



## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: August 12, 2019

SUBJECT: A request for review of a Conditional Use Permit, pursuant to Section 12-16, Conditional Use Permits, Vail Town Code, to allow for the installation of a season boat launch area to replace the current boat launch adjacent to the Bridge Road bridge (210111101001)/Lot1, Bighorn Subdivision 2nd Addition, and setting forth details in regard thereto. (PEC19-0023)

Applicant: Town of Vail, Gregg Barrie, Senior Landscape Architect  
Planner: Jonathan Spence

### I. SUMMARY

The applicant, the Town of Vail, represented by Senior Landscape Architect Gregg Barrie, is requesting the review of a Conditional Use Permit, pursuant to Section 12-16, Conditional Use Permits, Vail Town Code, to allow for the installation of a season boat launch area to replace the current boat launch adjacent to the Bridge Road bridge (210111101001)/Lot1, Bighorn Subdivision 2nd Addition.

Based upon Staff's review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends **approval, with a condition**, of this application subject to the findings noted in Section VIII of this memorandum.

### II. DESCRIPTION OF REQUEST

The applicant, the Town of Vail, is requesting the review of a Conditional Use Permit, pursuant to Section 12-16, Conditional Use Permits, Vail Town Code, to allow for the installation of a season boat launch area to replace the current boat launch adjacent to the Bridge Road bridge which is currently being replaced.

The boat launch will be used by kayakers, rafters, stand-up paddle boarders, inner-tubers and other similar users to access Gore Creek during spring runoff. The typical use window will be May-August but may extend further on either end depending on water levels. In addition, a 10-minute drop off zone will be added to the west side of Bridge Rd to allow users of the facilities to drop off boats and gear before parking in public parking on the north side of Bighorn Rd in the existing parking area. Finally, a soft-surface trail will connect the existing paved bike path with

Bridge Rd. This unpaved trail replaces the previously existing paved trail. Please see the project narrative included as Attachment B for more information.

A vicinity map (Attachment A), project narrative (Attachment B) and project plan set (Attachment C) attached to this memorandum for review.

### **III. BACKGROUND**

Lot 1 of Bighorn Subdivision 2<sup>nd</sup> Addition was acquired by the Town of Vail in 2018. Prior to that time the parcel had been in private ownership. The parcel had been identified in the 1994 Comprehensive Open Lands Plan as a low priority acquisition parcel for the purpose of riparian preservation.

Several factors have contributed to loss of riparian habitat along Gore Creek, including landscaping practices and use patterns. (Loss of riparian habitat is identified in the Gore Creek Strategic Action Plan as one of three causes of Gore Creek's impairment). This East Vail project addresses both by restoring riparian vegetation and redirecting use patterns. It eliminates informal access areas that have proliferated as social trails have formed by restoring most of those areas with native vegetation and formalizing and hardening one access point. As the Town of Vail has done with other projects including Stephen's Park, along the streamwalk, and west of Lionshead skier bridge, the Town has reduced the number of informal access points and replaced them with a smaller number of access points designed to withstand their intended use. Social trails lead to erosion, sedimentation and soil compaction: which makes it difficult for plants to grow and introduces sediment (a pollutant regulated by the state) to Gore Creek.

This area in East Vail was particularly hard-hit because it is used on a daily basis by commercial rafting companies. That leads to a lot of foot traffic, compaction, erosion and sedimentation. Our hope is to create an access that can handle that kind of use, direct use to the designated area, and protect the rest.

The Town of Vail is currently in discussions concerning the acquisition of 3785 Lupine Drive, Bighorn Subdivision Second Addition, Lot 5, the location of an existing pond. Upon successful acquisition, the Town of Vail will initiate a Land Use Plan and Zoning Map Amendment to bring that parcel and the parcel subject to this request into Land Use Categories and Zoning District Designation more suitable than the current designations.

### **IV. APPLICABLE PLANNING DOCUMENTS**

*CHAPTER 12-16: CONDITIONAL USE PERMITS (in part)*

*SECTION 12-16-1: PURPOSE; LIMITATIONS:*

*In order to provide the flexibility necessary to achieve the objectives of this title, specified uses are permitted in certain districts subject to the granting of a Conditional Use Permit. Because of their unusual or special characteristics, conditional uses require review so that they may be located properly with respect to the purposes of this title and with respect to their effects on surrounding properties. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties in the Town at large. Uses listed as conditional uses in the various districts may be permitted subject to such conditions and*

*limitations as the Town may prescribe to insure that the location and operation of the conditional uses will be in accordance with the development objectives of the Town and will not be detrimental to other uses or properties. Where conditions cannot be devised, to achieve these objectives, applications for Conditional Use Permits shall be denied.*

## **V. SITE ANALYSIS**

Address:	Not Addressed
Legal Description:	Lot1, Bighorn Subdivision 2nd Addition
Zoning:	Two-Family Primary Secondary Residential (PS) District
Land Use Plan Designation:	Low Density Residential
Current Land Use:	Public Park and Recreation Facilities
Hazards:	Floodplain

## **VI. SURROUNDING LAND USES AND ZONING**

	<u>Existing Land Use</u>	<u>Zoning District</u>
North:	Bighorn Road	None
South:	Low Density Residential	Two-Family Primary Secondary
East:	Riparian Corridor	Natural Area Preservation
West:	Riparian Corridor	None

## **VII. REVIEW CRITERIA**

Before acting on a Conditional Use Permit application, the Planning and Environmental Commission shall consider the following factors with respect to the proposed use:

### **1. Relationship and impact of the use on the development objectives of the Town.**

The Community Development Department finds the proposed use to be consistent with the development objectives of the Town of Vail. Specifically, the proposed uses address several goals, concepts and or recommended actions identified in the Vail Land Use Plan and the Gore Creek Strategic Access Plan.

#### Vail Land Use Plan:

Goal # 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.

#### Gore Creek Strategic Action Plan

##### *High Priority Plan Actions*

#9: Delineate Stream Protection Overlay/Hazard Zones Adjacent to waterbodies. Restrict land uses in bear stream zones to maintain and/or restore water quality buffer characteristics.

##### *Recommended Actions*

1. Consider revegetation or other growth techniques as a form of mitigation for achieving buffer preservation requirements. Use active revegetation to ensure the preservation and propagation of streamside vegetated buffers on Town properties
2. Develop and implement a riparian management plan. Ensure that the monitoring, management, and maintenance schedule for municipally owned streamside vegetated buffers is reflected in the principles outlined in a riparian management plan or drainage criteria manual. Ensure that the plan designates the parties responsible for management of streamside vegetated areas and specifically:

The Community Development Department finds this criterion to be met.

**2. The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities needs.**

The proposed conditional use will have a positive impact on recreation facilities by improving access to Gore Creek in a manner that increases safety, environmental quality and community aesthetics. The use will have minimal effects on light and air, distribution of population, transportation facilities, utilities or schools.

The Community Development Department finds this criterion to be met.

**3. Effect upon traffic with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the street and parking areas.**

The proposed conditional use will have a positive effect on traffic and on pedestrian safety through the organization and proper programming of this highly used area. The construction of a two-space drop-off and loading zone area on Bridge Road will increase safety in the area while reducing congestion and improving the area aesthetics and operational characteristics for nearby property owners, residents and visitors.

The Community Development Department finds this criterion to be met.

**4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.**

The proposed Conditional Use Permit will have a positive impact on the character of surrounding area. As stated previously, this proposal will increase environmental quality, recreational opportunities, pedestrian and traffic safety and the overall aesthetic quality and operation of the area.

The Community Development Department finds this criterion to be met.

**5. Such other factors and criteria as the commission deems applicable to the proposed use.**

**6. The environmental impact report concerning the proposed use, if an environmental impact report is required by Chapter 12 of this title.**

An environmental impact report is not required by Chapter 12. This public project has been designed to improve the quality of the environment in the town.

## **VIII. RECOMMENDATION**

The Community Development Department recommends the Planning and Environmental Commission **approve, with a condition**, the Conditional Use to allow for the installation of a season boat launch area to replace the current boat launch adjacent to the Bridge Road bridge. This recommendation is based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented.

Should the Planning and Environmental Commission choose to approve this Conditional Use Permit request, the Community Development Department recommends the Commission passes the following **motion**:

*“The Planning and Environmental Commission approves this request for a Conditional Use Permit, with a condition, pursuant to Section 12-16, Conditional Use Permits, Vail Town Code, to allow for the installation of a season boat launch area to replace the current boat launch adjacent to the Bridge Road bridge (210111101001)/Lot1, Bighorn Subdivision 2nd Addition, and setting forth details in regard thereto. (PEC19-0023)”*

Should the Planning and Environmental Commission choose to approve, with a condition, this variance request, the Community Development Department recommends the Commission applies the following condition:

1. “Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.

Should the Planning and Environmental Commission choose to approve this Conditional Use Permit request, the Community Development Department recommends the Commission makes the following **findings**:

*“Based upon the review of the criteria outlined in Section VII of the Staff memorandum to the Planning and Environmental Commission dated August 12, 2019 and the evidence and testimony presented, the Planning and Environmental Commission finds:*

- 1. The proposed Conditional Use Permit is in accordance with the purposes of the Two-Family Primary Secondary Residential (PS) District.*
- 2. The proposed location of the use and the conditions under which it will be operated or maintained are not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.*
- 3. The proposed Conditional Use Permit complies with each of the applicable provisions of Chapter 12-16, Conditional Use Permit, Vail Town Code.”*

## **IX. ATTACHMENTS**

- A. Vicinity Map
- B. Project Narrative with Photos
- C. Project Plan Set