

Tammy Nagel

From: joanne glenn <vailjoanne@yahoo.com>
Sent: Tuesday, July 21, 2020 2:38 PM
To: PublicInputTownCouncil
Subject: My input

I am a 3rd generation Coloradoan and a 32 year resident, homeowner, employee & landlord IN WEST VAIL. My input as to an alternative to the Booth Heights Housing project is unequivocally NONE. Vail Resorts has been allowed to expand it's Evil Empire for far too long and at the expense of the original charm and local livability and tourist experience to the degree that now even wildlife areas are again to be sacrificed. Few people likely remember the arson of the Two Elk Building by protesters trying to protect expansion into known wildlife & endangered species habitats/regions. OF COURSE Vail Resorts prevailed and will likely steamroll over both native humans & animal inhabitants once again.

Another MAJOR reason that the need for worker housing is that private housing owners have been forced to deter from renting to workers (ESPECIALLY VR's absurd high season only hiring agendas that do not correspond with logical rental time frames) And also their ABSURD pathetic wage structure which requires grouping to even afford ANY housing possibility in the entire valley. Additionally, there is a severe disconnect between TOV rental regulations and the Eagle County County Court Small Claims present Presiding Judge. I, personally have been a COVID victim + victimized by manipulative & desperate housing seekers and ridiculous court incompetence and ignorance.

In the interest of educating the present council members of the egregious circumstances that they are either unaware of, or are disregarding as they arrive at decisions that further lead to the never ending downward spiral of what Vail Resorts advertises by the slogan: "Vail Like No Place Else On Earth". What a sham & a scam that actually is presently. Perhaps negatively in the view of other locals like myself who viewed Vail when it was still a peaceful sheep pasture.....NOW even the native big horn sheep are unwelcome in VR's continuing concept of greedy entitlement & corruption statewide in this tragic era.

Joanne Glenn

[Sent from Yahoo Mail for iPad](#)

Tammy Nagel

From: Kelli Holtz <kelli@holtzdesignstudio.com>
Sent: Tuesday, July 21, 2020 7:16 PM
To: PublicInputTownCouncil
Subject: Public comment

Hi there,

I was in attendance of the meeting tonight but unable to "raise a hand". I would like to share this letter with you, thank you.

We urge the Vail Town Council to please reconsider the bulldozing of a preschool without first securing a viable alternative location. The scarcity of childcare in the valley, and in Vail in particular, is a shortage of equal severity to that of employee housing. The mission statement of the Town of Vail is "Grow a vibrant, diverse economy and community and preserve our surrounding natural environment, providing our citizens and guests with exceptional services and an abundance of recreational, cultural and educational opportunities." The program at Children's Garden of Learning embodies this on every level. If the Town is committed to making Vail a place where families can live and work, child care is a necessity. In addition, the decision making process raises several red flags. Using the pandemic as a pretext to avoid any public comment, and having all discussions take place under executive session suggests a desire to avoid uncomfortable public scrutiny. Please reconsider this decision with full public input and transparency.

Chad and Kelli Holtz

Kelli Holtz, ASID
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Tammy Nagel

From: Susie Kincade <susie@womenempower.us>
Sent: Tuesday, July 21, 2020 4:26 PM
To: PublicInputTownCouncil
Subject: Public Comment on Sheep MOU

Dear Council Members,

I am a 40 year resident of the valley. Though I now live in Eagle, the valley is my home and has been for four decades, and that gives me a stake in the issue of Booth Heights which I've been following for many months. I wanted to offer my voice on behalf of those who have no voice in this issue – the big horn sheep.

Please do not entangle a simple agreement between the Town of Vail and a developer into a multi-layered, one-agreement-solves-all-problems Memorandum of MISunderstanding. It won't solve either problem. Indeed, it would be a devastating mistake that would prolong any and all solutions and undermine the initial and primary concern here which is to protect a deeply pressured herd of iconic sheep. These stressed bighorn sheep are a reflection of Vail's stressed and dwindling connection to its founding values: being a beautiful escape to a natural sanctuary for rest, recreation and soul rejuvenation. Delay in taking care of these wild denizens would be a death knell, not only for the sheep, but for Vail's soul.

I ask you this: What would our Founders do?

You bet! They would protect the sheep first, and then go about the business of finding housing solutions elsewhere. Two separate and meaningful acts of leadership.

Please consider the first part of the MOU but not the Vail Housing tie-ins that complicate and would slow any process to a standstill. The sheep don't have that long.

Thank you for considering my comments.

Susie Kincade
Nature-based Empowerment Coach and Author
Founder, Women's Empowerment Workshop
www.womenempower.us
U.S. 970-328-5472
P.O. Box 1276
Eagle, CO 81631

Tammy Nagel

From: Siri Roman <siri_nelson@hotmail.com>
Sent: Tuesday, July 21, 2020 12:35 PM
To: PublicInputTownCouncil; Council Dist List
Subject: Siri & John Roman - Public Comment: MOU Alternative Housing Sites Initiative
Attachments: 20200720_ToVail_MOU Housing.pdf

Dear Town Council Members,
Attached please find a letter regarding the proposed MOU Alternative Housing Sites Initiative.

I would like to request that this letter read during public comment tonight.

Sincerely,
Siri Roman

Siri & John Roman
1761 Alpine Drive, Unit 1
Vail, Colorado 81657

July 21, 2020

RE: MOU Alternative Housing Sites Initiative

PLEASE READ THIS ON THE RECORD

Dear Town Council Members,

Thank you for the opportunity to comment on the proposed MOU between the town of Vail, Triumph Development, and Vail Resorts.

While the initiative achieves the written intended objectives of implementing housing and environmental stewardship in East Vail, it does not consider the negative impacts the initiative will have to our local schools and the families that live and work in the town of Vail.

The MOU is missing a critical partnership and objective—the continued priority, safety and well-being of our schools, our children and our families. The deal points outlined in the MOU negatively impact both the already site-constrained Red Sandstone Elementary School and the Children’s Garden of Learning Center. To truly be a collaborative partnership, this MOU should include a party representing our schools and families and their best interests.

Our schools and children are already suffering within the current pandemic; there is significant stress in trying to find a new way of learning that will be safe for our teachers and children. The urgency, or “time is of the essence” of this MOU appears unfounded within the current COVID-19 climate. Given the impacts that COVID-19 is having on our community, I would ask that the Council postpone this initiative. What we most need during this pandemic is stability. Pushing forward in such an uncertain time for government, personal, and community finances causes unnecessary upheaval to a critical segment of our fulltime residents.

The town of Vail is a wonderful place to live, and while housing and the environment are priorities, so is continuing to create a child-friendly community where families choose to live. A key to this is our local schools – both elementary and preschools. The town has been a leader in supporting preschools while also developing housing. Nearly 20 years ago, when Middle Creek was built, the town displaced the two long-operating preschools that were on that site. These two schools became The Children’s Garden and the town provided a site suitable for the important task of developing children. The proposed replacement site, to yet again displace children and families, is not similarly suitable.

Please continue to support our schools and continue evaluating other alternative housing site options, including purchasing a new parcel.

Sincerely,

Siri & John Roman

Tammy Nagel

From: Mike Floyd <cedarcanvas@gmail.com>
Sent: Tuesday, July 21, 2020 11:58 AM
To: PublicInputTownCouncil
Subject: Public comment on draft MOU to implement Alternative Housing Sites Initiative

Vail Town Council.

I am writing to comment in opposition of the draft MOU to Implement Alternative Housing Sites Initiative.

The language in the summary of the draft of this plan states that this is a "win-win" for the town. That is utterly false.

This plan fails to represent stakeholder interests across the town, namely the interests of the families who will lose access to childcare beginning in September of 2021, unless the town adequately addresses the relocation of Children's Garden of Learning to a more suitable site. The plan makes no mention of this fact.

The town's narrow-minded fixation on adding deed-restricted homes is driving this plan. While the addition of affordable housing is a worthwhile goal, it should not come at the expense of working families, which is what this plan does, while funneling eventual profits to Triumph Development and Vail Resorts.

The goals of preserving Bighorn sheep habitat and wildfire fuels reductions are both achievable without this plan as it is drafted. Surely the Council realizes that adding 144 deed-restricted beds is not much of a net gain when we lose a long-standing community childcare facility.

On a personal note, both I and my brother attended The Learning Tree of Vail as children in the early 80s. My son attended Children's Garden of Learning over the last couple years before going to RSES. We have an infant daughter on the waiting list for CGL. It is a special place, it provides quality childcare and is integral to our town.

I am a 2nd generation ski patroller with additional responsibilities of avalanche forecasting. My wife works in retail in Vail Village. Like others, we are living through the problems of unaffordable housing, expensive and scarce childcare, and insufficient wages. None of these conditions entitles us to any special treatment, but we are the exact type of family that will lose if this plan moves forward as it is drafted. We, and much of the community do not stand to gain any direct benefit from this plan and will have increased hardship as a result. The town needs to support childcare within the town because it is integral to our community's economic vitality.

As a longtime citizen, Vail native, and vested worker, I am requesting that the town council reject this MOU as drafted and seek a more suitable goal that equitably addresses the needs of all stakeholders.

Sincerely,

Michael Floyd
2489 Chamonix Ln I-1
Vail, CO 81657

Tammy Nagel

From: Mueller <mullvail@vail.net>
Sent: Tuesday, July 21, 2020 11:21 AM
To: PublicInputTownCouncil
Subject: Evaluation of flow path
Attachments: Scan1069.pdf

When in doubt, **Ground water tracer is a must,**
Greetings Mountaineers, Thank you for all the work you do on our behalf.

AnneMarie. Nee Perrin a Passy.

Subject: "Ground water tracer study in mountain hydrology"

From: Mueller <mullvail@vail.net>

Date: 12/10/2019, 8:48 AM

To: r8eisc@epa.gov

geology Hydrology

Thank you for offering the knowledge I must convey to "special Interest" development .I would need to receive and forward the studies on "the evaluation of flow path and transport parameter" of ground water, such as springs and snow melt, from high up the mountain, directly above proposed housing , frontage road and HI 70.

Over several days, with binoculars, I spotted fissure and vents full of water on the steep green slope above the proposed site, while the slope to the West was very dry, yellow, with barren crest, a remarkable contrast.

Also, the cliff above the site shows barren rock from water flow into the 90 degree angle of the steps, not surface water.

I wish to convey that mountain climbers must reach the high plateau slope above the cliff and place **ground water tracer**" in the chasm ,infiltration holes.drainage etc... In the old days of my grand father, they used cochenille dye, to avoid repeat of disasters, when roads got washed out (in the ravine) etc....

Cocherville

Could you please send pictures of Colorado and Rocky Mountains studies of land and cliff/ rock slides.

I do not wish to discuss my worries with the developers,. only to forward your studies and expertise.

Thank you very much for your assistance. (With water there is No Mercy -" Pas de Pardon")

AnneMarie Mueller (nee Perrin a Passy-Chamonix, resident of Vail since 1965)

Catastrophe de Passy

Tammy Nagel

From: Alison Wadey <alisonw@vailchamber.org>
Sent: Tuesday, July 21, 2020 11:22 AM
To: PublicInputTownCouncil
Subject: VCBA Input on Draft MOU Alternative Housing

Dear Town Council Members,

Thank you for your continued work on providing housing for our workforce community. The VCBA is in support of your efforts and encourages you to stay the course with identifying and implementing workforce housing. We feel the use of the Middle Creek parcel is crucial to this process as the number of affordable units that would have been built on Booth Heights, can now be built on the Middle Creek parcel (CGL). (Minimum of 144 new beds.) We support the concept that CGL will be given the reigns to find a new location that they're happy with and that the Town would fund at a high level. This is true community spirit and work trying to find a "win-win" for all parties involved.


Going forward in light of our most recent ramifications due to Covid-19, attracting and retaining a viable workforce is going to be even more important than ever in our economic survival. Having a place where our employees can live that does not burden them with added costs of owning a car, not having access to reliable public transit, and the like will greatly help us support our businesses, community and local workforce.

Thank you for your continued efforts on behalf of Vail and our community.

Sincerely,

Alison C. Wadey
Executive Director

Vail Chamber & Business Association
241 South Frontage Road Suite 2 Vail, CO 81657
Office: (970) 477-0075 Mobile: (970) 376-1661
www.vailchamber.org

 Community-Inspired Guest Experience

Tammy Nagel

From: Robert Ford <robford1@me.com>
Sent: Tuesday, July 21, 2020 8:42 AM
To: Tammy Nagel
Subject: My presentation for tonights meeting
Attachments: Sheep meeting Vail.docx

Rob Ford

The pending negotiations on the proposed draft MOU have compelled me to write to you today. I thank you for bringing the MOU to the community, and, with a few changes and assurances by Council, I can give my support to the agreement. While I and others seem to find the wording of the MOU unnecessarily confusing, I have been assured by Scott and Kim that all future housing decisions will remain with the Town Council and not the Housing Authority. Also, that all future housing decisions will be presented to the public for full disclosure and discussion.

I would like to take a moment to discuss for your benefit and understanding the most recent history of affordable housing efforts in Vail.

Kevin Foley and I served on the Town Council together over 20 years ago, in the late 90's. We spent 4 years working on a long term affordable housing plan for Vail. We launched a community outreach program during that time called Vail Tomorrow to identify various sites and build community consensus for the plan. Our plan was two fold: to provide community housing and to keep young families in Vail. We passed that plan with either a 7-0 or a 6-1 vote.

That plan is sitting on a shelf somewhere in Community Development and has been for 20 years. It was never acted upon. What a huge disappointment. What a huge loss to the community. Why was it left to gather dust? I have asked this question many times over the years. The only good answer I can come up with is that the community really did not want to adopt such an extensive plan after all no matter what was said on surveys.

Furthermore, in the last 20 years while Vail failed to implement any comprehensive housing plan, the community has moved down valley. More families now live in Edwards where they can live in neighborhoods and the kids can ride their bikes to school.

Although the community survey shows housing to be a priority, the reality is that Vail is 99% built out and the community doesn't want housing built on pristine open space land. Residents value wildlife and nature over housing. Also, because the community has now moved down valley, the proposed Booth Heights housing is really not community housing but, high density business housing being provided for Vail Resorts at taxpayer expense. These issues make the housing decision far more complicated than what might be indicated by a general survey question.

The Founders of Vail wanted a village comprised of both businesses and residential housing working together to form a community. With Vail's incredible success over the years prices rose, residents moved out of the village core and in large numbers down valley to less expensive neighborhoods. However, the composition of the Town Council is still elected solely by the residents of Vail and not the business owners. The Town Council's job is to implement the wishes of their residential constituents. Yes, the business owners are an important component but not the controlling one as the founders decided early on. Both entities must

work together, to continue to make Vail a success. The residential constituents have over the years shown a steady commitment to open space, land management and a desire to preserve their wildlife. All of these competing interests have to be balanced in any successful attempt to have any affordable or business housing built in Vail. The failure to tackle this job over the last 20 years only makes it more complicated. Today Vail must seriously consider placing this type of housing down valley where the community is if it is to make any meaningful progress.

I hope my comments help you the council understand just how difficult it is to build the community and business support for housing. I am in favor of supporting this agreement. Let's move on. Let's try to reestablish the trust between the Council and their constituents. Let's work to discuss all the aspects of affordable housing which encompass community building vs business housing while maintaining the integrity of Vails longstanding commitment to open space and the protection of wildlife.

I want to thank this Council for working so hard to get this agreement done.

Tammy Nagel

From: Greg Kissler <gkissler@summitnet.com>
Sent: Tuesday, July 21, 2020 8:25 AM
To: PublicInputTownCouncil
Subject: Booth Heights Alternative

Vail Town Council,

I want to commend the work that the council has been doing to find an alternative to the proposed Booth Heights development in East Vail. For many reasons developing the East Vail property is a bad idea. The citizens of Vail and others spoke loud and clear in opposition to the project.

I don't know anyone that is opposed to workforce housing and more deed restrictions to allow those who work in Vail to afford to live here too.

I don't believe that was ever the issue. The alternative to develop additional workforce housing adjacent to Middle Creek and the redevelopment of Timber Ridge are in my opinion excellent choices. The location couldn't be better for many reasons, being able to walk to work being perhaps the most beneficial. I trust the council to find a reasonable solution for the relocation of the Children's center.

I fully support the Vail Town Council to proceed with this alternative plan.

Thank You,

Greg Kissler

2653 Cortina Ln, Vail CO 720-272-6348

Tammy Nagel

From: Jonathan Staufer <jonathanstaufer@gmail.com>
Sent: Tuesday, July 21, 2020 6:51 AM
To: Council Dist List
Subject: Booth Heights MOU

Vail Town Council
75 South Frontage Road
Vail 81657

Via email

July 21, 2020

Dear Mr. Mayor and Honorable Council Members,

We've been told by your representatives for over a year now that we should "trust the process." We've been through a flawed zoning process, a flawed approval process, a flawed appeals process, and an election cycle. This Town Council is now spending tens of thousands of our tax dollars to fight your own citizens, who are spending tens of thousands of dollars to keep our community from becoming a suburban dump, all so the Town to defend the planned destruction of a property that has been on the priority protection list of every single Open Lands Plan for nearly 50 years.

And now this Memorandum of Understanding, which not only fails to permanently protect the North Katsos Ranch property, but which ties its fate, as well as that of our indigenous herd of bighorn sheep, to the destruction of Donovan Park. Donovan Park was purchased as open space with Real Estate Transfer Tax, a fund specifically created for the acquisition of open space, and which has already been vigorously defended from at least two prior attempts to destroy it. Meanwhile, Broomfield Resorts, conspicuous in their absence at the negotiating table, must be licking their greedy chops at the prospect of what they'll be able to extract from us to keep them from derailing any deal at the eleventh hour.

Is this a negotiation or total capitulation?

If the Town continues to negotiate from a position of weakness, Broomfield Resorts and Triumph Development will continue to take advantage of the Town. The Town Council has the upper hand and the support of your constituents: You can vacate the zoning and the approval or you can condemn the property. If bad advice does not permit you to negotiate from a position of strength, seek new advisors. And if your negotiators refuse to use whatever leverage they have to represent your interests and that of your constituents, find new negotiators.

Trust the process? As it's been going, "the process" will turn Vail into the Front Range metroplex's western most exurb, yet another place people have to drive through to get someplace beautiful.

Sincerely,

Jonathan Staufer

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Jonathan Staufer
100 East Meadow Drive, Suite 31
Vail, Colorado 81657

970.331.3401

Tammy Nagel

From: Lynn Gottlieb <murphy10178@yahoo.com>
Sent: Tuesday, July 21, 2020 8:44 AM
To: Council Dist List
Subject: MOU for Booth Heights

Dear Council Members:

Today you will be considering the MOU concerning protecting the sheep at the Booth Falls Site. I urge you to do all you can to amend this memorandum. As it is written, it does not guarantee that the TOV will own and control what happens to the Booth Heights property for many, many years. The memorandum binds the TOV to a housing agreement that goes well beyond the original idea of providing VR and the development company with comparable development opportunities in the TOV in return for a direct swap for the Booth heights parcel. It provides a loophole that Booth Heights will end up being developed in the future and the sheep will NOT be protected in the end.

If you are going to try to leave a legacy for our town, then make it a straight forward, true one!!!

Best,
Lynn Gottlieb

Tammy Nagel

From: Josef Stauer <joestauer@live.com>
Sent: Tuesday, July 21, 2020 6:44 AM
To: Council Dist List
Subject: Booth Heights "MOU"

Dear Mr. Mayor and Honorable Town Council Members:

Memorandum of Understanding OR Memorandum of Unbelievable?

Whoever suggested all those employee housing units on Donovan Park should be tarred and feathered and run out of town. Next thing the moron is going to suggest is staff housing on Ford Park.

What is so complicated? The Town of Vail deeds to Vail Resorts and Triumph enough land east of Middle Creek to build the number of units approved at Booth Heights and Vail Resorts and Triumph deed the land at Booth Heights to the Town of Vail. The Town of Vail zones the property Open Space and basically deeds it to the bighorn sheep.

But here comes Vail Resorts trying to manipulate the Town of Vail to give them more. Why not? The Town of Vail built them parking, so why not employee housing? That's what this is all about. Of course Vail Resorts don't want to give up future development opportunities on the Booth Heights property, so we'll kick the can down the road and visit the issue again in the future!

The time has come for the Town to stop pussy footing around. There are two options on the table: We trade the land even-Steven with no strings attached, or we start a condemnation procedure as we did with Ford Park.

Sincerely,
Joe Stauer

Tammy Nagel

From: Mike Browning <mfrowning@pbblaw.com>
Sent: Monday, July 20, 2020 7:45 PM
To: PublicInputTownCouncil
Subject: FW: Booth Heights Land Trade MOU
Attachments: ESWA- draft letter to Vail re Booth Heights MOU (00114188).docx

From: Mike Browning <mfrowning@pbblaw.com>
Date: Monday, July 20, 2020 at 7:33 PM
To: "pubicinputtowncouncil@vailgov.com" <pubicinputtowncouncil@vailgov.com>
Cc: "boss@eaglesummitwilderness.org" <boss@eaglesummitwilderness.org>
Subject: Booth Heights Land Trade MOU

Dear Council Members – Please see the attached letter regarding the proposed Booth Heights MOU from the Eagle Summit Wilderness Alliance, a local non-profit organization helping the USFS protect and manage the Eagles Nest Wilderness and other Wilderness Areas in Eagle and Summit Counties. In short, we support the Vail Homeowners Association’s position that the MOU should be limited to the land swap and not include the unrelated and more complex affordable housing initiatives.

Thank you for your service to our community.

Mike Browning
2020 ESWA Chair
4229 Nugget Lane
Vail, CO



July 20, 2020

Town Council
Town of Vail

Re: Proposed Booth Heights Memorandum of Understanding

Dear Council Members:

The Eagle Summit Wilderness Alliance (ESWA) is an all-volunteer, non-profit organization that supports the Forest Service's efforts to protect and preserve the Eagles Nest Wilderness, Holy Cross Wilderness and Ptarmigan Peak Wilderness Areas in Summit and Eagle Counties. See our website at <https://eaglesummitwilderness.org>. Many of our members are residents of Vail, and all are lovers of Wilderness. I personally live at 4229A Nugget Lane in East Vail.

ESWA's primary interest in the proposed Booth Heights land swap is the protection of the Bighorn Sheep herd that uses the Booth Heights property for winter range. Wildlife in the Vail Valley is under increasing pressure from human development and the increased number of hikers in our local Wilderness Areas. It is vital that we protect the critical wildlife habitat that remains. This is particularly true of the winter habitat provided by the Booth Heights property as it is essential for the survival of the Bighorn Sheep that spend the remainder of the year in the Eagles Nest Wilderness.

We commend the Town for its willingness to consider a trade of the Booth Heights parcel for Lot 3 of the Middle Creek parcel. Such a trade protects critical habitat for the Bighorn Sheep while allowing Triumph to develop its planned 144 housing units in a more responsible location. We fully support such a land trade. However, we are concerned that the Memorandum of Understanding as currently drafted is being used as a vehicle to advance affordable housing proposals by the Vail Local Housing Authority that have nothing to do with the land swap.

The protection of Bighorn Sheep and the development of affordable housing are both important issues, but they are unrelated and should not be artificially tied together. Doing so threatens to delay and possibly undermine a relatively simple land swap needed to protect the

Bighorn Sheep's winter range. We adopt and support the detailed arguments and proposed revisions to the MOU in this regard set forth in the Vail Homeowners Association's July 13, 2020 Call to Action.

Affordable housing is an important issue, and the Vail Local Housing Authority's proposals deserve careful consideration on their own merits. However, they should not, and need not, be tied to the protection of our Bighorn Sheep.

Sincerely yours,

Michael F. Browning
ESWA 2020 Chair

Tammy Nagel

From: Sofija Cikara <healnhandz@gmail.com>
Sent: Tuesday, July 21, 2020 7:15 AM
To: PublicInputTownCouncil
Subject: Public input 7/21

Please read comments on the record for Alternative housing initiative

Dear town council members,

I am a parent of two CGL students and I am also a clinical employee of Vail Heath hospital. Good childcare is hard to come by in this valley. We were on a waiting list at several locations for over a year before there were openings that would accept both of our children. Although the hospital has a partnership with Vail Child care, but we chose CGL for its alternate approach to education, access to natural land, it's location and hours of operation. This has allowed me to retain employment at the hospital, while knowing that my children are safe, well cared for, and thriving at CGL.

Having a layover in temporary location would greatly impact that approach to education, the town council needs to extend CGL's lease until it secures CGL a permanent comparable location.

Sincerely,
Sofija Phillips
920-216-8945
Healnhandz@gmail.com

Tammy Nagel

From: JOHN & DIANA DONOVAN <dianamdonovan@msn.com>
Sent: Tuesday, July 21, 2020 8:03 AM
To: Council Dist List
Subject: Meeting July 21, 2020

This process started out as an effort to protect the bighorn sheep but has clearly become focused on sites for housing development with no guarantee it is affordable or still needed. Zoning, land plans, RETT purchases and other controlling efforts on land uses are being ignored. The importance of child care facilities to any community is ignored. Everything is discussed in executive session with never any report outs making it really difficult for interested and concerned parties to be informed but that is clearly the way this has all been planned by certain individuals. And at the end of this entire fiasco the sheep are not guaranteed protection. Such an unfortunate time in Vail's history.

And still no public discussion on any of the issues. A meeting for council to listen to the public with no back and forth is for appearances only just like earlier meetings where council's only response was "I heard nothing new".

I feel great sadness for the sheep, the children and the future of Vail.

Diana Donovan

Sent from my iPhone

Tammy Nagel

From: Kirsty Hintz <kirsty_hintz@comcast.net>
Sent: Monday, July 20, 2020 6:18 PM
To: Council Dist List
Subject: Memorandum of Understanding - questions and comments

Dear Town Council

It would appear that tomorrow evening's session may be quite busy and so I thought it might be more useful to put my thoughts down in advance.

First of all I do not agree that the Booth Heights title transfer be contingent upon realizing the entire goal of 1,000 deed restricted homes. That is patently ridiculous and will take years. The Memorandum of Understanding should relate only to the transfer of the Title from Vail Resorts to the Town of Vail once the 144 beds have been completed and the lease transferred to VR from Triumph. I was also surprised that there was no mention of the Town buying the land. In my view TOV should buy the land and VR should receive the lease for their 144 beds and that should be sufficient for title to be exchanged which would be on or about November 2022.

At present the MOU is only an understanding between the Town and Triumph - why Vail Resorts is not party to it I do not know but I would think that they have to be.

In the current MOU it states that once title resides with the Town that it can "do with it as it deems appropriate." No. The land should be immediately declared open space to ensure that future councils and future housing tzars cannot build on the land. That is imperative.

The current MOU outlines "desired outcomes". I am mystified why under the goals of Vail Resorts it states that Vail Resort wants "use of the Booth Heights parcel as a means to advance the Town of Vail's goals for deed restricted homes of 1,000 by 2027." Given that they are not actually a party to the MOU I do not understand why they as a Corporation particularly care about what the Town's stated goals on deed restricted housing is.

The more I read the MOU the more I come to the conclusion that it is the department of housing who want to use the Booth Heights parcel as a means of attaining their own goal.

I don't actually know how the 1,000 number of units came to be the objective which is doubling the current deed restricted units. In this MOU it does not outline how many units will actually be built overall at Lot 3 - it merely says that Vail Resorts will lease 36 two bedroom units. It does state that there will be 200 family units built at Timber Creek of which 54 two bedroom units will be leased to Vail Resorts. I do not know how many net new units will be built at Timber Ridge. So Vail Resorts will have a total of 100 of the 1,000 units - exactly why do they care about the other 900?

It then states that the Town will build, acquire down valley, etc 400 additional units so of the 1000 desired new units perhaps Lot 3 and Timber Ridge account for a net new 100 or 150 - it would be nice to know. This then still leaves 350 or more new units to be found before Step 7 of this MOU can be completed and the Title to the parcel transferred. However if it is concluded that the Booth Heights parcel is essential to attaining the 2027 goal then this MOU is totally meaningless as an intention of transferring title to the Town of Vail with the sole purpose of preserving the land for the sheep which is actually what the residents of Vail want.

Due to the fact that Mr Ruther and his team put this together presumably with the Town lawyer - there is a complete bias towards his own goals as the person in charge of finding places to build or buy restricted deeded housing by 2027

and then getting the Council's agreement on this MOU as a way of holding the title to the Booth Heights parcel hostage. That simply cannot stand.

As I stated above, the MOU should not be called The Alternative Sites Initiative Memorandum. It should be called The Transfer of Title to the Town of Vail for the purposes of designating it Open Space. This MOU needs to include Vail Resorts and title should transfer to the Town once the 36 units have been leased to Vail Resorts and once the Town has paid a price for the land.

The redevelopment of Timber Ridge is necessary and I understand why Vail Resorts do not want their employees disrupted but it has nothing to do with Booth Heights. Lot 3 is the alternative - not Timber Ridge.

As for the hundreds of other deed restricted units that are required to achieve the 2027 goal, I would think that this process has at least identified other areas, but again how this is achieved should have NO bearing on the transfer of title.

Yours sincerely

Kirsty Hintz

Tammy Nagel

From: Cynthia Ryerson <cindyvss@mac.com>
Sent: Monday, July 20, 2020 3:35 PM
To: PublicInputTownCouncil
Subject: Tuesday July 21, Council items -Booth Heights Parcel

Dear Town Council members,

Thank you for your continued efforts to try to find alternate locations for the Booth Heights development.

I believe that the site, with its critical importance to the Gore Valley Big Horn sheep herd's survival, as well as its visual impact on visitors and their initial view of the Vail Valley has to be preserved in its natural state. The draft version of the MOU is a good start but I feel that Booth Heights with it's 144 EHU's required by Vail Resorts should be a single issue and satisfied with the completion of the 144 units proposed at the Middle Creek location. The transfer of title of the Booth Heights property from Vail Resorts to the Town of Vail should not be linked to the VLHA and its aspirational goals of 1000 units by 2027.

Furthermore in Section 3 a ii., the MOU has no guarantee in it that if title of Booth Heights is transferred to the Town of Vail that it would indeed be put into permanent conservation. In light of Vail Resorts stated commitment to honor the natural environment and the Town's mission of "preserving the surrounding natural environment" and its value of being "stewards of the environment" there are better alternatives out there and I appreciate that you will continue to work to preserve this unique and critical habitat for future generations to enjoy.

Sincerely, Cindy Ryerson

Tammy Nagel

From: James Gregg <greggco@gmail.com>
Sent: Monday, July 20, 2020 2:35 PM
To: PublicInputTownCouncil
Subject: Memorandum of Understanding

I have owned my home in Vail since 1995. I feel the town has done a good job over the years improving the quality of our lifestyle, maintaining a balanced budget, and setting aside "Open Space" for us and future generations to enjoy in what we thought was perpetuity. It is this town council and all future council's ethical and moral responsibility to uphold and confirm open space zoning now more than ever and not get caught in the justification that it's for 'employee housing'. I am referring to a disturbing report that spoke of developing Donovan Park for employee housing. As a citizen and taxpayer of Vail I am voicing my opposition to that concept. I think it important at this meeting to confirm to the citizens of Vail, by a vote of the council, that Donovan Park will remain open space.

I believe this memorandum of Understanding is unnecessary and can only tie you to a future situation you don't want to be in. Triumph and Vail Resorts realized the risks of development pursuit prior to receiving a new zoning and housing approval for Booth Heights. It is not the Town of Vail's responsibility to reimburse them or give them exclusive rights to future development in the town.

Finally, let's finish what's out there-Timber Ridge. Half of that project has sat idle for a number of years now. Perhaps that's a blessing. I think it would be prudent at this time to take fresh concept to the remaining units. If you increase the stories you could double the number of units without disturbing any neighbors. You allow it for private developers (Solaris, the Lyon) and they are on the mountainside.

Setting a timetable for a number of units by a certain date is aggressive and subject to failure. Start with what's in place, finish it and work toward a future goal that is attainable and sustainable

Thank You
Jim Gregg
1966 West Gore Creek Dr

Tammy Nagel

From: Paul Bigsby <paulbiggsby@gmail.com>
Sent: Monday, July 20, 2020 1:34 PM
To: Council Dist List
Subject: Fwd: Booth Heights alternative proposal

>>> Good afternoon Council: I strongly support your recent decision to replace and seek alternatives to the Booth Heights project. Thank you.

>>>

>>> Understanding, that previous housing goals and certain timelines have been created I would ask for the Council and all parties take a serious and deliberate reconsideration of the deadlines due to the vast number of country-wide financial and social unknowns created by this pandemic. I urge the Council to pursue an extended PRUDENT PAUSE in deciding on this important issue in these financially challenging times. We will all know so much more and hence allow better planning as our health and personal and public finances emerge from this pandemic.

>>

>>> The conversations about a win-win alternative are admirable. However, perhaps the best decision can be made if we can delay our decision until we know more about the pandemics' immediate and long term impacts to the general public's health and our Town's, our residents, our guests and Vail Resorts financial plans and positions.

>>>

>>> It certainly is well known and accepted that you must continue to seek, examine and present alternatives. However, now is the time to slow down, pause, reconsider and re-examine the unknowns of the dynamic health and financial issues our Town, Vail Resorts, our residents and tourism will face over the next 12-18 months.

>>

>>> With this current worldwide pandemic creating multiple, ongoing unknown challenges I believe we all know there will be significant short and long term financial impacts to both our Town, Vail Resorts, future tourism, tax receipts and possibly employment and housing needs. I suggest any long term financial commitment and consideration of this project, new or additional deed restricted properties should be delayed and can be better determined in the next 12-18 month or when clarity of the health and financial future of all of us is better known.

>>

>>> Yes, this will be difficult and challenging time and project and I urge all parties patiences. Imposing timelines or deadlines on this project will not serve anyone's best use of resources.

>>

>>> Thank you for your time and consideration, Paul Bigsby, 1180 Casolar Del Norte, Vail (970)471-1447

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>>>>>

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>>>>>

>>>>> Sent from my iPad

Tammy Nagel

From: rolvail@aol.com
Sent: Sunday, July 19, 2020 5:56 PM
To: Council Dist List; Scott Robson
Subject: MOU

Dear Town Council,

I don't know how the MOU regarding a substitute location for Booth Heights got so off track. In these times of reduced revenues and CV-19 I feel it may be time to disband the Vail Housing Authority. The Town Council and the democratic process of citizen input into decisions regarding our community are being circumvented by this convoluted MOU. This should not be used as a separate housing plan! There should be no delay in transfer of title to the Booth Heights parcel, which should then be designated Open Space.

Approval of anything more than the original land swap by the Town Council would be boxing itself in and an abdication of future responsibility in decision making.

Also, there appears to be a lot of, apparently, employee housing projects being built down valley. Maybe it is time to utilize less controversial locations rather than a continuing lurch from one crisis to another! Our community doesn't deserve this.

Respectfully

Rol Hamelin

Tammy Nagel

From: Larry Stewart <lsstewart@stfblaw.com>
Sent: Monday, July 20, 2020 11:05 AM
To: PublicInputTownCouncil
Subject: Booth Heights MOU

Dear Mayor and Town Council:

I have registered to attend tomorrow's meeting via Zoom but because I am concerned about technical glitches and being able to complete my comments within three minutes, I am also filing this written comment. I have been a Vail resident for over 20 years and an advocate for protection of the East Vail Big Horn sheep. I offer the following comments as a way to avoid controversy while at the same time achieve the Council's goals.

When it was announced by the Mayor in January that the Town was seeking a "win-win" solution to the potential development of Booth Heights, I was very pleased. But when I saw the proposed MOU I was shocked to see that a simple, straight forward land swap now had a housing plan attached to it and that the two were tied together with a delay in the transfer of title from Vail Resorts to the Town. As written, under sections 4(k) (ii) and (iii) and *Step Seven* (section 5(g)), the transfer of title would be delayed for many years after the alternate Middle Creek site was built and occupied. That leaves open at least the possibility that something could go wrong, and Booth Heights could also be built even though Middle Creek was built and occupied, the very thing that the land swap was supposed to prevent. Apparently, that very possibility is contemplated by the Council because there is a provision in the draft (section 4(d)) for that to happen. Of course, that would defeat the purpose of the land swap, which is to protect the Big Horn sheep.

I submit that this is both unnecessary and ill-advised since there is another way to achieve the goal of a housing plan that would not involve any delay in the transfer of title or the possibility that both Middle Creek and Booth Heights would be developed. That could be accomplished through a Master Plan for Affordable Housing. Actually, this is something that should have already been undertaken for, while the 2027 Housing Plan was innovative, aside from the InDEED program, there was no plan to achieve its goals. A Master Plan now would flesh out that plan and provide a way forward to achieve the 2027 goals. And, since there would be public input, there would be a community commitment to its provisions.

This is not an effort to delay a housing plan. A Master Plan could proceed immediately and be completed this year, possibly in just a few months, so it would be in place well before the December 31, 2020 deadline for a completed contract with Vail Resorts and Triumph Development. To make that clear, a "milestone" could be added to section 4(k) and a "step" could be added to the "7-step strategy" in the MOU to provide that the Town will initiate a Master Plan process for the development of an affordable housing plan to implement the goals of the 2027 housing plan.

This is also not an effort to avoid or put off the completion of the 2027 housing goals. A Master Plan that incorporated Timber Ridge, West Middle Creek, the CDOT East Vail parcel and the Town bus maintenance facility would provide 380 additional units. When added to Middle Creek, that would be 525 units, bringing the total new units up to 725 (there are already over 200 units under the 2027 plan). The InDEED program can be expected to yield at least another 100 units and probably more over the next seven years, which brings the total up to at least 825 units and the balance of 175 units could easily be achieved over the next seven years through probable future in-Town developments and down-valley opportunities, which means that the Town will meet or exceed the 1000 unit goal of the 2027 plan.

Lastly, this is not an effort to interfere with the plan to grant Triumph Development a first option for the development of Timber Ridge. I have no objection to that provision and, even if there was a separate Master Plan for Affordable Housing, that provision could remain part of the “deal” on Booth Heights.

Proceeding in this fashion, with a Master Plan for Affordable Housing instead the delayed title transfer in the current MOU, will avoid the controversy of trying to use the Booth Heights land swap to tie the hands of future Councils and the community to force a housing plan that has not been officially adopted. It will also result in a community approved plan for achieving the 2027 goals, a “win-win” outcome to go along with a “win-win” straightforward land swap of the Booth Heights property. There would thus be no delay in the transfer of title (it should occur when a C/O issues for the Middle Creek alternative development) and no chance that something could go wrong resulting in both Middle Creek and Booth Heights being built.

If the Council proceeded in this fashion, the MOU would become a more simplified document. There would be no need for the Timber Ridge or the 400 new unit “milestones” or “Step Seven” since those would be covered by the Master Plan. “Step Seven” could then become a straightforward provision that upon issuance of a C/O for Middle Creek, Vail Resorts will transfer title for Booth Heights to the Town. There would also be no need to extend existing Booth Heights development and vested rights beyond the completion of the Middle Creek development. I hope that the Council will proceed in this fashion as I think it will avoid controversy and help bring the community together.

There is also one other aspect of the MOU that was shocking. That is the inclusion of the Middle Bench of Donovan Park as a housing site. I had always considered the Middle and Upper Benches of Donovan Park to be one of the crown jewels of Vail’s open spaces. That was the purpose for which the Town originally acquired this property. Indeed, it was purchased with RETT funds which can only be used to acquire open space land and it has always been zoned as open space land. When attempts have been made in the past to use this property for other purposes, including housing, the community rose up in opposition. There was even contentious, expensive litigation in the 1990s. Even if it could be developed, it would yield only a few units. I believe that trying to once again convert this land into a housing site is an unnecessary and a very divisive matter. I therefore hope that the Council will remove this property from consideration.

Thank you for consideration of these comments.

Larry Stewart
5146 Gore Circle
Vail

From: [Larry Stewart](#)
To: [PublicInputTownCouncil](#)
Subject: Booth Heights MOU
Date: Monday, July 20, 2020 11:04:42 AM

Dear Mayor and Town Council:

I have registered to attend tomorrow's meeting via Zoom but because I am concerned about technical glitches and being able to complete my comments within three minutes, I am also filing this written comment. I have been a Vail resident for over 20 years and an advocate for protection of the East Vail Big Horn sheep. I offer the following comments as a way to avoid controversy while at the same time achieve the Council's goals.

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Thank you for consideration of these comments.

Larry Stewart
5146 Gore Circle
Vail

Tammy Nagel

From: Tom Vucich <vucicht@gmail.com>
Sent: Sunday, July 19, 2020 2:01 PM
To: Council Dist List; Scott Robson

All--I plan to participate via Zoom Tuesday evening, but want you to have this email prior to that. Among other issues I will raise regarding the draft MOU for the Booth Heights alternative site, the primary one will be what Blondie and I sent to you in an earlier email, but received no response.

That issue is spelled out in the 3rd "Whereas" on page 1 ("preserving the property at Booth Heights consistent with the adopted 2018 Comprehensive Open Lands Plan Amendment") AND on page 2, para. 3(a)ii "Possession of title to the Booth Heights Parcel in East Vail to do with as the Town deems appropriate".

Because the 2018 Open Lands Plan Amendment was approved by each and every one of you (Brian, you did as PEC commissioner), and because that plan specifically addresses this proposed land swap (VR would not be developing it) page 51 states in Action Item 23 "the Town should take steps to acquire the property...to protect the land from development."

The 2 statements in the MOU referenced above clearly are in conflict with each other. I believe "deems appropriate" means that you all want to leave a future option on the table to develop the parcel under Town ownership. That eventuality is definitely NOT what the public believes was the intent of the Alternative Site Initiative--to give VR/TD equal or better land/opportunities and to still leave the BH parcel subject to development would be truly disingenuous on your part.

If you all are honestly wanting to be transparent and straightforward you all need to have the fortitude to state publicly Tuesday evening where you individually stand on this issue--to follow what you approved in the Open Lands Plan or to now say just a bit more than 18 months later "oh, we changed our minds--housing is now more important than preserving an important (and controversial) town parcel"? Preserving is defined as "maintaining something in its original or existing state", not "developing it if need be." And, especially in light of the priorities recently revealed in the 2020 Town Survey, if you favor leaving open the development option you will demonstrate that you are totally out of touch with your constituents.

As I mentioned, my intention is to raise this discrepancy publicly at Tuesday's meeting during my 3 minute comment time. I hope you will have the strength of character to individually state (or through a show of hands?) how you actually feel about this language when the Town takes title. My hope is also that you will, as a council, change that language to reflect truly preserving it. You owe that to the public and to your own integrity.

Best regards,
Tom Vucich

Tammy Nagel

From: Blondie Vucich <runblondie49@comcast.net>
Sent: Friday, July 17, 2020 6:23 PM
To: Scott Robson
Cc: Council Dist List

Dear All,

While I understand the importance of new restrictions regarding the Covid virus, I respectfully ask you to remove the MOU from the agenda for the July 21st meeting.

This issue is of utmost importance to the community and it deserves in person participation. The physical presence of residents at the podium is something the Vail Town Council should witness, whether proponents or opponents. Please delay.

Thank you for your consideration.

Blondie Vucich

Sent from my iPad

Tammy Nagel

From: pamelas <pamelas@vail.net>
Sent: Saturday, July 18, 2020 8:22 AM
To: Council Dist List; Scott Robson
Subject: Booth Heights Memorandum of Understanding

Dear Town Council and Town Manager:

In January when Town Council announced that it would attempt to negotiate a “win - win” agreement between the Town (TOV), Vail Resorts (VR) and Triumph Development (TD), we were very hopeful a settlement could be reached that would preserve the bighorn sheep habitat in East Vail and a more suitable site for workforce housing could be identified. The community waited eagerly for months, being encouraged with the occasional tidbit that the parties were holding serious discussions.

After nearly six months the public introduction of the Memorandum of Understanding (MOU) brought some good news along with some great concern. Rather than a straightforward document identifying an acceptable and superior alternate site for TD and VR to develop housing in exchange for the TOV receiving title to the East Vail parcel now known as Booth Heights (BH), citizens were presented with a convoluted plan that holds BH and the sheep hostage for many years and retains the potential that a land trade may not happen at all and that housing could be built at BH in addition to the ‘traded’ housing site. Further, we were shocked to learn that VR had not substantially taken part in the negotiations.

Rather than go through my objections point-by-point, which I am happy to do should it be necessary, the request is simple; 1) disentangle the BH alternate site land trade from the Vail Local Housing Authority (VLHA) and its Alternative Housing Sites Initiative (AHSI), and, 2) clearly state that if the TOV gains title to the BH parcel the land will immediately be zoned as Open Space, to be permanently protected. 3) It should be plainly noted that title to the BH parcel will transfer to the TOV immediately upon issuance of a Certificate of Occupancy for housing on the alternate site, presumably where the Children’s Garden of Learning now sits.

We recognize the need and desire to identify and/or build more workforce housing and encourage VLHA to develop a masterplan for its AHSI, but trying to tie its implementation to the VR/TD/TOV deal on BH is disingenuous. As written, the MOU places the BH site under years of uncertainty and even allows VR to develop housing there if VLHA’s goals are not met.

I urge you to reject the MOU as it is currently written and amend it to a single purpose; to clearly and succinctly describe an agreement whereby the TOV will work with VR and TD to facilitate construction of workforce housing on an alternate site and that immediately upon completion of that construction, the East Vail BH parcel will be designated as Open Space to be permanently preserved.

Thank you for your consideration, we hope a straightforward and concise revision to the MOU will be quickly forthcoming.

Pamela Stenmark

Pamela Stenmark
pamelas@vail.net
(c) 970-376-1124

Tammy Nagel

From: Graham Hollis <gramhollis@icloud.com>
Sent: Friday, July 17, 2020 3:53 PM
To: Council Dist List
Subject: Booth Heights land swap

I've been reading a lot about the MOU regarding the landswap. I appreciate and support the work the TOV has done to come up with a workable solution to this complex issue. It is so important for the future of the Valley to have affordable housing.

Best regards
Graham Hollis
East Vail

July 17, 2020

To: Vail Town Council; Scott Robson, Town Manager

As an older woman with a progressive chronic disease, I am mostly still self-isolating, so encouraged by both my sons. I have seen them face to face only once each since the lock down in early March, my 2 older grandsons who leave soon for Seattle & Madison only once each, and the 2 younger ones, 14 & 16 not at all. I will not be in Council Chambers then July 21 or Aug. 4, but will be live streaming on Ch. 5 as I have since returning late May to Vail. You will have to pardon my absence before you & understand it is NOT for lack of passion on the issue being addressed, namely the hateful MOU/AHSI.

Times are way too uncertain at present to commit the Town & its already affected finances to a 7-10 yr. agreement of convoluted complications, a 7 step process by which all steps must go a certain way or the Bighorns pay with their winter habitat, and the Town pays with its diminished funds for Triumph's previous & some next development expenses, while Booth Heights development remains a risk.

The MOU should be de-coupled from the AHSI. Whenever was that plan—of VLHA, not TOV, approved & adopted as Town policy? I agree we need an affordable housing master plan, but we have not yet adopted one, nor is this uncertain time for the community, the ski resort, the future finances of Vail, the moment to consider one.

Without Town approval or public comment, how can Council commit us to a housing plan that includes such sites as Donovan Park & Middle Bench purchased with RETT funds & deemed by all as permanently open space?

Before the dust settles, & the bankruptcies due to the pandemic, how can we estimate the workforce housing needs in Vail? Perhaps those who short-termed to strangers from afar, may again prefer longer term rental to one or more tenants.

Already the return to schools is threatened. Can we guarantee a full 2020-21 ski season?

To approve this MOUAHSI agreement is fool-hardy at any time, but especially in the midst of all the present uncertainties, the most blithe ignorance I can think of. But when the dust does settle Wall Street will doubtless have snagged some bargains again. Not a good time to take on new obligations for the rest of us. Keep it simple, please.

Anne Esson

Tammy Nagel

From: Susan Bristol <susan.bristol@gmail.com>
Sent: Friday, July 17, 2020 9:52 AM
To: Council Dist List; letters@vaildaily.com; ValleyVoices@vaildaily.com; Scott Robson
Subject: Vail's MOU - redrafted from 15 July 2020
Attachments: Vail's MOU 16 July 2020.docx

16 July 2020

Letter to the Vail Town Council and to the Vail Town Manager Mr. Robson,

The Vail Town Council is in danger of abrogating its responsibility for wise and strong management of TOV funds and initiatives. The danger lies in an approval of the proposed MOU between the TOV, Vail Resorts and Triumph Development as currently written. As the Vail Town Council is elected by citizens to represent their concerns, to share that responsibility with or to be unduly pressured by any other entity would be a travesty of the worst kind.

The purpose of the MOU, as I understand it, is to assure the transfer of ownership of the so-called Vail Heights property from Vail Resorts to the TOV, giving consideration to Vail Resorts' agreement with Triumph Development – a simple agreement that would assure that Triumph Development would be allowed to construct a number of housing units equal to those approved by the PEC for the Booth Heights property – 144+/- units and giving Triumph right of first refusal to redevelop the Timber Ridge Village Apartments. The transfer of title to Booth Heights from Vail Resorts to TOV should be no later than the date a C/O is issued for the Middle Creek development, rather than being dependent upon a number of other proposed factors. Subsequently the so-called Vail Heights property should in the MOU be declared immediately by the TOV to be “Designated Open Space” protected in perpetuity.

In an effort to be inclusive in delineating the MOU, the above process has muddied the waters. The Town Council should retain its authority to allocate funds and determine timing for housing development within the TOV as and when funds are deemed sufficient and a need is agreed upon by the Council. Representing the citizens of Vail, the Council should not be held hostage to imposed declarations regarding timing and funding by any other entity.

The aggressive proposals for “ALTERNATIVE HOUSING SITES INITIATIVE” now included in the MOU proposal should be entirely separate from the timely MOU agreement to settle the issue of Booth Heights. In its proactive proposals for workforce housing, the VLHA should be reminded that the citizens of Vail have been involved for many years prior to the VLHA's creation in the thoughtful preservation of the rare open space within the Town of Vail. Case in point is the successfully litigated preservation of the three benches of Donovan Park legally based on their purchase via RETT funds by the Town. The VLHA was formed to consider the issue of workforce housing, not to be a tail wagging the dog/Town Council. In any case rezoning of any of our Open Spaces should be extensively examined by the Town Council and very possibly be put to a citizens' vote, considering the divisiveness of the Vail Heights process produced within our town. Let us have Peace and trust in our Vail Town Council.

Respectfully,

Susan Bristol, Hon. AIA
1652 Matterhorn Circle (since 1972), Vail CO (since 1970)
susan.bristol@gmail.com – 970-476-2608

cc: townCouncil@vailgov.com, srobson@vailgov.com, letters@vaildaily.com, valleyvoices@vaildaily.com

NB: This is a redraft of my letter of 15 July 2020.

16 July 2020

Letter to the Vail Town Council and to the Vail Town Manager Mr. Robson,

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Susan Bristol, Hon. AIA
1652 Matterhorn Circle (since 1972), Vail CO (since 1970)
susan.bristol@gmail.com – 970-476-2608

cc: towncouncil@vailgov.com, srobson@vailgov.com, letters@vaildaily.com, valleyvoices@vaildaily.com

NB: This is a redraft of my letter of 15 July 2020.

Tammy Nagel

From: Audre L Engleman <audreengleman@hotmail.com>
Sent: Thursday, July 16, 2020 5:19 PM
To: Dave Chapin
Cc: 'towncouncil@vailgov.com'; 'srobson@vailgov.com'
Subject: Please vote against the Booth Heights MOU

Hi Mayor Dave and the rest of the Council Members,

I encourage you to vote against the Memorandum of Understanding for the Booth Heights/Middle Creek land swap that has been presented to you. It creates complications by introducing the Alternative Housing Sites Initiative into what should be a singular focus on the Bighorn Sheep and the preserving their habitat adjacent to the Booth Heights development.

It is aggravating to the 10th degree to threaten the simple land swap in the way that the MOU does and to re-open the wounds of our community with a fight over this MOU.

Please don't vote for the MOU. Thanks for considering my comments and hope that you stay healthy.
Audre Engleman, Vail

Audre Engleman
Four Seasons Private Residence 9204
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[Vail, CO 81657](#)
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Photos: aledm.fototime.com
Blog: travelingloveaffair.blogspot.com

From: [mike Halpert](#)
To: [Council Dist List](#)
Subject: Town MOU and Donovan Park Middle Bench
Date: Tuesday, July 14, 2020 7:24:23 AM

Members of Council- I am Michael Halpert 1054 Homestake Circle-TOV and a resident for over fifty years.

Please note I object strongly to the effort to add the Alternative Housing Sites to the MOU as presented for Booth Creek

I also object and feel very firm in my ideas as a long time local citizen that the Donovan Park Middle Bench is open space as provided for by the taxation program and is indeed intended to be for perpetuity.

Why the Town Staff insist on trying to break covenants that are meant for the long term as providers for decent planning, shows a complete lack of respect for the voting public.

Respectfully submitted

Michael P Halpert

.CEO/PHILHIDE
970 476B 5301
215 790 1717
mikehalpert79@gmail.com
hidemogul@aol.com

From: [David Ruttum](#)
To: [Council Dist List](#)
Subject: Fwd: Important activity regarding Booth Heights and bighorn sheep
Date: Tuesday, July 14, 2020 2:20:09 PM

Town Council

I am in favour of a simple land swap to protect the sheep. I am against a complicated swap involving housing.

David Ruttum
1388 Buffehr Creek Road

Begin forwarded message:

From: Citizens for Responsible Government
<citizens.responsiblegovernment@gmail.com>
Date: 14 July 2020 at 06:50:56 GMT-6
To: dmruttum@gmail.com
Subject: Important activity regarding Booth Heights and bighorn sheep
Reply-To: <citizens.responsiblegovernment@gmail.com>

**CALL TO ACTION REGARDING BOOTH HEIGHTS
MEMORANDUM OF UNDERSTANDING**

Extremely Important Town Council Public Hearings, July 21 & August 4, 6 pm

If you are concerned about the protection of the Bighorn sheep or preservation of TOV open space, you should attend or join Zoom for these public hearings because both issues will be on the table at those hearings. Both will be in-person hearings and, while COVID-19 rules will be in place, you will be able to appear before the Council and make your views and opinions known. This is EXTREMELY IMPORTANT because the Council does respond to public input.

On the Agenda: Review and approval of a draft Memorandum of Understanding (MOU) for the Booth Heights/Middle Creek land swap, critical to the protection of the Bighorn sheep.

What's at Stake:

- Instead of a simple land swap, the MOU incorporates the Vail Local Housing Authority's (VLHA) "Alternative Housing Sites Initiative" (AHSI), a plan which seeks to rezone and develop certain other properties for employee housing including the Middle Bench of Donovan Park.
- To force the development of those other properties, the MOU delays Booth Heights title transfer to the TOV for 3 years or more, even after the completion of the Middle Creek project, holding open the possibility of future development of Booth Heights if certain VLHA goals to create an additional 450- employee housing units are not met.
- The AHSI has not had any public vetting or Council approval. If approved as part of the MOU, it turns what was believed to be a simple land swap into a housing project to add a net of 450 new deed-restricted units before the Booth Heights title will transfer to the TOV. Thus, the Town Council could only achieve its purpose of

protecting the sheep if it accedes to the VLHA's plans.

Attached below is a memo prepared by the Vail Homeowners Association (VHA) and shared with us. It is worth the read as many alarming details are brought to light.

We encourage everyone to take the time to read the proposed Memorandum of Understanding, which can be found on the TOV website or go to this link:

[https://vail.novusagenda.com/agendapublic/CoverSheet.aspx?](https://vail.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=13177&MeetingID=1129)

ItemID=13177&MeetingID=1129 before participating in the upcoming meetings. The issues at stake are hidden near the end of the MOU document and are pointed out in the attached newsletter from VHA.

For anyone who is not comfortable going to meetings, The Town of Vail continues to offer remote Zoom opportunities for public input for Town Council, DRB and PEC meetings at: <https://www.vailgov.com/town-council>

We urge you to write letters to the Town Council and plan on speaking up about a document that, in its current form, encumbers the goal of saving the Bighorn sheep!

VAIL HOMEOWNERS ASSOCIATION

July 13, 2020

CALL TO ACTION

**Extremely Important Town Council Public Hearings,
July 21 & August 4, 2020**

On these dates there will be important public hearings concerning protection of the bighorn sheep and preservation of TOV open space. Both meetings will begin at 6 p.m., and while COVID-19 rules will be in place, you will be able to appear before the Council and make your views and opinions known. This is EXTREMELY IMPORTANT because the Council does respond to public input.

What's at Stake. These public hearings are for the purpose of reviewing a draft Memorandum of Understanding (MOU) which is intended to set forth the parties' objectives in replacing the Booth Heights development with one at Middle Creek. Unfortunately, it goes far afield and, once again, puts the sheep in jeopardy. It also proposes invading open space lands, namely the Donovan Park Middle Bench.

If these are matters that concern you, the VHA urges you to read on. Regrettably, this is a lengthy document but that is because the proposals are complicated and convoluted, and it, therefore, takes time to explain them.

The MOU. Much of the draft MOU outlines a straightforward land swap in which the Booth Heights property would be exchanged for an alternative housing site at Lot 3 of the Middle Creek property where Triumph can construct an equal number of housing units (144 or more units). The TOV will in turn receive title to the Booth Heights property, and it, along with a large swath of USFS adjacent property, will be restored and enhanced as sheep foraging land, all in all, a win-win proposition for all involved and importantly for the

sheep. As enticement for the deal, certain costs will be funded by the TOV, and Triumph will get a right of first refusal to redevelop the Timber Ridge Village Apartments.

If that had been the extent of the MOU, it would have been the “win-win” deal that was proposed by the Town Council, one which the VHA would have enthusiastically supported. But instead of just dealing with the proposed land swap, the draft of the MOU seeks to sweep in the Vail Local Housing Authority’s (VLHA) “Alternative Housing Sites Initiative” which would turn a straightforward land swap on its head, making the MOU a VLHA housing plan that puts the sheep in jeopardy and threatens development of the Donovan Park Middle Bench.

Sheep and Donovan Park Middle Bench in Jeopardy. The sheep are put in jeopardy by delaying the transfer of title to Booth Heights until 450 units of additional housing have been built; failing which, Booth Heights would still be built even if Middle Creek is built and occupied. When the MOU was explained at last Tuesday’s Town Council meeting, there was no mention that either Vail Resorts or Triumph wanted to withhold transfer of title. That is no surprise because neither Vail Resorts or Triumph is looking for this deal to be a matter of negative publicity. So what is left is that the current draft is something that has been dreamed up by housing advocates as a means of forcing the approval of the housing projects set forth in the VLHA Alternative Housing Sites Initiative, including putting housing on the Middle Bench of Donovan Park. And to make sure that happens, title to Booth Heights would be held hostage until the VLHA’s Alternative Housing Sites plan was accomplished.

The Alternative Housing Sites Initiative (AHSI). The AHSI is a little-known five-year plan of the VLHA to rezone and/or develop certain properties for employee housing. It has not been the subject of any public hearing nor has it been officially approved by the Town Council. It does, nonetheless, include the Middle Bench of Donovan Park as a future housing site. Other sites targeted for rezoning and/or development in that plan are the Timber Ridge Village Apartments, a CDOT East Vail site and West Middle Creek.

The AHSI was developed because the VLHA is significantly behind in its plan to create 1,000 housing units by 2027, and the VLHA saw the sheep situation as an opportunity to force agreement to the AHSI projects by incorporating them into the MOU and tying them to the transfer of the Booth Heights title. Thus, even though that AHSI has not been formally approved, if it slips by as part of the MOU, the VLHA will be able to claim that it has been adopted and that its provisions must then be followed, i.e., it could, for example, “stack the deck” for the rezoning of the Middle Bench of Donovan Park. At the very least, it would force approval of the AHSI projects since, if the community didn’t go along with future housing projects proposed by the VLHA up to 450 units, the transfer of the title to Booth Heights would not happen, and the sheep would be put, once again, in jeopardy.

How the AHSI Is Tied Into the MOU. The AHSI is tied into the MOU both by its title, “MEMORANDUM OF UNDERSTANDING ALTERNATE HOUSING SITES INITIATIVE,” and the second Whereas clause of the MOU which states that it is intended to “implement the Alternative Housing Sites Initiative.” As acknowledged at Tuesday’s Council meeting, the purpose of that is to create a long-range housing plan as part of the MOU. But the ties are much more extensive and insidious.

One would think that when the Middle Creek development is completed (by November 2022) title to the Booth Heights property would have also been transferred to the TOV. But to ensure that there is no interference with the AHSI projects, the proposed MOU would delay title transfer until the acquisition of a net 400 additional new housing units (a number that was upped at last Tuesday’s Council meeting to 450 units) which must include

completion of the Timber Ridge redevelopment (with at least 100 additional units).

Since the Timber Ridge redevelopment is not scheduled to be finished until October 2024 and who knows when the TOV will reach an additional 450 housing units (the new Middle Creek project and Timber Ridge are only projected to yield an additional 244 units), title transfer would be delayed until probably 2026 or later. All during that time, title to the land and protection of the sheep could be held hostage to prevent opposition to VLHA's plans because, if they are not completed, Booth Heights would then be developed. Indeed, that very scenario is expressly provided for in the MOU. This is the very thing that the land swap was supposed to prevent.

The specific provisions of the draft MOU that implement this plan are: ¶¶ 4(k)(ii) & (iii) and ¶ 5(g) Step Seven which delays transfer of title until the completion of both the Timber Ridge redevelopment (with 100 additional units) and the TOV's acquisition of a net 400 additional new housing units, ¶ 4(d) which provides for a transfer of title never taking place, even if the Middle Creek development is completed, and for Vail Resorts to ultimately also develop Booth Heights, ¶ 3(c)(v) which provides that one of the desired outcomes for Vail Resorts is the use of Booth Heights to advance the VLHA goal of achieving 1000 housing units by 2027 and ¶ 5(c) Step Three which provides that, as part of the land swap, the TOV will seek rezoning to increase the amount of Housing (H) District property. As already noted, the Middle Bench of Donovan Park is on the AHSI list for rezoning.

Cart Before the Horse. This scheme reveals a lack of trust in the normal processes of government. There is no reason that the VLHA could not have already proceeded with the AHSI plans on its own, separate and apart from the Booth Heights/Middle Creek swap, except that housing advocates do not trust the process. As a result, the community is now confronted with an MOU that seeks to force rezoning and development approval by holding up title transfer and threatening the development of Booth Heights and the Donovan Park Middle Bench even if Middle Creek is built and occupied.

Inclusion of Middle Bench Particularly Egregious. The inclusion of the Donovan Park Middle Bench in the AHSI plan is particularly egregious given its history. That land was purchased by the TOV in 1978 to be held as open space. The funds came from RETT funds that were dedicated to the acquisition of open space land. In keeping with that purpose, the land was zoned "Agriculture and Open Space." Further reinforcing the intent that this property was to be open space in perpetuity is the Town 1985 Master Plan for Ford and Donovan Parks. As stated in that Plan, its purpose was to see to it that those places "will be protected from development and will serve to maintain the quality of life for residents and visitors to the Vail area."

This is not the first time that an attempt has been made to convert this property to housing. In the late 1990s, there was a proposal to put employee housing on the Middle Bench. Town residents rose up and litigation ensued. That litigation was finally resolved when the Town relented and agreed to abandon its plan. There was also even a plan to put a cemetery on the Middle Bench, but again, Town residents rose up to stop it.

The VLHA, however, decided to ignore this history and, once again, proceed with trying to put employee housing on the Middle Bench. It is for that very reason that the VHA has requested that the Open Space Trustees and Town Council designate the Upper and Middle Benches of Donovan Park as "Designated Open Space."

There is No Need to have Another Controversial Dispute. Rather than another controversial dispute, the VHA urges that the Town work with the community to achieve its goals. The VHA believes there is broad agreement on the need for more affordable

housing and that there would be support for a comprehensive plan to achieve that goal, including the redevelopment of Timber Ridge. The VHA also believes that such a plan could be achieved without placing the sheep or the Middle Bench of Donovan Park in jeopardy.

There is no reason why the Town could not adopt an Affordable Housing Master Plan that would provide for the rezoning and/or development of affordable employee housing at the specific properties that have already been identified: Timber Ridge, West Middle Creek, the CDOT East Vail site, and the Public Works Maintenance facility. Specific goals for each site have already been identified which could be incorporated in the Master Plan. Such a Master Plan would be an official commitment to those projects which could then be executed at times most advantageous to the Town's needs and capabilities. For example, if demand for housing plummets in the wake of the pandemic, Timber Ridge could be postponed until housing demand returns which would allow more time to pay down existing debt. Such a Master Plan could have already been proposed, and there is no reason it could not now be adopted. And such a plan would eliminate the need to postpone title transfer of the Booth Heights property or continue to seek to use the Middle Bench of Donovan Park as a possible housing site.

If housing advocates still didn't trust the process, even with the adoption of an Affordable Housing Master Plan, they could urge the Town to immediately proceed with rezoning of the West Middle Creek site. The VHA believes that there would be community support for that rezoning which would demonstrate assurance that the plan would be executed as presented, another step that would alleviate the need for delaying the Booth Heights title transfer.

Changes Needed. To make the MOU the "win-win" proposition that was originally proposed and to eliminate another potentially huge controversy, the VHA urges that the following changes be made:

1. There should be no delay in the transfer of title. The Booth Heights title should transfer no later than when a C/O issues for the Middle Creek development. Anything less is a recipe for disaster. Paragraphs 4(k)(ii) & (iii) [should be "iii" and "iv" as there are two "ii"] and ¶ 5(g) Step Seven, concerning the delay in the transfer of title should be deleted and replaced with a provision that title shall transfer no later than on the issuance of the Certificate of Occupancy for the Middle Creek development.

2. The MOU should NOT be used to create a separate housing plan. The MOU should address only the swap of Middle Creek for Booth Heights. The AHSI should not be incorporated into the MOU. The title to the MOU should be changed to just "Memorandum of Understanding," and the reference to the AHSI in the second Whereas clause should be eliminated. In addition, ¶ 3(c)(v) which provides that one of the desired outcomes of the MOU is the use of Booth Heights to advance the VLHA goal of achieving 1000 housing units by 2027 should be deleted. To be clear, the VHA does not object to the provision giving Triumph Development a right of first refusal on the redevelopment of Timber Ridge; it just believes that the provisions for that redevelopment should be in a separate plan.

3. There should be no provision to allow Booth Heights to be developed if Middle Creek is built. Paragraph 4(d), which provides that even if the Middle Creek development is completed Vail Resorts could ultimately also develop Booth Heights, should be deleted.

4. The MOU should not be used to lay the groundwork for rezoning of other properties. Paragraph 5(c) Step Three, which provides that, as part of the land swap process, the TOV will seek rezoning to increase the amount of Housing (H) District

property, should be deleted. The TOV is free to seek rezoning of any property it owns but that should not be tied into the MOU or be the subject of any contention that the rezoning was pre-approved by the approval of the MOU.

5. Extension of development rights should only be until the completion of the Middle Creek development. Paragraph 3(c)(ii) should be amended to provide that the extension of development and vested rights is solely for the purpose of facilitating the land swap and shall not extend beyond the completion of the Middle Creek development.

6. Booth Heights should be declared to be “Designated Open Space.” The MOU should also provide in ¶ 3(a)(ii) that once the TOV acquires title to the Booth Heights property it will immediately take the necessary steps to have it designated as “Designated Open Space” land pursuant to § 13-11 of the Town Charter. By so designating the property that will, absent a vote of the Town citizens, take it off the table for future development schemes.

7. The Middle Bench of Donovan Park should not be developed. In addition to clearing up the provisions of the MOU, the Town Council should also make clear that the Upper and Middle Benches of Donovan Park should not be rezoned or otherwise developed in any way. Those properties should also be designated as “Designated Open Space.”

8. The Town should pursue other means for a Housing Plan. The Town should proceed with the development of an Affordable Housing Master Plan to designate the steps going forward to achieving the 2027 Housing Plan.

Not Deal Breakers. None of the above changes to the MOU or the protection of Donovan Park would be deal-breakers since none affect the rights of Vail Resorts or Triumph Development. All only affect the plans of the VLHA which would remain free to pursue its goals as it sees fit and proper.

These Will Be Difficult Meetings. These issues are extensive and complicated and cannot be covered in any meaningful way in only a few minutes. It is hoped that the Mayor will exercise discretion in applying the three-minute rule to allow the community to fully discussed the issues. Every citizen has the right to be heard, so the VHA urges that you get prepared to make your points. You will be able to appear and personally address the Council (there will probably be a sign-in procedure for that purpose).

What You Need to Do. All need to be involved. Everyone should review the draft MOU. It is an attachment to item 6.2 on the TOV July 7th agenda, found at: <https://vail.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=1129&MinutesMeetingID=-1&doctype=Agenda>.

If you don't want to speak or cannot make the meeting, you can send written comments in advance of the meetings to the Town Council and the Town Manager at: towncouncil@vailgov.com and srobson@vailgov.com. Or you may join the meeting via Zoom. Even if you plan to attend, you may still want to submit written comments. For all who can do so, please mark your calendars for 6 p.m. on July 21 and August 4 and plan to be present to make sure that the MOU that is approved by the Council truly reflects the purpose of this proposal and does not contain any unnecessary provisions or other agendas that could have disastrous consequences down the road.

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