow Way (Bighorn Subdivision, Lot 10) in order to access and develop a 45-acre parcel with no street frontage.

The Applicant must obtain approval from the Vail Town Council as the property owner of 4018 Willow Way before proceeding through the Town's development review process for any improvements on Town owned property.

The Vail Town Council is not being asked to approve the design of the driveway or retaining walls, or to grant an easement at this time, but rather to authorize the applicant to proceed through the development review process for use Town owned property. If approved by the Town Council, the Council will still have an opportunity to call-up the development application for further review. The Town Council, as property owner, will also need to grant an easement in the future before construction begins, and could withhold approval of the easement.

II. BACKGROUND

Lot 10, Bighorn Subdivision – Lot 10 is approximately 0.6 acres. It is undeveloped within an otherwise developed subdivision, and is zoned Two Family Primary/Secondary (PS). The lot was platted on December 3, 1962, and was annexed into the Town in 1974 via Ordinance 20, Series of 1974. There is an existing 10' wide Utility Easement at the end of Willow Way, with 5' on Lot 10 and 5' on Lot 11.

45-acre Parcel - The 45-acre parcel is unplatted. The parcel was annexed into the Town in 1974 via Ordinance 20, Series of 1974. The undeveloped parcel is zoned Agricultural and Open Space (A).

On April 1, 1980, the Vail Town Council approved Resolution No. 9, Series of 1980, authorizing the purchase of Lot 10, Bighorn Subdivision, which was determined to be necessary for the Town's Open Space program.

On March 1, 1994, the Vail Town Council approved Resolution No. 6, Series of 1994, adopting the 1994 Comprehensive Open Lands Plan. The 45-acre parcel was identified at Parcel #44 in the 1994 Plan, as a high priority for protection. The goals for this parcel were for the Town of Vail to acquire a trail easement and development rights.

On October 16, 2018, the Vail Town Council adopted the 2018 Open Lands Plan. One of the purposes of the Open Lands Plan was to protect environmentally sensitive lands. The 45-acre parcel was identified in the Plan as Action Item #21, with the purpose of protecting environmentally sensitive land from development. The Plan recommends that the Town acquire the parcel or work with the owner on conservation easements or other measures to eliminate development potential.

III. SITE CHARACTERISTICS

Steep Slopes

Lot 10, Bighorn Subdivision contains slopes of at least 30%, with a majority of the lot on slope of 40% or greater. About half of the 45-acre parcel is on slopes over 40% slope.

The map below shows slopes over 30% slope in pink, and slopes over 40% slope in red.

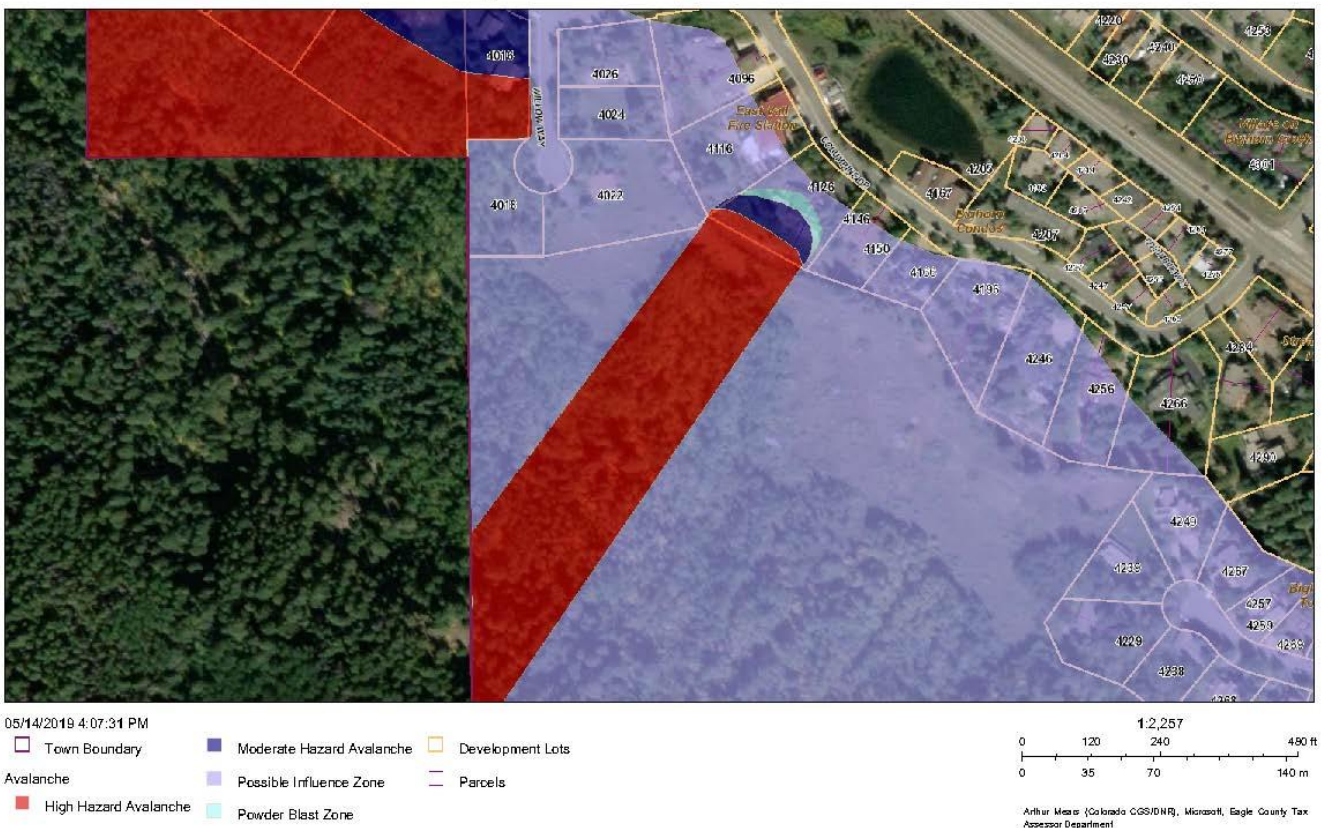


Avalanche Hazard

All of Lot 10 and the 45-acre parcel are within Avalanche Hazards areas. The most severe avalanche hazard is a narrow band on the 45-acre parcel, which includes High Hazard (Red) Avalanche hazard. Development is prohibited within the High Hazard (Red) Avalanche zone. Development may be possible, with proper engineering and construction, within Moderate Hazard and Possible Influence zones.

The map below shows the portions of each site within various Avalanche Hazard zones. **Red** areas are high avalanche hazards, **blue** are moderate hazards, and **lavender** is a possible influence zone.

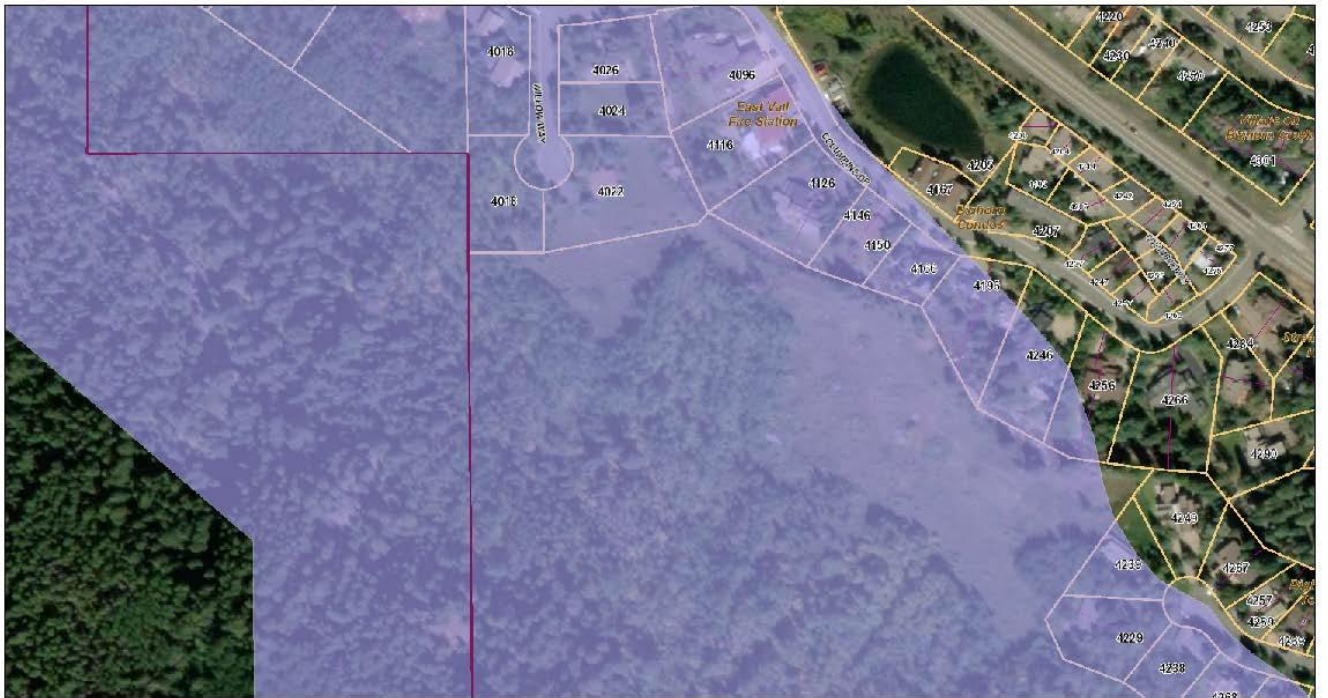
4018 Willow Way - Permission to Proceed - Avalanche Hazards



Rockfall Hazard

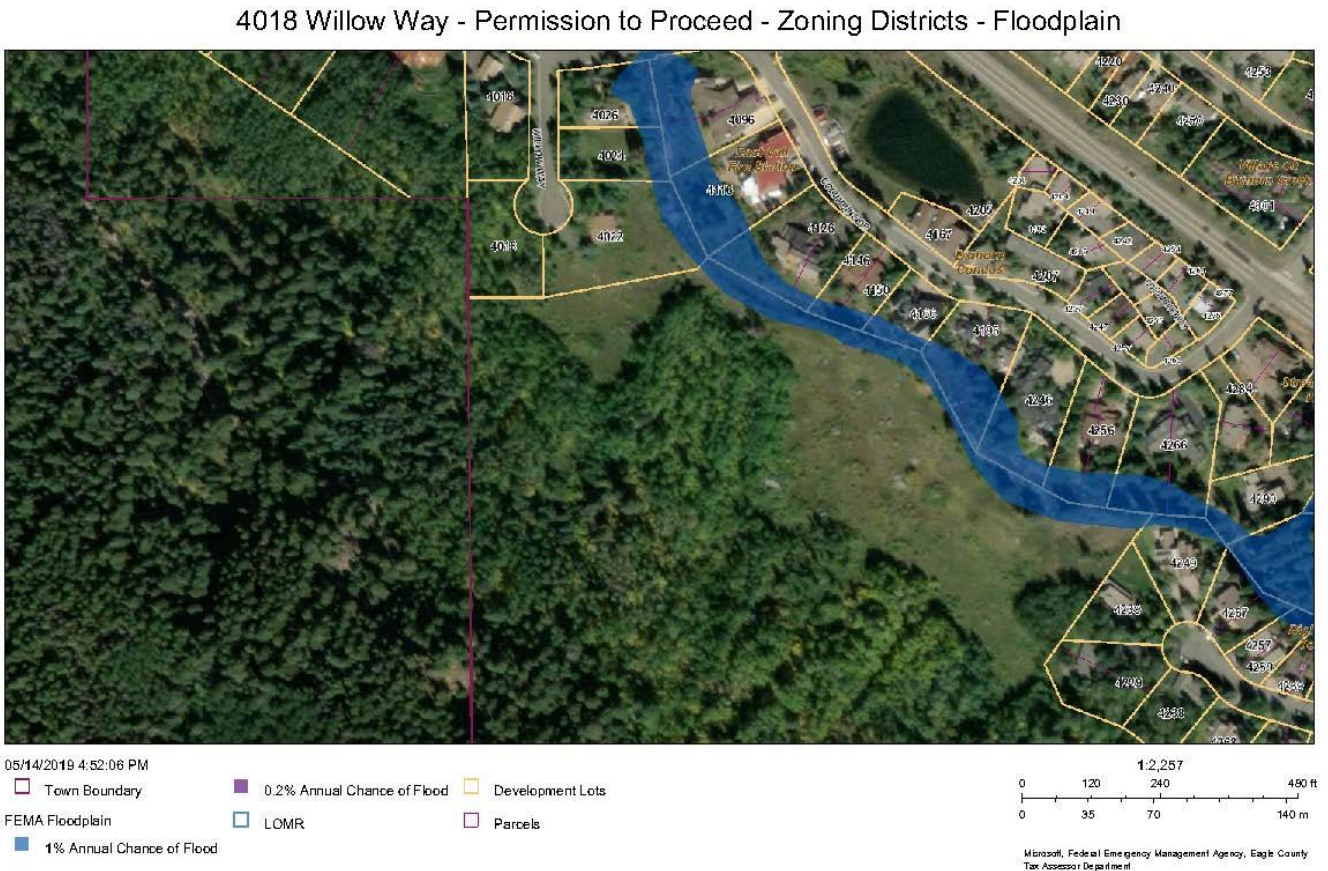
The entirety of Lot 10 and the 45-acre parcel are located within High Severity Rockfall zone. Construction within the Rockfall zone is allowed with proper engineering and construction. The map below shows the areas in **lavender** to be High Severity Rockfall.

4018 Willow Way - Permission to Proceed - Zoning Districts - Rockfall Hazard



Floodplain

There is a small portion of the 45-acre parcel within the floodplain of Gore Creek. The map below shows the areas in **blue** within the 100 year floodplain.



IV. DISCUSSION ITEMS

Lot 10 was specifically purchased by the Town of Vail in 1980 to advance its open space program. Allowing the construction of a driveway and retaining walls through this lot is contrary to its purpose.

The 45-acre parcel is currently zoned Agricultural and Open Space (A); it is listed in the Vail Land Use Plan map as Open Space, and is in the 2018 Open Lands Plan for either acquisition by the Town, or working with the land owner to protect the land through a conservation easement. These elements of the Town's Comprehensive Plan all indicate a desire by the community, as well as current and past Town Councils, to protect this land from development due to environmental considerations, including wildlife. Supporting development on land intended to be open space or very low density development would be contrary to these elements of the Comprehensive Plan.

V. ACTION REQUESTED

The Community Development Department requests that the Town Council evaluate the proposal to utilize Town of Vail property (Lot 10, Bighorn Subdivision – 4018 Willow Way) for the purposes of constructing a driveway and retaining walls within a new access easement to provide vehicle access to a future development on the adjacent 45-acre parcel. This use of Town property would be subject to the terms of an access easement in a form acceptable to the Town Attorney.

The Community Development Department recommends that the Vail Town Council **deny** use of Town property for the following reasons:

- The Town property at 4018 Willow Way was purchased to advance the Town's open space program.
- The 45-acre parcel is identified in the 2018 Open Lands Plan for either acquisition by the Town of Vail or working with the property owner on a conservation easement to eliminate development potential.
- The 45-acre parcel is currently zoned Agricultural and Open Space (A); development of the site is currently limited to one (1) single family residential dwelling up to 2,000 square feet of GRFA.
- The 45-acre parcel is identified on the Land Use Plan map as open space, which reflects the community's desire for this land.

VI. ATTACHMENTS

- A. Vicinity Map
- B. Zoning Map of Development Parcels
- C. Letter from Steven Finn
- D. Site Photos
- E. Resolution No. 9, Series of 1980
- F. Applicant Narrative