

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 2:27 PM
To: Stephanie Bibbens
Subject: FW: Booth Heights

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Xfinity <connietyson@comcast.net>
Sent: Monday, February 1, 2021 11:01 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

As a tourist with my husband twice a year to Vail, one of the spectacular elements of coming to Vail is to experience seeing the bighorn sheep.

I believe what Vail Resorts needs to understand is that you have a very special wildlife setting that is fragile, and cannot be replicated. Building can happen elsewhere. You must preserve what is part of the experience of coming to Vail for so many. The experience of seeing the big horn sheep is breathtaking, and part of what drives tourism TO Vail.

In this time of trying to create climate change, it also means protecting and preserving those habitats for our wildlife. This is your chance to be responsible. Please take it upon yourselves to change policy on this particular trek of land to eliminate its being a parcel that could be developed.

Instead change policy to permanently PRESERVE this habitat for the bighorn sheep.

Connie Tyson and Gary Schaub
Lake Oswego, Oregon

Sent from my iPad

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 12:41 PM
To: Stephanie Bibbens
Subject: FW: No on Booth Heights Development. Protect Bighorn Sheep!

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: James Clarke <jimclarkevail@gmail.com>
Sent: Monday, February 1, 2021 11:26 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: No on Booth Heights Development. Protect Bighorn Sheep!

Please do not allow any development whatsoever on the area of the Bighorn Sheep. It is time the greed comes to a stop. Triumph and Vail Resorts must developed elsewhere - NOT at the site of our endangered Bighorn Sheep. Thank you, JC Clarke, 59 year resident

Sent from my iPhone

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 9:13 AM
To: Stephanie Bibbens
Subject: FW: Booth Heights Proposal

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Harry Burn <harry@soundshore.com>
Sent: Sunday, January 31, 2021 6:48 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights Proposal

Dear Vail Town Council

Please register my and my wife's strong disapproval of the Booth Heights project.

We believe we speak with the majority of Vail residents who do not believe this location nor the goals of the Booth Heights project are appropriate. No one we have spoken with see this Booth Heights project as a positive addition to the Vail community.

Thank you for your careful consideration of the concerns so many residents are expressing.

Respectfully,

Harry and Jean Burn
Residents of 1905 Sunburst Drive Vail CO 81657-5166

Sent from my iPad

This e-mail may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 10:07 AM
To: Stephanie Bibbens
Subject: FW: Do NOT Approve Pre-Development Agreement -- Booth Heights

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: b27keller@aol.com <b27keller@aol.com>
Sent: Monday, February 1, 2021 9:52 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Do NOT Approve Pre-Development Agreement -- Booth Heights

Greetings Mayor Chapin, TOV Council Members & Town Manager Robson,

Reams of community letters and testimonies have been presented to Council and PEC over the last 3+ years noting the limitations of the Booth Heights (BH) project. Not to reiterate all, but highlight a few:

- Instability of the environmental/geological landscape, including land and rock slides
 - Scaring of the land to create massive berm(s)
- Unsuitability of this location for employee housing
 - Totally inadequate services for groceries, gas, restaurants/stores
 - No safe pedestrian passage under I70
- And of course, the inevitable demise of the Bighorn Sheep herd

Therefore, I request TOV Council to:

1. Not approve the Pre-Development Agreement as it appears ONLY a win for VR and Triumph
2. Instruct staff to renegotiate and redraft the agreement so plans and approvals cannot be obtained for any construction on BH property
3. Have Triumph transfer the BH development plans to the TOV, in exchange for the development rights of Middle Creek Lot

4. Condemn the BH property
5. Establish a land-swap between TOV and VR so BH property becomes and remains protected territory

I applaud the work the TOV Council, Manager and staff has put forth to develop a viable and successful Win-Win solution. At the same time I'm appalled and disgusted by Vail Resorts refusal to come to the negotiating table. A collaborative VR:TOV partnership? Hardly! Once again Goliath flexes his muscles with NO regard for the TOV or our shared environment.

Thanks for hearing my concerns and requests.

Respectfully,
Barbara Keller

Vail Colorado
(303) 903-5334
B27Keller@aol.com

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 9:13 AM
To: Stephanie Bibbens
Subject: FW: STOP the development of Booth Falls!

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Tenley Beazley <tenleybeazley@gmail.com>
Sent: Monday, February 1, 2021 8:11 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: STOP the development of Booth Falls!

Our open space is a precious commodity and is much of what makes this beautiful area what it is. We must stop the spreading development of of these sacred open spaces and in particular STOP THE DEVELOPMENT OF BOOTH FALLS! This area in particular is too pristine and precious as highlighted by the fact that for years and years the Big Horn sheep have chosen it has their habitat. Let's not allow this gift of nature to be destroyed!!!!

Tenley Beazley
Marilyn Fleischer

Sent from my iPad

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 2:26 PM
To: Stephanie Bibbens
Subject: FW: say "no" to predevelopment plan

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: cbartmd@aol.com <cbartmd@aol.com>
Sent: Monday, February 1, 2021 10:31 AM
To: Council Dist List <TownCouncil@vailgov.com>; PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: say "no" to predevelopment plan

To Town Council: I have been following the saga of Booth Heights closely for the last couple of years. It reads like a good guy/bad guy thriller. I am still hoping that the good guys will win: the sheep, the community, our environment....the ethics of this project are really hard to stomach. The VHA has clearly stated in their letter, much better than I am capable of articulating, the issues. I think they are incontrovertible. If VR and TOV actually value their public persona, then how could they possibly push/shove this project through? It will be a giant black spot on the reputations of the players for years to come. Please look in the mirror, do the right thing, and "can" the Booth Heights project. Sincerely DR. Chris Bartlett

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 10:06 AM
To: Stephanie Bibbens
Subject: FW: Say no to the predevelopment agreement

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: cbartmd@aol.com <cbartmd@aol.com>
Sent: Monday, February 1, 2021 10:02 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>; Council Dist List <TownCouncil@vailgov.com>
Subject: Say no to the predevelopment agreement

Democracy worked! Community voices throughout the valley spoke and an election was held. Collaboration and thoughtfulness resulted in a superior location being found. And now, a largely absent player is throwing a wrench in the development plans and therefore what is best for our community, environment and wildlife. Say NO to the loophole! Say NO to the violation of the agreement intent! Say NO to corporate irresponsibility with regards to community they inhabit.!

Donna Mumma
Vail

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 2:00 PM
To: Stephanie Bibbens
Subject: FW: Booth Heights agreement with Triumph

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: gpaxvail@aol.com <gpaxvail@aol.com>
Sent: Monday, February 1, 2021 12:46 PM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights agreement with Triumph

Members of the Council,

It seems that the proposed agreement with Triumph has gotten worse with this iteration. It is made very clear that VR could strike a deal with another developer who could buy Triumph's design and drawings and come back in for approval. Per the wording in the agreement, the TOV is acknowledging that there would be no grounds to deny that application.

Yes, we will be getting employee housing on lot 3 and redeveloped housing at Timber Ridge: those are good things. But the whole point of this exercise was to find a way to stop the development at Booth Heights. Looks like we will fail in that endeavor.

After my previous comments (apologize for the hyperbole), George Ruther called me and we discussed at length that while VR is not a party to this agreement, the TOV has/had sufficient leverage over VR to negotiate a solution to the Booth Heights problem. With this agreement, I see just the opposite. VR, in order to recoup the costs associated with the Triumph project on Booth Heights, HAS to proceed expeditiously with development of that site as a way to neutralize any leverage the TOV may have over them.

As shocking as it is, I actually am in agreement with the editorial Diana Donovan recently placed in the Daily: there are other options.

So may I suggest signing a no-bid agreement with Triumph to redevelop Timber Ridge in exchange for their Booth Heights approvals and drop the language about VR being guaranteed approval on Booth Heights. A different applicant is not necessarily guaranteed approval when the underlying conditions change. (And there may be a less amenable PEC and Council when it comes back in.) Negotiate with VR directly on exchanging Lot 3 for Booth Heights. It's a win/win deal for them. And if Triumph balks at this, I see no reason to reward them with a sweetheart deal on the Timber Ridge or Lot 3 projects- put them both out to bid. If they want to lose both Lot 3 and Timber Ridge in order to build on Booth Heights, call their bluff. If Booth Heights is going to happen regardless of who the applicant is, might as well try to turn things our way; nothing to lose really.

Thank you for your time,

Henry Pratt
east Vail

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 4:59 PM
To: Stephanie Bibbens
Subject: FW: Vail Resorts investments

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Tom Burch <tomburch@burchllc.com>
Sent: Monday, February 1, 2021 4:48 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Cc: Robin Burch <robinburch@mac.com>; investorrelations@vailresorts.com
Subject: FW: Vail Resorts investments

To: Vail Town Council:

Below is a copy of an email I sent to Investor Relations at Vail Resorts on January 26, 2021. To date I have not received a response. I am disappointed, but unfortunately not surprised. I have tried to believe that Vail Resorts actually believes in their Epic Promise "to conserve the natural environment." Their actions, however, speak louder than their words. As a Vail resident and property owner in Vail, I would be happy to support any tax increase or special assessment necessary to condemn the Booth Heights property.
Tom Burch

From: Tom Burch
Sent: Tuesday, January 26, 2021 9:51 AM
To: investorrelations@vailresorts.com
Subject: Vail Resorts investments

This email is intended for Rob Katz, but, as Vail Resorts intends, his email is difficult to obtain.

My wife and I live in Vail, have been skiing in Vail for 30+ years, have had Epic Passes since the program began and are devoted to our community and your resort. We have owned shares in Vail Resorts in the past, but are now hesitant to invest in VR as I explain below.

VR is a large company, with many resorts and many challenges. Rob Katz may not even know about the proposed Booth Heights development here in Vail, but I wish he would look at it. Although certainly not anyone's intention, the proposed development is a means to further the decline and extirpation of the Rocky Mountain Big Horn Sheep herd in the area of Booth Heights. I am confident that VR does not intend that result, but even a cursory look at the activities of the herd around Booth Heights leads to that conclusion.

The herd spends significant amounts of time along the ridge line above Booth Heights. If a few hundred residents of a development at Booth Heights start hiking and running and going for walks with their dogs where the herd now lives, then obviously the herd will vacate that area. Smaller grazing and living areas for the herd means life is even more difficult for the herd, and that means less successful breeding and fewer animals. Does Vail Resorts really want to contribute to that result?

I look forward to a response.

Sincerely, Tom Burch

Thomas G Burch Jr 3225 Katsos Ranch Rd Vail Colorado 81657 404-274-2097 tomburch@burchllc.com

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 4:58 PM
To: Stephanie Bibbens
Subject: FW: February 2 Meeting

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: betseykci@comcast.net <betseykci@comcast.net>
Sent: Monday, February 1, 2021 4:52 PM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: February 2 Meeting

My name is Betsey Kiehl. I am a resident of Vail and my legal address is: 4093 East Spruce Way #37, Vail CO 81657. I am writing this email to be admitted into the record regarding the hearing on Booth Heights being held remotely via Zoom on Tuesday, February 2, 2021.

>

> I would first like to thank the Town Council of Vail for their tireless negotiations with the Department of Wildlife, the US Forest Service and Triumph Development. All of the aforementioned were trying for a win-win; housing and protection of vital sheep habitat. However, there was one player missing from the table, Vail Resorts. They were missing from the negotiations "purportedly" because they had to focus on running a ski resort in a pandemic; while all the while Vail Resorts was continuing their development planning of Booth Heights.

>

> Although we would all like to believe Vail Resorts has the best interests of the community in mind, it is just not true. Their Epic Promise on the wall in Mid-Vail states "Zero net impact to Forests and Habitat." Yet they are set to destroy winter habitat for the bighorn herds of Summit and Eagle County by pursuing the development of Booth Heights. Vail Resorts waited for every deadline to announce what they are doing without disclosing their true intentions. They are trying to develop a piece of land that is valued at millions of dollars yet they have paid a mere two years of taxes and cheated the town out of thousands of dollars in property taxes.

>

> Since its incorporation as a town, the Town of Vail and Vail Resorts have been in a symbiotic relationship. Times have changed and it appears that in place of a symbiotic relationship the Town of Vail is in a parasitic relationship with Vail Resorts. The town needs to be bold, stand up for themselves, and the future of our community by not approving the development, not funding anything related to the parcel, and condemning the Booth Heights parcel.

>

> Thank you.

>>>> Sincerely,
>>>> Betsey Kiehl
>>>>
>
>
>

Stephanie Bibbens

From: Tammy Nagel
Sent: Sunday, January 31, 2021 10:24 AM
To: Stephanie Bibbens
Subject: FW: Post Script to Rondeau's input re Booth Heights Alternative

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Rondeau's <nanpaul@vail.net>
Sent: Saturday, January 30, 2021 8:46 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Post Script to Rondeau's input re Booth Heights Alternative

My (2) enforcement works..... means rental/leases compliance pretty well works out, while compliance for purchased units is really problematic + the "issue" down the line of workers retiring in place is real, whether you consider it a problem or not. Paul Rondeau
=====

Begin forwarded message:

From: Rondeau's <nanpaul@vail.net>
Subject: Public input re Booth Heights Alternative
Date: January 29, 2021 at 7:58:54 PM MST
To: publicinput.vailtowncouncil@vailgov.com
Cc: Rondeau Nancy <nanpaul@vail.net>

Folks

144 deed-restricted beds, yes but please 144 rental/leased beds as (1) they should be only for workers who

work in Vail, (2) enforcement works

Regards Paul Rondeau

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 4:22 PM
To: Stephanie Bibbens
Subject: FW: Booth Heights "non-agreement"

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Ron Sege <ronsege@gmail.com>
Sent: Monday, February 1, 2021 12:57 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights "non-agreement"

Esteemed Town Council members,

Regarding the proposed development agreements between Triumph and the Town of Vail, if you get back to first principles, plus basic negotiating tactics, you will not approve this. As to first principles, the goal of all this work is to preserve the beautiful Booth Heights land for our dwindling wildlife while providing for needed workforce housing. As I understand it, since Vail Resorts is not a party to this agreement they are free to develop the land without Triumph any time they want as long as they have a conforming development proposal. So, the first principles have not been achieved.

As to negotiating tactics, VR delays (using the excuse of COVID?), plus the town approving the agreement with Triumph in return for the Middle Creek and Timber Ridge projects, means that the ToV has given up valuable assets and gotten basically nothing in return. Not good negotiating tactics.

VR needs workforce housing. The proposal between ToV and Triumph delivers it. Force VR to be a party to the agreement by way of a non-development commitment, even if it requires delaying the overall project. Otherwise, all the work put in so far will have been for nothing.

Sincerely,

Ron Sege
East Vail

Stephanie Bibbens

From: Tammy Nagel
Sent: Monday, February 1, 2021 9:13 AM
To: Stephanie Bibbens
Subject: FW: Amendments to the Pre-Development Agreement between the Town of Vail and Triumph

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Grace Poganski <pogansg@bellsouth.net>
Sent: Sunday, January 31, 2021 12:58 PM
To: Council Dist List <TownCouncil@vailgov.com>; Scott Robson <SRobson@vailgov.com>
Subject: Amendments to the Pre-Development Agreement between the Town of Vail and Triumph

To the Town of Vail Council and Town Manager:

The recent developments that have come to light regarding the proposed changes to the Pre-Development agreement between the TOV and Triumph Development, on the agenda for the virtual meeting scheduled for Tuesday, Feb. 2, are quite distressing. I respectfully request that the Town Council do not approve any changes that would favor Vail Resorts development of the Booth Heights parcel.

The negotiations regarding this parcel were originally set forth as a win-win proposal for all with the potential for a land swap that would preserve said parcel for protection of Vail's bighorn sheep herd. Vail Resorts chose to remove itself from these negotiations. Now, with an agreement close at hand, it seems Vail Resorts has stepped back in, the bully in the room threatening litigation, demanding that the agreement be amended to include the ability of Vail Resorts to go ahead and develop Booth Heights as an employee housing site. This, despite the proposed Middle Creek development, which would match the amount of employee housing that was to be supplied by Booth Heights. What is a legitimate swap, bed for bed, a win-win for all involved, is now becoming a win-win for Vail Resorts alone, the biggest losers being, once again, our bighorn sheep herd.

The facts on the ground have not changed. The bighorn sheep are still in danger of being decimated. The geography and the geology remain a potentially disastrous risk should development go forth. The reports from the experts have clearly

laid out the problems. Vail Resorts has not proven itself to be a good faith partner. Why would the TOV even consider bending to their heavy handed approach? The groundswell of support for the bighorns' protection has proven strong in the past and will continue to grow.

I hope the Town Council will step up and continue as a partner the battle to preserve this rare natural resource.

Thank you.

Grace Poganski

VAIL HOMEOWNERS ASSOCIATION

01/31/21

Dear Mayor and Town Council:

Attached are the Vail Homeowner's comments on the current version of the Pre-Development Agreement with Triumph Development. As you will note, we object to the approval of the agreement in its present form.

As we have made clear on multiple occasions, we are not opposed to the plan that underlies the agreement, just how the rights and obligations of the parties are described, particularly in paragraph 4, "Booth Heights." For the reasons stated in the attached comments, that provision is not sufficient to carry out what we believe is the Council's intention: to see that the Booth Heights project does not get built. To be constructive, the VHA suggests that paragraph 4 should be redrafted to provide guarantees that the previously approved Booth Heights development will not take place.

The redrafting should (1) make it clear that the Booth Heights provisions are part of the essential consideration for the agreement so that any default on Triumph's part would void the agreement, (2) make it clear that Triumph warrants it owns both the plans and the development rights, (3) make it clear that Triumph will not only not pursue the Booth Heights project, but that it also will not sell or transfer the plans or development rights to anyone else, (4) require Triumph to release all development rights for the Booth Heights project, and (5) provide broad protections for the Town in the event VR sues.

Triumph should readily agree to such changes. In its January 19, 2021 letter to VR, Triumph unequivocally states that it owns both the plans and all the development rights and approvals for the Booth Heights project, so it should be willing to warrant those facts and agree not to sell or transfer those rights. Triumph has also already made clear its willingness to transfer those rights to the Town, so there should be no objection to releasing and forfeiting those rights as part of the deal with the Town. And since Triumph is getting a hugely advantageous deal to develop Lot 3 and the right of first refusal on Timber Ridge, it has also already agreed to protect the Town from VR's litigation, so those provisions should also be agreeable. If for any reason, Triumph now is not willing to make these agreements, which we do not expect, then the Town should put the Lot 3 project out to bid.

To be even more specific, the VHA offers this proposed rewrite of paragraph 4:

4. Booth Heights. As an integral and necessary consideration for this agreement, without which this agreement is void, Triumph agrees as follows:
 - a. Triumph warrants to the Town that it is the sole owner and holder of all studies, reports, plans and other items included in the development applications filed with the Town for the Booth Heights project in PEC19-0018, PEC 19-0019 and DRB19-625 (the "Plans") and that it is the sole owner and holder of all approvals and development

rights authorized in PEC19-0018 & 0019 and DRB19-652 (“the Booth Heights Project”).

- b. Triumph agrees that it will not pursue any development that would otherwise be permitted under the development applications filed with and approved by the Town in the Booth Heights Project. Triumph further agrees that it will not sell, assign, relinquish or otherwise transfer any right or interest in the Booth Heights Plans or the Booth Height Project to any other person, corporation, institution or entity.
- c. Upon execution of the final development agreement, Triumph will provide the Town, in a form satisfactory to the Town, a written release, forfeiture and abandonment of all development approvals and rights for the Booth Heights project.
- d. Triumph agrees to indemnify and hold harmless the Town and its officers, insurers, agents, and employees from and against any and all losses, costs, liabilities, expenses and damages incurred by the Town, including reasonable attorney fees, arising out of any claim from any third party based upon the Booth Heights Plans, the Booth Heights Project or the effect or alleged effect of this Agreement, including without limitation claims of diminution of value, inverse condemnation and violation of vested property rights, and agrees to defend the Town against any such claim.
- e. To the extent any third party successfully establishes a property interest in any portion of the Booth Heights Plans or the Booth Heights Project, Triumph agrees to reimburse the Town for all of the Town's costs and expenses incurred in the Middle Creek Project, up to the date of final approval of the development applications, including without limitation the management fee.

These changes will eliminate the possibility that Booth Heights will be constructed under the current plans and approvals. We note that there is some confusion about the correct DRB number, whether it is 19-625 or 19-652. It is described both ways in different versions of the agreement; it seems obvious that one of those versions is a typo. That needs to be clarified.

There is one other step that the Council should agree needs to be done. Once the Town gets Triumph's release of all development rights, it should rescind the extension of the development rights which was recently approved.

If the agreement were re-drafted as above stated, the VHA is prepared to recommend to its members that the agreement be supported.

Finally, as stated in our attached comments, the VHA believes that the Town should immediately begin a condemnation process for the Booth Heights property.

Although not part of the Pre-Development approval, we also note that Vail Resorts' current posturing about the Booth Heights project is completely at odds with its avowed Code of Ethics and Business Conduct. In introducing its most recent update to that Code, Bob Katz, VR's Chairman and CEO, stated:

I believe that we all understand what it means to carry out our business and conduct ourselves ethically. Simply put, ethics is doing the right thing even if nobody is watching. This Code of Ethics and Business Conduct provides guidance to help us live by our values and responsibly serve our five key stakeholders - our employees, our guests, our communities, our environment and our shareholders. *In essence, this Code gives us guidance to operate with integrity and to do the right thing, knowing that it leads to the right outcome.*

The Code then provides that one of VR's key values is its collective commitment to "Do Good: Preserve our natural environment and contribute to the success of the community." Further it requires "Fair Dealing with Others:

We learned about playing fair on the playground, and even now it's important that we "play fair" with our guests, suppliers, vendors, competitors, and other employees. Officially, this means not taking unfair advantage of anyone through manipulation, concealment, abuse of confidential information, falsification, misrepresentation of material facts, or any other intentional unfair behavior."

In its "Epic Promise – Commitment to Zero" progress report on the 2019-2020 season, VR stated that "The environment is our business, and we have a special obligation to protect it" and VR's focus is on "preserving the incredible outdoor places where we live, work, and play." The Town should not hesitate to remind VR that it has an obligation to be a socially responsible citizen of Vail and to live up to those promises. The proposed land swap of Lot 3 for the Booth Heights property would accomplish those goals. VR would obtain employee housing (at a much more advantageous location) and, at the same time, it would be protecting the environment and the endangered bighorn sheep.

We hope that the foregoing is helpful. Thank you for your consideration of these comments,

Jim Lamont
Executive Director

A handwritten signature in black ink that reads "Jim Lamont". The signature is stylized with a large, sweeping initial "J" and "L".

Attachment:



Bighorn Sheep herd occupies the site, as its primary winter habitat, the ownership of the plans to develop the site are in dispute.

VAIL HOMEOWNERS ASSOCIATION

January 30, 2021

IMPORTANT UPDATE NO. II

Faced with Litigation Threats From VR, the TOV Has Amended the Pre-Development Agreement with Triumph to Open Up the Possibility that Booth Heights Will Be Constructed in the Near Future.

Critical Town Council Meeting, February 2d

As VHA previously reported, Vail Resorts withdrew from negotiations over the Booth Heights property and the proposed land swap for Lot 3, Middle Creek. When the TOV continued its negotiations with Triumph and prepared a draft Pre-Development Agreement, VR threatened litigation. The Town of Vail has now revised the Pre-Development

Agreement and it will be before the Town Council for approval on **Tuesday evening, February 2nd**. The amendments are not simple adjustments; they open the door for the Booth Heights development to go ahead. If you care about the bighorn sheep and the possibility of a development on the Booth Heights site, this is a meeting you do not want to miss.

While the TOV is working to be able to continue with a housing project on Lot 3, Middle Creek, it seems clear that a land swap is no longer a possibility, at least not for now. The Pre-Development Agreement does, however continue to provide the Town with the ability to make the land swap with VR, if or when it ever decides to reengage in the process.

While the overall plan detailed in the Pre-Development Agreement is still the same, there has been a major change insofar as Booth Heights is concerned. Originally, the intent of the Pre-Development Agreement was for Triumph to transfer to the Town all of the plans and all rights and approvals for the Booth Heights development. That way, the Town would possess the approvals for Booth Heights and could then abandon them. The VHA had a concern that, even though that was the intent of the agreement, the original agreement didn't sufficiently spell out the transfer of the development and approval rights and had planned to raise that before the Town Council at the January 19 meeting.

Now, the Pre-Development Agreement has been amended in an effort to avoid VR's lawsuit threat and the changes open the door for the Booth Heights development to take place. No longer is the TOV to get the plans and development rights. They would now remain with Triumph. The Agreement states only that:

Triumph hereby agrees that it will not pursue any development that would otherwise be permitted under the development applications filed with and approved by the Town in PEC19-0018, PEC19-0019 and DRB19-0625 (the "Booth Heights Project").

In other words, the development approvals will not be owned by the TOV and will not be abandoned. They will continue to be owned by Triumph. Recall that recently the TOV extended those approvals to 2025. Sources inform the VHA that VR didn't just threaten the TOV, it also threatened Triumph. There is nothing in the Agreement that would prevent Triumph from selling the plans and approvals to VR. Rumor has it that VR has already offered Triumph a six-figure number for the plans. By selling the plans and their approvals to VR, Triumph could pocket a nice profit and also avoid contentious litigation with VR. Once VR has the plans and approvals, it can then get a new developer and proceed with the project. If that were to happen, VR could roll construction equipment on the site this spring. As VR has stated, its intention is "to move forward with the Booth Heights project in the shortest timeframe possible."

If you think that outcome might be farfetched, then consider the very next clause in the amended agreement:

Triumph acknowledges that, if the Town is presented with applications to proceed with the Booth Heights Project, and such applications comply with all applicable Town regulations and the approved development plans for the Booth Heights Project, the Town will not be in a position to deny such applications, regardless of who asserts an ownership interest in such approved development plans.

Development of Booth Heights would be the antithesis of a "win-win" outcome. And for it to come at the hands of the Town Council would be a complete abdication of what so many have worked for over the past year. If the Town Council is sincere about protecting the sheep, and VHA believes they are, then this Agreement **SHOULD NOT BE APPROVED**. The Council should instruct staff to renegotiate and redraft the agreement so that the plans and approvals cannot be used for any development on Booth Heights and the existing approvals will be abandoned and/or forfeited.

The Council should also take it one step further and immediately instruct the Town attorney to begin condemnation proceedings on the Booth Heights property. Rumor also has it that VR was going to sell the Booth Heights property to Triumph for around \$4 million. For some inexplicable reason, the Town does not have a copy of that contract but it would seem that it would be Exhibit 1 at the condemnation trial. The TOV used condemnation to acquire Ford Park

when a developer threatened to build condominiums there. And that is what the TOV should do now to acquire Booth Heights and dedicate it as open space land.

The February 2nd meeting will be a Zoom meeting. Register now on the TOV website. A copy of the amended Pre-Development Agreement is attached to the Town Council agenda. This is not going to be a long meeting so the Pre-Development Agreement should come up shortly after 6 p.m. Please clear your calendars and [REGISTER HERE](#) to attend Tuesday's Council meeting. You may also send comments to the Town Council via towncouncil@vailgov.com

The VHA has been fighting to protect the bighorn sheep for years. If this is an issue that concerns you, we invite you to join VHA or become a subscriber to our reports. Our most valuable tool in influencing decision makers is through the proactive engagement of our informed readers. Your support will ensure that the VHA can continue to bring such matters to the community's attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and subscribers, who sustain our efforts with financial and vocal support.

For further membership or subscriber information, please send an email to vailhomeownersassoc@gmail.com and specify if your interest is as a member or subscriber.

**Post Office Box 238 Vail, Colorado 81658 Telephone: (970) 827-5680 Email: vha@vail.net
Website: www.vailhomeowners.com**

Copyright 2021: Vail Homeowners Association Report

January 30, 2021

RE: Pre-Construction Agreement with Triumph Development

Dear Mayor and Town Council:

Starting with the conclusion, the Pre-Construction Agreement should be tabled and sent back to the drawing board without hesitation!

For more than a year, the community was led to believe that negotiations were underway to create a win/win whereby the Town and Vail Resorts (VR) gain workforce housing and the bighorn sheep habitat in East Vail is permanently protected. What this Agreement does is create a win/lose/lose/lose/lose.

-There is a big win for housing and VR as the proposed Middle Creek Lot 3 is a far superior location for workforce housing than the so named Booth Heights (BH) site.

-Losers are: #1, the community which feels duped and cheated out of an agreement that was repeatedly reported to protect the BH site; #2, the bighorn sheep herd; #3, the Town which now appears inept at negotiating a win/win; # 4 & 5, Children's Garden of Learning (CGL). CGL loses at least twice, as it is first uprooted and moved to a temporary site, then in a few years moves to a permanent site, all this creating upheaval for the children and parents on all levels. (Why the Lionshead site is considered temporary rather than planning a long term future there is hard to understand but that is a question for another conversation.)

As written, this Agreement gives NO protection to the BH site. It allows Triumph Development (TD) to sell the plans and approvals it gained to the highest bidder, likely VR, who could have bulldozers rolling as early as this spring. After waiting in the background behind the shield of 'working on business during this pandemic' VR emerges to state that they have every intention of building on the BH site; their non-participation in the process is disingenuous at best.

A headline in the Vail Daily dated June 20, 2020 stated "Booth Heights won't be built if there's an alternative". The Town has given over one Town owned site and a second, well located piece of land is being investigated; yet the Agreement fails to protect BH in any way.

The Agreement should be amended to require TD to convey all plans and approvals to the Town of Vail and prohibit them from going to any other entity. The Town should pledge that they will not build at BH and that they will guarantee the site will become permanently protected. Further, the duration of the long term leases on Lot 3 and Timber Ridge should be disclosed to the public; what reason would the Town or TD have to keep that under wraps?

We recognize that some people at the the Town worked diligently to create a three way success between the Town, VR and TD. Clearly the Town and TD have been working on an agreement, however flawed, but VR has not participated in an honest fashion. It is time for the Town to give up on 'playing nice' with a player who doesn't care about the community or environment or fair play. On behalf of its citizens, the environment and the irreplaceable bighorn sheep herd, the Town should immediately pursue all avenues to acquire the entire East Vail site and once acquired, should permanently protect it without delay.

Regards,
Pamela Stenmark

Cc/Scott Robson

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:13:08 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Greg Kissler <gkissler@summitnet.com>
Sent: Monday, February 1, 2021 8:15 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

I fully support the excellent work that the Town of Vail is doing to provide more affordable Locals housing while being sensitive to the environment.

The planning, research and public input In Booth Heights clearly shows that this parcel must be preserved for the critical sheep habitat.

As a full time resident living in Vail I feel it is critical to find the right balance between development and preservation of our fragile environment. I trust my elected leaders to encourage development where it makes sense, and to also protect and preserve critical wildlife habitat.

Please fight the corporate greed and stop the development of Booth Heights. Vail has better choices for housing, the sheep don't.

Greg Kissler

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:13:51 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: JANE BLANCH <jblanch846@aol.com>
Sent: Saturday, January 30, 2021 1:49 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

Please reject this project fir all the reasons that have been stated over and over. This is bait and switch with potential disastrous results. This is not to the benefit of Vail, the big horn sheep or the children.
Jane Blanch

Sent from my iPhone

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:12:46 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Mike Browning <mfrowning@pbblaw.com>
Sent: Sunday, January 31, 2021 9:52 PM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights

Dear Council Members: I am the Chair of the Eagle Summit Wilderness Alliance (ESWA). We are a local non-profit that works with the USFS to protect and preserve the Wilderness Areas in Eagle and Summit Counties, including the Eagles Nest Wilderness and its related ecosystems. We were initially encouraged when the Town was working with Vail Resorts (VR) and Triumph Development on what seemed like a “win-win” scenario whereby the Town would acquire Triumph’s rights to develop affordable housing on the Booth Heights property in exchange for property in Middle Creek more suitable for development and with equal development rights, thereby preserving the critical bighorn sheep habitat on the Booth Heights parcel. We were dismayed by VR’s recent announcement that is pulling out of those discussions and would pursue development of the Booth Heights property.

We urge the Town to do everything in its power to protect the critical bighorn sheep winter habitat on the Booth Heights parcel by acquiring that parcel and dedicating it to the Town’s open space program, and specifying that the parcel will only be used for wildlife habitat purposes.

The Town, and VR, have spent hundreds of millions of dollars over the years to bring people and

development to the Vail Valley. We urge the Town to spend a tiny fraction of that amount to help protect the natural values that brought us all here. The Town should not approve the proposed Pre-Development Agreement on the Booth Heights property unless and unless it clearly requires the transfer of title and all related development rights to the Town. If this is not possible, the Town should immediately initiate condemnation proceedings to acquire the parcel.

The development of the Vail Valley has destroyed the habitat of many non-human species to the extent that it threatens their very survival. These animals called the Vail Valley home for centuries before we did. The least we owe them is a chance to survive. The Booth Heights property is critical winter habitat for bighorn sheep. Please, please do not let it be taken away.

Sincerely,

Michael Browning
2021 ESWA Chair
4229A Nugget Lane, Vail
303-408-0995
mfbrowning@pbblaw.com

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:12:25 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Ted Simonett <nettd@comcast.net>
Sent: Sunday, January 31, 2021 12:07 PM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights

Dear Council Members,
We are relying on you to rectify this situation with Booth Heights and VRA. You did a great job last year but it seems VRA was not on board. Please don't allow this project to go forward. We are behind you 100% in fighting this.
Thank you for your efforts

Ted and Anne Simonett

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:12:20 AM
Attachments: [image001.png](#)
[image008.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Robert Schilling <robfromvail@gmail.com>
Sent: Sunday, January 31, 2021 10:57 AM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights

I encourage the TOV and the Vail Town Council to condemn the Booth Heights parcel. Vail Resorts should be strongly encouraged to pursue the Middle Creek option.

I'm not sure why VR does not prefer the Middle Creek Parcel for development of deed-restricted housing. If you can, please explain why VR would prefer Booth Heights.

Thank you!

rob

This is a professional signature block for Robert Schilling. It features a dark blue background on the left with the name 'Robert Schilling' in a white script font and 'BROKER' in a white sans-serif font below it. To the right is a color photograph of Robert Schilling, a man with short brown hair, wearing a dark green button-down shirt. Below the signature and photo, on a white background, is the contact information: '(970) 390-0705', 'RobFromVail@gmail.com', 'www.RobFromVail.com', and 'www.RobertSchillingRealEstate.com'. At the bottom left of this section is the address '286 Bridge Street, Vail, CO 81657'. At the bottom right is the Coldwell Banker logo, which consists of a blue square with a white 'CB' monogram, followed by the text 'COLDWELL BANKER' and 'DISTINCTIVE PROPERTIES' below it.

[Curious about Vail Valley/Cordillera real Estate? Click here to see my Monthly Newsletter](#)

[Click here to see all Vail Valley properties](#)

I pledge to give 5% of my earnings to the charity of my clients' choice.

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Sunday, January 31, 2021 10:24:06 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Kiwi Hilliard <kiwibird48@gmail.com>
Sent: Saturday, January 30, 2021 1:35 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

My husband and I have lived at 2049 Sunburst Drive since 1993. We are adamantly against any development of the Booth Creek property. Kiwi Hilliard

Kiwi Hilliard
325 S Lake Drive
Palm Beach, FL 33480

516 669-1589 (C)

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Sunday, January 31, 2021 10:24:00 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: JANE BLANCH <jblanch846@aol.com>
Sent: Saturday, January 30, 2021 1:49 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

Please reject this project fir all the reasons that have been stated over and over. This is bait and switch with potential disastrous results. This is not to the benefit of Vail, the big horn sheep or the children.
Jane Blanch

Sent from my iPhone

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Sunday, January 31, 2021 10:23:53 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Louise Hoversten <lbhoversten@gmail.com>
Sent: Saturday, January 30, 2021 3:55 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

Please do not allow development on the Booth Heights property!

Please instruct the Town Attorney to begin the process to condemn the Booth Heights property. You have done well so far in preventing the building on Booth Heights, it would be a shame to have the Bighorn Sheep habitat destroyed now.

Thanks for your consideration.
Louise Hoversten

Sent from my iPad

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Sunday, January 31, 2021 10:23:49 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Sue Rychel <srychel@slifer.net>
Sent: Saturday, January 30, 2021 5:28 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: RE: Booth Heights

Dear Council members,

Use your backbone and see the history and misrepresentation.
Any forthcoming agreement SHOULD NOT BE APPROVED. Instead, the Council should instruct staff to renegotiate and redraft any agreement so that the plans and approvals cannot be used for any development on Booth Heights.
The existing approvals should be abandoned and/or forfeited.

B. Susan (Sue) Rychel

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 4:24:11 PM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Katherine Marshall <kjwmarshall@gmail.com>
Sent: Monday, February 1, 2021 9:51 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

Please get a rewrite of the agreement with Triumph, making sure the rewritten agreement states that the area can never be developed. Safeguarding the bighorn sheep habitat is crucial to their survival, and you on the Council can make it happen.

Thank you!
Katherine Marshall
85 Willis Place, #180

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:14:05 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Sue Rychel <srychel@slifer.net>
Sent: Saturday, January 30, 2021 5:28 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: RE: Booth Heights

Dear Council members,

Use your backbone and see the history and misrepresentation.
Any forthcoming agreement SHOULD NOT BE APPROVED. Instead, the Council should instruct staff to renegotiate and redraft any agreement so that the plans and approvals cannot be used for any development on Booth Heights.
The existing approvals should be abandoned and/or forfeited.

B. Susan (Sue) Rychel

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:13:57 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Louise Hoversten <lbhoversten@gmail.com>
Sent: Saturday, January 30, 2021 3:55 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

Please do not allow development on the Booth Heights property!

Please instruct the Town Attorney to begin the process to condemn the Booth Heights property. You have done well so far in preventing the building on Booth Heights, it would be a shame to have the Bighorn Sheep habitat destroyed now.

Thanks for your consideration.
Louise Hoversten

Sent from my iPad

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Monday, February 1, 2021 9:14:05 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Sue Rychel <srychel@slifer.net>
Sent: Saturday, January 30, 2021 5:28 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: RE: Booth Heights

Dear Council members,

Use your backbone and see the history and misrepresentation.
Any forthcoming agreement SHOULD NOT BE APPROVED. Instead, the Council should instruct staff to renegotiate and redraft any agreement so that the plans and approvals cannot be used for any development on Booth Heights.
The existing approvals should be abandoned and/or forfeited.

B. Susan (Sue) Rychel

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: STOP the development of Booth Falls!
Date: Monday, February 1, 2021 9:13:02 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Tenley Beazley <tenleybeazley@gmail.com>
Sent: Monday, February 1, 2021 8:11 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: STOP the development of Booth Falls!

Our open space is a precious commodity and is much of what makes this beautiful area what it is. We must stop the spreading development of of these sacred open spaces and in particular STOP THE DEVELOPMENT OF BOOTH FALLS! This area in particular is too pristine and precious as highlighted by the fact that for years and years the Big Horn sheep have chosen it has their habitat. Let's not allow this gift of nature to be destroyed!!!!

Tenley Beazley
Marilyn Fleischer

Sent from my iPad

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: STOP the development of Booth Falls!
Date: Monday, February 1, 2021 9:13:02 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Tenley Beazley <tenleybeazley@gmail.com>
Sent: Monday, February 1, 2021 8:11 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: STOP the development of Booth Falls!

Our open space is a precious commodity and is much of what makes this beautiful area what it is. We must stop the spreading development of of these sacred open spaces and in particular STOP THE DEVELOPMENT OF BOOTH FALLS! This area in particular is too pristine and precious as highlighted by the fact that for years and years the Big Horn sheep have chosen it has their habitat. Let's not allow this gift of nature to be destroyed!!!!

Tenley Beazley
Marilyn Fleischer

Sent from my iPad

From: [Lynne Campbell](#)
To: [Stephanie Bibbens](#)
Subject: RE: Completed: Please DocuSign: waiver Vail InDEED Towns Option 2111 N Frontage Rd W A4.pdf
Date: Monday, February 1, 2021 5:04:12 PM
Attachments: [image003.png](#)

Thank you Steph!

Lynne Campbell
Coordinator
Housing Department


TOWN OF VAIL
75 South Frontage Road
Vail, CO 81657
Direct: 970.479.2150

From: Stephanie Bibbens <SBibbens@vailgov.com>
Sent: Monday, February 1, 2021 4:53 PM
To: Lynne Campbell <LCampbell@vailgov.com>; Charis Patterson <cpatterson@ltgc.com>; Karen Campbell <kcampbell@ltgc.com>
Subject: RE: Completed: Please DocuSign: waiver Vail InDEED Towns Option 2111 N Frontage Rd W A4.pdf

Good afternoon,

Attached for your records is a GRANTED Town of Vail Real Estate Transfer Tax exemption application for the property known as 2111 North Frontage Road West, Unit A\$, Vail, CO 81657.

Please let me know if there is anything else I can help you with and I hope you all have a great rest of the night.

Stephanie Bibbens
Deputy Town Clerk
Town Clerk's Office


TOWN OF VAIL
75 S. Frontage Road | Vail, CO 81657
Office: 970.479.2460
vailgov.com



From: Lynne Campbell <LCampbell@vailgov.com>
Sent: Thursday, January 28, 2021 5:02 PM
To: Charis Patterson <cpatterson@ltgc.com>; Karen Campbell <kcampbell@ltgc.com>
Cc: Stephanie Bibbens <SBibbens@vailgov.com>
Subject: RE: Completed: Please DocuSign: waiver Vail InDEED Towns Option 2111 N Frontage Rd W A4.pdf

Charis,

Stephaine is confirming she received the completed form. Thus far neither she nor I have a completed form.

Lynne Campbell
Coordinator
Housing Department


TOWN OF VAIL
75 South Frontage Road
Vail, CO 81657
Direct: 970.479.2150

From: Charis Patterson <cpatterson@ltgc.com>
Sent: Thursday, January 28, 2021 4:58 PM
To: Lynne Campbell <LCampbell@vailgov.com>
Subject: Re: Completed: Please DocuSign: waiver Vail InDEED Towns Option 2111 N Frontage Rd W A4.pdf

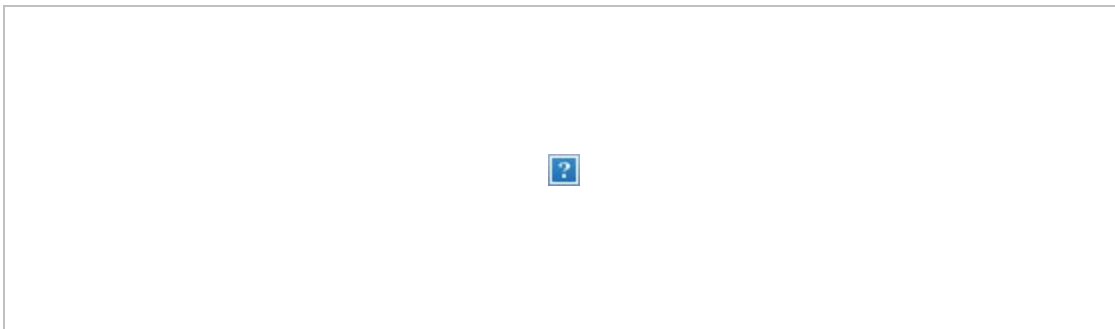
Thank you! I think we still need the Exemption approval, as well.



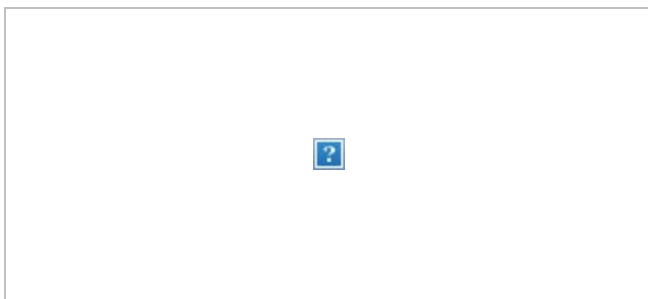
Charis Patterson
Closing Agent
Colorado Title License #419383
Land Title Guarantee Company
0090 Benchmark Rd, Suite 205 (Fed-Ex and UPS only)
PO Box 3480 (US Mail)

Avon, CO 81620
Direct: 970-748-4784
Office: 970-949-5099
Fax: 877-408-7373
Email: cpatterson@ltgc.com

www.ltgc.com



On Thu, Jan 28, 2021 at 4:39 PM Lynne Campbell via DocuSign <dse_NA3@docusign.net> wrote:



A blue rectangular banner with a white border. In the center of the banner is a white square icon containing a question mark. Below the icon, the text "Your document has been completed" is displayed in white. At the bottom of the banner is a white rectangular button with a blue border and the text "VIEW COMPLETED DOCUMENT" in blue.

Lynne Campbell
lcampbell@vailgov.com

All parties have completed Please DocuSign: waiver Vail InDEED Towns Option 2111 N Frontage Rd W A4.pdf.

This is confirming the Town's waiver to a right of first refusal for an existing Vail InDEED restriction being resold. Please execute by end of today.

Thank you.

Powered by 

Do Not Share This Email

This email contains a secure link to DocuSign. Please do not share this email, link, or access code with others.

Alternate Signing Method

Visit DocuSign.com, click 'Access Documents', and enter the security code:
715CD1097EC4497D9A349CEEE92DA00F3

About DocuSign

Sign documents electronically in just minutes. It's safe, secure, and legally binding. Whether you're in an office, at home, on-the-go -- or even across the globe -- DocuSign provides a professional trusted solution for Digital Transaction Management™.

Questions about the Document?

If you need to modify the document or have questions about the details in the document, please reach out to the sender by emailing them directly.

Stop receiving this email

[Report this email](#) or read more about [Declining to sign](#) and [Managing notifications](#).

If you are having trouble signing the document, please visit the [Help with Signing](#) page on our [Support Center](#).

 [Download the DocuSign App](#)

This message was sent to you by Lynne Campbell who is using the DocuSign Electronic Signature Service. If you would rather not receive email from this sender you may contact the sender with your request.

January 26, 2021

Vail Town Staff and Council

In the beginning most businesses provided housing for some of their employees, if not all, as was done in Europe. We were here for the quality of life, not to get rich. In the 80's it became obvious that you could open a business and make a living but maybe you didn't have to provide housing. You could just pocket that money as developers were building housing not designed for guests. Somewhere in here the town started requiring employee units in all commercial developments not only for the housing but to have people living in the commercial areas to make a safer situation by having people on site. Was it in the 90's when the town purchased Timber Ridge in order to guarantee it would stay "affordable" housing. Prior to that, housing was built as a for profit business. Designated housing was restricted by law but could not be designated for that use indefinitely. Later councils actually lifted some of the restrictions. And then the housing ordinance came along: a start but poorly written and benefiting businesses who had not acted responsibly. I do not believe it has ever been reviewed or even simple errors corrected. I read every word of it when I was off all boards and suggested improvements and clarifications but my suggestions were never responded to. And that is where we are today except the pursuit of anything called housing has reached the level of a cult. There needs to be an awareness of the need and a finding of opportunities but not hysteria and artificial deadlines. Currently standards are too easily ignored. Off site impacts are ignored. Quality of construction is not a concern. It is a guaranteed money maker for developers who are treated as though the developer is building a gift to the town rather than a business for himself. The process needs a better balance with other needs and community expectations. The housing documents need a review.

To go along with this evolution the quality of our councils has trended toward less capable candidates with less applicable qualifications and experiences. Wanting to give back is NOT a reason to run for office. We have people elected who have not even attended a council meeting and are running to serve a special interest and are

commonly committed to a developer. This was on full display by 2005. In addition, the middle class that has traditionally included the movers and shakers and council members left the Gore Valley.

And that brings us to the pathetic situation you find yourselves in today. It feels like a housing cult has developed in response to lobbying from the business community, a few council members and one staff member all in the name of “community”. If you pay attention “community” is dropped even when it is awkward to use the word because these housing proposals are about money for the developer: not preserving community. Actions today are hurting the community. The InDeed program is good and does promote community. The Booth Creek deal has been compromised since day one. It has ALWAYS received special treatment and has never been held accountable. Even the ownership lacks integrity. The rezoning to housing was done in record time with the bare minimum of review and promises to complete studies after approval which is dishonest at best. Appropriate reviews would have identified the bighorn conflict and if staff had adhered to the Land Use Plan, which advised that the town should acquire the parcel, the town would not be in the legal quagmire you are now in although you show no signs of realizing that. All other processes concerning Booth Heights lacked integrity on the part of staff, council and the developer. The land owner just watched as everything went their way while they openly did nothing. You treated the public with contempt who by the end of the appeal had more factual knowledge of the project than council or staff.

The decision to not hire an experienced negotiator was short sighted. The developer had nothing but a plan on paper that was worthless without the land and the Broomfield group who more and more care less and less about our town was not in a hurry and just played you.

And now you are reduced to throwing a critical part of the community out of a facility built for them, regardless of ownership, and telling them to sit down and shut up or lose everything. They are the rightful occupants of the building on lot 3 because they were displaced by the housing development on Middle Creek and that developer was

required to replace their building that was in his way. It is unethical at best for council to throw them out and put them in a building that can not even get approved by DRB, in a horrible location that is dangerous and possibly can not get licensed. To say nothing of the traffic impacts and conflicts created by forcing this use to this site.

The comments a couple of you have made to me about children are dead wrong and even mean which is a huge disappointment to me. Children have been the proof that we are a community and not a sterile resort. Pirate Ship was one of the first things built and Dobson and the library were built for the children knowing our guests would also use them. The town demanded our own school, Red Sandstone, and supported great child care because it is a critical need in a community. The Town of Vail has an ethical responsibility to replace the home they are confiscating. CGL can never afford to buy land or build a new home as they never anticipated they would need to. You lied to them for months by telling them there were no issues with their lease. You have even suggested they change their operation to be absorbed by a national operation. That is not the quality Vail's children deserve.

We have a lot of housing in Vail, probably an appropriate percentage. The huge estate homes now being built in Vail due to the unauthorized change made in the GRFA computations do not have people working from home but they do require a large number of services to maintain the property and service the owners. They should be paying a minimum of \$300,000. into a housing fund to mitigate their impacts.

We are out of land in Vail to build housing. Grabbing land reserved as open space is not sustainable and is detrimental to the community and our brand. In most cases it is more expensive to build on. There are no valid sustainability arguments to keep building housing in Vail. The letter issued regarding not protecting the Middle bench of Donovan Park was not factual. It is on every housing lobby's list and was even in the first Booth Heights MOU.

You all know I spent more than two decades directly involved in writing law and regulations which were designed to guide, not block, the development we could see was coming. It appears one staff member greatly weakened or rewrote many of the things we worked so hard on. Another staff person enforces his own interpretations. This is detrimental to Vail. I worked hard to be informed. I read all the materials (all but one time), attended every meeting relevant to my role and missed just a couple meetings in 24 years. We had great educational debates. Having a “go along to get along” policy is not constructive. Having a united front is not reassuring. I see things that are wrong and try to inform you. I would think you would be curious why I say what I say or want something fleshed out and call to discuss ideas or comments. Almost never does that happen. I am sorry this is so long but there is much to be said. I know you want to do a good job but you have unknowingly tied your own hands. .

Bottom line: the council does not have the expertise essential to run the town nor were you elected to run the town. You are to give direction/goals to the town manager who is supposed to have the skills/expertise to find the best way to get there or tell you why you are off base. Sadly, council does not even have the confidence to have open discussions in front of or with the public where you could get unbiased valuable input. Time for council to step back and serve the entire community.

With the best of intentions,

Diana Donovan

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: A Concerned Resident
Date: Tuesday, February 2, 2021 9:22:45 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Scott Theodore Bartlett <Scott.Bartlett@colorado.edu>
Sent: Tuesday, February 2, 2021 7:58 AM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: A Concerned Resident

Hello,

I am an East Vail resident. I have just learned about Vail Resorts recent counter to the agreement reached by Vail residents and Vail Town Council regarding the Booth Heights property. I am dismayed to hear the proposed building is back on the table.

The evidence suggests building on this property would severely threaten Vail's Big Horn Sheep population and as such we citizens have a moral and ethical obligation to fight this proposal.

The word about Vail Resorts late entry into the subject and the seeming underhandedness of their strategy is spreading fast, and with email chains and internet forums will continue to do so.

Please do not sign the pre development agreement and please condemn the Booth Heights property to ensure the protection of our wildlife habitat.

A concerned resident,
Scott B

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Bighorn sheep
Date: Tuesday, February 2, 2021 9:26:36 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Joanne Waring <joannewaring@comcast.net>
Sent: Tuesday, February 2, 2021 8:23 AM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Bighorn sheep

To Town of Vail and Vail Resorts,

I was shocked to see the recent possible change of plans for the Booth Heights property in East Vail. I would like to add my voice to protect the big horn sheep habitat and continue protecting wildlife in the Vail Valley. I would like to see Vail resorts follow through on its core values of community and environment. There are other options available for development and employee housing that have been explored that do not adversely affect are wildlife population here in the valley.

Vail resorts needs to walk the talk and follow its commitment to the environment, Joanne Waring East Vail resident

Sent from my iPhone

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Falls
Date: Tuesday, February 2, 2021 9:17:01 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Rossie C Hutcheson <rosshutch@aol.com>
Sent: Monday, February 1, 2021 6:52 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Falls

Dear Town of Vail Planning,

My name is Mary Ross Carter Hutcheson although I go by Rossie. I am the owner of 3 properties on East Vail Valley Road. My parents bought the first property in 1968. I am sorry to learn of proposed Booth Heights project. The area is already congested and parking is limited.

Please do not vote for this development. The Big Horn Sheep are one of The Town of Vail's best PR.

Thank you for your consideration.

Best,
Rossie Hutcheson

Rossie Carter Hutcheson
President
The Beirne Carter Foundation
1802 Bayberry Court, Suite 401
Richmond, VA 23226
Office: 804.288.0300

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 9:17:40 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: rolvail@aol.com <rolvail@aol.com>
Sent: Monday, February 1, 2021 5:07 PM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights

Dear Vail Town Council:

I am writing now so as not to consume the Council's time during your busy meeting Tuesday eve.

The VHA, via Jim Lamont, has already provided you with an excellent presentation concerning the language in the Booth Heights land swap agreement. The Booth Heights provisions are the essential core of all the work that you have been doing for the past year and if these, or similar, recommendations are not incorporated into the agreement then we as a town have nothing. The will of the citizens of Vail will have been thwarted by exceptionally unscrupulous behavior on the part of some participants.

Also, permitting a VR employee to cast the deciding vote in the initial PEC ruling goes against any sense of fairness with respect to conflict of interest in the first place.

I urge you not to allow further degradation of justice and fair play to corrode the will of the citizens of Vail. The last TOV Council election and the resulting excellent efforts on the part of this Council has been a joint effort of our community. Please, let's not retreat on our environment, quality of life and ethical behavior.

Respectfully,
Rol Hamelin
5167 Gore Cir.
E. Vail

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 9:21:30 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Chip McKeever <chip@denveragency.com>
Sent: Tuesday, February 2, 2021 6:43 AM
To: Council Dist List <TownCouncil@vailgov.com>
Cc: Lindsey McKeever <misslindsey@mac.com>
Subject: Booth Heights

TOV council,

As an owner of multiple properties in East Vail, we wanted to share a few words of encouragement in advance of your Booth Heights meeting this afternoon....

Please, please, PLEASE show some conviction here. Stand up for our town, our bighorn sheep, our Aspen grove and our open space. Please don't be bullied - you've offered up an alternative location/solution that is more suitable, so we urge you not to back down. You do important work and we are counting on you to consider the long view of how additional expansion in our Valley, that isn't necessary, has permanent ramifications. This potential change would forever be recognized as occurring on your watch.... your legacy.

We are bewildered how and why a company that has made an Epic Promise to protect our environment can so hypocritically and without compromise wish to destroy and build upon a known natural treasure.

Further, after another winter weekend welcoming 619 parked cars along the frontage road approaching East Vail, have we not been accommodating enough of VR's over-promising? Space in our mountain town is finite and VR will push and push and push, per their fiduciary responsibilities to shareholders, and continue to develop and over populate. What has VR done for the TOV? It sure seems like the balance is off. Again, there are other options aside from this proposed building site, if development is necessary. Please demand those be pursued.

Thanks for representing all nature lovers and property owners.

Chip McKeever (owner of Booth Creek Townhome A1 and 4030 bighorn Rd)

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 9:27:16 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Runblondie49@comcast.net <Runblondie49@comcast.net>
Sent: Tuesday, February 2, 2021 9:24 AM
To: Council Dist List <TownCouncil@vailgov.com>
Cc: runblondie49@comcast.net
Subject: Booth Heights

Dear Mr. Mayor and Council Members,

I come before you feeling the same way some of you do, blind sided and duped. After 13 months of negotiations we learned the BH development is back on the table. Or maybe, according to Kyle Griffith of Vail Resorts, it was never off the table. The VR letter was threatening, bullying and not representative of a corporation committed to the environment, sustainability, wildlife or the values of our community.

Vail citizens entrusted the negotiating process to you. You adopted the posture of a "United" Council on this issue and asked for our support. "Cease and Desist" if you will. Remain silent. We complied. Covid restrictions reinforced our silence and citizen participation dwindled. Executive sessions spiked and the people's business was often conducted behind closed doors. We received no updates. "Trust us."

The "Alternative Housing Initiative" was born and you were at the helm along with Mr. Ruther and others. We heard "win win" over and over and the swap parcel was identified; Middle Creek Lot 3. The hiccup involved re-zoning and displacing the CGL.

On the street some referred to it as "Sophie's Choice".....Bighorn sheep or Children.

Many locals squirmed in silence. We believed it could be a win win. BH would be preserved, the sheep would be safe, housing goals would be met with the trade and the pre school would be thoughtfully re-located. We were wrong. You were wrong.

You were duped and you are once again putting yourselves at risk with the revised pre- development agreement that sits before you tonight. Cowering to Vail Resorts sets an ugly and dangerous precedent and excuses their indecent actions. We are better than this.

And trusting Triumph Development and hoping they do not share the same DNA as Vail Resorts is both reckless and naive. Moving forward with 2 deed restricted developments will not erase the fumbling and gross mismanagement of this entire process. Booth Heights and the Bighorn sheep remain unprotected. Abandoned.

And the fate of the CGL remains bleak, at best.

Our town is broken and you, the sitting Council, are facing a crisis—a severe breach of trust. We did not elect staff to run our town. We elected you. Stop the bleeding.

Please vote to reject this revised pre-development agreement and return it for a re-draft. You have a thoughtful blueprint submitted by Mr. Lamont which should be given careful consideration. Do the right thing and restore some dignity to the process.

Take another look at the Town of Vail survey. Listen to your constituents.

Sincerely,
Blondie Vucich
Vail

Sent from my iPad

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 9:24:38 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: daniel frederick <danieljfrederick@icloud.com>
Sent: Tuesday, February 2, 2021 8:03 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights

I urge the Council to consider the powers available as a Government to determine the future of critical wildlife within town borders. This and the misleading intent by the "owner" and development team is plain wrong!! Daniel Frederick - Vail

Sent from my iPhone

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: DRAFT agreement for deed-restricted housing
Date: Tuesday, February 2, 2021 9:16:02 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Diana Donovan <dianamdonovan@msn.com>
Sent: Monday, February 1, 2021 5:49 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: DRAFT agreement for deed-restricted housing

This was a process to guarantee the protection of the Bighorn Sheep in East Vail. Now it is about deed-restricted housing on two parcels. No mention of the sheep in any way. The public deserves a clear explanation of how you went from saving Bighorns to developing housing on two different parcels. You asked the public to lay low and not endanger the process. What was the process besides secretive? Deeply disappointing!

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Stop Booth Heights Proposal!
Date: Tuesday, February 2, 2021 9:22:00 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: lindsay mckeever <misslindsey@mac.com>
Sent: Tuesday, February 2, 2021 7:17 AM
To: Council Dist List <TownCouncil@vailgov.com>; Lindsey McKeever <misslindsey@mac.com>
Subject: Stop Booth Heights Proposal!

Dear Vail Town Council,

I implore you as representatives of your community to fight back the proposed development of Booth Heights in my neighborhood, my home, our open space. Having grown up in the Vail Valley, each year becomes harder and harder to stomach what Vail Resorts has done to our little town. They have eaten up the Village and Lionshead and now intend to do the same with what is left with our precious open spaces. Why? With other options presented to them? How did this happen? How have they gone against the goodwill with our community and how has the Town let this happen? Again, I ask you to fight back. We've lost so much to this money grabbing corporation, don't let us lose our land and our bighorn sheep. Please, please, please.

Thank you,
Lindsay McKeever

.....

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Town of Vail and Triumph Development for Deed-Restricted Housing on Two Sites
Date: Tuesday, February 2, 2021 9:25:26 AM
Attachments: [image001.png](#)

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Vickie Strate <vickster19@comcast.net>
Sent: Tuesday, February 2, 2021 8:15 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Town of Vail and Triumph Development for Deed-Restricted Housing on Two Sites

Good morning: I would like to voice my opposition to the proposed development in Vail. It appears that the current agreement has a loophole which could violate the original intent of protecting our wildlife by allowing Triumph to sell its rights to a different developer and skirt the intent of the original location swap and as a part-time resident, I am very much opposed to this . . . please do not approve this proposal.

Thank you-

Vickie Strate
4862 Meadow Lane
East Vail

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights Project
Date: Tuesday, February 2, 2021 9:33:31 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Debbie Hawley <debbiehawley@aol.com>
Sent: Tuesday, February 2, 2021 8:43 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Booth Heights Project

I oppose project.

Dr Deborah S Hawley

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 9:27:16 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Runblondie49@comcast.net <Runblondie49@comcast.net>
Sent: Tuesday, February 2, 2021 9:24 AM
To: Council Dist List <TownCouncil@vailgov.com>
Cc: runblondie49@comcast.net
Subject: Booth Heights

Dear Mr. Mayor and Council Members,

I come before you feeling the same way some of you do, blind sided and duped. After 13 months of negotiations we learned the BH development is back on the table. Or maybe, according to Kyle Griffith of Vail Resorts, it was never off the table. The VR letter was threatening, bullying and not representative of a corporation committed to the environment, sustainability, wildlife or the values of our community.

Vail citizens entrusted the negotiating process to you. You adopted the posture of a "United" Council on this issue and asked for our support. "Cease and Desist" if you will. Remain silent. We complied. Covid restrictions reinforced our silence and citizen participation dwindled. Executive sessions spiked and the people's business was often conducted behind closed doors. We received no updates. "Trust us."

The "Alternative Housing Initiative" was born and you were at the helm along with Mr. Ruther and others. We heard "win win" over and over and the swap parcel was identified; Middle Creek Lot 3. The hiccup involved re-zoning and displacing the CGL.

On the street some referred to it as "Sophie's Choice".....Bighorn sheep or Children.

Many locals squirmed in silence. We believed it could be a win win. BH would be preserved, the sheep would be safe, housing goals would be met with the trade and the pre school would be thoughtfully re-located. We were wrong. You were wrong.

You were duped and you are once again putting yourselves at risk with the revised pre- development agreement that sits before you tonight. Cowering to Vail Resorts sets an ugly and dangerous precedent and excuses their indecent actions. We are better than this.

And trusting Triumph Development and hoping they do not share the same DNA as Vail Resorts is both reckless and naive. Moving forward with 2 deed restricted developments will not erase the fumbling and gross mismanagement of this entire process. Booth Heights and the Bighorn sheep remain unprotected. Abandoned.

And the fate of the CGL remains bleak, at best.

Our town is broken and you, the sitting Council, are facing a crisis—a severe breach of trust. We did not elect staff to run our town. We elected you. Stop the bleeding.

Please vote to reject this revised pre-development agreement and return it for a re-draft. You have a thoughtful blueprint submitted by Mr. Lamont which should be given careful consideration. Do the right thing and restore some dignity to the process.

Take another look at the Town of Vail survey. Listen to your constituents.

Sincerely,
Blondie Vucich
Vail

Sent from my iPad

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Broken Promise leads to bad publicity
Date: Tuesday, February 2, 2021 9:35:43 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Tom Burch <tomburch@burchllc.com>
Sent: Monday, February 1, 2021 5:22 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Broken Promise leads to bad publicity

Dear Town Council,

It was with shock and disbelief that I read today's Vail Daily's headline: "Booth Heights Saga Continues." Vail Resorts has broken a promise to the Town of Vail and all of its guests at every resort.

Here is their Mission statement:

At Vail Resorts, EVERYTHING we do is built upon the PROMISE of bringing together the mountains, our COMMUNITIES, employees and guests to ignite a passion for the outdoors, CONSERVE the NATURAL ENVIRONMENT and support our local communities for a bright sustainable future.

Really????

If the Booth Heights project goes forward, it will kill the east Vail herd of Big Horn Sheep. We know that from the testimony of experts. Without the pasture they will starve to death or sacrifice themselves to I-70.

Maybe it would be more humane if Vail Resorts hired someone to just shoot the herd. It is better than slowly starving to death.

And I have never been able to get a clear understanding of why VR would only have to pay 2 years of back property taxes on the land. If it had previously been thought to be CDOT property, does that mean taxpayers dollars have been spent to pay taxes for Vail Resorts since 1981???

Yikes,

Robin Burch
3225 Katsos Ranch Rd
Vail, CO 81657

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Broken Promise leads to bad publicity
Date: Tuesday, February 2, 2021 9:35:43 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Tom Burch <tomburch@burchllc.com>
Sent: Monday, February 1, 2021 5:22 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Broken Promise leads to bad publicity

Dear Town Council,

It was with shock and disbelief that I read today's Vail Daily's headline: "Booth Heights Saga Continues." Vail Resorts has broken a promise to the Town of Vail and all of its guests at every resort.

Here is their Mission statement:

At Vail Resorts, EVERYTHING we do is built upon the PROMISE of bringing together the mountains, our COMMUNITIES, employees and guests to ignite a passion for the outdoors, CONSERVE the NATURAL ENVIRONMENT and support our local communities for a bright sustainable future.

Really????

If the Booth Heights project goes forward, it will kill the east Vail herd of Big Horn Sheep. We know that from the testimony of experts. Without the pasture they will starve to death or sacrifice themselves to I-70.

Maybe it would be more humane if Vail Resorts hired someone to just shoot the herd. It is better than slowly starving to death.

And I have never been able to get a clear understanding of why VR would only have to pay 2 years of back property taxes on the land. If it had previously been thought to be CDOT property, does that mean taxpayers dollars have been spent to pay taxes for Vail Resorts since 1981???

Yikes,

Robin Burch
3225 Katsos Ranch Rd
Vail, CO 81657

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: No Development on Booth Heights
Date: Tuesday, February 2, 2021 9:51:47 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: b ducey <bartducey@hotmail.com>
Sent: Tuesday, February 2, 2021 9:49 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: No Development on Booth Heights

Dear Vail Town Council Members,

I strongly encourage you to oppose any future development on the Booth Heights site. The proposed housing is to the detriment and possible extinction of the bighorn sheep herd which habitually uses the area.

Sincerely,

Michael Bartholomew Ducey
Vail Resident

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW:
Date: Tuesday, February 2, 2021 10:57:14 AM
Attachments: [I was astonished to read Vail Resort.docx](#)
[image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Tom Vucich <vucicht@gmail.com>
Sent: Tuesday, February 2, 2021 9:57 AM
To: Council Dist List <TownCouncil@vailgov.com>
Cc: Tammy Nagel <TNagel@vailgov.com>
Subject:

Please see attached for my comments re: tonight's council meeting.
Thank you.

Tom Vucich

To Vail Town Council,

I was astonished to read Kyle Griffith's (of Vail Resorts) letter to the town regarding the PDA being considered tonight. Initially, it seemed to me that Scot Robson's response letter was thoughtful, factual and clearly in the spirit of desiring an on-going partnership to successfully complete the alternative housing site initiative to Booth Heights.

Since then, the amended document before you tonight indicates someone has caved to Mr. Griffith's threats and legalistic intimidation. Please don't succumb to those threats.

For 13 months the Vail citizenry has been led down a path to tonight—trusting our “united council” to find a way to partner with VR and Triumph in finding a better development parcel for them, adding to workforce housing and ultimately saving the Booth Heights parcel from development and saving the Bighorn Sheep.

The public was essentially asked to be patient—to trust the process that was underway in the negotiations between the town, VR and Triumph.

Mr. Griffith's letter is so in your face it's hard to believe they were in any way acting in good faith for the past 13 months. Did Mr. Griffith ever attend any of the many executive sessions and express what's in his letter? Did he ever inform the town that "VR is committed to moving forward as soon as possible with the BH project" or of any other concerns about the land swap as it progressed?

It's not so hard to see that VR's position changed significantly only after the town extended the entitlements on Booth Heights until 2024 and finalized re-zoning on the Lot 3 Middle Creek parcel—in good faith on the town's part, but in my view, in conflict with VR's stated Code of Ethics to "operate with integrity and do the right thing" on their part.

And, let's not all be so inclined to believe that there is some sort of schism between VR and Triumph regarding ownership of the BH so called intellectual property re: plans and approvals. Item 4 (b) recently added to the PDA before you tonight is telling and concerning—I think you should share my skepticism.

This PDA as presented is not ready to be approved. Please deny it and send it back for the suggested changes offered by the Vail Homeowners Association—and rebuff the threats our community’s supposed partner, Vail Resorts, is currently making. I would hope you, as a council can be “united” in denying this tonight, but if not, I know there are 4 of you who’ve opposed the BH project all along—this needs to be amended and fought for or it won’t be an “alternative site initiative”—it will clearly be an “additional site proposal” which was never the intent or outcome any of us expected or wanted. The opposition to re-zoning the Children’s Garden of Learning site would have been fierce if it was known Booth Heights would be developed anyway by Vail Resorts.

Tom Vucich

Vail

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Colorado Wildlife Federation letter re draft revised pre-development agreement [Booth Heights]
Date: Tuesday, February 2, 2021 11:03:53 AM
Attachments: [Colorado Wildlife Federation letter re 22 Town Council mtg.pdf](#)
[image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Suzanne CO <cwfed@coloradowildlife.org>
Sent: Monday, February 1, 2021 8:18 PM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Colorado Wildlife Federation letter re draft revised pre-development agreement [Booth Heights]

Colorado Wildlife Federation had participated throughout the earlier process during 2019 before the Planning and Environmental Commission and the Vail Town Council as to the Booth Heights parcel. Please accept and consider the attached letter today as to the Town Council's consideration of the draft revised pre-development agreement on February 2.

Sincerely,

Suzanne O'Neill

Suzanne O'Neill
Executive Director
Colorado Wildlife Federation

1580 Lincoln Street, Suite 1280

Denver CO 80203

303-987-0400

303-919-3949 cell

cwfed@coloradowildlife.org

coloradowildlife.org



February 1, 2021

Re: draft revised pre-development agreement with Triumph Development
(Booth Heights)

Dear Mayor and Vail Town Council:

Colorado Wildlife Federation (CWF) is a tax exempt, 501(c)(3) non-profit corporation, founded in 1953, whose mission and purpose is to advocate and educate for sound wildlife conservation and management policy in Colorado. Its members and supporters are anglers, wildlife viewers, hunters, photographers, other outdoor recreationists, and people who want to conserve quality of life as enhanced by Colorado's unparalleled wildlife resource.

The matter before you, a pre-construction agreement, has direct ramifications to Colorado's bighorn sheep, our state mammal, to wildlife conservation interests, the wildlife viewing public in Colorado and to the Vail community. **A decision that will lead to development of the Booth Heights parcel will produce long-term adverse consequences that will prove, in all probability, irreversible to the Gore-Eagles Nest bighorn sheep herd, an iconic and treasured symbol of Colorado and of the Vail community.**

CWF asks you to include this letter in your record. Unfortunately, the public became aware of this proposed agreement on Friday January 29 and we believe our letter submitted only three calendar days later should be deemed timely.

As recently as 2007, the Gore-Eagles Nest bighorn sheep herd consisted of 100 sheep. The herd has declined in number and Colorado Parks and Wildlife (CPW) estimated its current size at 60 pursuant to its 2019-2020 winter aerial and ground survey counts: 28 ewes (adult female sheep), 11 lambs born in 2019 and 24 rams, less three mortalities from traffic collisions at the East Vail frontage road and I-70. CPW S-2 Winter Ground Counts & Classification, 2019-2020.

Policy to conserve Colorado's bighorn sheep must be based upon the most current science. The scientific studies and experts teach us of the biological realities of fidelity and the role of severe winter range.

It is an uncontroverted biological fact that bighorn sheep – especially ewes and lambs – exhibit high fidelity to their range. In other words, bighorn sheep do not pioneer new range areas well. "Immigration and emigration are relatively insignificant in most bighorn sheep populations because of high range fidelity." John Beccham, et.al., Rocky Mountain Bighorn Sheep: A

Technical Conservation Assessment, U.S. DEP'T OF AG., FOREST SERVICE, ROCKY MOUNTAIN REGION, SPECIES CONSERVATION PROJECT at 20, available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5181936.pdf. "Bighorn sheep behavior patterns are extremely rigid and ritualized and play an important role in population persistence." Studies suggest that bighorns do not adjust well to perturbations in these behavioral patterns." *Id.* p 31.

According to CPW, the parcel is relied upon for survival particularly by the ewes and lambs, which are key to maintaining a herd's stable population. Small, isolated populations are more vulnerable to extirpation than larger, interconnected populations. The location of the Booth Heights parcel is a critical, occupied area of the herd's very small severe winter range. Elimination of this area would be a direct loss of 5.4 acres of severe winter habitat. CPW defines severe winter range as "that part of the overall range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of 10." Colorado Parks and Wildlife 2020 Status Report: Big Game Winter Range and Migration Corridors (April 1, 2020). Greater winter severity results in smaller seasonal range size. According to CPW in 2019, the parcel is relied upon for survival particularly by the ewes and lambs, which are key to maintaining a herd's stable population. The sheep inhabit winter range for far more time than just during the winter. The 5.4-acre parcel serves as foraging and connecting habitat at this high elevation, enabling the adult female sheep and lambs to access the forage along the frontage road. CPW noted that there is little severe winter range available and that "every little bit helps."

in July and August 2019, the independent expert bighorn sheep biologists engaged by the Town of Vail, when the matter was before the Planning and Environmental Commission, clearly expressed their professional opinion that loss of the 5.4-acre parcel would be extremely harmful to this bighorn sheep herd.

Throughout their review process, the independent biologists reiterated that the only way to protect the sheep was to select an alternative site for the housing project. In his July 3, 2019 statement, one of these independent experts. Richard Kahn, stated, "[t]he herd is constrained to a very small portion of their range during the winter. This is exacerbated in harsh winters with low temperatures and deep snow." He also emphasized, "This [elevation] and the persistence of deep snow into spring makes this herd particularly vulnerable to winter stresses from limited food sources.....Based on my experience with bighorn sheep I can find absolutely no beneficial effects this project on bighorn sheep. There will be a net loss of habitat, significant human-related disturbance and the potential impacts of habitat improvement may never be fully realized due to bighorn sheep behavior, elk impacts on aspen regeneration and the highly variable responses of bighorn sheep to vegetation manipulation. This project increases the likelihood that an already compromised bighorn sheep herd will have an increased risk of extirpation." CPW's Area Manager, too, had communicated a similar opinion when expressly asked by the Town Council during the October 2019 proceeding.

CWF implores the Town Council to table a decision on this draft revised pre-development agreement pending consideration of future development's likely irreversible impact (that is, extirpation) to the Town's iconic bighorn sheep herd.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne O'Neill". The signature is fluid and cursive, with the first name "Suzanne" written in a larger, more prominent script than the last name "O'Neill".

Suzanne O'Neill
Executive Director
Colorado Wildlife Federation

1580 Lincoln Street, Suite 1280, Denver, Colorado 80203 (303) 987-0400
www.coloradowildlife.org **cwfed@coloradowildlife.org**

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Bighorn Parcel Agreement
Date: Tuesday, February 2, 2021 11:05:07 AM
Attachments: [image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Josef Staufer <joestaufer@live.com>
Sent: Tuesday, February 2, 2021 11:01 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Bighorn Parcel Agreement

Mayor and Town Council
Town of Vail
Vail, Colorado 81657

Via - email

February 2, 2021

Dear Mayor and Council Members:

For over a year, the Town has negotiated in good faith regarding the “sheep pasture” and the Booth Heights parcel. Vail Resorts left those negotiations to “attend their core business.” Now, at the 11th hour, they have announced they have no intention of giving up development rights on the parcel in question.

Vail Resorts has no interest in being our partners, neither on this issue or on any other. It is time we realize that.. It is time for us to realize that if we continue down the path they’re leading us down, we will lose our customers and we will lose our community. It is time to realize our supposed “partners” may have left us no choice but to proceed with condemnation.

In the 1970’s, we had the brains to realize that if we kept going in the direction of rapid development, we would lose everything that made Vail a wonderful place to live, work, and visit. We put the brakes on. We condemned Ford Park. We put in the RETT fund to secure more open space. All told, we protected 1/3 of the Gore Valley floor as open space. That was my generation’s legacy.

How you deal with the Bighorn parcel will be your legacy. You have the power to protect open space, protect bighorn sheep, and maintain the feeling our community is connected and friendly to its environment. Or you can follow Vail Resorts down the path to over-crowding, and over-development and eventually, drive everyone who actually cares about the place away.

It’s time to put the brakes on and have a look at what you’re

leaving behind.

The Town has no business being party to any agreement that leaves the door open for future development of the Bighorn parcel.

Sincerely,
Joe Staufer

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights
Date: Tuesday, February 2, 2021 10:56:46 AM
Attachments: [image001.png](#)

Tammy Nagel

Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Kathryn Middleton <katmidds@gmail.com>
Sent: Tuesday, February 2, 2021 10:10 AM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights

Hello Mayor & Town Council Members,

I am very concerned about any development on the Booth Heights site. It seems to me that this is a might versus right argument. I am emailing to give a voice to the voiceless, namely representing the bighorn sheep and their right in this case. Bighorn sheep have revived themselves in Colorado over the past 50 years, however they are still threatened by human activity such as year-round recreation and development. Although you all already know this, it is my request that you look more deeply into your hearts and consider the bighorn sheep's natural instinct to survive and that the human impact of a Booth Heights development will most likely mean that this herd will not survive. It is a small herd without a lot of options to relocate naturally. Although this bighorn sheep herd seems to have habituated themselves to our presence on the Booth Heights site with the Pitkin recreational trail, Frontage Rd, I-70 and other human disturbances and development, even mild alarm can cause stress and undue energy expenditure for all bighorn sheep. Their seasonal winter migration is *only* the short distance down from the Booth/Pitkin drainages to the south and southwest-facing slopes of the I-70 corridor in east Vail. Do we really want to further disrupt this already disturbed habitat that is precious to them?

All that being said, I am in full support of the letter from the Vail Homeowners Association

(VHA) dated 1/31/21 to the Mayor and Town Council, and the objections to the Pre-Development Agreement with Triumph Development as it is currently written. I also recommend, and am in favor of the re-write of paragraph #4 as they (VHA) have drafted it for a revised pre-development plan.

Thanks for hearing my thoughts,
Kathryn Middleton
(970) 376-1076
katmids@gmail.com

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Booth Heights/Triumph pre-development agreement
Date: Tuesday, February 2, 2021 10:55:09 AM

Tammy Nagel
Town Clerk
Town Clerk's Office

970.479.2136
970.479.2157 fax
vailgov.com

-----Original Message-----

From: Kerala WR <kkdoit77@gmail.com>
Sent: Tuesday, February 2, 2021 10:45 AM
To: Council Dist List <TownCouncil@vailgov.com>
Subject: Booth Heights/Triumph pre-development agreement

Good morning,

I wanted to voice my concern at the threatening nature of Vail Resorts latest stand on developing Booth Heights. I urge the Council to amend the pre-development agreement such that it protects the Town and Triumph from litigation from Vail Resorts, and further protects the Booth Heights area from development. The fact that we need workforce housing is not a new phenomenon; VR has had decades to address this issue and has done little about it. Housing needs to be closer to the work, i.e. town and ski slopes. There is a win-win situation, but VRs current stance is not it. Nor are they acting in anyway that is inline with their supposed stance on ethics, the environment, the community, nor their employees. Please stand up to their bullying.

Respectfully,
Kerala Rush

From: [Tammy Nagel](#)
To: [Stephanie Bibbens](#)
Subject: FW: Letter
Date: Tuesday, February 2, 2021 10:55:58 AM
Attachments: [Letter from Cindy Ryerson.pdf](#)
[image001.png](#)

Tammy Nagel
Town Clerk
Town Clerk's Office



970.479.2136
970.479.2157 fax
vailgov.com



From: Cynthia Ryerson <cindyvss@mac.com>
Sent: Tuesday, February 2, 2021 10:13 AM
To: PublicInputTownCouncil <publicinput.vailtowncouncil@vailgov.com>
Subject: Letter

Dear Vail Town Council Members,

I am Cindy Ryerson residing at 4859 Meadow Dr. unit B Vail Colorado. I am submitting this letter to be admitted into record at tonight's 2/2/21 town Council meeting. This email was mailed yesterday to Rob Katz and I have forwarded it to Bruce Finley at the Denver post.

Thank you ,

Cindy Ryerson
4859 Meadow Drive
Unit B

Vail, Co. 81657

970-390-5759

Sent from my iPhone