

PLANNING AND ENVIRONMENTAL COMMISSION MEETING

Agenda



Vail Town Council Chambers

1:00 PM, December 12, 2022

1. **Virtual Link** Register to attend the **Planning and Environmental Commission meeting**.
Once registered, you will receive a confirmation email containing information about joining this webinar.

2. **Call to Order**

3. **Worksession**

4. **Main Agenda**

- 4.1

PEC22-0016 - A request for a recommendation to the Vail Town Council for a Prescribed Regulation Amendment amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend portions of Title 12, Zoning Regulations and Title 14, Development Standards, Vail Town Code to create the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF 2) Zone Districts and setting forth details in regard thereto.

Planner: Greg Roy

Applicant Name: Town of Vail, represented by SE Group

[Staff Memorandum PEC22-0016 12-12-22.pdf](#)

[Attachment A. 14-8-1 Site Development Standards Table Amendments.pdf](#)

[Attachment B. Public Comment - Aasland - 8-11-22.pdf](#)

[Attachment C. Public Comment - Gadberry 8-1-22.pdf](#)

[Attachment D. Public Comment - Bergey 11-22-22.pdf](#)

[Attachment E. Public Comment - Bernstein 12-8-22.pdf](#)

[Attachment F. Public Comment - Bergey 12-8-22.pdf](#)

[Attachment G. Public Comment - Gadberry 11-28-22.pdf](#)

- 4.2
- PEC22-0029 - A request for a recommendation to the Vail Town Council for a Zone District Boundary Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to establish the boundaries of the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto.

Planner: Greg Roy

Applicant Name: Town of Vail, represented by SE Group

[Staff Memorandum PEC22-0029 12-12-22.pdf](#)

[Attachment A. Zone District Amendment Proposal.pdf](#)

- 4.3 PEC22-0018 - A request for a recommendation to the Vail Town Council for a review of a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of the portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential and setting forth details in regard thereto.

Planner: Greg Roy

Applicant Name: Town of Vail, represented by Matt Gennett

[Staff Memorandum - WMC - LU Amend 12-12-22 .pdf](#)

[Attachment A. West Middle Creek - Applicant Narrative 120822.pdf](#)

[Attachment B. Proposed Land Use Amendment Map.pdf](#)

[Attachment C. Hazards and Slope Maps.pdf](#)

[Attachment D. EIR Summary.pdf](#)

[Attachment E. West Middle Creek EIR - Terracon - 12-9-22.pdf](#)

- 4.4 PEC22-0020 - A request for review of a Minor Subdivision, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to create new parcels, Lot 4 and Lot 5 Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A, and setting forth details in regard thereto.

Planner: Greg Roy

Applicant Name: Town of Vail, represented by Matt Gennett

[Staff memorandum - WMC - Minor Sub 12-12-22.pdf](#)

[Attachment A. Proposed Final Plat 10-26-22.pdf](#)

[Attachment B. West Middle Creek - Applicant Narrative 120822.pdf](#)

- 4.5 PEC22-0019 - A request for a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of the portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing, and setting forth details in regard thereto.

Planner: Greg Roy

Applicant Name: Town of Vail, represented by Matt Gennett

[Staff Memorandum - WMC - Rezoning 12-12-22.pdf](#)

[Attachment A. Applicant Narrative 120822.pdf](#)

[Attachment B. Zone District Amendment Proposal.pdf](#)

5. Approval of Minutes

- 5.1 PEC Results 11-14-22
[PEC Results 11-14-22.pdf](#)

6. Information Update

- 6.1 EV Readiness Plan Update
[EV Readiness Plan Memo 12-12-2022.pdf](#)

7. Adjournment

Meeting agendas and materials can be accessed prior to meeting day on the Town of Vail website www.vailgov.com. All town council meetings will be streamed live by High Five Access Media and available for public viewing as the meeting is happening. The meeting videos are also posted to High Five Access Media website the week following meeting day, www.highfivemedia.org.

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Item Cover Page

PLANNING AND ENVIRONMENTAL COMMISSION AGENDA ITEM REPORT

DATE: December 12, 2022

SUBMITTED BY: Jamie Leaman-Miller, Community Development

ITEM TYPE: Main Agenda

AGENDA SECTION: **Main Agenda**

SUBJECT: PEC22-0016 - A request for a recommendation to the Vail Town Council for a Prescribed Regulation Amendment amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend portions of Title 12, Zoning Regulations and Title 14, Development Standards, Vail Town Code to create the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF 2) Zone Districts and setting forth details in regard thereto.

SUGGESTED ACTION:

ATTACHMENTS:

[Staff Memorandum PEC22-0016 12-12-22.pdf](#)
[Attachment A. 14-8-1 Site Development Standards Table Amendments.pdf](#)
[Attachment B. Public Comment - Aasland - 8-11-22.pdf](#)
[Attachment C. Public Comment - Gadberry 8-1-22.pdf](#)
[Attachment D. Public Comment - Bergey 11-22-22.pdf](#)
[Attachment E. Public Comment - Bernstein 12-8-22.pdf](#)
[Attachment F. Public Comment - Bergey 12-8-22.pdf](#)
[Attachment G. Public Comment - Gadberry 11-28-22.pdf](#)



TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: December 12, 2022

SUBJECT: A request for a recommendation to the Vail Town Council for a Prescribed Regulation Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend portions of Title 12, Zoning Regulations and Title 14, Development Standards, Vail Town Code to create the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto. PEC22-0016

Applicant: Town of Vail, represented by SE Group
Planner: Greg Roy

I. SUMMARY

The applicant, Town of Vail, is proposing to update the Vail Town Code with the creation of the West Vail Multiple Family 1 (WVMF 1) and West Vail Multiple Family 2 (WVMF 2) Zone Districts. These zone districts arise from the West Vail Master Plan that was adopted by the Town of Vail in November of 2021.

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 the Planning and Environmental Commission **forward a recommendation of approval, with a condition**, to the Vail Town Council.

II. DESCRIPTION OF REQUEST

The applicant requests a recommendation of approval to the Vail Town Council for a Prescribed Regulation Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend portions of Title 12, Zoning Regulations and Title 14, Development Standards, Vail Town Code to create the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto.

III. BACKGROUND

The creation and adoption of a master plan for West Vail was a Town Council 2018-2020 Action Plan goal. This master plan is in keeping with the council's intentions around community engagement, sustainable best practices for future development, identification of housing opportunities, and fostering economic development to create vibrancy. The plan also addresses the many nonconforming uses and structures in West Vail and provides policy options to guide future development decisions in West Vail.

The project team presented the draft plan to Council during their May 4, 2021 meeting and to the Planning and Environmental Commission (PEC) on May 10, 2021. On June 22, the project team presented the draft plan to the Advisory Committee during their last meeting and received support for the recommendations detailed in the plan. The cumulative feedback was incorporated into the draft and presented to the public during an interactive Zoom webinar on July 13 with participation from 35-40 members of the public. On August 9, 2021, the PEC was presented with the first two major topic areas, the West Vail Center (commercial area) and Housing. The item was tabled to August 23 to continue the presentation. On August 23, 2021, the PEC tabled this item to September 13 without presentation or discussion.

On September 13, 2021, staff and the consultant team provided the PEC with a presentation that responded to the PEC's comments and questions from August 9, and included the third major topic area, Transportation. The item was tabled to September 27 after discussion and direction was provided.

On September 27, 2021, staff and the consultant team provided a detailed description of a recommendation of approval with seven conditions addressing the PEC's suggested modifications to the plan for their consideration. The PEC directed staff to account for all suggested modifications to the plan in a redlined/tracked changes version of the draft and tabled the item to the October 11th meeting.

On October 11, 2021, the PEC voted 6-0-0 to forward a recommendation of approval of the West Vail Master Plan with one condition of approval. The condition of approval is *"that the proposed modifications agreed to by the PEC be incorporated into the final draft of the plan upon adoption"*. The consultant team and staff incorporated the PEC's proposed modifications into the final draft for Council's consideration on November 2, 2021, thereby fulfilling the one condition of approval. On November 2, 2021, Council approved Resolution No. 50, Series of 2021, A Resolution of the Vail Town Council adopting the West Vail Master Plan.

Since then, staff has been tasked with the implementation of the West Vail Master Plan, including the new zone districts for the area. Staff has continued to contract SE Group to provide analysis of the options for regulations to be considered.

On June 13th and July 11th, the PEC reviewed the initial ideas for the West Vail Multiple Family 1 (WVMF 1). At the July 11th meeting the PEC also got a first look at the West Vail Multiple Family 2 (WVMF 2) district ideas, which is similar to WVMF 1 with less density and resulting changes to dimensional requirements. This item was heard at the October

24th PEC meeting which ended in a motion to approve the application that garnered a vote of (3-3-0) and did not pass. No further action was taken on the item.

Town's legal counsel is advising staff on the appropriate language for the regulations to allow the redevelopment of the existing unit counts on sites that are over the proposed maximum density. Due the complexities around legal non-conforming uses additional assistance from counsel is necessary to include the appropriate code language. Staff has added a condition that the language be added to the application for Town Council review.

IV. PROPOSED AMENDED LANGUAGE

The applicant proposes the following language to be added to Title 12:

ARTICLE 6K WEST VAIL MULTIPLE-FAMILY 1 (WVMF1) DISTRICT SECTION:

12-6K-1: Purpose

12-6K-2: Permitted Uses

12-6K-3: Conditional Uses

12-6K-4: Accessory Uses

12-6K-5: Lot Area And Site Dimensions

12-6K-6: Setbacks

12-6K-7: Height

12-6K-8: Density Control

12-6K-9: Site Coverage

12-6K-10: Landscaping

12-6K-11: Parking

12-6K-1: PURPOSE:

The West Vail Multiple-Family 1 (WVMF1) district is intended to support sites for single-family, two-family and multi-family dwellings in areas well connected to transit that have an existing supply of multi-family residential dwellings. This district will have densities between (9) and (18) dwelling units per acre. Deed restrictions will ensure the maintenance of this district for year-round resident housing. The WVMF1 district is intended to ensure adequate light, air, privacy and open space for each dwelling, and to maintain the desirable residential qualities of the zone district by establishing appropriate site development standards.

12-6K-2: PERMITTED USES:

The following uses are permitted in the WVMF1 district:

- (A) Employee housing, as further regulated by Chapter 13 of this Title;**
- (B) Multi-family residential dwellings, including attached or row dwellings and condominium dwellings;**

- (C) Single-family residential dwellings; and
- (D) Two-family residential dwellings.

12-6K-3: CONDITIONAL USES:

The following conditional uses are permitted in the WVMF1 district, subject to issuance of a conditional use permit in accordance with Chapter 16 of this Title:

- (A) Bed and breakfasts, pursuant to Section 12-14-18; and
- (B) Home child daycare facilities, pursuant to Section 12-14-12.

12-6K-4: ACCESSORY USES:

The following accessory uses are permitted in the WVMF1 district:

- (A) Home occupations, subject to issuance of a home occupation permit pursuant to Section 12-14-12;
- (B) Private greenhouses, playhouses, attached garages or carports, swimming pools, patios, or recreation facilities customarily incidental to multi-family residential uses; and
- (C) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof.

12-6K-5: LOT AREA AND SITE DIMENSIONS:

- (A) The minimum lot or site area shall be ten thousand (10,000) square feet of lot area.
- (B) Each site shall have a minimum frontage of thirty (30) feet.

12-6K-6: SETBACKS:

The minimum front setback shall be twenty (20) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be fifteen (15) feet.

12-6K-7: HEIGHT:

For a flat roof or mansard roof, the height of buildings shall not exceed thirty-five (35) feet. For a sloping roof, the height of buildings shall not exceed thirty-eight (38) feet.

12-6K-8: DENSITY CONTROL:

- (A) Gross Residential Floor Area: Not more than forty-four (44) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of site area.
- (B) Dwelling Units: Not more than eighteen (18) dwelling units per acre and no less than nine (9) dwelling units per acre of site area.
 - (1) Exception: [Language to allow redevelopment of the number of legal nonconforming units on the site to be set by Town legal counsel].
- (C) Redevelopment: Upon redevelopment, one (1) unit and fifty (50) percent of all units in excess of nine (9) dwelling units per acre shall be required to be

deed restricted. Existing deed restrictions may not be used to satisfy this requirement.

- (1) If the required number of deed restricted units is a fraction of a unit equal to or greater than one half (0.5), the number of deed restrictions shall be rounded up to the next whole number.
- (2) If the required number of deed restricted units is a fraction of a unit less than one half (0.5), the number of deed restrictions shall be rounded down to the next whole number.
- (3) Exception. Redevelopment that results in a total of four (4) or fewer units shall be required to record one (1) new deed restriction.

12-6K-9: SITE COVERAGE:

Site coverage shall not exceed thirty (30) percent of the total site area.

12-6K-10: LANDSCAPING:

At least forty (40) percent of each site shall be landscaped.

12-6K-11: PARKING:

Off-street parking shall be provided in accordance with Chapter 10 of this Title.

ARTICLE 6L WEST VAIL MULTIPLE-FAMILY 2 (WVMF2) DISTRICT SECTION:

12-6L-1: Purpose

12-6L-2: Permitted Uses

12-6L-3: Conditional Uses

12-6L-4: Accessory Uses

12-6L-5: Lot Area And Site Dimensions

12-6L-6: Setbacks

12-6L-7: Height

12-6L-8: Density Control

12-6L-9: Site Coverage

12-6L-10: Landscaping

12-6L-11: Parking

12-6L-1: PURPOSE:

The West Vail Multiple-Family 2 (WVMF2) district is intended to support sites for single-family, two-family and multi-family dwellings in areas well connected to transit that have an existing supply of multi-family residential dwellings. This district will have densities between (6) and (12) dwelling units per acre. Deed restrictions will ensure the maintenance of this district for year-round resident housing. The WVMF2 district is intended to ensure adequate light, air, privacy and open space for each dwelling, and to maintain the desirable residential

qualities of the zone district by establishing appropriate site development standards.

12-6L-2: PERMITTED USES:

The following uses are permitted in the WVMF2 district:

- (A) Employee housing, as further regulated by Chapter 13 of this Title;
- (B) Multi-family residential dwellings, including attached or row dwellings and condominium dwellings;
- (C) Single-family residential dwellings; and
- (D) Two-family residential dwellings.

12-6L-3: CONDITIONAL USES:

The following conditional uses are permitted in the WVMF2 district, subject to issuance of a conditional use permit in accordance with Chapter 16 of this Title:

- (A) Bed and breakfasts, pursuant to Section 12-14-18; and
- (B) Home child daycare facilities, pursuant to Section 12-14-12.

12-6L-4: ACCESSORY USES:

The following accessory uses are permitted in the WVMF2 district:

- (A) Home occupations, subject to issuance of a home occupation permit pursuant to Section 12-14-12;
- (B) Private greenhouses, playhouses, attached garages or carports, swimming pools, patios, or recreation facilities customarily incidental to multi-family residential uses; and
- (C) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof.

12-6L-5: LOT AREA AND SITE DIMENSIONS:

- (A) The minimum lot or site area shall be ten thousand (10,000) square feet of lot area.
- (B) Each site shall have a minimum frontage of thirty (30) feet.

12-6L-6: SETBACKS:

The minimum front setback shall be twenty (20) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be fifteen (15) feet.

12-6L-7: HEIGHT:

For a flat roof or mansard roof, the height of buildings shall not exceed thirty-five (35) feet. For a sloping roof, the height of buildings shall not exceed thirty-eight (38) feet.

12-6L-8: DENSITY CONTROL:

(A) Gross Residential Floor Area: Not more than thirty-six (36) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of site area.

(B) Maximum density: twelve (12) dwelling units per acre

(1) Exception: [Language to allow redevelopment of the number of legal nonconforming units on the site to be set by Town legal counsel].

(C) Redevelopment: Upon Redevelopment one (1) unit and fifty (50) percent of all units in excess of six (6) dwelling units per acre shall be required to be deed restricted. Existing deed restrictions may not be used to satisfy this requirement.

(1) If the required number of deed restricted units is a fraction of a unit equal to or greater than one half (0.5), the number of deed restrictions shall be rounded up to the next whole number.

(2) If the required number of deed restricted units is a fraction of a unit less than one half (0.5), the number of deed restrictions shall be rounded down to the next whole number.

(3) Exception. Redevelopment that results in a total of four (4) or fewer units shall be required to record one (1) new deed restriction.

12-6L-9: SITE COVERAGE:

Site coverage shall not exceed thirty (30) percent of the total site area.

12-6L-10: LANDSCAPING:

At least forty (40) percent of each site shall be landscaped.

12-6L-11: PARKING:

Off-street parking shall be provided in accordance with Chapter 10 of this Title.

12-4-1 DESIGNATED

(CC) West Vail Multiple-Family 1 (WVMF1) District

(DD) West Vail Multiple-Family 2 (WVMF2) District

12-9A-1 PURPOSE AND APPLICABILITY

(B) *Applicability.* Special Development Districts do not apply to and are not available in the following zone districts: hillside residential; single-family residential; two-family residential; and two-family primary/secondary residential; **west vail multiple-family 1; and west vail multiple-family 2.**

12-10-10 PARKING REQUIREMENTS SCHEDULES

(B) Schedule B applies to all properties outside Vail's "Commercial Core Areas" (as

defined on the Town of Vail Core Area parking maps I and II, incorporated by reference and available for inspection in the office of the Town Clerk), **except the West Vail Multiple-Family 1 and West Vail Multiple-Family 2 zone districts:**

(C) Schedule C applies to all properties in the West Vail Multiple-Family 1 and West Vail Multiple-Family 2 zone districts.

Multi-family dwellings	
If the gross residential floor area is 663 square feet or less	1 space
If the gross residential floor area is more than 663 square feet, but less than 2,000 square feet	1.5 spaces
If the gross residential floor area is 2,000 square feet or more	2 spaces
Single-family and Two-family dwellings	
If the gross residential floor area is less than 2,000 square feet	2 spaces
If the gross residential floor area is 2,000 square feet or more, but less than 4,000 square feet	3 spaces
If the gross residential floor area is 4,000 square feet or more	4 spaces

12-15-2 GRFA REQUIREMENTS BY ZONE DISTRICT

Zone Districts	GRFA Ratio	GRFA Credits
WVMF1 West Vail Multiple-Family 1	0.44 of site area	None
WVMF2 West Vail Multiple-Family 2	0.36 of site area	None

12-15-3 DEFINITION, CALCULATION AND EXCLUSIONS

*(B) Within the Residential Cluster (RC), Low Density Multiple-Family (LDMF), Medium Density Multiple-Family (MDMF), High Density Multiple-Family (HDMF), Housing (H), and Vail Village Townhouse (VVT) Districts, **West Vail Multiple-Family 1 (WVMF1), and West Vail Multiple-Family 2 (WVMF2) Districts.***

12-15-4 INTERIOR CONVERSIONS

(B) *Applicability.* Within all zone districts except the Single-Family Residential (SFR), Two-Family Residential (R), Two-Family Primary/Secondary Residential (PS) and Vail Village Townhouse (VVT), **West Vail Multiple-Family 1 (WVMF1), and West Vail Multiple-Family 2 (WVMF2)** Districts, dwelling units that meet or exceed allowable GRFA will be eligible to make interior conversions provided the following criteria are satisfied.

12-15-5 ADDITIONAL GROSS RESIDENTIAL FLOOR AREA (250 ORDINANCE)

(B) *Applicability.* The provisions of this section shall apply to dwelling units in all zone districts except the Single-Family Residential (SFR), Two-Family Residential (R), Two-Family Primary/Secondary Residential (PS) and Vail Village Townhouse (VVT), **West Vail Multiple-Family 1 (WVMF1), and West Vail Multiple-Family 2 (WVMF2)** Districts.

12-21-10 DEVELOPMENT RESTRICTED

(A) No structure shall be built in any flood hazard zone or red avalanche hazard area. No structure shall be built on a slope of 40% or greater except in single-family residential, two-family residential or two-family primary/secondary residential, **west vail multiple-family 1 or west vail multiple-family 2** zone districts. The term “structure” as used in this section does not include recreational structures that are intended for seasonal use, not including residential use.

12-21-12 RESTRICTIONS IN SPECIFIC ZONES ON EXCESSIVE SLOPES

(B) The following additional special restrictions or requirements shall apply to development on any lot in a hillside residential, single-family residential, two-family residential, or two-family primary/secondary residential, **west vail multiple-family 1 or west vail multiple-family 2** district where the average slope of the site beneath the existing or proposed structure and parking area is in excess of 30%:

The applicant proposes the following language to be added to Title 14:

14-8-1 SITE DEVELOPMENT STANDARDS

See Attachment A for the amendment to Table 8

V. ROLES OF REVIEWING BODIES

Order of Review:

Generally, prescribed regulation amendment applications will be reviewed by the Planning and Environmental Commission and the Commission will forward a recommendation to the Town Council. The Town Council will then review the text amendment application and make the final decision.

Planning and Environmental Commission:

Town of Vail

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The Planning and Environmental Commission is responsible for the review of a prescribed regulation amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code, and forwarding of a recommendation to the Town Council.

Town Council:

The Town Council is responsible for final approval, approval with modifications, or denial of a prescribed regulation amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Staff:

The Town Staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the Planning and Environmental Commission a memorandum containing a description and background of the application; an evaluation of the application in regard to the criteria and findings outlined by the Town Code; and a recommendation of approval, approval with modifications, or denial.

VI. APPLICABLE PLANNING DOCUMENTS

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

Vail 2020 Strategic Action Plan

Land Use and Development Goal #4: Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.

Actions/Strategies

- *Update housing regulation to include more zone districts that are required to provide employee housing.*
- *Address the zoning regulations to provide more incentives for developers to building employee housing units.*

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.

Vail Land Use Plan

1. General Growth/Development

- 1.3. *The quality of development should be maintained and upgraded whenever possible.*
- 1.12. *Vail should accommodate most of the additional growth in existing developed areas (infill areas).*

5. *Residential*

- 5.1. *Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*
- 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.*
- 5.5. *The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.*

VII. CRITERIA FOR REVIEW

1. The extent to which the text amendment furthers the general and specific purposes of the zoning regulations; and

The proposed text amendments further the general and specific purposes of the zoning regulations by implementing the recommendations of the recently adopted West Vail Master Plan.

The general purpose of Vail’s zoning regulations is below:

“General. These regulations are enacted for the purpose of promoting the health, safety, morals and general welfare of the town, and to promote the coordinated and harmonious development of the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality.”

The proposed districts align with the general purpose of zoning as the goal is to provide an avenue for the redevelopment of properties that maintains the desirable qualities and residential character of the districts. The regulations have been designed to be harmonious and compatible with the surrounding areas to preserve the character that exists today while encouraging the *“growth of an orderly and viable community”*.

Staff finds that this criterion has been met.

2. The extent to which the text amendment would better implement and better achieve 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; and

Staff finds that the proposed prescribed regulations amendments will better implement or achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail Comprehensive Plan. The Vail 2020 Strategic Action Plan and the 2018 Open Lands Plan Update support efforts to accommodate additional growth within developed areas of town as well as provide employee housing as needed. The proposed amendment furthers each of those goals while also reducing environmental impacts by modest increases in density that align with the surrounding developments.

Staff finds that this criterion has been met.

3. The text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable; and

Conditions have progressed since the adoption of the current regulations. When this area of West Vail was annexed in the 1980s a good portion of the residential area was zoned for single-family or duplex uses. This was overlaid on top of properties that had higher densities with the intention of reducing numbers by attrition. The result of that zoning has been that many properties have not been redeveloped and have largely maintained the non-conforming status to this day.

Over the last two years, the Town has gone through the planning, creation, and adoption of the West Vail Master Plan. A portion of this plan was dedicated to the residential areas of West Vail and how the residential areas could be encouraged to update while preserving the character of the area. Through the planning process, it was recognized that the existing zoning in some of the areas of West Vail may not be appropriate and could be hindering redevelopment opportunities that are enjoyed elsewhere in the town. The plan looked at a variety of options to resolve this and eventually determined that the zoning needed to be amended. The resulting recommendation was the creation of two new zone districts that are proposed in this report.

Staff finds that this criterion has been met.

4. The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives; and

Staff finds that this text amendment will ensure a harmonious, convenient, workable relationship among land use regulations consistent with the Town's development objectives. The proposed text amendments seek to provide additional redevelopment opportunities while continuing to be harmonious with the character of West Vail. The new districts have similar regulations to neighboring residential zone districts and will result in a workable relationship throughout the West Vail neighborhood.

Staff finds that this criterion has been met.

5. Such other factors and criteria the Planning and Environmental Commission and/or council deem applicable to the proposed text amendments.

Staff will provide additional information as needed should the PEC and/or council determine other factors or criteria applicable to the proposed text amendments.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends that the Planning and Environmental Commission forward a **recommendation of approval, with a condition**, for the prescribed regulation amendment to the Vail Town Council. 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 forward a recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission pass the following **motion**:

"The Planning and Environmental Commission forwards a recommendation of approval, with a condition, to the Vail Town Council for a Prescribed Regulation Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend portions of Title 12, Zoning Regulations and Title 14, Development Standards, Vail Town Code to create the West Vail Multiple-Family 1 (WVMF1) and West Vail Multiple-Family 2 (WVMF2) zone districts and setting forth details in regard thereto. (PEC22-0016)."

Should the Planning and Environmental Commission choose to **approve, with a condition**, this prescribed regulation amendment, the Community Development Department recommends the Planning and Environmental Commission applies the following **condition**

Condition:

1. *Prior to Town Council review the applicant shall include language in the proposed Town Code Sections 12-6L and 12-6K to allow for the redevelopment of the number of existing legal units on the site in conformance with the recommendation in the West Vail Master Plan.*

Should the Planning and Environmental Commission choose to forward a recommendation of approval, with a condition, to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department

recommends the Commission makes the following **findings**:

“Based upon a review of Section VII of the December 12, 2022 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the amendment is consistent with 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; and*
- 2. That the amendment furthers the general and specific purposes of the Zoning Regulations outlined in Section 12-1-2, Purpose, Vail Town Code; and*
- 3. That the amendment promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”*

IX. ATTACHMENTS

- A. 14-8-1 Site Development Standards Table Amendments
- B. Public Comment – Aasland - 8-11-22
- C. Public Comment – Gadberry 8-1-22
- D. Public Comment – Bergey 11-22-22
- E. Public Comment – Bernstein 12-8-22
- F. Public Comment – Bergey 12-8-22
- G. Public Comment – Gadberry 11-28-22

Zone District

WVMF1 West Vail Multiple Family 1

WVMF2 West Vail Multiple Family 2

Max Density

Min: 9 units per acre Max:18 units per acre

Min: 6 units per acre Max:12 units per acre

EHU Allowance	Min Building Setback
Type IV as permitted use	20' front; 15' rear; 15' sides
Type IV as permitted use	20' front; 15' rear; 15' sides

Min Deck (Ground Level) Setback

May project not more than the lesser of 10' or 1/2 the required setback

May project not more than the lesser of 10' or 1/2 the required setback

Min Deck (not ground level) setback

May project not more than the lesser of 5' or 1/2 the required setback

May project not more than the lesser of 5' or 1/2 the required setback

Max Architectural projection into setback	Max Site Coverage	Min Landscape area	Min lot size
4'	30%	40%	10,000
4'	30%	40%	10,000

Min frontage	min square area	max building height	parking and loading location
30'	N/A	35' flat roof; 38' sloping roof	See Title 12, Chapter 10 of this code
30'	N/A	35' flat roof; 38' sloping roof	See Title 12, Chapter 10 of this code

Galen Aasland

8/11/2022

Vail Planning and Environmental Commission

RE: West Vail Master Plan-Creating New Residential Zoning Districts

Planning Commissioners,

I appreciate your consideration of my thoughts regarding the creation of new Residential Zoning Districts in West Vail.

I live in West Vail and I am most interested in the North side, Which I believe is being considered for West Vail Multiple-Family 1, but my thoughts for West Vail Multiple-Family 2 are the same.

1. I believe one of the stated objectives is to “Match the character of the existing neighborhoods.”
2. I see this current work as creating the “ground rules” for proposed implementation of residential neighborhood revisions.
3. Page 8 of the staff memo says “lot coverage should be increased to provide shorter buildings.” In the P/S Zone District lot coverage is generally 20% for structures. The P/S Zone District allows a 33’ maximum height for sloped roof structures and it is virtually if not factually impossible to get a Height Variance for this. In the P/S Zone District SDD’s are not allowed.
4. In some Multi-Family Zone Districts the Allowed height is 38’. I have worked on designing a Single Family residence in Vail that occurs in a Multi-Family Zone district. My experience is that on a sloping lot it is quite easy to get an additional story for a project on a lot with a 38’ height restriction as opposed to a 33’ height restriction. This is mass and bulk. In Vail Multi-Family Zone districts SDD’s are allowed.
5. In the P/S Zone District of West Vail, people bought into the neighborhoods believing that they were assured by the zoning that the maximum height a neighbor on the side or in front of them would be 33’ tall.
6. This past winter I spoke with Matt Gennett. He assured me that one of the underlying principles of any residential rezoning in West Vail was to allow re-development but to not have any SDD’s.
7. I ask that you keep the 33’ height limit in West Vail Multiple-Family 1 & 2. I also ask that you specifically prohibit any SDD’s in these new zone districts.
8. You are already considering site coverage revisions which is a significant advantage to the rezoned lots. Especially if lots are combined to create one larger lot. If SDD’s are allowed I believe we will eventually see 6 story building proposals on combined lots. I ask that you put it in writing now that SDD’s will not be allowed and the 33’ height will be respected. Please honor the character of the existing neighborhoods.

Galen Aasland

9. Additionally, on the top of the hill on West Chamonix, there are single family residences on Garmisch Dr. behind these Chamonix lots. Has anyone notified the Garmisch Dr. owners that a bigger wall of development may be allowed in front of their homes?

To: PEC for Aug. 8, 2022 meeting

From: Susan Gadberry, Vail Heights III HOA secretary & Ed Hafer, Vail Heights 1 HOA president

Issue: As proposed, the West Vail Multi-Family Zone I would require new deed restrictions in redevelopments **even in cases where no additional units can be built**. This policy offers no carrot, only a stick, and virtually guarantees these properties cannot be privately redeveloped.

2059 Chamonix Lane (Vail Heights III)	2079 Chamonix Lane (Vail Heights I)
12 condo units on .53 acre	12 condo units on .53 acre
2 deed restricted 4 TOV owned (inc. 1 under contract)	1 deed restricted, 1 TOV owned
0 short term rentals	1 short term rental

Proposed zoning for 2059 & 2079 Chamonix Lane

- Future minimum build: 5 units (a reduction of 7)
- Future maximum build: 12 units (same as existing)
- Additional deed restrictions required in redevelopment of existing: 5 units

Facts

- Under proposed zoning, these properties could NOT add units in a re-development, thus there would be no “extra units” to deed restrict.
- HOAs can’t “choose” to deed restrict units that already have owners. HOA Declarations require approval of 75% of owners and 100% of primary lien holders in any action that reduces, or has the potential to reduce, property value. This requirement envisioned changes such as the sale or repurposing of common areas, not deed restrictions that revoke owner rights to reside in their units or reduce resale values.

Conclusions

- Legal and financial obstacles would prohibit the owners from redeveloping properties where new deed restrictions are required with no net gain of units.
- Private purchase/re-development would be unprofitable.
- TOV becomes the only viable entity to redevelop, with leverage to force a sale on its terms.
- Equitable treatment under the law requires that if owners of one residential property type may redevelop what they currently have without new deed restrictions, then the same must apply to owners of all residential property types.
- Vail homeowners need more than a year for a submittal and substantial progress after a natural disaster so that re-development requirements are not imposed.

To: PEC for Aug. 8, 2022 meeting

From: Michael Klarner, unit owner, Vail Heights III

The town currently requires substantial progress and a submittal of plans in the first year. It is currently taking much longer to achieve these goals. The town staff gives extensions but this is case-by-case. If the town decided that we are not making enough progress, it could require us to build under the new zoning rules.

Can we obtain "HARD" TOV stats/documentation of past and current rebuilds/remodels as to the start date of substantial progress, submittal of plans and the actual completion date of their process in rebuilds/remodels? I believe this info would be beneficial to our grandfather clause agreement.

To All

Thank you all for your hard work and input on the new zone districts. I wish I could have made the last two meetings. I see that my letter and other letters were made part of the public comments. Thank you.

Please accept these comments in the light they are proposed: one of positivity and alignment of community goals.

From Appendix B3 -page 40 and 41 of the adopted West Vail master Plan.
Support higher density residential development without exceeding height limits through greater flexibility around site coverage and GRFA requirements
B3 page 41
Additional flexibility and fee waivers for accessory dwelling units.

After watching the 10/24 PEC meeting online and reading over the most recent changes to WVMF-1. I am happy to see that you increased site coverage to 25% and increased building height.

I feel that the proposed GFRA requirement of .44 is not in line with the goals of the adopted West Vail master Plan.

Current zoning is:

ARTICLE D. TWO-FAMILY PRIMARY/SECONDARY
RESIDENTIAL (PS) DISTRICT

1. The following gross residential floor area (GRFA) shall be permitted on each site:
 - a. Not more than forty six (46) square feet of gross residential floor area (GRFA) for each one hundred (100) square feet of the first ten thousand (10,000) square feet of site area; plus and

12-15-1 PURPOSE.

This chapter is intended to control and limit the size, bulk and mass of residential structures within the town. Gross residential floor area (GRFA) regulation is an effective tool for limiting the size of residential structures

How is .44 an increase from .46? If your goal is to increase density, why would you go through all this work to come up with a new increased density zone district and then add a lower .44 GRFA to cap density? Makes no sense to me.

The most affordable sq ft in a building is GRFA. Increasing GRFA or better yet removing GRFA is the easiest and most cost-effective way to truly build affordable housing.

In the last PEC meeting John Rediker said it best, that there seems to be no carrot just a stick. I couldn't agree more.

I would guess that the homes of most of long-term residents of the new zone district make up a large portion if not most of their net worth. In the event of a natural disaster of course, we can always rebuild back to the way the home was originally built.

If a local resident wanted to rebuild with maybe bigger windows or maybe add a garage or even just more efficient lot placement as currently proposed WVMF-1 and 2 would require us to deed restrict half of the units. Why are you trying to force long term residents into making up for the governments and big business's failure to supply affordable housing?

In the current rendition of the WVMF-1 I don't see any mention of ADU's (accessory dwelling units), or rules for lots less than 10,000 sq ft?

WVMF-1 As written has NO incentive to redevelop, only penalties. As such I'm afraid the only redevelopment you will see will be just a paint job.

I feel you have made some good progress but there is still a lot of work to be done.

Thank you for your time.

Jack Bergey

From: [Andrew Bernstein](#)
To: [Greg Roy](#)
Subject: Questions and comments.
Date: Thursday, December 8, 2022 5:06:39 AM

Greg, thank you submitting these comments for the hearing on the 12th.

Andy
970-331-3115

1758 ALPINE CODE AMENDMENT COMMENTS

- The proposed regulations would change our neighborhood to a sea of multi family units. With the change, the traffic would increase significantly. Currently lower Alpine gets all the traffic from above. MOST vehicles are speeding. You change the zoning to require multi family and our street will have a severe life and safety issue. (They do right now and it will only get worse). We have kids riding their bikes on Alpine all the time. This is DANGEROUS and will get MUCH worse.
- The character of the neighborhood will change significantly. No longer will you have a spattering of single-family homes along multifamily. It will all be high density apartments. This is not what I bought into and not what anyone wants in OUR neighborhood.

Andy Bernstein
[Sent from Yahoo Mail for iPad](#)

GOALS FOR HOUSING IN VAIL

This is a good start but much needs to be done to be sensitive to the desires of local landowners Please see notes.

1 *A growing number of deed-restricted units in West Vail address the trend of conversion to second homes.*
The Town of Vail has committed to acquiring 1,000 additional resident housing units by 2027. Dedicated resident housing is vital for maintaining community and providing opportunities for year-round residents to live and thrive. To achieve this unit goal, the Town is deploying a multi-pronged approach: building new deed restricted units where land allows and placing deed restrictions on existing units through its Vail InDEED program. West Vail has long been a predominantly year-round resident neighborhood, and intentional efforts will be necessary to continue to offer residents opportunities to live there. In this plan, strategies and recommendations will look to increase deed restricted units in West Vail Center and preserve or slightly increase the number of units in surrounding neighborhoods. **These efforts must be a collaboration between the public and private sector, with incentives that encourage the private sector to develop deed restricted units.**

3 *New construction and updates to existing housing reflect West Vail’s mountain environment and align with the neighborhood character.*
West Vail has a unique neighborhood character that residents appreciate. It is a high priority that new or rehabilitated housing units reflect the mountain environment in which they are located. Key strategies towards achieving this goal include updating both design guidelines and the zoning regulations.

There are at least 60 units in the WVMF-1 area that have ADU’s I see no mention of ADU’s ???

4 *West Vail’s residential areas host a continuum of housing options taking many forms (single family, duplexes, multi-family, and accessory dwelling units) to accommodate residents through all phases and stages of life.*
Given the community feel and amenities available in West Vail, residents often look to remain in the neighborhood, even as their circumstances change. **In order to meet the needs of residents in every phase and stage of life, a diversity of housing types is needed.** Key strategies towards achieving this goal include zone district changes and other zoning regulation changes to support a variety of housing types to achieve density and better facilitate accessory dwelling units.

As written you can’t build back what you already have. I don’t see any incentives? No collaboration with residents of the WVMF-1 district.

2 *The town’s zoning regulations and programs allow for and support residents and landowners in making continued improvements to their properties in a way that preserves units and enhances aesthetics.*
Many of the housing units in West Vail are 30+ years old and are showing their age. Aesthetic enhancements and upgrades are necessary to maintain the appeal of the neighborhood. Key strategies towards achieving this goal include changes in the Town Code and incentives programs that reduce fees, encourage redevelopment, **and ease the development process.**

What about the stage of life of a local homeowner when it is time to retire and move? They will be forced to sell their most expensive possession for less money because they were not able to make any desired major updates and the new owner will also be prohibited from making any major updates. Of course unless they agree to a deed restriction and a 25% devaluation for their asset.

Again as written local homeowners are excluded from being able to add a garage or larger windows or change the roofline. If you want to ease the development process and allow for affordable housing you need to eliminate the GRFA requirements

5 *New housing and transit stops are strategically located so that 90 percent of West Vail housing units are within a five-minute walk of a transit stop.*

One of the Town’s key sustainability goals is reducing the vehicle miles traveled by its visitors and residents. Encouraging transit use is a key element of this, particularly for trips that cannot easily be accomplished as a walk or bicycle ride. In people’s decision to take transit, the proximity of the bus stop to one’s home is a major factor. So that residents are frequent transit users, new housing should be predominantly located within a five-minute walk of a transit stop. Housing near transit and commercial services should also have lower parking requirements, supporting residents and visitors adopting car-free or car-lite lifestyles and providing additional space for housing. At present, 82% of West Vail housing units are within a five-minute walk of a transit stop. This desired increase, to 90%, would be achieved through zoning changes to support density near existing transit stops. All new development in West Vail Center will be within a five-minute walk of transit.

6 *While West Vail is primarily a residential community, there is a managed level of short-term rental units that allow visitors to stay in West Vail and support local businesses.*

In West Vail, as in many tourism communities, the number of short-term rentals is growing. **Short-term rentals represent an attractive investment proposition** and accelerate the conversion away from resident housing. The number of short-term rentals in the community can be managed to a level that continues to support a majority percentage of units as resident housing. Strategies to achieve this goal include placing deed restrictions on existing units and working with Town Council to establish short-term rental regulations.

Why are local homeowners of deed restricted units prohibited from enjoying an occasional bit of income from renting out an extra bedroom on Airbnb? Why are second homeowner so vilified for short terming their home when it is vacant? The second home owner uses their home for anywhere from two weeks to six months of the year. They would not be able to enjoy their second home if it was rented long term. Outlawing STR’s would not increase the availability of long term rentals. As most STR’s are used part time by their owners.

As currently written I feel WVMF-1 doe NOT support the most of the goals for housing in Vail. Goal #1 no incentives Goal #2 heavy penalty to local owners and density limiting GRFA requirements Goal #3 does not promote new construction and updates to existing housing #4 no mention of ADU’s What WVMF-1 does is penalize local landowners for the failure of local government to provide affordable housing. Local landowners are not allowed to redevelop unless they deed restrict this is a huge penalty not an incentive.

To: Vail PEC, Nov. 28, 2022 meeting
Re: Proposed West Vail rezoning

Before the committee makes its recommendation to the Town Council, might you reconsider the community-wide benefits of zoning that incentivizes rather than penalizes?

The proposed rezoning will primarily affect older, smaller housing units in the Vail neighborhoods already inhabited by the highest percentage of local workers. The goal is to convert more existing housing to worker housing and the method is to require property owners to deed restrict a significant portion of residential units in exchange for being permitted to redevelop the same number or fewer housing units.

One of your example properties, Vail Heights, would be required to newly deed restrict 5 of 12 single bedroom units in a re-dev. Today's cost of those deed restrictions (@ 20% of FMV) would be \$550,000 or nearly \$46K each from 12 condo owners: a nurse, a town parking supervisor, two Vail Village restaurant workers, a town administrative worker, a Vail hospital employee, a retired warehouse manager, house painter and state employee, and owners of deed restricted units (TOV+ an individual) renting to a town bus driver, a Vail hotel handyman and a town building inspector. Does it make sense to economically destabilize existing local workers (many in deed restricted properties) to deed restrict additional units, many already occupied by other local workers?

The more likely alternative – building on the old footprint after a disaster – comes with its own negatives. Building to today's code on yesterday's footprint shrinks residences to accommodate new requirements for energy efficiency and accessibility. The resulting living spaces may be fine as weekend crash pads but not very appealing for long term habitation by local workers. Building on the old footprint also means repeating old mistakes such as lack of fire/emergency vehicle access to three sides of a building. Shouldn't the community incentivize building back better?

Vail residents have given town leaders a new pool of funding – the half percent sales tax - to increase worker housing. Vail InDEED is working well with willing sellers and fair market payment for deed restrictions.

If the town has decided that existing densities in West Vail multi-family residences are acceptable and even desirable, why saddle local workers with expenditures better put to use improving the safety and livability of homes that will serve as local worker housing for generations to come?

Why not offer realistic incentives to deed restrict/add EHUs for new construction on vacant lots or where a net gain of units can be realized? For redeveloping the same # of units on older, substandard properties, why not incentivize improving housing stock? This way everyone wins.

Susan Gadberry, resident of West Vail

Item Cover Page

PLANNING AND ENVIRONMENTAL COMMISSION AGENDA ITEM REPORT

DATE: December 12, 2022

SUBMITTED BY: Greg Roy, Community Development

ITEM TYPE: Main Agenda

AGENDA SECTION: **Main Agenda**

SUBJECT: PEC22-0029 - A request for a recommendation to the Vail Town Council for a Zone District Boundary Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to establish the boundaries of the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto.

SUGGESTED ACTION:

ATTACHMENTS:

[Staff Memorandum PEC22-0029 12-12-22.pdf](#)
[Attachment A. Zone District Amendment Proposal.pdf](#)



TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: December 12, 2022

SUBJECT: A request for a recommendation to the Vail Town Council for a Zone District Boundary Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to establish the boundaries of the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto. PEC22-0029

Applicant: Town of Vail, represented by SE Group
Planner: Greg Roy

I. SUMMARY

The applicant, Town of Vail, is proposing to establish the boundaries for the proposed West Vail Multiple Family 1 (WVMF 1) and West Vail Multiple Family 2 (WVMF 2) Zone Districts. These zone districts arise from the West Vail Master Plan that was adopted by the Town of Vail in November of 2021.

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 the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council.

II. DESCRIPTION OF REQUEST

The applicant requests a recommendation of approval to the Vail Town Council for a Zone District Boundary Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to establish the boundaries of the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto.

III. BACKGROUND

The creation and adoption of a master plan for West Vail was a Town Council 2018-2020 Action Plan goal. This master plan is in keeping with the council's intentions around

community engagement, sustainable best practices for future development, identification of housing opportunities, and fostering economic development to create vibrancy. The plan also addresses the many nonconforming uses and structures in West Vail and provides policy options to guide future development decisions in West Vail.

The project team presented the draft plan to Council during their May 4, 2021 meeting and to the Planning and Environmental Commission (PEC) on May 10, 2021. On June 22, the project team presented the draft plan to the Advisory Committee during their last meeting and received support for the recommendations detailed in the plan. The cumulative feedback was incorporated into the draft and presented to the public during an interactive Zoom webinar on July 13 with participation from 35-40 members of the public. On August 9, 2021, the PEC was presented with the first two major topic areas, the West Vail Center (commercial area) and Housing. The item was tabled to August 23 to continue the presentation. On August 23, 2021, the PEC tabled this item to September 13 without presentation or discussion.

On September 13, 2021, staff and the consultant team provided the PEC with a presentation that responded to the PEC's comments and questions from August 9, and included the third major topic area, Transportation. The item was tabled to September 27 after discussion and direction was provided.

On September 27, 2021, staff and the consultant team provided a detailed description of a recommendation of approval with seven conditions addressing the PEC's suggested modifications to the plan for their consideration. The PEC directed staff to account for all suggested modifications to the plan in a redlined/tracked changes version of the draft and tabled the item to the October 11th meeting.

On October 11, 2021, the PEC voted 6-0-0 to forward a recommendation of approval of the West Vail Master Plan with one condition of approval. The condition of approval is *"that the proposed modifications agreed to by the PEC be incorporated into the final draft of the plan upon adoption"*. The consultant team and staff incorporated the PEC's proposed modifications into the final draft for Council's consideration on November 2, 2021, thereby fulfilling the one condition of approval. On November 2, 2021, Council approved Resolution No. 50, Series of 2021, A Resolution of the Vail Town Council adopting the West Vail Master Plan.

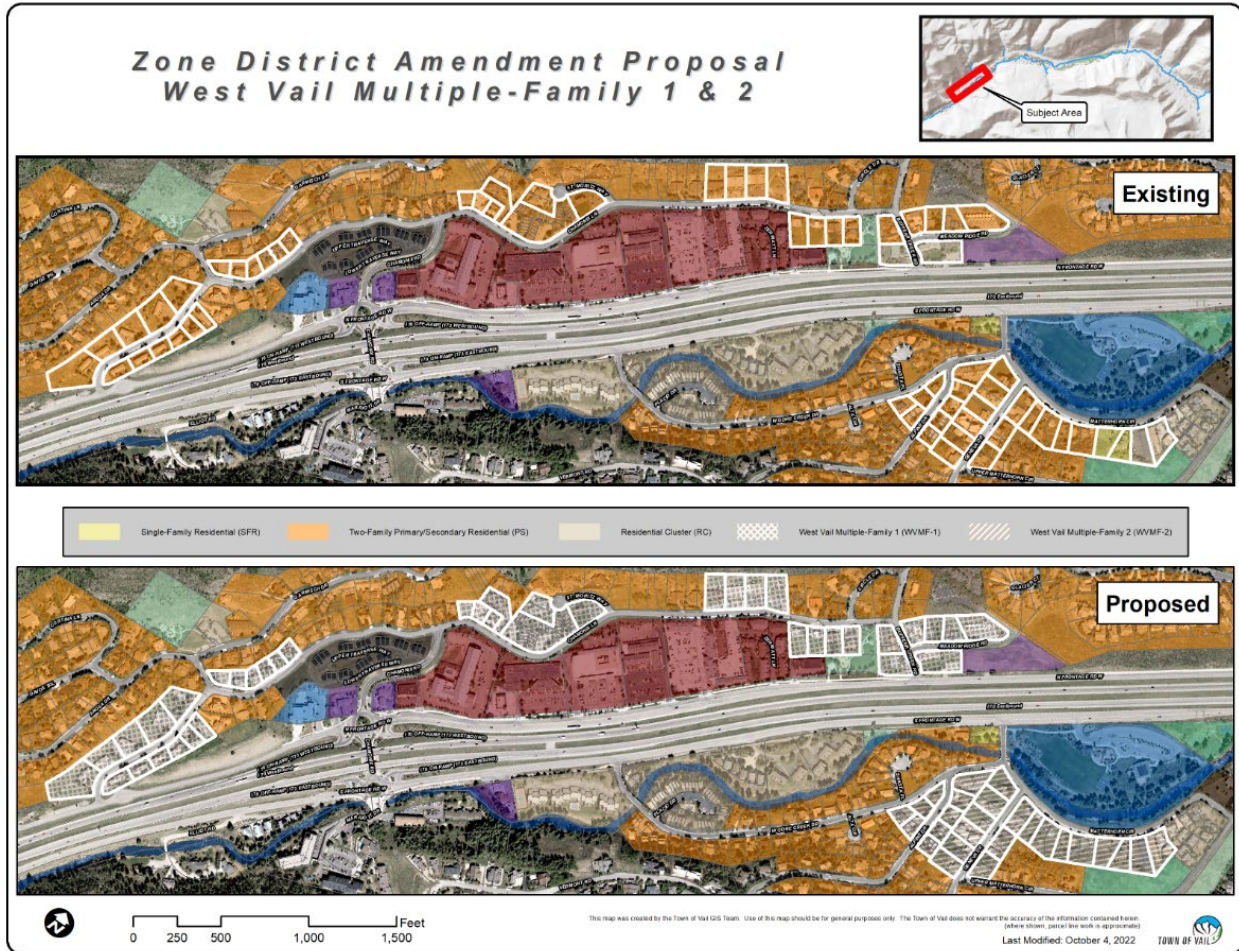
Since then, staff has been tasked with the implementation of the West Vail Master Plan, including the new zone districts for the area. Staff has continued to contract SE Group to provide analysis of the options for regulations to be considered.

On June 13th and July 11th, the PEC reviewed the initial ideas for the West Vail Multiple Family 1 (WVMF 1). At the July 11th meeting the PEC also got a first look at the West Vail Multiple Family 2 (WVMF 2) district ideas, which is similar to WVMF 1 with less density and resulting changes to dimensional requirements.

Included in this report is the proposed zoning map.

IV. PROPOSED AMENDED LANGUAGE

The applicant proposes the following amendment to the zoning map:



V. ROLES OF REVIEWING BODIES

Order of Review:

Generally, zone district boundary amendment applications will be reviewed by the Planning and Environmental Commission and the Commission will forward a recommendation to the Town Council. The Town Council will then review the map amendment application and make the final decision.

Planning and Environmental Commission:

The Planning and Environmental Commission is responsible for the review of a zone district boundary amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code, and forwarding of a recommendation to the Town Council.

Town Council:

The Town Council is responsible for final approval, approval with modifications, or denial of a zone district boundary amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Staff:

The Town Staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the Planning and Environmental Commission a memorandum containing a description and background of the application; an evaluation of the application regarding the criteria and findings outlined by the Town Code; and a recommendation of approval, approval with modifications, or denial.

VI. APPLICABLE PLANNING DOCUMENTS

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

Vail Town Code

[Two-Family Primary/Secondary Residential \(PS\) District](#)

[Single-Family Residential \(SFR\) District](#)

[Residential Cluster](#)

West Vail Multiple Family 1 (WVMF1) District (See application PEC22-0016)

West Vail Multiple Family 2 (WVMF2) District (See application PEC22-0016)

Vail 2020 Strategic Action Plan

Land Use and Development Goal #4: Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.

Actions/Strategies

- *Update housing regulation to include more zone districts that are required to provide employee housing.*
- *Address the zoning regulations to provide more incentives for developers to building employee housing units.*

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.

Vail Land Use Plan

1. General Growth/Development

- 1.3. *The quality of development should be maintained and upgraded whenever possible.*
- 1.12. *Vail should accommodate most of the additional growth in existing developed areas (infill areas).*

5. Residential

- 5.1. *Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*
- 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.*
- 5.5. *The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.*

VII. CRITERIA FOR REVIEW

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; and

Staff finds that the proposed zone district boundary amendment is consistent with the applicable elements of the adopted goals, objectives, and policies outlined in the Vail Comprehensive Plan. The Vail 2020 Strategic Action Plan and the 2018 Open Lands Plan Update support efforts to accommodate additional growth within developed areas of town as well as provide year-round resident housing as needed. The proposed amendment furthers each of those goals while also reducing environmental impacts by modest increases compatible with development objectives of the town.

Staff finds that this criterion has been met.

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; and

Staff finds that the proposed zone district boundary amendment will be suitable with the existing and potential land uses on designated properties in addition to existing and potential surrounding land uses as set out in the town's adopted planning documents. The areas proposed to be rezoned consist of varying levels of low to medium density residential housing but are currently zoned solely for single family and duplex development. The zone districts proposed will result in greater alignment between the permitted uses and existing uses on these sites.

The areas proposed for rezoning are surrounded by compatible levels of density and have similar development patterns. There are not deviations in development standards (height, setbacks, or GRFA) that would result in potential uses in the areas to be rezoned out of character with the surrounding area.

Staff finds that this criterion has been met.

3. The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and

Over the last two years, the Town has gone through the planning, creation, and adoption of the West Vail Master Plan. A portion of this plan was dedicated to the residential areas of West Vail and how the residential areas could be encouraged to update while preserving the character of the area. Through the planning process, it was recognized that the existing zoning may not be appropriate and could hinder redevelopment opportunities that are enjoyed by other properties within town. The adopted plan recognized the need for the establishment of new zone districts with corresponding zone district boundaries.

The resulting recommendation is for the creation of two new zone districts with zone district boundaries to establish the districts. The proposed zone districts and areas were thoroughly reviewed for compatibility with the neighborhood character. During the master planning process and subsequent meetings with the Planning and Environmental Commission, refinement of the districts and proposed locations were completed, resulting in the language and boundaries, as proposed.

Staff finds that this criterion has been met.

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; and

Staff finds that this zone district boundary amendment provides for the growth of an orderly and viable community and does not constitute spot zoning. The properties included in the amendment are largely contiguous and share similar characteristics. The

underlying land use in the subject areas are low and medium density classifications that are consistent with the proposed zone district boundary amendments. These amendments are also supported by the West Vail Master Plan, as an adopted element of the Vail Comprehensive Plan.

Staff finds that this criterion has been met.

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; and

The proposed zone district amendments are not anticipated to have any additional adverse impacts to the natural environment. The proposed boundary amendments are in a previously developed areas and represent a change to the zoning on an infill basis.

Staff finds that this criterion has been met.

6. The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district; and

Part of the purpose of both the proposed zone districts to be overlaid is to “*support sites for single-family, two-family, and multi-family dwellings in areas well connected to transit that have an existing supply of multi-family residential dwellings.*” The areas proposed to be amended have a mixture of single -family, two-family, and multi-family dwellings that are in close proximity to bus stops. The densities proposed in the two districts align with the underlying land use in place for the proposed boundaries of the zone districts. West Vail Multiple Family 1 is proposed to be overlaid primarily on medium-density residential an West Vail Multiple Family is proposed to be overlaid on low-density residential.

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; and

This area of West Vail was annexed in the 1980s and was zoned for single-family or duplex uses. This zoning was overlaid on top of properties that had higher densities with the intention of reducing the number of units by attrition as properties redeveloped over time. The result has been that many properties have not been redeveloped due to the desire to not lose any units and have remained in their original condition since the time of annexation.

The West Vail Master Plan recognizes the original intent of the zoning designation did not produce the desired result and instead preserved the housing products in their original condition. The goal of the West Vail Master Plan and the zone district boundary

amendment is to provide an avenue for these properties to redevelop in a manner that is similar to the adjacent area and within the character of the neighborhood.

8. Such other factors and criteria the Planning and Environmental Commission and/or Council deem applicable to the proposed rezoning.

Staff will provide additional information as needed should the PEC and/or council determine other factors or criteria applicable to the proposed rezoning.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends that the Planning and Environmental Commission forward a **recommendation of approval** for the zone district boundary amendment to the Vail Town Council. 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 forward a recommendation of approval to the Vail Town Council for the proposed zone district boundary amendment, the Community Development Department recommends the Commission pass the following **motion**:

"The Planning and Environmental Commission forwards a recommendation to the Vail Town Council for a Zone District Boundary Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to establish the boundaries of the West Vail Multiple Family 1 (WVMF1) and West Vail Multiple Family 2 (WVMF2) zone districts and setting forth details in regard thereto. PEC22-0029."

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed zone district boundary amendment, the Community Development Department recommends the Commission makes the following **findings**:

"Based upon a review of Section VII of the December 12, 2022 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

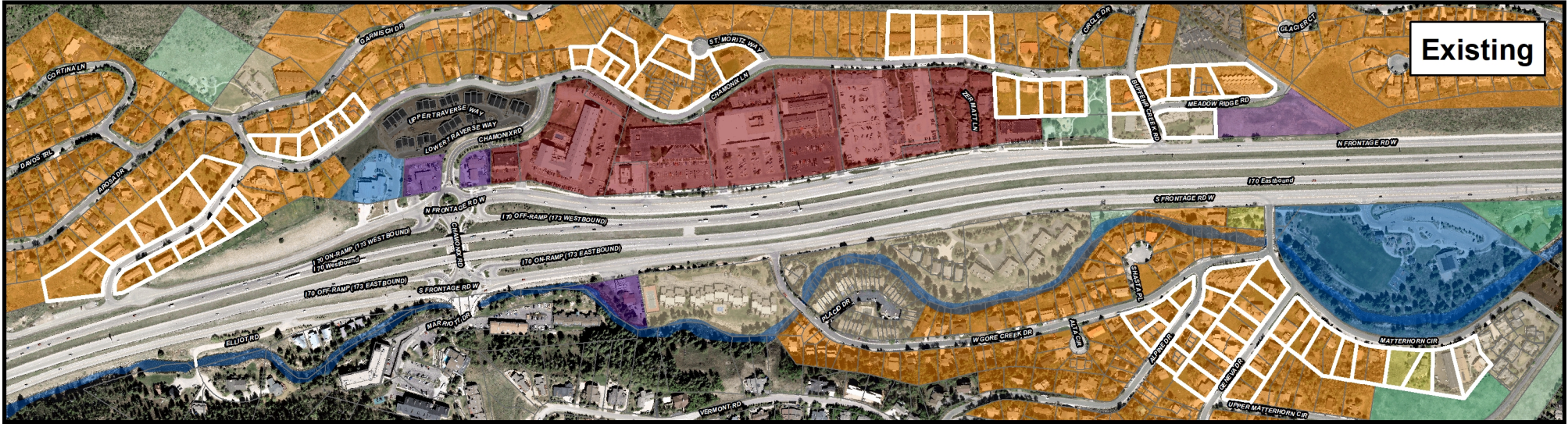
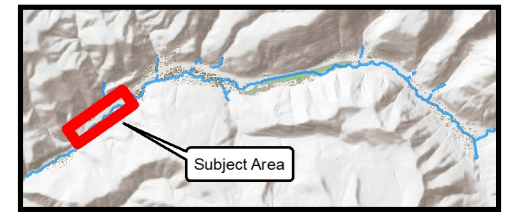
- 1. That the amendment is consistent with the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and is compatible with the development objectives of the Town; and*
- 2. That the amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
- 3. That the amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established*

character as a resort and residential community of the highest quality."

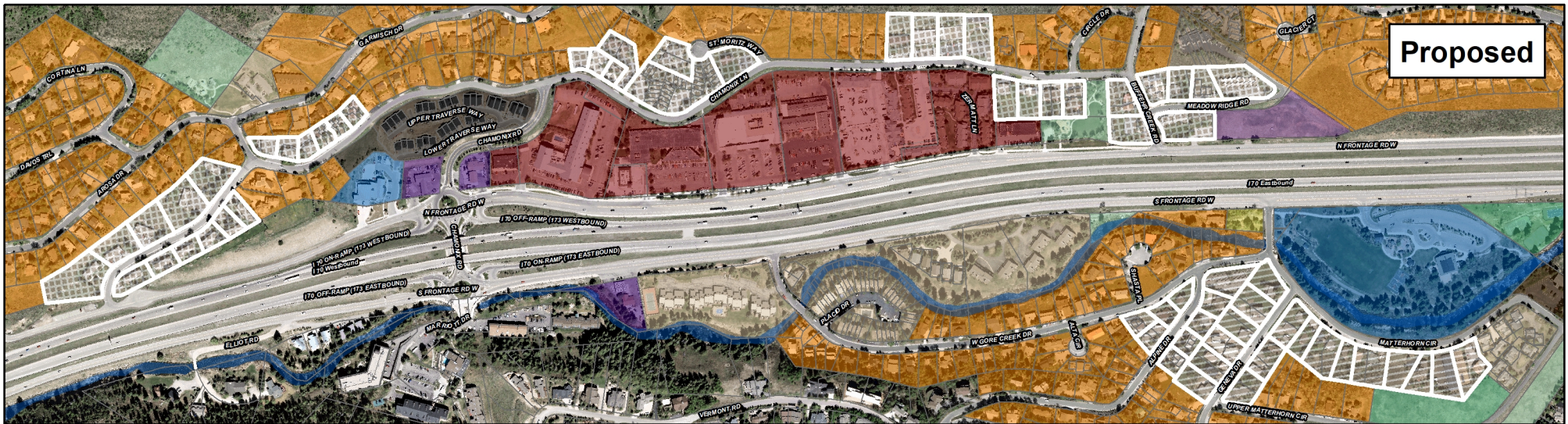
IX. ATTACHMENTS

A. Zone District Amendment Proposal

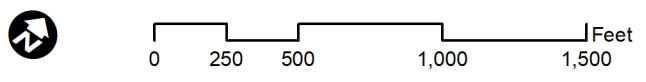
Zone District Amendment Proposal West Vail Multiple-Family 1 & 2



Existing



Proposed



This map was created by the Town of Vail GIS Team. Use of this map should be for general purposes only. The Town of Vail does not warrant the accuracy of the information contained herein. (where shown, parcel line work is approximate)

Last Modified: October 4, 2022

Item Cover Page

PLANNING AND ENVIRONMENTAL COMMISSION AGENDA ITEM REPORT

DATE: December 12, 2022

SUBMITTED BY: Jamie Leaman-Miller, Community Development

ITEM TYPE: Main Agenda

AGENDA SECTION: **Main Agenda**

SUBJECT: PEC22-0018 - A request for a recommendation to the Vail Town Council for a review of a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of the portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential and setting forth details in regard thereto.

SUGGESTED ACTION:

ATTACHMENTS:

[Staff Memorandum - WMC - LU Amend 12-12-22 .pdf](#)
[Attachment A. West Middle Creek - Applicant Narrative 120822.pdf](#)
[Attachment B. Proposed Land Use Amendment Map.pdf](#)
[Attachment C. Hazards and Slope Maps.pdf](#)
[Attachment D. EIR Summary.pdf](#)
[Attachment E. West Middle Creek EIR - Terracon - 12-9-22.pdf](#)



TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: December 12, 2022

SUBJECT: A request for a recommendation to the Vail Town Council for a review of a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of the portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential and setting forth details in regard thereto. PEC22-0018

Applicant: Town of Vail, represented by Community Development Director Matt Gennett
Planner: Greg Roy

I. SUMMARY

The applicant, Town of Vail, represented by Community Development Director Matt Gennett, is requesting a recommendation to the Vail Town Council for a review of a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential.

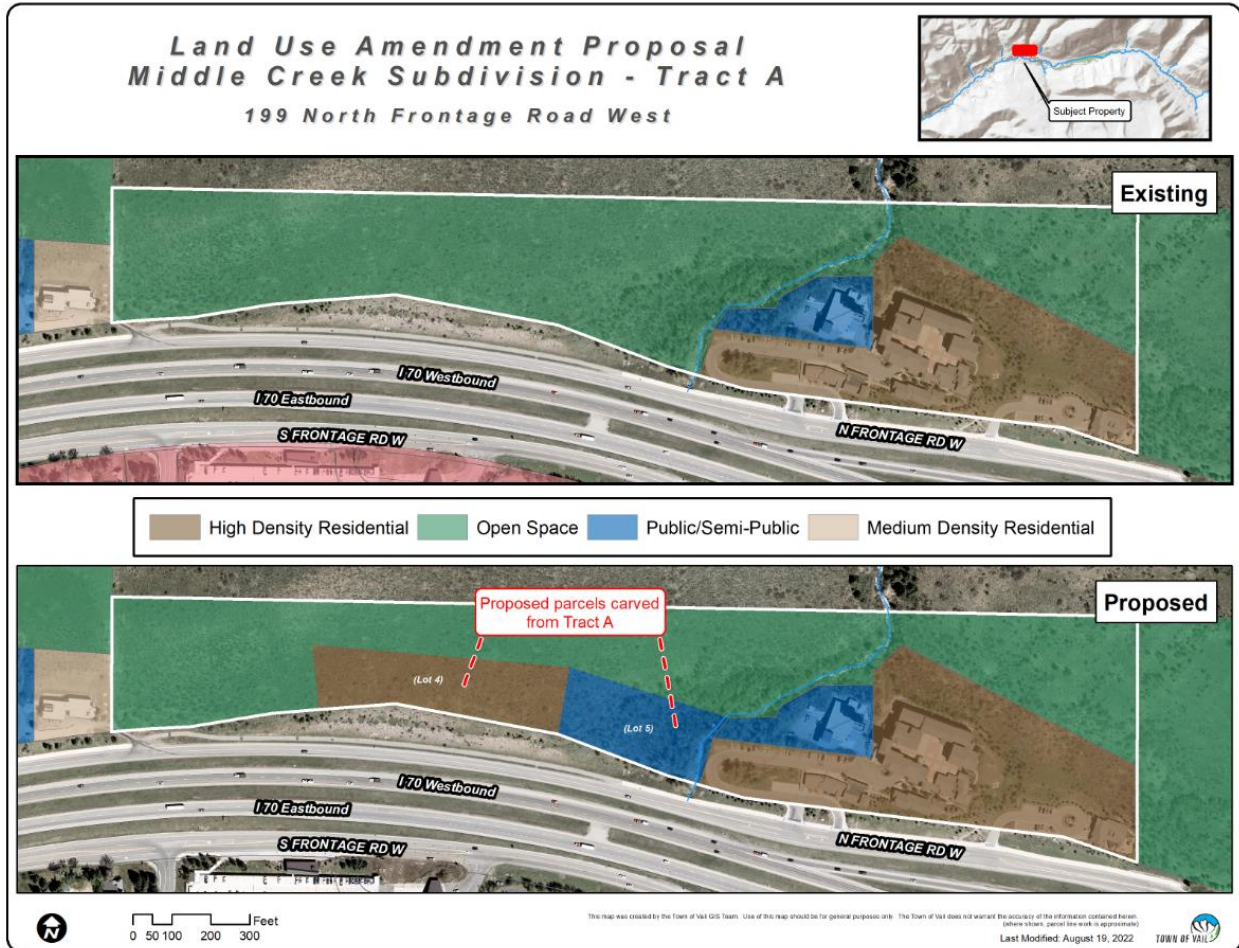
Based upon Staff's review of the criteria outlined in Section VI of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council.

II. DESCRIPTION OF REQUEST

The applicant is proposing to amend the land use for portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential. Currently, the developed portions of the Middle Creek Subdivision consist of Middle Creek Housing, Residences at Main Vail, and the US WEST communications facility.

The portions of the site that are proposed for land use amendment are not developed and are currently vacant.

The maps below show existing and proposed Land Use Designations:



Included with this memorandum as attachments are the following for review by the commission:

- A. Applicant Narrative, 12-8-2022
- B. Proposed Land Use Amendment Map 8-19-22
- C. Hazards and Slope Map 12-6-22
- D. EIR Summary – Terracon -12-2-22
- E. West Middle Creek Environmental Impact Report – Terracon – 12-9-22

II. BACKGROUND

The property was annexed into the Town of Vail in 1968 with Ordinance No. 8, Series of 1969. In 1974, the property was deeded to the Town of Vail as part of an agreement with Vail Associates Inc. The land use is believed to have been enacted with the original annexation of the property. In 2002, the property was subdivided to create Lots 1 and 2

to hold the Middle Creek Housing and the site of the telecom tower. In 2020, Lot 3 was subdivided out of the larger Lot 1.

In 2001, the PEC recommended approval of the land use change and rezoning of Lot 1 to accommodate the Middle Creek Housing project. Originally the site had a land use designation of *Open Space* and was amended to be *High Density Residential*. Similarly, the original zoning was *Natural Area Preservation* and the site was rezoned to *Housing*.

At the September 26th, 2022 PEC meeting, the Commission requested additional materials to be provided with the application, including an Environmental Impact Report, a map of the hazards in the area and a map of the slope of the site. The maps and a summary of the EIR are included as attachment C and D.

The analysis in the EIR summary includes the environmental conditions that were studied and potential impacts of development in the area. A general summary of the impacts that may result from the development of the property shows modest impacts that are to be expected with development of previously vacant land. There are not any significant concerns or impacts noted in the attached summary.

III. APPLICABLE PLANNING DOCUMENTS

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

Vail Land Use Plan (in part)

Chapter II – Land Use Plan Goals/Policies

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.

1.6. Development proposals on the hillsides should be evaluated on a case by case basis. Limited development may be permitted for some low intensity uses in areas that are not highly visible from the Valley floor. New projects should be carefully controlled and developed with sensitivity to the environment.

1.7. New subdivisions should not be permitted in high geologic hazard areas.

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.

5. Residential

5.1. Additional residential growth should continue to occur primarily in existing, platted areas

and as appropriate in new areas where high hazards do not exist.

5.4. Residential growth should keep pace with the marketplace 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.

Chapter VIII – Implementation

2. Key Goals

B. Residential Uses

1. Additional residential growth should continue to occur primarily in existing, platted areas.
2. New subdivisions should not be permitted in proven high geologic hazard areas.
3. Development proposals on the hillsides may be appropriate, in a limited number of cases, for low density residential uses. These proposals would need to be evaluated on a case-by-case basis, with development being carefully controlled as to sensitivity to the environment and visibility from the Valley floor.

E. General Growth and Development

5. Development may also be appropriate on Town-owned lands by the Town of Vail (other than park and open space) where:
 - a. No high geologic hazards exist; and
 - b. Such development is for public use.

Chapter VIII – Implementation

3. Amendment Process

The amendment process is one which is intended to assure the Plan's effectiveness with periodic updates to reflect current thinking and changing market conditions. The process includes amendments which may be initiated in any of the following three ways:

- A. By the Community Development Department
- B. By the Planning and Environmental Commission or Town Council
- C. By the private sector

A. Community Development Department Amendments

The Community Development Department should update and revise the Plan every three to five years, whenever possible. However, if the plan is not updated within such time frame, this shall not jeopardize the validity of the plan. This should include analysis of the goals and policies; update of the forecasting model and review and revision of the Land Use Plan map. The Community Development Department would then make recommendation for proposed changes to the Planning and Environmental Commission where these changes would then be considered in a public hearing format. The Planning and Environmental Commission would then make

recommendations to the Town Council, which would also hold a public hearing on the proposed changes. If adopted, the changes would then become a part of the Plan.

B. Planning and Environment Commission or Town Council Amendments

These entities could also initiate plan amendments periodically, as deemed appropriate. These amendments would also require public hearings with both the Commission and the Council, and upon adoption then become a part of the Plan.

4. Proposed Land Use Categories

HDR High Density Residential

The housing in this category would typically consist of multi-floored structures with densities exceeding 15 dwelling units per buildable acre. Other activities in this category would include private recreational facilities, and private parking facilities and institution/ public uses such as churches, fire stations and parks and open space facilities.

OS Open Space

Passive recreation areas such as greenbelts, stream corridors and drainageways are the types of areas in this category. Hillside areas 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.

TABLE 9: PROPOSED LAND USE – “PREFERRED LAND USE PLAN”

LAND USE CATEGORY	ACRES	PERCENT
Low Density Residential	698.8	20.8
Medium Density Residential	420.8	12.5
High Density Residential	68.5	2.0
Hillside Residential	33.3	1.0
Village Master Plan	77.0	2.3
Tourist Commercial	15.8	.05
Resort Accommodation Services	51.9	1.6
Transition Area	11.4	0.3
Community Commercial	24.4	0.7
Community Office	15.6	0.5
Park	255.9	7.6
Open Space	1,022.9	30.5
Public and Semi-public	72.0	2.1
Ski Base	86.3	2.6
Interstate 70 Right-of-Way	505.5	15.0
TOTAL	3,360.1	100.0

IV. SITE ANALYSIS

Address: No Address
 Legal Description: Tract A Middle Creek Subdivision

Existing Zoning: Natural Area Preservation (NAP) District and General Use (GU)
 Proposed Zoning: Housing (H) District, Natural Area Preservation (NAP) and General Use (GU)
 Land Use Plan Designation: Open Space
 Proposed Land Use Designation: High Density Residential and Public/Semi-Public
 Geological Hazards: Moderate Hazard Debris Zone and Medium Severity Rockfall

Development Standard	Natural Area Preservation (NAP)	Housing (H)	General Use (GU)
Lot Size	NA	Prescribed by PEC	Prescribed by PEC
Minimum Setbacks	NA	20' from perimeter of zone district	Prescribed by PEC
Maximum Height	NA NA	Prescribed by PEC	Prescribed by PEC
Density	NA	Prescribed by PEC	Prescribed by PEC
Site coverage maximum	NA	Max. 55% of site area	Prescribed by PEC
Minimum Landscaping	NA	Min. 30% of site area	Prescribed by PEC

V. SURROUNDING LAND USES AND ZONING

	<u>Existing Use</u>	<u>Zone District</u>
North:	US Forest Land	NA
South:	Telecom/Housing	General Use (GU)/Housing(H)
East:	Open Space	Natural Area Preservation (NAP)
West:	Open Space	Natural Area Preservation (NAP)

VI. REVIEW CRITERIA

Any amendments to the Land Use Plan require a public process. Adjacent properties are notified, and the Planning and Environmental Commission holds a public hearing and makes a recommendation to the Town Council on the proposal. The Town Council adopts the changes by resolution. Any changes to the Land Use Plan must address the following three criteria:

1. How conditions have changed since the plan was adopted

The Vail Land Use Plan was originally adopted in 1986 and updated in 2009. Since that time, there have been several approvals and subsequent development in the immediate area that have changed the land use in the area.

In 2001, the Vail Town Council, upon a recommendation from the Planning and Environmental Commission, approved a land use amendment, rezoning, and subdivision for the original Middle Creek Housing site. At that time, the entire property was in the Open Space land use category and zoned Natural Area Preservation. The approved amendments and the subsequent development of the lot was a change that was not in place in 1969 when the plan was originally adopted. That is an example of how the need for housing spurred a change that the Land Use Plan did not contemplate when it was adopted. Like today, there was another increase in the need for housing that was not present at the recent update of the Land Use Plan.

In 2020, a portion of the site, Lot 1 Middle Creek Subdivision, was subdivided to allow for the development of the Residences at Main Vail. Lot 1 did not require a land use amendment but illustrated the need for additional housing sites that were not contemplated in the adopted land use plan. It shows how the current need for housing is renewing the search for potential housing sites.

Completed in 2019, Solar Vail, a privately owned employee housing development, replaced a smaller project in an effort to provide additional housing units for employees of in-town businesses.

Staff finds that the proposed land use amendment conforms to this criterion.

2. How the plan is in error

The original land use plan adopted in 1986 had the area changed to High Density Residential and the adjacent Middle Creek site designated as open space. A portion of that has since been amended and is recognized as suitable for high density residential. Staff believes the plan is in error for not recognizing additional areas of the site that are directly adjacent to the right-of-way as land that is also suitable for high density residential and other public/semi-public uses.

As the need for housing has increased, the reassessment of previously designated sites has been needed to determine if there are specific areas within these sites that might be suitable for development. The subject areas of the lot proposed for the land use change were identified as developable portions.

The amendment and development of Middle Creek followed by the additional development of Residences at Main Vail supports the position that the area adjacent to the frontage road is a suitable location for development as it continues to be built upon.

In “Chapter VII – Community Facilities” of the Land Use Plan there is a section on Facility/Service Requirements that notes the demand for various community facilities. One of the types of facilities studied were schools in the town and

surrounding areas. The Plan projected that sufficient schools, and sites for future schools, existed and that there was no need for additional facilities. Recent reports have shown that additional childcare and early childhood education facilities are needed. The site proposed for Public/Semi Public land use would be appropriate to use for a new facility to provide additional education services.

Staff finds that the proposed land use amendment conforms to this criterion.

3. How the addition, deletion, or change to the plan is in concert with the plan in general

Staff has identified the following objectives and goals, which staff believes are relevant to this proposal from the Vail Land Use Plan.

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.

5. Residential

5.1. Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.

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 marketplace 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.

Staff finds that the proposed land use amendment conforms to this criterion.

VII. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VI of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council for a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of the portions of Tract A Middle Creek Subdivision from Open

Space to Public/Semi-Public and High Density Residential and setting forth details in regard thereto.

Should the Planning and Environmental Commission choose to **forward a recommendation of approval** to the Vail Town Council, the Community Development Department recommends the Commission pass the following **motion**:

“The Planning and Environmental Commission forwards a recommendation of approval to the Vail Town Council for a Vail Land Use Plan map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of the portions of Tract A Middle Creek Subdivision from Open Space to Public/Semi-Public and High Density Residential and setting forth details in regard thereto. “

Should the Planning and Environmental Commission choose to **forward this recommendation of approval**, the Community Development Department recommends the Commission makes the following **findings**:

“Based upon the review of the criteria outlined in Section VI of the Staff memorandum to the Planning and Environmental Commission dated December 12th, 2022, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town; and*
- 2. That the amendment does further the general and specific purposes of the zoning regulations; and*
- 3. That the amendment does promote the health, safety, morals, and general welfare of the town and promote the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”*

IX. ATTACHMENTS

- A. Applicant Narrative, 12-8-2022
- B. Proposed Land Use Amendment Map 8-19-22
- C. Hazards and Slope Map 12-6-22
- D. EIR Summary – Terracon -12-2-22
- E. West Middle Creek Environmental Impact Report – Terracon – 12-9-22

WEST MIDDLE CREEK

Applications for a Requested Land Use Plan
Amendment, Minor Subdivision & Rezoning

December 12, 2022

Applicant: Town of Vail

Represented by: Matt Gennett

I. PURPOSE

The purpose of this document is to forward the request for approval of three development applications intended to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel.

The three development applications include:

- A request for a Vail Land Use Plan Amendment amending a portion of Tract A, Middle Creek Subdivision from Open Space Designation to High Density Residential Designation.
- A request for a minor subdivision establishing an amended final plat for Tract A, Middle Creek, Subdivision, to create Lots 4 and 5, Middle Creek Subdivision.
- A request to rezone the new Lot 4, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district; and, Lot 5, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the Housing (H) zone district.

II. BACKGROUND

The Vail Housing 2027 Strategic Plan was adopted on behalf of the Vail community by the Vail Town Council in 2017. Adopted as a strategic plan, the plan emphasizes taking strategic actions to maintain and sustain the community through the creation and support of resident housing in Vail.

In adopting the Plan, a housing goal of acquiring 1,000 additional resident housing unit deed restrictions by the year 2027 was established. The Plan acknowledged that previously adopted housing policies, programs and practices have not yielded the desired results. To realize desired results community leaders needed to change their approach to housing policies, programs, and practices. More importantly, community leaders needed to take proactive strategic actions without further delay to increase the supply of resident housing in Vail. The three development applications referenced above are a proactive strategic action by the Town of Vail in furtherance of achieving the Town's housing goal.

On December 15, 2020, the Vail Town Council directed staff to proceed with applications necessary to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel. The Vail Town Council instructed the town staff to take the actions necessary to achieve the housing goals stated in the 2018-2020 Council Action Plan and Vail Housing 2027 Strategic Plan.

Lots 4 and 5, Middle Creek Subdivision, will be smaller platted portions of the larger Tract A, Middle Creek Subdivision. Tract A is owned by the Town of Vail. As the owner of Tract A, the Vail Town Council, acting on behalf of the owner, is authorized to submit these three applications for West Middle Creek Parcel.

Tract A was purchased by the Town of Vail on July 1, 1993. Tract A was purchased with the use of Real Estate Transfer Tax (RETT) funds. Upon purchase, and consistent with the recommendations of the 1994 Comprehensive Open Lands Plan, Tract A was rezoned from Agricultural and Open Space (AOS) to Natural Area Preservation (NAP), via Ordinance No. 19, Series of 1995. While a separate matter outside the purview and review criteria of the Town of Vail Planning & Environmental Commission, a legal opinion has been provided acknowledging, that if the three development applications are approved as submitted, the Town of Vail shall be required to reimburse the RETT fund for the value of the West Middle Creek Parcel. Established Housing Mitigation funds are the most likely source of funding to accomplish the required reimbursement.

On September 26, 2022, the PEC reviewed the subject applications and unanimously voted to table them after giving direction to provide further information, including: an Environmental Impact Report (EIR), steep slope analysis, and hazard maps. The requested information is attached to the staff report.

III. SUMMARY OF THE APPLICATIONS

The following section of this document provides a written summary of the three development applications. The development applications are summarized and listed in the order of intended review. Title 12 of the Vail Town Code (VTC) requires the Town of Vail Planning & Environmental Commission to review and act on each of the applications even as the Land Use Plan Amendment and the Rezoning requests require additional review and final action by the Vail Town Council.

I. Vail Land Use Plan Amendment Request:

The application package includes a proposal to amend the Future Land Use Map for a portion of Tract A, Middle Creek Subdivision, to change the land use designation of the proposed new Lot 4 from Open Space to Public/Semi-Public, and the designation of the new Lot 5 from Open Space to High Density Residential. The portion of Tract A to be amended is that area comprised of the proposed Lots 4 and 5 (see minor subdivision request below). According to the Vail Land Use Plan, the proposed land use designation of High Density Residential for Lot 5 is intended for multi-floor residences with a density greater than 15 dwelling units per acre; and the proposed land use designation of Public/Semi-Public includes schools. According to the adopted Future Land Use Plan, the Middle Creek Village Apartment development site to the east of the proposed Lots 4 and 5 is designated High Density Residential, while the Solar Vail Apartment development site to the west has a designation of Medium Density Residential. The land use plan amendment request provides consistency and compatibility with adopted future land use designations and is consistent with the municipal development objectives of the Town of Vail.

The portion of Tract A to be amended from Open Space to Public/Semi-Public is limited to the 1.672 acres of proposed Lot 4 and the 2.296 acres of the proposed Lot 5 from Open Space to High Density Residential. The land use designation of the remainder of Tract A is not proposed to be amended at this time. Based upon a West Middle Creek Site

Feasibility Study funded by the Vail Town Council and completed by the Town of Vail Community Development Department in 2017, it was determined that the area of the proposed Lot 5 of Tract A is the most developable portion of Tract A based on site suitability, vehicular accessibility, topography, natural vegetation, site orientation, steep slopes, and adjacency to existing CDOT right of way.

Lastly, the Vail Land Use Plan Amendment request is in direct response to a growing need to increase the supply of resident-occupied, deed-restricted homes in Vail as well as the scarcity of vacant, town-owned land suitable for residential development. The requested amendments further the Town's housing goals, as stated in Council's 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan.

II. Minor Subdivision Request:

This Minor Subdivision application request proposes to subdivide Tract A, Middle Creek Subdivision (17.2 acres) into three parcels: Tract A (13.257 acres), Lot 4 (1.672 acres) and Lot 5 (2.296 acres). The sole purpose of this application is to subdivide portions of Tract A to create a development lot to accommodate a future housing development and a lot to enable access and provide a site for future early childhood learning.

The minor subdivision to create Lots 4 and Lot 5 have concurrently proposed zone district boundary amendments to zone these two new lots to the General Use (GU) and Housing (H) zone districts, respectively. Neither the General Use (GU) or Housing (H) zone districts prescribe a minimum lot size requirement. For comparison, below are the approximate lot sizes of other parcels in the Housing (H) District:

- Solar Vail – 43,600 SF
- Middle Creek – 200,520 SF
- Middle Creek Lot 3 – 90,150 SF
- Chamonix at Vail – 139,260 SF
- Booth Heights – 235,090 SF

Criteria for Review of a Minor Subdivision Application:

1. The extent to which the proposed subdivision 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;

As part of the General Growth/Development goals of The Vail Land Use Plan, the Town is encouraged to grow in such a way as to maintain “a balance between residential, commercial, and recreational uses”. The Minor Subdivision of the proposed Lot 4 and 5 parcels helps to improve upon this balance. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council

has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to 1,700.

While the Vail Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, this plan also states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”, which is what this subdivision and new development lot aims to accomplish. Chapter 21, Hazard Regulations, prescribes standards by which potential geologic hazards must be mitigated.

2. *The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations", of this code, and other pertinent regulations that the planning and environmental commission deems applicable;*

The lot size and site dimensions for a property located within the Housing (H) District are proposed by the applicant and set by the Planning & Environmental Commission. The proposed lot sizes of Lots 4 and 5 are compatible with the size and dimensions of similar lots presently located within the Housing (H) and General Use zone districts. Lots 4 and 5 are adequately sized for deed-restricted residential development, access, and early childhood learning.

While Lots 4 and 5 are potentially impacted by geologic hazards and steep slopes as set forth in Chapter 21, the lots are developable with required mitigation. Lots 4 and 5 comply with the standards of Title 12 of the Vail Town Code.

3. *The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;*

Given the proximity to Middle Creek Village Apartments and the Solar Vail Apartments, to the west, and I-70 along the southern property line, Lots 4 and 5 provide a harmonious, convenient, and workable relationship among adjacent land uses and are consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a community objective of the Town as far back as the adoption of The Vail Plan in 1972. The proposed subdivision is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

4. *The extent of the effects on the future development of the surrounding area;*

The creation of Lots 4 and 5 will not have any negative effects on the future development of the surrounding area. The area of Lots 4 and 5 is unique to the surrounding areas to the north and west, as these new lots will contain the flattest portion of Tract A and avoid any negative impacts to the riparian corridor and floodplain of Middle Creek. Other areas of Tract A are not as feasible for development and access.

5. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development;

Lots 4 and 5 are adjacent to Lot 1 and Lot 2, Middle Creek Subdivision. Municipal services and necessary utilities are immediately adjacent to the site. The creation of Lot 4 will result in a continuation of residential development along the North Frontage Road and provide a future site for early childhood learning while not creating a "leapfrog" pattern of development.

6. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines;

Lots 4 and 5 are located within the identified service areas of Eagle River Water & Sanitation District, Holy Cross Energy, and Excel Energy (water, sewer, electric, gas). These new lots are centrally located within the municipal boundaries of the Town of Vail, and therefore not outside the boundaries of any urban growth boundaries of the Town or the utility services providers. Existing utility infrastructure and utility easements are constructed and platted immediately adjacent to Lots 4 and 5. Subject to existing franchise agreements, the availability of utility services within the Town of Vail is present.

A determination of utility sizing and level of service required will be made by the utility providers at the time of the development application submittal. The size and level of services required are based on the scope of development proposed. Development on Lots 4 and 5 is not imminent and therefore an application for a development plan has not been submitted.

7. The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and

The proposed subdivision provides for the growth of an orderly viable community since it is centrally located in Town, within walking distance of the major employers, and provides future residents with convenient access to public transit. There is no doubt this subdivision request serves the best interests of the community. Based upon numerous community surveys and local employer input, there is an increased need for additional resident-occupied, deed-restricted homes for Vail residents.

8. The extent to which the proposed subdivision 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 proposed minor subdivision is limited to the current total acreage of the existing area of Tract A (17.2 acres). There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this subdivision request.

III. Rezoning Request:

The Town of Vail requests the PEC forward a recommendation of approval to the Vail Town Council to rezone Lot 4, Middle Creek Subdivision from Natural Area Preservation (NAP) to the Housing (H) zone district, Lot 5, Middle Creek Subdivision to the General Use (GU) zone district, and the remaining portions of Tract A, Middle Creek Subdivision currently zoned General Use (GU) to the Natural Area Preservation (NAP) zone district.

Prior to 1995, Tract A was zoned Agricultural and Open Space (AOS) District before it was rezoned to Natural Area Preservation (NAP) District as a recommended action consistent with the 1994 Comprehensive Open Lands Plan. Since the adoption of the Comprehensive Open Lands Plan, the Vail Town Council has adopted the 2018 Update to the Comprehensive Open Lands Plan and the Vail Housing 2027 Strategic Plan.

According to the 1994 Comprehensive Open Lands Plan, Tract A was identified for a potential rezoning to the Natural Area Preservation (NAP) District due to the environmental qualities of the Tract.

This application proposes to amend the zone district designations of Tract A, Middle Creek Subdivision. Tract A is approximately 17.2 acres in size and currently has 12.73 acres zoned Natural Area Preservation (NAP) and 4.47 acres zoned General Use (GU). The zone district boundaries in the area of Tract A do not follow the property lines and the area zoned Natural Area Preservation (NAP) is bisected by the area zoned General Use (GU) zone district. As requested, this application would rezone the 4.47 acres of General Use (GU) to the Natural Area Preservation (NAP) zone district, rezone 1.672 acres of Lot 4 from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district and rezone the 2.296 acres of Lot 5 from Natural Area Preservation (NAP) to Housing. The proposed rezoning request will result in a net increase of .502 acres of land in Tract A zoned Natural Area Preservation (NAP).

The area of Tract A currently zoned General Use (GU) is primarily comprised of slopes greater than 40%, with geologic hazards including medium severity rockfall and high severity debris flow. According to the Vail Town Code, the General Use (GU) District permits recreational uses such as bicycle and pedestrian paths, and passive outdoor recreation, but also allows for conditional uses such as parking structures, public buildings, and healthcare facilities.

Title 12, Zoning Regulations of the Vail Town Code prescribes the criteria and findings to be evaluated by the Town of Vail Planning & Environmental Commission when forwarding a recommendation for a zone district boundary amendment to the Vail Town Council. The following section of the document highlights the criteria for review and includes a response to the criteria by the applicant.

Criteria and Findings for Review:

Before acting on an application for a zone district boundary amendment, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the requested zone district boundary 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;

This criterion for the zone district amendment is met, provided the Planning & Environmental Commission recommends approval of the Vail Land Use Plan amendment, thereby amending the land use designation of Lot 4 from Open Space to Public/Semi-Public and Lot 5 from Open Space to High Density Residential.

As part of the General Growth/Development goals of Vail Land Use Plan, the Town is encouraged to grow in such a manner to maintain “*a balance between residential, commercial, and recreational uses*”. The rezoning of Lot 4 from Natural Area Preservation (NAP) to General Use (GU), the rezoning of Lot 5 from Natural Area Preservation (NAP) to Housing (H), and the remainder of Tract A currently zoned General Use (GU) to Natural Area Preservation (NAP) improves upon the balance between these uses. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to a total of 1,700 total by the year 2027.

While the Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, the Plan states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”. This zone district boundary amendment achieves this objective. Further, Chapter 21, Hazard Regulations, prescribes development standards by which potential geologic hazards must be mitigated in order to support residential development.

(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;

The requested zone district amendment is consistent with existing and potential land uses in the vicinity of the site. The easterly property line of Lot 5 is adjacent to the Middle Creek Village Apartments development, which also has a land use designation of High Density Residential and is zoned Housing (H) District, and the southerly property line is adjacent to the I-70/North Frontage Road Right-of-Way. The property line of the Tract A parent parcel is bordered on the west by the Solar Vail Apartments development which has a land use designation of Medium Density Residential and is zoned Housing (H) District. These existing and potential surrounding land uses are both compatible and suitable to the proposed intended future use of Proposed Lot 4, Middle Creek Subdivision.

The rezoning of the existing General Use (GU) portion of Tract A to Natural Area Preservation (NAP) already has an underlying land use designation of Open Space, and therefore, is well suited and compatible with this rezoning request. In addition, the ownership and use of the property immediately to the north of the Tract A parcel is U.S. Forest Service land which makes an appropriate neighboring use for the Natural Area Preservation (NAP) zone district.

(3) The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;

Lots 4 and 5 present a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. Given the location of Lot 5 in relation to Middle Creek Village Apartments immediately to the east, Solar Vail Apartments to the west, and I-70/North Frontage Road right of way along the southern property line, the rezoning of Proposed Lot 4 to the Housing (H) District presents a harmonious, convenient, and workable relationship among adjacent land uses and is consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a development objective as far back as the adoption of The Vail Plan in 1972. The rezoning of a portion of Tract A from General Use (GU) to Natural Area Preservation (NAP) also presents a harmonious, convenient, and workable relationship among land uses as the area is bordered to the north by U.S. Forest Service property and to the east by Spraddle Creek open space. The proposed zone district boundary amendment is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

(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;

The proposed zone district amendment provides for the growth of an orderly, viable community since Proposed Lot 4 is centrally located in Town, within walking distance of major employers, and provides future residents with convenient access to public transit. There is little doubt this rezoning request serves the best interests of the community as a whole. Based upon numerous community surveys and local employer input, it is without question that there is an increasing need for additional resident-occupied, deed-restricted homes for Vail residents. Approval of this request for a zone district amendment will not constitute spot zoning as it will result in a larger, contiguous area zoned Housing (H) District by adjacency to the existing Middle Creek Village Apartments and the Solar Vail Apartments and is supported explicitly by the Vail Land Use Plan. The rezoning of the General Use (GU) District portion of Tract A, Middle Creek to Natural Area Preservation (NAP) District expands areas of town-owned land within the Natural Area Preservation (NAP) District, and as such, does not constitute spot zoning.

(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 proposed zone district boundary amendment from Natural Area Preservation (NAP) to General Use (GU) on Lot 4 is limited to 1.672 acres, and the area rezoned from Natural Area Preservation (NAP) to Housing (H) is limited to the 2.296 acres of Lot 5. The remaining 13.257 acres of Tract A is to be zoned to the Natural Area Preservation (NAP) District with eligibility to become designated open space. To achieve a total of 13.257 acres of Tract A zoned Natural Area Preservation (NAP) District, the current portion zoned General Use (GU) District will be rezoned to the Natural Area Preservation (NAP) District as requested by this application. There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this zone district boundary request.

Proposed Lot 5 is an infill residential development opportunity to increase the supply of resident-occupied, deed-restricted homes on town-owned land in Vail. Amending the zone district to the Housing (H) District will not result in adverse impacts on the natural environment any more so than any other development of an otherwise vacant parcel in Vail. The most environmentally sensitive portion of Tract A is the riparian corridor along the Middle Creek drainage. As proposed, the riparian corridor remains in the Natural Area Preservation (NAP) District. Due to the extreme southern exposure of Tract A, the existing vegetation in the area of Lots 4 and 5 is primarily a mix of sage, dryland grasses, and mountain mahogany with a scattering of struggling lodgepole pine planted on the hillside in 1994 by the Town of Vail. More than 13.257 acres of Tract A will remain covered with the existing vegetation and undisturbed. Any future development on the hillside area of Lots 4 and 5 shall be subject to the development standards adopted by the Town of Vail.

(6) The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district;

The purpose of the General Use (GU) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“The General Use District is intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes prescribed in § 12-1-2 of this title and to provide for the public welfare. The General Use District is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately located and designed to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of buildings and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses.”

The proposed zone district boundary amendment for Lot 4 is consistent with the purpose of the General Use (GU) zone district and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Housing (H) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for Lot 5 is consistent with the purpose of the Housing (H) District and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Natural Area Preservation zone district is stated in Section 12-8C-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for the portion of Tract A currently zoned General Use (GU) to the Natural Area Preservation (NAP) is consistent with this purpose due to the preponderance of slopes greater than 40%. This proposed Natural Area Preservation (NAP) zoning is buffered from the existing Mountain Bell Tower site and the Middle Creek Village Apartments by existing setbacks.

(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;

Conditions have changed significantly in the 25 years since Tract A was rezoned from the Agricultural and Open Space (AOS) District to the Natural Area Preservation (NAP) District. For nearly five decades, the lack of availability of housing has been an ongoing concern of the Vail community. What began as a need to ensure safe and adequate housing for a seasonal workforce, has grown into a region-wide deficit of more than 5,000 homes within the Valley. The lack of availability of housing remains one of the foremost critical issues facing the Vail community as cited by respondents to community surveys. As the Town of Vail has become more populated the demand for housing in the Town of Vail has grown at a corresponding rate. The rate of development of free-market dwelling units over the past four decades has far outpaced the rate of development of resident-occupied, deed-restricted homes, causing a significant deficit within the Vail community. The Vail Town Council has made housing a top priority in the 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan. While the Vail Indeed program has proved successful since its adoption, there is a recognized need to build new resident-occupied, deed-restricted homes in the Town of Vail. The rezoning of Lot 4 provides a future location for much needed early childhood learning and the rezoning of Lot 5 creates a future land resource opportunity for the Town to pursue “catch-up” housing opportunities on the site.

In the case of the portion of Tract A proposed to be rezoned to Natural Area Preservation (NAP) District from the General Use (GU) District, the rezoning for this portion was approved prior to the minor subdivision requesting the creation of the West Middle Creek Parcel. At the time of the subdivision, both portions of Tract A were placed in the same development lot. This rezoning reflects the decision to keep these portions of Tract A as a single lot by unifying its zoning designation.

(8) Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

The scarcity of available land resources to meet the growing needs of early childhood learning and resident-occupied, deed restricted housing has been an ongoing concern for the Vail community. Simply stated, there is little to no land area remaining for these much-needed community uses. New opportunities need to be created where practical, appropriate and feasible. The newly created and rezoned Lots 4 and 5 are a practical and appropriate location to create new opportunities for early childhood learning and housing as demonstrated by the West Middle Creek Site Feasibility Study. Tract A is town-owned and centrally located between the two commercial job core areas of Vail. Developing new early childhood learning and housing opportunities for Vail’s workforce conveniently located near places of employment and businesses is responsible community development and land use planning. These two new lots meet a community need and do so in an infill development location. It does not require sprawl or growth outside of the established urban growth boundaries of the Town of Vail.

Amending the zoning for the new Lots 4 and 5 is good land use planning. By design, the only allowed type of development in the Housing (H) District is resident-occupied, deed-

restricted housing. If additional early childhood learning and housing are what the community needs, and the location of new Lots 4 and 5 is practical and appropriate for, then good land use planning dictates that applying the General Use (GU) and Housing (H) zone districts to Tract A is a logical decision.

The Town missed numerous opportunities to address the early childhood learning and housing needs during the past five decades. In many instances, the growth of free-market dwelling units was prioritized and outpaced the development of early childhood learning and local resident housing. The crucial need for these vital community uses exists and more easily developed sites are already developed with other uses.

IV. Summary:

The obligation to demonstrate compliance with the prescribed development application review criteria lies with the applicant. The Town of Vail Planning & Environmental Commission's role is to determine whether, based upon the review criteria and factors for consideration, the applicant has met their compliance obligation.

The Town of Vail has provided a written response to the review criteria for the Vail Land Use Plan amendment, the minor subdivision application, and the rezoning request for the Commission's consideration. In doing so, the relevant information has been provided which supports a recommendation of approval of each of the development applications from the Planning & Environmental Commission to the Vail Town Council. The applicant has shown that each of the applications complies with the applicable criteria and serves to advance the Town's municipal objectives and development goals. As proposed, the applications will result in future development which is not only compatible with surrounding uses and existing development, but does so in a location that has been considered feasible for residential development. Most importantly, it has been demonstrated that there remains a critical need for land within the Town of Vail to be rezoned and repurposed for early childhood learning and local resident housing. Identifying community needs and creating future opportunities to fulfill those needs demonstrates responsible land use planning.

Exhibits:

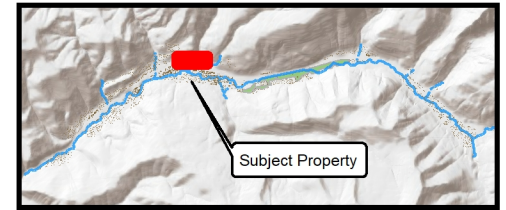
1. Land Use Plan Amendment Map
2. Minor Subdivision Plat
3. Rezoning Map





(EIR, Steep Slopes and Geohazard maps attached to staff report)

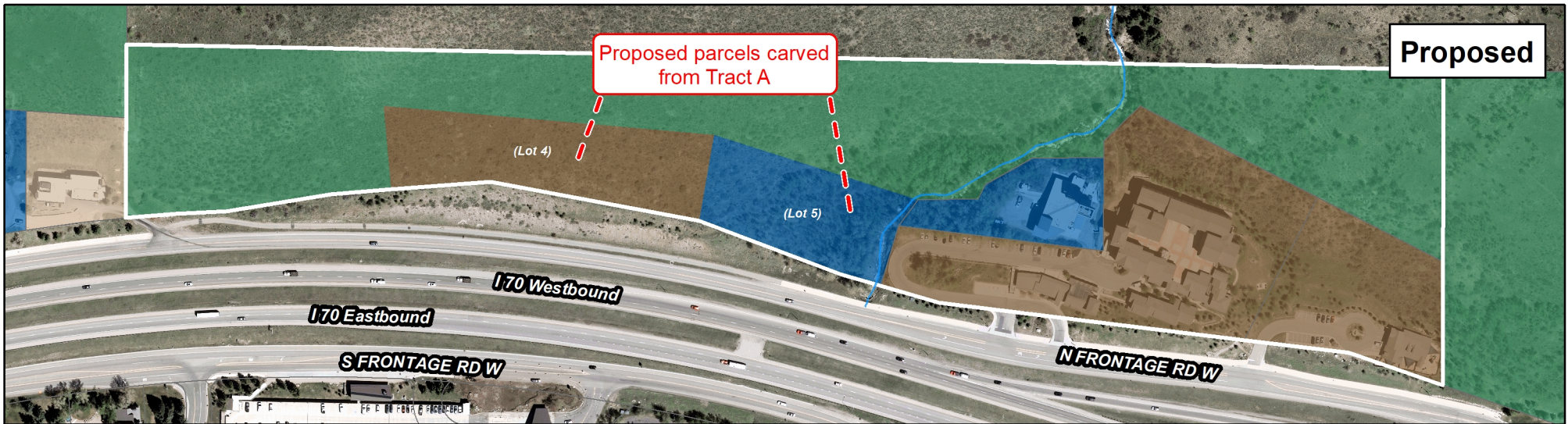
Land Use Amendment Proposal

Middle Creek Subdivision - Tract A

199 North Frontage Road West



	High Density Residential		Open Space		Public/Semi-Public		Medium Density Residential
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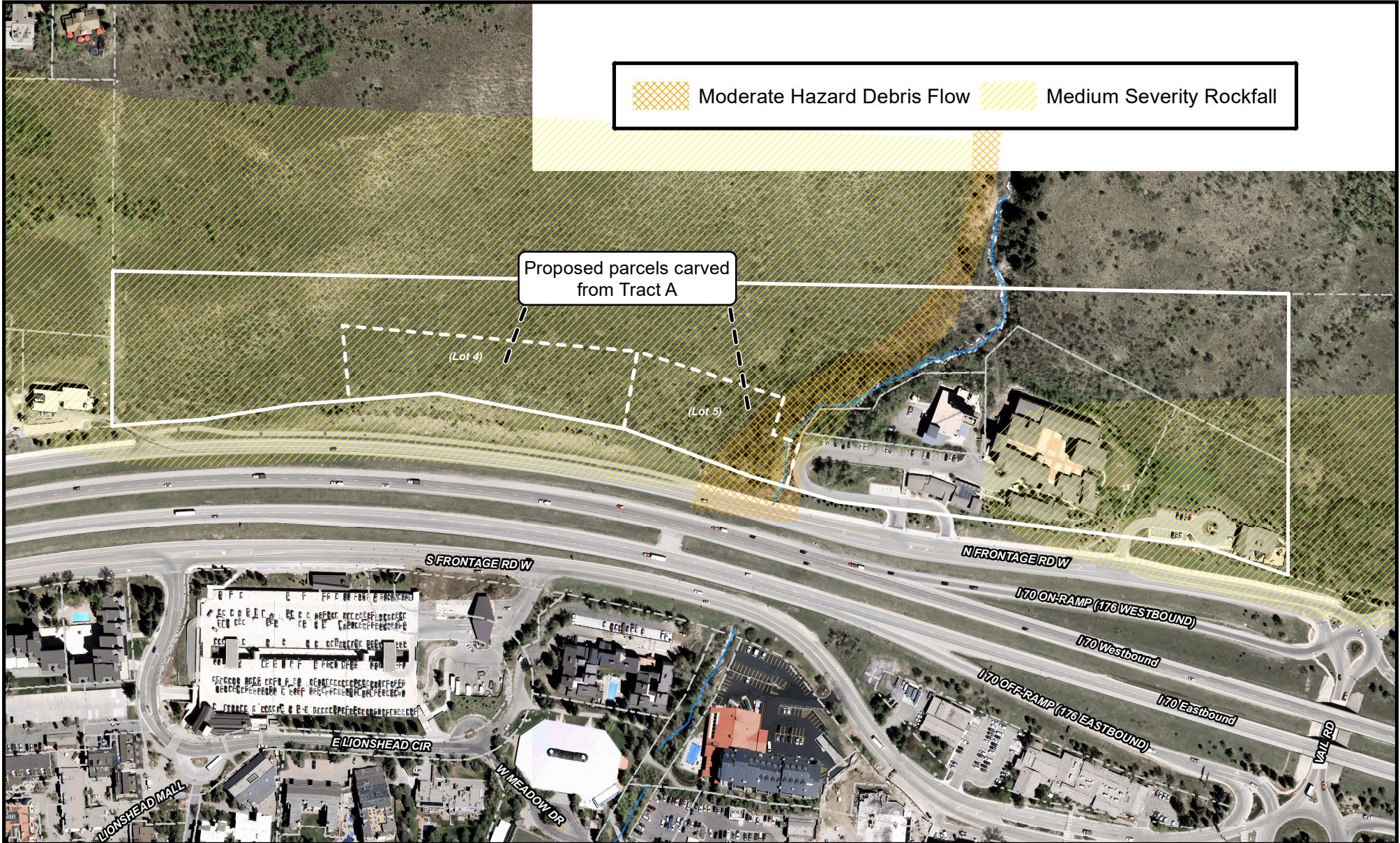
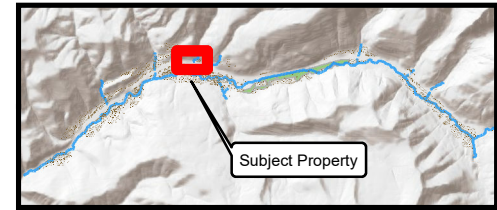


0 50 100 200 300 Feet

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Last Modified: August 19, 2022

Middle Creek Subdivision - Tract A - Geohazards - 199 North Frontage Road West



Moderate Hazard Debris Flow
 Medium Severity Rockfall

Proposed parcels carved from Tract A

(Lot 4)

(Lot 5)

S FRONTAGE RD W

N FRONTAGE RD W

I-70 ON-RAMP (176 WESTBOUND)

I-70 Westbound

I-70 OFF-RAMP (176 EASTBOUND)

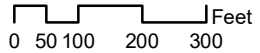
I-70 Eastbound

E LIONSHEAD CIR

W MEADOW DR

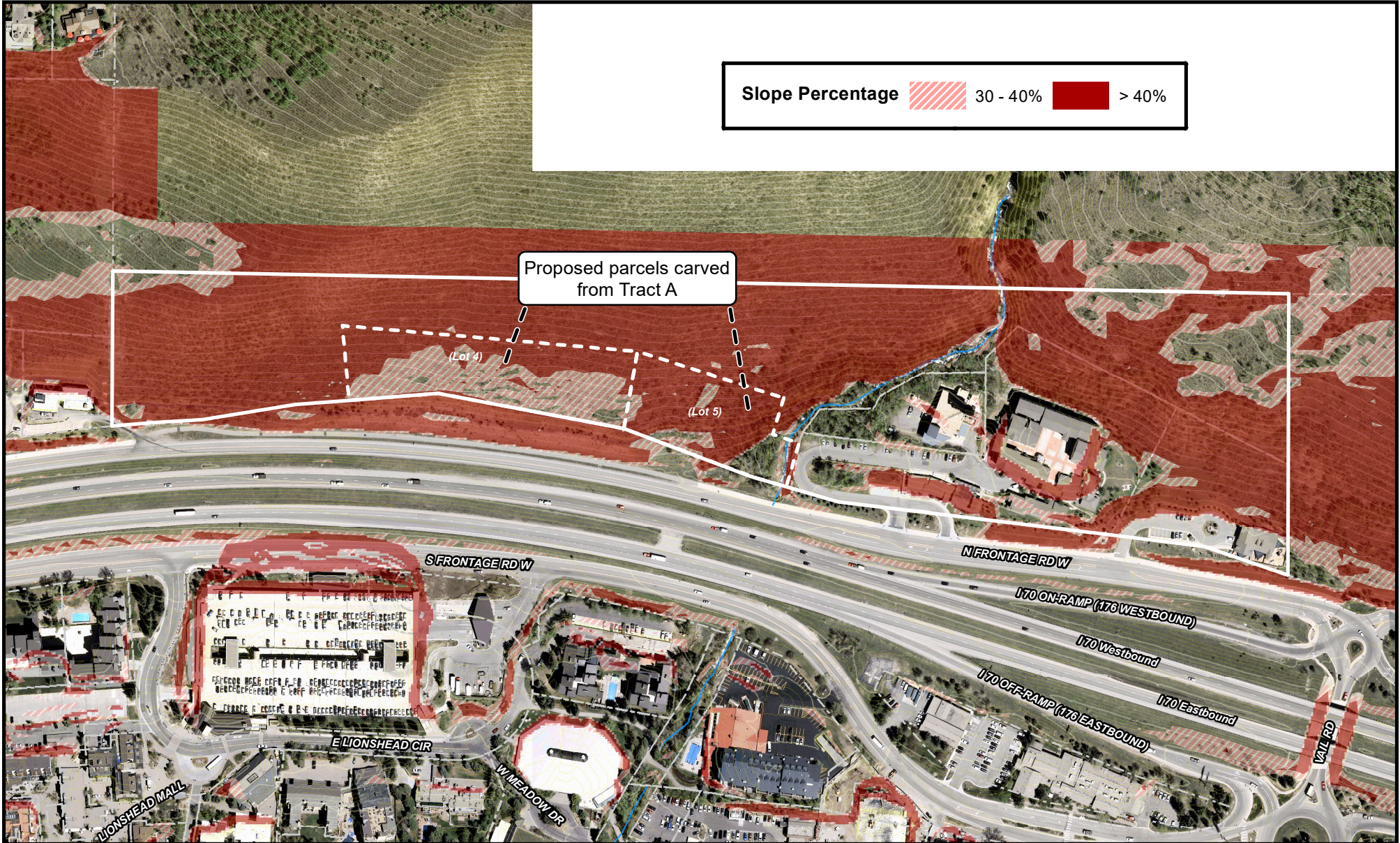
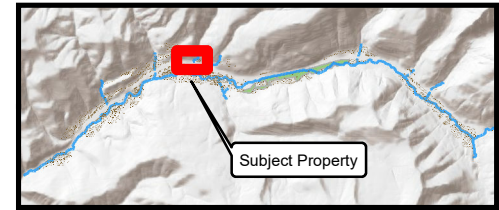
VAIL RD

LIONSHEAD MALL



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Middle Creek Subdivision - Tract A - Slope - 199 North Frontage Road West



Slope Percentage

	30 - 40%		> 40%
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Last Modified: December 6, 2022



SUMMARY OF EXISTING CONDITIONS AND IMPACTS FOR PROPOSED DEVELOPMENT

LOTS 4 AND 5 – PROPOSED MULTIFAMILY HOUSING DEVELOPMENT AND CHILDCARE FACILITY

1.0 HYDROLOGY

1.1 Surface Water

Existing Conditions

- Middle Creek is located on the eastern edge of Lot 5 within the EIR study area. The creek traverses approximately 200 linear feet through the eastern boundary of Lot 5, flow is from north to south.
- Middle Creek is a tributary to Gore Creek, which is south of the proposed EIR study area. Gore Creek is considered a Gold Medal Stream by the Colorado Parks and Wildlife Service.

Impacts

- It is assumed that the proposed project will not impact Middle Creek. Ground disturbance activities will not be within or immediately adjacent to the ordinary high water mark of Middle Creek.

1.2 Groundwater

Existing Conditions

- Records were searched using Terracon's Geodatabase and United States Geological Survey (USGS) well data for records of groundwater depths near the EIR study area.
- According to the USGS National Water Information System there was a well approximately 0.25-miles west of the EIR study area with a depth to groundwater of 40 feet below the surface.

Impacts

- Impacts to groundwater from the proposed project could be possible if construction related activities go below 30-40 feet below the surface. It is recommended that boring tests to know the exact location of the ground water within the EIR study area in order to avoid impacts to groundwater.
- The proposed project would increase impervious surface; therefore decreasing the potential for water to infiltrate to the aquifer below, if the site does lie over a recharge zone. This decrease in infiltration has the potential to decrease the quantity of water available within the aquifer.

1.3 100-Year Floodplain

Existing Conditions

- The Middle Creek floodplain crosses into Lot 5 of the EIR study area.

- The floodplain associated with Middle Creek is classified as a Zone AE Regulatory Floodway, a 100-year floodplain, per FIRM panel 08037CO469D, effective December 4, 2007.

Impacts

- The proposed project could impact the Middle Creek Floodplain if construction related activities take place within the mapped floodplain.
- Increase in impervious surface would generate additional runoff flowing into the creek, potentially impacting the floodplain downstream if the existing floodplain does not have the capacity to contain the additional water.

1.4 Stream Setback

Existing Conditions

- The current Town of Vail regulations specify a 25-foot setback from the centerline of Middle Creek.

Impacts

- The proposed project is planning on being 25-feet outside of the Ordinary High-Water Mark (OHWM) of Middle Creek and therefore will be in compliance with this setback.

•

2.0 BIOTIC CONDITIONS

2.1 Vegetation

Existing Conditions

- Proposed project is located within Lots 4 and 5 which are both undeveloped with native and invasive vegetation.
- Lot 4 contains mostly shrubs and grasses with the majority of the vegetation consisting of big sagebrush (*Artemisia tridentata*), rubber rabbit brush (*Ericameria nauseosa*), and western wheatgrass (*Pascopyrum smithii*).
- The vegetation community within Lot 5 is a mix of the shrub and grasses community found in Lot 4 as well as mountain riparian forest communities which are dominated by quaking aspen (*Populus tremuloides*), Engelmann spruce (*Picea engelmannii*), and common red raspberry (*Rubus idaeus*).

Impacts

- The proposed project will impact vegetation communities in the EIR study area. Areas directly within the developmental footprint will likely be removed at the time of construction.

2.2 Wildlife

Existing Conditions

- An Information for Planning and Consultation (IPaC) Report from the US Department of Fish and Wildlife Services listed 10 species that have the potential to exist within the EIR study area. No critical habitat was flagged as existing within the EIR study area.
- A Colorado’s Conservation Data Explorer (CODEX) report was generated to flag any state-listed threatened and endangered species or species of concern that could exist within the EIR study area. This report shows that there is potential habitat for cutthroat

trout (*Oncorhynchus clarkia*), elk (*Cervus canadensis*), mountain lions (*Puma concolor*), lynx (*Lynx canadensis*), golden eagles (*Aquila chrysaetos*), mule deer (*Odocoileus hemionus*), mountain sheep (*Ovis canadensis canadensis*), black bear (*Ursus americanus*), and boreal toads (*Anaxyrus boreas boreas*) within and around the EIR study area. There is also breeding habitat found for several bird species within the EIR study area.

Impacts

- The proposed project has the potential to impact wildlife habitat since the majority of the EIR study area is undeveloped. However, development around the EIR study area makes this habitat less suitable and impacts could be minimal.
- Migratory bird surveys should be conducted before any construction activities take place if said activities happen between February 15th and August 31st.

3.0 SOILS

Existing Conditions

- Based upon the United States Geological Survey there are two different soil types found within the EIR study area. These soils are non-hydric and made up of mostly loam.

Impacts

- The proposed project has a potential to impact soils within the EIR study area in any ground disturbances take place from the construction related activities. These impacts could also impact erosion of soils within the EIR study area.
- Erosion impacts could be minimized through the implementation of the required Stormwater Pollution Prevention Plan in association within the authorization under the COR400000 Construction Stormwater Discharge Permit.

4.0 GEOLOGY

Existing Conditions

- The Town of Vail Geologic Maps were reviewed for potential hazards within the EIR study area.
- There are no potential Avalanche Hazards within the EIR study area. However, portions of Middle Creek within the EIR study area were mapped as being a Moderate Hazard Debris Flow zone and the EIR study area was within the Medium Severity for Rockfall zone as well.

Impacts

- The EIR study area was within two mapped zones for rockfalls and debris flow hazards for geologic hazards. These two potential geological hazard zones could impact the project in the event of a rockfall or flooding event within or around the EIR study area.

5.0 NOISE AND ODORS

Existing Conditions

- The site is in the developed town of Vail, Colorado and is directly adjacent to the North Interstate-70 Frontage Road and the Interstate-70 corridor. Both road systems generate noise and odors from traffic.
- According to the National Transportation Noise Map, noise from the Interstate-70 corridor in the project vicinity is the loudest at the highway center, registering 60.0 to 69.9 dBA, and fades to 50.0 to 54.9 dBA at the frontage roads (Bureau 2022).
- There are no significant sources of noise or odors from the Middle Creek Village apartments immediately to the east of the proposed site.

Impacts

- Construction would cause temporary impacts to the Middle Creek Village apartments immediately to the east. Upon completion of the construction, the project buildings would be considered sensitive noise receptors and are not anticipated to generate noise levels.

6.0 VISUAL/SCENIC RESOURCES

Existing Conditions

- Vail extends through the Gore Creek valley and visual resources in the proposed project vicinity include the Gore and Sawatch mountain ranges that surround the city.
- In the immediate vicinity, Middle Creek flows along the eastern project boundary and Interstate-70 is to the south.

Impacts

- The proposed project would impact the existing viewshed from Interstate-70; but would not impact the viewshed from the mountains above as the area surrounding the EIR study area include developments.
- It is assumed that the proposed project height would not extend beyond the height of the apartment complex to the east; allowing for a similar aesthetics.

7.0 LAND USES

Existing Conditions

- The proposed project area consists of undeveloped land.
- The Property and General Municipal Map (Town 2022b) indicates the land use as “open space” and the parcel is owned by the Town of Vail. The majority of the proposed site was previously zoned as “agricultural and open space” but now has a “natural area preservation” zoning designation.
- The eastern edge of the site boundary immediately west of the Middle Creek Village apartments entry road was previously zoned as “agricultural and open space” and is currently designated as “general use.”

Impacts

- The proposed project will require the EIR study area to be zoned in a manner fitting the proposed project. The rezoning will be completed in accordance with the requirements under the Unified Development Code and City Planning Team.

8.0 POPULATION

Existing Conditions

- The total population of Vail in 2020 was 4,804 (2022) and the town employed 8,634.
- People who live and also work in Vail were estimated to be 2,604 in 2019.
- From 2016 to 2020 the median household income was \$82,661 and 8.7% of the population had incomes lower than the poverty line. The total number of housing units in 2020 was 7,302 and occupied housing units was 2,373, yielding a 67.5% vacancy rate.
- Owner-occupied units comprised 71.8% of all housing units in 2020 and averaged 2.10 persons per household; rentals comprised 28.2% with an average of 2.98 persons per household.

Impacts

- Construction and operation of a multifamily development will afford those working within Vail to have the opportunity to reside within the town versus within a community beyond, due to affordability. This opportunity for affordable housing has the potential to increase the overall population.

9.0 TRAFFIC

Existing Conditions

- The Colorado Department of Transportation (CDOT) Traffic Volume on Colorado Highways map indicates that Interstate-70 is in the category of highest daily traffic counts (greater than 10,000) (CDOT 2022).
- In 2021 Interstate-70 recorded 27,000 traffic counts at a traffic counter to the east of Vail, 33,000 counts at a counter within western Vail, and 39,000 counts west of Vail near the intersection of Interstate-70 and Highway-24.
- In 2010, the western Vail traffic counter recorded 25,000 counts (CDOT 2022).

Impacts

- During construction, the volume of traffic along this portion of Interstate-70 would increase; however, this impact would be limited to during construction and would not be significant since the number of employees would also be limited. The operation of the projects are anticipated to have a decrease on traffic leaving Vail since the purpose of the project is to increase local housing, decreasing the need for those working within the city to live and travel beyond.

10.0 SUSTAINABILITY

Existing Conditions

- Vail strives to be “a nationally recognized leader in sustainability through a commitment to community partnerships and balanced stewardship of human, financial and environmental resources in policy and daily operations” (Town 2022a).
- As part of its Environmental Sustainability Strategic Plan, Vail aims to promote land use maintenance at current or improved levels of biological health (Town 2009). For areas that are already developed, sustainable and profitable business practices like energy efficiency, conservation, waste reduction, and green purchasing are promoted. The Plan

also promotes incorporation of environmental goals within the planning and approval processes of proposed projects.

Impacts

- As required by the City of Vale, the proposed project will include no more than 75% of the EIR study area to be modified and Middle Creek will not be directly impacted.
- The proposed project is anticipated to provide services to those working within the City, decreasing traffic leaving/heading into the City, decreasing air emissions.

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Phone: (720) 281-2447

E-mail: kbertuglia@vailgov.com

Re: Environmental Impact Report
West Middle Creek Parcel Rezoning
Vail, Colorado
Terracon Project No. 20227135

Dear Ms. Bertuglia:

Terracon Consultants, Inc. (Terracon) is pleased to submit the enclosed Environmental Impact Report for the West Middle Creek Parcel Rezoning Project. This analysis was performed in accordance with Terracon Proposal No. P20227135 dated October 26, 2022.

We appreciate the opportunity to work on this project. If you have questions or need additional information, please give Jennifer Peters a call at 210-907-7648.

Sincerely,
TERRACON Consultants, Inc.

A handwritten signature in cursive script that reads "Trevor Hartwig".

Trevor Hartwig
Staff Scientist

A handwritten signature in cursive script that reads "Jennifer Peters".

Jennifer Peters
NEPA Program Manager

Explore with us

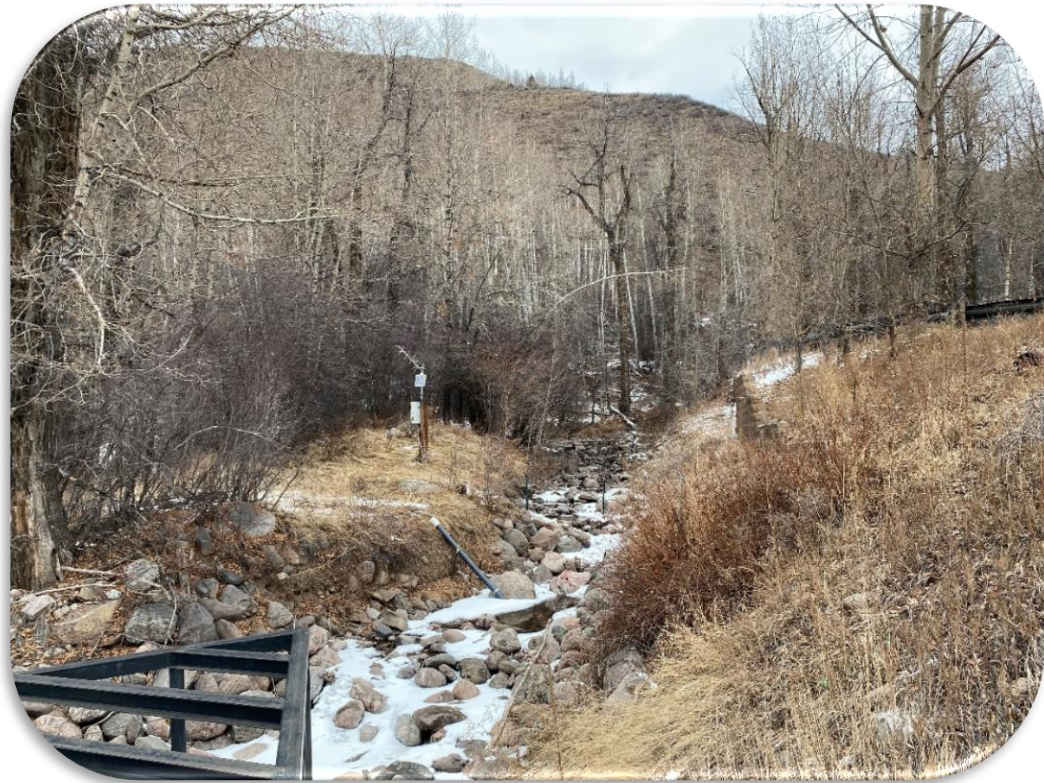
Environmental Impact Report

West Middle Creek Parcel Rezoning

Vail, Colorado

December 9, 2022

Terracon Project No. 20227135



PREPARED FOR:

The Town of Vail
Vail, Colorado

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1.0 INTRODUCTION

The Town of Vail is planning on rezoning the West Middle Creek Parcel for residential development that would include affordable housing. The parcels in question are located on the I-70 Frontage Road in Vail, Colorado. Two lots, Lots 4 and 5, will be part of the rezoning process and they are located at Section 6 of Township 5 South and Range 80 West in Eagle County, Colorado Appendix A, Figures 1 and 2).

To aid in the future project planning, this Environmental Impact Report (EIR) was prepared to assist in the rezoning of the two lots that are west of Middle Creek. This report discusses the existing conditions with the study area and the proposed actions after the rezoning efforts for future projects developed by the Town of Vail.

2.0 ENVIRONMENTAL SETTING

The EIR study area consists of two lots, Lots 4 and 5, located in Vail, Eagle County, Colorado. The EIR study area is approximately 3.96 acres and is mostly undeveloped, natural habitat. Middle Creek runs along the western border of Lot 5. The EIR study area is surrounded by residential and commercial development to the east, undeveloped land to the west and north, and the I-70 Frontage Road to the south. The elevation for the EIR study area ranges from 8,300 feet to 8,350 feet above mean sea level (Appendix A, Figure 3).

3.0 EXISTING CONDITIONS

3.1 Hydrology

3.1.1 Surface Water

Middle Creek is located on the eastern edge of Lot 5 within the EIR study area (Appendix A, Figure 4 and 5). The creek runs approximately 200 linear feet through the eastern boundary of Lot 5 with flow going from the north to the south. Middle creek is a tributary to Gore Creek, which is south of the proposed EIR study area. Gore Creek is considered a Gold Medal Stream by the Colorado Parks and Wildlife Service.

3.1.2 Groundwater

Records were searched using Terracon's Geodatabase and United States Geological Survey (USGS) well data for records of groundwater depths near the EIR study area. According to the USGS National Water Information System, there was a well approximately 0.25-mile west of the EIR study area with a depth to groundwater of 40 feet below ground surface (bgs).

3.1.3 100-Year Floodplain

According to the FEMA floodplain database Flood Insurance Rate Map (FIRM) Panel No. 08037C0469D dated December 4, 2007, Middle Creek is classified as a Zone AE Regulatory

Floodway (Appendix A, Figure 6; Appendix C). According to FEMA, Zone AE floodways are classified as a flood zone that has a 1% chance of flooding annually and a 26% chance of flooding within 30 years. If development will take place within the Middle Creek floodplain, a permit will be required from FEMA.

3.1.4 Stream Setback

The current Town of Vail regulations specify a 25-foot setback from the centerline of Middle Creek. The proposed project is planned to be located 25-feet outside of the Ordinary High-Water Mark (OHWM) of Middle Creek and therefore will be in compliance with this setback (Appendix A, Figure 5).

3.2 Biotic Conditions

3.2.1 Vegetation

The proposed project is located within Lots 4 and 5 which are both undeveloped with native and invasive vegetation. Lot 4 contains mostly shrubs and grasses with the majority of the vegetation consisting of big sagebrush (*Artemisia tridentata*), rubber rabbit brush (*Ericameria nauseosa*), and western wheatgrass (*Pascopyrum smithii*). The vegetation community of Lot 5 was a mix of the shrub and grasses community found in Lot 4 as well as mountain riparian forest communities which are dominated by quaking aspen (*Populus tremuloides*), Engelmann spruce (*Picea englemannii*), and common red raspberry (*Rubus idaeus*).

3.2.2 Wildlife

An Information for Planning and Consultation (IPaC) Report from the US Department of Fish and Wildlife Service (UFWFS) listed 10 species that had the potential to exist within the EIR study area (Appendix D). No critical habitat was flagged as existing within the EIR study area. However, at the time of this report, the Monarch Butterfly (*Danus plexippus*) is classified as a candidate species which is not protected under the Endangered Species Act. The butterfly prefers to lay its eggs in stands of obligate milkweed species (*Asclepias spp.*). If the butterfly's status changes before the construction of the housing development, then surveys for the butterfly's habitat within the EIR study area will be conducted.

A Colorado's Conservation Data Explorer (CODEX) report was generated to flag any state-listed threatened and endangered species or species of concern that could exist within the EIR study area (Appendix E). This report shows that there is potential habitat for cutthroat trout (*Oncorhynchus clarkii*), elk (*Cervus canadensis*), mountain lions (*Puma concolor*), Lynx (*Lynx canadensis*), Golden Eagles (*Aquila chrysaetos*), Mule Deer (*Odocoileus hemionus*), mountain sheep (*Ovis canadensis*), black bear (*Ursus americanus*), and Boreal Toads (*Anaxyrus boreas*) within and around the EIR study area. There is also breeding habitat found for several bird species protected under the Migratory Bird Treaty Act within the EIR study area.

3.3 Soils

According to the United States Geological Survey there are two different soil types found within the EIR study area (Appendix A, Figures 7; Appendix F). These soils are Quander family, till substratum, 40 to 60 percent slope and Urban Land. Both soils were classified as being non-hydric and made up of mostly loam.

3.4 Geology

3.4.1 Geologic Hazard

The Town of Vail Geologic Maps were reviewed for potential hazards that were within the EIR study area. There were no potential Avalanche Hazards within the EIR study area. However, portions of Middle Creek within the EIR study area were mapped as a Moderate Hazard Debris Flow zone and within the Medium Severity for Rockfall zone. The Geological Hazard Maps can be found in Appendix G.

3.5 Noise and Odors

The site is in the developed town of Vail, Colorado and is directly adjacent to the North Interstate-70 Frontage Road and the Interstate-70 corridor. Both road systems generate noise and odors from traffic. According to the National Transportation Noise Map, noise from the Interstate-70 corridor in the project vicinity is the loudest at the highway center, registering 60.0 to 69.9 dBA, and fades to 50.0 to 54.9 dBA at the frontage roads (Bureau 2022). The U.S. Department of Housing and Urban Development's Environmental Planning Division developed a Day/Night Noise Level (DNL) Calculator to assess noise from roadway and railway traffic (2022). Based on available roadway input data for Interstate-70 and the frontage road, the tool estimates a combined DNL of 53 dB at the project site due to vehicular traffic. There are no significant sources of noise or odors from the Middle Creek Village apartments immediately to the east of the proposed site.

3.6 Visual/Scenic Resources

Vail extends through the Gore Creek valley with visual resources in the proposed project vicinity including the Gore and Sawatch mountain ranges that surround the city. In the immediate vicinity, Middle Creek flows along the eastern project boundary and Interstate-70 is to the south.

3.7 Land Uses

The proposed project area consists of undeveloped land. The Property and General Municipal Map (Town 2022b) indicates the land use as "open space" and the parcel is owned by the Town of Vail. The majority of the proposed site was previously zoned as "agricultural and open space" but now has a "natural area preservation" zoning designation. The eastern edge of the site boundary immediately west of the Middle Creek Village apartments entry road was previously

zoned as “agricultural and open space” and is currently designated as “general use.” Zoning designations can be seen on Figure H.

3.8 Population

According to the State Demography Office, the total population of Vail in 2020 was 4,804 (2022) with a total of 8,634 people employed within the Town of Vail. People who lived and also worked in Vail amounted to 2,604 individuals in 2019. From 2016 to 2020 the median household income was \$82,661 and 8.7% of the population had incomes lower than the poverty line. The total number of housing units in 2020 was 7,302 and occupied housing units was 2,373, yielding a 67.5% vacancy rate. Owner-occupied units comprised 71.8% of all housing units in 2020 and averaged 2.10 persons per household; rentals comprised 28.2% with an average of 2.98 persons per household. The State Demography Office Community Profile for Vail is available in Appendix I.

3.9 Traffic

The Colorado Department of Transportation (CDOT) Traffic Volume on Colorado Highways map indicates that Interstate-70 is in the category of highest daily traffic counts (greater than 10,000) (CDOT 2022). In 2021 Interstate-70 recorded 27,000 traffic counts at a traffic counter to the east of Vail, 33,000 counts at a counter within western Vail, and 39,000 counts west of Vail near the intersection of Interstate-70 and Highway-24. See Appendix J for the traffic volume map. In 2010, the western Vail traffic counter recorded 25,000 counts (CDOT 2022).

3.10 Sustainability

Vail strives to be “a nationally recognized leader in sustainability through a commitment to community partnerships and balanced stewardship of human, financial and environmental resources in policy and daily operations” (Town 2022a). As part of its Environmental Sustainability Strategic Plan, Vail aims to promote land use maintenance at current or improved levels of biological health (Town 2009). For areas that are already developed, sustainable and profitable business practices like energy efficiency, conservation, waste reduction, and green purchasing are promoted. The Plan also promotes incorporation of environmental goals within the planning and approval processes of proposed projects.

4.0 PROPOSED PROJECT

The proposed project associated with the rezoning of West Middle Creek parcels is for an affordable housing complex and potentially a child daycare center. Lot 4 will be the primary location for the affordable housing complex and Lot 5 will be the planned access point for the housing complex as well as the site for the potential child daycare center. A bridge crossing over Middle Creek may be planned as part of accessing the two lots without using the existing CDOT right-of-way that is located to the south.

5.0 IMPACTS AND MITIGATION

5.1 Hydrology

5.1.1 Surface Water

Impacts to Middle Creek could potential be approximately 0.11-acres if the proposed project plans on developing over the whole section of Middle Creek within the EIR study area. Impacts to the Middle Creek would negatively impact streams further downstream like Gore Creek which is a protected waterbody under Colorado state laws. Both Middle and Gore Creek would be protected under the Clean Water Act.

If the Town of Vail plans to impact Middle Creek, permitting may need to be performed in accordance with the United States Army Corps of Engineers (USACE). The permitting process with the USACE would be needed in order to be in compliance with Section 404 of the Clean Water Act and mitigation may be needed in order to offset any impacts from the proposed housing project.

5.1.2 Groundwater

Potential impacts to groundwater from the proposed project could result if construction related activities go below 30-40 feet below the surface. Impacts to groundwater could also impact the drinking water for the area and measures should be put in place to minimize all impacts to groundwater from proposed housing project. It is Terracon's recommendation to perform boring tests to identify the depth to groundwater within the EIR study area in order to avoid impacts.

5.1.3 100 Year Floodplain

The Middle Creek floodplain was mapped within the Lot 5 boundaries which the proposed project could impact if construction related activities take place within the mapped floodplain. Impacting this floodplain could lead to flooding in the event of a large precipitation event within the proposed housing project as well as an increase in erosion and potential release of pollutants downstream. Impacts to the floodplain should be minimized, if possible, in order to avoid future impacts downstream and within the EIR study area.

5.1.4 Stream Setback

The proposed project is planned to be located 25-feet outside of the Ordinary High-Water Mark (OHWM) of Middle Creek and therefore will be in compliance with this setback.

5.2 Biotic Conditions

5.2.1 Vegetation

The proposed housing project will impact vegetation communities in the EIR study area. Areas directly within the developmental footprint will likely be removed at the time of construction and impacts can be minimized if the vegetation communities found with the project were incorporated

or sectioned off during the construction of the future housing development. Best management practice should be in place during construction activities in order to mitigate for the establishment of noxious and invasive plants. Noxious weeds and invasive plants are better adapted at establishing populations within disturbed areas like construction sites which can negatively impact native plants within the surrounding area.

5.2.2 Wildlife

The proposed project has the potential to impact wildlife habitat since the majority of the EIR study area is undeveloped. However, development around the EIR study area makes this habitat less suitable and impacts would be minimal. Before construction related activities take place for the proposed housing development, a new IPaC Report should be run in the event that the Monarch Butterfly status as a federally protected species has change. In the event that the butterfly's status changes then it is recommended to perform another site visit during the growing season to establish if suitable habitat is present within the EIR study area. Migratory bird surveys should also be conducted before any construction activities take place if said activities happen between February 15th and August 31st.

5.3 Soils

The proposed project will impact soils within the EIR study area as a result of ground disturbances from construction related activities. These impacts could also result in the erosion of soils within the EIR study area and during the construction process Best Management Practices should be in place to mitigate soil impacts.

5.4 Geology

5.4.1 Geological Hazards

The EIR study area is within two mapped zones for rockfalls and debris flow zones for geologic hazards. These two potential geological hazard zones could impact the project in the event of a rockfall or flooding event within or around the EIR study area.

5.5 Noise and Odors

The proposed site would be rezoned into a housing district so land disturbing activities and construction would occur. There would be a short-term increase in noise and odors in the vicinity due to construction activities, but these impacts would subside post-construction. When housing is established, it will create noise and odor levels above current conditions, but these would be minor and not significant. New housing at the site would receive a combined DNL of approximately 53 dB as discussed in Section 3.5. According to the United States Department of Housing and Urban Development (2022), housing projects with exterior day-night average sound levels of less than 65 dB are considered acceptable, so noise levels received by new developments within the site are not expected to be significant.

5.6 Visual/Scenic Resources

The proposed rezoning would not impact mountain views of travelers along Interstate-70 because the Gore and Sawatch mountain ranges encompass the entire town. Water features, such as Middle Creek along the eastern project boundary, would be maintained per the Environmental Sustainability Strategic Plan (Town 2009). There are no designated scenic resources within the proposed project site that would require mitigation by the proposed project, and visual impacts would be negligible and not significant.

5.7 Land Uses

The project proposes to rezone the parcel from a natural, undeveloped area to a housing zone district. This would substantially change the use of the land from little to no activity to intensive use. The Town of Vail states that an area designation as housing district is intended to provide employee housing that is “appropriately located and designed to meet the needs of [the residents], to harmonize with surrounding uses, and to ensure adequate light, air, open spaces and other amenities...” (Town 2022d). At least 30% of the total site area is required to be landscaped. The Vail Planning Team requires a Planning Application that would undergo a review process by the Planning & Environmental Commission, the Design Review Board, and the Town Council. The change in land use would be significant but impacts may be considered minor due to the ultimate benefits to the community.

5.8 Population

Commuting plays a large role in the economy of an area because not all people live where they work (State 2022). Rezoning the project area to a housing district would provide more housing directed at employees; this in turn may increase local job growth and provide greater access to employees. By constructing housing units in the parcel, the population in the immediate area would potentially increase. Overall population changes as a result of the proposed project would not be significant with no anticipated negative impact.

5.9 Traffic

After rezoning the parcel, traffic may be blocked periodically during construction to accommodate large equipment and vehicles. However, this would be temporary and alternate routes or traffic safety cones would be utilized as needed along the frontage road. Free bus routes for local commutes would be available to the proposed development within the parcel via the four routes with stops at the Middle Creek Village apartments immediately east of the project area and to the west adjacent to Red Sandstone Elementary School (Town 2022c).

A State Highway Access Permit would be required for any new development to construct an access point to the frontage road (CDOT 2022a). The proposed housing development would have a two-way access to accommodate incoming and outgoing vehicles. New housing within the parcel would generate more vehicle trips per day in the area than current amounts, and a traffic

study may be needed to analyze potential changes in traffic and provide suggestions to accommodate the increase. CDOT provides general guidelines and specific requirements for traffic impact studies (2022a).

Overall impacts to traffic in the immediate vicinity may be significant. A traffic study is recommended to determine the anticipated degree of change and recommend options to accommodate increased traffic.

5.10 Sustainability

Changes to parcel zoning could negatively affect the current condition of biological health due to changes in land cover, construction debris, and general waste and pollutants from the proposed housing development. However, the Town of Vail lists criteria for evaluation of proposed housing development plans that serve to ensure sustainability; examples include open space and landscaping that is designed to preserve and enhance natural site features; building design functionality to the site, neighborhood, and community; and efficient pedestrian and vehicular connections within and to the site (Town 2022d). These and other criteria are assessed by the Planning and Environmental Commission, amongst other departments, to ensure that plans consider sustainability in regard to energy efficiency, waste diversion, ecosystem health, sustainable economic and social development, public education on environmental stewardship, and transportation (Town 2009). Overall adverse impacts to sustainability are not anticipated to be significant.

6.0 SUMMARY OF ENVIRONMENTAL IMPACTS

The construction of the proposed housing development project will result in the following impacts:

- It is assumed that the proposed project will not impact Middle Creek. Ground disturbance activities will not be within or immediately adjacent to the ordinary high-water mark of Middle Creek.
- Impacts to groundwater from the proposed project could be possible if construction related activities extend 30-40 feet below the ground surface. Borings to identify the depth to groundwater in the area are recommended to avoid impacts to groundwater.
- The proposed project would increase impervious surface; therefore, decreasing the potential for water to infiltrate the subsurface thereby decreasing the quantity of water available within the aquifer.
- The proposed project could impact the Middle Creek floodplain if construction related activities take place within the mapped floodplain.
- Increase in impervious surface would generate additional runoff flowing into the creek, potentially impacting the floodplain downstream if the existing downstream floodplain does not have the capacity to contain the additional water and impact water quality downstream.
- The proposed project will impact vegetation communities in the EIR study area. Areas directly within the development footprint will likely be removed at the time of construction.

Environmental Impact Report

West Middle Creek Parcel Rezoning ■ Vail, Colorado
December 9, 2022 ■ Terracon Project No. 20227135



- The proposed project has the potential to impact wildlife habitat since the majority of the EIR study area is undeveloped. However, existing development surrounding the EIR study area makes this habitat less suitable. Impacts would likely be minimal.
- Migratory bird surveys should be conducted before any construction activities take place if said activities occur between February 15th and August 31st.
- The proposed project has a potential to impact soils within the EIR study area as a result of ground disturbances from construction related activities. These impacts could also impact erosion of soils within the EIR study area.
- Erosion impacts could be minimized through the implementation of the required Stormwater Pollution Prevention Plan in association within the authorization under the COR400000 Construction Stormwater Discharge Permit
- The EIR study area was within two mapped zones for rockfalls and debris flow geologic hazards. These two potential geological hazard zones could impact the project in the event of a rockfall or flooding event within or around the EIR study area.
- Construction would cause temporary noise impacts to the Middle Creek Village apartments immediately to the east. Construction activities would be restricted to normal business and daylight hours. Upon completion of construction, the proposed project would be considered a sensitive noise receptor and would not generate significant noise levels.
- The proposed project would impact the existing viewshed from Interstates-70; but would not impact the viewshed from the mountains above as the area surrounding the EIR study area includes existing developments.
- It is assumed that the proposed project height would not extend beyond the height of the apartment complex to the east, allowing for a similar aesthetics.
- The proposed project will require the EIR study area to be zoned in a manner fitting the proposed project. The rezoning will be completed in accordance with the requirements under the Unified Development Code and City Planning Team.
- Construction and operation of a multifamily development will afford those working within Vail to have the opportunity to reside within the town versus within a community beyond, due to affordability. This opportunity for affordable housing has the potential to increase the overall population.
- During construction, the volume of traffic along this portion of Interstate-70 would increase; however, this impact would be limited to the duration of construction activities and would not be significant since the number of employees would also be limited. The operation of the proposed project is anticipated to have a decrease on traffic leaving Vail since the purpose of the project is to increase local housing, decreasing the need for those working within the city to live and travel beyond.
- As required by the City of Vail, the proposed project will include no more than 75% of the EIR study area to be modified and Middle Creek will not be directly impacted.
- The proposed project is anticipated to provide services to those working within the Town of Vail, decreasing traffic leaving/heading into the City, thereby decreasing air emissions.

7.0 REFERENCES

Bureau of Transportation Statistics. 2022. National Transportation Noise Map, 2018. Available at: <https://www.bts.gov/geospatial/national-transportation-noise-map>. Accessed December 6, 2022.

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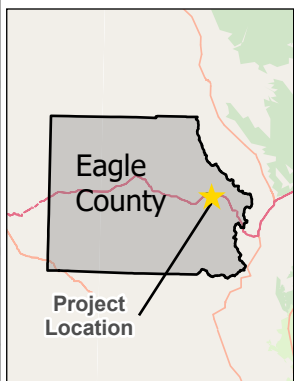
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Appendix A – Figures



E:\Projects\2022\7135_MiddleCreekEIR\2022\7135_MiddleCreekEIR.aprx



Legend
 Study Area

Project No.:	20227135	 4172 Center Park Dr. Colorado Springs, CO 80916 PH. (719) 597-2116 terracon.com
Date:	12/7/2022	
Drawn By:	KMW	
Reviewed By:	CC	



Coordinate System: NAD 83, UTM Zone 13
 Scale: 1:500,000

DATA SOURCES:
 ESRI Bing Map service layer (2022)

Exhibit 1

Vicinity Map

Middle Creek EIR
 Eagle County, Colorado
 Prepared for Town of Vail



N Frontage Rd W

Vail

Vail Health Hospital

Gore Creek

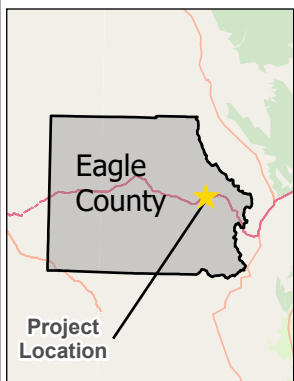
W Meadow Dr

6

6


176

F:\Projects\2022\27135_MiddleCreekEIR\2022\27135_MiddleCreekEIR.aprx



Legend
 Study Area

Project No.:	20227135
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC



4172 Center Park Dr. Colorado Springs, CO 80916
 PH. (719) 597-2116 terracon.com



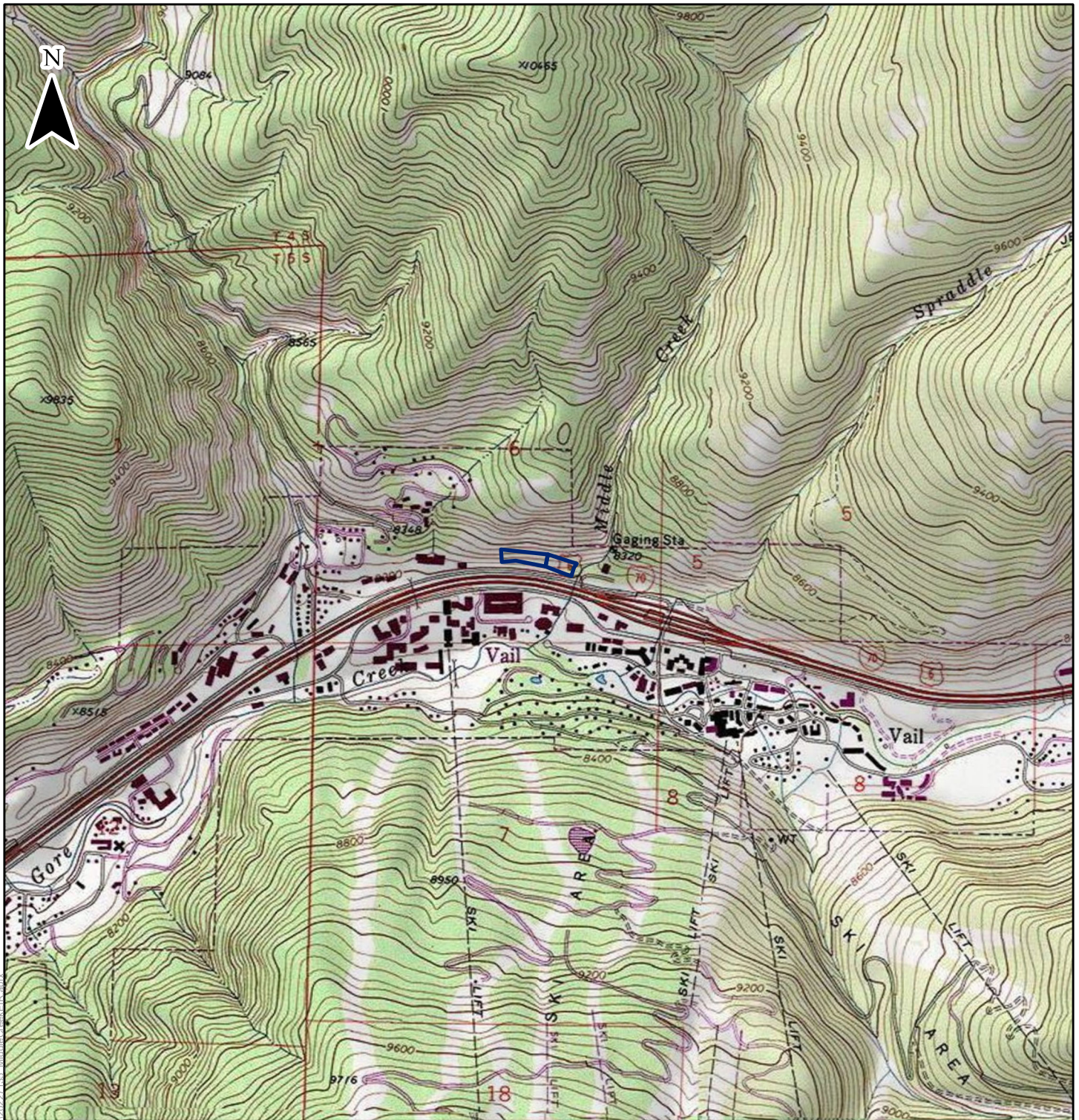
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DATA SOURCES:
 ESRI Hybrid service layer (2022)

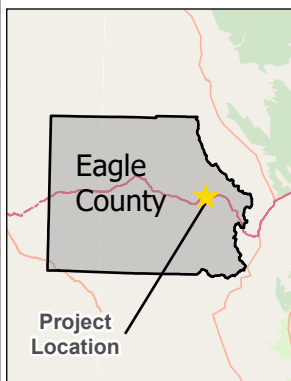
Exhibit 2

Aerial Imagery

Middle Creek EIR
 Eagle County, Colorado
 Prepared for Town of Vail



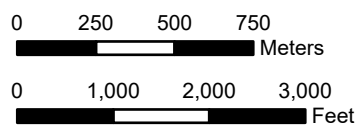
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Legend
 Study Area

Project No.:	20227135
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC

4172 Center Park Dr. Colorado Springs, CO 80916
 PH. (719) 597-2116 terracon.com



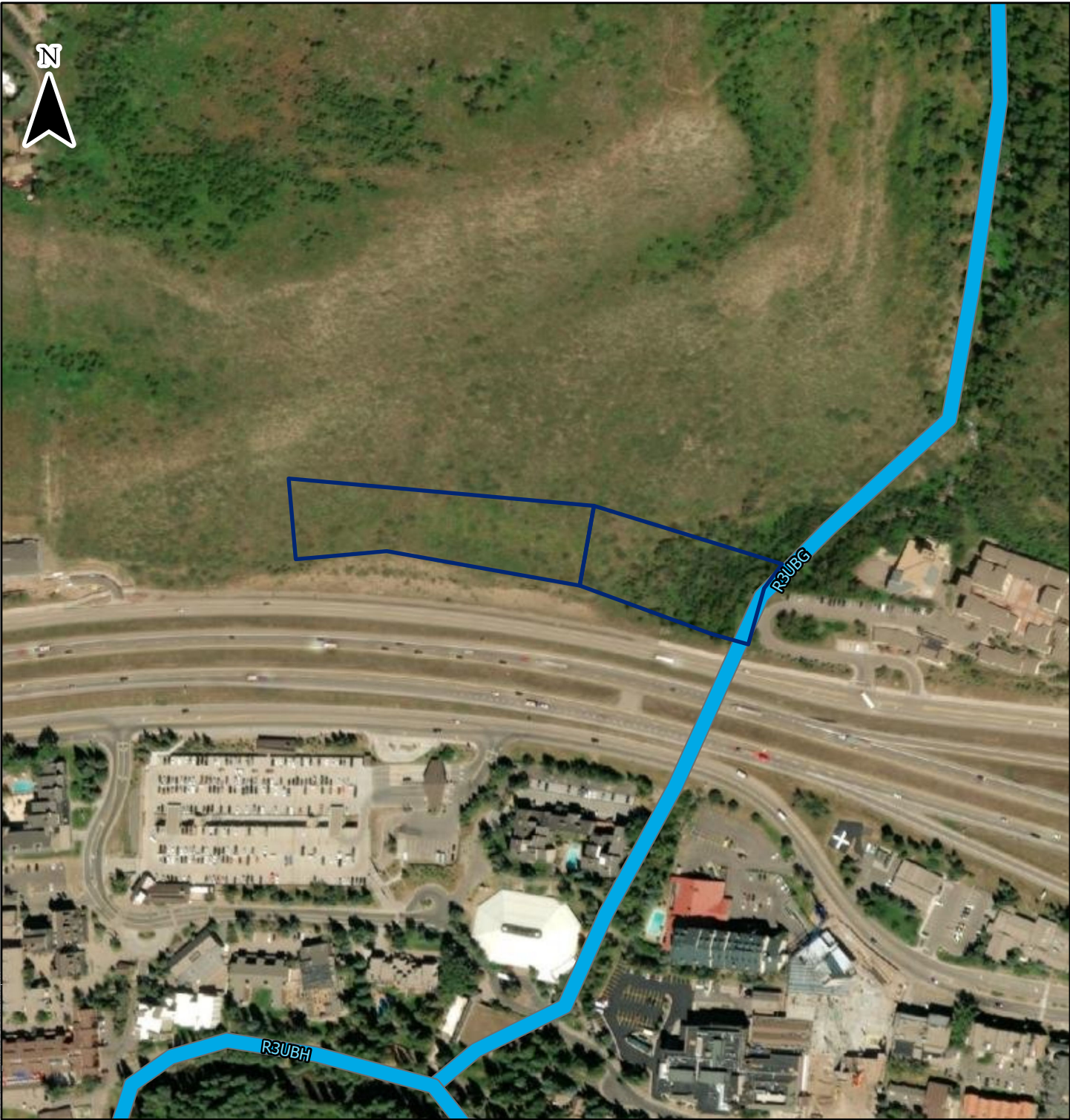
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DATA SOURCES:
 USA TOPO service layer (2022)
 USGS QUAD VAIL WEST, 2021

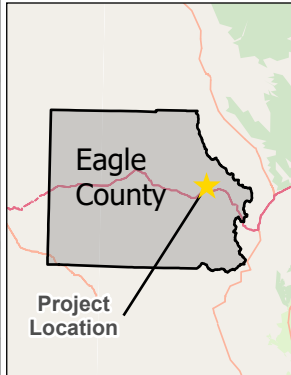
Exhibit 3

Topographic Map

Middle Creek EIR
 Eagle County, Colorado
 Prepared for Town of Vail




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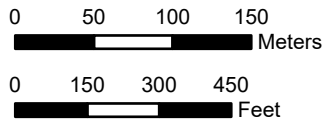


- Legend**
- Study Area
 - Riverine

Project No.:	66227139
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC



4172 Center Park Dr. Colorado Springs, CO 80916
PH. (719) 597-2116 terracon.com



Coordinate System: NAD 83, UTM Zone 13
Scale: 1:4,800

DATA SOURCES:
ESRI Imagery service layer (2022)
Colorado National Wetland Inventory

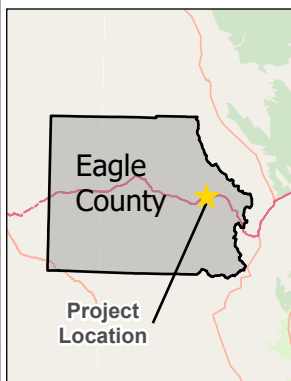
Exhibit 4

National Wetland Inventory

Middle Creek EIR
Eagle County, Colorado
Prepared for Town of Vail




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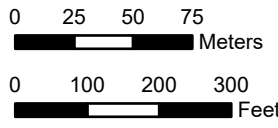
Legend

- Study Area
- Ordinary High Water Mark

Project No.:	66227139
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC



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PH. (719) 597-2116 terracon.com



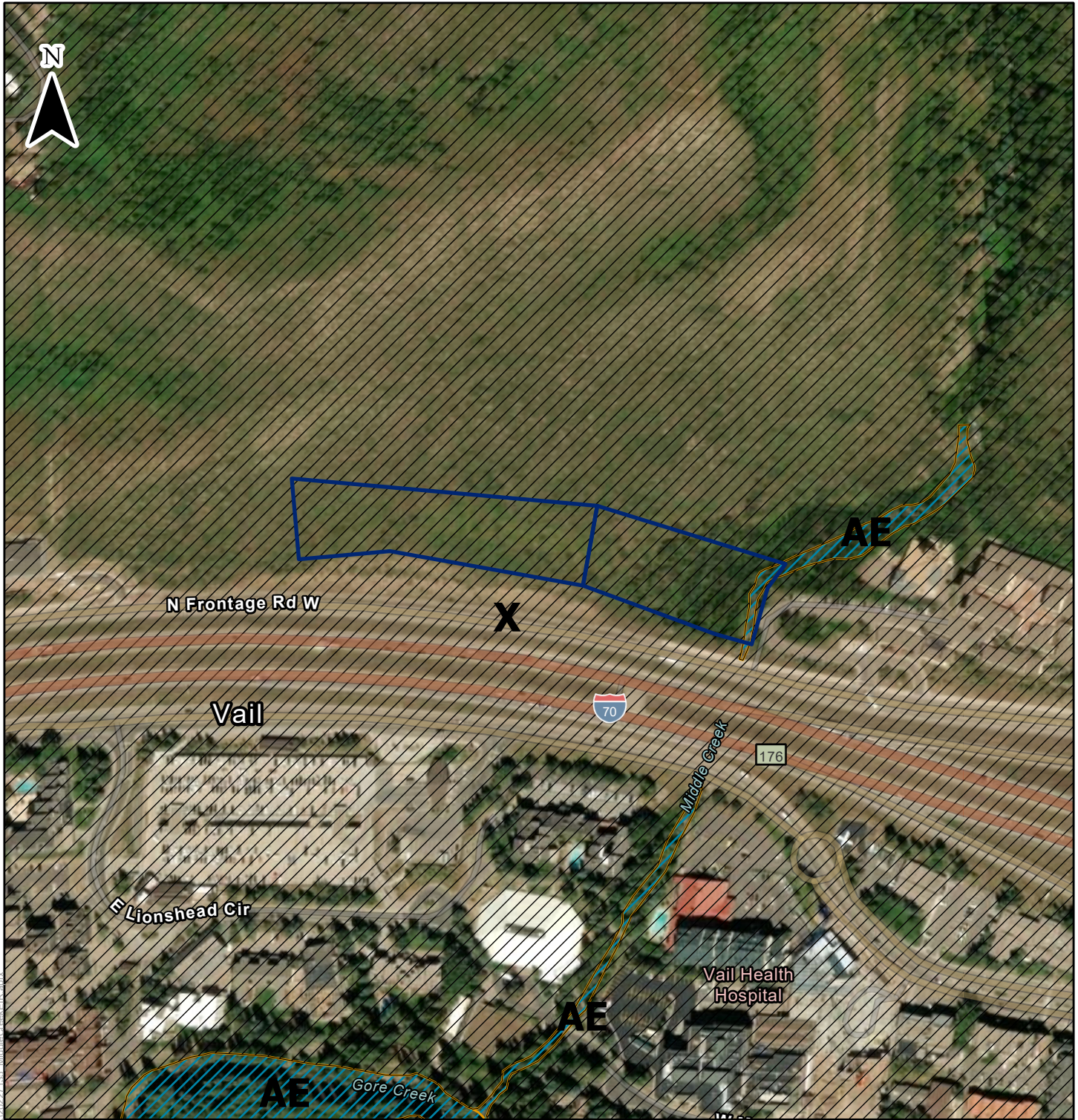
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DATA SOURCES:
ESRI Hybrid service layer (2022)

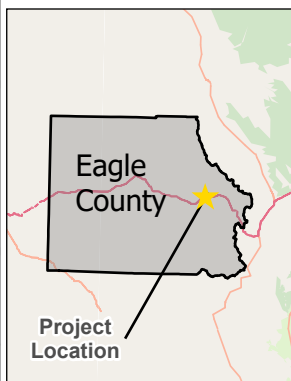
Exhibit 5

Middle Creek OHWM

Middle Creek EIR
Eagle County, Colorado
Prepared for Town of Vail



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Legend

- Study Area
- FEMA Flood Hazard Rating
- AE - 100 Year Flood Zone
- X - 500 Year Flood Zone

Project No.:	20227135
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC

4172 Center Park Dr. Colorado Springs, CO 80916
PH. (719) 597-2116 terracon.com



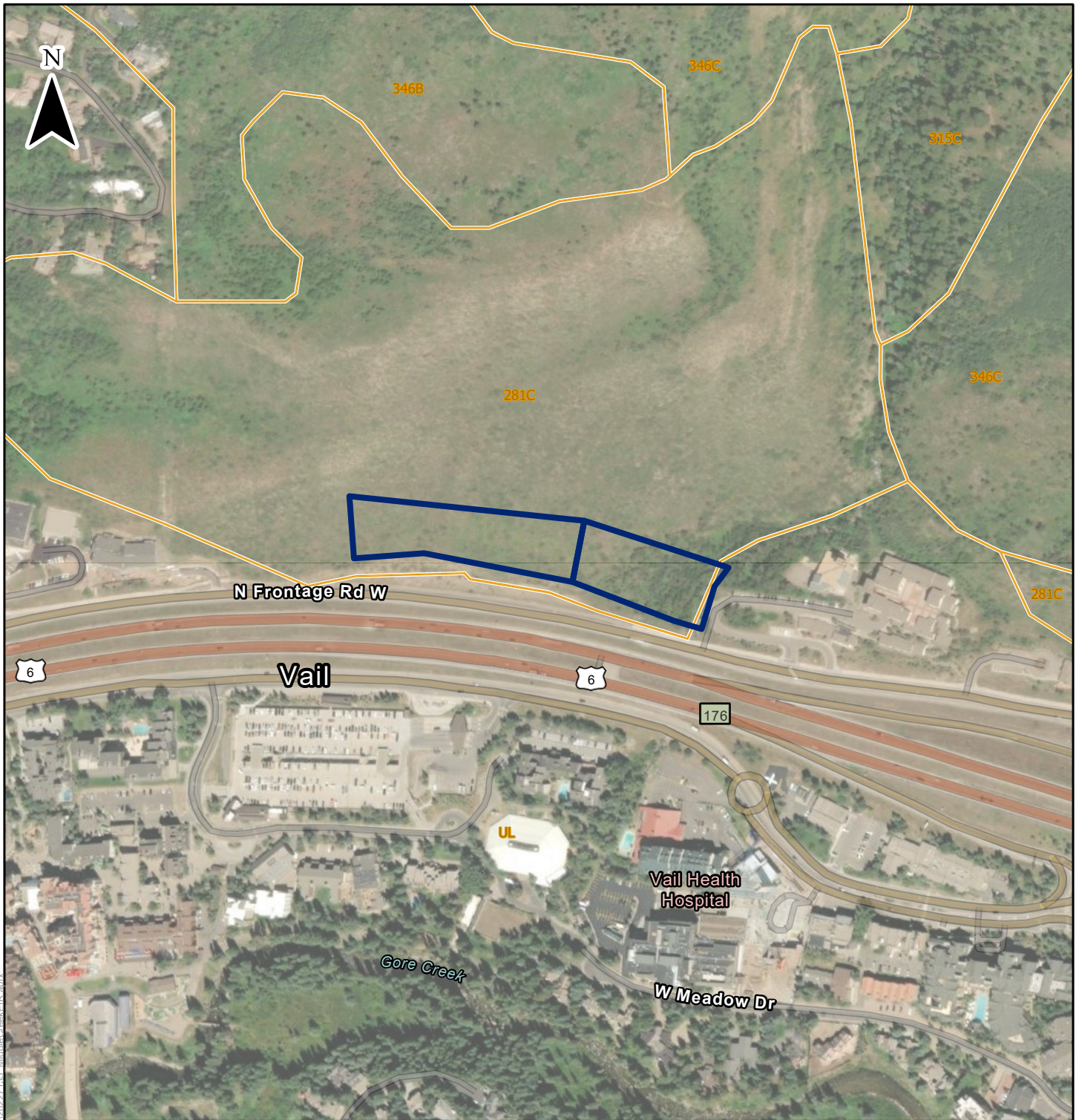
Coordinate System: NAD 83, UTM Zone 13
Scale: 1:4,800

DATA SOURCES:
ESRI Bing Map service layer (2022)
USDA FEMA FLOOD HAZARD (2022)

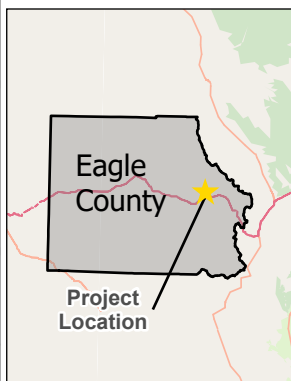
Exhibit 6

FEMA Floodplain

Middle Creek EIR
Eagle County, Colorado
Prepared for Town of Vail



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Legend

- Study Area
- USDA Soil Map Unit

Project No.:	20227135
Date:	12/7/2022
Drawn By:	KMW
Reviewed By:	CC

4172 Center Park Dr. Colorado Springs, CO 80916
PH. (719) 597-2116 terracon.com



Coordinate System: NAD 83, UTM Zone 13
Scale: 1:4,800

DATA SOURCES:
ESRI National Geographic service layer (2022)
USDA SURGO Soil (2022)

Exhibit 7

USDA Soil
Middle Creek EIR Eagle County, Colorado Prepared for Town of Vail

Appendix B – Photographic Log

Environmental Impact Report

West Middle Creek Parcel Rezoning ■ Vail, Colorado

Photos Taken: November 28, 2022 ■ Terracon Project No. 20227135



1. Overview of EIR Study Area, looking north.



2. Overview of EIR Study Area, looking east.



3. Overview of EIR Study Area, looking south.



4. Overview of EIR Study Area, looking west.



5. Forested habitat found within Lot 5, looking east.



6. CDOT Right of way along I-70 Frontage Road, looking east.

Environmental Impact Report

West Middle Creek Parcel Rezoning ■ Vail, Colorado

Photos Taken: November 28, 2022 ■ Terracon Project No. 20227135



7. CDOT Right of way along I-70 Frontage Road, looking west.



8. Middle Creek from I-70 Frontage Road, looking north.



9. Middle Creek culvert that flows under I-70 Frontage Road, looking south.



10. View of Middle Creek with built structures on the edge of Lot 5, looking down towards the east.



11. Middle Creek upstream of I-70 Frontage Road, looking north.



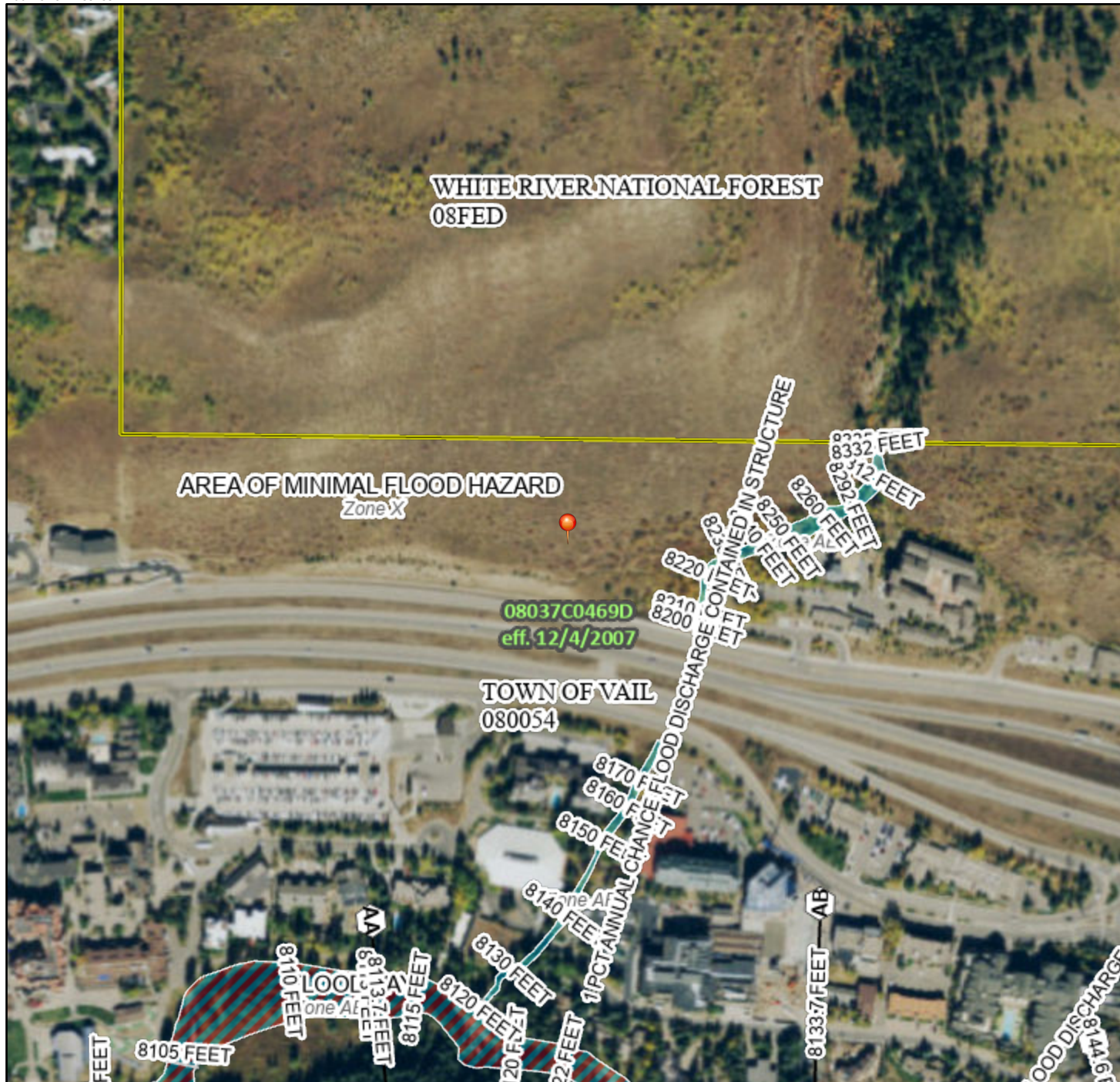
12. Middle Creek upstream of I-70 Frontage Road, looking southwest.

Appendix C – FEMA Floodplain Map

National Flood Hazard Layer FIRMMette



106°23'19"W 39°39'N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/6/2022 at 1:47 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Appendix D – Information for Planning and Consultation Report



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

Phone: (970) 628-7180 Fax: (970) 245-6933

In Reply Refer To:

December 06, 2022

Project Code: 2023-0014703

Project Name: 20227135 Middle Creek

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

(970) 628-7180

Project Summary

Project Code: 2023-0014703

Project Name: 20227135 Middle Creek

Project Type: Commercial Development

Project Description: Potential 24-acre commercial development in the Town of Vail

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.646064249999995,-106.3811208008167,14z>



Counties: Eagle County, Colorado

Endangered Species Act Species

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3652	Threatened
Gray Wolf <i>Canis lupus</i> Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico. There is final critical habitat for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Lone, dispersing gray wolves may be present throughout the state of Colorado. If your activity includes a predator management program, please consider this species in your environmental review. Species profile: https://ecos.fws.gov/ecp/species/4488	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Fishes

NAME	STATUS
Bonetail <i>Gila elegans</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1377	Endangered
Colorado Pikeminnow <i>Ptychocheilus lucius</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3531	Endangered
Humpback Chub <i>Gila cypha</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3930	Threatened
Razorback Sucker <i>Xyrauchen texanus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. Effects of water depletions must be considered even outside of occupied range. Species profile: https://ecos.fws.gov/ecp/species/530	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2159	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31
Brown-capped Rosy-finch <i>Leucosticte australis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 15 to Sep 15

NAME	BREEDING SEASON
Cassin's Finch <i>Carpodacus cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15
Clark's Nutcracker <i>Nucifraga columbiana</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 15 to Jul 15
Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Aug 10
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

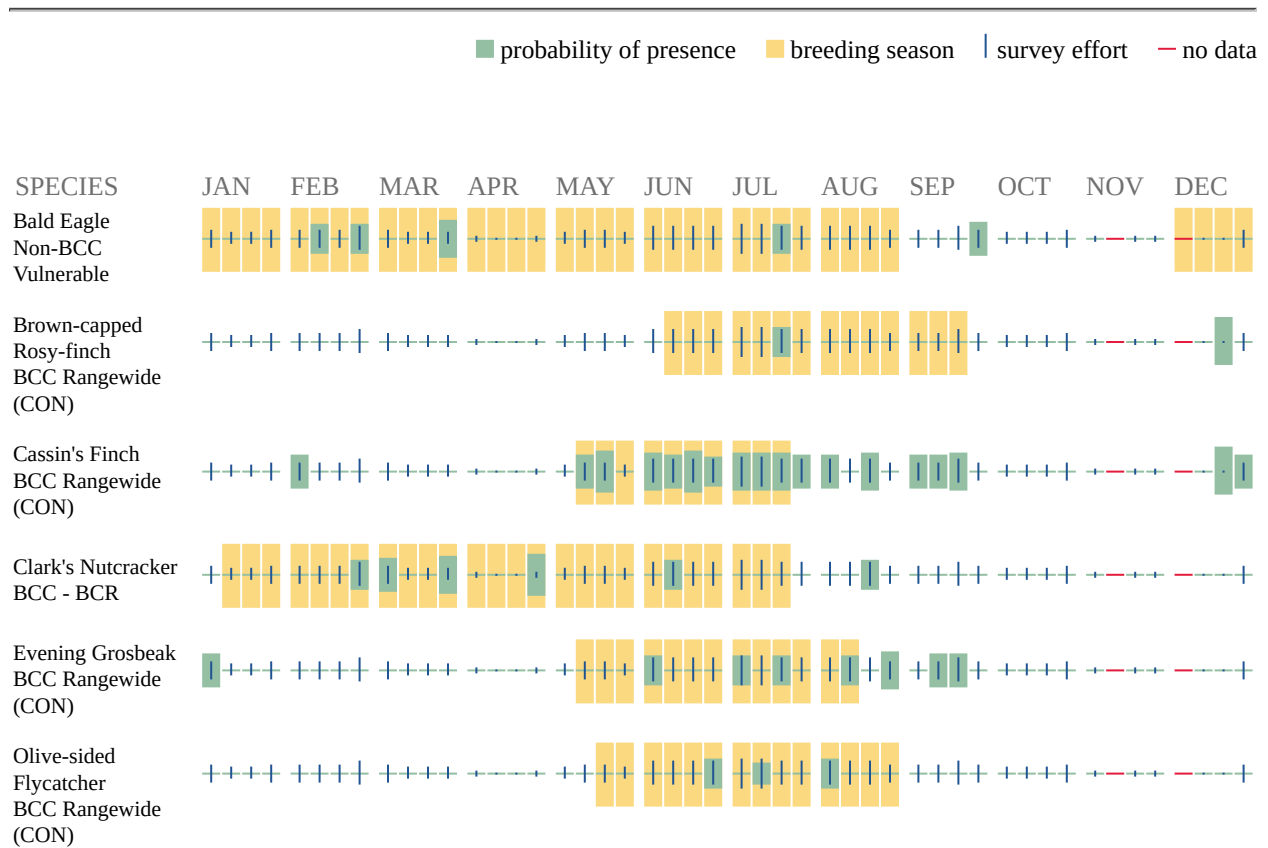
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and

how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [R3UBG](#)

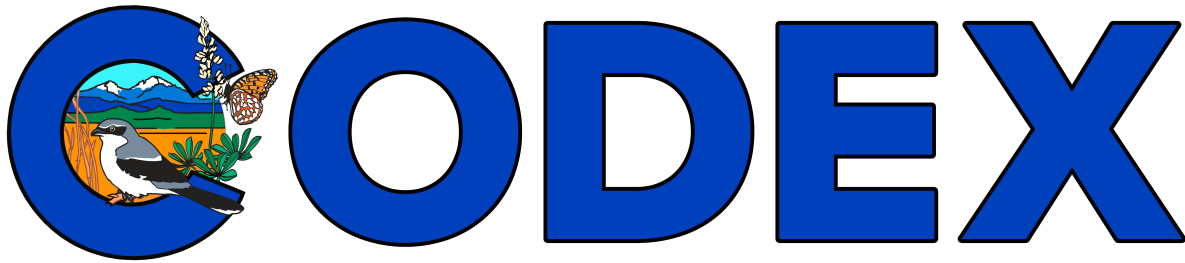
IPaC User Contact Information

Agency: Wheat Ridge city
Name: Trevor Hartwig
Address: 10625 W Interstate 70 Frontage Road
Address Line 2: Suite 3
City: Wheat Ridge
State: CO
Zip: 80033
Email: twhartwig@terracon.com
Phone: 3038172989

Lead Agency Contact Information

Lead Agency: Vail town

Appendix E – Colorado’s Conservation Data Explorer Report



Colorado's Conservation Data Explorer

Project Review Report

Project Description

A potential commercial development project for the Town of Vail

Project Information

Report Generation Date: 11/10/2022 12:01:04 PM

Project Title: 20227135 Vail Middle Creek

User Project Number(s):

System Generated ID: CODEX-980

Project Type: Development/Redevelopment, Commercial

Project Size: 25.66 (acres)

Latitude/Longitude: 39.646320 / -106.382349

County(s): EAGLE

Watershed(s) HUC 8: Eagle

Township/Range and/or Section(s): 005S080W - 06 - 6P, 005S080W - 05 - 6P

Contact Information

Organization: Terracon

Contact Name: Trevor Hartwig

Contact Phone: 303-817-2989

Contact Email: twhartwig@terracon.com

Contact Address: 10625 W Interstate 70 Frontage Rd N #3, Wheat Ridge, CO 80033

Submitted On Behalf Of: OTHER

Prepared By:

Project Report:

The information contained herein represents the results of a search of Colorado's Conservation Data Explorer (CODEX) and can be used as notice to anticipate possible impacts or identify areas of interest. This tool queries multiple conservation datasets and includes a synthesis of Colorado Natural Heritage Program (CNHP) and Colorado Parks and Wildlife (CPW) data for sensitive animal and plant species and natural communities. Care should be taken in interpreting these data.

Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CODEX information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible. Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CODEX data is constantly updated and revised. Please contact CNHP, CPW and our partners for assistance with interpretation of this report or to obtain more information.

Disclaimer:

1. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. **This review does not constitute environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the review of site-specific projects by CNHP and CPW and our partners.**
2. This Project Report is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
3. The Conservation Data Explorer (CODEX) data is constantly changing and being updated and is not intended to be the final word on the potential distribution of special status species. Colorado is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. CODEX data contains information about species occurrences that have actually been reported to CNHP, CPW and our partners. Not all of Colorado has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.

Location Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Contact for CODEX Support:

Colorado Natural Heritage Program (CNHP)

CNHP

Colorado State University

1475 Campus Delivery

Fort Collins, CO 80523-1475

Tel: (970) 491-7331

Email: CNHP_codex_support@mail.colostate.edu

CNHP Website: cnhp.colostate.edu

Colorado Parks and Wildlife

For support regarding project review of land use impacts to wildlife, please contact the regional office in which your project resides and visit <https://cpw.state.co.us/conservation/Pages/CON-Energy-Land.aspx>

CPW Website : cpw.state.co.us

Northeast Region

Denver Office

6060 Broadway

Denver, CO 80216

Tel: (303) 291-7227

Northwest Region

Grand Junction Office

711 Independent Avenue

Grand Junction, CO 81505

Tel: (970) 255-6100

Southeast Region

Colorado Springs Office

4255 Sinton Road

Colorado Springs, CO 80907

Tel: (719) 227-5200

Southwest Region

Durango Office

151 East 16th Street



Durango, CO 81301

Tel: (970) 247-0855

For questions regarding CPW data in CODEX please contact 303-291-7152 or matt.schulz@state.co.us

20227135 Vail Middle Creek Aerial Image with Locator Map

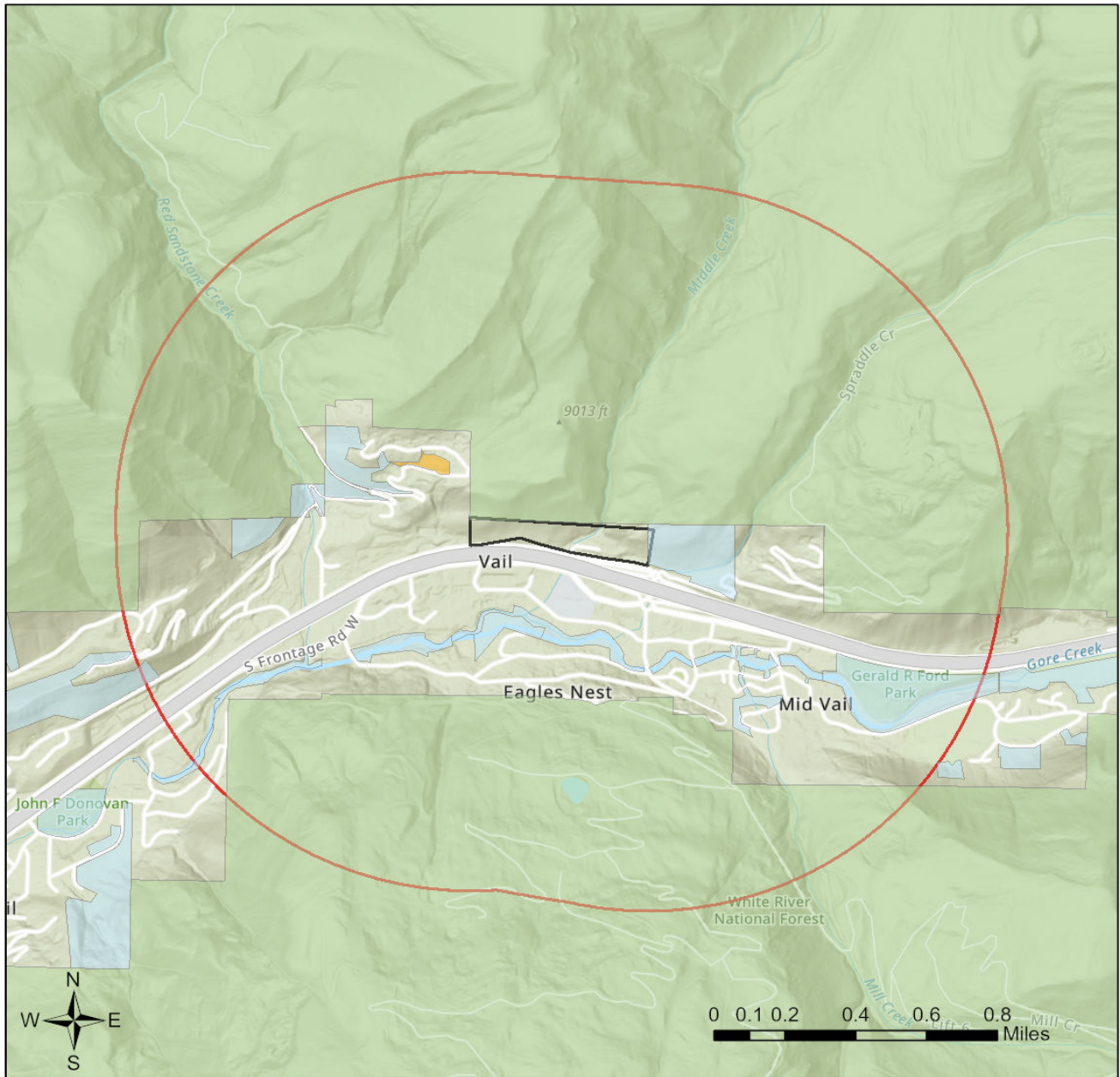


-  Buffered Search Area
-  Project Boundary



Esri, HERE, Garmin, FAO, NOAA, USGS, EPA
County of Eagle, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

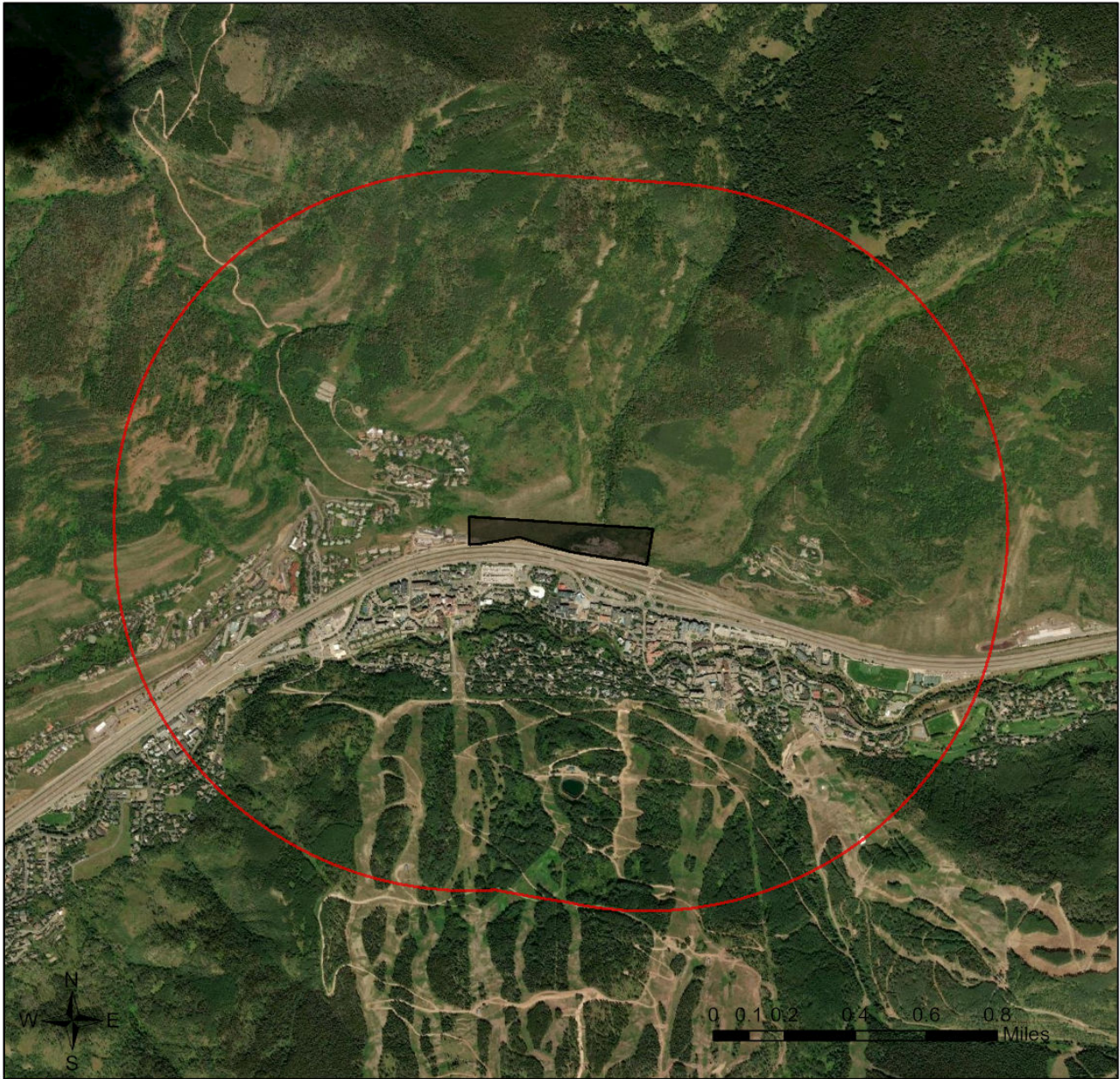
20227135 Vail Middle Creek Topographic Map with Land Management Status





- | | | |
|---|--|--|
| Buffered Search Area | NPS | Local |
| Project Boundary | USFS | NGO/Land Trust |
| Misc Federal (BOR, DOD, Misc) | USFWS | Private Conservation |
| BLM | Tribal | Private |
| | State | |

Esri, NASA, NGA, USGS, FEMA
 County of Eagle, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

20227135 Vail Middle Creek Web Map As Submitted By User



-  Buffered Search Area
-  Project Boundary

Maxar

Regulatory Species

Table 1. Documented Occurrences Within 1 Miles Of Project Area

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
Fish	Oncorhynchus clarkii	Cutthroat Trout	CPW HUC12 Presence	G5	S4			PS				CPW 20201203

Table 2. Potential Regulatory Species within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Aquila chrysaetos	Golden Eagle	CPW Breeding Range	G5	S3S4B,S4N			BGEPA/SWAP Tier 1	CPW 20201203
Mammals	Lynx canadensis	Lynx	CNHP General EO	G5	S1	LT	SE	SWAP Tier 1	CNHP 20220421
Mammals	Lynx canadensis	Lynx	CPW Predictive Map Summer	G5	S1	LT	SE	SWAP Tier 1	CPW 20201203
Mammals	Lynx canadensis	Lynx	CPW Predictive Map Winter	G5	S1	LT	SE	SWAP Tier 1	CPW 20201203

Table 3. Fish & Wildlife Service Critical Habitats within 1 Miles of Project Area

No results were found for this project area.

Other Species of Concern

Table 4. Documented Occurrences within 1 Miles of Project Area: Rare Species, Natural Communities, and Species of Economic, Recreational or Conservation Value

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
Mammals	Odocoileus hemionus	Mule Deer	CPW Concentration Area	G5	S4							CPW 20201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Highway Crossing	G5	S4							CPW 20201203
Mammals	Ovis canadensis	Mountain Sheep	CPW Severe	G4	S4					SWAP Tier 2		CPW 20

Table 4. Documented Occurrences within 1 Miles of Project Area: Rare Species, Natural Communities, and Species of Economic, Recreational or Conservation Value

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
			Winter Range									201203
Mammals	Puma concolor	Mountain Lion	CPW Human Conflict Area	G5	S4							CPW 201203
Mammals	Ursus americanus	Black Bear	CPW Fall Concentration	G5	S5							CPW 201203
Mammals	Ursus americanus	Black Bear	CPW Human Conflict Area	G5	S5							CPW 201203
Mammals	Ursus americanus	Black Bear	CPW Summer Concentration Area	G5	S5							CPW 201203
Natural Communities	Picea pungens / Alnus incana Riparian Woodland	Montane Riparian Forests	CNHP EO	G3	S3	C	1993-09-14				3083	CNHP 220421

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Amphibians	Anaxyrus boreas pop. 1	Boreal Toad (Southern Rocky Mountain Population)	CPW Overall Range	G4T1T2 Q	S1		SE	SWAP Tier 1/USFS	CPW 20201203
Birds	Accipiter gentilis	Northern Goshawk	CPW Breeding Range	G5	S3B			BLM/SWAP Tier 2/USFS	CPW 20201203
Birds	Carpodacus cassinii	Cassin's Finch	CPW Breeding Range	G5	S5			SWAP Tier 2	CPW 20201203
Birds	Catharus fuscescens	Veery	CPW Breeding Range	G5	S3B			SWAP Tier 2	CPW 20201203
Birds	Circus hudsonius	Northern Harrier	CPW Breeding Range	G5	S3B			SWAP Tier 2/USFS	CPW 20201203
Birds	Contopus cooperi	Olive-sided Flycatcher	CPW Breeding Range	G4	S3S4B			SWAP Tier 2/USFS	CPW 20201203
Birds	Leucosticte atrata	Black Rosy-finch	CPW Winter Range	G4	S4N			SWAP Tier 2	CPW 20201203
Birds	Leucosticte australis	Brown-capped Rosy-finch	CPW Overall Range	G4	S3B,S4N			SWAP Tier 1	CPW 20201203
Birds	Melanerpes lewis	Lewis's Woodpecker	CPW Breeding Range	G4	S4			SWAP Tier 2/USFS	CPW 20201203
Birds	Passerina amoena	Lazuli Bunting	CPW Breeding Range	G5	S5B			SWAP Tier 2	CPW 20201203
Birds	Selasphorus rufus	Rufous Hummingbird	CPW Migration Range	G4	SNA			SWAP Tier 2	CPW 20201203
Birds	Spizella breweri	Brewer's Sparrow	CPW Breeding Range	G5	S4B			BLM/SWAP Tier 2/USFS	CPW 20201203
Mammals	Alces alces	Moose	CPW Overall Range	G5	SNA				CPW 20201203
Mammals	Alces alces	Moose	CPW Summer Range	G5	SNA				CPW 20201203

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Mammals	Cervus canadensis	Elk	CPW Overall Range	G5	S5				CPW 20201203
Mammals	Cervus canadensis	Elk	CPW Summer Range	G5	S5				CPW 20201203
Mammals	Lasionycteris noctivagans	Silver-haired Bat	CPW Overall Range	G3G4	S3S4				CPW 20201203
Mammals	Lasiurus cinereus	Hoary Bat	CPW Overall Range	G3G4	S3S4B			SWAP Tier 2/USFS	CPW 20201203
Mammals	Lepus americanus	Snowshoe Hare	CPW Overall Range	G5	S5			SWAP Tier 2	CPW 20201203
Mammals	Lepus americanus	Snowshoe Hare	Range Map - within range	G5	S5			SWAP Tier 2	CNHP 20210615
Mammals	Lepus townsendii	White-tailed Jackrabbit	CPW Overall Range	G5	S4			SWAP Tier 2	CPW 20201203
Mammals	Myodes gapperi gauti	Southern Red-backed Vole Subsp	CPW Overall Range	G5TNR	S4				CPW 20201203
Mammals	Myodes gapperi	Southern Red-backed Vole	Range Map - within range	G5	S5			SWAP Tier 2	CNHP 20210615
Mammals	Myotis ciliolabrum	Western Small-footed Myotis	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Myotis evotis	Long-eared Myotis	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Myotis lucifugus	Little Brown Myotis	CPW Overall Range	G3G4	S4			SWAP Tier 1	CPW 20201203
Mammals	Myotis volans	Long-legged Myotis	CPW Overall Range	G4G5	S5				CPW 20201203
Mammals	Ochotona princeps	American Pika	CPW Overall Range	G5	S5			SWAP Tier 1	CPW 20201203
Mammals	Ochotona princeps	American Pika	Range Map - within range	G5	S5			SWAP Tier 1	CNHP 20210615
Mammals	Odocoileus hemionus	Mule Deer	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Summer Range	G5	S4				CPW 20201203
Mammals	Puma concolor	Mountain Lion	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Sorex eximius	Western Pygmy Shrew	CPW Overall Range	GNR	S2				CPW 20201203
Mammals	Sorex nanus	Dwarf Shrew	CPW Overall Range	G4	S2			SWAP Tier 2	CPW 20201203
Mammals	Ursus americanus	Black Bear	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Thamnophis elegans	Western Terrestrial Garter Snake	CPW Overall Range	G5	S5				CPW 20201203
Vascular Plants	Boechera crandallii	Crandall's Rockcress	CNHP Model	G3	S3S4			BLM/SWAP Tier 2	CNHP 20210318

Special Areas and Land Status

Table 6. CNHP Potential Conservation Areas and Other Special Areas within 1 Miles of Project Area

Name	Data Type	CNHP Biodiversity Rank	CNHP Edit Date	CNHP Identifier	Data Source
Aquatic Sportfish Management Water	SB181 High Priority Habitat				CPW 20210120

Table 6. CNHP Potential Conservation Areas and Other Special Areas within 1 Miles of Project Area

Name	Data Type	CNHP Biodiversity Rank	CNHP Edit Date	CNHP Identifier	Data Source
Bighorn Sheep Winter Range	SB181 High Priority Habitat				CPW 20210120
Gold Medal Waters	SB181 High Priority Habitat				CPW 20210120

Table 7. Managed Areas within Project Area

Name	Owner	Manager	Management Description	Public Access*	Protection Mechanism	Easement Holder	Data Source
	CITY	CITY	City Land - General	Yes	Fee		COMaP 20211005
	PRIVATE	PRIVATE	Private Land	No	NA		COMaP 20211005
White River National Forest	USFS - WHITE RIVER	USFS - WHITE RIVER	National Forest - General	Yes	Fee		COMaP 20211005

* It is the responsibility of the user to verify public access on any site as access can change over time. Entering an area that is not open to the public subjects an individual to possible sanctions for trespass under Colorado law.

Water and Wetlands

Table 8. National Wetland Inventory (NWI) Features within Project Area

NWI Code	Wetland Type	Total Acres	System	Class	Water Regime	Modifier	Data Source
R3UBG	Rivers & Streams	0.42	Riverine	Unconsolidated Bottom	Intermittently Exposed	None	CNHP 20210122

Project Report Appendix

Please visit the [CNHP website](#) for a more extensive collection of definitions for CODEX reports in addition to what is provided here below.

About CNHP Data

One of CNHP's core research activities is managing a statewide database that details the locations of rare and imperiled species and natural plant communities in Colorado. We gather data from CNHP surveys and monitoring projects, as well as from partners and other trusted sources like herbariums. All of our data are compiled and managed in the Biodiversity Information Management System (Biotics), a web-enabled database platform hosted by [NatureServe](#). The species and natural plant communities we track are assigned global and state imperilment ranks based on rarity, threats, and trends, and their locations are mapped as element occurrences. Element occurrences include spatial data as well as details on condition, size, and landscape context. This information allows us to track both overall distribution and site-specific details describing how well elements are thriving at each location. We use element occurrences to delineate Potential Conservation Areas that represent the primary area needed to support the element occurrences, and often include additional suitable habitat or buffers from disturbance. **Please visit the [CNHP website](#) for more definitions and details related to CNHP data in CODEX.**

CODEX Report Definitions

CNHP Biodiversity Rank – The significance of a potential conservation area in terms of its biological diversity ranging from B1 (Outstanding Biodiversity significance meaning protection of this potential conservation area can prevent a species from going extinct) to B5 (General interest or open space for more globally secure species).

CNHP Edit Date– The date the CNHP potential conservation area record was last updated.

CNHP Identifier– A unique identifier for each CNHP data type, applicable only to CNHP data records.

CO Status – State status per Colorado Parks & Wildlife: Endangered (SE), Threatened (ST), or State Special Concern (SC).

Common Name – The common name of the species or plant community.

Managed Areas Name – Name of the managed area.

Manager – The general land Manager.

Management Description - The general category of how the feature is managed.

Other Species of Concern – Other globally rare species and plant communities, BLM or USFS sensitive species, state listed species, or Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan, and species of economic and recreational value.

Other Status – Other status such as BLM sensitive species (BLM), U.S Forest Service sensitive species (USFS), and Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan (SWAP Tier 1, SWAP Tier 2).

Critical Habitat Status – Critical habitat status for federally listed species under the Endangered Species Act.

Proposed – Proposed critical habitat

Final – Final critical habitat

Critical Habitat Federal Register- The volume number and first page of the federal register publication describing the critical habitat.

Critical Habitat Publication Date - Federal Register publication date.

Data Source – The agency and date of the data provided.

Data Type –

[CNHP EO](#) – A location in which an element is, or was, present.

CNHP General EO – An element occurrence with imprecise directions; broadly mapped and typically historical or extirpated.

[CNHP Observation](#) – Sightings of species on CNHP's watchlist or sightings of tracked elements that do not meet the minimum criteria necessary to make an occurrence.

[CNHP PCA](#) – Areas in the state contributing to Colorado's biological diversity.

CNHP Model – Modeled presumed presence or habitat for a particular species.

Owner – The general land owner.

Public Access – Level of public access to the feature.

Protection Mechanism – Any mechanism of protection assigned to the managed area.

Regulatory Species – Species with federal protection under the Endangered Species Act or Bald and Golden Eagle Protection Act along with FWS designated critical habitat.

Return on Investment Report - Provides maps and the estimated annual benefit in dollars of conserved ecosystem services by ecosystem type within the project area in PDF format. Ecosystem types are derived from the 2016 National Land Cover Database (NLCD).

Scientific Name – The scientific name of the species or plant community

Special Areas and Land Status – CNHP Potential Conservation Areas ([PCA](#)), [State Designated Natural Areas](#), [Important Bird Areas](#), and managed lands from the Colorado Ownership, Management and Protection database ([COMaP](#)), SB181 High Priority Habitat

Special Areas Name – The name of the special area.

State Rarity - The [rarity rank](#) used by CNHP and The Natural Heritage Network to track how rare a species or plant community is in Colorado, ranging from S1 (rarest) to S5 (most common).

CNHP PCA (Important Plant Area) – B1 or B2 CNHP potential conservation area supporting globally rare plants.

CNHP Range Map – Overall range for a particular species by HUC 10 and HUC 12 for aquatics.

Important Bird Area – The most important places for birds as identified by the National Audubon Society.

State Natural Area - Areas that contain at least one unique or high-quality natural feature of statewide significance as designated by the Colorado Natural Areas Program.

CPW <description> - CPW data with a long list of data types: observations, nest sites, leks, etc.

Easement Holder – Organization or agency holding an easement (if present).

ESA Status – Federal status under the [Endangered Species Act](#): Endangered (E), Threatened (T), or Federal Candidate (C) with qualifiers for Partial Status (PS) and experimental populations (XN).

Global Rarity – The [rarity rank](#) used by CNHP and The Natural Heritage Network to track how rare a species or plant community is globally, ranging from G1 (rarest) to G5 (most common).

Last Observation – The most recent field observation.

Major group – The major group in which the element falls: Amphibians,

Viability Rank – The estimated viability of the species or ecological integrity of the natural community based on condition, size, and landscape context, ranging from A (excellent) to D (poor).

Water and Wetlands – Wetland types from the [National Wetland Inventory database](#).

Class - The general appearance of the habitat in terms of either the dominant life form of the vegetation, or the physiography and composition of the substrate.

Modifier - Modifier assigned to further describe wetlands and deepwater habitats within the classification hierarchy based on water chemistry or ph, wetland or deepwater alteration, or soil type.

NWI Code – An alpha-numeric code corresponding to the classification nomenclature that best describes a particular wetland habitat. For more information on NWI data values, visit <https://www.fws.gov/wetlands/data/wetland-codes.html>

System – A complex of wetlands and deepwater habitats that share the influence of similar hydrologic, geomorphologic, chemical or biological factors.

Water Regime - Description of water duration within a wetland habitat.

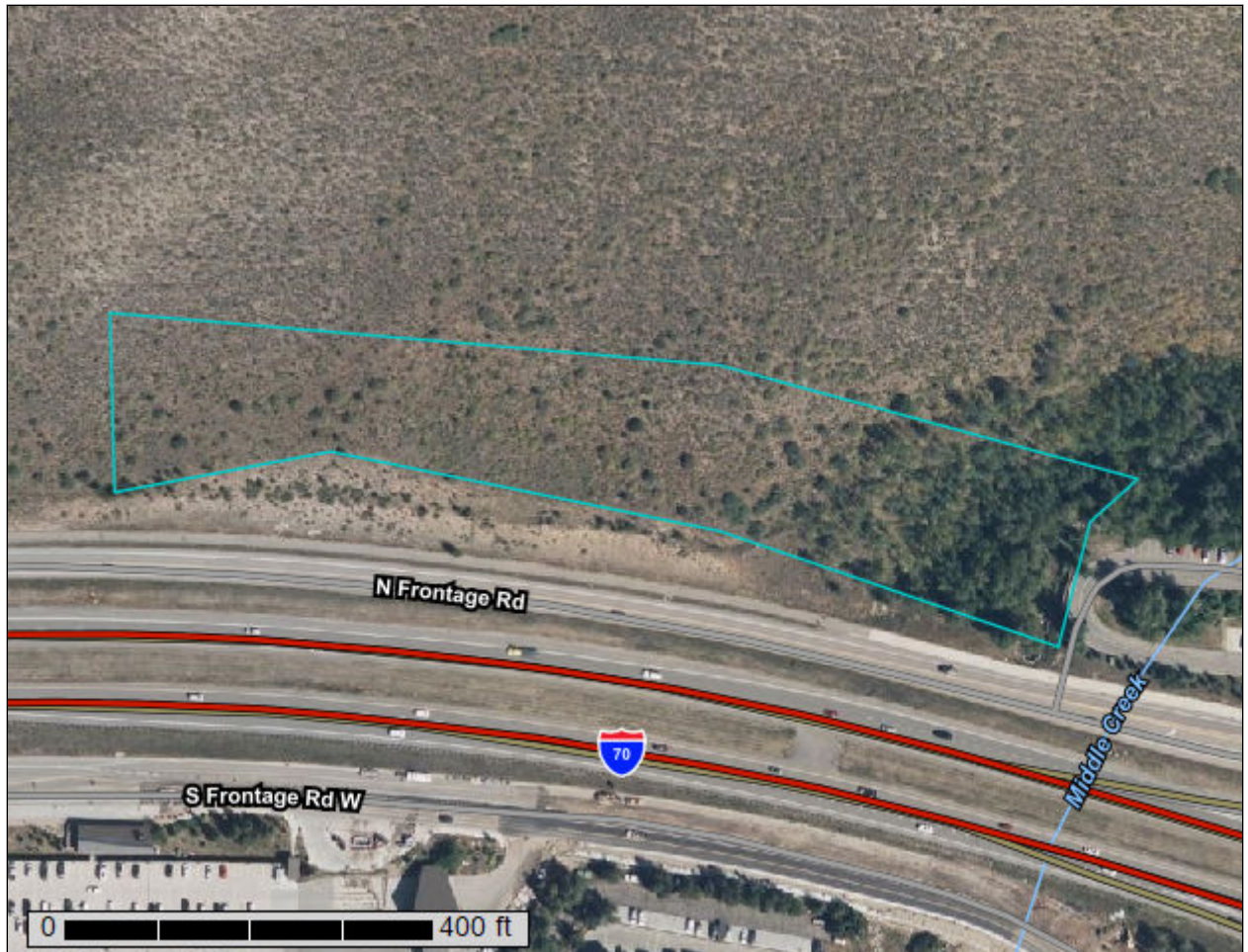
Wetland Total Acres - Total acres of the wetland type in the project area.

Wetland Type – The generalized [Cowardin](#) wetland type.

Birds, Crayfish, Fish, Insects, Mammals, Mollusks, Natural Communities,
Nonvascular Plants, Reptiles, and Vascular Plants.

Appendix F – NRCS Soil Report

Custom Soil Resource Report for Holy Cross Area, Colorado, Parts of Eagle, Garfield, Mesa, Pitkin, and Summit Counties



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map




Map Scale: 1:1,870 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Holy Cross Area, Colorado, Parts of Eagle, Garfield, Mesa, Pitkin, and Summit Counties
 Survey Area Data: Version 5, Sep 7, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 5, 2021—Sep 7, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
281C	Quander family, till substratum, 40 to 60 percent slopes	4.0	97.2%
UL	Urban land	0.1	2.8%
Totals for Area of Interest		4.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Holy Cross Area, Colorado, Parts of Eagle, Garfield, Mesa, Pitkin, and Summit Counties

281C—Quander family, till substratum, 40 to 60 percent slopes

Map Unit Setting

National map unit symbol: 1jh9n
Elevation: 8,990 to 10,500 feet
Mean annual precipitation: 20 to 30 inches
Mean annual air temperature: 36 to 40 degrees F
Frost-free period: 60 to 80 days
Farmland classification: Not prime farmland

Map Unit Composition

Quander family, till substratum, and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quander Family, Till Substratum

Setting

Landform: Lateral moraines
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Till derived from igneous and sedimentary rock

Typical profile

A1 - 0 to 14 inches: loam
A2 - 14 to 22 inches: gravelly sandy loam
Bw - 22 to 34 inches: very cobbly sandy clay loam
Bt1 - 34 to 48 inches: extremely stony sandy clay loam
Bt2 - 48 to 60 inches: very cobbly sandy clay loam

Properties and qualities

Slope: 40 to 60 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.21 to 0.71 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.6 inches)

Interpretive groups

Land capability classification (irrigated): 7e
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Ecological site: R048AY250CO - Subalpine Loam
Other vegetative classification: Mountain big sagebrush/Thurber's fescue (ARTRV/FETH) (S0507)
Hydric soil rating: No

UL—Urban land

Map Unit Composition

Urban land: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Urban Land

Interpretive groups

Land capability classification (irrigated): 8

Land capability classification (nonirrigated): 8

Hydric soil rating: No

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Custom Soil Resource Report

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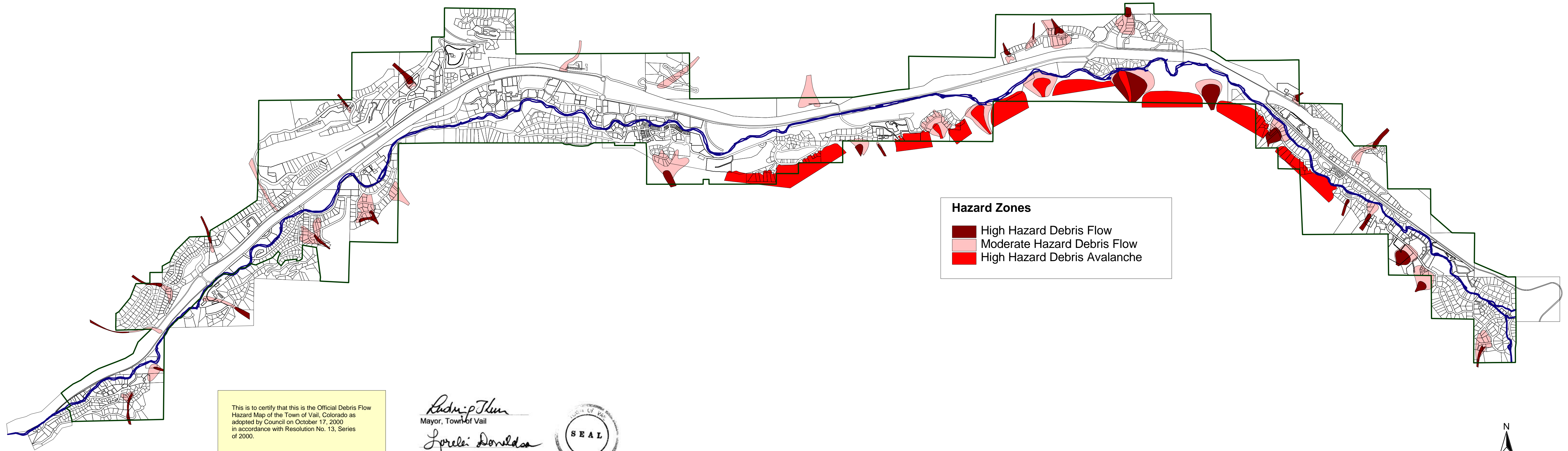
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Appendix G – Town of Vail Geological Hazard Maps

Official Debris Flow Hazard Map

Town of Vail, Colorado



Hazard Zones

- High Hazard Debris Flow
- Moderate Hazard Debris Flow
- High Hazard Debris Avalanche

This is to certify that this is the Official Debris Flow Hazard Map of the Town of Vail, Colorado as adopted by Council on October 17, 2000 in accordance with Resolution No. 13, Series of 2000.

Rudolph J. Kim
Mayor, Town of Vail
Lorelei Donaldson
Attest: Town Clerk, Town of Vail

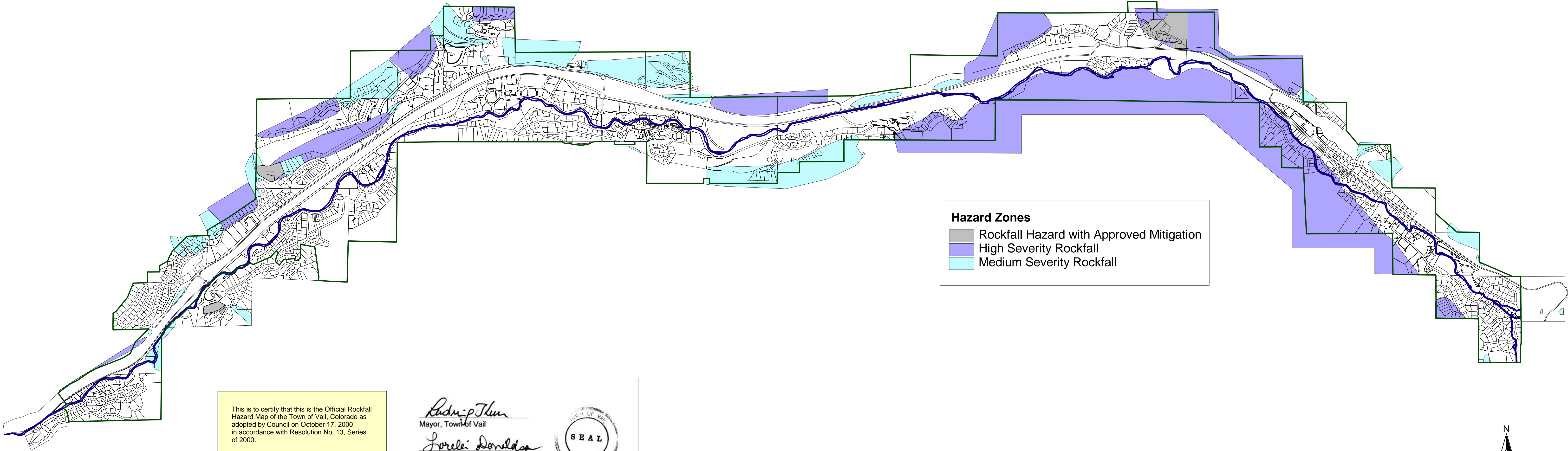


N
MAP NOT TO SCALE

Official Town of Vail
Debris Flow Hazard Map
Adopted by Council
Resolution No. 13, Series of 2000
October 17, 2000

Official Rockfall Hazard Map

Town of Vail, Colorado



This is to certify that this is the Official Rockfall Hazard Map of the Town of Vail, Colorado as adopted by Council on October 17, 2000 in accordance with Resolution No. 13, Series of 2000.

Rudrip Thun
Mayor, Town of Vail
Lorelei Donaldson
Attest: Town Clerk, Town of Vail



N
MAP NOT TO SCALE

Official Town of Vail
Rockfall Hazard Map
Adopted by Council
Resolution No. 13, Series of 2000
October 17, 2000

Appendix H – Town of Vail Zoning Map

Appendix I – State Demography Office Profile for Vail

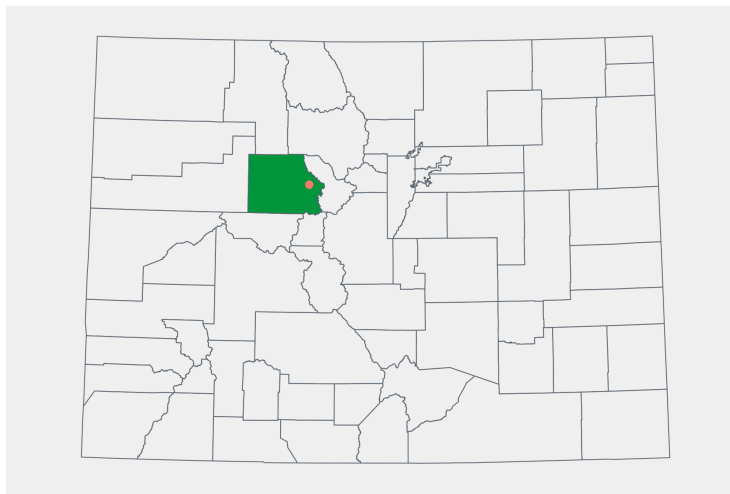


State Demography Office Colorado Demographic Profile

Print Date: 12/06/2022

Community Profile for Vail

Demographic information is critical for making informed decisions at the local, state and national level. This demographic profile is a summary of trends in a community. The dashboard provides charts, text, data and additional links to assist in the exploration and understanding of demographic trends for counties and municipalities in Colorado. The following collection of tables and charts establishes the context for assessing potential impacts and for decision-making.



Basic Statistics

The population base and trends of an area determine the needs for housing, schools, roads and other services. The age, income, race and ethnicity, and migration of the population of a community are all vital in planning for service

provision. The most significant demographic transitions for Colorado and its communities are related to disparate growth, aging, downward pressure on income, and growing racial and ethnic diversity.

Table 1: Community Quick Facts

	Vail	Eagle County	Colorado
Population (2020)+	4,804	55,642	5,784,156
Population Change (2010 to 2020)+	-481	3,585	733,824
Total Employment (2020)+	8,634	39,304	3,318,059
Median Household Income [^]	\$82,661	\$85,877	\$75,231
Median House Value [^]	\$793,600	\$617,200	\$369,900
Percentage of Population with Incomes lower than the Poverty Line [^]	8.7%	9.2%	9.8%
Percentage of Population Born in Colorado [^]	14.4%	31.0%	42.3%

+Source: State Demography Office
[^]Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Population Trends

The tables and plots in this section highlight trends and forecasts for the total population in Vail. The table shows the overall population growth rate for Vail, Eagle County and the State of Colorado. Additional plots show the overall population trends, forecasts for along with the overall components of change for Vail.

Table 2: Population Growth Rate

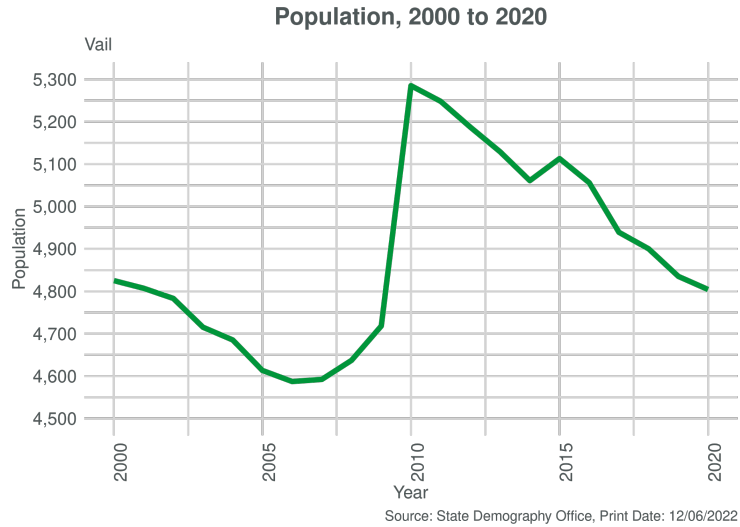
Year	Vail		Eagle County		Colorado	
	Population	Growth Rate	Population	Growth Rate	Population	Growth Rate
1990	3,716		21,928		3,294,473	
1995	4,488	3.8%	30,883	7.1%	3,811,074	3.0%
2000	4,825	1.5%	43,289	7.0%	4,338,801	2.6%
2005	4,613	-0.9%	47,278	1.8%	4,662,534	1.4%
2010	5,285	2.8%	52,057	1.9%	5,050,332	1.6%
2015	5,113	-0.7%	52,780	0.3%	5,446,594	1.5%
2020	4,804	-1.2%	55,642	1.1%	5,784,156	1.2%

Note:

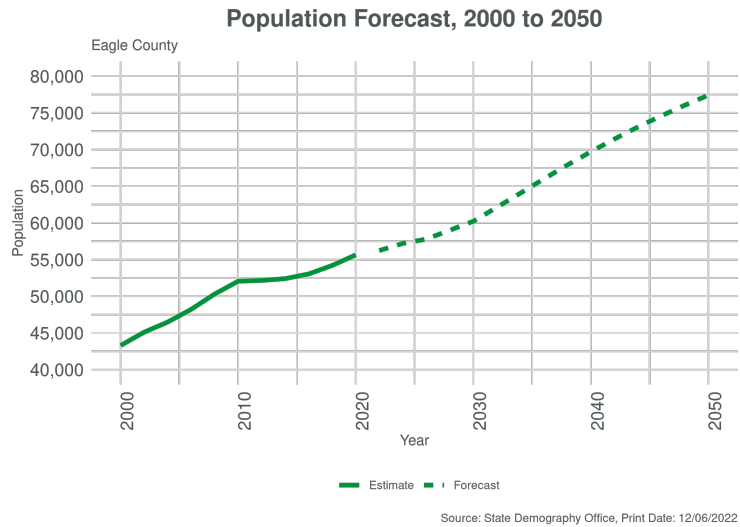
Source: State Demography Office, Print Date: 12/06/2022

At the end of 2020 the estimated population of Vail was 4,804, a decrease of

-309 over the population in 2015. The growth rate for Vail between 2015 and 2020 was -1.2 percent compared to 1.1 percent for Eagle County and 1.2 percent for the State of Colorado.

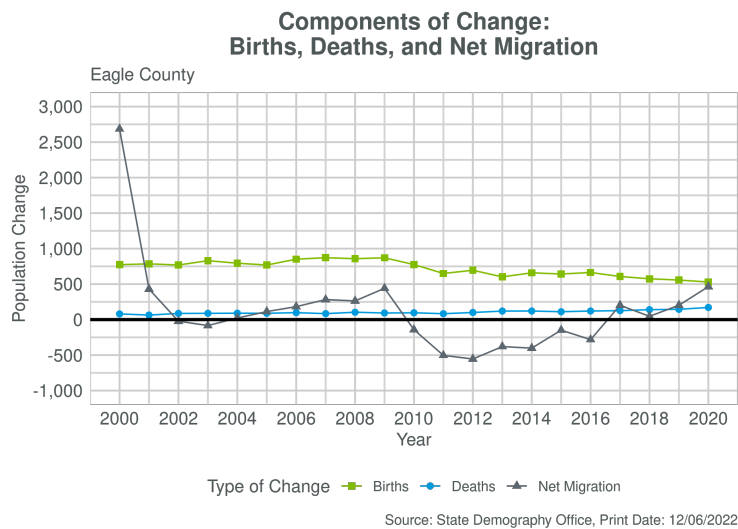


The population of Eagle County is forecast to reach 55,639 by 2020 and 69,696 by 2040. Overall, the growth rate for Eagle County is expected to increase between 2020 and 2040. Between 2010 and 2020 the forecast growth rate was 0.7 percent, between 2020 and 2030 the forecast growth rate is 0.8 percent, while the forecast growth rate between 2030 and 2040 is 1.5 percent. The change is due in part to population aging and changes in the proportion of the population in childbearing ages. Note: Population forecasts are only provided for Colorado counties.



Components of Population Change

Births, deaths and net migration are the main components of population change. Net migration is the difference between the number of people moving into an area and the number of people moving out. Change in net migration typically causes most of the changes in population trends because migration is more likely to experience short-term fluctuations than births and deaths. Migration also tends to be highly correlated to job growth or decline in communities where most of the residents work where they live. For many counties with negative natural increase (more deaths than births), this makes migration especially important for population stability and growth.



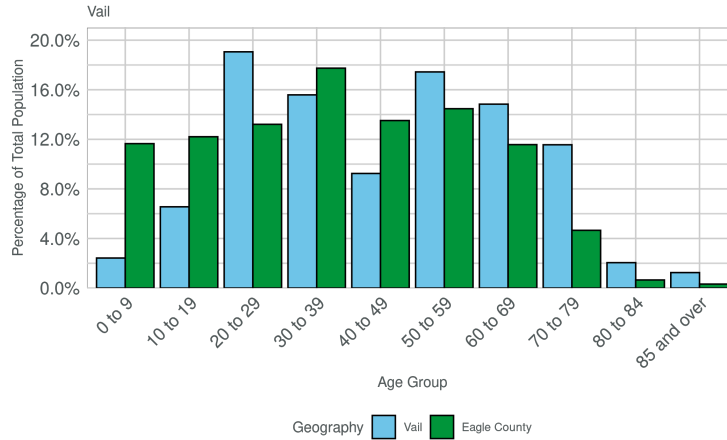
Over the past five years, between 2016 and 2020, the population of Eagle County has increased by 2,862 people. The total natural increase (births - deaths) over this period was 2,760 and the total net migration (new residents who moved in minus those who moved out) was 484. Note: Components of Change data are only available for Colorado counties.

Age Characteristics

Every community has a different age profile and is aging differently. People in different age groups work, live, shop, and use resources differently and these differences will impact the economy, labor force, housing, school districts, day care facilities, health services, disability services, transportation, household income, and public finance. An aging population may put downward pressure on local government tax revenue due to changes in spending on taxable goods.

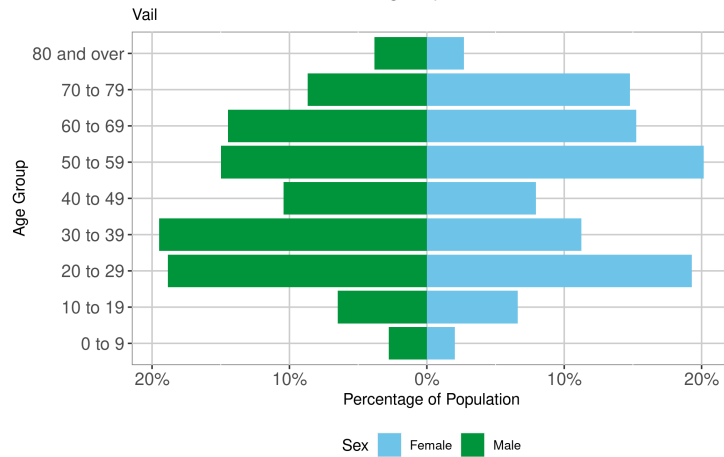
The age distribution of the population of Vail and Eagle County are shown here.

Population Distribution by Age for 2020



Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Age by Sex



Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

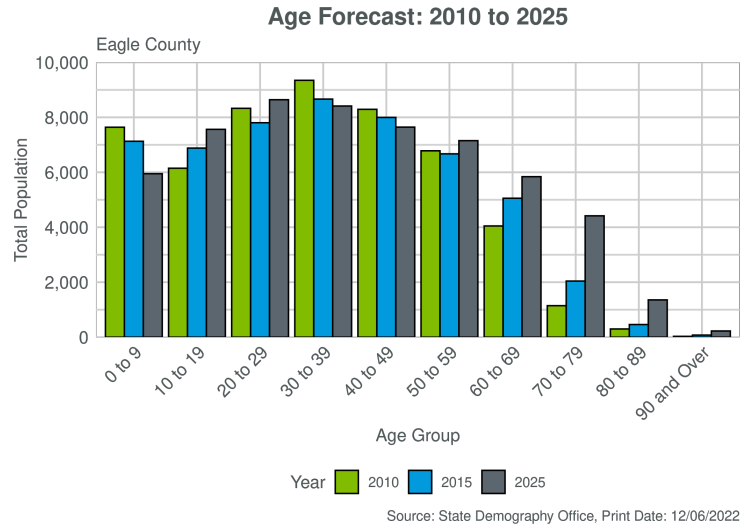
Table 3: Median Age by Sex Comparison

Sex	Vail		Eagle County		Significant	Direction
	Median Age	MOE	Median Age	MOE		
Total	48.5	4.3	36.8	0.7	Yes	Older
Male	43.7	10.6	36.9	1.7	No	
Female	50.9	4.8	36.8	0.5	Yes	Older

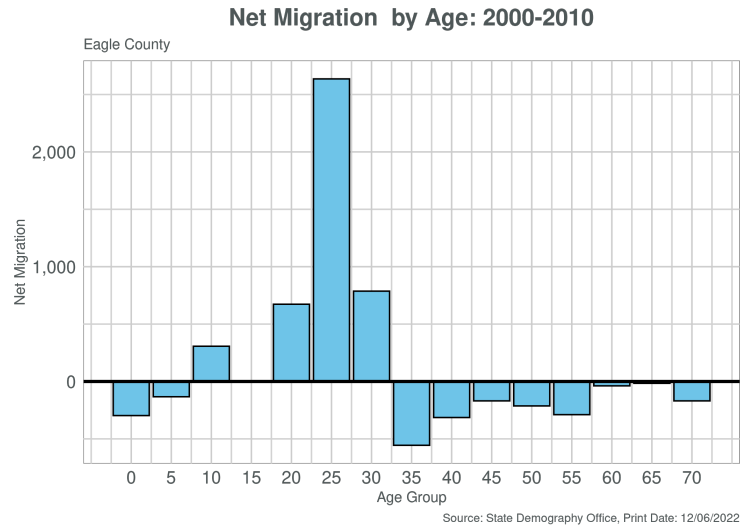
Note:

Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

The median age of Vail is 14.1 years older than Eagle County. Women in Vail are significantly older than women in Eagle County but men are not significantly older or younger than men in the county.



The changing age distribution of the population of Eagle County for the period from 2010 through 2025 is shown here. The changes in proportion of different groups can highlight the need for future planning and service provision. Many areas have a larger share of older adults, indicating the need to evaluate housing, transportation and other needs of the senior population.



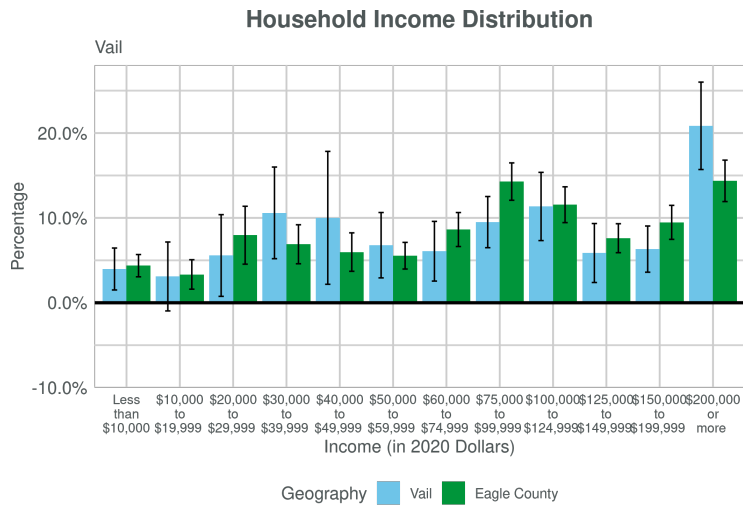
This plot shows the net migration by age in Eagle County. Colorado typically draws many young adults as migrants. Areas with colleges and resorts draw a

number of 18 to 24 year olds. Areas with a growing economy tend to account mostly 25 to 35 year olds and areas attractive to retirees tend to draw both workers and older adults.

Population Characteristics: Income, Education and Race

The plots and tables in this section describe the general population characteristics of Vail. The bars on the plots show the width of the 90 percent confidence interval. Categories where the bars do not overlap are significantly different.

Household Income The household income distribution plot compares Vail to household incomes for Eagle County. Household income comes primarily from earnings at work, but government transfer payments such as Social Security and TANF and unearned income from dividends, interest and rent are also included. Income and education levels are highly correlated; areas that have lower educational attainment than the state will typically have lower household incomes.



Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

The Household Income Source(s) Table shows household income sources and amounts for households in Eagle County. Households will have multiple sources of income, so this table is not mutually exclusive. Mean income values reflect values from the cited source.

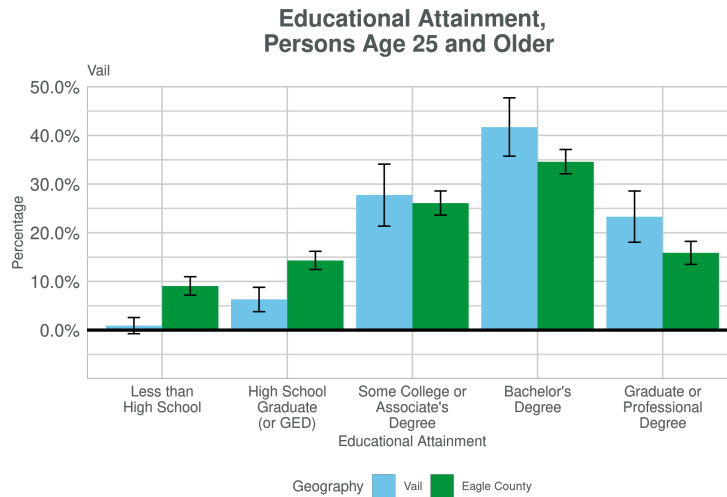
Table 4: Household Income Source(s)

Eagle County				
Income Source	Total Households		Mean Income	
	Estimate	MOE	Estimate	MOE
All Households	18,667	549	\$111,560	\$ 8,902
With earnings	87.9%	3.8%	\$113,163	\$10,756
With interest, dividends or net rental income	27.9%	2.9%	\$ 51,827	\$12,830
With Social Security income	22.3%	2.2%	\$ 20,783	\$ 2,014
With Supplemental Security Income (SSI)	2.2%	1.3%	\$ 8,804	\$ 4,936
With cash public assistance income	1.2%	0.6%	\$ 3,950	\$ 1,890
With retirement income	13.0%	2.0%	\$ 35,763	\$ 7,896

Note:

Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Educational Attainment The education attainment plot is provided for persons older than Age 25, i.e., those who have likely completed their education.



Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Race and Ethnicity The Race Trend table shows the changing racial and ethnic composition of Vail beginning in 2000 and continuing to the present.

Table 5: Race Trend

Race	Vail			Eagle County		
	2000	2010	2020	2000	2010	2020
Hispanic	6.2%	7.4%	5.7%	23.2%	30.1%	29.3%
Non-Hispanic	93.8%	92.6%	94.3%	76.8%	69.9%	70.7%
Non-Hispanic White	89.7%	88.9%	92.5%	74.2%	67.3%	66.4%
Non-Hispanic Black	0.3%	0.6%	0.1%	0.2%	0.5%	1.0%
Non-Hispanic Native American/Alaska Native	0.4%	0.3%	0.0%	0.4%	0.3%	0.2%
Non-Hispanic Asian	1.6%	1.7%	1.2%	0.8%	1.0%	0.6%
Non-Hispanic Native Hawaiian/Pacific Islander	0.1%	0.0%	0.0%	0.1%	0.0%	0.0%
Non-Hispanic Other	0.2%	0.2%	0.0%	0.1%	0.2%	0.0%
Non-Hispanic, Two Races	1.5%	0.9%	0.6%	1.0%	0.8%	2.6%
Total Population	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Note:

Sources

¹ 2000: 2000 Census

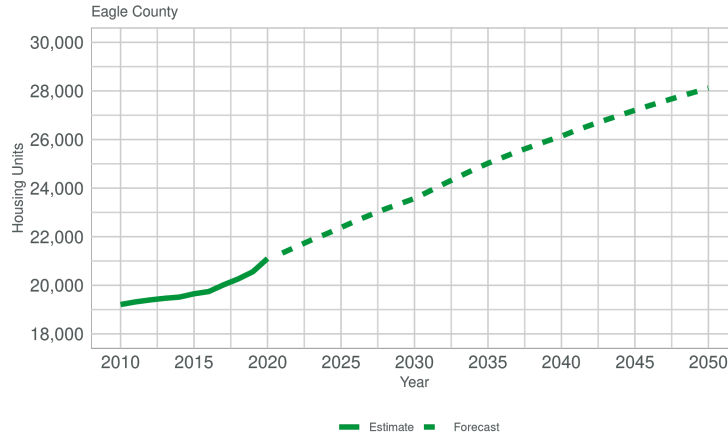
² 2010: 2010 Census

³ 2020: Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Housing and Households

Understanding the current housing stock is critical for understanding how the community can best address current and future demands. This section begins with a projection of households. The projection of households is derived by county specific headship rates for the population by age. Beyond the numbers and characteristics, understanding the value and affordability of housing units is vital. Are the housing prices prohibitive to new families? Are the housing prices at such a high price that once the current work force ages and sells, those housing units will most likely go into the vacation seasonal market? Or are housing prices reasonable and suddenly the community is experiencing growth in families with children? How many total housing units are there? What types of new units are being built - multi-family vs single family?

Total Household Projection: 2010-2050



The Household Estimates plot shows the current and projected number of households in Eagle County between 2010 and 2050.

The next several tables provide an overview of the housing stock in an area. The availability of land and the cost of land can dictate whether housing is less dense, with a greater number of single family units or more dense with a number of multifamily apartments and condos. Median home values and median gross rents are often considerably lower than current market prices as the values are computed from a 5-year average that runs through 2016. The number of people per household can offer insights as to the composition of the households. Areas with a larger number of people per household often have more families with children under 18 or a number of roommates living together to share housing costs. Those with a smaller number of persons per household, likely have a larger share of single-person households.

Table 6: Housing Units: Vail, 2020

Vail	
Housing Type	Value
Total Housing Units	7,302.0
Occupied Housing Units	2,373.0
Vacant Housing Units	4,929.0
Vacancy Rate	67.5%
Total Population	4,804.0
Household Population	4,796.0
Group Quarters Population	8.0
Persons per Household	2.02

Note:

Source: State Demography Office, Print Date: 12/06/2022

Table 7: Characteristics of Housing Units

Housing Unit Type	Vail				
	Owner-Occupied Units		Rental Units		All Units
	Units	Percent	Units	Percent	Units
All Housing Units	1,714	71.8%	674	28.2%	2,388
Single Unit Buildings	924	88.1%	125	11.9%	1,049
Buildings with 2 to 4 Units	167	56.4%	129	43.6%	296
Buildings with 5 or More Units	615	59.4%	420	40.6%	1,035
Mobile Homes	8	100.0%	0	0.0%	8
RVs, Boats, Vans, Etc.	0		0		0
Median Year of Construction	1978		1979		1978
Average Number of Persons Per Household	2.10		2.98		2.35

Note:

Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Table 8: Comparative Housing Values

Variable	Vail	Eagle County
	Value	Value
Median Value of Owner-Occupied Households (Current Dollars)	\$793,600	\$617,200
Percentage of Owner-Occupied Households paying 30% or more of income on housing	36.2%	34.1%
Percentage of Owner-Occupied Households paying 30-49% of income on housing	15.3%	17.3%
Percentage of Owner-Occupied Households paying 50% or more of income on housing	20.9%	16.8%
Median Gross Rent of Rental Households (Current Dollars)	\$1,506	\$1,611
Percentage of Rental Households paying 30% or more of income on housing	51.0%	49.5%
Percentage of Rental Households paying 30-49% of income on housing	28.2%	22.2%
Percentage of Rental Households paying 50% or more of income on housing	22.8%	27.3%

Note:

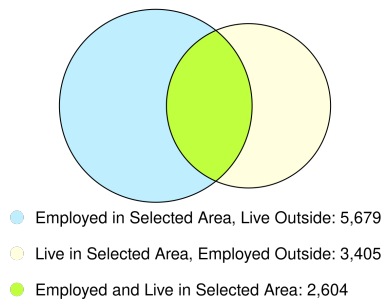
Source: U.S. Census Bureau, 2016-2020 American Community Survey, Print Date: 12/06/2022

Commuting

Commuting plays an important role in the economy of an area because not all workers live where they work. Commuting impacts local job growth, access to employees, and transportation infrastructure. The Commuting diagram identifies three groups of people:

- People who work in Vail, but live elsewhere.
- People who live in Vail, but work elsewhere.
- People who live and work in Vail.

Vail: All Jobs, 2019



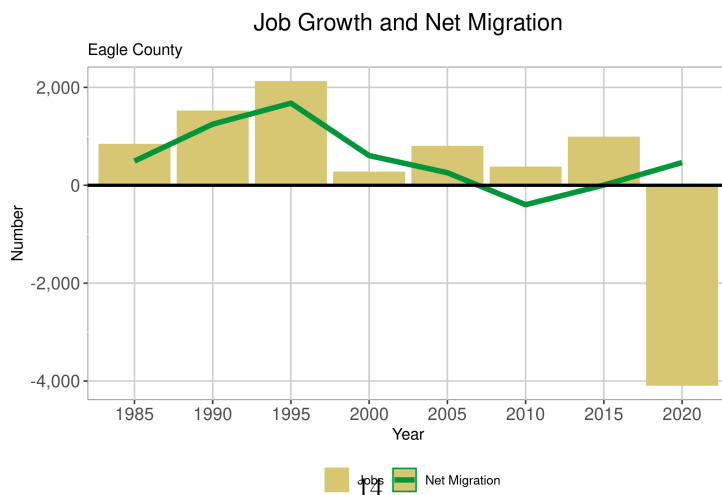
Source: U.S. Census Bureau On the Map, Print Date: 12/06/2022

Table 9: Commuting Patterns for Vail

Location	Count	Percent
Employees in Vail living elsewhere		
Edwards CDP CO	692	12.2%
Minturn-Red Cliff CCD (Eagle CO)	395	7.0%
Avon town CO	330	5.8%
Eagle town CO	265	4.7%
Denver city CO	229	4.0%
Gypsum town CO	196	3.5%
Minturn town CO	139	2.4%
Eagle-Gypsum CCD (Eagle CO)	125	2.2%
Leadville city CO	110	1.9%
Breckenridge CCD (Summit CO)	90	1.6%
Other Municipalities/Places	3,108	54.7%
Total	5,679	100.0%
Residents of Vail working elsewhere		
Avon town CO	846	24.8%
Minturn-Red Cliff CCD (Eagle CO)	336	9.9%
Edwards CDP CO	279	8.2%
Denver city CO	204	6.0%
Breckenridge town CO	146	4.3%
Eagle town CO	126	3.7%
Colorado Springs city CO	91	2.7%
Keystone CDP CO	73	2.1%
Aspen city CO	60	1.8%
Aurora city CO	60	1.8%
Other Municipalities/Places	1,184	34.8%
Total	3,405	100.0%

Note:

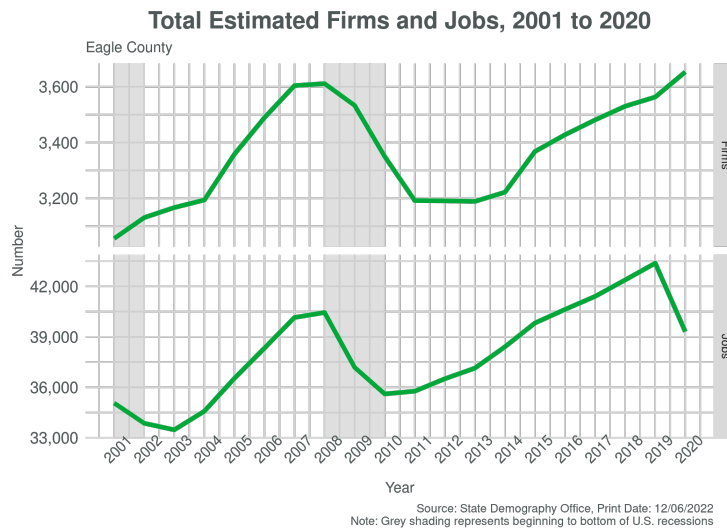
Source: U.S. Census Bureau On the Map, Print Date: 12/06/2022



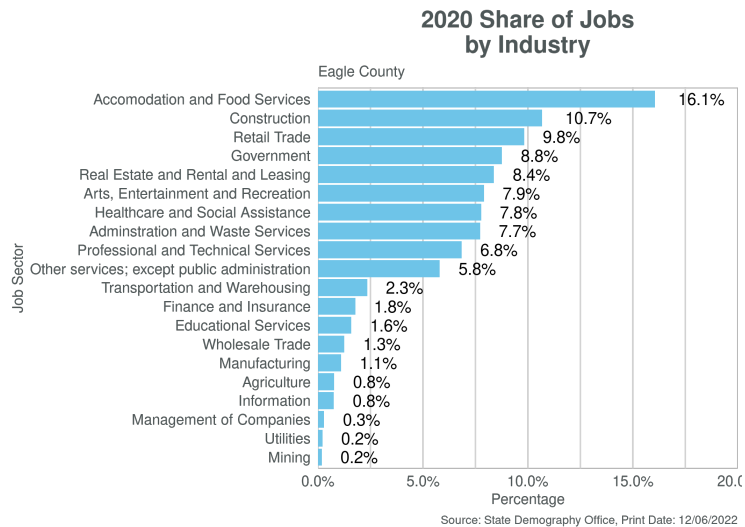
The Job Growth and Net Migration plot shows the relationship between job growth and migration in Eagle County. Generally, migration patterns follow changes in job growth demand.

Employment by Industry

Identifying the industries which may be driving the growth and change within a community is a vital part of understanding community dynamics. Growth in jobs often results in growth in residents from migration within a community. Identifying the trends of growth or decline of jobs and the types of jobs available within the community is important.



The Estimated Firms and Jobs series created by the SDO gives a comprehensive look at the number of firms and jobs located within Eagle County. It is broad in scope, capturing both wage and salary workers as well as most proprietors and agricultural workers. A more diverse economy is typically more resilient too; when looking at the employment trends recently and after a recession (shaded in gray) it is also important to look at the current share of employment by industry. Areas dependent on a single industry such as agriculture, mining or tourism can suffer from prolonged downturns due to drought, shifting demand for commodities, and the health of the national economy.



The total estimated jobs are subdivided into 3 categories:

- *Direct Basic*: jobs that bring outside dollars into the community by selling goods or services outside the county, such as manufacturing or engineering services,
- *Indirect Basic*: jobs that are created as the result of goods and services purchased by direct basic such as accounting services or raw material inputs, and
- *Local (Resident) Services*: jobs that are supported when income earned from the base industries is spent locally at retailers or are supported by local tax dollars to provide services like education and public safety.

This plot shows the jobs by industry profile for Eagle County. The relative rank of high-paying sectors, such as mining, information and financial and insurance services versus mid-range jobs (e.g., construction, health care and government) and lower-paying industries such as retail trade and accommodation and food services, will have an impact on a county's overall economic health.

2020 Base Industries (without Indirect)

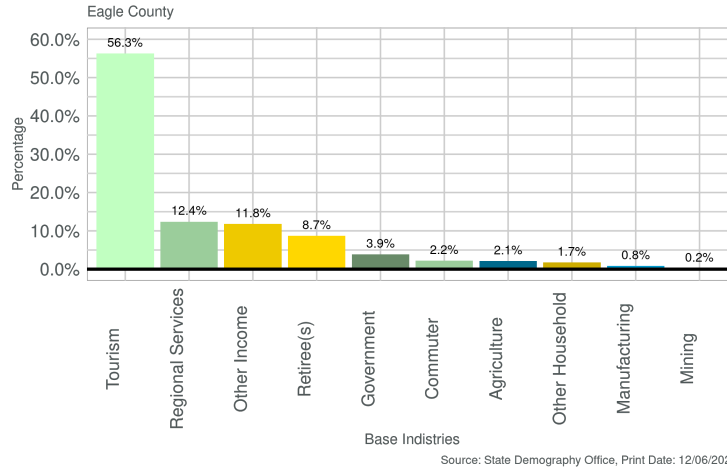


Table 10: Jobs by Sector: Eagle County, 2020

Employment Type	Number of Jobs	Percentage
Direct Basic Employment	32,637	75.2%
Indirect Basic Employment	7,347	16.9%
Local Services Employment	3,424	7.9%
Total Employment	43,411	100.0%
Total Population, 16+	0	

Note:

Source: State Demography Office, Print Date: 12/06/2022

Similar to the industry employment, areas with large amounts of diversity in their base industries tend to suffer less during downturns and recover more quickly. *Regional Services* is a diverse base industry that encompasses all services and goods that a region sells to those in surrounding areas; examples include specialized health care, construction, air or rail transportation, and large item retail purchases like autos or appliances. *Retirees* are considered basic since they spend money from social security or other pensions, Medicare and savings. *Government* typically only includes employment in Federal Government and State Government. *Tourism* not only includes traditional tourist services like accommodation and food, but also includes 2nd homes, property management and transportation of tourists by airlines, car rental, car sharing and shuttles.

Employment Forecast and Wage Information

Understanding the types of jobs forecast to grow in a community, if jobs are forecast to increase, will aid in further understanding potential changes in

population, labor force, housing demand, and household income. Important questions to ask include; What is the current forecast for job growth based on the current industry mix? What types of jobs are forecast to grow? What are the wages for those jobs? What are the labor force trends for the community? Is the labor force expected to grow or slow down?

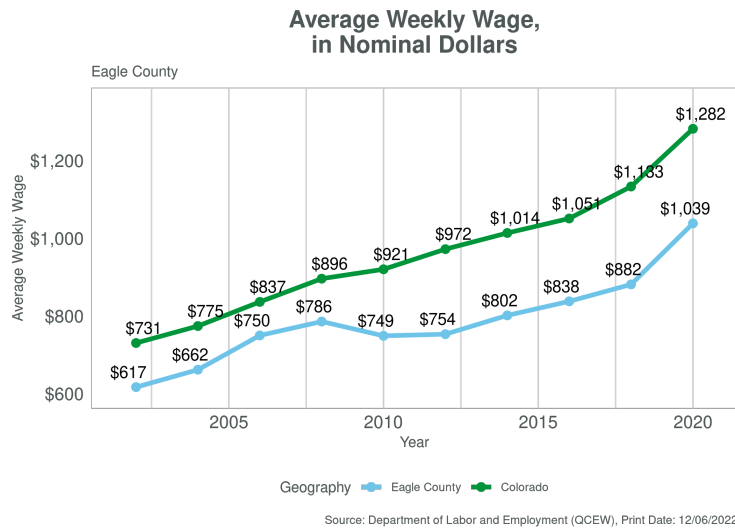
Table 11: Jobs and Population Forecast

Eagle County					
Year	Type	Jobs	Annual Growth Rate: Jobs	Population	Annual Growth Rate: Population
2010	Estimate	35,607		52,057	
2015	Estimate	39,823	3.7%	52,781	0.7%
2020	Estimate	39,482	-9.0%	55,639	1.5%
2025	Forecast	42,300	1.8%	57,197	-0.0%
2030	Forecast	44,652	1.0%	60,218	1.0%
2035	Forecast	47,162	1.1%	65,025	1.5%
2040	Forecast	49,692	1.0%	69,696	1.3%

Note:

Source: State Demography Office, Print Date: 12/06/2022

The total jobs forecast and population forecast are for Eagle County shown here. The two lines diverge over time due to the aging of our population and continued growth in our under 18 population – two segments of the population that are less likely to be employed. Growth in the 65 plus population in the labor force through 2040 compared to the universe population of those over the age of 16 since labor force participation declines with age, especially among those eligible for pensions or social security.



The unadjusted (nominal) average weekly wages for Eagle County and Colorado are shown here. The gain or loss of a major employer such as a mine or a hospital can have a significant impact on a county's average weekly wage. These wages are shown only for jobs located within that county and do not include most proprietors. Household income can be influenced by the average weekly wage, but in areas that have considerable amounts commuting or unearned income this relationship is not particularly strong.

This table compares the forecast residential labor force to the forecast population of person age 16 and older for Eagle County.

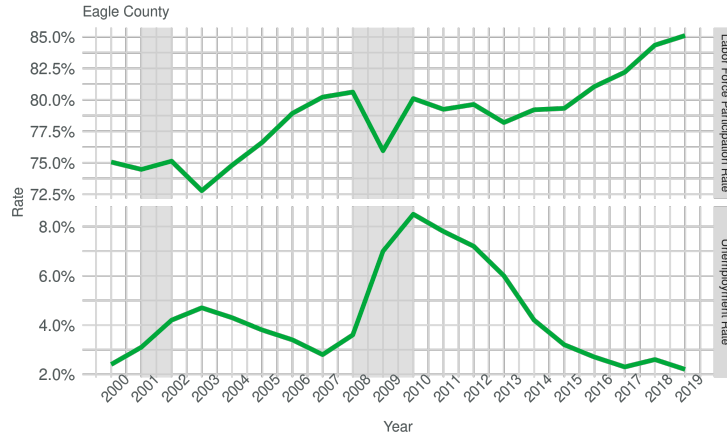
Table 12: Forecast Resident Labor Force and Population, Age 16 +

Eagle County					
Year	Type	Labor Force	Annual Growth Rate: Labor Force	Persons Age 16+	Annual Growth Rate: Persons Age 16+
2010	Estimate	32,404		40,508	
2015	Estimate	32,677	1.0%	42,767	1.5%
2025	Forecast	39,484	1.6%	51,589	2.0%

Note:

Source: State Demography Office, Print Date: 12/06/2022

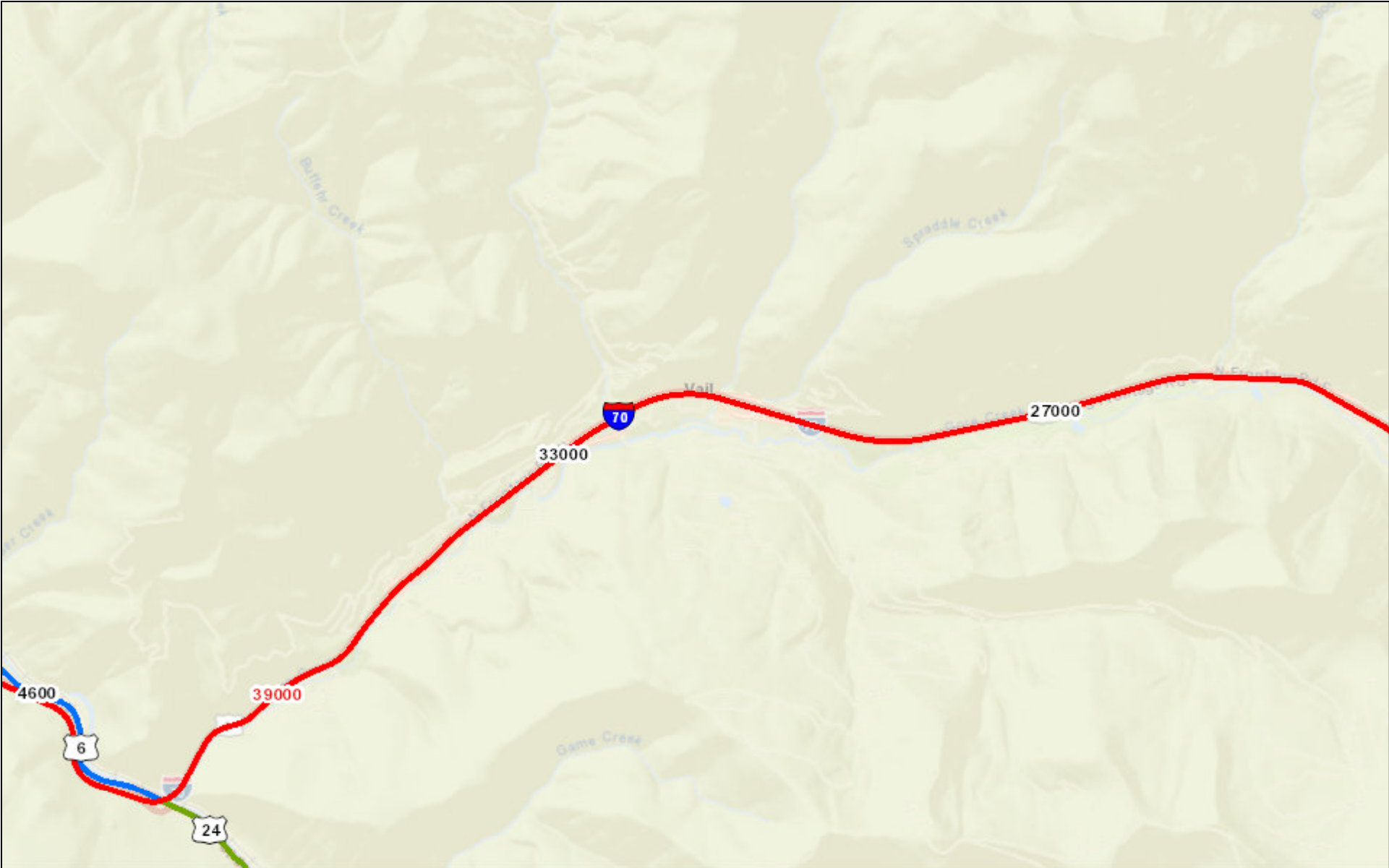
Labor Force Participation and Unemployment Rate 2000 to 2020



The labor force participation and employment plot compares the percentage of persons age 16 and older in the labor force to the unemployment rate. The pattern of labor force participation and unemployment in Eagle County are closely related. The downward trend in labor force participation is related to the aging patterns in the county, along with the availability and character of employment. Additionally, as unemployment falls, the incentive for people to enter the labor force increases.

Appendix J – Town of Vail Traffic Map

Traffic Volume on CDOT Highways



12/6/2022, 3:22:10 PM

Data source: Colorado Dept of Transportation
 The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".

Traffic Count Locations w/ AADT

Short Duration Counter

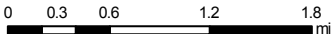
2200

Continuous Traffic Recorder

77000

Highway AADT

- Less than 1,000
- 1,000 - 2,500
- 2,500 - 5,000
- 5,000 - 7,500
- 7,500 - 10,000
- Over 10,000





Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: December 12, 2022

SUBJECT: A request for review of a Minor Subdivision, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to create new parcels, Lot 4 and Lot 5 Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A, and setting forth details in regard thereto. PEC22-0020

Applicant: Town of Vail, represented by Community Development Director, Matt Gennett

Planner: Greg Roy

I. SUMMARY

The applicant, Town of Vail, represented by Community Development Director Matt Gennett, is requesting the review of a Minor Subdivision, pursuant to Section 13-4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to create two (2) new parcels, Lot 4 and Lot 5, Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A.

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** of this application, subject to the findings in Section VIII of this memorandum.

II. DESCRIPTION OF REQUEST

The applicant is requesting to subdivide the existing parcel into three separate lots to create Lot 4 and Lot 5 out of the existing Tract A. Lot 5 would be 2.296 acres (100,013 SF) in size and would be the potential site for a future housing development. Lot 4 would be 1.672 acres (72,832 SF) in size and would potentially be the site of access to the housing development and a future childcare facility.

Included with this memorandum are the following for review by the commission

- A. Draft Final Plat 10-26-2022

III. BACKGROUND

The subject property was annexed into the Town of Vail in 1968 with Ordinance No. 8, Series of 1969. In 1974, as part of an agreement with Vail Associates, Inc. regarding bus service, the property was deeded to the Town of Vail.

In 2001, the PEC recommended approval of the land use change and rezoning of Lot 1 to accommodate the Middle Creek Housing project. Originally the site had a land use designation of "Open Space" and was amended to be "High Density Residential". Similarly, the original zoning was "Natural Area Preservation" and the site was rezoned to "Housing".

In 2002, the property was subdivided to create Lots 1 and 2 to hold the Middle Creek Housing and the site of the telecom tower. In 2020, a subdivision application was approved to create Lot 3 of the Middle Creek Subdivision.

IV. APPLICABLE PLANNING DOCUMENTS

Staff finds the following provisions of the Vail Town Code relevant to the review of this proposal:

Title 13 – Subdivision Regulations, Vail Town Code

Chapter 1, General Provisions (in part)

13-1-2: PURPOSE:

- A. Statutory Authority: The subdivision regulations contained in this title have been prepared and enacted in accordance with Colorado Revised Statutes title 31, article 23, for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the town.*
- B. Goals: To these ends, these regulations are intended to protect the environment, to ensure efficient circulation, adequate improvements, sufficient open space and in general, to assist the orderly, efficient and integrated development of the town. These regulations also provide for the proper arrangement of streets and ensure proper distribution of population. The regulations also coordinate the need for public services with governmental improvement programs. Standards for design and construction of improvements are hereby set forth to ensure adequate and convenient traffic circulation, utilities, emergency access, drainage, recreation and light and air. Also intended is the improvement of land records and surveys, plans and plats and to safeguard the interests of the public and subdivider and provide consumer protection for the purchaser; and to regulate other matters*

as the town planning and environmental commission and town council may deem necessary in order to protect the best interests of the public.

C. Specific Purposes: These regulations are further intended to serve the following specific purposes:

- 1. To inform each subdivider of the standards and criteria by which development proposals will be evaluated, and to provide information as to the type and extent of improvements required.*
- 2. To provide for the subdivision of property in the future without conflict with development on adjacent land.*
- 3. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land.*
- 4. To ensure that subdivision of property is in compliance with the town's zoning ordinance, to achieve a harmonious, convenient, workable relationship among land uses, consistent with town development objectives.*
- 5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities and generally to provide that public facilities will have sufficient capacity to serve the proposed subdivision.*
- 6. To provide for accurate legal descriptions of newly subdivided land and to establish reasonable and desirable construction design standards and procedures.*
- 7. To prevent the pollution of air, streams and ponds, to assure adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability and beauty of the community and the value of the land.*

13-1-3: COMPLIANCE:

- A. General Prohibition: It is unlawful for any person, business, or corporation to violate any of the provisions of this chapter or to transfer, sell, lease or agree to sell or lease, any lot, tract, parcel, site, separate interest (including a leasehold interest), interest in common, condominium interest, timeshare estate, fractional fee, or timeshare license, or any other division within a subdivision within the town until such subdivision has been approved in writing by the administrator, planning and environmental commission and/or*

the council (whichever is applicable) and a plat thereof recorded in the office of the Eagle County clerk and recorder; provided, however, that a written agreement to sell or lease which is expressly conditioned upon full compliance by the seller with the subdivision regulations of the town within a specified period of time and which expressly recites the seller's failure to satisfy such condition within such period of time shall terminate the agreement and entitle the buyer to the prompt return of all consideration heretofore paid by the buyer under such agreement, shall not constitute a violation of this subsection.

- B. Prohibitive Conveyance: No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part, so as to create a new nonconforming lot, or to avoid or circumvent or subvert any provision of this chapter.*
- C. Responsibility: The owner, developer, buyer, or seller shall be fully responsible for all acts of agents or employees thereof that are committed in violation of the terms of this chapter.*

Chapter 2, Definitions (in part)

SUBDIVISION OR SUBDIVIDED LAND:

A. Meaning:

- 1. A tract of land which is divided into two (2) or more lots, tracts, parcels, sites, separate interests (including leasehold interests), interests in common, or other division for the purpose, whether immediate or future, of transfer of ownership, or for building or other development, or for street use by reference to such subdivision or recorded plat thereof; or*
- 2. A tract of land including land to be used for condominiums, timeshare units, or fractional fee club units; or*
- 3. A house, condominium, apartment or other dwelling unit which is divided into two (2) or more separate interests through division of the fee or title thereto, whether by conveyance, license, lease, contract for sale or any other method of disposition.*

B. Exceptions: Unless the method of land disposition is adopted for the purpose of evading this definition, the term "subdivision" as defined herein shall not apply to any of the following divisions of land or interests in land:

- 1. The division of land by order of any court in this state or by operation of law.*

2. *The division of land by a lien, mortgage, deed of trust or any other security instrument.*
 3. *The division of land by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.*
 4. *The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.*
 5. *The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for purposes of this definition as only one interest; provided, however, that no agreement exists, either recorded or unrecorded, between the cotenants allowing for the use and occupancy of the property by one or more cotenants to the exclusion of one or more cotenants during any period, whether annually recurring or not if such agreement is in any way binding or effective upon any assignee or future owner of a fractional fee interest or if such agreement continues to be in any way binding or effective upon any cotenant for the sale of any interest in the property.*
 6. *The division of land by reason of the dissolution of a joint venture or business entity.*
- C. *Compliance: No subdivision shall be approved which includes elements not in conformance with the provisions of any applicable zoning ordinance or other ordinance of the town or law or regulations of the state.*
- D. *Major Subdivision: Any subdivision involving more than four (4) lots, or a subdivision proposal without all lots having frontage on a public or approved street, or with a request to extend municipal facilities in a significant manner, or a proposal which would negatively affect the natural environment as determined under section 12-12-2, "Applicability", of this code, or if the proposal would adversely affect the development of the remainder of the parcel or adjoining property.*
- E. *Minor Subdivision: Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property.*
- F. *Single-Family Subdivision: A subdivision of an existing lot, which is recognized by the town of Vail as a legally subdivided lot, and which shall*

contain a single-family or two-family dwelling. Each such dwelling shall be separated from any other dwelling by space on all sides. For zoning purposes, the lots created by a single-family subdivision shall be treated as one lot.

Chapter 3, Section 4, Commission Review of Application; Criteria and Necessary Findings:

13-3-4: COMMISSION REVIEW OF APPLICATION; CRITERIA AND NECESSARY FINDINGS

The planning and environmental commission shall conduct a public hearing on an application for a preliminary plan for subdivision. The planning and environmental commission shall consider the application, relevant additional materials, staff report and recommendations as well as any other comments or public information given at the hearing. The planning and environmental commission may discuss advisable changes to the proposed subdivision with the applicant. The burden of proof shall rest with the applicant to show that the application is in compliance with the intent and purposes of this chapter, the zoning ordinance and other pertinent regulations that the planning and environmental commission deems applicable. Due consideration shall be given to the recommendations made by public agencies, utility companies and other agencies consulted under subsection 13-3-C of this chapter.

- A. Before recommending approval, approval with conditions or disapproval of the preliminary plan, the planning and environmental commission shall consider the following criteria with respect to the proposed subdivision:*
- 1. The extent to which the proposed subdivision 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; and*
 - 2. The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations", of this code, and other pertinent regulations that the planning and environmental commission deems applicable; and*
 - 3. The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and*
 - 4. The extent of the effects on the future development of the surrounding area; and*
 - 5. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the*

delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development; and

- 6. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and*
- 7. The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and*
- 8. The extent to which the proposed subdivision 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; and*
- 9. Such other factors and criteria as the commission and/or council deem applicable to the proposed subdivision.*

B. Necessary Findings: Before recommending and/or granting an approval of an application for a major subdivision, the planning and environmental commission shall make the following findings with respect to the proposed major subdivision:

- 1. That the subdivision is in compliance with the criteria listed in subsection A of this section.*
- 2. That the subdivision is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town.*
- 3. That the subdivision is compatible with and suitable to adjacent uses and appropriate for the surrounding areas.*
- 4. That the subdivision promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.*

Chapter 4, Minor Subdivisions (in part)

13-4-2: PROCEDURE:

The procedure for a minor subdivision shall be as follows:

- A. *Submission of Proposal; Waiver Of Requirements: The subdivider shall submit two (2) copies of the proposal following the requirements for a final plat in subsection 13-3-6B of this title, with the provision that certain of these requirements may be waived by the administrator and/or the planning and environmental commission if determined not applicable to the project.*
- B. *PEC Public Hearing: Within thirty (30) days of receiving the complete and correct submittal for a minor subdivision, the planning and environmental commission shall hold a public hearing to consider the final plat. The administrator shall cause a copy of a notice of the time, place and general nature of the hearing and proposal to be published in a newspaper of general circulation in the town at least fifteen (15) days prior to said hearing. Also, adjacent property owners to the proposed subdivision shall be notified in writing at least seven (7) days prior to the public hearing.*
- C. *Review and Action on Plat: The planning and environmental commission shall review the plat and associated materials and shall approve, approve with modifications or disapprove the plat within twenty one (21) days of the first public hearing on the minor subdivision or the minor subdivision will be deemed approved. A longer time period for rendering a decision may be granted subject to mutual agreement between the planning and environmental commission and subdivider. The review shall be based on the criteria and necessary findings in section 13-3-4 of this title.*
- D. *Appeal: Within twenty (20) days the decision of the planning and environmental commission on the final plat shall be transmitted to the council by the staff. The council may call up the decision of the planning and environmental commission within twenty (20) days of the planning and environmental commission's action. If council appeals the planning and environmental commission decision, the council shall hear substantially the same presentation by the applicant as was heard at the planning and environmental commission hearing(s). The council shall have thirty (30) days to affirm, reverse, or affirm with modifications the planning and environmental commission decision, and the council shall conduct the appeal at a regularly scheduled council meeting.*

V. ZONING AND SITE ANALYSIS

Address:	No Address
Legal Description:	Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A
Existing Zoning:	Natural Area Preservation (NAP) District and General Use (GU)
Proposed Zoning:	Housing (H) District, Natural Area Preservation (NAP) and General Use (GU) (PEC22-0019)

Land Use Plan Designation: Open Space
 Current Land Use: Open Space
 Proposed Land Use: High Density Residential and Public/Semi-Public (PEC22-0018)
 Geological Hazards: Moderate Hazard Debris Zone and Medium Severity Rockfall

VI. SURROUNDING LAND USES AND ZONING

	<u>Existing Use</u>	<u>Zone District</u>
North:	US Forest Land	NA
South:	Telecom/Housing	General Use (GU)/Housing(H)
East:	Open Space	Natural Area Preservation (NAP)
West:	Open Space	Natural Area Preservation (NAP)

VII. REVIEW CRITERIA

The following are review criteria for a minor subdivision, as outlined in Section 13-3-4, Commission Review of Application, Criteria and Necessary Findings, Vail Town Code:

- 1. *The extent to which the proposed subdivision 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; and***

Staff finds that the proposed subdivision is consistent with all 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. Of note, several goals of the Vail Land Use Plan are applicable to this subdivision.

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.

1.6. Development proposals on the hillsides should be evaluated on a case by case basis. Limited development may be permitted for some low intensity uses in areas that are not highly visible from the Valley floor. New projects should be carefully controlled and developed with sensitivity to the environment.

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.*

Staff finds the proposed subdivision meets this criterion.

2. *The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations," of this code, and other pertinent regulations that the planning and environmental commission deems applicable; and*

As proposed, the two (2) development lots meet the applicable development standards for the Housing (H) District and the General Use (GU) District. Both zone districts leave the minimum lot size up to the PEC to determine. Lots 4 and 5 are 1.672 acres and 2.296 acres respectively, therefore they fall in line with the size of lots in the area and with a similar use.

Staff finds the proposed subdivision meets this criterion.

3. *The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and*

Staff finds that the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. Lot 5 is proposed as a future housing development site and is located directly adjacent to CDOT right-of-way. Due to the grade in the area, access is being planned through the proposed Lot 4 which is adjacent to existing Lots 1 and 2. The subdivision will help to further the "Ten Year Goal" in the Vail Housing 2027 plan which aims to increase the number of deed restrictions by one thousand by the year 2027. This subdivision would also help achieve goal #4 of the Strategic 2020 plan:

"Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development."

Staff finds the proposed subdivision meets this criterion.

4. *The extent of the effects on the future development of the surrounding area; and*

Staff finds that the proposed reconfiguration will have no negative impacts on the future development of the surrounding area. The proposed subdivision creates two new lots that will become available for development. A unique aspect of the Housing District and General Use districts that are proposed for these lots is that many of the standards are prescribed by the PEC and allow greater control over the development in the district and avoid potential negative effects. The proposed subdivision will not impact future development in the surrounding area.

Staff finds the proposed subdivision meets this criterion.

- 5. *The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development; and***

Staff finds that the proposed subdivision will not cause any inefficiency in the delivery of public services and will not require duplication or premature extension of public services. The proposed subdivision will not result in a leapfrog development pattern because the lot is located in an area that is already developed and would likely require an extension of services along existing service lines. This is consistent with this criterion which seeks to avoid unnecessary extension of service lines that are built only to serve one development.

Staff finds the proposed subdivision meets this criterion.

- 6. *The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and***

As the existing subdivision is currently served by appropriately sized utility lines, any future development in the immediate area will have limited land disruption to upgrade utility lines. An application is currently in process with Eagle River Water and Sanitation District to determine the needs of any future developments for planning and development purposes.

Staff finds the proposed subdivision meets this criterion.

- 7. *The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and***

Staff finds that the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole. The subdivision will pave the way for the development of additional housing options and possible childcare facility. Both housing and childcare have been identified as a priority for the Town as it strives to provide the best services for the resident community.

Staff finds the proposed subdivision meets this criterion.

- 8. *The extent to which the proposed subdivision 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; and

Staff finds that the proposed subdivision will not result in any adverse impacts to natural environments, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, and other desirable natural features. The site backs up to a hillside that is primarily natural vegetation. The development process will include landscaping regulations and additional vegetation will likely be required along the frontage road that will have a beneficial impact for users.

Staff finds the proposed subdivision meets this criterion.

9. Such other factors and criteria as the commission and/or council deem applicable to the proposed subdivision.

VIII. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends **approval** of a final plat pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to create new parcels, Lot 4 and Lot 5 Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A, and setting forth details in regard thereto.

Should the Planning and Environmental Commission choose to **approve** this minor subdivision, the Community Development Department recommends the Planning and Environmental Commission pass the following **motion**:

“The Planning and Environmental Commission approves the applicant’s request for a final plat, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to create new parcels, Lot 4 and Lot 5 Amended Final Plat Middle Creek Subdivision, a Resubdivision of Tract A, and setting forth details in regard thereto.”

Should the Planning and Environmental Commission choose to **approve** this minor subdivision, the Community Development Department recommends the Planning and Environmental Commission makes the following **findings**:

“Based upon a review of Section VII of the December 12, 2022 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the subdivision is in compliance with the criteria listed in Section 13-3-4, Minor Subdivisions, Vail Town Code; and*

2. *That the subdivision is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town; and*
3. *That the subdivision is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
4. *That the subdivision promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”*

IX. ATTACHMENTS

- A. Draft Final Plat 10-26-2022
- B. Applicant Narrative 12-8-2022

AMENDED FINAL PLAT MIDDLE CREEK SUBDIVISION, A RESUBDIVISION OF TRACT A, TOWN OF VAIL, COUNTY OF EAGLE, STATE OF COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT TOWN OF VAIL, A MUNICIPAL CORPORATION BEING SOLE OWNER IN FEE SIMPLE OF ALL THAT REAL PROPERTY IN THE TOWN OF VAIL, EAGLE COUNTY, COLORADO DESCRIBED AS FOLLOWS:

TRACT A, OPEN SPACE, MIDDLE CREEK SUBDIVISION ACCORDING TO THE PLAT RECORDED JULY 17, 2003 AT RECEPTION NO. 840623, COUNTY OF EAGLE, STATE OF COLORADO.

SAID PARCEL CONTAINING 17.226 ACRES MORE OR LESS; HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO OPEN SPACE TRACT A SHOWN ON THIS FINAL PLAT UNDER THE NAME AND STYLE OF:

AMENDED FINAL PLAT MIDDLE CREEK SUBDIVISION, A RESUBDIVISION OF TRACT A

A SUBDIVISION IN THE TOWN OF VAIL, EAGLE COUNTY, COLORADO; AND DOES HEREBY ACCEPT THE RESPONSIBILITY FOR THE COMPLETION OF REQUIRED IMPROVEMENTS; AND DOES HEREBY DEDICATE AND SET APART ALL OF THE PUBLIC ROADS AND OTHER PUBLIC IMPROVEMENTS AND PLACES AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER; AND DOES HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE INDICATED AS EASEMENT ON THE ACCOMPANYING PLAT AS EASEMENTS FOR THE PURPOSE SHOWN HEREIN; AND DOES HEREBY GRANT THE RIGHT TO INSTALL AND MAINTAIN NECESSARY STRUCTURES TO THE ENTITY RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED.

EXECUTED THIS _____ DAY OF _____ A.D., 20_____

OWNER: TOWN OF VAIL, A MUNICIPAL CORPORATION ADDRESS: 75 S FRONTAGE RD WEST VAIL, CO 81657

BY: _____ ATTEST: _____

TITLE: _____ TITLE: _____

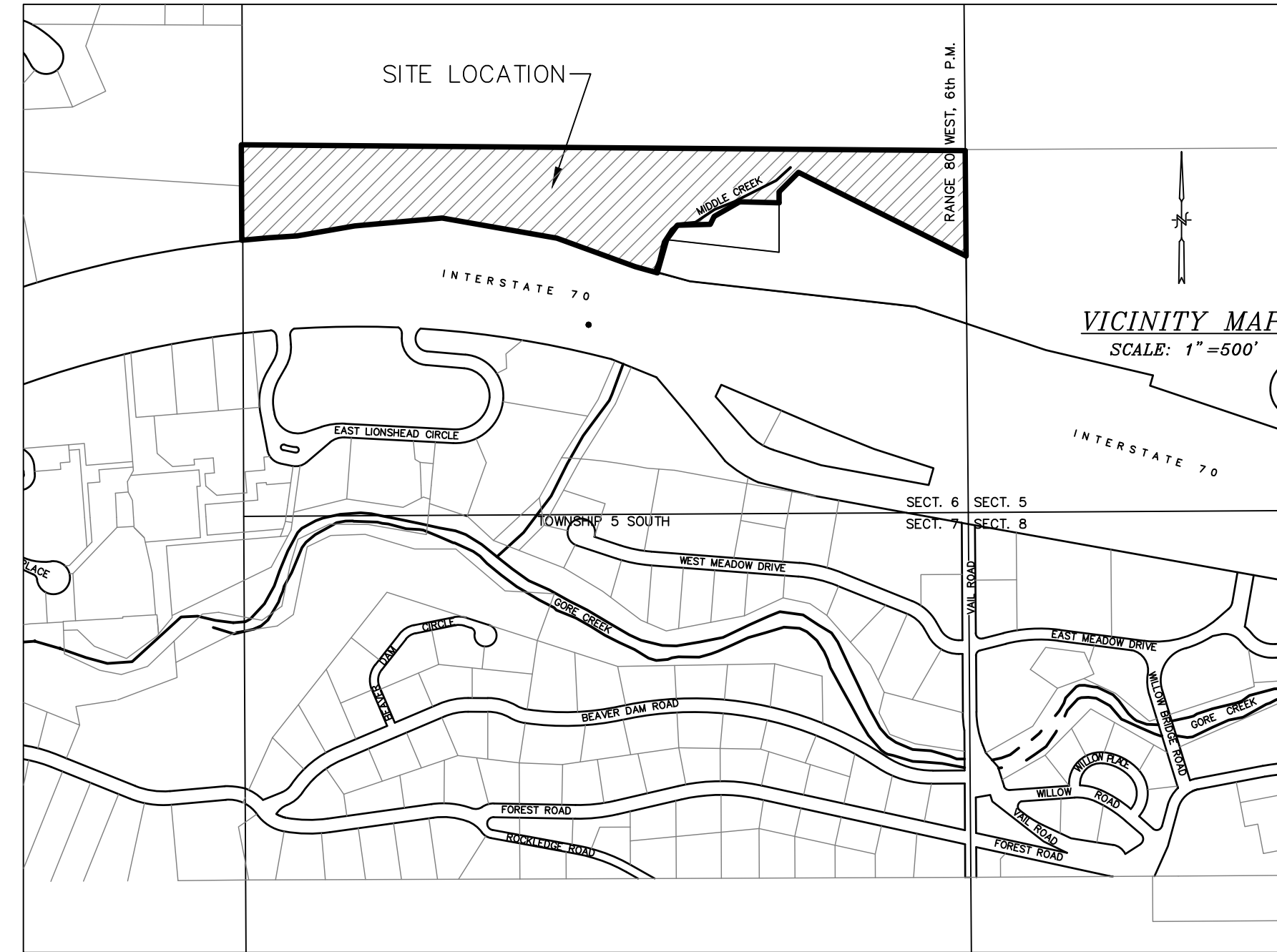
STATE OF _____)
COUNTY OF _____) SS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D., 20_____ BY _____ OF THE TOWN OF VAIL, A MUNICIPAL CORPORATION.

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC



GENERAL NOTES:

- 1 DATE OF SURVEY: JANUARY 26, 2021.
- 2 BASIS OF BEARINGS: MONUMENTS BEING #5 REBAR WITH 1.5" ALUMINUM CAPS STAMPED 27598 FOUND MARKING THE NORTHWESTERLY LINE OF TRACT A, OPEN SPACE, FINAL PLAT MIDDLE CREEK SUBDIVISION, RECORDED JULY 17, 2003 AT RECEPTION NO. 840623 EAGLE COUNTY, COLORADO. BEARING BEING N63°28'17"W.
- 3 THE SOLE INTENT AND PURPOSE OF THIS AMENDED FINAL PLAT IS TO SUBDIVIDE AND CREATE LOT 4, LOT 5 AND TRACT A.
- 4 LINEAL UNITS OF MEASUREMENT ARE GIVEN IN US SURVEY FOOT.
- 5 THE MEDIUM ROCKFALL HAZARD AREA WAS DERIVED FROM THE GEOLOGICAL HAZARD STUDY BY R.J. IRISH CONSULTING ENGINEERING GEOLOGIST, INC. DATED AUGUST 16, 2001.
- 6 THE HIGH HAZARD DEBRIS FLOW AREA WAS DERIVED FROM THE GEOLOGICAL HAZARD STUDY BY R.J. IRISH CONSULTING ENGINEERING GEOLOGIST, INC. DATED AUGUST 16, 2001.
- 7 FLOOD PLAIN INFORMATION SHOWN HEREON BASED UPON THE FEMA FLOOD INSURANCE STUDY FOR THE TOWN OF VAIL, DATED NOVEMBER 2, 1982. REFER TO FIRM COMMUNITY PANEL NO. 0800540002C AND PROFILE PANELS 07P THRU 09P.
- 8 PEAK LAND SURVEYING, INC. DID NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO ESTABLISH OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY OF RECORD. RECORD DOCUMENTS UTILIZED IN THIS AMENDED FINAL PLAT WERE PROVIDED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. V50059890, DATED DECEMBER 22, 2020, AT 5:00 P.M..
- 9 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

TITLE CERTIFICATE

_____ DOES HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN _____

AND THAT TITLE TO SUCH LANDS IS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATE THIS _____ DAY OF _____ A.D., 20_____

AGENT

CERTIFICATE OF TAXES PAID

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF _____ UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS _____ DAY OF _____ A.D., 20_____

TREASURER OF EAGLE COUNTY

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER AT _____ O'CLOCK _____ ON THIS _____ DAY OF _____, 20_____ AND IS DULY RECORDED AT RECEPTION NO. _____

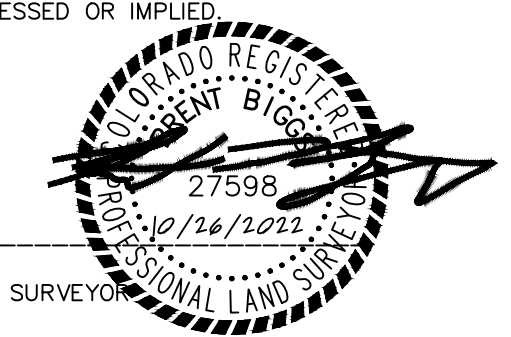
CLERK AND RECORDER

BY: _____
DEPUTY

SURVEYOR'S CERTIFICATE

I, BRENT BIGGS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF AMENDED FINAL PLAT MIDDLE CREEK SUBDIVISION, A RESUBDIVISION OF TRACT A, LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND/OR UNDER MY SUPERVISION AND ACCURATELY SHOWS THE LOCATION AND DIMENSIONS OF THE TRACT OF SAID PLAT AS THE SAME ARE MONUMENTED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATION GOVERNING THE SUBDIVISION OF LAND, THAT SUCH PLAT IS BASED UPON THE PROFESSIONAL LAND SURVEYOR'S KNOWLEDGE, INFORMATION AND BELIEF, THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND THAT SUCH PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



BRENT BIGGS
PROFESSIONAL LAND SURVEYOR
P.L.S. No. 27598

PLANNING AND ENVIRONMENTAL COMMISSION CERTIFICATE

THIS FINAL PLAT WAS APPROVED BY THE TOWN OF VAIL PLANNING AND ENVIRONMENTAL COMMISSION THIS _____ DAY OF _____ A.D. 20_____

ATTEST:

TOWN CLERK
TOWN OF VAIL, COLORADO

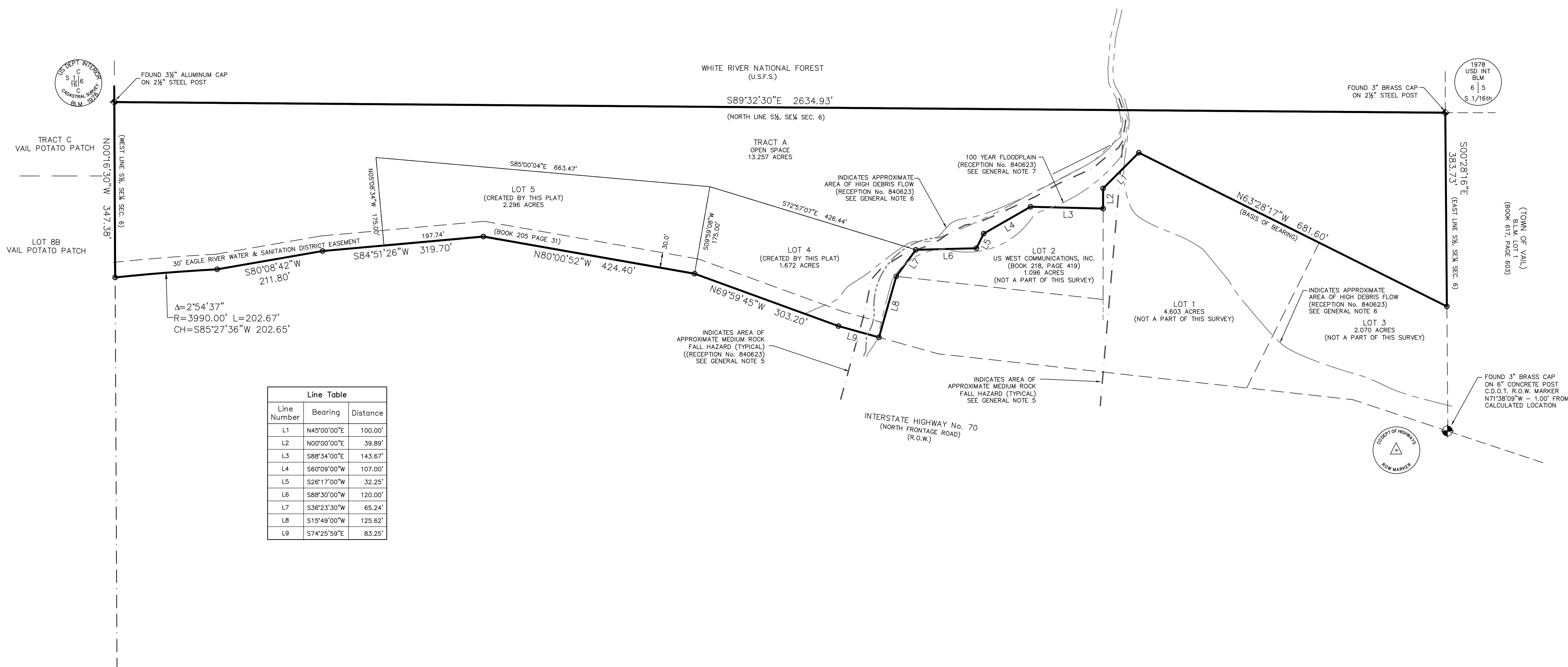
CHAIRMAN
TOWN OF VAIL PLANNING AND
ENVIRONMENTAL COMMISSION

LAND USE

PARCEL	AREA
TRACT A	13.257 ACRES - OPEN SPACE
LOT 4	1.672 ACRES - ACCESS AND FUTURE CHILD CARE
LOT 5	2.296 ACRES - DEVELOPMENT SITE



**AMENDED FINAL PLAT
MIDDLE CREEK SUBDIVISION,
A RESUBDIVISION OF TRACT A,
TOWN OF VAIL, COUNTY OF EAGLE, STATE OF COLORADO**

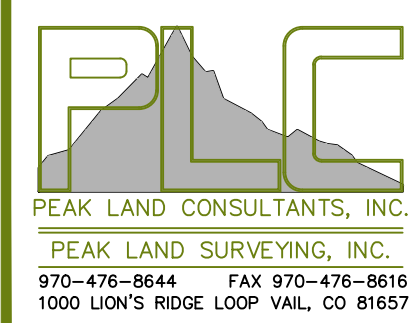


A=2°54'37"
R=3990.00' L=202.67'
CH=S85°27'36"W 202.65'

Line Table		
Line Number	Bearing	Distance
L1	N45°00'00"E	100.00'
L2	N00°00'00"E	39.89'
L3	S88°34'00"E	143.67'
L4	S60°09'00"W	107.00'
L5	S26°17'00"W	32.25'
L6	S88°30'00"W	120.00'
L7	S36°23'30"W	65.24'
L8	S15°49'00"W	125.62'
L9	S74°25'59"E	83.25'

MONUMENT LEGEND	
○	FOUND No. 5 REBAR WITH ALUMINUM CAP L.S. No. 27598
●	SET No. 5 REBAR WITH ALUMINUM CAP L.S. No. 27598

SCALE 1" = 100'



Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



WEST MIDDLE CREEK

Applications for a Requested Land Use Plan
Amendment, Minor Subdivision & Rezoning

December 12, 2022

Applicant: Town of Vail

Represented by: Matt Gennett

I. PURPOSE

The purpose of this document is to forward the request for approval of three development applications intended to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel.

The three development applications include:

- A request for a Vail Land Use Plan Amendment amending a portion of Tract A, Middle Creek Subdivision from Open Space Designation to High Density Residential Designation.
- A request for a minor subdivision establishing an amended final plat for Tract A, Middle Creek, Subdivision, to create Lots 4 and 5, Middle Creek Subdivision.
- A request to rezone the new Lot 4, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district; and, Lot 5, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the Housing (H) zone district.

II. BACKGROUND

The Vail Housing 2027 Strategic Plan was adopted on behalf of the Vail community by the Vail Town Council in 2017. Adopted as a strategic plan, the plan emphasizes taking strategic actions to maintain and sustain the community through the creation and support of resident housing in Vail.

In adopting the Plan, a housing goal of acquiring 1,000 additional resident housing unit deed restrictions by the year 2027 was established. The Plan acknowledged that previously adopted housing policies, programs and practices have not yielded the desired results. To realize desired results community leaders needed to change their approach to housing policies, programs, and practices. More importantly, community leaders needed to take proactive strategic actions without further delay to increase the supply of resident housing in Vail. The three development applications referenced above are a proactive strategic action by the Town of Vail in furtherance of achieving the Town's housing goal.

On December 15, 2020, the Vail Town Council directed staff to proceed with applications necessary to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel. The Vail Town Council instructed the town staff to take the actions necessary to achieve the housing goals stated in the 2018-2020 Council Action Plan and Vail Housing 2027 Strategic Plan.

Lots 4 and 5, Middle Creek Subdivision, will be smaller platted portions of the larger Tract A, Middle Creek Subdivision. Tract A is owned by the Town of Vail. As the owner of Tract A, the Vail Town Council, acting on behalf of the owner, is authorized to submit these three applications for West Middle Creek Parcel.

Tract A was purchased by the Town of Vail on July 1, 1993. Tract A was purchased with the use of Real Estate Transfer Tax (RETT) funds. Upon purchase, and consistent with the recommendations of the 1994 Comprehensive Open Lands Plan, Tract A was rezoned from Agricultural and Open Space (AOS) to Natural Area Preservation (NAP), via Ordinance No. 19, Series of 1995. While a separate matter outside the purview and review criteria of the Town of Vail Planning & Environmental Commission, a legal opinion has been provided acknowledging, that if the three development applications are approved as submitted, the Town of Vail shall be required to reimburse the RETT fund for the value of the West Middle Creek Parcel. Established Housing Mitigation funds are the most likely source of funding to accomplish the required reimbursement.

On September 26, 2022, the PEC reviewed the subject applications and unanimously voted to table them after giving direction to provide further information, including: an Environmental Impact Report (EIR), steep slope analysis, and hazard maps. The requested information is attached to the staff report.

III. SUMMARY OF THE APPLICATIONS

The following section of this document provides a written summary of the three development applications. The development applications are summarized and listed in the order of intended review. Title 12 of the Vail Town Code (VTC) requires the Town of Vail Planning & Environmental Commission to review and act on each of the applications even as the Land Use Plan Amendment and the Rezoning requests require additional review and final action by the Vail Town Council.

I. Vail Land Use Plan Amendment Request:

The application package includes a proposal to amend the Future Land Use Map for a portion of Tract A, Middle Creek Subdivision, to change the land use designation of the proposed new Lot 4 from Open Space to Public/Semi-Public, and the designation of the new Lot 5 from Open Space to High Density Residential. The portion of Tract A to be amended is that area comprised of the proposed Lots 4 and 5 (see minor subdivision request below). According to the Vail Land Use Plan, the proposed land use designation of High Density Residential for Lot 5 is intended for multi-floor residences with a density greater than 15 dwelling units per acre; and the proposed land use designation of Public/Semi-Public includes schools. According to the adopted Future Land Use Plan, the Middle Creek Village Apartment development site to the east of the proposed Lots 4 and 5 is designated High Density Residential, while the Solar Vail Apartment development site to the west has a designation of Medium Density Residential. The land use plan amendment request provides consistency and compatibility with adopted future land use designations and is consistent with the municipal development objectives of the Town of Vail.

The portion of Tract A to be amended from Open Space to Public/Semi-Public is limited to the 1.672 acres of proposed Lot 4 and the 2.296 acres of the proposed Lot 5 from Open Space to High Density Residential. The land use designation of the remainder of Tract A is not proposed to be amended at this time. Based upon a West Middle Creek Site

Feasibility Study funded by the Vail Town Council and completed by the Town of Vail Community Development Department in 2017, it was determined that the area of the proposed Lot 5 of Tract A is the most developable portion of Tract A based on site suitability, vehicular accessibility, topography, natural vegetation, site orientation, steep slopes, and adjacency to existing CDOT right of way.

Lastly, the Vail Land Use Plan Amendment request is in direct response to a growing need to increase the supply of resident-occupied, deed-restricted homes in Vail as well as the scarcity of vacant, town-owned land suitable for residential development. The requested amendments further the Town's housing goals, as stated in Council's 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan.

II. Minor Subdivision Request:

This Minor Subdivision application request proposes to subdivide Tract A, Middle Creek Subdivision (17.2 acres) into three parcels: Tract A (13.257 acres), Lot 4 (1.672 acres) and Lot 5 (2.296 acres). The sole purpose of this application is to subdivide portions of Tract A to create a development lot to accommodate a future housing development and a lot to enable access and provide a site for future early childhood learning.

The minor subdivision to create Lots 4 and Lot 5 have concurrently proposed zone district boundary amendments to zone these two new lots to the General Use (GU) and Housing (H) zone districts, respectively. Neither the General Use (GU) or Housing (H) zone districts prescribe a minimum lot size requirement. For comparison, below are the approximate lot sizes of other parcels in the Housing (H) District:

- Solar Vail – 43,600 SF
- Middle Creek – 200,520 SF
- Middle Creek Lot 3 – 90,150 SF
- Chamonix at Vail – 139,260 SF
- Booth Heights – 235,090 SF

Criteria for Review of a Minor Subdivision Application:

1. The extent to which the proposed subdivision 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;

As part of the General Growth/Development goals of The Vail Land Use Plan, the Town is encouraged to grow in such a way as to maintain “a balance between residential, commercial, and recreational uses”. The Minor Subdivision of the proposed Lot 4 and 5 parcels helps to improve upon this balance. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council

has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to 1,700.

While the Vail Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, this plan also states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”, which is what this subdivision and new development lot aims to accomplish. Chapter 21, Hazard Regulations, prescribes standards by which potential geologic hazards must be mitigated.

2. *The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations", of this code, and other pertinent regulations that the planning and environmental commission deems applicable;*

The lot size and site dimensions for a property located within the Housing (H) District are proposed by the applicant and set by the Planning & Environmental Commission. The proposed lot sizes of Lots 4 and 5 are compatible with the size and dimensions of similar lots presently located within the Housing (H) and General Use zone districts. Lots 4 and 5 are adequately sized for deed-restricted residential development, access, and early childhood learning.

While Lots 4 and 5 are potentially impacted by geologic hazards and steep slopes as set forth in Chapter 21, the lots are developable with required mitigation. Lots 4 and 5 comply with the standards of Title 12 of the Vail Town Code.

3. *The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;*

Given the proximity to Middle Creek Village Apartments and the Solar Vail Apartments, to the west, and I-70 along the southern property line, Lots 4 and 5 provide a harmonious, convenient, and workable relationship among adjacent land uses and are consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a community objective of the Town as far back as the adoption of The Vail Plan in 1972. The proposed subdivision is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

4. *The extent of the effects on the future development of the surrounding area;*

The creation of Lots 4 and 5 will not have any negative effects on the future development of the surrounding area. The area of Lots 4 and 5 is unique to the surrounding areas to the north and west, as these new lots will contain the flattest portion of Tract A and avoid any negative impacts to the riparian corridor and floodplain of Middle Creek. Other areas of Tract A are not as feasible for development and access.

5. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development;

Lots 4 and 5 are adjacent to Lot 1 and Lot 2, Middle Creek Subdivision. Municipal services and necessary utilities are immediately adjacent to the site. The creation of Lot 4 will result in a continuation of residential development along the North Frontage Road and provide a future site for early childhood learning while not creating a "leapfrog" pattern of development.

6. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines;

Lots 4 and 5 are located within the identified service areas of Eagle River Water & Sanitation District, Holy Cross Energy, and Excel Energy (water, sewer, electric, gas). These new lots are centrally located within the municipal boundaries of the Town of Vail, and therefore not outside the boundaries of any urban growth boundaries of the Town or the utility services providers. Existing utility infrastructure and utility easements are constructed and platted immediately adjacent to Lots 4 and 5. Subject to existing franchise agreements, the availability of utility services within the Town of Vail is present.

A determination of utility sizing and level of service required will be made by the utility providers at the time of the development application submittal. The size and level of services required are based on the scope of development proposed. Development on Lots 4 and 5 is not imminent and therefore an application for a development plan has not been submitted.

7. The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and

The proposed subdivision provides for the growth of an orderly viable community since it is centrally located in Town, within walking distance of the major employers, and provides future residents with convenient access to public transit. There is no doubt this subdivision request serves the best interests of the community. Based upon numerous community surveys and local employer input, there is an increased need for additional resident-occupied, deed-restricted homes for Vail residents.

8. The extent to which the proposed subdivision 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 proposed minor subdivision is limited to the current total acreage of the existing area of Tract A (17.2 acres). There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this subdivision request.

III. Rezoning Request:

The Town of Vail requests the PEC forward a recommendation of approval to the Vail Town Council to rezone Lot 4, Middle Creek Subdivision from Natural Area Preservation (NAP) to the Housing (H) zone district, Lot 5, Middle Creek Subdivision to the General Use (GU) zone district, and the remaining portions of Tract A, Middle Creek Subdivision currently zoned General Use (GU) to the Natural Area Preservation (NAP) zone district.

Prior to 1995, Tract A was zoned Agricultural and Open Space (AOS) District before it was rezoned to Natural Area Preservation (NAP) District as a recommended action consistent with the 1994 Comprehensive Open Lands Plan. Since the adoption of the Comprehensive Open Lands Plan, the Vail Town Council has adopted the 2018 Update to the Comprehensive Open Lands Plan and the Vail Housing 2027 Strategic Plan.

According to the 1994 Comprehensive Open Lands Plan, Tract A was identified for a potential rezoning to the Natural Area Preservation (NAP) District due to the environmental qualities of the Tract.

This application proposes to amend the zone district designations of Tract A, Middle Creek Subdivision. Tract A is approximately 17.2 acres in size and currently has 12.73 acres zoned Natural Area Preservation (NAP) and 4.47 acres zoned General Use (GU). The zone district boundaries in the area of Tract A do not follow the property lines and the area zoned Natural Area Preservation (NAP) is bisected by the area zoned General Use (GU) zone district. As requested, this application would rezone the 4.47 acres of General Use (GU) to the Natural Area Preservation (NAP) zone district, rezone 1.672 acres of Lot 4 from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district and rezone the 2.296 acres of Lot 5 from Natural Area Preservation (NAP) to Housing. The proposed rezoning request will result in a net increase of .502 acres of land in Tract A zoned Natural Area Preservation (NAP).

The area of Tract A currently zoned General Use (GU) is primarily comprised of slopes greater than 40%, with geologic hazards including medium severity rockfall and high severity debris flow. According to the Vail Town Code, the General Use (GU) District permits recreational uses such as bicycle and pedestrian paths, and passive outdoor recreation, but also allows for conditional uses such as parking structures, public buildings, and healthcare facilities.

Title 12, Zoning Regulations of the Vail Town Code prescribes the criteria and findings to be evaluated by the Town of Vail Planning & Environmental Commission when forwarding a recommendation for a zone district boundary amendment to the Vail Town Council. The following section of the document highlights the criteria for review and includes a response to the criteria by the applicant.

Criteria and Findings for Review:

Before acting on an application for a zone district boundary amendment, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the requested zone district boundary 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;

This criterion for the zone district amendment is met, provided the Planning & Environmental Commission recommends approval of the Vail Land Use Plan amendment, thereby amending the land use designation of Lot 4 from Open Space to Public/Semi-Public and Lot 5 from Open Space to High Density Residential.

As part of the General Growth/Development goals of Vail Land Use Plan, the Town is encouraged to grow in such a manner to maintain “*a balance between residential, commercial, and recreational uses*”. The rezoning of Lot 4 from Natural Area Preservation (NAP) to General Use (GU), the rezoning of Lot 5 from Natural Area Preservation (NAP) to Housing (H), and the remainder of Tract A currently zoned General Use (GU) to Natural Area Preservation (NAP) improves upon the balance between these uses. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to a total of 1,700 total by the year 2027.

While the Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, the Plan states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”. This zone district boundary amendment achieves this objective. Further, Chapter 21, Hazard Regulations, prescribes development standards by which potential geologic hazards must be mitigated in order to support residential development.

(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;

The requested zone district amendment is consistent with existing and potential land uses in the vicinity of the site. The easterly property line of Lot 5 is adjacent to the Middle Creek Village Apartments development, which also has a land use designation of High Density Residential and is zoned Housing (H) District, and the southerly property line is adjacent to the I-70/North Frontage Road Right-of-Way. The property line of the Tract A parent parcel is bordered on the west by the Solar Vail Apartments development which has a land use designation of Medium Density Residential and is zoned Housing (H) District. These existing and potential surrounding land uses are both compatible and suitable to the proposed intended future use of Proposed Lot 4, Middle Creek Subdivision.

The rezoning of the existing General Use (GU) portion of Tract A to Natural Area Preservation (NAP) already has an underlying land use designation of Open Space, and therefore, is well suited and compatible with this rezoning request. In addition, the ownership and use of the property immediately to the north of the Tract A parcel is U.S. Forest Service land which makes an appropriate neighboring use for the Natural Area Preservation (NAP) zone district.

(3) The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;

Lots 4 and 5 present a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. Given the location of Lot 5 in relation to Middle Creek Village Apartments immediately to the east, Solar Vail Apartments to the west, and I-70/North Frontage Road right of way along the southern property line, the rezoning of Proposed Lot 4 to the Housing (H) District presents a harmonious, convenient, and workable relationship among adjacent land uses and is consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a development objective as far back as the adoption of The Vail Plan in 1972. The rezoning of a portion of Tract A from General Use (GU) to Natural Area Preservation (NAP) also presents a harmonious, convenient, and workable relationship among land uses as the area is bordered to the north by U.S. Forest Service property and to the east by Spraddle Creek open space. The proposed zone district boundary amendment is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

(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;

The proposed zone district amendment provides for the growth of an orderly, viable community since Proposed Lot 4 is centrally located in Town, within walking distance of major employers, and provides future residents with convenient access to public transit. There is little doubt this rezoning request serves the best interests of the community as a whole. Based upon numerous community surveys and local employer input, it is without question that there is an increasing need for additional resident-occupied, deed-restricted homes for Vail residents. Approval of this request for a zone district amendment will not constitute spot zoning as it will result in a larger, contiguous area zoned Housing (H) District by adjacency to the existing Middle Creek Village Apartments and the Solar Vail Apartments and is supported explicitly by the Vail Land Use Plan. The rezoning of the General Use (GU) District portion of Tract A, Middle Creek to Natural Area Preservation (NAP) District expands areas of town-owned land within the Natural Area Preservation (NAP) District, and as such, does not constitute spot zoning.

(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 proposed zone district boundary amendment from Natural Area Preservation (NAP) to General Use (GU) on Lot 4 is limited to 1.672 acres, and the area rezoned from Natural Area Preservation (NAP) to Housing (H) is limited to the 2.296 acres of Lot 5. The remaining 13.257 acres of Tract A is to be zoned to the Natural Area Preservation (NAP) District with eligibility to become designated open space. To achieve a total of 13.257 acres of Tract A zoned Natural Area Preservation (NAP) District, the current portion zoned General Use (GU) District will be rezoned to the Natural Area Preservation (NAP) District as requested by this application. There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this zone district boundary request.

Proposed Lot 5 is an infill residential development opportunity to increase the supply of resident-occupied, deed-restricted homes on town-owned land in Vail. Amending the zone district to the Housing (H) District will not result in adverse impacts on the natural environment any more so than any other development of an otherwise vacant parcel in Vail. The most environmentally sensitive portion of Tract A is the riparian corridor along the Middle Creek drainage. As proposed, the riparian corridor remains in the Natural Area Preservation (NAP) District. Due to the extreme southern exposure of Tract A, the existing vegetation in the area of Lots 4 and 5 is primarily a mix of sage, dryland grasses, and mountain mahogany with a scattering of struggling lodgepole pine planted on the hillside in 1994 by the Town of Vail. More than 13.257 acres of Tract A will remain covered with the existing vegetation and undisturbed. Any future development on the hillside area of Lots 4 and 5 shall be subject to the development standards adopted by the Town of Vail.

(6) The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district;

The purpose of the General Use (GU) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“The General Use District is intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes prescribed in § 12-1-2 of this title and to provide for the public welfare. The General Use District is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately located and designed to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of buildings and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses.”

The proposed zone district boundary amendment for Lot 4 is consistent with the purpose of the General Use (GU) zone district and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Housing (H) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for Lot 5 is consistent with the purpose of the Housing (H) District and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Natural Area Preservation zone district is stated in Section 12-8C-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for the portion of Tract A currently zoned General Use (GU) to the Natural Area Preservation (NAP) is consistent with this purpose due to the preponderance of slopes greater than 40%. This proposed Natural Area Preservation (NAP) zoning is buffered from the existing Mountain Bell Tower site and the Middle Creek Village Apartments by existing setbacks.

(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;

Conditions have changed significantly in the 25 years since Tract A was rezoned from the Agricultural and Open Space (AOS) District to the Natural Area Preservation (NAP) District. For nearly five decades, the lack of availability of housing has been an ongoing concern of the Vail community. What began as a need to ensure safe and adequate housing for a seasonal workforce, has grown into a region-wide deficit of more than 5,000 homes within the Valley. The lack of availability of housing remains one of the foremost critical issues facing the Vail community as cited by respondents to community surveys. As the Town of Vail has become more populated the demand for housing in the Town of Vail has grown at a corresponding rate. The rate of development of free-market dwelling units over the past four decades has far outpaced the rate of development of resident-occupied, deed-restricted homes, causing a significant deficit within the Vail community. The Vail Town Council has made housing a top priority in the 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan. While the Vail Indeed program has proved successful since its adoption, there is a recognized need to build new resident-occupied, deed-restricted homes in the Town of Vail. The rezoning of Lot 4 provides a future location for much needed early childhood learning and the rezoning of Lot 5 creates a future land resource opportunity for the Town to pursue “catch-up” housing opportunities on the site.

In the case of the portion of Tract A proposed to be rezoned to Natural Area Preservation (NAP) District from the General Use (GU) District, the rezoning for this portion was approved prior to the minor subdivision requesting the creation of the West Middle Creek Parcel. At the time of the subdivision, both portions of Tract A were placed in the same development lot. This rezoning reflects the decision to keep these portions of Tract A as a single lot by unifying its zoning designation.

(8) Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

The scarcity of available land resources to meet the growing needs of early childhood learning and resident-occupied, deed restricted housing has been an ongoing concern for the Vail community. Simply stated, there is little to no land area remaining for these much-needed community uses. New opportunities need to be created where practical, appropriate and feasible. The newly created and rezoned Lots 4 and 5 are a practical and appropriate location to create new opportunities for early childhood learning and housing as demonstrated by the West Middle Creek Site Feasibility Study. Tract A is town-owned and centrally located between the two commercial job core areas of Vail. Developing new early childhood learning and housing opportunities for Vail’s workforce conveniently located near places of employment and businesses is responsible community development and land use planning. These two new lots meet a community need and do so in an infill development location. It does not require sprawl or growth outside of the established urban growth boundaries of the Town of Vail.

Amending the zoning for the new Lots 4 and 5 is good land use planning. By design, the only allowed type of development in the Housing (H) District is resident-occupied, deed-

restricted housing. If additional early childhood learning and housing are what the community needs, and the location of new Lots 4 and 5 is practical and appropriate for, then good land use planning dictates that applying the General Use (GU) and Housing (H) zone districts to Tract A is a logical decision.

The Town missed numerous opportunities to address the early childhood learning and housing needs during the past five decades. In many instances, the growth of free-market dwelling units was prioritized and outpaced the development of early childhood learning and local resident housing. The crucial need for these vital community uses exists and more easily developed sites are already developed with other uses.

IV. Summary:

The obligation to demonstrate compliance with the prescribed development application review criteria lies with the applicant. The Town of Vail Planning & Environmental Commission's role is to determine whether, based upon the review criteria and factors for consideration, the applicant has met their compliance obligation.

The Town of Vail has provided a written response to the review criteria for the Vail Land Use Plan amendment, the minor subdivision application, and the rezoning request for the Commission's consideration. In doing so, the relevant information has been provided which supports a recommendation of approval of each of the development applications from the Planning & Environmental Commission to the Vail Town Council. The applicant has shown that each of the applications complies with the applicable criteria and serves to advance the Town's municipal objectives and development goals. As proposed, the applications will result in future development which is not only compatible with surrounding uses and existing development, but does so in a location that has been considered feasible for residential development. Most importantly, it has been demonstrated that there remains a critical need for land within the Town of Vail to be rezoned and repurposed for early childhood learning and local resident housing. Identifying community needs and creating future opportunities to fulfill those needs demonstrates responsible land use planning.

Exhibits:

1. Land Use Plan Amendment Map
2. Minor Subdivision Plat
3. Rezoning Map

(EIR, Steep Slopes and Geohazard maps attached to staff report)



TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: December 12, 2022

SUBJECT: A request for a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of the portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing, and setting forth details in regard thereto. PEC22-0019

Applicant: Town of Vail, represented by Community Development Director Matt Gennett
Planner: Greg Roy

I. SUMMARY

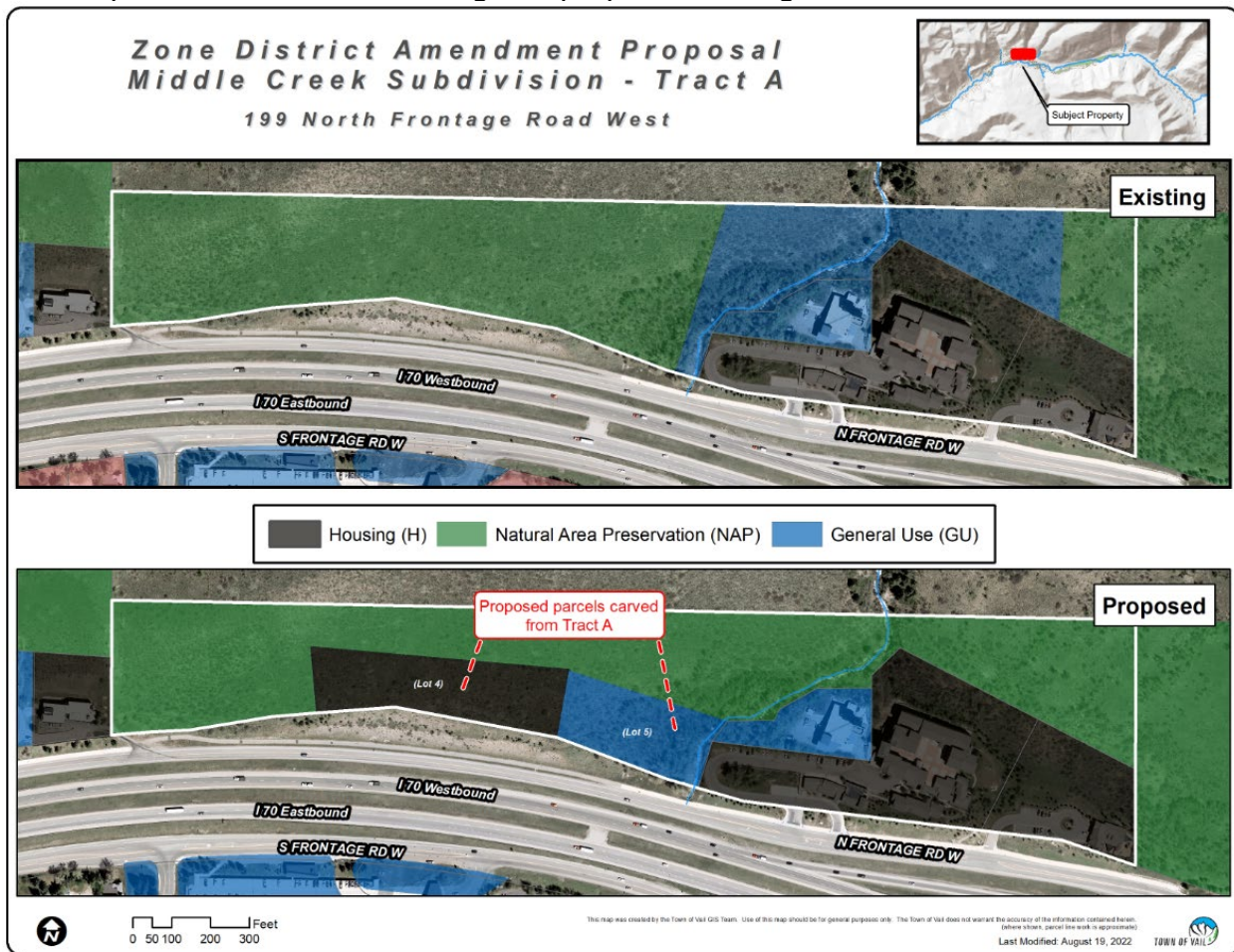
The applicant, Town of Vail, represented by Community Development Director, Matt Gennett, is requesting a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, for the rezoning of the portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing.

Based upon Staff’s review of the criteria outlined in Section VI of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council.

II. DESCRIPTION OF REQUEST

The applicant is proposing to rezone portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing. Portions of the Middle Creek Subdivision are developed, consisting of Middle Creek Housing, Residences at Main Vail, and the Mountain Bell tower. Lots 4 and 5 being proposed for rezoning are not developed and currently sit vacant.

The map below shows the existing and proposed zoning.



The following are included with this memorandum as attachments for review by the commission:

- A. Applicant Narrative, 12-8-2022
- B. Zone District Amendment Proposal

II. BACKGROUND

The subject property was annexed into the Town of Vail in 1968 with Ordinance No. 8, Series of 1969. Ordinance No. 19, Series of 1995 zoned the portions of Tract A from Agricultural Open Space to the General Use and Natural Area Preservation districts. This rezoning was part of a larger rezoning that occurred after the passage of the 1994 Open Lands Plan adoption.

In 2002, the property was subdivided to create Lots 1 and 2 to facilitate the development of Middle Creek Housing and to create the site for the telecom tower. In 2020, a subdivision application was approved by the PEC to create Lot 3 as the site for the Residences at Main Vail project.

III. APPLICABLE PLANNING DOCUMENTS

Staff believes that the following provisions of the Vail Land Use Plan, the Vail Village Master Plan and the Vail Town Code are relevant to the review of this proposal:

Vail Town Code

TITLE 12: ZONING REGULATIONS, VAIL TOWN CODE

12-3-7: AMENDMENT:

A. Prescription: The regulations prescribed in this title and the boundaries of the zone districts shown on the official zoning map may be amended, or repealed by the town council in accordance with the procedures prescribed in this chapter.

B. Initiation:

- 1. An amendment of the regulations of this title or a change in zone district boundaries may be initiated by the town council on its own motion, by the planning and environmental commission on its own motion, by petition of any resident or property owner in the town, or by the administrator.*
- 2. A petition for amendment of the regulations or a change in zone district boundaries shall be filed on a form to be prescribed by the administrator. The petition shall include a summary of the proposed revision of the regulations, or a complete description of proposed changes in zone district boundaries and a map indicating the existing and proposed zone district boundaries. If the petition is for a change in zone district boundaries, the petition shall include a list of the owners of all properties within the boundaries of the area to be rezoned or changed, and the property adjacent thereto. The owners' list shall include the names of all owners, their mailing and street addresses, and the legal description of the property owned by each. Accompanying the list shall be stamped, addressed envelopes to each owner to be used for the mailing of the notice of hearing. The petition also shall include such additional information as prescribed by the administrator.*

C. Criteria And Findings:

1. Zone District Boundary Amendment:

- a. Factors, Enumerated: Before acting on an application for a zone district boundary amendment, the planning and environmental commission and town council shall consider the following factors with respect to the requested zone district boundary 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; and

(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; and

(3) The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and

(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; and

(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; and

(6) The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district; and

(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; and

(8) Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

b. Necessary Findings: Before recommending and/or granting an approval of an application for a zone district boundary amendment, the planning and environmental commission and the town council shall make the following findings with respect to the requested amendment:

(1) That the amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town; and

(2) That the amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and

(3) That the amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.

12-6I: Housing (H) District

12-8C: Natural Area Preservation (NAP) District

12-9C: General Use (GU) District

Vail Land Use Plan (in part)

Key Goals

B. Residential Uses

1. Additional residential growth should continue to occur primarily in existing, platted areas.

E. General Growth and Development

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.

5. Development may also be appropriate on Town-owned lands by the Town of Vail (other than park and open space) where:

- a. No high geologic hazards exist; and*
- b. Such development is for public use.*

Land Use Plan Assumptions

A. New development would for the most part, occur within and adjacent to already developed areas.

C. That substantial areas of open space would remain in the Town.

D. That constraint areas should be considered in the designation of areas for future development.

F. That hillsides should also be assessed, taking constraints into consideration.

IV. SITE ANALYSIS

Address:	No Address
Legal Description:	Tract A Middle Creek Subdivision
Existing Zoning:	Natural Area Preservation (NAP) District and General Use (GU)
Proposed Zoning:	Housing (H) District and General Use (GU)

Land Use Plan Designation: Open Space (proposed to change with PEC22-0018)
 Current Land Use: Open Space
 Proposed Land Use: High Density Residential and Public/Semi-Public
 Geological Hazards: Moderate Hazard Debris Zone and Medium Severity Rockfall

Development Standard	Natural Area Preservation (NAP)	Housing (H)	General Use (GU)
Lot Size	NA	Prescribed by PEC	Prescribed by PEC
Minimum Setbacks	NA	20' from perimeter of zone district	Prescribed by PEC
Maximum Height	NA NA	Prescribed by PEC	Prescribed by PEC
Density	NA	Prescribed by PEC	Prescribed by PEC
Site coverage maximum	NA	Max. 55% of site area	Prescribed by PEC
Minimum Landscaping	NA	Min. 30% of site area	Prescribed by PEC

V. SURROUNDING LAND USES AND ZONING

	<u>Existing Use</u>	<u>Zone District</u>
North:	US Forest Land	NA
South:	Telecom/Housing	General Use (GU)/Housing(H)
East:	Open Space	Natural Area Preservation (NAP)
West:	Open Space	Natural Area Preservation (NAP)

VI. REVIEW CRITERIA

Before acting on an application for a zone district boundary amendment, the Planning and Environmental Commission shall consider the following factors with respect to the requested zone district boundary amendment:

Zone District Boundary Amendment Factors

- 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.**

The proposed zone district amendment is supported by the Vail comprehensive plan. One component of the comprehensive plan is the Land Use Plan. In the plan, some key goals are to have additional growth within existing platted areas

and areas without high geologic hazards. The proposed amendment would be in a subdivided tract and outside of any high-hazard areas. The plan also notes that development on hillsides may be appropriate on a case-by-case basis and that the development should be low-density as visibility from the valley floor is a consideration. When the plan refers to development on a hillside, the goal is to limit low density residential at the ridgeline. It was not contemplating residential development at the base of the hillside near the valley floor. Later, the General Growth and Development section of the plan notes that the development of Town-owned land may be appropriate if it isn't in the high hazard zones and the development is for a public purpose.

Considering those sections and goals, it would appear the plan allows for hillside development of public land if it serves a public purpose. As the Town is the owner and applicant on the application, those requirements would be met.

Staff finds that the proposed zone district amendment conforms to this criterion.

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.

Part of this amendment is rezoning some areas to the north of the Mountain Bell tower from GU to NAP. This is suitable for existing and potential uses around the site as it is the least developable area of Tract A. It lends itself to NAP to preserve the uphill area of the tower and housing development, rather than contemplate further development up the hill.

Conversely, the area adjacent to the right-of-way is currently open space that is zoned NAP but has residential development on either side. This portion of the site would be best suited to additional housing opportunities or other uses that may be permitted in the GU district than further up the hill of the site. When contemplating the Housing district, having it easily accessible to the road and to walkable areas is the most suitable.

Staff finds that the proposed zone district amendment conforms to 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 proposed zone district amendment is consistent with the adjacent zoning on the property to the east. The new area of GU would be adjacent to the lot that is currently zoned GU. While the proposed Housing district area does not share a boundary with another existing Housing district site, in the vicinity it is common to

see Housing zoning adjacent to the right-of-way. Similar sites have been zoned Housing recently such as Lot 3 of Middle Creek and Solar Vail.

Staff finds that the proposed zone district amendment conforms to 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.

The proposed zone district amendment provides the appropriate incentives for the orderly redevelopment of the subject properties. The development standards of both the General Use and Housing districts are set by the PEC and will provide for more control from the Commission on how the sites are developed in terms of site planning, height, density, and setbacks. The area along the frontage road has already been developed with public/semi-public uses and housing developments. Continuing those uses in this area will provide an orderly development that is in the best interest of the larger community.

Staff finds that the proposed zone district amendment conforms to 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 amendment does not have any direct impacts that are either adverse or beneficial to the natural environment. It will increase the development opportunities on the lower portion of the site but will also reduce the potential development on the higher elevations of the tract. In the proposed districts the majority of standards are set by the PEC, which will allow for further input into the development process to control any possible negative externalities to the environment. The proposed zoning change to this existing development would not negatively affect riparian corridors, air quality, water quality, or other environmental aspects.

Staff finds that the proposed zone district amendment conforms to this criterion.

6. The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district.

The proposed zone district amendment is consistent with the purpose statements for the General Use and Housing districts. The Housing statement reads "...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 space and other amenities". This amendment will incorporate the district in an appropriate area in harmony with the adjacent sites and uses.

The General Use amendment will meet the purpose by further providing access and quasi-public uses that are necessary to develop the adjacent proposed Housing site.

Staff finds that the proposed zone district amendment conforms to 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 was zoned to its current designation in 1995 as a result of the newly adopted 1994 Open Lands Plan. At that time, there was no Middle Creek Housing and the site was largely vacant except for the elementary school and Mountain Bell Tower. Since the time that Middle Creek Housing was built, Solar Vail was rezoned and completed and Residences at Main Vail has begun construction. These developments have transformed the area from a largely untouched area north of the interstate to a developed area that is occupied by large buildings. The on-site conditions around the time of designation of the previous zoning conformed to the open space use for the area, but that use on the neighboring properties has changed, recommending this property for a potential change as well.

Staff finds that the proposed zone district amendment conforms to this criterion.

8. Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

VIII. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VI of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission **forward a recommendation of approval** to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of the portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing and setting forth details in regard thereto.

Should the Planning and Environmental Commission choose to **forward a recommendation of approval** to the Vail Town Council, the Community Development Department recommends the Commission pass the following **motion**:

*“The Planning and Environmental Commission **forwards a recommendation of approval** to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the*

rezoning of portions of Tract A Middle Creek Subdivision from Natural Area Preservation to General Use and Housing, and setting forth details in regard thereto.”

Should the Planning and Environmental Commission choose to **forward this recommendation of approval**, the Community Development Department recommends the Commission makes the following **findings**:

“Based upon the review of the criteria outlined in Section VI of the Staff memorandum to the Planning and Environmental Commission dated December 12th, 2022, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town; and*
- 2. That the amendment does further the general and specific purposes of the zoning regulations; and*
- 3. That the amendment does promote the health, safety, morals, and general welfare of the town and promote the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”*

IX. ATTACHMENTS

- A. Applicant Narrative, 12-8-2022
- B. Zone District Amendment Proposal

WEST MIDDLE CREEK

Applications for a Requested Land Use Plan
Amendment, Minor Subdivision & Rezoning

December 12, 2022

Applicant: Town of Vail

Represented by: Matt Gennett

I. PURPOSE

The purpose of this document is to forward the request for approval of three development applications intended to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel.

The three development applications include:

- A request for a Vail Land Use Plan Amendment amending a portion of Tract A, Middle Creek Subdivision from Open Space Designation to High Density Residential Designation.
- A request for a minor subdivision establishing an amended final plat for Tract A, Middle Creek, Subdivision, to create Lots 4 and 5, Middle Creek Subdivision.
- A request to rezone the new Lot 4, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district; and, Lot 5, Middle Creek Subdivision, from the Natural Area Preservation (NAP) zone district to the Housing (H) zone district.

II. BACKGROUND

The Vail Housing 2027 Strategic Plan was adopted on behalf of the Vail community by the Vail Town Council in 2017. Adopted as a strategic plan, the plan emphasizes taking strategic actions to maintain and sustain the community through the creation and support of resident housing in Vail.

In adopting the Plan, a housing goal of acquiring 1,000 additional resident housing unit deed restrictions by the year 2027 was established. The Plan acknowledged that previously adopted housing policies, programs and practices have not yielded the desired results. To realize desired results community leaders needed to change their approach to housing policies, programs, and practices. More importantly, community leaders needed to take proactive strategic actions without further delay to increase the supply of resident housing in Vail. The three development applications referenced above are a proactive strategic action by the Town of Vail in furtherance of achieving the Town's housing goal.

On December 15, 2020, the Vail Town Council directed staff to proceed with applications necessary to facilitate a future opportunity to develop 100% resident-occupied, deed-restricted homes for Vail residents on the West Middle Creek Parcel. The Vail Town Council instructed the town staff to take the actions necessary to achieve the housing goals stated in the 2018-2020 Council Action Plan and Vail Housing 2027 Strategic Plan.

Lots 4 and 5, Middle Creek Subdivision, will be smaller platted portions of the larger Tract A, Middle Creek Subdivision. Tract A is owned by the Town of Vail. As the owner of Tract A, the Vail Town Council, acting on behalf of the owner, is authorized to submit these three applications for West Middle Creek Parcel.

Tract A was purchased by the Town of Vail on July 1, 1993. Tract A was purchased with the use of Real Estate Transfer Tax (RETT) funds. Upon purchase, and consistent with the recommendations of the 1994 Comprehensive Open Lands Plan, Tract A was rezoned from Agricultural and Open Space (AOS) to Natural Area Preservation (NAP), via Ordinance No. 19, Series of 1995. While a separate matter outside the purview and review criteria of the Town of Vail Planning & Environmental Commission, a legal opinion has been provided acknowledging, that if the three development applications are approved as submitted, the Town of Vail shall be required to reimburse the RETT fund for the value of the West Middle Creek Parcel. Established Housing Mitigation funds are the most likely source of funding to accomplish the required reimbursement.

On September 26, 2022, the PEC reviewed the subject applications and unanimously voted to table them after giving direction to provide further information, including: an Environmental Impact Report (EIR), steep slope analysis, and hazard maps. The requested information is attached to the staff report.

III. SUMMARY OF THE APPLICATIONS

The following section of this document provides a written summary of the three development applications. The development applications are summarized and listed in the order of intended review. Title 12 of the Vail Town Code (VTC) requires the Town of Vail Planning & Environmental Commission to review and act on each of the applications even as the Land Use Plan Amendment and the Rezoning requests require additional review and final action by the Vail Town Council.

I. Vail Land Use Plan Amendment Request:

The application package includes a proposal to amend the Future Land Use Map for a portion of Tract A, Middle Creek Subdivision, to change the land use designation of the proposed new Lot 4 from Open Space to Public/Semi-Public, and the designation of the new Lot 5 from Open Space to High Density Residential. The portion of Tract A to be amended is that area comprised of the proposed Lots 4 and 5 (see minor subdivision request below). According to the Vail Land Use Plan, the proposed land use designation of High Density Residential for Lot 5 is intended for multi-floor residences with a density greater than 15 dwelling units per acre; and the proposed land use designation of Public/Semi-Public includes schools. According to the adopted Future Land Use Plan, the Middle Creek Village Apartment development site to the east of the proposed Lots 4 and 5 is designated High Density Residential, while the Solar Vail Apartment development site to the west has a designation of Medium Density Residential. The land use plan amendment request provides consistency and compatibility with adopted future land use designations and is consistent with the municipal development objectives of the Town of Vail.

The portion of Tract A to be amended from Open Space to Public/Semi-Public is limited to the 1.672 acres of proposed Lot 4 and the 2.296 acres of the proposed Lot 5 from Open Space to High Density Residential. The land use designation of the remainder of Tract A is not proposed to be amended at this time. Based upon a West Middle Creek Site

Feasibility Study funded by the Vail Town Council and completed by the Town of Vail Community Development Department in 2017, it was determined that the area of the proposed Lot 5 of Tract A is the most developable portion of Tract A based on site suitability, vehicular accessibility, topography, natural vegetation, site orientation, steep slopes, and adjacency to existing CDOT right of way.

Lastly, the Vail Land Use Plan Amendment request is in direct response to a growing need to increase the supply of resident-occupied, deed-restricted homes in Vail as well as the scarcity of vacant, town-owned land suitable for residential development. The requested amendments further the Town's housing goals, as stated in Council's 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan.

II. Minor Subdivision Request:

This Minor Subdivision application request proposes to subdivide Tract A, Middle Creek Subdivision (17.2 acres) into three parcels: Tract A (13.257 acres), Lot 4 (1.672 acres) and Lot 5 (2.296 acres). The sole purpose of this application is to subdivide portions of Tract A to create a development lot to accommodate a future housing development and a lot to enable access and provide a site for future early childhood learning.

The minor subdivision to create Lots 4 and Lot 5 have concurrently proposed zone district boundary amendments to zone these two new lots to the General Use (GU) and Housing (H) zone districts, respectively. Neither the General Use (GU) or Housing (H) zone districts prescribe a minimum lot size requirement. For comparison, below are the approximate lot sizes of other parcels in the Housing (H) District:

- Solar Vail – 43,600 SF
- Middle Creek – 200,520 SF
- Middle Creek Lot 3 – 90,150 SF
- Chamonix at Vail – 139,260 SF
- Booth Heights – 235,090 SF

Criteria for Review of a Minor Subdivision Application:

1. The extent to which the proposed subdivision 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;

As part of the General Growth/Development goals of The Vail Land Use Plan, the Town is encouraged to grow in such a way as to maintain “a balance between residential, commercial, and recreational uses”. The Minor Subdivision of the proposed Lot 4 and 5 parcels helps to improve upon this balance. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council

has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to 1,700.

While the Vail Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, this plan also states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”, which is what this subdivision and new development lot aims to accomplish. Chapter 21, Hazard Regulations, prescribes standards by which potential geologic hazards must be mitigated.

2. *The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations", of this code, and other pertinent regulations that the planning and environmental commission deems applicable;*

The lot size and site dimensions for a property located within the Housing (H) District are proposed by the applicant and set by the Planning & Environmental Commission. The proposed lot sizes of Lots 4 and 5 are compatible with the size and dimensions of similar lots presently located within the Housing (H) and General Use zone districts. Lots 4 and 5 are adequately sized for deed-restricted residential development, access, and early childhood learning.

While Lots 4 and 5 are potentially impacted by geologic hazards and steep slopes as set forth in Chapter 21, the lots are developable with required mitigation. Lots 4 and 5 comply with the standards of Title 12 of the Vail Town Code.

3. *The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;*

Given the proximity to Middle Creek Village Apartments and the Solar Vail Apartments, to the west, and I-70 along the southern property line, Lots 4 and 5 provide a harmonious, convenient, and workable relationship among adjacent land uses and are consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a community objective of the Town as far back as the adoption of The Vail Plan in 1972. The proposed subdivision is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

4. *The extent of the effects on the future development of the surrounding area;*

The creation of Lots 4 and 5 will not have any negative effects on the future development of the surrounding area. The area of Lots 4 and 5 is unique to the surrounding areas to the north and west, as these new lots will contain the flattest portion of Tract A and avoid any negative impacts to the riparian corridor and floodplain of Middle Creek. Other areas of Tract A are not as feasible for development and access.

5. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development;

Lots 4 and 5 are adjacent to Lot 1 and Lot 2, Middle Creek Subdivision. Municipal services and necessary utilities are immediately adjacent to the site. The creation of Lot 4 will result in a continuation of residential development along the North Frontage Road and provide a future site for early childhood learning while not creating a "leapfrog" pattern of development.

6. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines;

Lots 4 and 5 are located within the identified service areas of Eagle River Water & Sanitation District, Holy Cross Energy, and Excel Energy (water, sewer, electric, gas). These new lots are centrally located within the municipal boundaries of the Town of Vail, and therefore not outside the boundaries of any urban growth boundaries of the Town or the utility services providers. Existing utility infrastructure and utility easements are constructed and platted immediately adjacent to Lots 4 and 5. Subject to existing franchise agreements, the availability of utility services within the Town of Vail is present.

A determination of utility sizing and level of service required will be made by the utility providers at the time of the development application submittal. The size and level of services required are based on the scope of development proposed. Development on Lots 4 and 5 is not imminent and therefore an application for a development plan has not been submitted.

7. The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and

The proposed subdivision provides for the growth of an orderly viable community since it is centrally located in Town, within walking distance of the major employers, and provides future residents with convenient access to public transit. There is no doubt this subdivision request serves the best interests of the community. Based upon numerous community surveys and local employer input, there is an increased need for additional resident-occupied, deed-restricted homes for Vail residents.

8. The extent to which the proposed subdivision 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 proposed minor subdivision is limited to the current total acreage of the existing area of Tract A (17.2 acres). There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this subdivision request.

III. Rezoning Request:

The Town of Vail requests the PEC forward a recommendation of approval to the Vail Town Council to rezone Lot 4, Middle Creek Subdivision from Natural Area Preservation (NAP) to the Housing (H) zone district, Lot 5, Middle Creek Subdivision to the General Use (GU) zone district, and the remaining portions of Tract A, Middle Creek Subdivision currently zoned General Use (GU) to the Natural Area Preservation (NAP) zone district.

Prior to 1995, Tract A was zoned Agricultural and Open Space (AOS) District before it was rezoned to Natural Area Preservation (NAP) District as a recommended action consistent with the 1994 Comprehensive Open Lands Plan. Since the adoption of the Comprehensive Open Lands Plan, the Vail Town Council has adopted the 2018 Update to the Comprehensive Open Lands Plan and the Vail Housing 2027 Strategic Plan.

According to the 1994 Comprehensive Open Lands Plan, Tract A was identified for a potential rezoning to the Natural Area Preservation (NAP) District due to the environmental qualities of the Tract.

This application proposes to amend the zone district designations of Tract A, Middle Creek Subdivision. Tract A is approximately 17.2 acres in size and currently has 12.73 acres zoned Natural Area Preservation (NAP) and 4.47 acres zoned General Use (GU). The zone district boundaries in the area of Tract A do not follow the property lines and the area zoned Natural Area Preservation (NAP) is bisected by the area zoned General Use (GU) zone district. As requested, this application would rezone the 4.47 acres of General Use (GU) to the Natural Area Preservation (NAP) zone district, rezone 1.672 acres of Lot 4 from the Natural Area Preservation (NAP) zone district to the General Use (GU) zone district and rezone the 2.296 acres of Lot 5 from Natural Area Preservation (NAP) to Housing. The proposed rezoning request will result in a net increase of .502 acres of land in Tract A zoned Natural Area Preservation (NAP).

The area of Tract A currently zoned General Use (GU) is primarily comprised of slopes greater than 40%, with geologic hazards including medium severity rockfall and high severity debris flow. According to the Vail Town Code, the General Use (GU) District permits recreational uses such as bicycle and pedestrian paths, and passive outdoor recreation, but also allows for conditional uses such as parking structures, public buildings, and healthcare facilities.

Title 12, Zoning Regulations of the Vail Town Code prescribes the criteria and findings to be evaluated by the Town of Vail Planning & Environmental Commission when forwarding a recommendation for a zone district boundary amendment to the Vail Town Council. The following section of the document highlights the criteria for review and includes a response to the criteria by the applicant.

Criteria and Findings for Review:

Before acting on an application for a zone district boundary amendment, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the requested zone district boundary 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;

This criterion for the zone district amendment is met, provided the Planning & Environmental Commission recommends approval of the Vail Land Use Plan amendment, thereby amending the land use designation of Lot 4 from Open Space to Public/Semi-Public and Lot 5 from Open Space to High Density Residential.

As part of the General Growth/Development goals of Vail Land Use Plan, the Town is encouraged to grow in such a manner to maintain “*a balance between residential, commercial, and recreational uses*”. The rezoning of Lot 4 from Natural Area Preservation (NAP) to General Use (GU), the rezoning of Lot 5 from Natural Area Preservation (NAP) to Housing (H), and the remainder of Tract A currently zoned General Use (GU) to Natural Area Preservation (NAP) improves upon the balance between these uses. Presently, there are more than 7,200 dwelling units in the Town of Vail. Of the 7,200 dwelling units, approximately 950, or roughly 13%, of the dwelling units are deed-restricted for resident occupancy. The Vail Town Council has adopted a goal of increasing the number of dwelling units in the Town of Vail dedicated to resident occupancy to a total of 1,700 total by the year 2027.

While the Land Use Plan discourages the development of Town-owned lands where high geological hazards may exist, the Plan states that “*additional employee housing needs should be accommodated at varied sites throughout the community*”. This zone district boundary amendment achieves this objective. Further, Chapter 21, Hazard Regulations, prescribes development standards by which potential geologic hazards must be mitigated in order to support residential development.

(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;

The requested zone district amendment is consistent with existing and potential land uses in the vicinity of the site. The easterly property line of Lot 5 is adjacent to the Middle Creek Village Apartments development, which also has a land use designation of High Density Residential and is zoned Housing (H) District, and the southerly property line is adjacent to the I-70/North Frontage Road Right-of-Way. The property line of the Tract A parent parcel is bordered on the west by the Solar Vail Apartments development which has a land use designation of Medium Density Residential and is zoned Housing (H) District. These existing and potential surrounding land uses are both compatible and suitable to the proposed intended future use of Proposed Lot 4, Middle Creek Subdivision.

The rezoning of the existing General Use (GU) portion of Tract A to Natural Area Preservation (NAP) already has an underlying land use designation of Open Space, and therefore, is well suited and compatible with this rezoning request. In addition, the ownership and use of the property immediately to the north of the Tract A parcel is U.S. Forest Service land which makes an appropriate neighboring use for the Natural Area Preservation (NAP) zone district.

(3) The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives;

Lots 4 and 5 present a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. Given the location of Lot 5 in relation to Middle Creek Village Apartments immediately to the east, Solar Vail Apartments to the west, and I-70/North Frontage Road right of way along the southern property line, the rezoning of Proposed Lot 4 to the Housing (H) District presents a harmonious, convenient, and workable relationship among adjacent land uses and is consistent with municipal development objectives. A longstanding development objective of the Town is to provide for the development of residential properties intended for occupancy by year-round Vail residents. This has been a development objective as far back as the adoption of The Vail Plan in 1972. The rezoning of a portion of Tract A from General Use (GU) to Natural Area Preservation (NAP) also presents a harmonious, convenient, and workable relationship among land uses as the area is bordered to the north by U.S. Forest Service property and to the east by Spraddle Creek open space. The proposed zone district boundary amendment is consistent with municipal objectives for the establishment of additional resident-occupied housing in the Town of Vail.

(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;

The proposed zone district amendment provides for the growth of an orderly, viable community since Proposed Lot 4 is centrally located in Town, within walking distance of major employers, and provides future residents with convenient access to public transit. There is little doubt this rezoning request serves the best interests of the community as a whole. Based upon numerous community surveys and local employer input, it is without question that there is an increasing need for additional resident-occupied, deed-restricted homes for Vail residents. Approval of this request for a zone district amendment will not constitute spot zoning as it will result in a larger, contiguous area zoned Housing (H) District by adjacency to the existing Middle Creek Village Apartments and the Solar Vail Apartments and is supported explicitly by the Vail Land Use Plan. The rezoning of the General Use (GU) District portion of Tract A, Middle Creek to Natural Area Preservation (NAP) District expands areas of town-owned land within the Natural Area Preservation (NAP) District, and as such, does not constitute spot zoning.

(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 proposed zone district boundary amendment from Natural Area Preservation (NAP) to General Use (GU) on Lot 4 is limited to 1.672 acres, and the area rezoned from Natural Area Preservation (NAP) to Housing (H) is limited to the 2.296 acres of Lot 5. The remaining 13.257 acres of Tract A is to be zoned to the Natural Area Preservation (NAP) District with eligibility to become designated open space. To achieve a total of 13.257 acres of Tract A zoned Natural Area Preservation (NAP) District, the current portion zoned General Use (GU) District will be rezoned to the Natural Area Preservation (NAP) District as requested by this application. There would be no adverse impacts to water quality, air quality, noise, vegetation, riparian corridors, hillsides, or other desirable natural features with the approval of this zone district boundary request.

Proposed Lot 5 is an infill residential development opportunity to increase the supply of resident-occupied, deed-restricted homes on town-owned land in Vail. Amending the zone district to the Housing (H) District will not result in adverse impacts on the natural environment any more so than any other development of an otherwise vacant parcel in Vail. The most environmentally sensitive portion of Tract A is the riparian corridor along the Middle Creek drainage. As proposed, the riparian corridor remains in the Natural Area Preservation (NAP) District. Due to the extreme southern exposure of Tract A, the existing vegetation in the area of Lots 4 and 5 is primarily a mix of sage, dryland grasses, and mountain mahogany with a scattering of struggling lodgepole pine planted on the hillside in 1994 by the Town of Vail. More than 13.257 acres of Tract A will remain covered with the existing vegetation and undisturbed. Any future development on the hillside area of Lots 4 and 5 shall be subject to the development standards adopted by the Town of Vail.

(6) The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district;

The purpose of the General Use (GU) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“The General Use District is intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes prescribed in § 12-1-2 of this title and to provide for the public welfare. The General Use District is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately located and designed to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of buildings and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses.”

The proposed zone district boundary amendment for Lot 4 is consistent with the purpose of the General Use (GU) zone district and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Housing (H) zone district is stated in Section 12-6I-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for Lot 5 is consistent with the purpose of the Housing (H) District and advances the development objectives and specific purposes of the adopted Zoning Regulations of the Town of Vail, as stated in Section 12-1-2 of the Vail Town Code.

The purpose of the Natural Area Preservation zone district is stated in Section 12-8C-1 of the Vail Town Code as:

“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.”

The proposed zone district boundary amendment for the portion of Tract A currently zoned General Use (GU) to the Natural Area Preservation (NAP) is consistent with this purpose due to the preponderance of slopes greater than 40%. This proposed Natural Area Preservation (NAP) zoning is buffered from the existing Mountain Bell Tower site and the Middle Creek Village Apartments by existing setbacks.

(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;

Conditions have changed significantly in the 25 years since Tract A was rezoned from the Agricultural and Open Space (AOS) District to the Natural Area Preservation (NAP) District. For nearly five decades, the lack of availability of housing has been an ongoing concern of the Vail community. What began as a need to ensure safe and adequate housing for a seasonal workforce, has grown into a region-wide deficit of more than 5,000 homes within the Valley. The lack of availability of housing remains one of the foremost critical issues facing the Vail community as cited by respondents to community surveys. As the Town of Vail has become more populated the demand for housing in the Town of Vail has grown at a corresponding rate. The rate of development of free-market dwelling units over the past four decades has far outpaced the rate of development of resident-occupied, deed-restricted homes, causing a significant deficit within the Vail community. The Vail Town Council has made housing a top priority in the 2018-2020 Action Plan and the Vail Housing 2027 Strategic Plan. While the Vail Indeed program has proved successful since its adoption, there is a recognized need to build new resident-occupied, deed-restricted homes in the Town of Vail. The rezoning of Lot 4 provides a future location for much needed early childhood learning and the rezoning of Lot 5 creates a future land resource opportunity for the Town to pursue “catch-up” housing opportunities on the site.

In the case of the portion of Tract A proposed to be rezoned to Natural Area Preservation (NAP) District from the General Use (GU) District, the rezoning for this portion was approved prior to the minor subdivision requesting the creation of the West Middle Creek Parcel. At the time of the subdivision, both portions of Tract A were placed in the same development lot. This rezoning reflects the decision to keep these portions of Tract A as a single lot by unifying its zoning designation.

(8) Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

The scarcity of available land resources to meet the growing needs of early childhood learning and resident-occupied, deed restricted housing has been an ongoing concern for the Vail community. Simply stated, there is little to no land area remaining for these much-needed community uses. New opportunities need to be created where practical, appropriate and feasible. The newly created and rezoned Lots 4 and 5 are a practical and appropriate location to create new opportunities for early childhood learning and housing as demonstrated by the West Middle Creek Site Feasibility Study. Tract A is town-owned and centrally located between the two commercial job core areas of Vail. Developing new early childhood learning and housing opportunities for Vail’s workforce conveniently located near places of employment and businesses is responsible community development and land use planning. These two new lots meet a community need and do so in an infill development location. It does not require sprawl or growth outside of the established urban growth boundaries of the Town of Vail.

Amending the zoning for the new Lots 4 and 5 is good land use planning. By design, the only allowed type of development in the Housing (H) District is resident-occupied, deed-

restricted housing. If additional early childhood learning and housing are what the community needs, and the location of new Lots 4 and 5 is practical and appropriate for, then good land use planning dictates that applying the General Use (GU) and Housing (H) zone districts to Tract A is a logical decision.

The Town missed numerous opportunities to address the early childhood learning and housing needs during the past five decades. In many instances, the growth of free-market dwelling units was prioritized and outpaced the development of early childhood learning and local resident housing. The crucial need for these vital community uses exists and more easily developed sites are already developed with other uses.

IV. Summary:

The obligation to demonstrate compliance with the prescribed development application review criteria lies with the applicant. The Town of Vail Planning & Environmental Commission's role is to determine whether, based upon the review criteria and factors for consideration, the applicant has met their compliance obligation.

The Town of Vail has provided a written response to the review criteria for the Vail Land Use Plan amendment, the minor subdivision application, and the rezoning request for the Commission's consideration. In doing so, the relevant information has been provided which supports a recommendation of approval of each of the development applications from the Planning & Environmental Commission to the Vail Town Council. The applicant has shown that each of the applications complies with the applicable criteria and serves to advance the Town's municipal objectives and development goals. As proposed, the applications will result in future development which is not only compatible with surrounding uses and existing development, but does so in a location that has been considered feasible for residential development. Most importantly, it has been demonstrated that there remains a critical need for land within the Town of Vail to be rezoned and repurposed for early childhood learning and local resident housing. Identifying community needs and creating future opportunities to fulfill those needs demonstrates responsible land use planning.

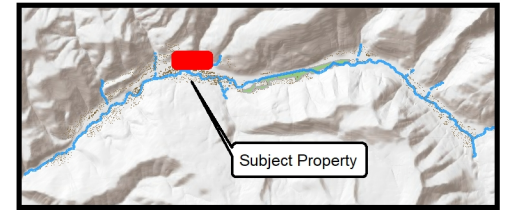
Exhibits:

1. Land Use Plan Amendment Map
2. Minor Subdivision Plat
3. Rezoning Map

(EIR, Steep Slopes and Geohazard maps attached to staff report)

Zone District Amendment Proposal Middle Creek Subdivision - Tract A

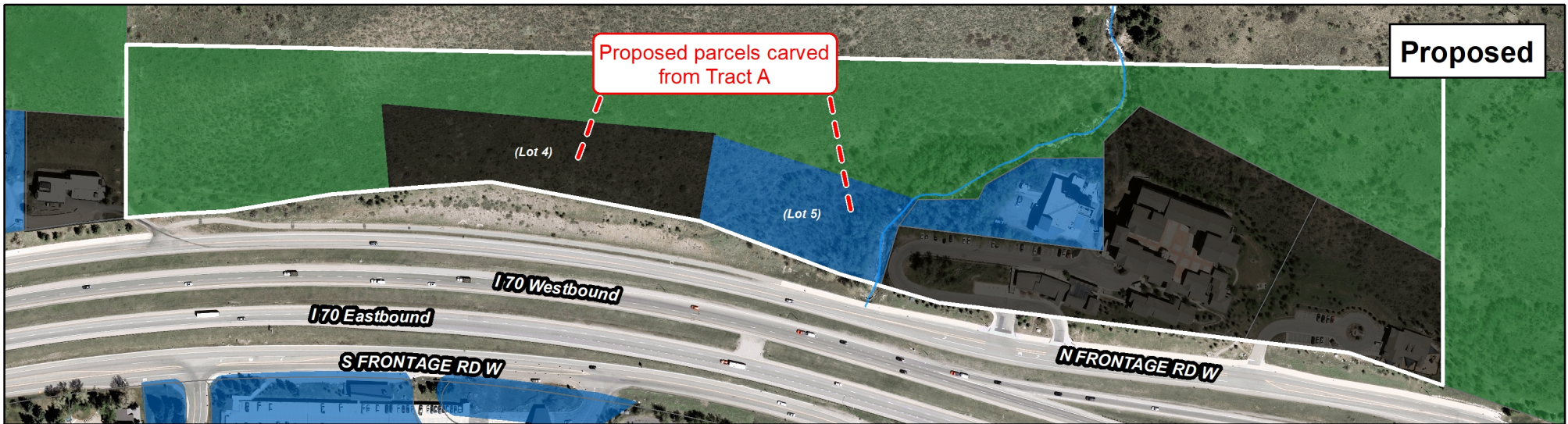
199 North Frontage Road West



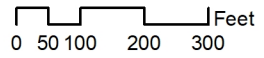
Existing

Legend for zoning types:

- Housing (H)
- Natural Area Preservation (NAP)
- General Use (GU)



Proposed



This map was created by the Town of Vail GIS Team. Use of this map should be for general purposes only. The Town of Vail does not warrant the accuracy of the information contained herein (where shown, parcel line work is approximate).

Last Modified: August 19, 2022

Item Cover Page

PLANNING AND ENVIRONMENTAL COMMISSION AGENDA ITEM REPORT

DATE: December 12, 2022

SUBMITTED BY: Greg Roy, Community Development

ITEM TYPE: Approval of Minutes

AGENDA SECTION: Approval of Minutes

SUBJECT: PEC Results 11-14-22

SUGGESTED ACTION:

ATTACHMENTS:
[PEC Results 11-14-22.pdf](#)

Present: Bobby Lipnick
Karen Perez
John Rediker
Henry Pratt
Bill Jensen
Reid Phillips
Brian Judge

1. **Virtual Link**
Register to attend the [Planning and Environmental Commission meeting](#). Once registered, you will receive a confirmation email containing information about joining this webinar.
2. **Call to Order**
3. **Executive Session**
 - 3.1 **Executive Session, pursuant to: 1) C.R.S. §24-6-402(4)(b) – to receive legal advice on specific legal questions; Regarding: Planning and Environmental Commission Process 20 min.**

Karen Perez made a motion to Approve ; Bobby Lipnick seconded the motion Passed (7 - 0).

4. **Main Agenda**
 - 4.1 **PEC22-0028 - A request for the review of a Conditional Use Permit, pursuant to Section 12-16, Conditional Use Permits, Vail Town Code, to allow a Professional/Business Office, a Conditional Use in the Public Accommodation (PA) District, located at 68 East Meadow Drive, Unit 603/ Vail Village Filing 1, Lot O, Block 5D, and setting forth details in regard thereto.**

Planner: Jonathan Spence

Applicant Name: VI Plaza Unit 603 LLC, Represented by Mauriello Planning Group

[PEC22-0028 Staff Memo.pdf](#)

[Attachement A. Applicant Narrative, including photo and aerial map, dated October 3, 2022..pdf](#)

The applicant requests this item is moved to last on the agenda.

Planner Roy gives an introduction to the application.

Judge asks about the timeframe for a conditional use permit.

Roy clarifies that the use is continued.

Allison Kent with Mauriello Planning Group gives a history of the space. The proposed

conditional use is a professional office space.

Judge asks if exterior changes would go to the Design Review Board.

Roy confirms.

Jensen asks the type of office use.

Kent says she believes it's a financial office. There are similar offices in the area.

Pratt says he is glad the Town Council denied a previous residential conversion at this site. There is a shortage of office space in the Town so he appreciates the application.

Rediker asks for public comment, there is none.

Rediker states that all of the review criteria are met. Perez agrees.

Reid Phillips made a motion to Approve with the findings in the staff memo ; Henry Pratt seconded the motion Passed (7 - 0).

4.2 PEC22-0006 - A request for review of Major Exterior Alteration, pursuant to Section 12-7H- 7, Exterior Alterations or Modifications, Vail Town Code, to allow for redevelopment of the Evergreen Lodge, located 250 South Frontage Road West/Lot 2W, Block 1, Vail Lionshead Filing 2, and Lot F-1, Vail Village Filing No. 2 and setting forth details in regard thereto.

Planner: Jonathan Spence

Applicant Name: HCT Member, LLC represented by Mauriello Planning Group

[PEC22-0006 Evergreen Staff Memorandum.pdf](#)

[Attachment A. Evergreen Narrative Revised 10-24-22.pdf](#)

[Attachment B. Revised Environmental Impact Report, October 2022.pdf](#)

[Attachment C. Revised Plan Set, October 24, 2022.pdf](#)

[Attachment D.. Lionshead Redevelopment Master Plan.pdf](#)

[Attachment F. PEC meeting minutes, April 22, 2022.pdf](#)

[Attachment G. PEC meeting minutes, May 9, 2022.pdf](#)

[Attachment H. PEC meeting minutes, June 27, 2022.pdf](#)

[Attachment I. PEC meeting minutes, July 25, 2022.pdf](#)

[Attachment J. Susie Tjossem, November 1, 2022.pdf](#)

[Attachment K. Harry Frampton, November 9, 2022.pdf](#)

[Attachment L. Rohn Robbins, Representing Vail International Condominiums, November 8, 2022 \(1\).pdf](#)

[Attachment M. Kevin and Josephine Tice, November 10, 2022.pdf](#)

[Attachment N. Merv Lapin, November 10, 2022.pdf](#)

[Attachment O. Medical Helicopter Accident Review \(Attachment to Merv Lapin Correspondence\).pdf](#)

Items 4.2 through 4.4 will be heard concurrently.

Planner Roy introduces the applications. Staff has recommended approval of these items.

Sharon Cohn introduces the applicant team. She thanks commissioners and staff for the time on this project. She talks about the history and progression of the proposal. She says the

project is better now than when it started due to the feedback and collaboration with both the commission and the public that has been received.

Dominic Mauriello gives a presentation. He talks about the PEC proposals that are being considered. He addresses the history of the property, the current review process - as well as the feedback that has been received and the changes that have been made. He addresses the existing conditions and the neighborhood context. He references the Lionshead Redevelopment Master Plan (LRMP).

Matt Kreilich with Snow-Kreilich Architects addresses the architecture of the building. He talks about the effort towards transitional architecture recognizing Vail's past and future. He talks about the sustainable strategies associated with the project, including a commitment to Leed certification. He references the adjustments to the roof form, incorporating more sloped roofs and a reduction of the green roof and flat roof areas. He addresses the massing and scale, including a more modular approach with more articulation. He walks through the proposed elevations and recent changes, showing materials to help break up the massing and step backs to denote a village-like elevation.

Mauriello addresses the pedestrian movement across the site, as well as the easements in place for a proposed pedestrian path to occur from West Meadow Drive to the Frontage Road. He notes that the land exchange with Vail Health was key to creating this pedestrian connectivity. He talks about the proposed landscape lid as well as the distances to other structures in the area.

Cohn runs through the proposed amenities at the Evergreen condotel.

Mauriello addresses zoning compliance in relation to the proposal. He says the new stream setback requirement is being met. The applicant team wants to work with the Town on restoration efforts regarding the creek. The project is reducing surface parking which will be a significant improvement to the quality of the corridor. He addresses compliance with height, as well as density and GRFA.

Mauriello addresses landscaping and parking standards, as well as employee housing (EHU) requirements. These requirements are being met.

Mauriello talks about the areas where a variance is being requested. A zero setback variance is being requested in the area of the landscape lid. They are also seeking a below grade variance adjacent to VH parking as well as below grade site coverage variance. He notes that Vail Health agrees with the approval of these variances.

Mauriello addresses the Environmental Impact Report. The document has been updated and corrected to reflect the changes made to the project. He walks through the sun and shade analysis at key times of the year.

Perez asks if the walking path to Meadow Drive is included in the study of the sun and shade.

Mauriello says it's not specifically included in the study and he walks through the shading in that area based on the existing study.

Mauriello talks about the fiscal impact. Based on input from the PEC and the public, the

program was modified to drop density and general massing. The existing Evergreen has 147 keys, there are 209 keys proposed.

Mauriello walks through the criteria for the requested items. The proposal will undergo Design Review Board review, and there are proposed conditions of approval.

Rediker references Sections 8.4.2.2 and 8.4.2.3 in the LRMP. He asks about the frontage road side of the building.

Mauriello says that is considered an "other frontage," which becomes the basis for the height requirement.

Roy confirms that staff agrees with this assessment.

Rediker references 5.19.3, referring to the preservation of existing units. He asks the applicant how the criteria are being met.

Mauriello says it is in compliance with the live bed policy in the Lionshead Master Plan. It was demonstrated effectively that the keys were equivalent, and the number of keys will be exceeded. As long as there is a certain unit count that will perform as well as or better than today.

Rediker asks about 5.19.4 regarding impacts on the Middle Creek stream tract. He asks about a landscaping plan regarding the space between the west façade and Middle Creek.

Mauriello says that this is demonstrated in the landscaping plan. Some of that is on Town property, which will require cooperation with the Town regarding restoration efforts. He says that is largely an element that will be addressed by the Design Review Board. However, that area is largely untouched without pathways between patios and is considered a passive area.

Lipnick asks if the restaurant is full service with three meals a day.

Mauriello says that is the intent, with offerings throughout the day.

Lipnick asks how Middle Creek is being preserved and enhanced.

Mauriello says a half century of paved areas with untreated runoff will be corrected. They will work with the Town on landscaping improvements and work on bringing it back to a more native area.

Lipnick appreciates the changes like sloped roofs, improvements in mass and scale, the addition of the restaurant, the commitment to LEED Certification, and EHUs on site.

Rediker asks the applicant to clarify regarding the variance for below grade site coverage.

Mauriello walks through the site plan. He describes how the roof of the parking garage becomes the usable landscaped area.

Rediker asks about the loading and unloading.

Mauriello talks about the proposed separate access for loading and unloading on the northwest of the site. The entrance to the loading area is just west of the new roundabout on the frontage road.

Rediker asks about the façade along the frontage road. He asks about the articulation in relation to the LRMP.

Mauriello walks through the articulation on the north façade. Kreilich addresses the stepbacks on the building.

Rediker asks about the northwest corner of the building.

Mauriello says the highest points are probably the sloped roofs.

Perez asks where the cars enter the underground lot.

Mauriello says the entrance is from the frontage road to the right of the porte-cochere.

Perez cites the criteria including such other factors as the PEC deems appropriate. She is concerned we are building a wall between the town and the mountain. She is still concerned about the mass and size and scaling. She asks about preserving accommodation units, how are you complying with the master plan?

Mauriello says that was demonstrated in the previous meeting, citing historical numbers and similar projects. He says in condohotels, even without requirements that people participate, they do, mostly for investment purposes.

Perez says how can you guarantee this?

Mauriello says it is demonstrated in the evidence of the last few decades. People are buying condos as an investment, rentals offset the cost. You make it inconvenient for people to not want to put their units into the rental pool. We have a demonstrated performance of these units throughout the community.

Rediker asks about the articulation along the west side of the building.

Kreilich walks through the details of the west façade. The façade steps back two feet where the material transitions above the second story. At the top, there is a 12 foot-stepback, there are also vertical stepbacks along the elevation in places to break up the massing.

Pratt asks why there is a condition of approval for LEED Certification.

Roy says it was so that some level of follow through would be implemented per the condition of approval, but a precise level is not noted.

Pratt says he's not sure how that could be enforced.

Pratt asks about the parking requirements.

Roy cites the amenities in the building in relation to the parking.

Mauriello says the parking complies even without the multi-use credit.

Pratt asks about ADA requirements for the pathway.

Roy says he would defer to the building department which has reviewed the plans.

Pratt asks about a design showing a path between buildings, breaking up the mass.

Roy says he's not clear on the history of that item.

Pratt asks about the helicopter approach routes.

Mauriello says it was included in the submittal, and has been reviewed by the relevant parties and the requirements are set in the subdivision plat as recorded.

Rediker asks for public comment.

Roy says that comments received over the weekend were passed on to the board prior to the meeting.

Dan Wolf represents Vail International. His client has not had an opportunity to fully review the revised plans. His colleague Rohn Robbins submitted a letter included in the packet. There have been improvements but some of their concerns remain. He says on the west elevation significant portions are not sloped or not to the degree required by the master plan. The west façade remains the most significant concern, they are concerned about the impacts on Middle Creek. Regarding the replacement of the short term units, he didn't hear a legal guarantee nor receive sufficient information that there will be a replacement of those.

Tom Braun speaks on behalf of Vail Health. They have reviewed the agreements from 2018. He speaks regarding the conformance with regulations regarding the helipad flight path. Regarding the circulation under the lid, the hospital was aware of the walkway and landscape lid and comfortable with the proposal at this point. The housing on site, creek setback, and LEED certification are all positive things. They believe the project works and fits in well with what has been done across the property line. This will bring a positive change to the neighborhood just like Vail Health did.

Merv Lapin lives in the area. He questions the numbers related to the required employee housing. He asks why does the Town have to subsidize a profitable project? He suggests the 20% for EHUs should be a much higher number. He is concerned about the size of the building, or whether it could be broken up into multiple buildings. He asks about the notification process related to applications like PEC and DRB applications. He is concerned about the flight path to the helipad crossing the building and states that it is a common sense concern. Why put more buildings and units in the flight path? He is concerned about the price point and says these are luxury condos that are not going to be rented out. He asks that the PEC postpone the application so the resubmittal can be reviewed in detail. He says that the Town was involved in writing the regulations, so the Town has the power to negotiate and urges the PEC to negotiate.

Kim Fuller is a Vail resident and small business owner. She says the proposal is a

reinvestment in Vail, and supports the changes that have been made through the review process like the sloped roofs. The implementation of on-site housing is a benefit to the community, as she knows firsthand when she started her career here. Every workforce bed makes a difference. The housing is thoughtful, sustainable and supports the local workforce. She asks the PEC to approve the plan.

Lane Lapin lives in the neighborhood. She asks about access and circulation for the residents in the proposed building. She is concerned about the pedestrian and population impact on the space between the villages, particularly along West Meadow Drive. She asks about the details regarding staging for the project and how materials will arrive on site. She talks about current construction and parking along Meadow Drive.

Josephine Tice lives in the area. The proposal will add a lot of people to the area and there needs to be efforts regarding traffic flow, pedestrian flow, and safety on the street and trails. She says we need to consider the current pedestrian situation and the increase that will result from this project.

Ted Steers owns Vail Village Rentals. He says 10 years ago the stigma of renting premium property went away. The current state of high-end rentals has changed dramatically over the past years. The Town is currently running short of properties that can be rented. The units will rent well and we desperately need them.

Hans (inaudible) is an owner and board member at Vail International. He states that he received the updated proposal one week ago and has not had time for sufficient review. He says the roof slopes are not in compliance with the regulations. He is concerned that the Middle Creek side is like a wall, too tall and too massive. He has some experience with rentals, creating keys that are never used is not something that will be successful or provide the necessary rental units. He questions if luxury units will be rented. He is not sure removing the parking lot is an enhancement if a 6-8 story building is added in its place.

Jack Ryan is a developer and has worked in the village. He supports the project and the developer. He asks that the application is approved today.

Rediker asks for public comment online.

Roy says there is none.

Rediker wants to reiterate questions raised by the public. He asks the applicant about ingress and egress from the building.

Mauriello cites the exit points including the porte cochere, the pedestrian pathway between West Meadow Drive and the Frontage Road, and the landscape lid in the center. On the west side there is an emergency egress exit including the bridge across the creek. Mauriello says both residents and guests could access the path to the west.

Rediker asks about the staging for the project.

Mauriello says that has not been fully realized, but he thinks the majority of the staging will be from the frontage road. Cohn confirms.

Phillips asks if Vail Fire has been involved.

Mauriello says they have been involved in the review process, and the applicants have complied with their requests.

Peter Noble talks about 99 Vail Rd, which is currently being rented. He states that short term rental potential is there for high-end properties and that anything in town that can be rented is being rented.

Rediker asks for commissioner comment.

Lipnick supports the new proposal for the reasons stated earlier. There is less massing and less scale. Through sloped roofs, transitions, etc.. a lot has been done to decrease the mass and scale. He supports the employee housing units provided on site. He states that we have come a long way since February to appease the PEC, and community concerns. He does not have concerns that units will not be rented.

Perez thinks the Evergreen Lodge needs to be redeveloped and supports that. She doesn't think we're there yet in meeting the criteria, particularly relating to mass and scale. A small inset doesn't address that concern and more needs to be done to make the building not seem so large. There should be more than a brick wall, the applicants are moving in the right direction. Her biggest issue in the LRMP is the requirement that 128 units that are short term rentals. We have to follow the criteria and the master plan. How are you going to guarantee 128 units? She states that she can't support the approval of the development. The goal is not to block development, and the applicants are making progress but must meet the criteria.

Pratt asks about the helicopter approach routes and states that is a valid public concern that needs to be addressed. He thinks the resubmittal is a huge improvement with visual interest. However it is still a large building, and Section 5.19.5 says most of the bulk mass and scale should be located in the northwest. The proposal creates a wall along the frontage road. He applauds including the EHUs on site. The roof slopes on the west side are not enough, he doesn't think they comply with the design guidelines in that respect.

Phillips appreciates the effort on this project and appreciates the applicants incorporating the PEC feedback. He acknowledges that some of these concerns will be addressed at the DRB stage. He thanks staff and thinks the applicants have satisfied the criteria. The precedent of large buildings along the Frontage Road has been set. He doesn't see a lot of people walking on the Frontage Road. He feels comfortable about a vote for approval.

Judge says he has watched the past meetings and reviewed the application materials. He says the applicants have come a long way, but there is a tough challenge between the hospital and the civic area. As far as bulk and mass it is a big building. There is articulation that is talked about in the LRMP. The proposal is not in compliance with Chapter 8 but the DRB will also look at it.

Judge says the Lionshead Design guidelines are the minimum standards, is that what the development is going for? The LRMP talks a lot about doing better than the minimum and taking it to the next level. He sees a lot of status quo. He questions the EIR and that no harm is being done with regard to parking. Judge comments on the applicants maintaining and enhancing the accommodation units already in place. He talks about maintaining, preserving,

and enhancing live beds as a goal of the LRMP for the Evergreen redevelopment. How does the plan today specifically do that? He doesn't disagree the market has changed but it can change again so it's good to have some protection there. He hopes there is a high level of commitment to working with the Town on Middle Creek. He references the opportunities and upgrades for future improvements noted in Section 5.19. He doesn't see how it meets the requirements given those items.

Jensen thanks the applicants for listening and making significant changes. It's still a big building, but his interpretation of Lionshead is that's what the community wants and needs. The worst part of Vail is I-70 and the community purposefully has built a wall. He remembers arguments about Solaris, but it made Vail Village a more peaceful place; that could happen on Meadow Drive. He sees this as central to Vail and this type of massing is typical in the central core. He knows condotels work, if they have a front desk. He would add that to the stipulations, if you have a front desk that works.

Rediker agrees that a lot of work has been done and the project has come a long way. He also recognizes that the LRMP is imperfect. The live bed criteria has been met per code, but he is still concerned about the bulk and mass. He acknowledges that it complies. There should be provisions in place regarding the landscape plan, particularly regarding the creek.

Pratt thanks the applicants for the presentation.

Judge adds that massing along the Frontage Road is not a bad thing.

Jensen adds that the current building is a 2-star property and the new building will be a 4.5-star property.

Lipnick states that historically, helicopter crashes are related to pilot judgement. This project is not within the flight path and therefore is a non-issue.

Reid Phillips made a motion to Approve with the conditions and findings in the staff memo ; Bobby Lipnick seconded the motion Passed (4 - 3).

Voting For: Bill Jensen, Bobby Lipnick, Reid Phillips, John Rediker

Voting Against: Karen Perez, Henry Pratt, Brian Judge

4.3 PEC22-0007 - A request for review of a Conditional Use Permit, pursuant to Section 12- 7H-2 Permitted and Conditional Uses; Basement or Garden Level, and Section 12-7H-3; Permitted and Conditional Uses; First Floor or Street Level, Vail Town Code, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for dwelling units and attached accommodation units on the basement, garden level or first floor of the redevelopment of the Evergreen Lodge, located 250 South Frontage Road West/Lot 2W, Block 1, Vail Lionshead Filing 2, and Lot F-1, Vail Village Filing No. 2 and setting forth details in regard thereto.

Planner: Jonathan Spence

Applicant Name: HCT Member, LLC represented by Mauriello Planning Group

[PEC22-0007 Staff Memorandum.pdf](#)

[Attachment A. Evergreen Narrative Revised October 24, 2022 \(1\).pdf](#)

Reid Phillips made a motion to Approve with the findings in the staff memo ; Bobby Lipnick seconded the motion Passed (7 - 0).

- 4.4 PEC22-0008 - A request for the review a variance from Section 12-7H-10, Setbacks and Section 12-7H-14 Site Coverage, Vail Town Code, pursuant to Title 12 Chapter 17, Variances, Vail Town Code, related to below grade improvements for the redevelopment of the Evergreen Lodge, located 250 South Frontage Road West/Lot 2W, Block 1, Vail Lionshead Filing 2, and Lot F-1, Vail Village Filing No. 2 and setting forth details in regard thereto.**

Planner: Jonathan Spence

Applicant Name: HCT Member, LLC represented by Mauriello Planning Group

[PEC22-0008 Staff Memorandum.pdf](#)

[Attachment A. Evergreen Narrative Revised October 24, 2022 \(1\).pdf](#)

Reid Phillips made a motion to Approve with the findings in the staff memo ; Henry Pratt seconded the motion Passed (7 - 0).

5. Approval of Minutes

Karen Perez made a motion to Approve ; Bill Jensen seconded the motion Passed (7 - 0).

5.1 October 24, 2022 PEC Meeting Results

[PEC Results 10-24.pdf](#)

6. Information Update

7. Adjournment

Bill Jensen made a motion to Adjourn ; Henry Pratt seconded the motion Passed (7 - 0).

Item Cover Page

PLANNING AND ENVIRONMENTAL COMMISSION AGENDA ITEM REPORT

DATE: December 12, 2022

SUBMITTED BY: Greg Roy, Environmental Sustainability

ITEM TYPE: Information Update

AGENDA SECTION: Information Update

SUBJECT: EV Readiness Plan Update

SUGGESTED ACTION:

ATTACHMENTS:
[EV Readiness Plan Memo 12-12-2022.pdf](#)



Memorandum

To: Planning and Environmental Commission
From: Environmental Sustainability Department
Date: December 12, 2022
Subject: Vail Electric Vehicle Readiness Plan Update

I. INTRODUCTION

The Town of Vail Electric Vehicle Readiness Plan outlines specific goals and strategies to provide a framework to achieve holistic electric vehicle adoption goals laid out in the Town's adopted Go EV City resolution. The plan is broken down into five sections: Charging Infrastructure, Fleet Vehicles, EV Policy, Community EV Readiness, and Micro-mobility. Each section is a critical component of the electric vehicle transition process.

II. BACKGROUND

Transportation is the leading source of greenhouse gas (GHG) emissions in Eagle County and the second highest source in the Town of Vail. In 2018, the Town Council adopted the goals of the Climate Action Plan for the Eagle County Community to reduce GHG emissions 25% by 2025, 50% by 2030 and 80% by 2050.

Vail is served by an electric cooperative utility, Holy Cross Energy (HCE), which aims to have a 100% renewable energy supply by 2030 and is resourced to potentially exceed that goal. Electricity supplied by HCE comes from at least 52% renewable energy today, bolstering the environmental benefits of electrifying transportation in our region. The Town of Vail also participates in HCE's PuRE program, ensuring that public charging stations owned by the town are powered with 100% solar energy.

In October of 2021, Town of Vail adopted the Go EV (Electric Vehicle) City Resolution, which states the intent of the town to work with the community on programs, policies, incentives, and regulatory approaches to transition 30% of all vehicles within the town to zero emissions by 2030 and 100% by 2050. To that end, staff is developing the town's first EV Readiness Plan to outline a path to achieve the goals.

III. COMMUNITY ENGAGEMENT

On October 24, 2022, staff presented a high-level overview of plan ideas to the PEC. Community and internal Town of Vail stakeholder engagement is ongoing. Staff has presented to both Community Development staff as well as Design Review Team (DRT) stakeholders. A presentation to the Public Works department is scheduled for Dec 13th.

A community survey asking the public about perceptions of EVs is currently live on engagevail.com.

IV. ACTION REQUESTED

Staff requests that the Planning and Environmental Commission review the proposed strategies presented. At the next meeting of the PEC, Commissioners will be asked to forward a recommendation of approval of the Town of Vail Electric Vehicle Readiness Plan to the Vail Town Council.