

# **Booth Heights Alternative Housing Sites Initiative Community Messaging, Negotiations and Decisions**

**September 2018 – April 2022**

## **May 2018**

The Vail Town Council directed the town staff to initiate a site feasibility study to explore the potential of developing deed-restricted residential development on the West Middle Creek parcel. In doing so, the Town Council authorized the appropriation of \$7,500 and staff time to complete the feasibility study.

## **September 2018**

The findings of the site feasibility study were presented to the Vail Town Council and the Vail community. In sum, the study found that residential development of at least 144 beds was possible on the site. The site was believed to be an alternative site for deed-restricted housing within the Town of Vail and less environmentally impactful compared to other open space parcels. The town's Housing Department was instructed to prepare an application for rezoning consideration.

## **November 2019**

### **Town Council's Leadership Approach and Desired Pathway**

- Acknowledge that Vail Resorts has vested rights on the property.
- Town's role is to ensure developer fulfills the steps necessary to meet ongoing checks and balances of the development obligations.
- Town Council is committed to taking a leadership role to develop a good faith win-win scenario in partnership with Vail Resorts
- Goal is to protect and enhance wildlife habitat AND identify opportunities to meet and exceed the number of housing units associated with the Booth Heights development within the town.
- Time is of the essence.

## **January 2020**

Mayor Chapin announces TOV has approached representatives from Vail Resorts and Triumph Development to explore an alternative approach to the Booth Heights housing development planned for East Vail. "I'm pleased to announce that all 7 members of Vail Town Council are committed to advancing our leadership in good faith to discuss alternatives to the Booth Heights development."

- Town Manager has been directed to meet with development team to express interest in presenting "an alternative approach that would advance both our community's housing and environmental stewardship goals."
- The centerpiece of the discussions will be an exploration of other viable town-owned housing sites that would provide equitable partnership opportunities for Vail Resorts to build deed-restricted homes elsewhere in town. Multiple sites are being studied including Children's Garden of Learning property and other town-owned properties in Vail. In

exchange, the Town Council is expressing its interest in acquiring the 23-acre Booth Heights property on behalf of the community to determine its future use.

- In addition, town manager was directed to facilitate a recently formed task force focused on improving forest health and wildlife habitat in East Vail in partnership with USFS and CPW.
- “I am proud to say this Town Council firmly believes an opportunity exists for a win-win outcome that not only achieves Vail Resorts’ objective to deliver critical deed-restricted housing in Vail by the fall of 2021, but also gives our public land managers a chance to protect and enhance the critical bighorn sheep habitat in East Vail which includes both TOV and USFS-owned land. We ask the community to join us to advance these critical town initiatives. Together, we can work to bring balance to our priorities and elevate our vision to be the premier international mountain resort community.”

### **April 2020**

TOV pursues emergency safety fencing to prevent bighorn sheep from crossing onto roadways. This followed the loss of three bighorn sheep in recent months due to vehicle collision on I-70 in East Vail and the continued danger to motorists and wildlife.

### **May 2020**

Community Progress report is presented on Housing and Environmental Stewardship Goals as alternatives to the approved Booth Heights development to equitably address the dual community goals. This included identifying partnership opportunities for Vail Resorts to provide housing for a minimum of 144 people, as had been approved for the Booth Heights development, and an opportunity for the town to manage future land use on Booth Heights while implementing large-scale fuels reduction and wildlife habitat enhancements in East Vail in partnership with the USFS.

- 11 possible town-owned properties were evaluated as potential housing opportunities.
- Unanimously preferred option by Town Council was announced to develop additional deed-restricted homes adjacent to the Middle Creek at Vail Apartments (now Residences at Main Vail) and to pursue redevelopment of Timber Ridge Village Apartments, ensuring an increase in density. Preferred option required exploring relocation options for town-owned Children’s Garden of Learning. One option was to relocate the early childhood learning facility to the town-owned Vail Gymnastics Center.
- Other agreed upon actions included continued progress with the approval and permitting processes for implementing wildfire fuels reduction and wildlife habitat enhancements in East Vail.

### **June 2020**

TOV and Children’s Garden of Learning confirm substantial progress in moving towards a new location for CGL as the town continued to fulfill various community goals, including increasing the number of resident-occupied, deed-restricted homes in Vail. The most likely site of CGL’s home was thought to be within a renovated Vail Gymnastics Center with a new third floor. Parties agreed the location may ultimately prove to be unfeasible from a technical or cost perspective.

### **July 2020**

Draft Memorandum of Understanding was presented during a Community Progress Report. A

non-binding agreement by and between the town, Triumph Development and Vail Resorts included:

- Extension of the approved Booth Heights entitlements to cover the additional time needed to achieve a win-win outcome expected of the Alternative Housing Sites Initiative.
- Lot 3, Middle Creek Subdivision would be made available for a future deed restricted housing development as an alternative site to Booth Heights.
- Employee Housing Unit credit would be granted to Triumph Development/Vail Resorts equal to what had been approved on the Booth Heights parcel. The credit could be applied towards a future housing obligation.
- Timber Ridge Village Apartments would be redeveloped in the future assuring a notable increase in the number of deed-restricted homes.
- TOV would be granted title to the Booth Heights parcel upon successfully demonstrating measured progress towards achieving the housing and environmental stewardship goals.
- Wildfire fuels reduction would occur, and wildlife habitat enhancements would be completed to project Vail's bighorn sheep herd.
- Vail community is assured of increasing the supply of deed-restricted homes and enhancing, protecting and preserving the Booth Heights parcel, on the town's terms.
- Triumph Development would be obligated to master lease a minimum of 22, two-bedroom homes to Vail Resorts, at fair market rates, subject to Vail Resorts discretion.

### **July 2020**

TOV invites public comment on draft MOU. Draft represented nearly six months of review and consideration by Town Council. If implemented as drafted, TOV would obtain title to the Booth Heights parcel in the future.

### **August 2020**

Community progress report included announcement of modifications to MOU based on community input. Town staff in multiple departments continued to work on a diverse number of components associated with the initiative related to forest health in East Vail on USFS land, deed-restricted housing and an MOU with the nonprofit Children's Garden of Learning focused on securing the childcare center a high-quality future home.

### **October 2020**

Children's Garden of Learning and TOV announced agreement on future relocation plans to include use of the Charter Bus Lot in Lionshead as a temporary location to allow time to prepare for a permanent facility. The two entities had been meeting regularly to review relocation scenarios to accommodate an August 2021 timetable to make way for construction of resident housing on the town-owned property.

### **October 2020**

Vail Town Council's decision to uphold the Planning and Environmental Commission's 2019 approval of the Booth Heights development application in East Vail was affirmed by Eagle County District Court Judge Russell Granger. Judge Granger found the Town Council neither exceeded its jurisdiction nor abused its discretion in its decision to approve the application.

## October 2020

Town Council approved a resolution extending the development plan approval for the Booth Heights development through Dec. 1, 2024, to ensure there is adequate time for all parties to meet the respective alternative housing site goals as well as account for the loss of time which had been invested to date in pursuit of an alternate housing site plan.

## January 2021

Draft Pre-Development Agreement between TOV and Triumph Development is reviewed by Town Council and community and represented as key elements of the Alternative Housing Sites Initiative. The draft document was intended to set the framework for the design development and entitle process to construct a 100% deed-restricted residential development on Lot 3, Middle Creek as well as the future redevelopment of Timber Ridge Apartments. It was noted that Vail Resorts had indicated the need to dedicate its time and resources to addressing the operational needs and safety concerns of opening Vail Mountain resulting from the global pandemic and was not party to this particular agreement.

## February 2021

In a community progress report, the Town Manager summarized modifications that had been made to address community concerns raised previously in creation of the Development Agreement between TOV and Triumph Development for construction of deed-restricted housing at Middle Creek, Lot 3, and redevelopment of the existing Timber Ridge (minimum of 200 units) and acknowledged not every concern could be addressed. Pre-development agreement was approved by Town Council Feb. 2, 2022.

- While the Middle Creek development was previously intended to be a key component of the Alternative Housing Sites Initiative which aimed to protect and preserve the Booth Heights parcel from future development, this would no longer be the case or a consideration of the Middle Creek development plan.
- Contrary to some public opinion, the town was incapable of causing Vail Resorts to negotiate under the terms and provisions of the Lot 3, Middle Creek Development Agreement or prohibit future development on the Booth Heights parcel.
- The agreement did give Triumph Development an opportunity to waive what rights they had to the Booth Heights plans, but that was different than prohibiting development which the town could not legally do within the framework of a development agreement.
- Since Vail Resorts opted to step back from the Alternative Housing Sites Initiative, the development agreement was focused on developing deed-restricted homes on Middle Creek and did not and could not involve a land trade for Booth Heights or contemplate the town taking ownership of the Booth Heights plans which the town believed would put the town in a legally compromised position.
- Disappointment was expressed that the year-long effort by the town to fulfill the Alternative Housing Sites Initiative was no longer achievable without participation by Vail Resorts. However, the town would continue to find alternatives to the Booth Heights development while at the same time making progress to develop high quality housing at Middle Creek. The town committed to continue to pursue alternatives that would not preclude Vail Resorts' participation in a partnership at a future date, at Vail Resorts' sole discretion.

### **March 2021**

Draft development agreement was released for public comment that identified terms between TOV and Triumph development for construction of deed-restricted homes on the Lot 3, Middle Creek site. The development agreement was approved by Town Council March 2. Among the terms:

- A waiver by Triumph Development foregoing their participation in any development on the Booth Heights parcel.
- A change to the indemnity provisions further protecting the town from legal actions a third party may pursue based upon the terms of the agreement.

### **March 2021**

Development application for the newly renamed Residences at Main Vail was submitted jointly to the TOV Community Development Department on behalf of the town and its partner, Triumph Development West LLC, on March 15.

### **April 2021**

Prescribed burn conducted by Vail Fire & Emergency Services in East Vail on approximately 20 acres of TOV land and 1 acre of CDOT right of way. The Booth Creek prescribed burn was part of the larger effort to reduce wildfire risks and improve winter habitat for the bighorn sheep herd.

### **April 2021**

Development review process began for The Residences at Main Vail (Lot 3, Middle Creek) with a conceptual hearing before the Design Review Board on April 7 and introductory hearing with Planning and Environmental Commission on April 12.

### **May 2021**

Planning and Environmental Commission voted 5-1 to grant final approval of The Residences at Main Vail development application with 20 conditions.

### **June 2021**

Town Council reviewed town-initiated financing options for Residences at Main Vail.

### **July 2021**

Design Review Board voted 3-1 to deny the development application for The Residences at Main Vail.

### **July 2021**

Five modular building units arrived and were crane-set for the new \$5 million Children's Garden of Learning facility.

### **August 2021**

Town Council conducted appeal hearing following Design Review Board denial of The Residences at Main Vail Development application and voted 4-3 to overturn.

### **September 2021**

Town Council authorized town-initiated financing in the amount of \$25 million of tax-exempt municipal bonds for The Residences at Main Vail to take advantage of record low interest rates.

### **November 2021**

Groundbreaking ceremony took place for The Residences at Main Vail as well as a ribbon cutting to celebrate the re-opening of Children's Garden of Learning.

**April 2022**

White River National Forest hosted open house on Booth Creek Fuels Reduction Plan with public comments due May 3.

**April 2022**

Vail Resorts announced it is proceeding with construction of affordable housing on Booth Heights property in East Vail, an investment of approximately \$17 million to provide affordable housing to 165 employees, 21 more employees than previously contemplated for the site.

**April 2022**

Town Council passed motion on a 4-3 vote to direct the Town Attorney to prepare a resolution of intent to condemn the property, legally described as East Vail Workforce Housing, Subdivision, Lot 1, and generally referred to as the Booth Heights land site, for the Town Council's consideration at its May 3 evening meeting.