

RE: FORMULATION OF PEC DECISION, AUG.12th,2019

To: the Members of the Planning & Environmental Commission

I am impressed by the amount of time, effort, and dedication this commission devotes to its daunting tasks, particularly when so many major projects are in the pipeline for Town of Vail. Thank you! Your decisions will leave our town and community changed forever. I urge you to keep your eyes on the mission on the Council wall and the Priority Statements in the 2019 Community Report. A big decision lies ahead today.

The joint report of Aug. 5th by the Town's 3 Consulting Wildlife Biologists Byrne, Kahn, and Woolever, clearly states that given "the already limited winter and transitional range for bighorn sheep and the relatively small number of sheep in this herd,... that finding another location for this development would offer the **best** mitigation for this sheep herd." They go on to state that "most wildlife mitigation efforts do not provide the intended...result." They cannot say with certainty "that even with these measures, that this herd will be able to sustain itself considering the human disturbance-associated impacts related to this development." In other words, mitigation **and** development will not preserve this herd--- for you it is an either/or choice. If you permit this development, only the most wishful thinking can do so believing the herd will survive this disturbance and constriction at the east side of the critical habitat for ewes and lambs.

But given what most of the public has discovered in the past week, namely the Town's Public Works Phase 1 Plan for even larger development and encroachment in and below the Bighorn rams' wintering habitat on the west side of their historic critical range, already green-lighted preliminarily by PEC April 22nd this year, the threat to the herd is much greater than most of us realized. The wildlife biologists and common sense tell us that their survival depends as much on the health of the males as of the females!

Before this redevelopment planned to start this fall and continue through the winter goes any farther, an Environmental Impact Study must be undertaken, not just of wildlife impacts which include the likely death-knell of our Bighorns but also for our obligation to preserve the natural values of the area in which we live. What is the environmental impact of a 7acre installation of utility-grade solar panels on the steep hillside above the Yards and of rooftop panels wherever they can be supported there? What is the impact of up to 140 employee rental units crammed into that area wherever they can be attached, behind existing housing, above the administration building to be built?

First, say a loud "No" to Triumph, then delay implementation of Public Works Phase1 redevelopment until further studies are completed, especially an E.I.S., and the public has adequate time to review the massive plan. Next, ask Council and staff identify other sites where workforce housing can be expanded or constructed. Urge them to bring the same level of talent and creativity to this task as to these two development projects I cite today. Please!

Anne Esson

Chris Neubecker

From: Shelley Bellm
Sent: Thursday, August 1, 2019 12:58 PM
To: PEC
Subject: FW: Eagle County Workforce Housing in East Vail

From: Jennifer Abramson [mailto:JAbramson@vailresorts.com]
Sent: Thursday, August 1, 2019 12:06 PM
To: CommDev; Council Dist List
Subject: Eagle County Workforce Housing in East Vail

August 1, 2019

Sent on behalf of the Beaver Creek Economic Advisory Council

Submitted via email:
commdev@vailgov.com
towncouncil@vailgov.com

Dear Members of the Vail Planning & Environmental Commission and the Vail Town Council:

The Beaver Creek Economic Advisory Council is comprised of mountain resort, residential property, lodging and commercial owners/operators within the Beaver Creek community. As you will note from the names below, several of us operate local businesses in both Beaver Creek and the Town of Vail.

With economic development our obvious focus, several years ago we decided to incorporate a dialogue within our monthly meetings around the severe workforce housing shortage we are undergoing throughout Eagle County. We have stayed informed with presentations from Eagle County and the Vail Valley Partnership.

In reviewing the plans currently before you for Triumph Development's proposed locals' housing project in East Vail, we would like to lend our support and emphasize that in light of the severe shortage of housing for our workforce, the East Vail development offers a pragmatic, locals' housing solution in offering rental units as well as deed-restricted for-sale townhomes.

We have discussed our alarming disappointment to the "not in my backyard" protest to this project. Beaver Creek and Bachelor Gulch have for many years included workforce housing as part of our neighborhood with buildings (about 800 beds) at our entry point. We're proud that many of our employees are able to live adjacent to their employment. Living at this location allows employees to utilize village transportation both to and from their jobs and minimizes their commute time. The units are affordable and have transit options. We also all co-exist with our valued wildlife. There is zero awareness of any negative effect to property values in Beaver Creek or Bachelor Gulch due to embracing workforce housing in our neighborhood.

According to the Vail Valley Partnership's 2017-18 Workforce Survey Report, 78 percent of businesses said in 2017-18 that housing had a negative effect on the ability to attract, hire and retain employees, declining substantially from the previous year and was also at an all-time low. Specific comments from the survey include:

This is a problem for new employees. Many times we are able to retain them when they are in our employee housing but then we lose them if they need to move out. It is a desire of many employees to live closer to where they work and to live in the community they work.

For those who have lived here long enough to have stable housing, it is not an easy. For those who have recently moved here, rent, or have changes in housing circumstances, housing is a major source of frustration that ultimately forces employees to ask if they really belong here and want to belong here. We are losing one person that experienced housing frustrations and may be losing a second because the options aren't great and what people are asking for rentals is ridiculous.

Current housing prices are difficult for young associates to purchase. Rentals were difficult for associates to find in the middle of peak season.

The short answer is no, they can't. Most can usually find it (often couch surfing or room sharing), but it diminishes their quality of life because of the cost and environment. We do lose some employees due to lack of decent available housing.

Moving way out side of work areas to find affordable. Or living with multiple people to survive. The conditions that some people are renting out are hidden and inexcusable.

Causes other major costs with vehicle expenses.

We offer a very progressive and comprehensive housing program to help employees find long term solutions for housing. That being said, it is still very difficult for employees to find affordable housing on the free market if they are looking to own.

We have a very young workforce that are primarily renters. They need to find multiple roommates that they potentially have never met just to stay in this area.

Thus, in this time of great need for housing, please approve the very thorough and carefully planned Booth Heights project, as well as the reasonable wildlife mitigation plan. Beaver Creek values our workforce, and we know Vail does, too.

Sincerely,

The Beaver Creek Economic Advisory Council:

Bob Boselli, Brian Nolan, Jeff Luker, Nadia Guerriero, Jen Brown, John Shipp,
Phil Metz, Peter Dann, Bill MacFarlane, Don Bird, Jeff Forbes, Mike Friery,
Steven Janicek, Jim Fraser, Duncan Horner, Mike Trueblood, Herb Rackliff

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Chris Neubecker

From: Chris Romer <cromer@vailvalleypartnership.com>
Sent: Thursday, August 8, 2019 3:15 PM
To: PEC
Cc: George Ruther; Matt Gennett
Subject: Business community feedback re: the need for housing
Attachments: BRE_SummaryReport_v3.pdf; 2019 Workforce Survey Report_Final.pdf

We encourage you to take a brief moment to review the attached research projects.

Specifically:

1. Business Retention & Expansion Study
 - a. When considering the weaknesses, barriers to growth, and reasons the community might not be considered for future expansion, several common themes emerged. The lack of affordable housing, high cost of living and the impact this has on local workforce quality and worker availability were discussed relatively frequently.
 - b. 82% indicate housing has a negative impact on ability to attract, hire, and retain employees
 - c. Top weakness for our community as a place to do business: workforce housing
 - d. Top barriers to business growth in the community: transient workforce and workforce housing
 - e. Reasons business will not expand here: limited workforce
2. Workforce Study
 - a. 39% of businesses have unfilled jobs, up 25% from last year
 - b. 69% of businesses plan to add new jobs this year
 - c. 72% of businesses indicate housing has a negative impact on hiring and retaining employees
 - d. Please read the open-ended comments regarding barriers to business growth in Eagle County
 - e. Frustration with housing continues to be a major issue. Negative opinions continue to run at an all-time high. Nearly 3 out of 4 businesses feel that the housing situation negatively impacts their ability to hire and retain employees and this issue was mentioned frequently when asked about barriers to growing their business in the community.

Please utilize this data – and underlying zoning – and not emotional arguments when considering the Booth Heights decision.

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Chris Romer, IOM
President & CEO

Vail Valley Partnership

[D] 970.477.4016 | [O] 970.476.1000

97 Main Street, Ste. E-201, Edwards, CO 81632

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Vail Planning and Environmental Commission
c/o Vail Town Council
75 S. Frontage Road
Vail, CO 81657

Dear PEC members,

“There goes our small town...” It’s a yarn that has been spun for years in towns across America and is currently percolating (again) in Eagle County. Consider:

- Highway engineer Charles Vail routed Highway 6 through the Eagle Valley over what is now Vail Pass in 1940. Inhabitants at the time surely cried “there goes our small town.”
- Pete Siebert and Earl Eaton, along with others from the 10th Mountain Division, returned to Colorado after World War II and bought the ranch that existed at what is now the base of Vail Mountain. They opened Vail Mountain in December 1962. Valley residents and other ranchers at the time surely felt as if their small-town life was threatened.
- Vail Village quickly grew and housing expanded to East Vail and West Vail; lodging and base operations spread into Lionshead Village. By the late 60’s and early 70’s, Vail was the most popular ski resort in Colorado. Also by this point in time, some who had been here from the beginning surely felt their small town life was over.
- In November 1972, the state's voters weighed in on whether they would authorize a \$5 million bond issue to help finance the Olympic Games. Residents at the time overwhelmingly rejected this by a 60-40 margin, in fear that hosting the Olympics would surely lead to growth and crowds, and citizens around the state celebrated that they most certainly did their part to save small town life in rustic Colorado.
- Beaver Creek Resort opened for business in 1981 and purchased neighboring Arrowhead four years later. Critics claimed that Colorado and Eagle County didn’t need another ski resort; what might this unfettered growth do to our small-town lifestyle?
- The World Alpine Ski Championships were recruited to Eagle County and hosted in 1989, as Vail and Beaver Creek were squarely on the world map and among the most popular and recognized ski resorts in the world. This event – hosted again in 1999 and 2015 – surely led to nostalgia among those who missed small town life that existed earlier.
- Eagle County Regional Airport began receiving mainline jet service by early 1994 with service from American, Delta, Northwest, and United Airlines from cities around the country. 36 jet flights a week being operated by these airlines into the airport during the



winter ski season early in 1994. Air service into Eagle County led some residents to decry the noise from planes and feeling as though our small-town life would never be the same.

Yet thanks to the foresight and leadership of our community leaders throughout the years, Eagle County has grown into a modern, successful community. We enjoy access to Denver via I-70, powder days on Vail and Beaver Creek mountains, mountain resort villages that are vibrant and lively, world-class events throughout the summer and winter seasons, air service from 15 markets, a vibrant college system, and medical facilities that are best in class for any community our size.

We never did land the Olympic Games, but that hasn't stopped Colorado from growing into a cosmopolitan state with a vibrant mix of communities.

We've come a long way, yet at each step there are those who mourned the death of our small-town lifestyle. Today, opposition to housing projects such as Reserve at Hockett Gulch in Eagle and Booth Heights in East Vail is led by voices claiming that we are losing our small-town charm.

To that we say nonsense. Our small-town charm isn't based on building heights, in-fill density, or allowable zoning use on private lands. Our small-town charm is based on friendly people enjoying our recreational amenities and lifestyle; it is based on locals taking care of each other; it is based on community. It certainly isn't based on having workforce housing at the entry to the community (Beaver Creek and Aspen both have large scale workforce and employee housing at their entry points which are additive to their communities). Community is driven by the sense of belonging.

What is "killing" our small-town atmosphere and our community is the inability to retain those who want to stay in this place. Providing housing for those who desire to make a life here supports our small-town atmosphere and is additive to our community. You have the data and the facts; you know the allowable zoning; we encourage you to support Booth Heights to help maintain Vail and Eagle County's small-town charm by investing in Vail's people.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Romer", written over a light blue circular stamp.

Chris Romer
President & CEO
Vail Valley Partnership

Chris Neubecker

From: cbartmd@aol.com
Sent: Sunday, August 4, 2019 6:48 PM
To: PEC; bfinley@denverpost.com
Subject: Booth Heights sustainability

To All PEC members,

I am writing to take issue with Triumph's comment under the heading of Economic Sustainability that says their development will reduce driving trips to Vail. In fact, this location (3700 N Frontage Rd) has a walkability score so low that it deems all errands by residents will need to be done by car (please see www.walkability.com). The development of this property will absolutely increase the number of errands by car, as underscored by the facts corroborated by the lowest walkability score. Why is Triumph, yet again trying to mislead the town, the PEC and the residents?

Today I read a real estate ad from a prominent Vail company who is selling a house in East Vail. The ad started by saying....East Vail has the unique characteristic of being the first glimpse of Vail... Booth Heights threatens the viability of this statement by becoming the first glimpse of Vail, for those coming to town, and the last image, before leaving our otherwise beautiful valley. Take a drive up or down Vail pass and see for yourself.

As you already know, the Denver Post has written an article concerning the potential Booth Heights proposal. They will certainly be interested in the sad fact that Vail associates, who should be a guardian of sustainability, and a protector of our unique wildlife heritage, is preparing to sell this property to Triumph for financial gain. The facts surrounding the discovery that they were unwitting owners of a property long thought to be under conservation easement, and are willingly selling it for financial gain, will unmask a poorly formulated business decision and one which has long term repercussions, for our community and certainly for the sheep. For a company as large as Vail Associates, why not do the right thing and place the property under a conservation easement? It would be a win/win for all involved. The sheep win, east vail is not saddled with a development out of character with the neighborhood, the traffic generated by the development would be avoided, reworking the underpass might be avoided (which I guess would be very costly), and Vail Associates would reap huge dividends in national and local public opinion. If they are truly compelled to improve the housing options for potential employees, they could donate the proceeds of the sale of the conservation easement, and reap yet additional accolades!
Christopher Bartlett
Vail

P.S. I have also forwarded this email to the author of the article in the Denver Post, who wrote about the proposed Booth Heights development.

Chris Neubecker

From: JAMES LIPPERT <conlip@sbcglobal.net>
Sent: Wednesday, August 7, 2019 12:29 PM
To: PEC
Subject: Booth Heights

To the Planning and Environmental Commission:

This letter is written to add my voice to those opposing the Booth Heights development in East Vail. For many years East Vail has been a mix of low end condos and high end homes in a peaceful Alpine setting. The proposed development goes against this tradition, destroying habitat for wild life and threatening future erosion, mud slides and long term damage to the area.

I envision traffic increases, parking problems, barking dogs chasing sheep—and it will be ugly! Is this the first step toward continuous development along I-70 from East Vail to Vail? Once it is done, it can't be undone.

The beautification of the East Vail entrance and the thoughtful, careful restoration work on Gore Creek are examples of positive environmental impact. Ironically, across the highway plans are underway to scrape the mountainside, building "cliff dwellings" which will have a negative effect on the environment.

Let's retain the beauty of our mountains by placing needed employee housing in the areas of the valley that are already developed and are appropriate to this usage. There are many negative aspects to this proposal and I can't find a single positive aspect. Please consider the long-term negative effects and vote no.

Most sincerely,
Connie Lippert
East Vail
and St. Louis

.
-Connie

Chris Neubecker

From: Suzanne Silverthorn
Sent: Tuesday, July 30, 2019 7:24 PM
To: PEC
Subject: Fwd: Bighorn sheep

Public comment

Suzanne Silverthorn, APR
Director of Communications
Town of Vail
970-479-2115
970-471-1361 (cell)

Begin forwarded message:

From: <info@vailgov.com>
Date: July 30, 2019 at 6:00:23 PM MDT
To: <info@vailgov.com>
Subject: Bighorn sheep
Reply-To: <anndehart@icloud.com>

Save the bighorn sheep by giving them a habitat so they can thrive. Developers in Vail should take into consideration these wonderful animals, and not destroy their habitat.

Submitted By:
Name:: Ann DeHart
Telephone:: 3034267521
Email:: anndehart@icloud.com

Submitted From:
<https://www.vailgov.com/contact>

Chris Neubecker

From: cbartmd@aol.com
Sent: Wednesday, July 24, 2019 7:00 AM
To: PEC
Subject: Fwd: Monday's meeting

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

From: cbartmd <cbartmd@aol.com>
To: pec <pec@aol.com>
Sent: Wed, Jul 24, 2019 08:57 AM
Subject: Monday's meeting

Unfortunately, I was not able to make Monday's meeting and therefore unable to ask the questions that I have regarding Booth Heights. I am not sure how to get them answered but here are the questions:

1. Why is the East Vail underpass different than the others (West Vail, Simba Run, Vail village and the underpasses at Vail Valley drive and near Bald mountain bus stop)? All of those underpasses have pedestrian safety features such as the most basic— SEPARATION of people and vehicles. Now, a very large high density proposed development puts "work force" young people at risk- Will preventative measures be considered? This is NOT a NIMBY issue!!!!
2. Who bears the liability consequences for any pedestrian/ vehicle encounters if the underpass is not up to the standards set by the other underpasses in town? Is it the town or the developer who should be liable for any untoward events?
3. On July 8, Mr. O'Connor made a comment about wanting this development approved in August. Is that the fast track time frame? If so, why so soon? This is a huge decision on sooo many levels— wildlife extinction,safety, increased green house gas emission and the first look at our town as seen by travellers coming down Vail pass. Just to name a few concerns!

Donna Mumma MD

2018-19 Workforce Survey Report

July 2019



Prepared by:

Vail Valley Partnership/Vail Valley Economic Development

97 Main Street, Ste. E-201 | Edwards, CO 81632 | 970-476-1000

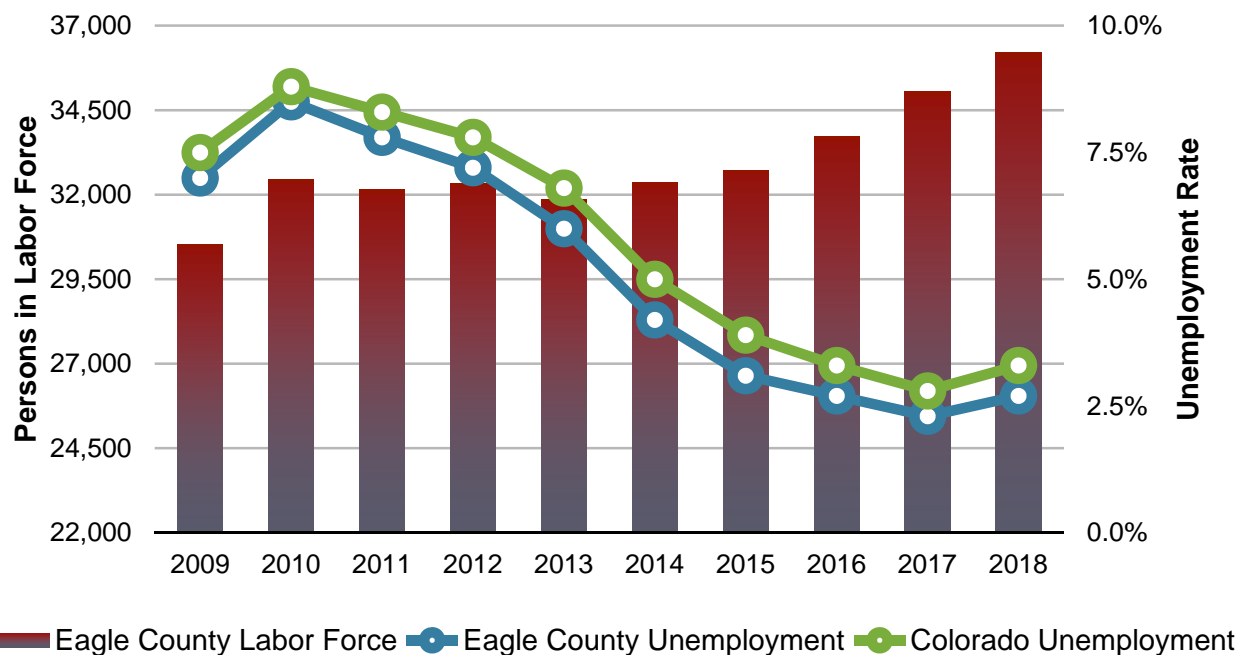
vailvalleypartnership.com | vailvalleymeansbusiness.com

Report Author: Andrej A. Birjulin, Ph.D., Research Director | 970-328-0299

Eagle County’s Labor Force: Conditions are Positive and Holding Steady

After relatively high unemployment rates in 2009-2012, unemployment saw a steady decline thereafter. In 2018, the Eagle County unemployment rate was 2.7%, which is slightly higher than the previous year, but below the state rate of 3.3%. The unemployment rate has remained below 3% over the past four years. At the same time, the size of the labor force continues to grow. After a relatively flat period between 2010 and 2014, the number in the labor force increased 11.9% between 2014 and 2018 to 36,207.

The county’s population continues to grow at a slow and steady pace. The State Demographer estimates that the population grew by 5% between 2010 and 2017. The population is currently estimated at 54,662, which represents a 0.7% increase over the previous year. School enrollment has seen growth of 2.4% in the past five years in grades Pre K – 12, which was 6,874 in fall of 2018.



As a rural resort county, employment is disproportionately comprised of the accommodation and food services; retail trade; arts, entertainment and recreation; and construction. Almost a quarter (24%) of the County’s employees work in accommodations and food services, another 11% in retail trade and 11% in arts, entertainment and recreation. Construction employs about 10% of the workforce. Additionally, many residents are challenged to find suitable employment to carve out a sustainable living in the county since the average wage is lower than in Denver, yet the cost-of-of living is high. The cost for housing is especially high, ranging from about two

times the national average in the Gypsum and Eagle area and increasing dramatically as one gets closer to the prestigious ski areas of Vail and Beaver Creek.

Eagle County has 32,465 housing units and 20,283 households. Almost 2 in 5 homes (38%) in the county are classified as “vacant,” primarily second homes. While median household income in the county is higher the statewide (\$83,803 compared to \$65,458), weekly wages are low: \$882 a week in Eagle County compared to \$1,133 per week average statewide.

It’s against this backdrop of an economy holding steady that we take a look at what employers in Eagle County are saying about business and workforce.

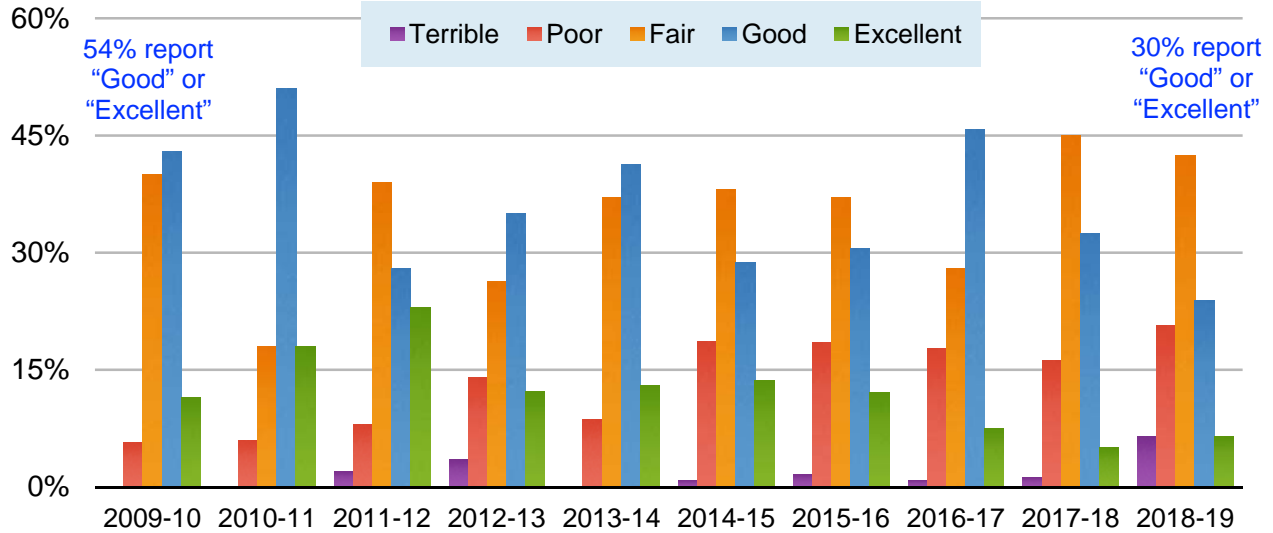
13th Annual Workforce Survey

Vail Valley Economic Development (formerly The Economic Council of Eagle County) has been conducting a workforce survey in Eagle County since 2006-07. Although there has been some variation in items and response choices across administration years, core items on the current version of the survey have been collected since 2007-08 and ask employers about their business outlook, their employees, and their forecasts for the future. Items added in 2017-18 ask about business retention and expansion. Prior survey results can be found at www.vailvalleymeansbusiness.com. In 2018-19, 98 businesses responded to the Workforce Survey, which is similar to most survey years. This summary report compares those responses with data from the prior ten years of survey data for items which were in place for that period of time.

Hiring New Employees and Workforce Conditions

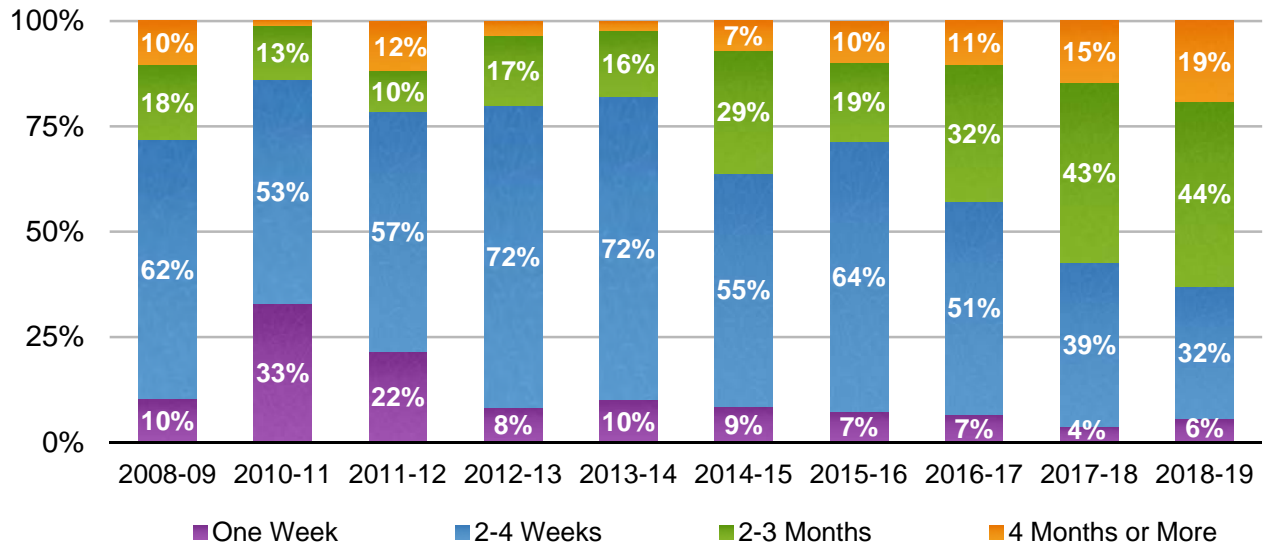
The chart on the next page shows that the experience with finding new employees has continued to get worse in the County. In 2009-10, 54% percent indicated that finding new employees was “Good” or “Excellent.” While this percentage has trended up and down over the past 10 years, it was at a high point in 2009-10 and has recently come down dramatically from 53% in 2016-17 to 30% in 2018-19. At the same time, those that indicate it was “Terrible” or “Poor” had been relatively stable between 2014-15 and 2017-18, but has increased over this past year.

Experience Finding New Employees



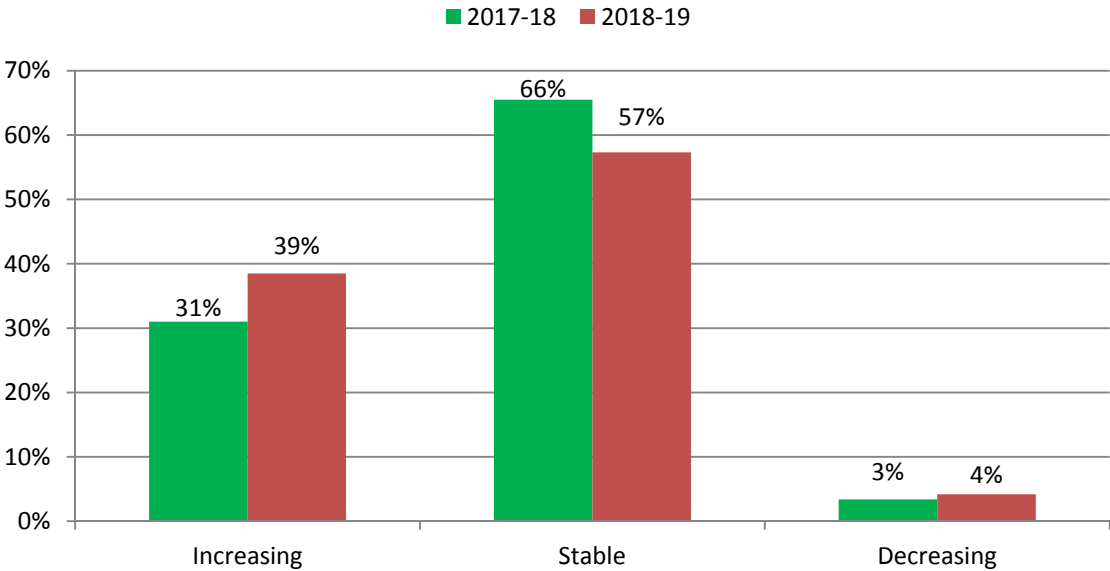
As seen in the chart below, in 2018-19 38% of businesses report that they can fill positions within 4 weeks, a 55% decrease over the previous year and a 33% decrease from 2015-16. Those that indicated it took more than a month increased to 62%. The overall hiring results show that the days of easy hiring peaked in 2010-11 and are currently facing challenges.

Average Length of Time Positions Remain Open Until Filled

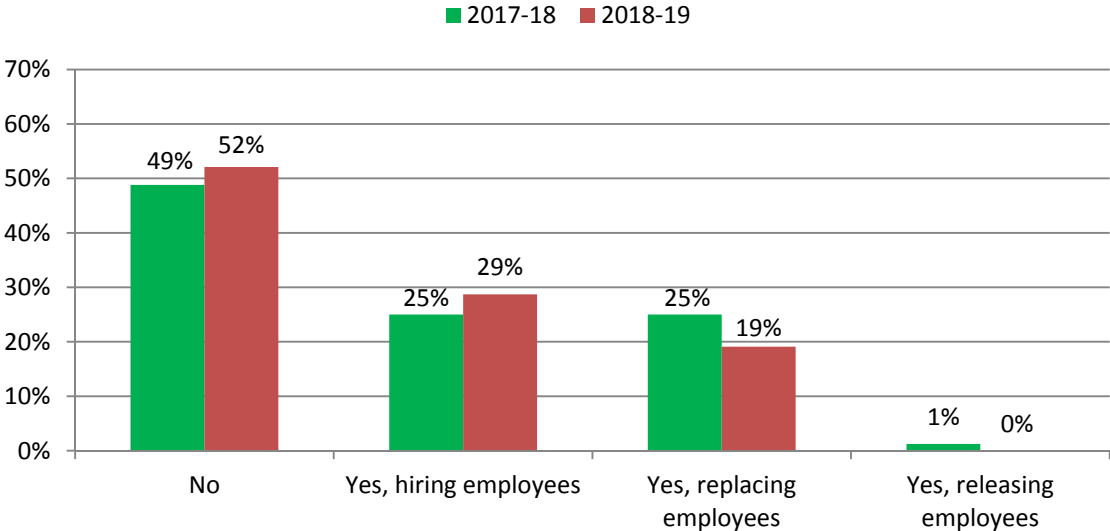


The charts on the next two pages show the results of questions that were added to the 2017-18 version of the survey. Overall, employers indicate that unfilled positions are largely stable, although about two out of five respondents say it is increasing. The percentage that say “increasing” has gone up over this past year. While about half of employers are not anticipating significant changes in their workforce, almost a third indicate they are hiring new employees and another 19% say they are replacing employees. Hiring new employees has gone up some since the prior year and replacing employees has gone down.

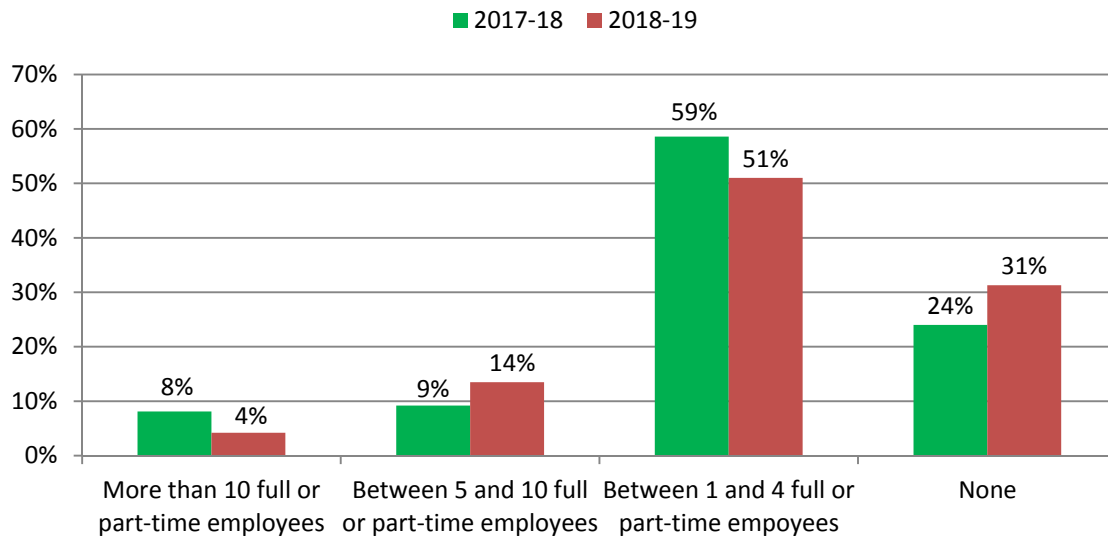
Is the number of unfilled positions at your company:



Have you experienced or do you anticipate any significant changes in the make-up of your workforce?

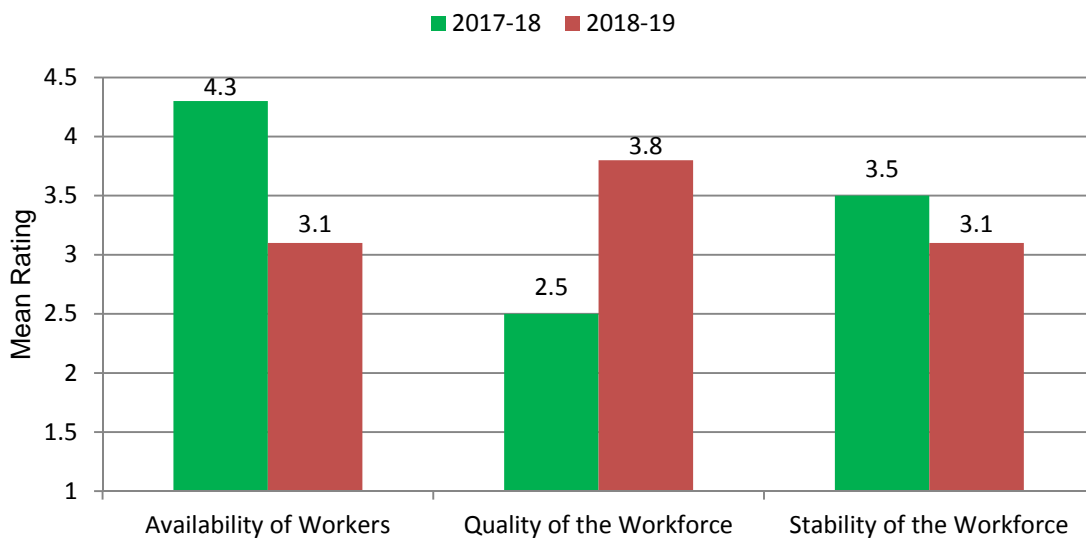


How many new positions do you anticipate adding in the upcoming year?



As seen in the chart below, employers do not give high ratings with their experience in finding new employees and the availability of workers has decreased significantly from the previous year. While the overall mean for quality of workers in the area received the highest rating this year, it falls right above the mid-point of the 7-point scale, indicating the experience is “fair.” Quality of the workforce increased substantially over the previous year.

Experience in Finding Employees (1=Terrible, 4=Fair and 7=Excellent)



Two-thirds of the businesses surveyed (66%) indicate that they are experiencing recruitment problems with specific employee positions or skills. The specific problems that employers described are shown below.

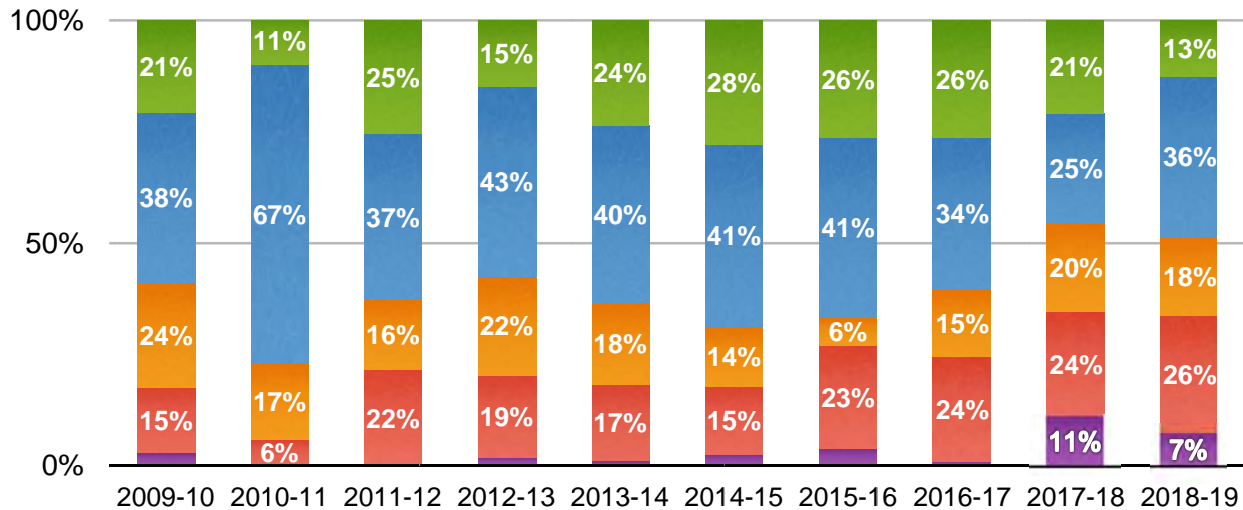
Accounting and QuickBooks training
Affordable Housing, Professional Expertise
Bilingual professionals
Both ends of the spectrum. We have a hard time finding qualified, yet affordable business service applicants (i.e. front desk), but we really struggle finding licensed mental health clinicians.
Compensation can be a barrier in our recruitment process
Copy writing, PR/media, account management
Culinary and spa
Difficult to find part time retail help.
Difficulty paying a competitive wage, particularly given the high cost of housing.
Education, professionalism
Experience
Few applicants and rarely do they have the skill set we require
Finding quality people with skill and desire. Expectations of more than what they are qualified for. Ability to live close to work area.
Front Drive, Loss Prevention
Hard to find retain experienced employees
Hard to find skills we need working with older adults and someone who only wants to work 10-15/hrs week
Have been trying to hire and train a team member for office service work. Phones, computer skills, career oriented
Housekeepers
Housekeeping and any weekend positions
Housekeeping and reservations
Housekeeping, US workers will not do this work, Federal immigration and visa regulations make hiring impossible. The polarized nature of government right now is preventing reasonable solutions to this problem
Housekeeping, front desk
It is difficult to find someone who wants to drive into Vail to work. The parking is difficult and the roads can be bad.
Kitchen labor. Qualified business managers.
Kitchen positions are impossible to fill.
Kitchen staff
Lack of qualified applicants. Issues with applicants "ghosting" us during the interview process.
Leadership roles and higher skill level positions (managers/supervisors)
Lift operations, F&B cooks, stewards, and dish washers, housekeeping.
Maintenance Engineers, Cooks, Massage Therapists, Estheticians, Management roles
Maintenance engineers, cooks, property managers with experience, housekeepers, F&B

positions, front desk agents for smaller properties, Valets
Maintenance workers
Maintenance, Housekeeping, and Front Desk
Most challenging are skilled positions (mechanics, police officers, emergency dispatchers), although our seasonal landscaping has been a bigger challenge this year than normal.
Need Skilled Carpenters/ Capable PMs
No housing, poor work ethic
Not currently, but anytime we have an open position
Not really applicable
Not right this minute
Our hourly staff applicant pool is very shallow, as is the entire valleys.
People can't afford to live here.
Qualified Mechanic and Spray Tech
Qualified tradespeople (Concrete, Masonry, skilled trades) willing to work in the mountains due to lack of affordable housing options.
Recruiting for Line Service Technician position we are competing against bus drivers, construction \ laborer jobs, and electricians.
Restaurant workers
ReStore Driver / Donations Ambassador - can't find someone with good driving record who can also meet physical demands and has good customer service skills. AmeriCorps members - no applicants - I think low unemployment means there are a lot of jobs and nobody wants to take a low paying / temporary AmeriCorps job when they can get something that pays more and is more stable/long term.
RN, entry level positions are hard to recruit for when it comes to finding sustainable housing expenses for them and their families.
See previous comment about needing professional people at compensation levels that make sense to them and us
Seeking teachers with the educational background we require that can work for non-profit pay and still live in up valley.
Senior financial positions, entry level positions
Skill of showing up on time
Skilled kitchen employees.
Skilled trades positions are typically the hardest to fill.
Specific skills as it relates to Recreation and child poop development
Superintendent
Tough work in crawlspace. Not easy to find people wanting to work on the hole
Trades i.e. maintenance and seasonal work
We have problems finding servers with the skills. We have a lot of problems just finding employees to work in the kitchen, skill set or not.
We haven't had anyone apply for a position that has been available since early April.
We mainly pull from larger employers as a part time position that than moves into a full time position.
We struggle to recruit special education teachers, school psychologists, and counselors.

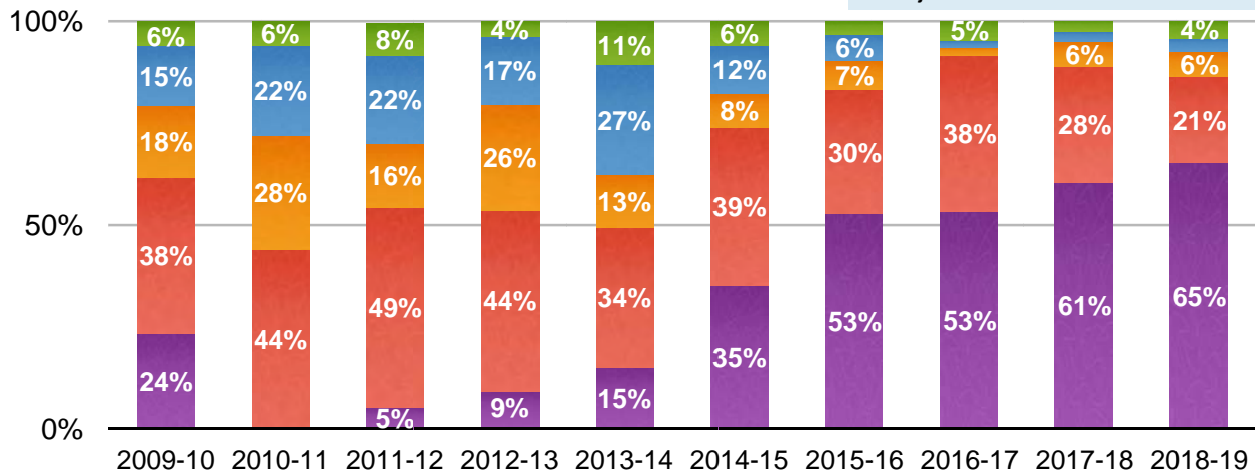
Employee Experiences and Key Issues for Employers

Perception of employees' experiences in finding reliable transportation and housing continue to change. Transportation saw a small improvement over the previous year, with 49% of employers saying their employees' experience finding reliable transportation to and from work is "excellent" or "pretty good" and 33% giving a negative rating. Frustration with housing held relatively stable, with nearly two-thirds of employers indicating "major frustration" and another 21% saying "it could be better." Only 5% don't feel that housing is much of an issue. The housing results this year and last are the most negative they have been in the history of collecting this information.

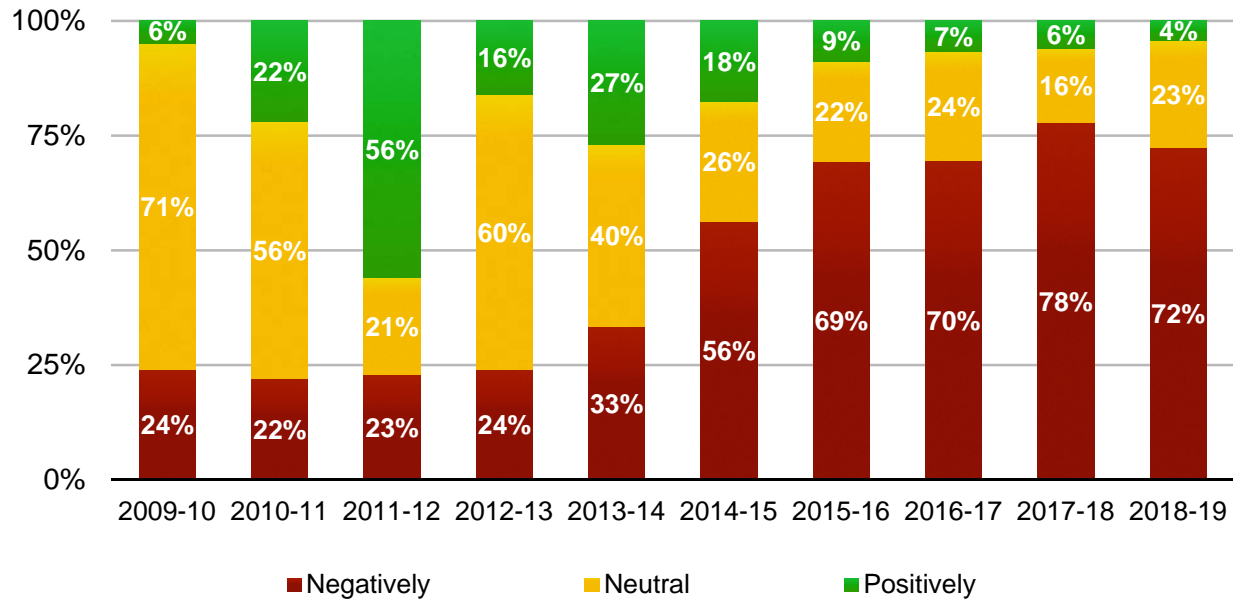
Employees' Experience Finding Reliable Transportation To and From Work



Employees' Experience Finding Housing They Desire at an Affordable Price



Effect of Housing on Ability to Attract, Hire and Retain Employees



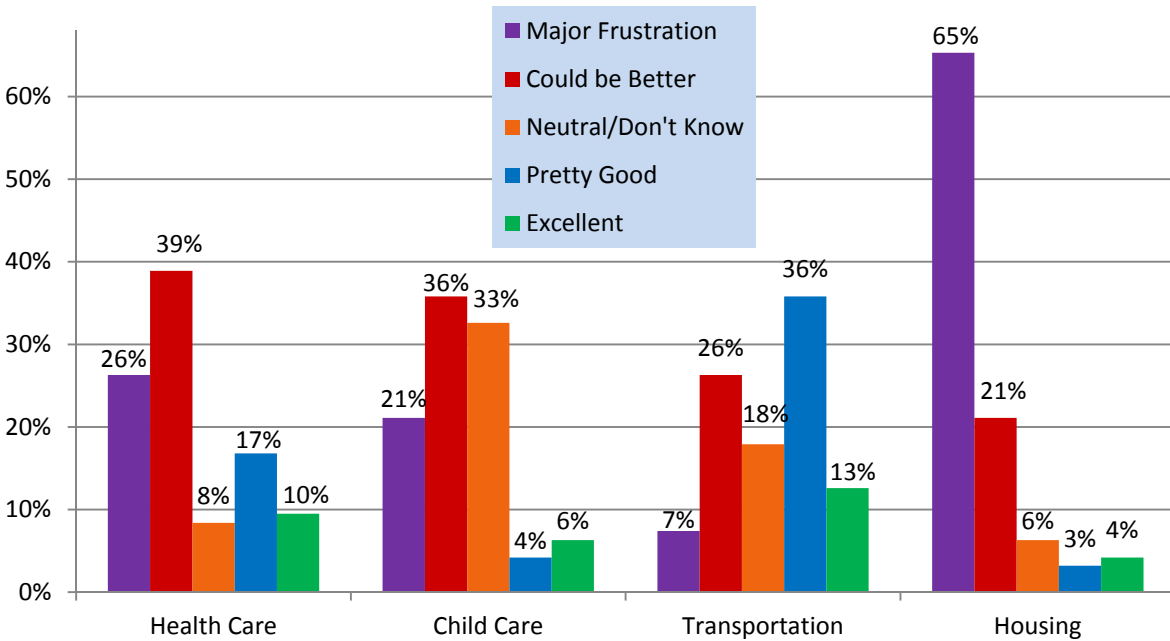
The effect of housing on the ability of businesses to attract, hire and retain employees improved slightly from the previous year, but is quite low overall. Specific comments made in this area include:

#1 issue
A lot of people are living out of their cars
Available, and affordable, housing is the biggest issue for workers in the valley right now.
Especially difficult for seasonal employees and those with families.
Folk are choosing to live down valley and commuting so they can afford a place to live.
Horrible, between NYMBY's VRBO's and lack of affordable housing construction cost will continue to grow
Housing is the number one issue for retention and attraction and business growth
I have put [named person] on the job of finding affordable homes for my co-workers. We just helped a 25 year-old buy in Edwards. It can be done if they focus.
I live with my daughter in a one-bedroom apartment. Can't afford my own place. \$38k a yr doesn't cut it.
I usually avoid hiring employees who don't already have adequate housing and transportation
Luckily our main employee rents and has long term. The other part time one owns their home
Most employees and even managers live in Gypsum, Eagle and even Dotsero. Living close to work is not an economically intelligent option for many. Employees with families are more likely to live in either a mobile home or in apartments.
My employees live with their parents still. But finding a new employee is difficult because housing is so tough to find.

No such thing as affordable housing in this county...
Our employees are not able to sustain a long term residency and employment with our company due to current housing prices. At some point they realize that it is too difficult to further their financial future, and leave eagle county entirely.
Pricey.
Rent is too high in Gypsum / Eagle area. Full time employees are not able to afford buying a home without assistance on a down payment.
Simply. None available.
Terrible situation in the surrounding area of Vail
The ones who have been here a while are in a good position, the ones who don't own struggle
They all have to live together! Housing is the main reason we see our employees moving away.
Very few employees are able to afford to buy a place and many find it difficult to find housing elsewhere. We have prioritized this as a company and are currently building a new 63 unit building to add to our existing housing inventory. This will allow us to provide housing to more employees and not require shared bedrooms as we currently do (which very few adults want for their living situation).
We cannot hire out of state employees planning to move to Colorado unless they have housing. Most cases they do not find housing.
We have generally hired people already living here, but if we were hiring from outside, this would be a bigger issue.
We've had new employees in the past not be able to find housing and had to rent an overpriced shared room from strangers to make it work.

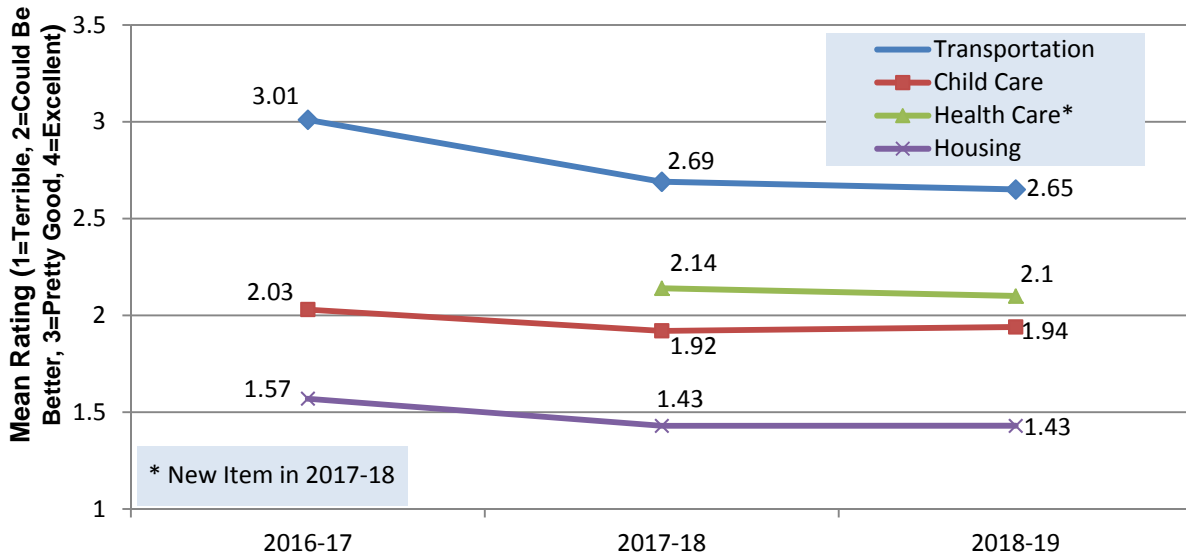
In 2016-17, items were added regarding availability of affordable child care and in 2017-18 items were added regarding affordable health care. These items are presented with the housing and transportation results in the section below for comparative purpose. As seen in the chart below, 65% of employers felt that health care is a problematic issue for their employees and 57% felt that child care is a problematic issue. Additionally, the percentage of employers using the “Major Frustration” category was higher for health care than for child care. At the same time, 27% of employers used the positive end of the scale to describe the health care experience for their employees, reflecting the fact that a number of businesses provide comprehensive coverage. For child care, only 10% of employers used the positive end of the scale to describe their employees’ experiences.

2018-19: Employees' Experience with Health Care, Child Care, Transportation and Housing

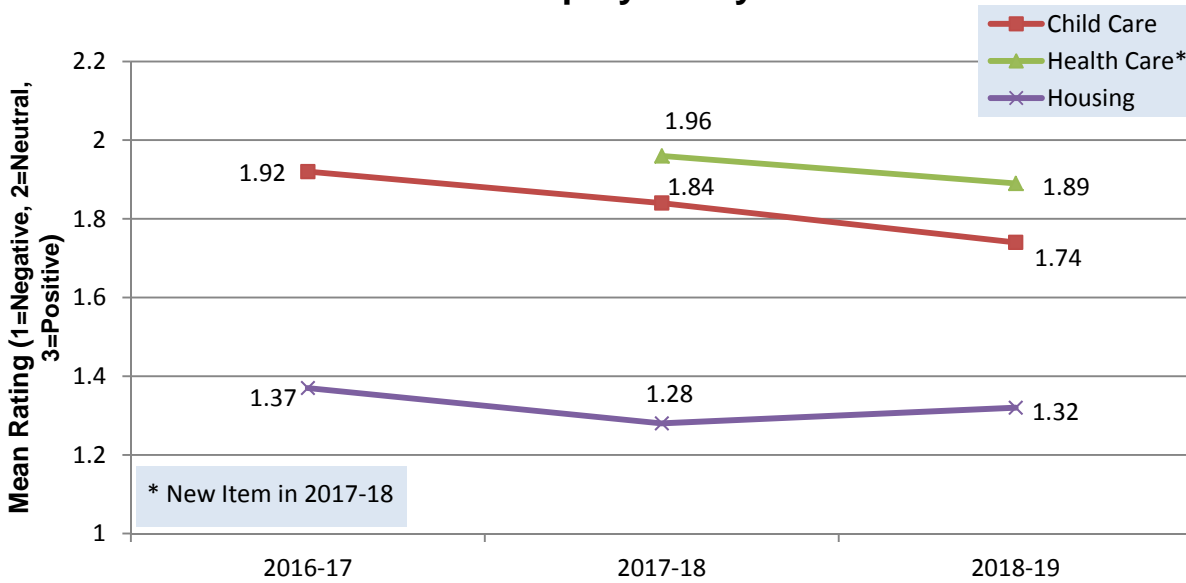


The two charts below present the overall mean ratings on the four key issues presented to employers: reliable transportation, affordable child care, affordable health care, and affordable housing. These charts show that employee experiences are rated as lowest for housing, followed by child care, then health care, and transportation is rated as highest. In terms of perceived employee experiences, all issues moved in a negative direction from 2016-17 and 2017-18, then held relatively steady after that (note that health was new to the 2017-18 version of the survey). In terms of the impact of these issues on the ability to attract, hire and retain employees, housing was rated as significantly more problematic than child care or health care (the impact of transportation on hiring and retaining employees was not included on the survey). The impact of housing on hiring and retaining employees remained steady compared to the previous year, but health care and child care both declined.

Employee Experience on Key Issues by Year

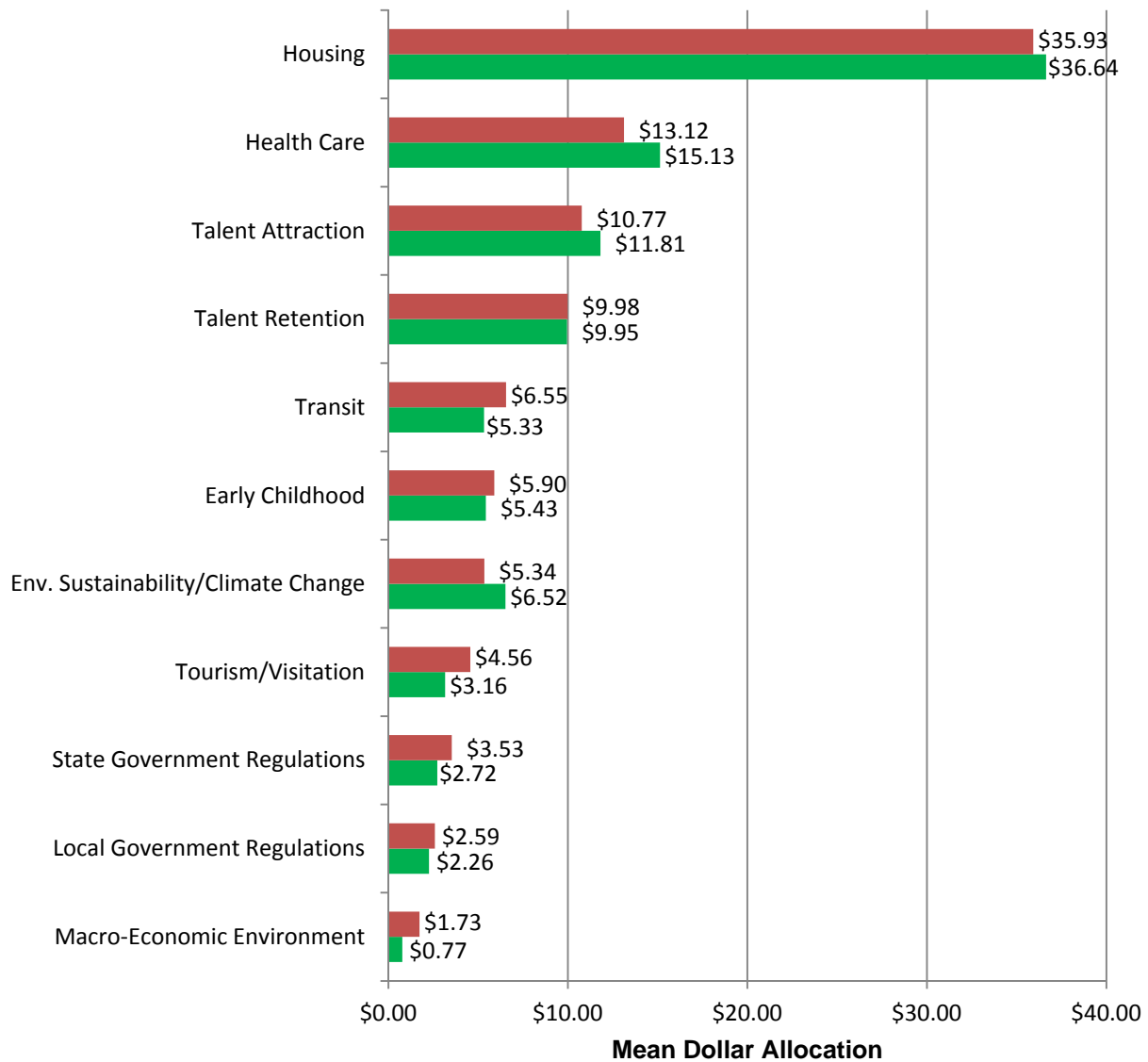


Impact of Key Issues on Ability to Attract, Hire and Retain Employees by Year



Businesses were asked to allocate \$100 across 11 key issues in Eagle County. Not surprising and as shown in the chart below, housing received the highest mean dollar allocation at over double the amount of the next highest item. Health care, talent attraction, and talent retention also received relatively high mean allocations. In terms of comparisons to 2017-18 results, housing, talent attraction, and environmental sustainability/climate change saw small declines, while health care saw a sizable decline. Increases were seen for transit, early childhood tourism/visitation, state government regulations, and the macro-economic environment. Tourism/visitation saw the strongest increase over the previous year.

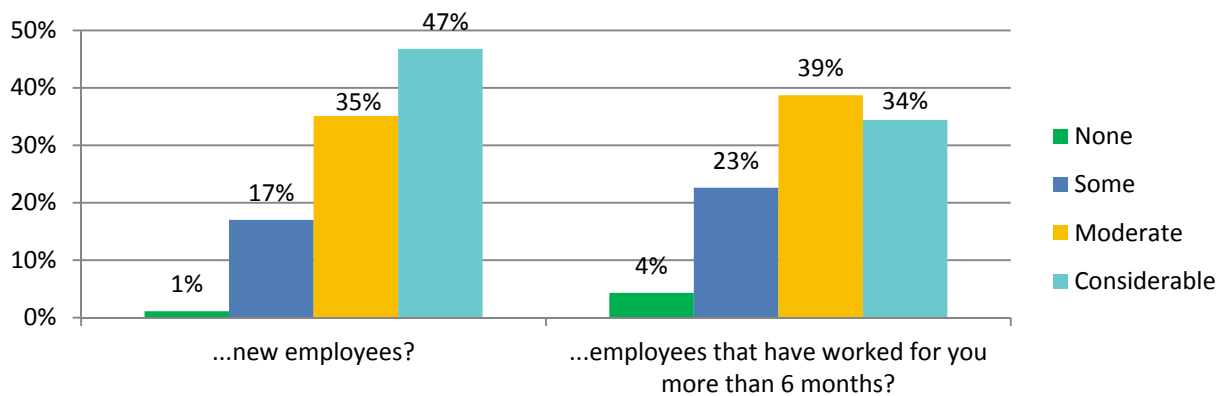
If you had \$100 to spend annually to address community-based barriers to your company's success, how would you allocate the money across the following issues?



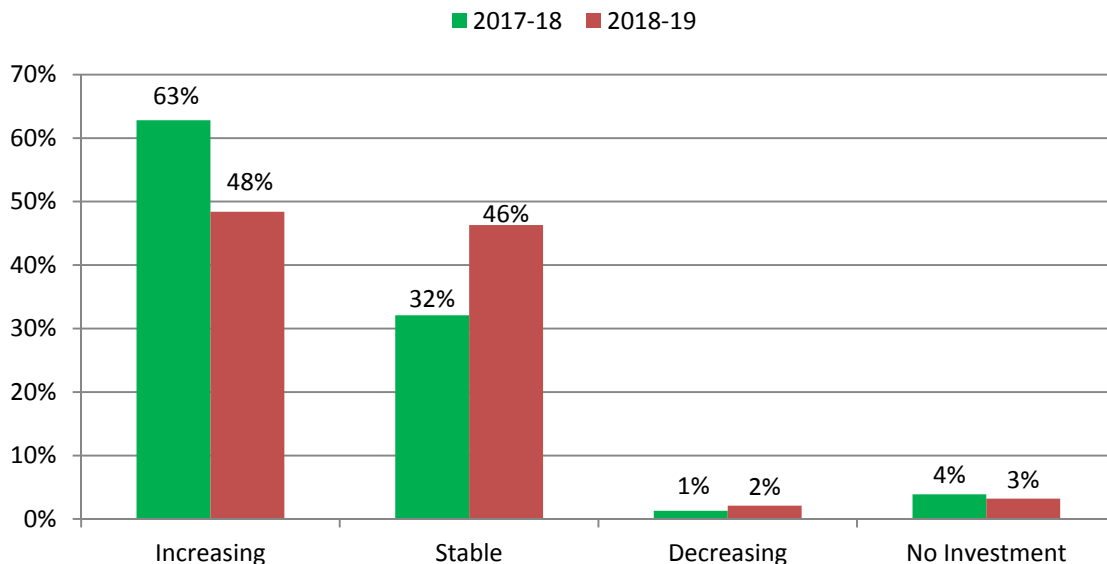
Pay, Training and Benefits

The survey asked employers about their pay scale, job training and professional development, and about benefits they provide. The chart below shows that 99% of employers provide job training and professional development to new employees and 96% provide training for those who have been there more than 6 months. Not surprising, new employees get more training than those that have been there more than 6 months. About half of the employers indicated that investment in employee training is increasing at their company, but this is a decline from the previous year.

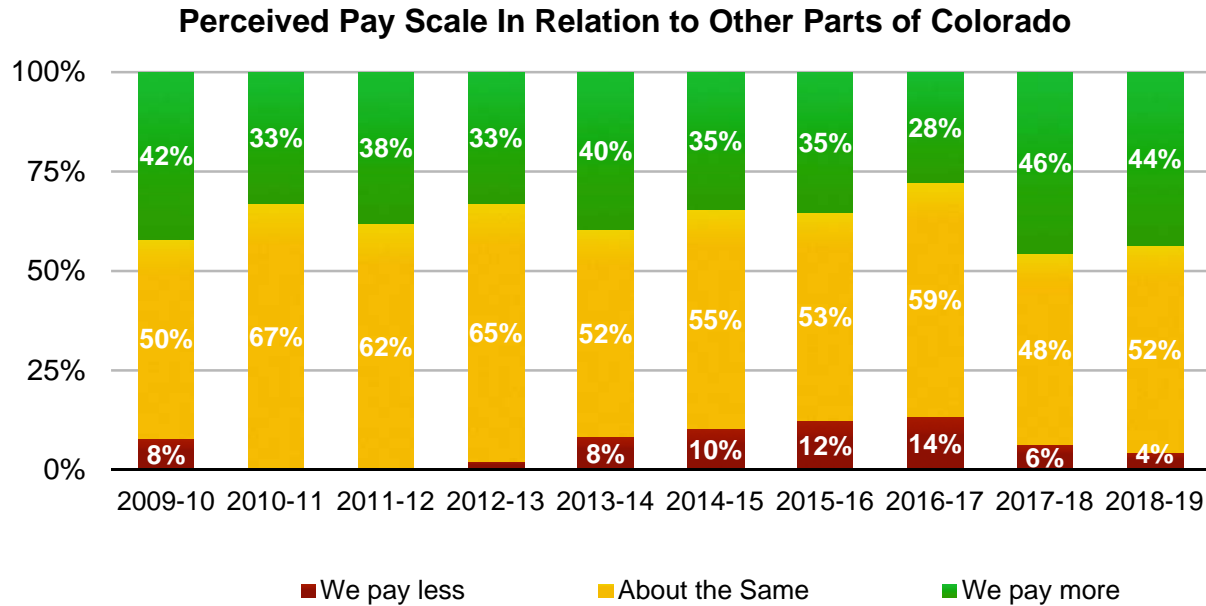
How much job training and other professional development do you offer...



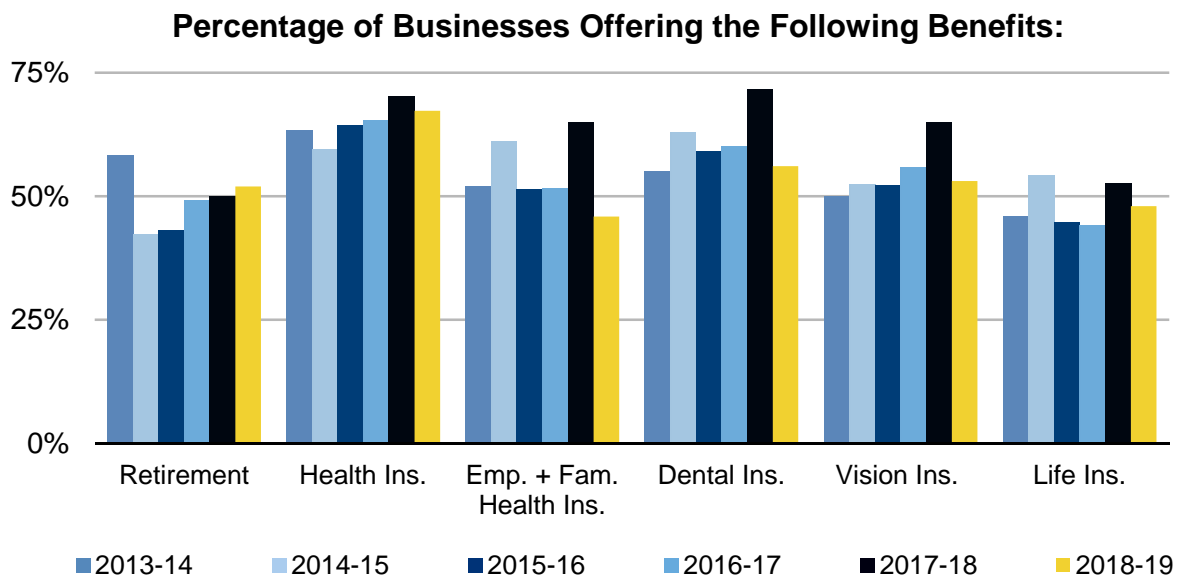
Is company investment in employee training:

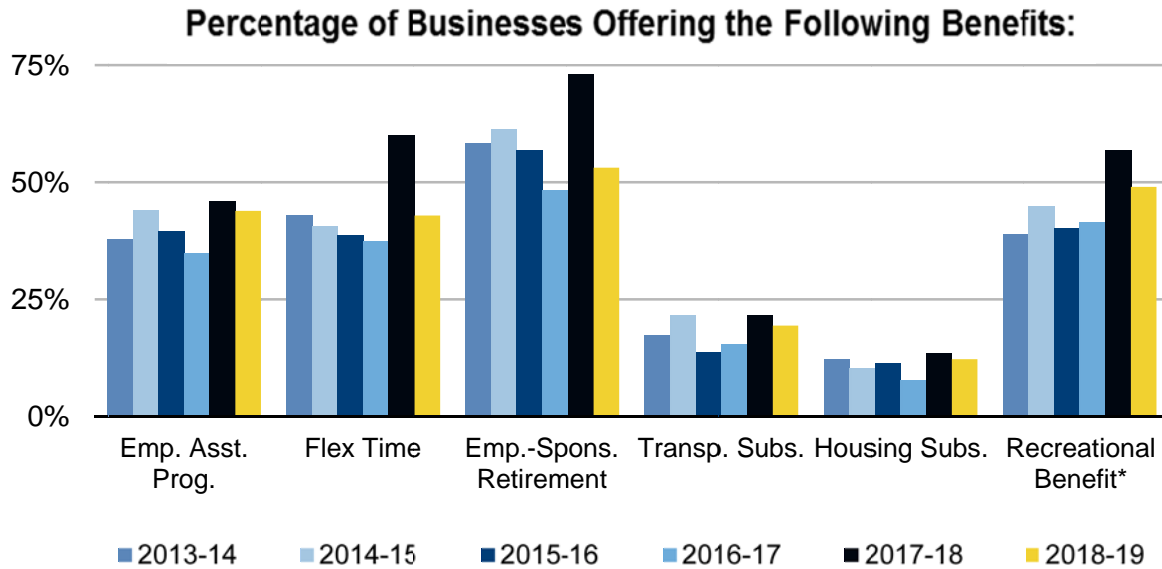


Most entities in Eagle County say they pay the same, or more, than similar businesses in other parts of the state. Additionally, as shown in the chart below, those who say they pay more than other parts of the state decreased slightly over the previous year, those who say they pay the same increased, and those that pay less declined slightly.



The following two charts show the percentage of businesses that offer various benefits asked about in the survey. Health insurance, dental insurance, vision insurance, retirement, and employer sponsored retirement plans are offered by over half of the entities surveyed.

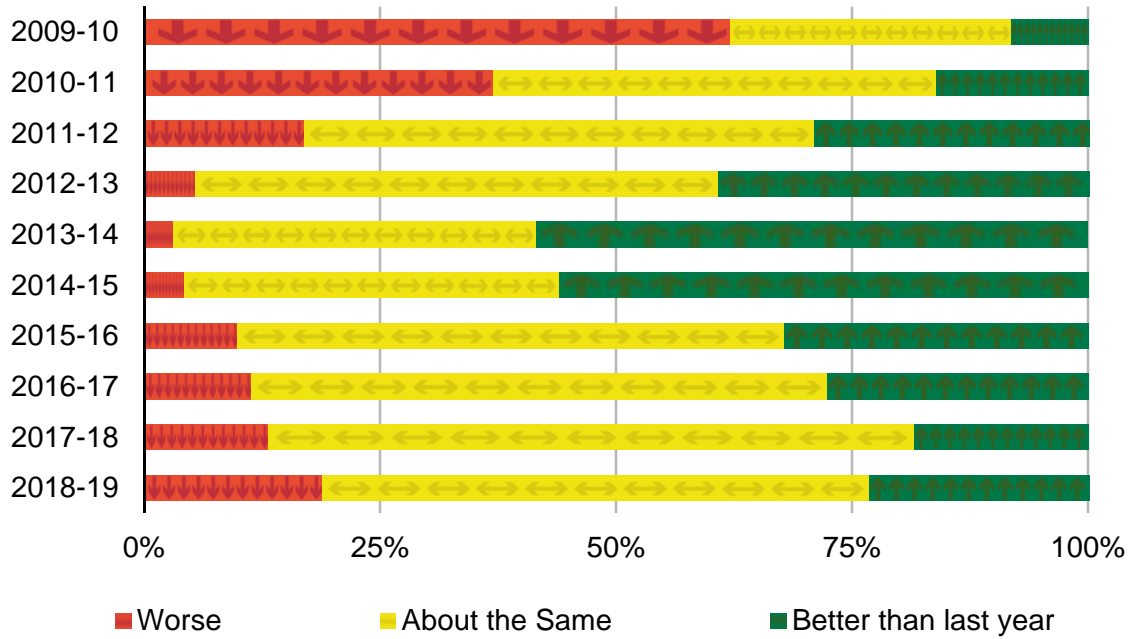




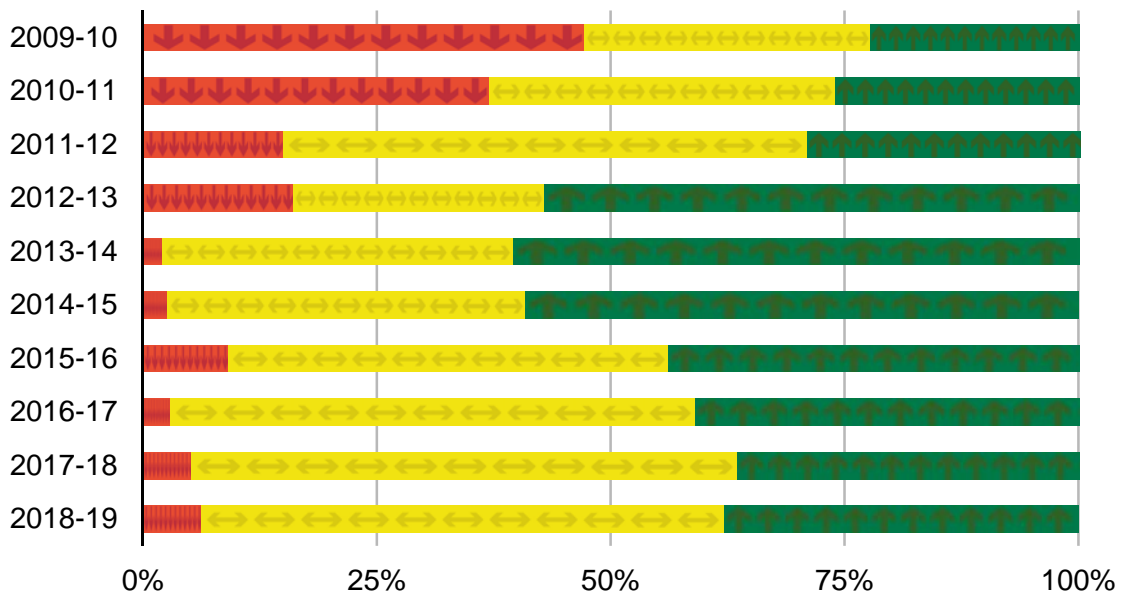
The Economy

As shown in the two charts on the next page, business owners and managers continue to feel pretty good about the Eagle County economy in general as well as their own business health. However, perception of the Eagle County economy in general has been moving in a negative direction since 2013-14. Perception of one’s own business health is always rated more positively than Eagle County in general and current results show slight to small changes when compared to the two previous years. Longer-term trends on perception of one’s own business health show 2013-14 to be the most positive year and then stayed relatively stable thereafter.

Businesses Indicating the EC Economy in General is Better or Worse Off than in the Previous Year



Businesses Indicating their Own Business Health is Better or Worse Off than in the Previous Year



Comments from survey respondents regarding the Eagle County economy in general are as follows:

2018/2019 about the same if not a little better. Much better than 2017. Expecting to level off.
Businesses seem to be doing well, but staffing is suffering. The cost of living keeps going up and wages do not keep pace.
Costs keep rising but not wages. I am making what I made two years ago when I started.
Housing and labor shortages Cannot find qualified subcontractors
Housing is harder to find and more expensive
Housing too expensive and pay can't start to keep up
I answer better because the housing market is strong - non tourist industry business growth is strong.
I'd say worse off in the health insurance arena. Rental rates for housing also seem to be a bigger issue for my teachers.
It is better and worse. Better- more work Worse- more work, same price to customer at a higher cost to contractor
It is hard to gauge, but the costs of housing and healthcare make it very difficult for our employees.
It's harder to be a working person in Eagle County right now because the cost of living keeps going up but wages aren't keeping pace with that growth
Maybe a little better, seems people are spending a tiny bit more than they have in the past few years and travelling a bit more.
Not enough adequate affordable housing inventory; not enough talented job applicants.
The economy is doing great since the last election
the snow helped this season with increased sales
The work force is low and the demand for trades is high. Good companies can do very well we could use less skilled folks but the wages are too high for those folks.
Worse for those seeking to own land / home.

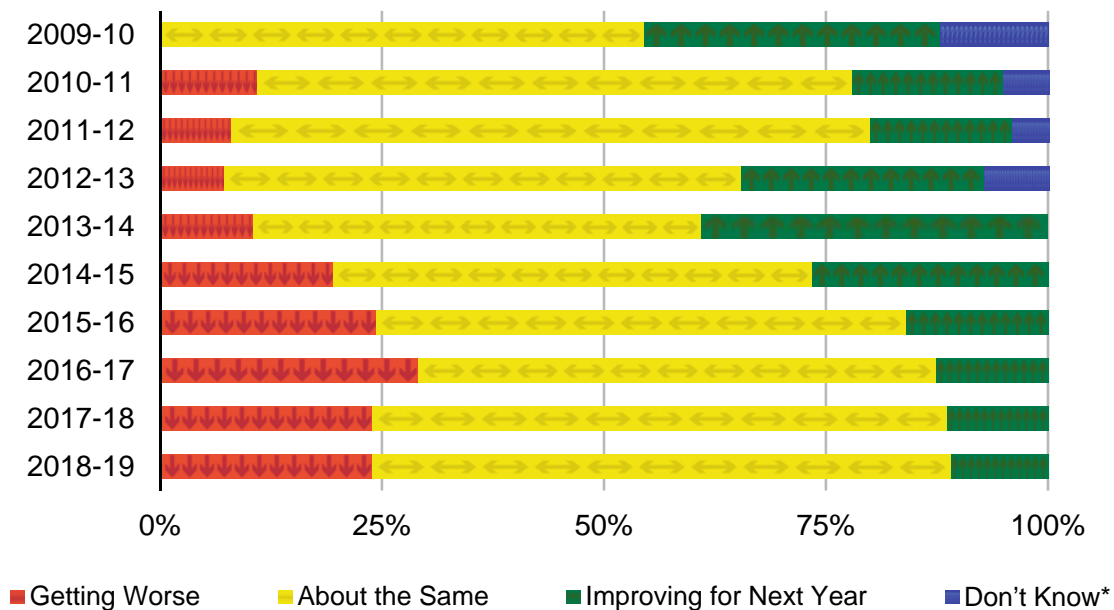
Comments from survey respondents regarding their own business health are as follows:

Currently the spring and summer season numbers are down. Early Winter was down as well.
It fluctuates ...lack of snow in 2018 was an issue. Affected tourism. We are up this year.
Only because of the snow this year - we saw strong growth within our sales this winter.
Our current staff has gained some stability and tenure and we have a clear strategic plan for growth that our constituency is in support of
post renovation we are in a more comfortable spot. This past year was good for the hotel industry.
Record snow fall and epic skiing conditions increase visitors and traffic through the airport.
The snow helped.
We are fully enrolled and retaining staff, however, once we lose staff everything will change.

Predicting the Future

The outlook for finding and retaining employees has held relatively stable since 2014-15. Currently, about 24% of respondents say finding and keeping employees will be worse next year, about the same as the prior year result. About 11% predict it will improve, which is also about the same as the prior year.

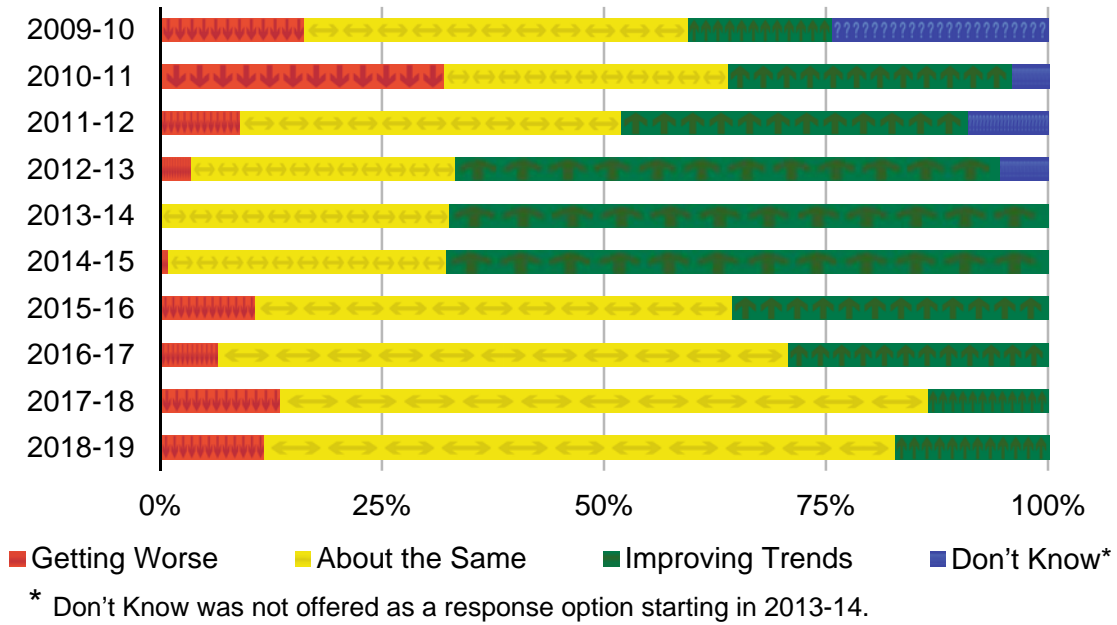
Predictions for Your Ability to Hire and Retain Employees in the Coming Year



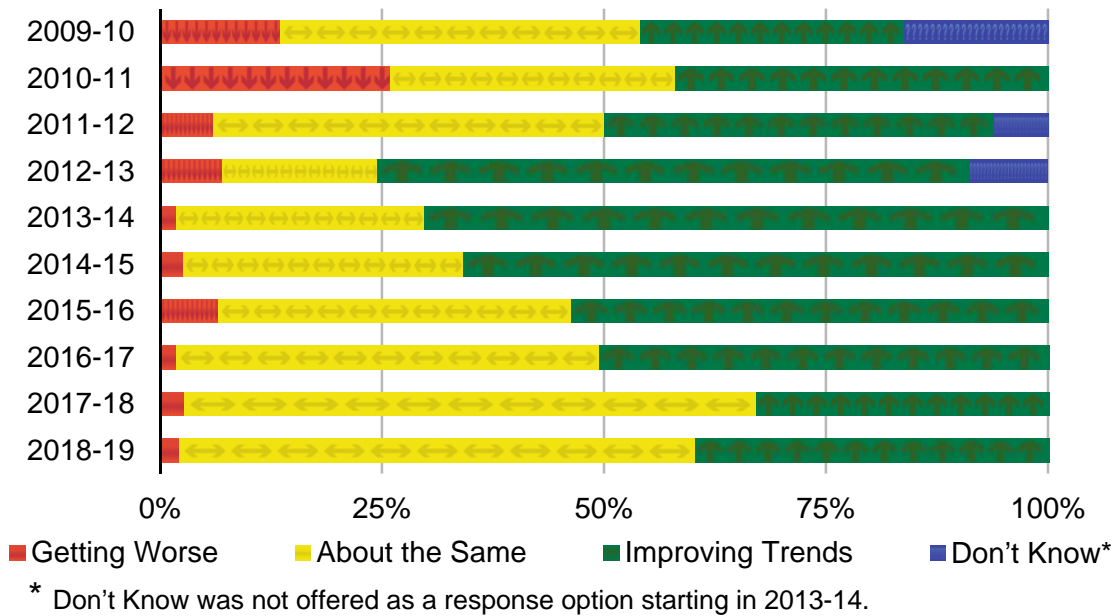
* Don't Know was not offered as a response option starting in 2013-14.

As seen in the charts on the next page, the outlook for the economy and one's own business health both improved somewhat when compared to the previous year. For Eagle County in general, the percent indicating "worse" decreased from 14% to 12% and those that said "better" increased from 14% to 17%. There was more optimism for respondents' own business health and those that that indicated "worse" decreased from 3% to 2% and those that indicated "better" increased from 33% to 40%.

Predictions for EC's Economy for the Coming Year



Predictions for Own Business Health for the Coming Year



Current Business Growth and Expansion

Over half (58%) of businesses surveyed indicate that they expect to expand in the next three years. About 17% of businesses say they are considering expanding or diversifying into a different service sector, a 7% decrease from the previous year. At the same time, 89% of businesses say there are barriers to growth in this community and 45% say that they anticipate federal state, or local legislation changes that will adversely affect their business in the next five years. The anticipated changes in legislation are shown in the table below, while comments regarding barriers to growth are shown in the table starting on page 22. Additional resources that would be beneficial to the businesses surveyed are listed in the table starting on page 25.

Adverse Legislation Anticipated in the Next 5 Years:

Colorado Legislation is working to a single payer health system which will crush our Insurance Industry and limit healthcare for its residents.
Continued reduction of the Residential Assessment Rate
Family leave fees (taxes) and other burdensome regulations at a state level. Transit improvements locally.
FCC could change their policy on Radio Station ownership. Could be either a benefit or detriment.
Funds are always subject to state funding
hard to say
health insurance and health care provider availability
Hopefully: - Health care initiatives - improved / increased affordable housing - revamped public transportation
I am sure something will happen.
Immigration reform and ability to obtain visas.
Increased federal excise tax on beer.
Insurance, litigation, healthcare
Legislation and compliance issues always have the opportunity to affect our work.
Mandatory leave policy at state level may be difficult financially if passes
Minimum Wage, Family Leave Act
New Colorado Employment Laws
Not aware of any, but not tracking
Not legislation per se, but a recession will impact philanthropy and marketing spend.
Not state or local, but federal real estate laws can always change the way we operate.
Polis taxing us to death is not positive. And depending on 2020 election as far as business taxes ...we like it lower!
Possible changes in H2B program and possibly having to provide housing for J-1s.
Possibly expansion of liquor to other retail outlets
Possibly, however we may see them improve aspects of our business. Namely the Camp Hale Legacy act, and how the implication will directly affect our permits and trail system.

Property tax increases are a major factor
Proposed amendments to TABOR and Gallagher could increase property taxes and have an adverse effect on 2nd homeowners interested in home remodel projects.
Rising minimum wage
TABOR and/or Gallagher
Tariffs
Tariffs
Tax laws and Tariffs may affect us. Health Insurance too. Unknown if these changes will help or hurt us.
Taxes and small business responsibilities for hiring more full-time staff (unemployment, healthcare, workers compensation).
That is certainly very difficult to answer. Will the new governor's agenda be helpful, costly or neutral? Remains to be seen. Will local government actually help the housing situation? That is certainly an unknown at this time.
The way in which the hospital is paid as well as greater transparency with billing / expenses.
There is legislation underway to raise the minimum wage to \$15 and abolish the current tip credit for restaurants by 2024. If this passes it will be disastrous for the restaurant industry.
There is regularly employment related legislation that require additional resources or changes in business practices.
Tipped minimum wage increase
Town of Eagle's budget struggles.
Unknown
We are a bank....
We are constantly looking at and watching future legislation
We are greatly affected by state level and legislative changes. Change always puts pressure on our processes and businesses.
We are in the short-term/vacation rental business. Communities across the country are considering rules/regulations for this industry. In many cases the new rules are hostile to our business model. So far not the case here, but it's not impossible that it could change

Barriers to Growth in the Community:

Ability to attract young professionals due to high cost of living and limited affordable housing.
Affordable Housing
Affordable housing and medical expenses make it difficult for young workers to build a career in this valley so employee retention is always a challenge.
Affordable housing for employees and cost of living is high
Affordable housing, child care
Affordable housing, comparable to cost of living, recruitment and talent retention.
Affordable housing, duh
Affordable Housing, Professional Workforce
Affordable housing. We have to bring in employees from other parts of the state to work temporarily.
Compensation and housing
Complex equation of looking for professional people and being able to afford to pay them

commensurate with their experience and at a level that allows them to "live" here and not just survive
Cost of housing & cost of salary to accommodate the overall premium we pay here in cost of living. Cost of health insurance.
Cost of living being more than pay. Cost of child care. Healthcare costs. Lack of housing/ cost of housing.
Difficult to grow when there is no place for retail workers to find housing that is less than half their monthly income. We pay a competitive rate with incentives and it's still very hard for employees to pay rent let alone love where they live.
Employee housing and population base
Employee Housing, Talent Pool
Expanding services is challenging in that finding talent that already have housing or can make the move here is sometime difficult.
Expanding staff this past year resulted in our agency reaching outside of the valley to find experienced professionals in the field from other areas. The high cost of living was a barrier to getting them to come. One even cancelled the day before his first day of work.
Expansion is affected greatly by lack of labor, Lack of housing and end-user customers/developers not understanding the requirements to live in the valleys
Finding quality job candidates
Finding skilled talent.
For hiring: professional employee pool & cost of living; For programming: venue & vendor cost
Funding is always a challenge for non-profits but we work hard in this area; ability to hire staff - low unemployment & lack of affordable housing coupled with high cost of living have made this difficult in recent years
Generally cost of living is perceived as barrier especially for married couples with children
Grocery stores selling full strength beer
Have to rely on contract labor to fill in gaps
High cost of land, increasing construction costs, limited sellers allowing development, high population of residents traveling out of town (too few local jobs to support daytime shopping/eating for businesses)....
Hiring quality long term employees
Housing & healthcare costs, early childhood access and cost, need for local governments to improve housing development processes to facilitate smart growth
Housing and employee costs.
Housing and healthcare costs
Housing crisis and lack of qualified applicants for open positions
Housing expense, low unemployment, public transportation
Housing verses wages Availability of housing
Housing, both for families and employees. We have seen some growth in families in Vail with Chamonix development, we need both children and employees up Valley in order to sustain.
Housing, Cost of getting here as guests, general cost of living - but it's a great place to live
Housing, cost of living, available services, cost of healthcare
Housing, cost of living, medical costs, immigration laws, large amount of job vacancies with few applicants due to the aforementioned challenges
Housing, housing, housing. The expense of housing drives a need for higher wages and lowers the available workforce. Positions go unfilled.

Housing, transportation.
Housing, Wages keeping staff. The cost of living is high and the wages do not sustain the cost of living.
Housing. It's hard to move here when you have to drop \$6,000-\$7,000 just to move in
Housing. Expense. Cost.
Housing/Cost of Living
I have actually looked at other locations in the valley and am presently doing so, but do not feel comfortable that educated and hardworking employees are available to businesses in the area due to high cost of living and lack of affordable housing.
In Eagle we are desperately short of housing for the 'missing generation' - Millennials. As a result our employers struggle to find and keep qualified staff.
It is hard to find office managers with previous experience that don't expect an extremely high salary
It is very difficult to find employees and it is very difficult for employees to find housing.
Labor pool and high housing and wages
Lack of affordable housing that is located close to hospital for clinical staff to be able to respond quickly to if necessary. Lack of child care with hours of operations that would accommodate 12 hour shifts.
lack of professional employees that are here to stay, looking for a career not just seasonal short term employment
Lack of qualified associates to fill management and professional roles, in addition the housing issue causes great strain on associates to remain in the valley and grow into senior positions.
lack of staffing, expense of construction, housing for employees, sub base shrunk, healthcare costs, weather, transportation challenges on i70 and up and down the front range.
Land & Economy
Land is a limited commodity since our valley is surrounded by public land.
Local and State legislative barriers continue to create barriers to growth.
Many: - Cost of living - Health care - Public Transportation - Holding a strong profit margin that ensures business success
Medical qualifications and certifications
No affordable housing for those working in hourly positions for Vail resorts.
Not enough people for the employee demand. Impossible to depend on an influx of qualified workers.
only the available develop-able space limitations
Over regulation
Pay scale
People not wanting it to become a city (which I agree with) and affordable housing
Permits for our tours within the white river national forest. Stricter regulations from Eagle County on our wedding program. Lack of services such as electricity, upgraded internet, and upgraded phone due to our location.
Remoteness of our location.
Rental housing and ownership market.
Seasonality of work
So many nonprofits and many of which are not open to collaboration
Staffing

Staffing is a huge barrier
Staffing, housing
Talent pool, cost of living.
The barriers we are up against are attracting, hiring, retaining good employees due to the high cost of living. We like to be on the leading edge of compensation in the Vail Valley and the cost of living is rising faster than company growth.
The community is built out.....Options for programing on existing facilities
The cost of housing and difficulty in establishing in the area are barriers to getting qualified professionals who could make the same or more elsewhere with lower living costs.
The main cost is real estate, which is on average 50% higher than the national average. This makes it difficult to pay staff a high enough wage to make up for this additional cost. We recommend that municipalities institute a universal basic income for county residents/workers to help ease this burden.
The real estate market tends to be the biggest factor.
Tight Labor Market
Time to train for qualified and skilled workers.
Time, money
Town of Vail various limitations including housing, signage, parking
Workforce housing continues to be our biggest challenge in recruiting and retaining employees.
Yes and no. Finding qualified employees is hard for all businesses. No more or less for mine. I hired my first remote employee this year. He works from home in the front range. That may be a strategy I employ to expand in the future.
Yes. High cost of land, construction materials, impact fees, costly approval process, narrow-mindedness, and extreme NIMBYish.

Additional resources that would be beneficial:

A larger candidate pool to choose from
A list of available skilled contractors. Is this distinct from VVP directory?
A network for housing. If you don't have a place to live how can you work in this valley. Commuting from Leadville or Glenwood seems a bit crazy.
A state run family leave program would allow small employers to better compete with larger employers on benefits.
Affordable and usable health insurance affordable housing light rail transportation
AFFORDABLE HOUSING
Affordable housing
Affordable housing for employees
Affordable housing, ease of transportation from down valley to Vail and Beaver Creek, better parking for employees
Continued access to VVP information and resources, allowing more Miller Ranch type housing programs, transportation systems could develop better (carpool programs that allow a space for parking?)
Continued efforts to create partnerships that provide workforce housing are essential.
Continued leadership from VVF in areas political concern - family leave act, health insurance, wage surveys

Continuing education around non-profit administration (management, development, marketing, etc.). Continued networking support for collaboration, cooperation, shared resources, etc.
Continuing Education. The more we, as business owners can share with each other, the better.
County wide health plan; pool of employee housing for qualified employers
Eagle/Gypsum area job fairs
Employer driving housing initiatives or collaborations.
Financial literacy classes
Find ways to address the "cost of living" issues: housing, healthcare, childcare to help with employee retention.
Finding and retaining quality employees, help with affordable housing so that they remain in the area
Good insurance (health) for employees that have multiple PT jobs
Health care education Housing database
Healthcare resource, VVP is doing a great job, but its needs to be expanded.
Housing opportunity
Housing subsidies, stronger labor pool
I think affordable healthcare either for employees to pay out of pocket, or for us to offer employees as a benefit. Getting a better handle on some sort of housing regulations in the county.
Local health insurance co-op to negotiate better rates with local hospitals. More support for childcare centers to open more locations/increase staffing/take more kids. More mental health resources.
Marketing/Promotion/Advertising assistance (from the TOV and/or the county). Real Estate cost subsidy (from TOV and/or County).
More affordable housing. The valley is a great place to live, but not everyone can afford to live, work and start a family here. We have valuable employees that leave the valley after a year or 2 due to housing issues and no long term security.
More choices for health insurance
More collaboration between organizations rather than "Avon" ones, "Vail" ones, etc.
More health care options.
More housing options. Stronger work force
More information on the health of businesses in general.
More networking opportunities
None
Partnerships between government and business community for housing solutions
Purchasing home / land assistance. Day care with earlier and later hours of operations at a more reasonable fee.
Quality local housing which we could offer to employees who are considering moving to the valley.
real solutions for health care and housing affordability issues
The Town of Vail provides a significant amount of resources to us as do the CO State Library and other library-related networks, statewide.
The VVP Business Insights Series held on May 15 and May 22 were beneficial and would attend similar workshops in the valley.

We need more affordable health care for local businesses and we need our local governments, especially the county to help with the housing crisis. Elected officials need to actually vote for housing instead of just saying they will and then caving in to the NIMBYs in our community. Our county used to be a place of opportunity for new residents. It's becoming a retirement community for many who do not care about future vibrancy in our economy or community.

We need the county and local governments to get into one room with business leaders and discuss options to improve our issues - if we work together we could accomplish so much.

Survey Methodology

Vail Valley Economic Development invited employers to participate in this research by sending them an email link to an online survey. Staff then placed follow-up “invitation to participate calls” to those companies and other entities that had not yet completed the survey, but were considered highly representative of the local business climate. The Vail Valley Partnership and its member associations included information and the survey link in their online newsletters, and area non-profit organizations were invited to weigh in.

The survey was designed and tested by research staff, and distributed through Survey Monkey, an internet-based survey tool. Data was tabulated and analyzed using SPSS, the Statistical Package for Social Sciences.

This was an opt-in rather than a random sample or census survey, so a margin of error cannot be calculated. However, survey respondents represented small and large businesses of different types employing a large number of workers throughout the valley, and results can be used to assess trends in the Eagle County workforce.

Conclusions

Some conclusions from the 2018-19 Workforce Survey:

- ✓ Business owners and managers as a whole predict a small positive change in the economy in general for the upcoming year. This was also true for the vitality of one's own business and the magnitude of the positive trend was slightly larger. Similarly, a an improvement was seen among respondents in terms of opinions regarding current economic conditions in the County in general and current views on the health of their own business also moved slightly in a positive direction.
- ✓ Predictions about the ability to hire and retain employees in the upcoming year held relatively steady since the 2015-16 survey year.
- ✓ Frustration with housing continues to be a major issue, but has held relatively steady compared to last year. Negative opinions continue to run at an all time high. Nearly 3 out of 4 businesses feel that the housing situation negatively impacts their ability to hire and retain employees and this issue was mentioned frequently when asked about barriers to growing their business in the community.
- ✓ Over half of the businesses feel that their employees have a negative opinion of the availability of affordable child care, an issue that was introduced to the survey for the first time in 2016-17. Close to 1 out of 3 businesses feel that lack of child care negatively impacts their ability to hire and retain employees.
- ✓ Two-thirds of the businesses feel that their employees have a negative opinion of the availability of affordable health care, an issue that was introduced to the survey for the first time last year. Almost 2 out of 5 businesses feel that lack of affordable health care negatively impacts their ability to hire and retain employees. However, a number of the businesses provide comprehensive coverage and 27% of respondents say their employees have a positive experience on this issue.
- ✓ Over half of the businesses surveyed indicate that they expect to expand in the next three years and about nearly 1 out of 5 say they are considering expanding or diversifying into a different service sector. However, nearly all of the businesses say there are barriers to growth in the county, with a large number of respondents providing open-ended comments in this area.

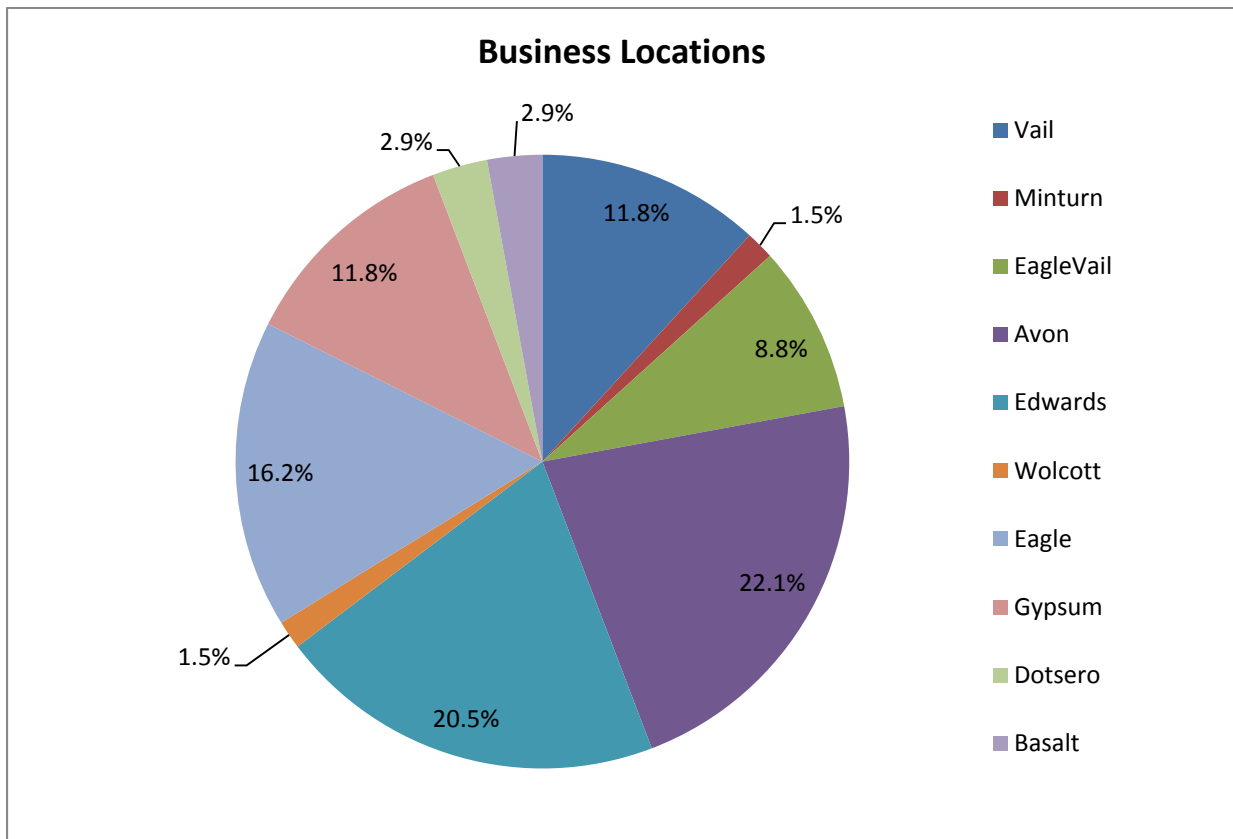


EAGLE COUNTY BUSINESS RETENTION AND
EXPANSION INTERVIEWS: SUMMARY OF FINDINGS

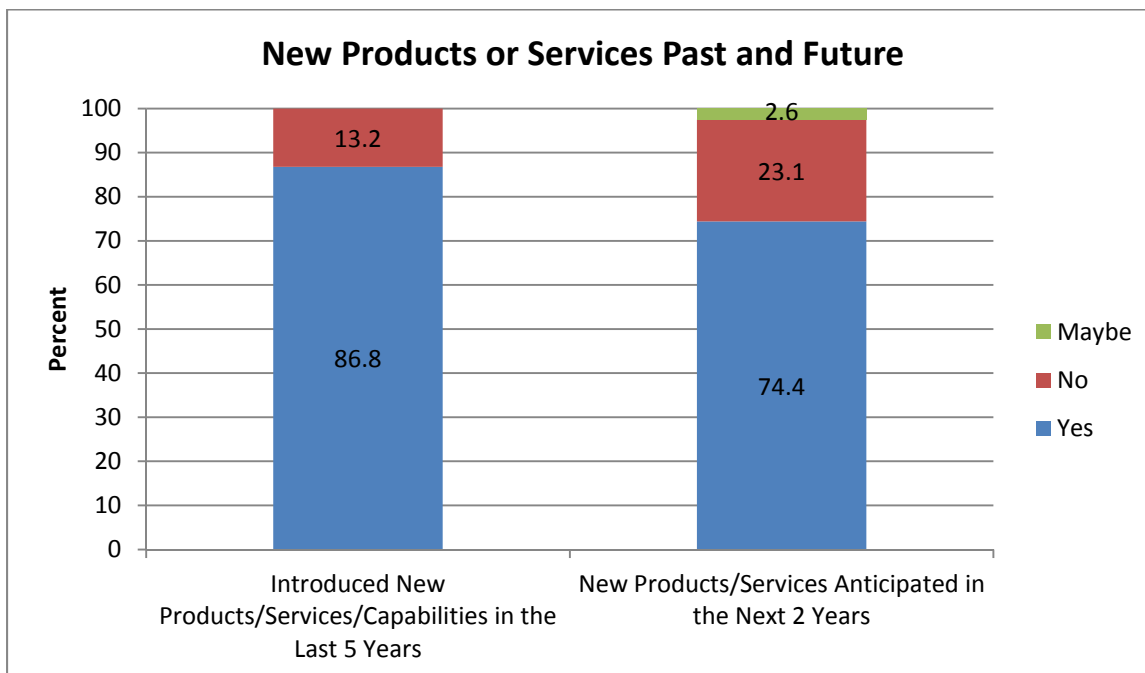
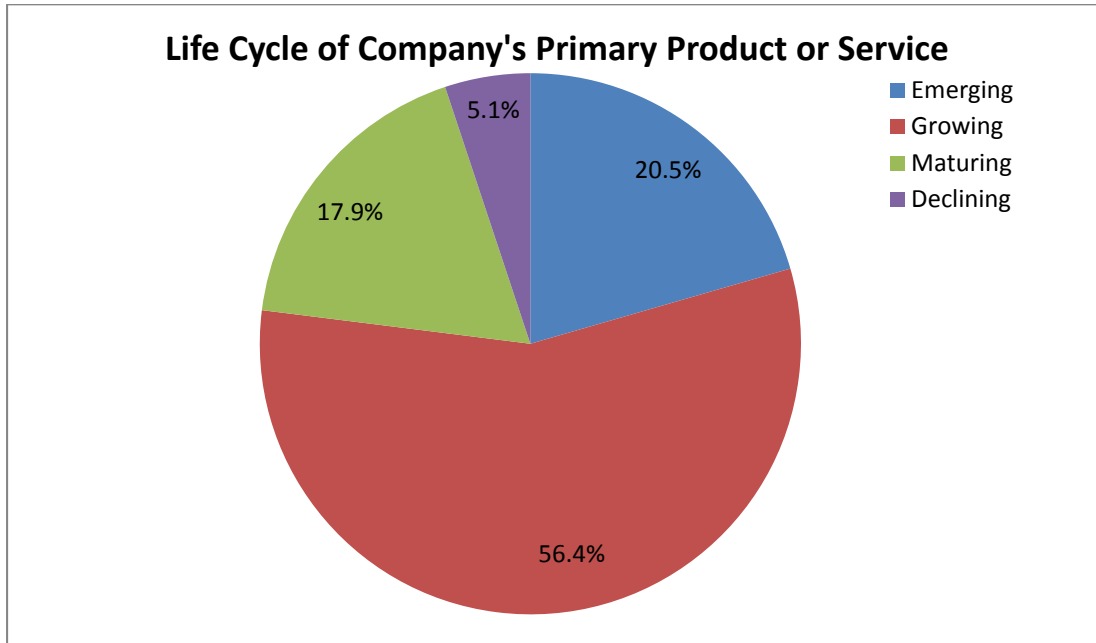
MAY 20, 2019
ANDREJ A. BIRJULIN, PH.D.
CONFLUENCE RESEARCH AND TRAINING, LLC

I. Introduction

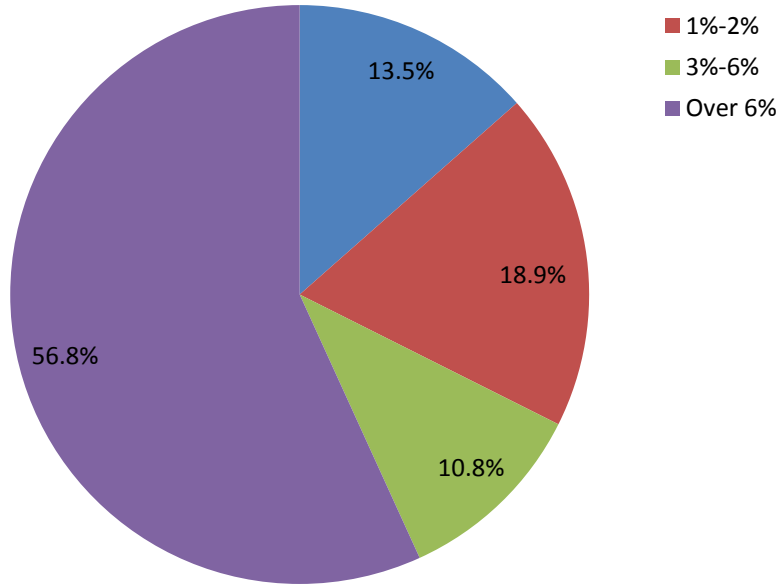
In 2017, Eagle County Government commissioned Vail Valley Partnership to begin interviewing local businesses to better understand the climate in the county for improving retention and supporting future expansion. The focus of this effort is on primary businesses, that is, those that generate at least a portion of their revenue from sales and services outside of the county. While this is an ongoing effort, this interim report summarizes the findings from 68 businesses from throughout the county. Interviews were conducted by trained researchers in a face-to-face format using a well validated and highly reliable protocol developed by Blane, Canada Ltd. As seen in the chart below, there is representation of businesses from throughout the county, with the greatest number of interviews conducted in Avon, Edwards, Eagle, Gypsum, and Vail. Interviews were conducted with high level personnel within each organization, most commonly owners, CEOs/presidents, or high level directors/managers.



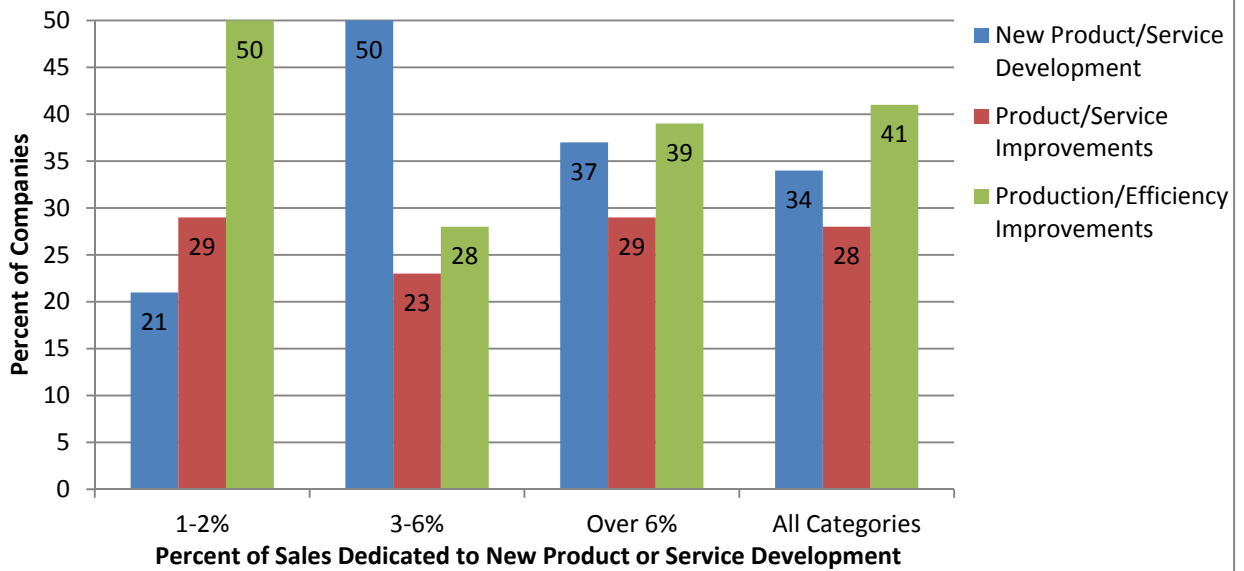
II. Company Characteristics

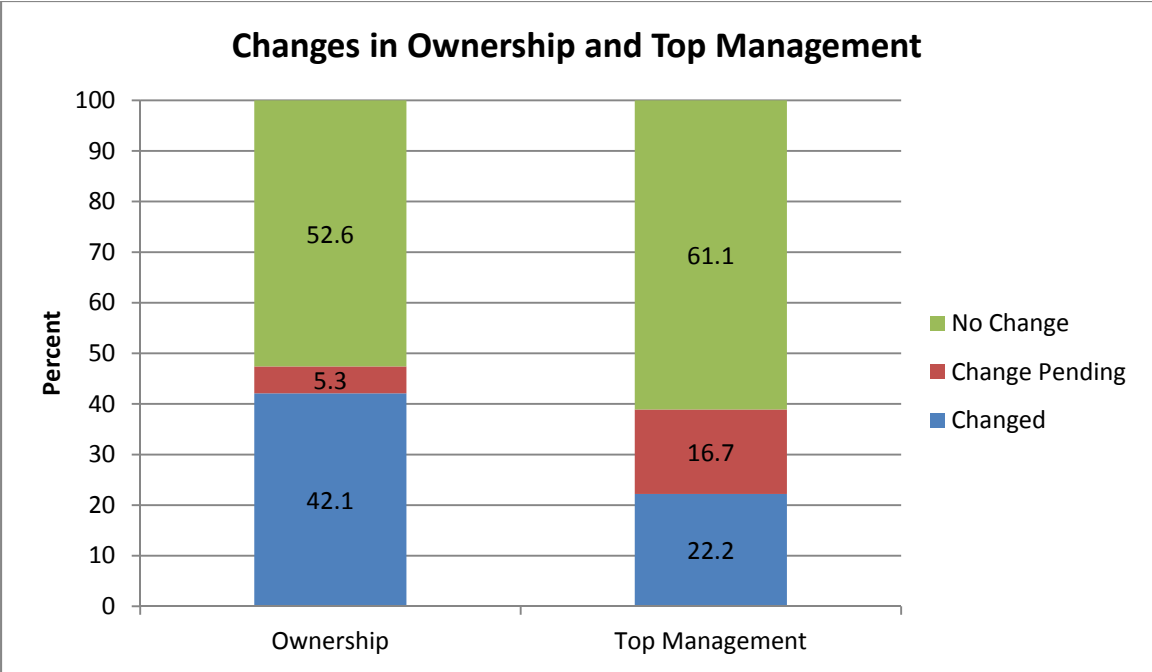
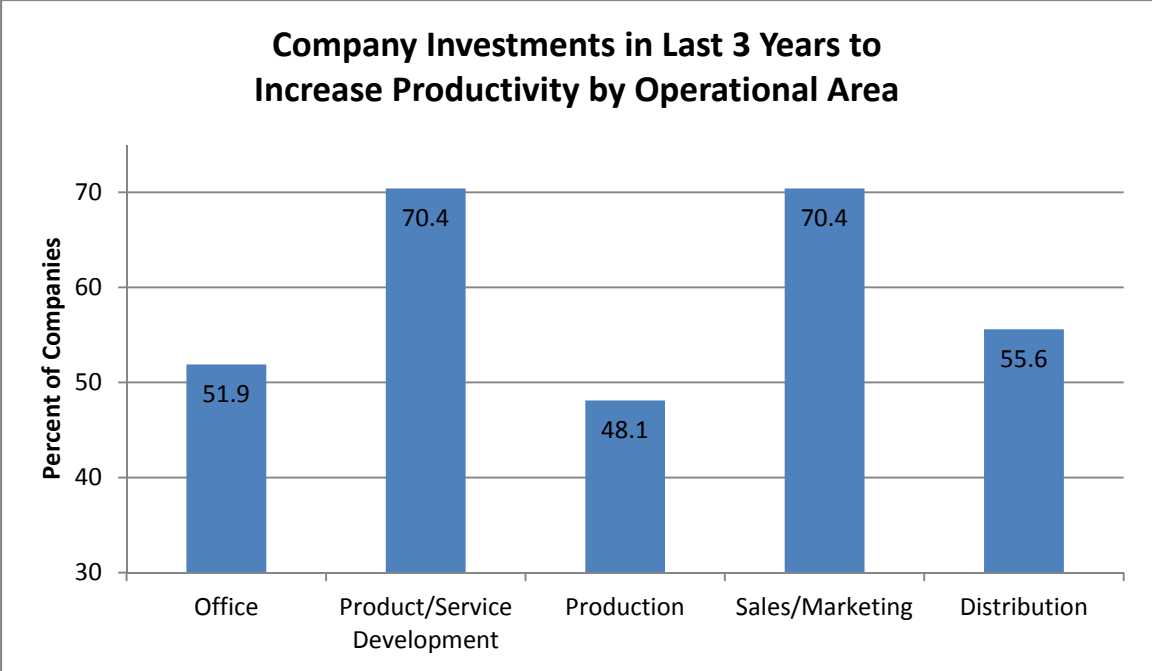


Company Spending on New Product or Service Development as a Percent of Sales



Product/Service Allocations by Spending Budget

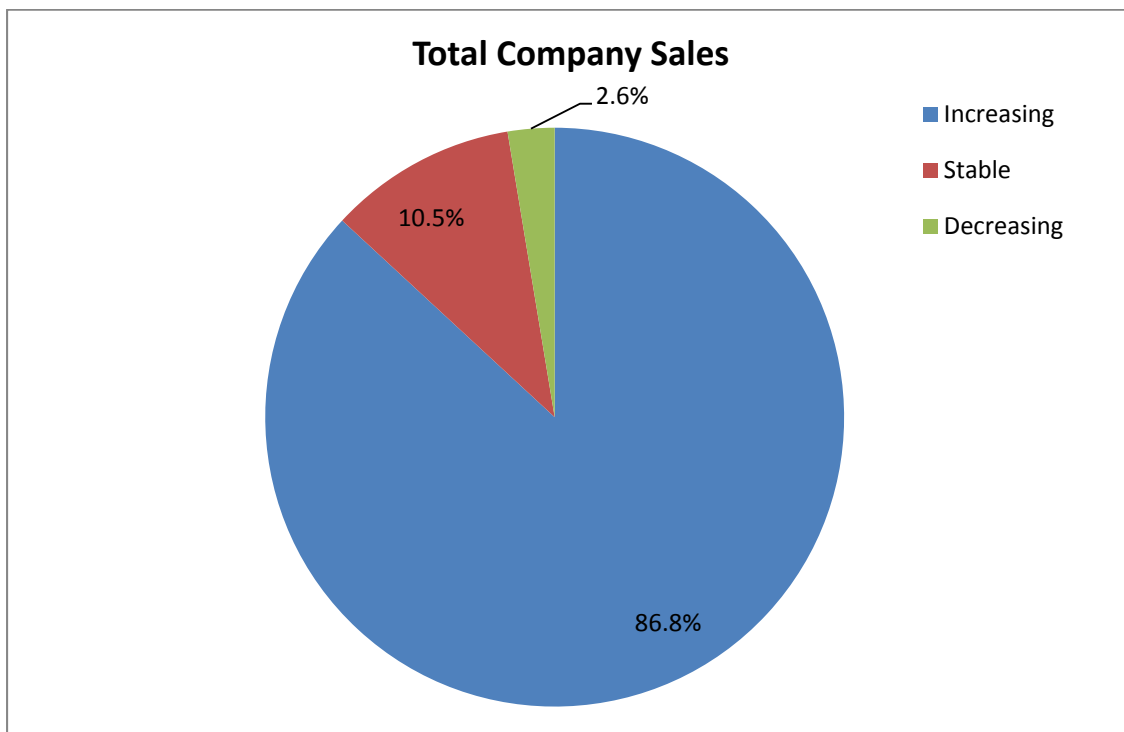
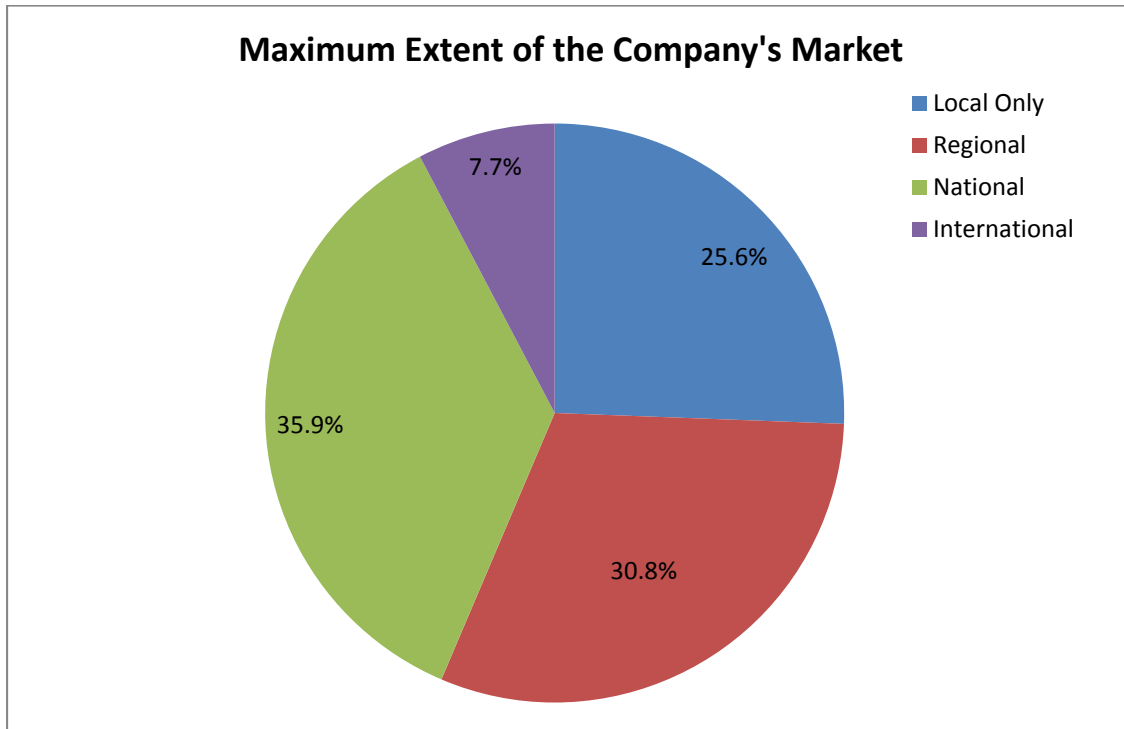




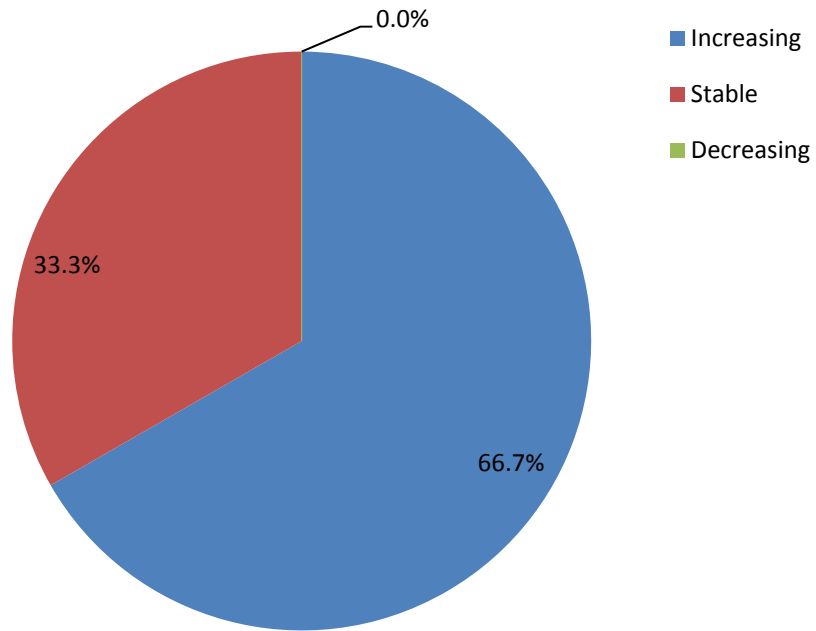
More than half of primary businesses in Eagle County are in the growing phase of the life cycle and about one out of five are in the emerging phase. Very few local businesses are in a declining phase. Most businesses (87%) introduced new products or services in the past five

years and three out of four anticipate new products or services in the next two years. Over half of the businesses interviewed spend more than 6% of their sales budget on new product or service development. Local companies invest somewhat more in the areas of product/service development and sales/marketing, than in distribution, production and office operations.

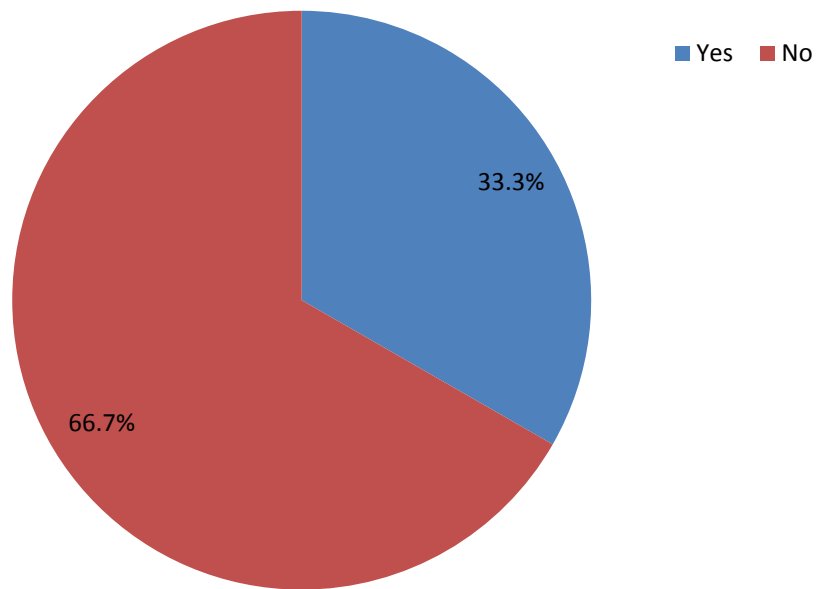
III. Market

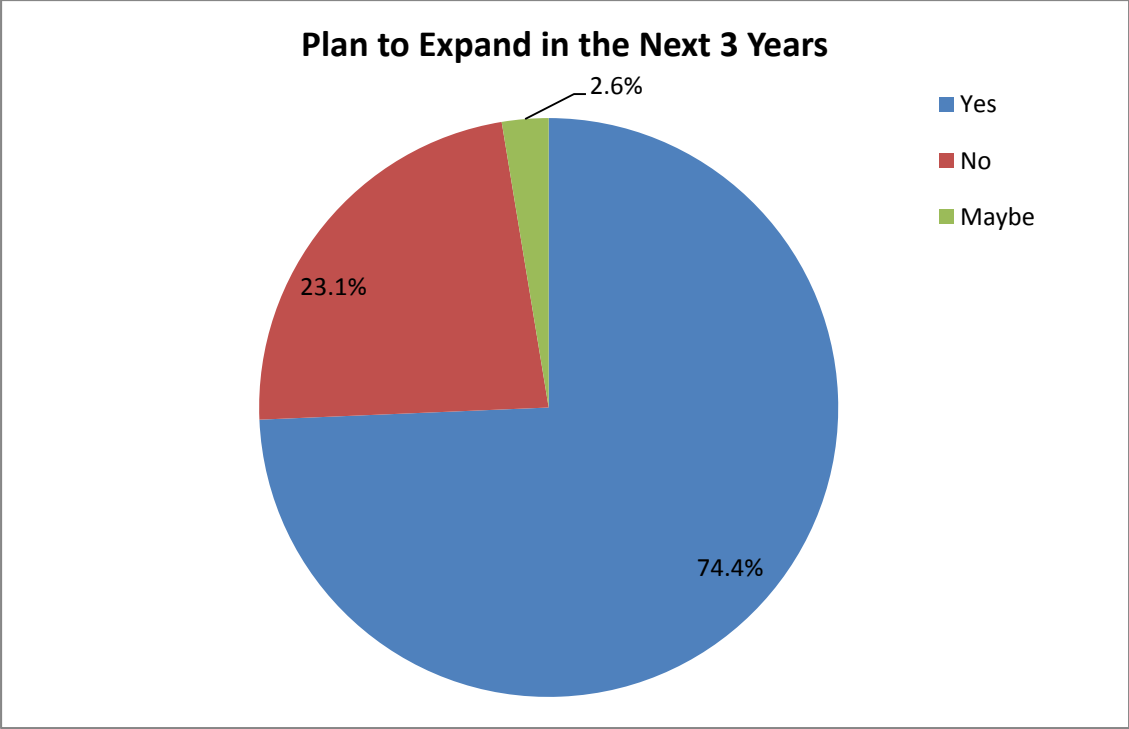


Market Share of the Company's Key Product or Service(s)



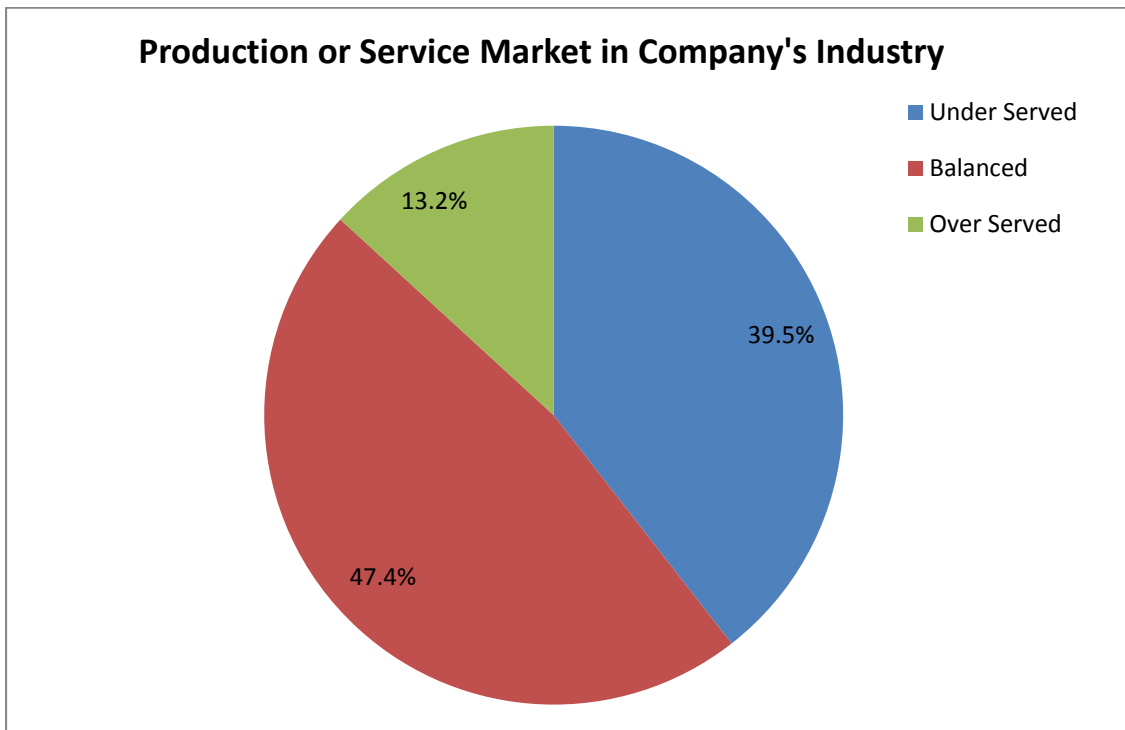
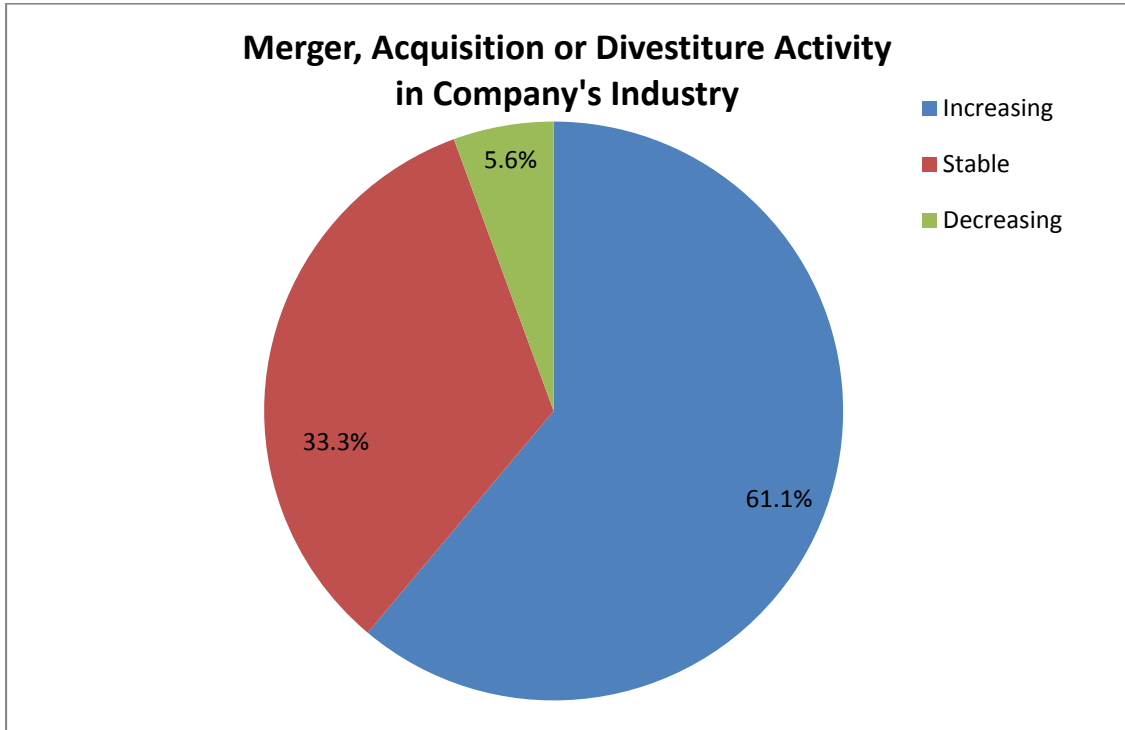
Key Customers at Risk of Merging or Closing

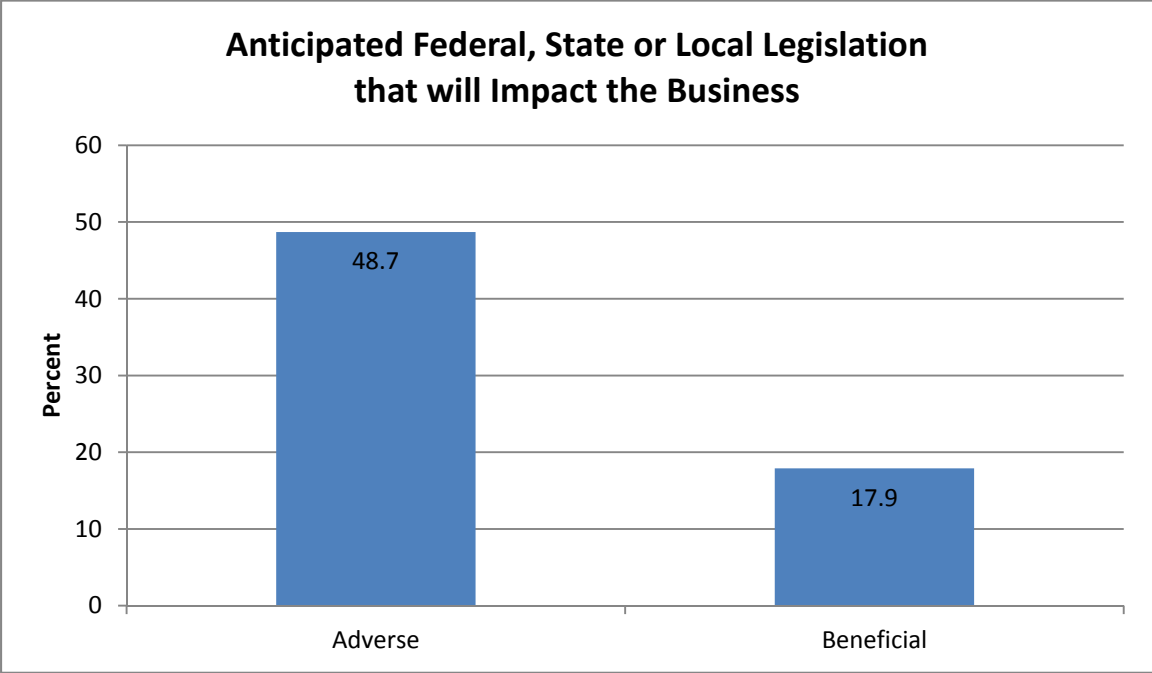




About one out of four businesses interviewed serve only the local market, 31% serve a regional market, and 36% have a national reach. Less than 10% have an international reach. Almost all businesses (87%) say sales are increasing and two-thirds says their market share is increasing. Three-quarters say that they plan to expand in the next three years, although few businesses could provide details such as the estimated total investment, amount of real estate needed, number of jobs added or lost, or the future operating space needs.

IV. Industry



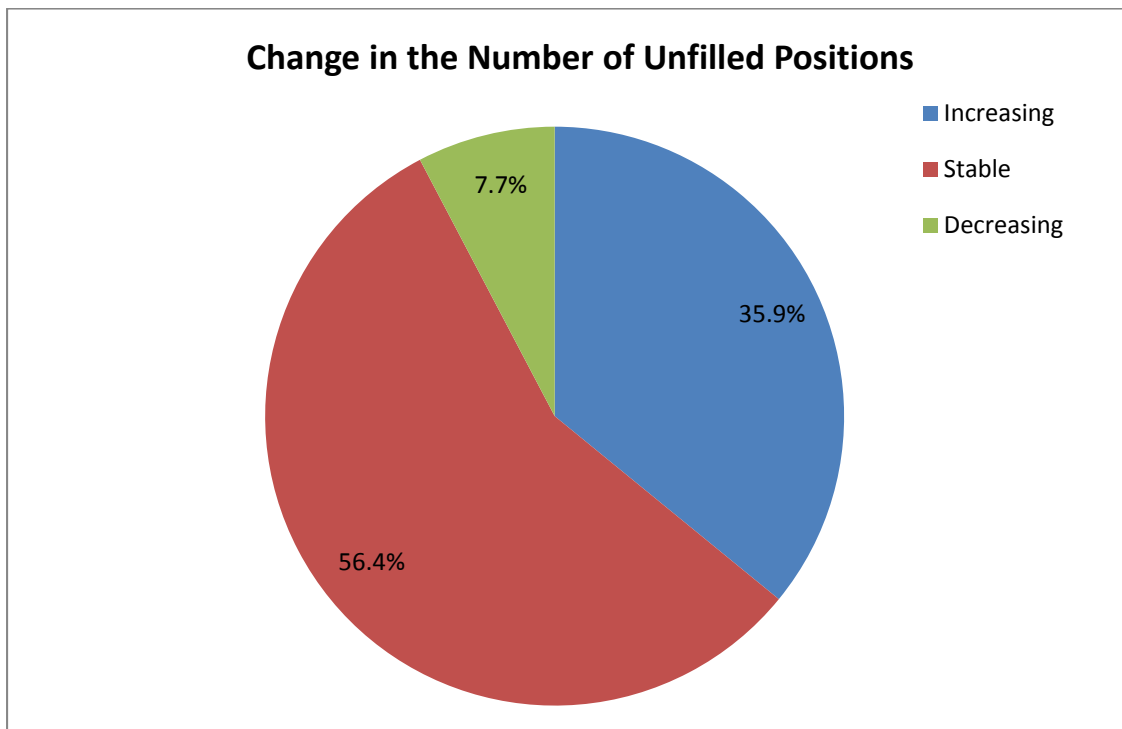


Nearly two-thirds of businesses report merger, acquisition or divestiture activity in their industry. Close to half of businesses say that the service market for their industry is balanced and about 40% say is under served. About half of businesses say they anticipate Federal, State or Local legislation that will have an adverse impact.

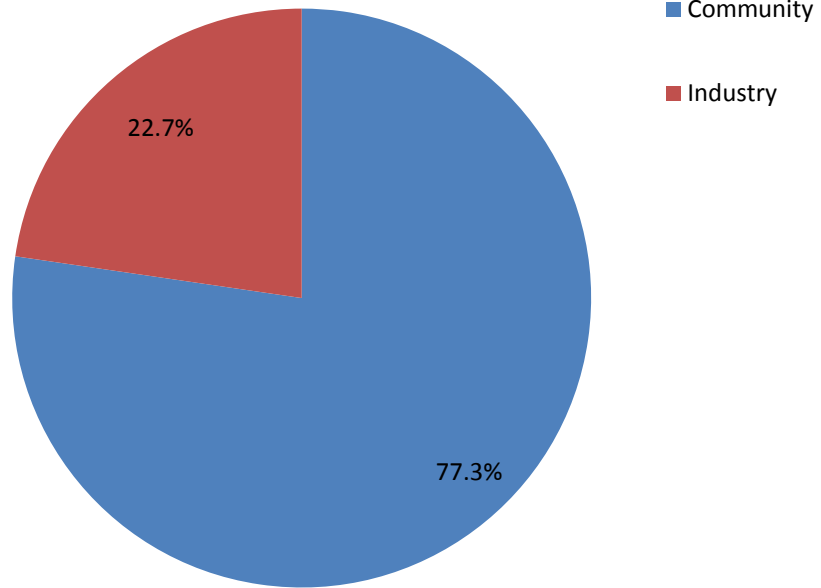
V. Workforce



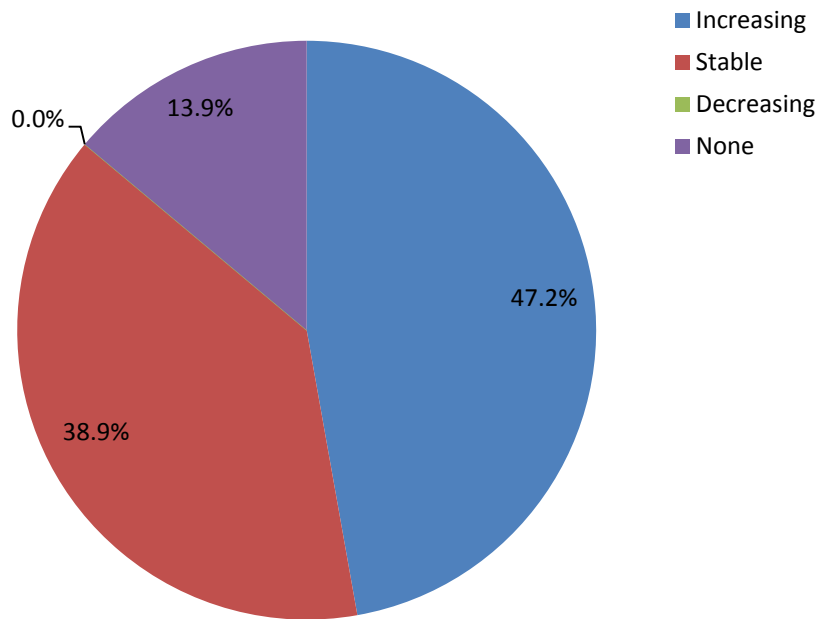
- 66.7% of companies interviewed are experiencing recruitment problems with employee positions or skills.

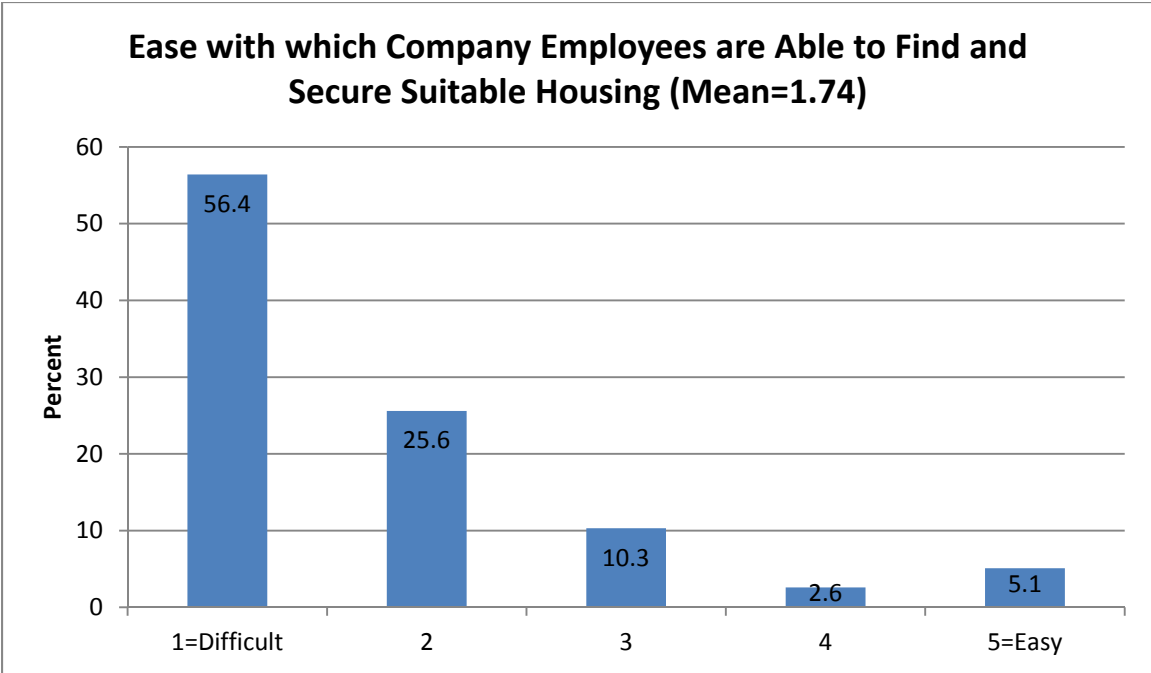
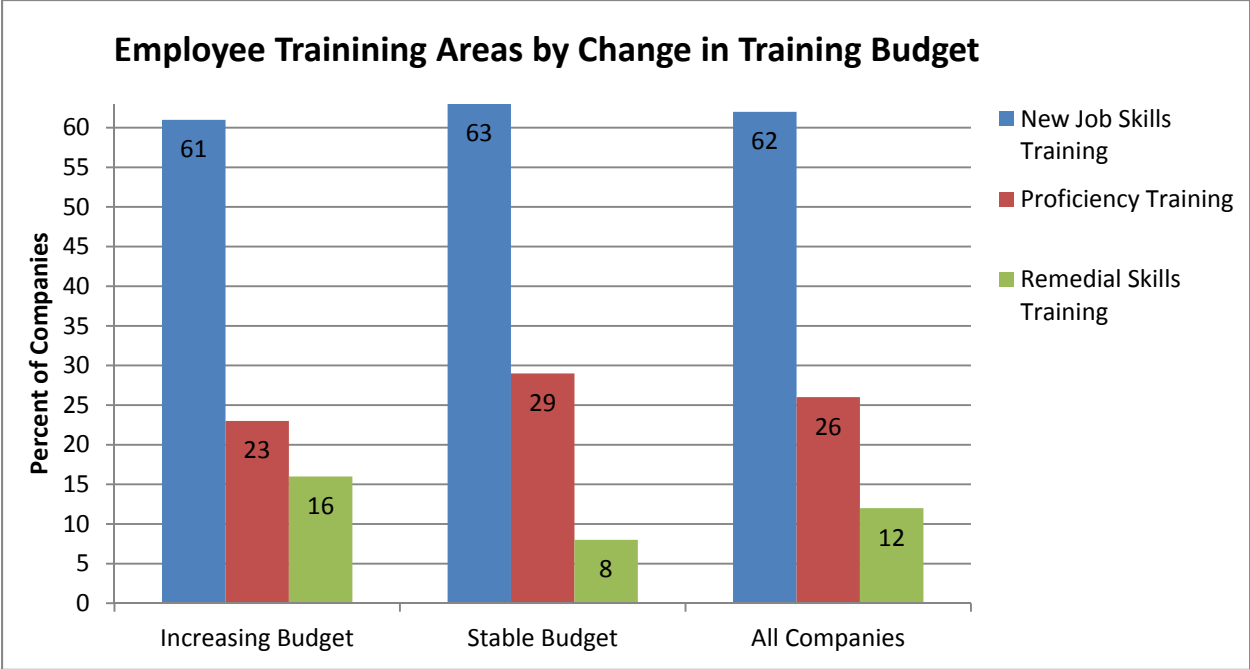


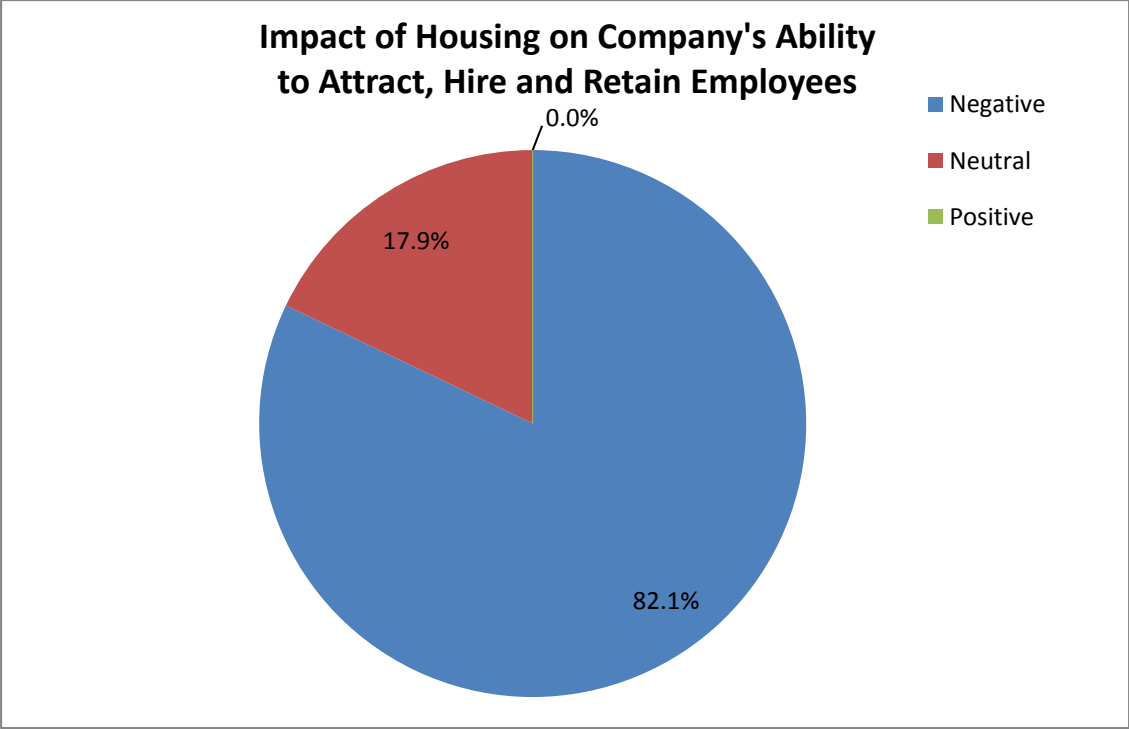
Recruitment Problems Community-Based or Industry-Based?



Investment in Employee Training







Workforce availability, quality and stability is concern for local businesses, with ratings in these areas all falling below the midpoint of the scale used to measure them. Follow-up analysis did not detect significant differences of these ratings based on location within the county. Two-thirds of the businesses are reporting recruitment problems and over one-third indicate that the number of unfilled positions is increasing. Most report that recruitment problems are rooted in lack of suitable employees in the community rather than the lack of employees in the industry as a whole. Nearly half of local businesses are increasing their investment in employee training, with new job skills training the primary area of focus. Not surprisingly, ease with which company employees are able to find suitable is rated quite low, with 56% giving it the lowest score possible and 82% indicating housing has a negative impact on their ability to attract, hire and retain employees.

VI. Facilitators and Barriers of Success

A. Community Strengths as a Place to do Business

- People who live here/Tight knit community/Quality of relationships: 34% (N=23)
- Ski industry connection/Vail and Beaver Creek brand: 24% (N=16)
- Lifestyle/Quality of Life: 21% (N=14)
- Access to tourism market/International market: 16% (N=11)
- Town government responsiveness/progressiveness: 15% (N=10)
- Community support for local businesses: 15% (N=10)
- Central location/Location within Colorado: 15% (N=10)
- Environmental quality/Beauty: 15% (N=10)
- Proximity to I-70: 10% (N=7)
- Local culture: 7% (N=5)
- Entrepreneurial atmosphere: 7% (N=5)
- Airport: 7% (N=5)
- Small community: 4% (N=3)
- County government: 4%, (N=3)
- Workforce quality: 4%, (N=3)
- Moving toward a year-round economy: 3%, (N=2)
- Local non-profit efforts: 3%, (N=2)
- Working on housing solutions: 3%, (N=2)
- Employment opportunities: 3%, (N=2)
- Other: Workforce quality: 18%, (N=12)

B. Community Weaknesses as a Place to do Business

- Lack of affordable housing: 35% (N=24)
- Limited workforce availability: 28%, (N=19)
- High cost of living: 28%, (N=19)
- Commercial real estate cost/availability: 25%, (N=17)
- Freight/shipping costs and/or schedule: 18%, (N=12)
- Poor quality of workforce pool: 18%, (N=12)
- Issues specific to Vail: 15%, (N=10)
- Lack of high paying jobs: 13%, (N=9)
- Transportation and/or travel issues issues/I-70 closures: 10%, (N=7)
- Parking: 7%, (N=5)

- Zoning/Other regulations: 7%, (N=5)
- Limited networking opportunities: 4%, (N=3)
- Small market: 4%, (N=3)
- Upstream resources are lacking locally: 3%, (N=2)
- Seasonality: 3%, (N=2)
- High healthcare costs: 3%, (N=2)
- Poor infrastructure: 3%, (N=2)
- Poor school funding: 3%, (N=2)
- Mail delivery to PO boxes: 3%, (N=2)
- Other: 13% (N=5)

C. Barriers to Growth in the Community

- None: 13%, (N=9)
- Transient workforce/low quality workforce: 31% (N=21)
- Affordable housing: 25% (N=17)
- Real estate costs: 24% (N=16)
- Industry specific issues: 10% (N=7)
- Lack of land: 7% (N=5)
- Regulations/Zoning: 4% (N=3)
- Cost of living: 4% (N=3)
- Local economic health: 4% (N=3)
- Low population density/small market: 4% (N=3)
- Reluctant lenders: 3% (N=2)
- Seasonality: 3% (N=2)
- Shipping: 3% (N=2)
- Slow population growth: 3% (N=2)
- Lack of warehouse space: 3% (N=2)
- Poor internet access: 3% (N=2)
- Lack of marketing opportunities: 3% (N=2)
- Other: 3% (N=2)

D. Reasons the Community May Not be Considered for Future Expansion

- None: 34% (N=23)
- Limited workforce: 13% (N=9)

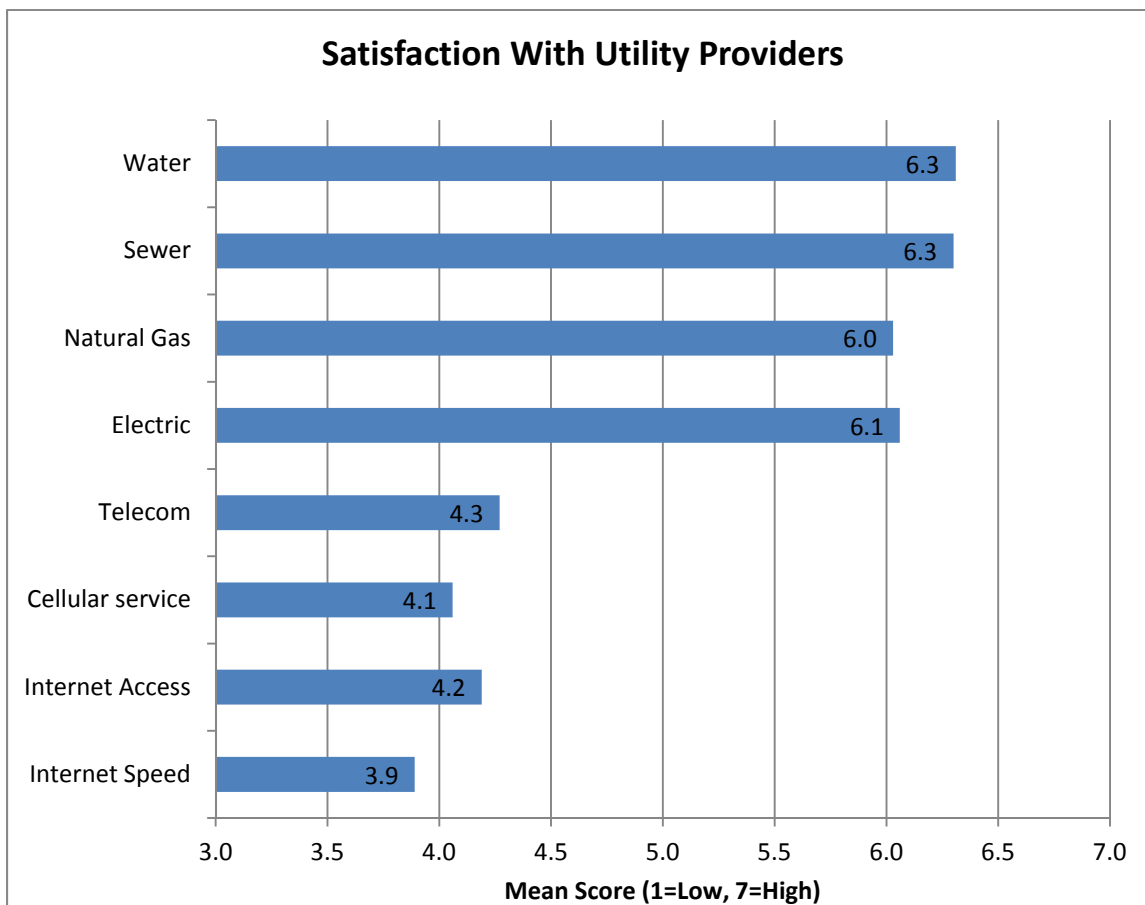
- Regulations: 7% (N=5)
- Warehousing/Commercial real estate costs: 4% (N=3)
- Cost of living: 3% (N=2)
- Tight margins: 3% (N=2)
- Cost of land: 3% (N=2)
- Unreliability of snow/climate change: 3% (N=2)
- Water issues: 3% (N=2)
- Limited networking: 3% (N=2)
- Market saturation: 3% (N=2)
- If local economy declines: 3% (N=2)
- Other: 3% (N=2)

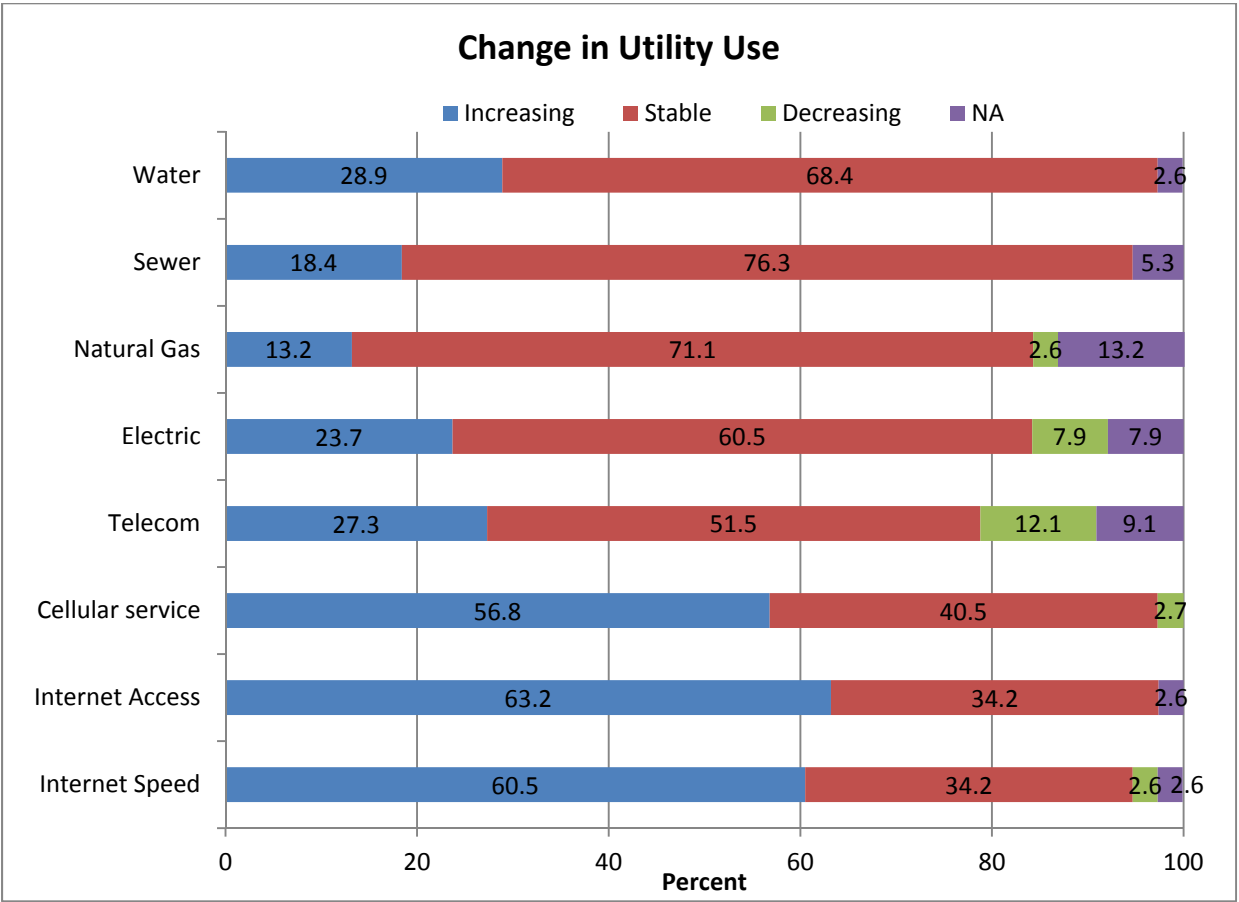
E. Summary

All interviewees articulated both strengths and weaknesses in conducting business in the local community. The greatest strengths include the tight knit community, the connection to the ski industry, and the quality of life. Overall, businesses were able to articulate a greater number of strengths than weakness. When considering the weaknesses, barriers to growth, and reasons the community might not be considered for future expansion, several common themes emerged. The lack of affordable housing, high cost of living and the impact this has on local workforce quality and worker availability were discussed relatively frequently. The high cost of commercial real estate and lack of availability were other areas of concern for local businesses. Some businesses also are challenged by less frequent shipping schedules and/or high shipping costs. While challenges exist for the majority of businesses interviewed, about one out of three said that there are no reasons the community may not be considered for future expansion.

VII. Local Technological Infrastructure and Community Services

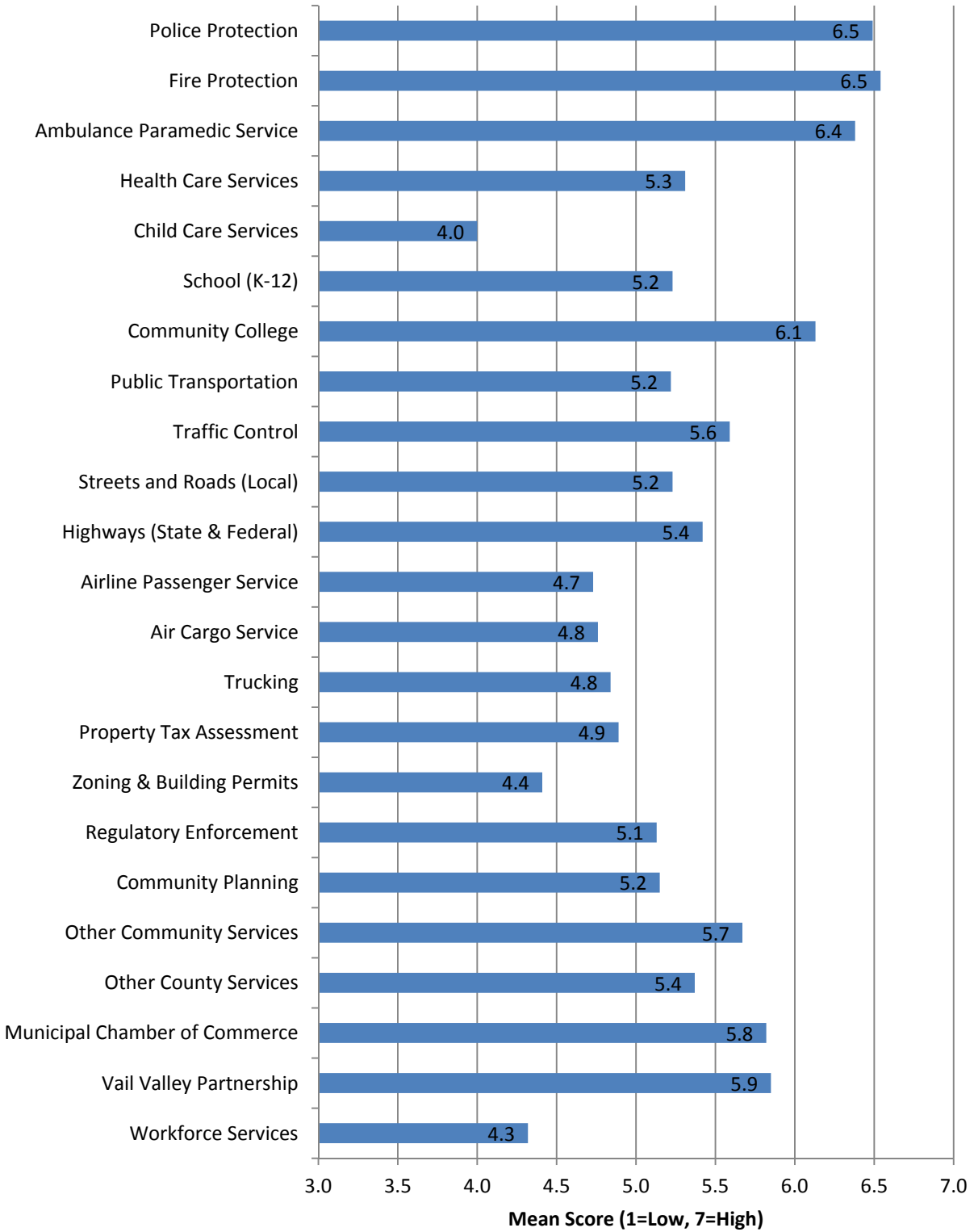
- 89.7 percent say the community's technology infrastructure is adequate for the company's growth plan.
- 64.9% say that there is emerging technology that will substantially change either the company's primary product/service or how it is developed. Most (88.9%) say the emerging technology is positive, 3.7% say it is negative, and 7.4% say it is both positive and negative.





Businesses are quite satisfied with water, sewer, natural gas, and electric utilities, but are much less satisfied with telecomm, cellular service, Internet access, and Internet speed. Given that they also report increasing use of cellular service and the Internet translate into areas where future improvements would have a direct benefit to local businesses.

Quality of Life/Community Services



VIII. Conclusions and Next Steps

Participants were quite engaged in the interview process and were encouraged that there were stakeholders in Eagle County Government and in the business support community that were interested in understanding their experiences with running and growing a business in this community. Again, it is important to note that this effort focused, to the greatest extent possible, on primary businesses that generate at least a portion of their revenue from sales of products or services conducted outside of county. This means that certain sectors and/or businesses that solely exist in the county to serve the tourist industry, such as hotels and most restaurants, or solely serve the needs of local residents were deliberately omitted from the potential sample pool. At the same time, the county has a relatively small pool of what would be considered true primary businesses and therefore, this effort utilized a somewhat wider selection of business sectors than what might be done in higher density metropolitan areas. This is reflected in the fact that about 25% of the businesses that were interviewed reported that all of their revenue was from sales from within the county. Some of these non-primary businesses were chosen because although 100% of their sales are local, they attract regional customers from outside of the county who come to their local facility for a unique product or service.

Overall, there was considerable variability of responses based on industry sector and where the company was in terms of its life cycle. There were also some important differences that emerged between specific municipalities. For example, running a business in Vail or Beaver Creek has unique challenges not seen elsewhere in the county. However, true primary businesses are unlikely to locate their main operation in these resort towns due to the high cost of commercial real estate. Elsewhere in county, interview participants even underscored significant differences between neighboring towns, such as Eagle and Gypsum. Because this project is an ongoing effort, this summary is the first in a series of reports to better understand policies and supports needed to retain primary businesses in the county, facilitate their growth, and attract other primary businesses from outside the county to locate here. Additional interviews will be conducted throughout 2019 and as the sample size increases, the ability to disaggregate the results by key variables will also increase. These variables include: industry sector, select municipalities within the county, where the business is in its life cycle, the maximum extent of the business's market, change in sales for the business over time, as well as other key variables that may emerge during the course of future analyses.



7/13/19

Ellen Colrick <ecolrick@yahoo.com>

To: letters@vaildaily.com letters@vaildaily.com

East Vail Parcel

Vail has numerous employee housing, Pitkin Creek, Meadow Creek, Timber Ridge, Solar Vail, Chamonix, and others, and NEARLY EVERY OLDER COMPLEX IN EAST AND WEST VAIL ARE RENTED OR OWNED BY EMPLOYEES, NOT TO MENTION THE ADJACENT AREAS OF AVON, MINTURN, EAGLE- VAIL AND OTHER SURROUNDING TOWNS.

The money and power of Vail Resorts has influenced or intimidated people from running for office and their decisions once in office. Vail Resorts did not pay taxes on the property for approximately 50 years despite claiming they owned it. Now they were given a variance to build a huge complex regardless of the impact on neighbors and the last herd of bighorn sheep and other wild life, elk, bears, mountain lions, coyotes, foxes etc. remaining in the area.

Ellen Colrick

Vail

Recorded at 9:05 o'clock A. M. Jan. 26, 1962 3/7103
Reception No. 95680 Thomas F. McBreen Recorder.

RECORDER'S STAMP

7.67
UNDER S. P. No. 710
E 2110 UNDER PROTECT

THIS DEED, Made this 15th day of July
in the year of our Lord, one thousand nine hundred and Sixty-one
between THE TRANSMONTANE COMPANY, a general
partnership
~~known~~ duly organized and existing under and by virtue of the laws
of the State of Colorado
of the first part, and VAIL ASSOCIATES, LTD.,
a limited partnership

~~known~~ duly organized and existing under and by virtue of the laws of the State of Colorado, of the
second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
Ten and no/100 (\$10.00) ----- DOLLARS

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby
confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents does grant, bargain,
sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following
described TRACTS or parcels of land, situate, lying and being in the County of Bagle
and State of Colorado, to-wit:

TRACT I

Township 5 South, Range 80 West, 6th P. M.

Sec. 6: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of U. S. Highway 6;
SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 1 and 2, but excepting from such
Lots 1 and 2 the tracts conveyed to The Fleming Lumber
and Mercantile Company by Warranty Deed recorded in
Book 126 at Page 583 for 4.4410 acres, more or less, and
by Warranty Deed recorded in Book 126 at Page 486 for
6.3088 acres, more or less.

Sec. 7: Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

together with all water, ditch and reservoir rights, and water
easements, belonging to or in any manner connected with or apper-
taining to the above-described lands which are now or may be here-
after used on such lands for irrigation or domestic uses, excepting
all easements and rights-of-way of record and subject to the options
to purchase described below, containing 300 acres, more or less.

TRACT II

Township 5 South, Range 80 West, 6th P. M.

Sec. 2: SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ except a parcel of land described as
follows:

Commencing at the southeast corner of SE $\frac{1}{4}$ of Section 2,
thence north along the east line of Section 2 a distance
of 400 feet, more or less, to a point, thence north 60°
west 420 feet, more or less, to a point, thence west a dis-
tance of 1050 feet, more or less, to a point on the north
boundary of the right-of-way of U. S. Highway No. 6, thence
in a northwesterly direction along the north boundary of
right-of-way of U. S. Highway No. 6 a distance of 660 feet,
thence south a distance unknown to a point on the south
line of Section 2, thence east along the south line of
Section 2 to the point of beginning.

Sec. 3: SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$





Chelsea Horn <chelsea.horn@eaglecounty.us>

Response to your inquiry East Vail Parcel owned by Vail Resorts 23 plus acres north of East Vail interchange contracted to Triumph Development

2 messages

'Ellen Colrick' via #www Treasurer <treasurer@eaglecounty.us>

Thu, Jul 18, 2019 at 2:08 PM

Reply-To: "ecolrick@yahoo.com" <ecolrick@yahoo.com>

To: "treasurer@eaglecounty.us" <treasurer@eaglecounty.us>

Please tell me who has paid the taxes on this parcel since the 1960's. I need this information asap.

Thank you.
Ellen Colrick

Sent from Yahoo Mail on Android

Chelsea Horn <chelsea.horn@eaglecounty.us>
Draft To: "ecolrick@yahoo.com" <ecolrick@yahoo.com>
Cc: treasurer@eaglecounty.us
Bcc: Elaine Wolf <Elaine.Wolf@eaglecounty.us>

Thu, Jul 18, 2019 at 2:41 PM

Good Afternoon Ellen,

Thank you for your email. Based on the information you have provided, I am including tax information for accounts R066589, R066786, and R066787 which are known as East Vail Workforce Housing Subdivision Lot: 1 and East Vail Workforce Housing Subdivision Tract: A.

Our records show that we received a payment from Vail Resorts on 10/6/17 in the amount of \$33,097.64 for omitted 2015 and 2016 property taxes. Of that, \$15,561.47 was for the 2015 taxes and \$17,536.17 was for the 2016 taxes. This account was then deactivated and split into R066786 and R066787 for 2017 and forward.

Let me know if you have any questions or if there was something else you were looking for.

[Quoted text hidden]

--
Chelsea Horn
Fiscal Technician
970-328-8860 (o)
970-328-8865 (d)
970-328-8879 (f)
www.eaglecounty.us



EAGLE COUNTY
Treasurer
Public Trustee

Pay your property taxes online by visiting eaglecounty.us/treasurer and clicking on "property tax search - pay". With this option you'll be able to print a receipt immediately after payment

Chris Neubecker

From: Grace Poganski <pogansg@bellsouth.net>
Sent: Monday, August 5, 2019 12:04 PM
To: PEC; Council Dist List; Nate Peterson; letters@vaildaily.com
Subject: Who are we?
Attachments: Proposed East Vail entrance to the Vail Valley.png; East Vail entrance Aug 5 2019.jpg

If Aspen can set designate a beautiful nature reserve at the east entrance to their town, why can't Vail?

Northstar Reserve at the east entrance to Aspen. What you see as you enter from Independence Pass.
<https://goo.gl/maps/XumgpZ3wPkn6TKK86>

Att. 1 - Proposed East Vail entrance to the Vail Valley (subtract all those aspens and add the huge berm scar that will exist behind the development).

Att. 2 -The East Vail entrance now.

What do you want our guests to see as they enter the Vail Valley from Vail Pass?





Chris Neubecker

From: Greg Kissler <gkissler@summitnet.com>
Sent: Monday, July 22, 2019 6:28 PM
To: PEC
Subject: East Vail Development Plan

Dear PEC Commissioners,

At first glance I thought that development in East Vail was positive for the community. We desperately need more housing for those that work in Vail and the site is on the bus route after all. However upon further investigation this site has some enormous problems. First and foremost is the sheep heard for which knowledgeable experts have clearly stated that the development is likely to destroy the heard. I don't subscribe to the developer's so called expert with a ridiculous 7 month observation and subsequent assertions that the sheep will adapt. I put my trust and faith in unbiased experts with years of experience and knowledge of the sheep heard over someone paid by the developer.

Secondary issues that make this site less than ideal include the lack of pedestrian access to the recreation trail and Sims Market. I've walked the underpass at East Vail in the winter and it's very unsafe. The small shoulder gets buried under the snowbank and traffic is sight limited. At the very least there should be a study and subsequent plan to allow safe pedestrian passage as is the case in the other three Vail underpasses.

I applaud the TOV for the emphasis on workforce housing and making it more feasible to live here in particular with the deed restriction program. This project however goes against The Town of Vail core values, first the trust and integrity of experts regarding the future of the sheep and second the Environmental Stewardship to protect our environment from undue harm.

I'm certainly not opposed to building workforce housing in Vail, quite the contrary. I would welcome workforce housing in my neighborhood of West Vail which I believe is a much better location with excellent bus service, nearby grocery shopping, restaurants and other businesses as well as easy access to trails and parks. I envision a future Vail where the old Roost hotel, a redeveloped Timber Ridge and other properties are examples of innovative and collaborative developments that are consistent with the TOV core values.

This project seems to be contrary to the TOV mission, especially in preserving our surrounding natural environment. There are other sites that would be better suited for development to grow our community that are consistent with both the TOV mission and core values.

Greg Kissler and Annegret Kessler

2653 Cortina Ln, 5A, Vail CO

Chris Neubecker

From: STEVE J CLARK <sjclark81657@msn.com>
Sent: Tuesday, August 6, 2019 11:55 AM
To: PEC
Subject: Booth Heights

Dear Members of the Vail PEC,

Please decide not to go forward with the Booth Heights development.

In our future, driving past the beautiful parcel of land in East Vail and watching Bighorn Sheep in their environment will still be a welcome pleasure, as it has been for my 30 plus years of living in East Vail.

A NO decision will create no regrets.

Thank you.

Sincerely,

Jackie Clark
East Vail

Chris Neubecker

From: J Joyce <ppljbj@msn.com>
Sent: Wednesday, August 7, 2019 1:28 PM
To: PEC
Subject: Booth Heights Housing

Hi PEC Members,

I would like to add my name in support of the Booth Heights housing project.

I am aware that the neighbors opposed to this project are very vocal and have disparaged this project from the start.

I would like to address some of their points.

1. They have said there is not enough parking. I find the parking situation more than adequate. The vast majority of students coming to work for a season do not own a car and in fact most do not even have a driver's license. There is no question that if the choice was housing and no car or car and no housing, the students will choose housing everytime.
2. They have said it is too far to travel to citymarket without a car. Maybe they don't remember what it is like to be 19. Very few will be having dinner parties.
3. They say the housing will impact wildlife. Every single home in that neighborhood is in wildlife habitat. Every single home in that neighborhood impacts the wildlife. Yet even knowing that their home impacts the wildlife I have heard of not one homeowner willing to tear their house down for the sake of the wildlife. No they just want to stop someone else from building their property just as they did. I can't think of anything less fair.
4. They say it will impact our bus system. That is laughable, if we have to many bus riders we can increase bus service.
5. They say there are other sites that can be built. Well that may or may not be true. I sure hope it is true as we need thousands more beds than this project will provide. We need this and many more.
6. They say the TOV did not do all they could to maximize the available building on the Timber Ridge site. Frankly this one is baffling. I do not understand how a developer is held responsible for something a government entity does.
7. They say it should be left open space. Yet for some reason they don't think their home should be returned to open space.
8. They say the project will be ugly and presents a bad image for guests entering Vail. How arrogant can someone be. Maybe this person thinks that only mansion's should be seen and all other housing should be hidden from public view. Frankly I think this person is misguided. This is not Palm Beach, we value every citizen and every person's contribution to our society.

The citizens against this housing have thrown every piece of mud they could muster. I think we need some compassion for the students who come here to work in our resorts. As it is now we have students living four and five to a hotel room in Eagle, commuting to Vail for work. The impact of that commute everyday has more effect on the environment than the housing.

Please show compassion and allow these students the dignity of a place to sleep at night.

Sincerely,

Joseph Joyce
Vail

Chris Neubecker

From: kbenysh@vail.net
Sent: Friday, August 9, 2019 8:44 AM
To: PEC
Subject: Booth Heights input for PEC

To the members of the Planning and Environmental Commission,

In a recent Vail Daily article, I found it surprising that the representatives of the Eagle County Land Trust and the Town of Vail were lamenting the lack of available land to purchase and dedicate as protected open space in the upper valley when a large parcel is right on our front doorstep, in plain sight. I am referring to the Booth Heights parcel. The Trust and the Town have a unique opportunity to positively impact our community by partnering to purchase this large, irreplaceable parcel.

I would like to see the Town and the Eagle Valley Land Trust purchase the Booth Heights property from Vail Resorts and zone it as permanent open space.

Ideally, the money from the sale would be used to construct employee housing at other less vulnerable sites such as the abandoned Roost property, the Ever Vail property, the yard and warehouse land, the mountain employee parking lot, the Val das Schon rebuild, etc. Some of the units in the new development could be offered to local small businesses for purchase, perhaps subsidized or at a very low interest rate, similar to what was done for residents at the Chamonix and Vail Commons projects.

Local small businesses must shoulder some responsibility for housing their employees.

Constructing a large project like Booth Heights on such a visible and vulnerable site is not in the best interests of our community, and I urge you to reject the project.

Thank you,

Kathryn Benysh, 44-year East Vail resident

Chris Neubecker

From: Patty McKenny
Sent: Sunday, August 4, 2019 7:35 PM
To: Chris Neubecker
Cc: Tammy Nagel
Subject: FW: East Vail Housing Project

I didn't see anywhere this email was sent to you guys!

Patty McKenny
Interim Town Manager
Town of Vail
pmckenny@vailgov.com
970-479-2113

From: Kit Wimmiams [<mailto:kitcwms@aol.com>]
Sent: Tuesday, July 30, 2019 6:00 PM
To: Council Dist List; Kit Wimmiams
Subject: East Vail Housing Project

Stop this!! Never allow any project of this scale to ever be built here.
The damage to the environment
The size and scope
Taxing bus service
Lack of parking
The greed

I'll repeat: Stop this now!!

Kit Williams
2925 Booth Creek Drive
Vail, CO 81657
970-376-0909
Resident September 1977

Sent from [Mail](#) for Windows 10

To: Planning & Environmental Commission, Town Council

Date: 7/28/19

Re: Additional comments from July 22nd meeting

I want to apologize for my nervous speech and not having my thoughts written down, so here they are:

As an environmental commission should you be concerned with unhealthy noise levels. As I stated in the meeting, after living 7 years just a little west of the development site, the traffic noise was terrible. That was 20 years ago and with the increase in traffic, I am sure the noise level is worse. A majority of the neighborhood has earthen berms built as sound barriers located on both the north and south sides of I70. That is a good indication that the noise levels in that area are extreme.

When the revised traffic study is done, should you also do a noise study for the development site. If a sound barrier is required would that prohibit the height of the project and who would be responsible for building a sound barrier? Would the developer, the Town of Vail, or CDOT be responsible for building the sound barrier?

Also my comments that a wildlife fence should be built around the entire property to keep the people and dogs just on the site still would not help. Dogs barking on the site would scare the bighorn sheep from the area even if they are hidden. This project should not allow any animals.

Thank you for your time,

Liz Schramm

East Vail Owner

Chris Neubecker

From: Louise Hoversten <lbhoversten@gmail.com>
Sent: Monday, July 22, 2019 8:15 PM
To: PEC
Subject: "Booth Heights" Development

Dear Brian, Ludwig, Rollie, Pam, Karen, John and Brian,

Thank you all for serving on this board and for facing this big decision. I attended the PEC meeting today, July 22, 2019 and strongly object to the location of the project. Environmental and Traffic studies have not been thorough enough to assess the project's impact on the town and the environment. I support the need to have affordable housing but I urge you to carefully study the damage to the herd of Bighorn Sheep, the possible traffic congestion, rockfall and avalanche danger, lack of parking, safety issues and lack of adequate facilities in East Vail to support this project.

For the first time, today I saw a rendering of the project. It is large, unattractive and does not fit in the neighborhood. Not the first thing visitors to Vail getting off I-70 at the East Vail exit want to see! I have been in Vail for 18 years and live on Booth Creek Drive so am very aware of the traffic congestion that already exists when students at the Mountain School are being dropped off and picked up. I previously lived in Aspen in affordable housing and know how important garages, guest parking and adequate storage are to the residents and to anyone who sees the housing. Does this project offer these?? If not the parking lot can become pretty unsightly. Especially one so visible from I-70 and the frontage road. I recognize the need for housing but please, please work with the developer and town to find a more suitable location.

Sincerely,
Louise Hoversten
970-948-9111

Chris Neubecker

From: Shelley Bellm
Sent: Wednesday, August 7, 2019 9:31 AM
To: PEC
Subject: FW: East Vail Housing

From: mica lynch [<mailto:lynch.valdez@gmail.com>]
Sent: Wednesday, August 7, 2019 9:27 AM
To: CommDev
Subject: East Vail Housing

Dear Town of Vail,

As a Vail Resort Employee, I understand how desperately we need more housing. Please let this project happen.

Kindly,
Mica

Chris Neubecker

From: pamelas <pamelas@vail.net>
Sent: Monday, July 29, 2019 2:22 PM
To: PEC
Cc: Chris Neubecker; Matt Gennett
Subject: East Vail / Triumph Application

Dear Commissioners:

At the July 22 PEC meeting Triumph Development presented renderings of the proposed project. During the presentation Michael O'Connor mentioned that the renderings were not to scale. It was also pointed out that the proposed berm was not shown in the renderings. Further, some of the renderings were created from a vantage point somewhere east on I-70 through large evergreen trees, hinting that these trees will shelter the project from view. As a result of these omissions, no one gets a clear picture of the mass and scale of the project.

We know that architects and engineers create accurate renderings to scale every day; can the PEC insist that Triumph submit drawings to scale showing the berm before going any further? As one of the people who spoke during Public Comment stated, accurate renderings of the project should have been presented at the start of the process, not delayed as if Triumph was attempting to downplay the scope of what they are proposing to build.

Thank you,

Pam Stenmark

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

Chris Neubecker

From: pamelas <pamelas@vail.net>
Sent: Monday, July 29, 2019 2:22 PM
To: PEC
Cc: Chris Neubecker; Matt Gennett
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Thank you,

Pam Stenmark

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

Chris Neubecker

From: Pati Marsh <captpati@gmail.com>
Sent: Friday, August 9, 2019 9:55 AM
To: PEC
Subject: East Vail Housing Project

I'm writing to you about the proposed East Vail housing project. As a homeowner since 1991, I've become aware of the pressing need for affordable housing for Vail's employees. I fully support efforts to remedy this growing problem our community faces.

That being said, after careful review of the current East Vail proposal, as well as independent biologist reports, It's s clearly apparent this project incurs risks that will likely be devastating for Vail's only herd of Bighorn Sheep. In the absence of truly testing mitigation efforts to prove they will be successful in advance of construction, you risk wiping these creatures off the landscape.

The most recent independent round table report from biologists includes the following statement:
"Due to the already limited winter and transitional range for bighorn sheep and the relatively small number of sheep in this herd, our collective view is that finding another location for this development would offer the best mitigation for this sheep herd."

Do you really want your legacy as servers of the community to include the demise of these iconic animals? I certainly hope not. Rest assured, the citizens you serve will not forget who was at the helm if this happens.

Again, I wholeheartedly support efforts to solve the employee housing crisis Vail faces, but real solutions to the problem should not cause irreversible harm to our treasured wildlife. As you know, there are other location options that can help solve this dilemma and ensure your legacy as faithful stewards of our beautiful town.

Patricia Marsh
3011 Booth Falls Rd

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Wednesday, July 31, 2019 10:21 AM
To: PEC
Subject: One more thing

Dear PEC members,

In the Denver Post front page article, (July 27) George Reuther says "Without worker housing we aren't nearly as competitive as we are with it". I think having Bighorn sheep in a beautiful environment makes Vail more competitive. It's about the money, isn't it?

Patti Langmaid

Sent from my iPad

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Thursday, August 8, 2019 7:38 PM
To: PEC
Subject: July 12th meeting

Dear Members of the PEC,
Charlie and I live in Hood River, OR from June to October so we will not be at the July 12th meeting. We have been fiercely in favor of NO development because we believe it will lead to the demise of the sheep. On Monday, count us in, please, with all the advocates for the sheep.

Thank you,
Patti and Charlie Langmaid

Sent from my iPad

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Wednesday, July 31, 2019 9:42 AM
To: PEC
Cc: Council Dist List
Subject: Your legacy

Dear Chairman Stockmar and members of the PEC, Please consider the fact that when the sun sets on your term as Commissioner and they are writing your story of the good and bad decisions you made, the thing you will be remembered for is whether in this moment, you had the courage to stand up and vote NO (a complete and resounding NO) to the East Vail housing development that will most certainly destroy a sheep herd and a beautiful landscape. (Words paraphrased from Pete Buttigieg's remarks last night in Presidential debate)

Respectfully,
Patti Langmaid

Sent from my iPad



RE: FORMULATION OF PEC DECISION, AUG.12th,2019

To: the Members of the Planning & Environmental Commission

I am impressed by the amount of time, effort, and dedication this commission devotes to its daunting tasks, particularly when so many major projects are in the pipeline for Town of Vail. Thank you! Your decisions will leave our town and community changed forever. I urge you to keep your eyes on the mission on the Council wall and the Priority Statements in the 2019 Community Report. A big decision lies ahead today.

The joint report of Aug. 5th by the Town's 3 Consulting Wildlife Biologists Byrne, Kahn, and Woolever, clearly states that given "the already limited winter and transitional range for bighorn sheep and the relatively small number of sheep in this herd,... that finding another location for this development would offer the **best** mitigation for this sheep herd." They go on to state that "most wildlife mitigation efforts do not provide the intended...result." They cannot say with certainty "that even with these measures, that this herd will be able to sustain itself considering the human disturbance-associated impacts related to this development." In other words, mitigation **and** development will not preserve this herd--- for you it is an either/or choice. If you permit this development, only the most wishful thinking can do so believing the herd will survive this disturbance and constriction at the east side of the critical habitat for ewes and lambs.

But given what most of the public has discovered in the past week, namely the Town's Public Works Phase 1 Plan for even larger development and encroachment in and below the Bighorn rams' wintering habitat on the west side of their historic critical range, already green-lighted preliminarily by PEC April 22nd this year, the threat to the herd is much greater than most of us realized. The wildlife biologists and common sense tell us that their survival depends as much on the health of the males as of the females!

Before this redevelopment planned to start this fall and continue through the winter goes any farther, an Environmental Impact Study must be undertaken, not just of wildlife impacts which include the likely death-knell of our Bighorns but also for our obligation to preserve the natural values of the area in which we live. What is the environmental impact of a 7acre installation of utility-grade solar panels on the steep hillside above the Yards and of rooftop panels wherever they can be supported there? What is the impact of up to 140 employee rental units crammed into that area wherever they can be attached, behind existing housing, above the administration building to be built?

First, say a loud "No" to Triumph, then delay implementation of Public Works Phase1 redevelopment until further studies are completed, especially an E.I.S., and the public has adequate time to review the massive plan. Next, ask Council and staff identify other sites where workforce housing can be expanded or constructed. Urge them to bring the same level of talent and creativity to this task as to these two development projects I cite today. Please!

Anne Esson

Chris Neubecker

From: Shelley Bellm
Sent: Thursday, August 1, 2019 12:58 PM
To: PEC
Subject: FW: Eagle County Workforce Housing in East Vail

From: Jennifer Abramson [mailto:JAbramson@vailresorts.com]
Sent: Thursday, August 1, 2019 12:06 PM
To: CommDev; Council Dist List
Subject: Eagle County Workforce Housing in East Vail

August 1, 2019

Sent on behalf of the Beaver Creek Economic Advisory Council

Submitted via email:
commdev@vailgov.com
towncouncil@vailgov.com

Dear Members of the Vail Planning & Environmental Commission and the Vail Town Council:

The Beaver Creek Economic Advisory Council is comprised of mountain resort, residential property, lodging and commercial owners/operators within the Beaver Creek community. As you will note from the names below, several of us operate local businesses in both Beaver Creek and the Town of Vail.

With economic development our obvious focus, several years ago we decided to incorporate a dialogue within our monthly meetings around the severe workforce housing shortage we are undergoing throughout Eagle County. We have stayed informed with presentations from Eagle County and the Vail Valley Partnership.

In reviewing the plans currently before you for Triumph Development's proposed locals' housing project in East Vail, we would like to lend our support and emphasize that in light of the severe shortage of housing for our workforce, the East Vail development offers a pragmatic, locals' housing solution in offering rental units as well as deed-restricted for-sale townhomes.

We have discussed our alarming disappointment to the "not in my backyard" protest to this project. Beaver Creek and Bachelor Gulch have for many years included workforce housing as part of our neighborhood with buildings (about 800 beds) at our entry point. We're proud that many of our employees are able to live adjacent to their employment. Living at this location allows employees to utilize village transportation both to and from their jobs and minimizes their commute time. The units are affordable and have transit options. We also all co-exist with our valued wildlife. There is zero awareness of any negative effect to property values in Beaver Creek or Bachelor Gulch due to embracing workforce housing in our neighborhood.

According to the Vail Valley Partnership's 2017-18 Workforce Survey Report, 78 percent of businesses said in 2017-18 that housing had a negative effect on the ability to attract, hire and retain employees, declining substantially from the previous year and was also at an all-time low. Specific comments from the survey include:

This is a problem for new employees. Many times we are able to retain them when they are in our employee housing but then we lose them if they need to move out. It is a desire of many employees to live closer to where they work and to live in the community they work.

For those who have lived here long enough to have stable housing, it is not an easy. For those who have recently moved here, rent, or have changes in housing circumstances, housing is a major source of frustration that ultimately forces employees to ask if they really belong here and want to belong here. We are losing one person that experienced housing frustrations and may be losing a second because the options aren't great and what people are asking for rentals is ridiculous.

Current housing prices are difficult for young associates to purchase. Rentals were difficult for associates to find in the middle of peak season.

The short answer is no, they can't. Most can usually find it (often couch surfing or room sharing), but it diminishes their quality of life because of the cost and environment. We do lose some employees due to lack of decent available housing.

Moving way out side of work areas to find affordable. Or living with multiple people to survive. The conditions that some people are renting out are hidden and inexcusable.

Causes other major costs with vehicle expenses.

We offer a very progressive and comprehensive housing program to help employees find long term solutions for housing. That being said, it is still very difficult for employees to find affordable housing on the free market if they are looking to own.

We have a very young workforce that are primarily renters. They need to find multiple roommates that they potentially have never met just to stay in this area.

Thus, in this time of great need for housing, please approve the very thorough and carefully planned Booth Heights project, as well as the reasonable wildlife mitigation plan. Beaver Creek values our workforce, and we know Vail does, too.

Sincerely,

The Beaver Creek Economic Advisory Council:

Bob Boselli, Brian Nolan, Jeff Luker, Nadia Guerriero, Jen Brown, John Shipp,
Phil Metz, Peter Dann, Bill MacFarlane, Don Bird, Jeff Forbes, Mike Friery,
Steven Janicek, Jim Fraser, Duncan Horner, Mike Trueblood, Herb Rackliff

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Chris Neubecker

From: Chris Romer <cromer@vailvalleypartnership.com>
Sent: Thursday, August 8, 2019 3:15 PM
To: PEC
Cc: George Ruther; Matt Gennett
Subject: Business community feedback re: the need for housing
Attachments: BRE_SummaryReport_v3.pdf; 2019 Workforce Survey Report_Final.pdf

We encourage you to take a brief moment to review the attached research projects.

Specifically:

1. Business Retention & Expansion Study
 - a. When considering the weaknesses, barriers to growth, and reasons the community might not be considered for future expansion, several common themes emerged. The lack of affordable housing, high cost of living and the impact this has on local workforce quality and worker availability were discussed relatively frequently.
 - b. 82% indicate housing has a negative impact on ability to attract, hire, and retain employees
 - c. Top weakness for our community as a place to do business: workforce housing
 - d. Top barriers to business growth in the community: transient workforce and workforce housing
 - e. Reasons business will not expand here: limited workforce
2. Workforce Study
 - a. 39% of businesses have unfilled jobs, up 25% from last year
 - b. 69% of businesses plan to add new jobs this year
 - c. 72% of businesses indicate housing has a negative impact on hiring and retaining employees
 - d. Please read the open-ended comments regarding barriers to business growth in Eagle County
 - e. Frustration with housing continues to be a major issue. Negative opinions continue to run at an all-time high. Nearly 3 out of 4 businesses feel that the housing situation negatively impacts their ability to hire and retain employees and this issue was mentioned frequently when asked about barriers to growing their business in the community.

Please utilize this data – and underlying zoning – and not emotional arguments when considering the Booth Heights decision.



Chris Romer, IOM
President & CEO

Vail Valley Partnership

[D] 970.477.4016 | [O] 970.476.1000

97 Main Street, Ste. E-201, Edwards, CO 81632

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Vail Planning and Environmental Commission
c/o Vail Town Council
75 S. Frontage Road
Vail, CO 81657

Dear PEC members,

“There goes our small town...” It’s a yarn that has been spun for years in towns across America and is currently percolating (again) in Eagle County. Consider:

- Highway engineer Charles Vail routed Highway 6 through the Eagle Valley over what is now Vail Pass in 1940. Inhabitants at the time surely cried “there goes our small town.”
- Pete Siebert and Earl Eaton, along with others from the 10th Mountain Division, returned to Colorado after World War II and bought the ranch that existed at what is now the base of Vail Mountain. They opened Vail Mountain in December 1962. Valley residents and other ranchers at the time surely felt as if their small-town life was threatened.
- Vail Village quickly grew and housing expanded to East Vail and West Vail; lodging and base operations spread into Lionshead Village. By the late 60’s and early 70’s, Vail was the most popular ski resort in Colorado. Also by this point in time, some who had been here from the beginning surely felt their small town life was over.
- In November 1972, the state's voters weighed in on whether they would authorize a \$5 million bond issue to help finance the Olympic Games. Residents at the time overwhelmingly rejected this by a 60-40 margin, in fear that hosting the Olympics would surely lead to growth and crowds, and citizens around the state celebrated that they most certainly did their part to save small town life in rustic Colorado.
- Beaver Creek Resort opened for business in 1981 and purchased neighboring Arrowhead four years later. Critics claimed that Colorado and Eagle County didn’t need another ski resort; what might this unfettered growth do to our small-town lifestyle?
- The World Alpine Ski Championships were recruited to Eagle County and hosted in 1989, as Vail and Beaver Creek were squarely on the world map and among the most popular and recognized ski resorts in the world. This event – hosted again in 1999 and 2015 – surely led to nostalgia among those who missed small town life that existed earlier.
- Eagle County Regional Airport began receiving mainline jet service by early 1994 with service from American, Delta, Northwest, and United Airlines from cities around the country. 36 jet flights a week being operated by these airlines into the airport during the



winter ski season early in 1994. Air service into Eagle County led some residents to decry the noise from planes and feeling as though our small-town life would never be the same.

Yet thanks to the foresight and leadership of our community leaders throughout the years, Eagle County has grown into a modern, successful community. We enjoy access to Denver via I-70, powder days on Vail and Beaver Creek mountains, mountain resort villages that are vibrant and lively, world-class events throughout the summer and winter seasons, air service from 15 markets, a vibrant college system, and medical facilities that are best in class for any community our size.

We never did land the Olympic Games, but that hasn't stopped Colorado from growing into a cosmopolitan state with a vibrant mix of communities.

We've come a long way, yet at each step there are those who mourned the death of our small-town lifestyle. Today, opposition to housing projects such as Reserve at Hockett Gulch in Eagle and Booth Heights in East Vail is led by voices claiming that we are losing our small-town charm.

To that we say nonsense. Our small-town charm isn't based on building heights, in-fill density, or allowable zoning use on private lands. Our small-town charm is based on friendly people enjoying our recreational amenities and lifestyle; it is based on locals taking care of each other; it is based on community. It certainly isn't based on having workforce housing at the entry to the community (Beaver Creek and Aspen both have large scale workforce and employee housing at their entry points which are additive to their communities). Community is driven by the sense of belonging.

What is "killing" our small-town atmosphere and our community is the inability to retain those who want to stay in this place. Providing housing for those who desire to make a life here supports our small-town atmosphere and is additive to our community. You have the data and the facts; you know the allowable zoning; we encourage you to support Booth Heights to help maintain Vail and Eagle County's small-town charm by investing in Vail's people.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Romer", written over a light blue circular stamp.

Chris Romer
President & CEO
Vail Valley Partnership

Chris Neubecker

From: cbartmd@aol.com
Sent: Sunday, August 4, 2019 6:48 PM
To: PEC; bfinley@denverpost.com
Subject: Booth Heights sustainability

To All PEC members,

I am writing to take issue with Triumph's comment under the heading of Economic Sustainability that says their development will reduce driving trips to Vail. In fact, this location (3700 N Frontage Rd) has a walkability score so low that it deems all errands by residents will need to be done by car (please see www.walkability.com). The development of this property will absolutely increase the number of errands by car, as underscored by the facts corroborated by the lowest walkability score. Why is Triumph, yet again trying to mislead the town, the PEC and the residents?

Today I read a real estate ad from a prominent Vail company who is selling a house in East Vail. The ad started by saying....East Vail has the unique characteristic of being the first glimpse of Vail... Booth Heights threatens the viability of this statement by becoming the first glimpse of Vail, for those coming to town, and the last image, before leaving our otherwise beautiful valley. Take a drive up or down Vail pass and see for yourself.

As you already know, the Denver Post has written an article concerning the potential Booth Heights proposal. They will certainly be interested in the sad fact that Vail associates, who should be a guardian of sustainability, and a protector of our unique wildlife heritage, is preparing to sell this property to Triumph for financial gain. The facts surrounding the discovery that they were unwitting owners of a property long thought to be under conservation easement, and are willingly selling it for financial gain, will unmask a poorly formulated business decision and one which has long term repercussions, for our community and certainly for the sheep. For a company as large as Vail Associates, why not do the right thing and place the property under a conservation easement? It would be a win/win for all involved. The sheep win, east vail is not saddled with a development out of character with the neighborhood, the traffic generated by the development would be avoided, reworking the underpass might be avoided (which I guess would be very costly), and Vail Associates would reap huge dividends in national and local public opinion. If they are truly compelled to improve the housing options for potential employees, they could donate the proceeds of the sale of the conservation easement, and reap yet additional accolades!
Christopher Bartlett
Vail

P.S. I have also forwarded this email to the author of the article in the Denver Post, who wrote about the proposed Booth Heights development.

Chris Neubecker

From: JAMES LIPPERT <conlip@sbcglobal.net>
Sent: Wednesday, August 7, 2019 12:29 PM
To: PEC
Subject: Booth Heights

To the Planning and Environmental Commission:

This letter is written to add my voice to those opposing the Booth Heights development in East Vail. For many years East Vail has been a mix of low end condos and high end homes in a peaceful Alpine setting. The proposed development goes against this tradition, destroying habitat for wild life and threatening future erosion, mud slides and long term damage to the area.

I envision traffic increases, parking problems, barking dogs chasing sheep—and it will be ugly! Is this the first step toward continuous development along I-70 from East Vail to Vail? Once it is done, it can't be undone.

The beautification of the East Vail entrance and the thoughtful, careful restoration work on Gore Creek are examples of positive environmental impact. Ironically, across the highway plans are underway to scrape the mountainside, building "cliff dwellings" which will have a negative effect on the environment.

Let's retain the beauty of our mountains by placing needed employee housing in the areas of the valley that are already developed and are appropriate to this usage. There are many negative aspects to this proposal and I can't find a single positive aspect. Please consider the long-term negative effects and vote no.

Most sincerely,
Connie Lippert
East Vail
and St. Louis

.
-Connie

Chris Neubecker

From: Suzanne Silverthorn
Sent: Tuesday, July 30, 2019 7:24 PM
To: PEC
Subject: Fwd: Bighorn sheep

Public comment

Suzanne Silverthorn, APR
Director of Communications
Town of Vail
970-479-2115
970-471-1361 (cell)

Begin forwarded message:

From: <info@vailgov.com>
Date: July 30, 2019 at 6:00:23 PM MDT
To: <info@vailgov.com>
Subject: Bighorn sheep
Reply-To: <anndehart@icloud.com>

Save the bighorn sheep by giving them a habitat so they can thrive. Developers in Vail should take into consideration these wonderful animals, and not destroy their habitat.

Submitted By:
Name:: Ann DeHart
Telephone:: 3034267521
Email:: anndehart@icloud.com

Submitted From:
<https://www.vailgov.com/contact>

Chris Neubecker

From: cbartmd@aol.com
Sent: Wednesday, July 24, 2019 7:00 AM
To: PEC
Subject: Fwd: Monday's meeting

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

From: cbartmd <cbartmd@aol.com>
To: pec <pec@aol.com>
Sent: Wed, Jul 24, 2019 08:57 AM
Subject: Monday's meeting

Unfortunately, I was not able to make Monday's meeting and therefore unable to ask the questions that I have regarding Booth Heights. I am not sure how to get them answered but here are the questions:

1. Why is the East Vail underpass different than the others (West Vail, Simba Run, Vail village and the underpasses at Vail Valley drive and near Bald mountain bus stop)? All of those underpasses have pedestrian safety features such as the most basic— SEPARATION of people and vehicles. Now, a very large high density proposed development puts “work force” young people at risk- Will preventative measures be considered? This is NOT a NIMBY issue!!!!
2. Who bears the liability consequences for any pedestrian/ vehicle encounters if the underpass is not up to the standards set by the other underpasses in town? Is it the town or the developer who should be liable for any untoward events?
3. On July 8, Mr. O'Connor made a comment about wanting this development approved in August. Is that the fast track time frame? If so, why so soon? This is a huge decision on sooo many levels— wildlife extinction,safety, increased green house gas emission and the first look at our town as seen by travellers coming down Vail pass. Just to name a few concerns!

Donna Mumma MD



7/13/19

Ellen Colrick <ecolrick@yahoo.com>

To: letters@vaildaily.com letters@vaildaily.com

East Vail Parcel

Vail has numerous employee housing, Pitkin Creek, Meadow Creek, Timber Ridge, Solar Vail, Chamonix, and others, and NEARLY EVERY OLDER COMPLEX IN EAST AND WEST VAIL ARE RENTED OR OWNED BY EMPLOYEES, NOT TO MENTION THE ADJACENT AREAS OF AVON, MINTURN, EAGLE- VAIL AND OTHER SURROUNDING TOWNS.

The money and power of Vail Resorts has influenced or intimidated people from running for office and their decisions once in office. Vail Resorts did not pay taxes on the property for approximately 50 years despite claiming they owned it. Now they were given a variance to build a huge complex regardless of the impact on neighbors and the last herd of bighorn sheep and other wild life, elk, bears, mountain lions, coyotes, foxes etc. remaining in the area.

Ellen Colrick

Vail

Recorded at 9:05 o'clock A. M. Jan. 26, 1962 3/7103
Reception No. 95680 Thomas F. McBreen Recorder.

RECORDER'S STAMP

7.67
UNDER S. P. No. 710
E 2110 UNDER PROTECT

THIS DEED, Made this 15th day of July
in the year of our Lord, one thousand nine hundred and Sixty-one
between THE TRANSMONTANE COMPANY, a general
partnership
~~known~~ duly organized and existing under and by virtue of the laws
of the State of Colorado
of the first part, and VAIL ASSOCIATES, LTD.,
a limited partnership

~~known~~ duly organized and existing under and by virtue of the laws of the State of Colorado, of the
second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
Ten and no/100 (\$10.00) ----- DOLLARS

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby
confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents does grant, bargain,
sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following
described TRACTS or parcels of land, situate, lying and being in the County of Bagle
and State of Colorado, to-wit:

TRACT I

Township 5 South, Range 80 West, 6th P. M.

Sec. 6: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of U. S. Highway 6;
SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 1 and 2, but excepting from such
Lots 1 and 2 the tracts conveyed to The Fleming Lumber
and Mercantile Company by Warranty Deed recorded in
Book 126 at Page 583 for 4.4410 acres, more or less, and
by Warranty Deed recorded in Book 126 at Page 486 for
6.3088 acres, more or less.

Sec. 7: Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

together with all water, ditch and reservoir rights, and water
easements, belonging to or in any manner connected with or apper-
taining to the above-described lands which are now or may be here-
after used on such lands for irrigation or domestic uses, excepting
all easements and rights-of-way of record and subject to the options
to purchase described below, containing 300 acres, more or less.

TRACT II

Township 5 South, Range 80 West, 6th P. M.

Sec. 2: SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ except a parcel of land described as
follows:

Commencing at the southeast corner of SE $\frac{1}{4}$ of Section 2,
thence north along the east line of Section 2 a distance
of 400 feet, more or less, to a point, thence north 60°
west 420 feet, more or less, to a point, thence west a dis-
tance of 1050 feet, more or less, to a point on the north
boundary of the right-of-way of U. S. Highway No. 6, thence
in a northwesterly direction along the north boundary of
right-of-way of U. S. Highway No. 6 a distance of 660 feet,
thence south a distance unknown to a point on the south
line of Section 2, thence east along the south line of
Section 2 to the point of beginning.

Sec. 3: SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$





Chelsea Horn <chelsea.horn@eaglecounty.us>

Response to your inquiry East Vail Parcel owned by Vail Resorts 23 plus acres north of East Vail interchange contracted to Triumph Development

2 messages

'Ellen Colrick' via #www Treasurer <treasurer@eaglecounty.us>

Thu, Jul 18, 2019 at 2:08 PM

Reply-To: "ecolrick@yahoo.com" <ecolrick@yahoo.com>

To: "treasurer@eaglecounty.us" <treasurer@eaglecounty.us>

Please tell me who has paid the taxes on this parcel since the 1960's. I need this information asap.

Thank you.
Ellen Colrick

Sent from Yahoo Mail on Android

Chelsea Horn <chelsea.horn@eaglecounty.us>
Draft To: "ecolrick@yahoo.com" <ecolrick@yahoo.com>
Cc: treasurer@eaglecounty.us
Bcc: Elaine Wolf <Elaine.Wolf@eaglecounty.us>

Thu, Jul 18, 2019 at 2:41 PM

Good Afternoon Ellen,

Thank you for your email. Based on the information you have provided, I am including tax information for accounts R066589, R066786, and R066787 which are known as East Vail Workforce Housing Subdivision Lot: 1 and East Vail Workforce Housing Subdivision Tract: A.

Our records show that we received a payment from Vail Resorts on 10/6/17 in the amount of \$33,097.64 for omitted 2015 and 2016 property taxes. Of that, \$15,561.47 was for the 2015 taxes and \$17,536.17 was for the 2016 taxes. This account was then deactivated and split into R066786 and R066787 for 2017 and forward.

Let me know if you have any questions or if there was something else you were looking for.

[Quoted text hidden]

--
Chelsea Horn
Fiscal Technician
970-328-8860 (o)
970-328-8865 (d)
970-328-8879 (f)
www.eaglecounty.us



EAGLE COUNTY
Treasurer
Public Trustee

Pay your property taxes online by visiting eaglecounty.us/treasurer and clicking on "property tax search - pay". With this option you'll be able to print a receipt immediately after payment

Chris Neubecker

From: Grace Poganski <pogansg@bellsouth.net>
Sent: Monday, August 5, 2019 12:04 PM
To: PEC; Council Dist List; Nate Peterson; letters@vaildaily.com
Subject: Who are we?
Attachments: Proposed East Vail entrance to the Vail Valley.png; East Vail entrance Aug 5 2019.jpg

If Aspen can set designate a beautiful nature reserve at the east entrance to their town, why can't Vail?

Northstar Reserve at the east entrance to Aspen. What you see as you enter from Independence Pass.
<https://goo.gl/maps/XumgpZ3wPkn6TKK86>

Att. 1 - Proposed East Vail entrance to the Vail Valley (subtract all those aspens and add the huge berm scar that will exist behind the development).

Att. 2 -The East Vail entrance now.

What do you want our guests to see as they enter the Vail Valley from Vail Pass?





Chris Neubecker

From: Greg Kissler <gkissler@summitnet.com>
Sent: Monday, July 22, 2019 6:28 PM
To: PEC
Subject: East Vail Development Plan

Dear PEC Commissioners,

At first glance I thought that development in East Vail was positive for the community. We desperately need more housing for those that work in Vail and the site is on the bus route after all. However upon further investigation this site has some enormous problems. First and foremost is the sheep heard for which knowledgeable experts have clearly stated that the development is likely to destroy the heard. I don't subscribe to the developer's so called expert with a ridiculous 7 month observation and subsequent assertions that the sheep will adapt. I put my trust and faith in unbiased experts with years of experience and knowledge of the sheep heard over someone paid by the developer.

Secondary issues that make this site less than ideal include the lack of pedestrian access to the recreation trail and Sims Market. I've walked the underpass at East Vail in the winter and it's very unsafe. The small shoulder gets buried under the snowbank and traffic is sight limited. At the very least there should be a study and subsequent plan to allow safe pedestrian passage as is the case in the other three Vail underpasses.

I applaud the TOV for the emphasis on workforce housing and making it more feasible to live here in particular with the deed restriction program. This project however goes against The Town of Vail core values, first the trust and integrity of experts regarding the future of the sheep and second the Environmental Stewardship to protect our environment from undue harm.

I'm certainly not opposed to building workforce housing in Vail, quite the contrary. I would welcome workforce housing in my neighborhood of West Vail which I believe is a much better location with excellent bus service, nearby grocery shopping, restaurants and other businesses as well as easy access to trails and parks. I envision a future Vail where the old Roost hotel, a redeveloped Timber Ridge and other properties are examples of innovative and collaborative developments that are consistent with the TOV core values.

This project seems to be contrary to the TOV mission, especially in preserving our surrounding natural environment. There are other sites that would be better suited for development to grow our community that are consistent with both the TOV mission and core values.

Greg Kissler and Annegret Kessler

2653 Cortina Ln, 5A, Vail CO

Chris Neubecker

From: STEVE J CLARK <sjclark81657@msn.com>
Sent: Tuesday, August 6, 2019 11:55 AM
To: PEC
Subject: Booth Heights

Dear Members of the Vail PEC,

Please decide not to go forward with the Booth Heights development.

In our future, driving past the beautiful parcel of land in East Vail and watching Bighorn Sheep in their environment will still be a welcome pleasure, as it has been for my 30 plus years of living in East Vail.

A NO decision will create no regrets.

Thank you.

Sincerely,

Jackie Clark
East Vail

Chris Neubecker

From: J Joyce <ppljbj@msn.com>
Sent: Wednesday, August 7, 2019 1:28 PM
To: PEC
Subject: Booth Heights Housing

Hi PEC Members,

I would like to add my name in support of the Booth Heights housing project.

I am aware that the neighbors opposed to this project are very vocal and have disparaged this project from the start.

I would like to address some of their points.

1. They have said there is not enough parking. I find the parking situation more than adequate. The vast majority of students coming to work for a season do not own a car and in fact most do not even have a driver's license. There is no question that if the choice was housing and no car or car and no housing, the students will choose housing everytime.
2. They have said it is too far to travel to citymarket without a car. Maybe they don't remember what it is like to be 19. Very few will be having dinner parties.
3. They say the housing will impact wildlife. Every single home in that neighborhood is in wildlife habitat. Every single home in that neighborhood impacts the wildlife. Yet even knowing that their home impacts the wildlife I have heard of not one homeowner willing to tear their house down for the sake of the wildlife. No they just want to stop someone else from building their property just as they did. I can't think of anything less fair.
4. They say it will impact our bus system. That is laughable, if we have to many bus riders we can increase bus service.
5. They say there are other sites that can be built. Well that may or may not be true. I sure hope it is true as we need thousands more beds than this project will provide. We need this and many more.
6. They say the TOV did not do all they could to maximize the available building on the Timber Ridge site. Frankly this one is baffling. I do not understand how a developer is held responsible for something a government entity does.
7. They say it should be left open space. Yet for some reason they don't think their home should be returned to open space.
8. They say the project will be ugly and presents a bad image for guests entering Vail. How arrogant can someone be. Maybe this person thinks that only mansion's should be seen and all other housing should be hidden from public view. Frankly I think this person is misguided. This is not Palm Beach, we value every citizen and every person's contribution to our society.

The citizens against this housing have thrown every piece of mud they could muster. I think we need some compassion for the students who come here to work in our resorts. As it is now we have students living four and five to a hotel room in Eagle, commuting to Vail for work. The impact of that commute everyday has more effect on the environment than the housing.

Please show compassion and allow these students the dignity of a place to sleep at night.

Sincerely,

Joseph Joyce
Vail

Chris Neubecker

From: kbenysh@vail.net
Sent: Friday, August 9, 2019 8:44 AM
To: PEC
Subject: Booth Heights input for PEC

To the members of the Planning and Environmental Commission,

In a recent Vail Daily article, I found it surprising that the representatives of the Eagle County Land Trust and the Town of Vail were lamenting the lack of available land to purchase and dedicate as protected open space in the upper valley when a large parcel is right on our front doorstep, in plain sight. I am referring to the Booth Heights parcel. The Trust and the Town have a unique opportunity to positively impact our community by partnering to purchase this large, irreplaceable parcel.

I would like to see the Town and the Eagle Valley Land Trust purchase the Booth Heights property from Vail Resorts and zone it as permanent open space.

Ideally, the money from the sale would be used to construct employee housing at other less vulnerable sites such as the abandoned Roost property, the Ever Vail property, the yard and warehouse land, the mountain employee parking lot, the Val das Schon rebuild, etc. Some of the units in the new development could be offered to local small businesses for purchase, perhaps subsidized or at a very low interest rate, similar to what was done for residents at the Chamonix and Vail Commons projects.

Local small businesses must shoulder some responsibility for housing their employees.

Constructing a large project like Booth Heights on such a visible and vulnerable site is not in the best interests of our community, and I urge you to reject the project.

Thank you,

Kathryn Benysh, 44-year East Vail resident

Chris Neubecker

From: Patty McKenny
Sent: Sunday, August 4, 2019 7:35 PM
To: Chris Neubecker
Cc: Tammy Nagel
Subject: FW: East Vail Housing Project

I didn't see anywhere this email was sent to you guys!

Patty McKenny
Interim Town Manager
Town of Vail
pmckenny@vailgov.com
970-479-2113

From: Kit Wimmiams [<mailto:kitcwms@aol.com>]
Sent: Tuesday, July 30, 2019 6:00 PM
To: Council Dist List; Kit Wimmiams
Subject: East Vail Housing Project

Stop this!! Never allow any project of this scale to ever be built here.
The damage to the environment
The size and scope
Taxing bus service
Lack of parking
The greed

I'll repeat: Stop this now!!

Kit Williams
2925 Booth Creek Drive
Vail, CO 81657
970-376-0909
Resident September 1977

Sent from [Mail](#) for Windows 10

To: Planning & Environmental Commission, Town Council

Date: 7/28/19

Re: Additional comments from July 22nd meeting

I want to apologize for my nervous speech and not having my thoughts written down, so here they are:

As an environmental commission should you be concerned with unhealthy noise levels. As I stated in the meeting, after living 7 years just a little west of the development site, the traffic noise was terrible. That was 20 years ago and with the increase in traffic, I am sure the noise level is worse. A majority of the neighborhood has earthen berms built as sound barriers located on both the north and south sides of I70. That is a good indication that the noise levels in that area are extreme.

When the revised traffic study is done, should you also do a noise study for the development site. If a sound barrier is required would that prohibit the height of the project and who would be responsible for building a sound barrier? Would the developer, the Town of Vail, or CDOT be responsible for building the sound barrier?

Also my comments that a wildlife fence should be built around the entire property to keep the people and dogs just on the site still would not help. Dogs barking on the site would scare the bighorn sheep from the area even if they are hidden. This project should not allow any animals.

Thank you for your time,

Liz Schramm

East Vail Owner

Chris Neubecker

From: Louise Hoversten <lbhoversten@gmail.com>
Sent: Monday, July 22, 2019 8:15 PM
To: PEC
Subject: "Booth Heights" Development

Dear Brian, Ludwig, Rollie, Pam, Karen, John and Brian,

Thank you all for serving on this board and for facing this big decision. I attended the PEC meeting today, July 22, 2019 and strongly object to the location of the project. Environmental and Traffic studies have not been thorough enough to assess the project's impact on the town and the environment. I support the need to have affordable housing but I urge you to carefully study the damage to the herd of Bighorn Sheep, the possible traffic congestion, rockfall and avalanche danger, lack of parking, safety issues and lack of adequate facilities in East Vail to support this project.

For the first time, today I saw a rendering of the project. It is large, unattractive and does not fit in the neighborhood. Not the first thing visitors to Vail getting off I-70 at the East Vail exit want to see! I have been in Vail for 18 years and live on Booth Creek Drive so am very aware of the traffic congestion that already exists when students at the Mountain School are being dropped off and picked up. I previously lived in Aspen in affordable housing and know how important garages, guest parking and adequate storage are to the residents and to anyone who sees the housing. Does this project offer these?? If not the parking lot can become pretty unsightly. Especially one so visible from I-70 and the frontage road. I recognize the need for housing but please, please work with the developer and town to find a more suitable location.

Sincerely,
Louise Hoversten
970-948-9111

Chris Neubecker

From: Shelley Bellm
Sent: Wednesday, August 7, 2019 9:31 AM
To: PEC
Subject: FW: East Vail Housing

From: mica lynch [<mailto:lynch.valdez@gmail.com>]
Sent: Wednesday, August 7, 2019 9:27 AM
To: CommDev
Subject: East Vail Housing

Dear Town of Vail,

As a Vail Resort Employee, I understand how desperately we need more housing. Please let this project happen.

Kindly,
Mica

Chris Neubecker

From: pamelas <pamelas@vail.net>
Sent: Monday, July 29, 2019 2:22 PM
To: PEC
Cc: Chris Neubecker; Matt Gennett
Subject: East Vail / Triumph Application

Dear Commissioners:

At the July 22 PEC meeting Triumph Development presented renderings of the proposed project. During the presentation Michael O'Connor mentioned that the renderings were not to scale. It was also pointed out that the proposed berm was not shown in the renderings. Further, some of the renderings were created from a vantage point somewhere east on I-70 through large evergreen trees, hinting that these trees will shelter the project from view. As a result of these omissions, no one gets a clear picture of the mass and scale of the project.

We know that architects and engineers create accurate renderings to scale every day; can the PEC insist that Triumph submit drawings to scale showing the berm before going any further? As one of the people who spoke during Public Comment stated, accurate renderings of the project should have been presented at the start of the process, not delayed as if Triumph was attempting to downplay the scope of what they are proposing to build.

Thank you,

Pam Stenmark

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

Chris Neubecker

From: pamelas <pamelas@vail.net>
Sent: Monday, July 29, 2019 2:22 PM
To: PEC
Cc: Chris Neubecker; Matt Gennett
Subject: East Vail / Triumph Application

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Thank you,

Pam Stenmark

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

Chris Neubecker

From: Pati Marsh <captpati@gmail.com>
Sent: Friday, August 9, 2019 9:55 AM
To: PEC
Subject: East Vail Housing Project

I'm writing to you about the proposed East Vail housing project. As a homeowner since 1991, I've become aware of the pressing need for affordable housing for Vail's employees. I fully support efforts to remedy this growing problem our community faces.

That being said, after careful review of the current East Vail proposal, as well as independent biologist reports, It's s clearly apparent this project incurs risks that will likely be devastating for Vail's only herd of Bighorn Sheep. In the absence of truly testing mitigation efforts to prove they will be successful in advance of construction, you risk wiping these creatures off the landscape.

The most recent independent round table report from biologists includes the following statement:
"Due to the already limited winter and transitional range for bighorn sheep and the relatively small number of sheep in this herd, our collective view is that finding another location for this development would offer the best mitigation for this sheep herd."

Do you really want your legacy as servers of the community to include the demise of these iconic animals? I certainly hope not. Rest assured, the citizens you serve will not forget who was at the helm if this happens.

Again, I wholeheartedly support efforts to solve the employee housing crisis Vail faces, but real solutions to the problem should not cause irreversible harm to our treasured wildlife. As you know, there are other location options that can help solve this dilemma and ensure your legacy as faithful stewards of our beautiful town.

Patricia Marsh
3011 Booth Falls Rd

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Wednesday, July 31, 2019 10:21 AM
To: PEC
Subject: One more thing

Dear PEC members,

In the Denver Post front page article, (July 27) George Reuther says "Without worker housing we aren't nearly as competitive as we are with it". I think having Bighorn sheep in a beautiful environment makes Vail more competitive. It's about the money, isn't it?

Patti Langmaid

Sent from my iPad

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Thursday, August 8, 2019 7:38 PM
To: PEC
Subject: July 12th meeting

Dear Members of the PEC,

Charlie and I live in Hood River, OR from June to October so we will not be at the July 12th meeting. We have been fiercely in favor of NO development because we believe it will lead to the demise of the sheep. On Monday, count us in, please, with all the advocates for the sheep.

Thank you,

Patti and Charlie Langmaid

Sent from my iPad

Chris Neubecker

From: Patricia Langmaid <patti.langmaid@gmail.com>
Sent: Wednesday, July 31, 2019 9:42 AM
To: PEC
Cc: Council Dist List
Subject: Your legacy

Dear Chairman Stockmar and members of the PEC, Please consider the fact that when the sun sets on your term as Commissioner and they are writing your story of the good and bad decisions you made, the thing you will be remembered for is whether in this moment, you had the courage to stand up and vote NO (a complete and resounding NO) to the East Vail housing development that will most certainly destroy a sheep herd and a beautiful landscape. (Words paraphrased from Pete Buttigieg's remarks last night in Presidential debate)

Respectfully,
Patti Langmaid

Sent from my iPad



Chris Neubecker

From: Rebecca Horst <rahorst23@gmail.com>
Sent: Thursday, August 1, 2019 7:54 PM
To: PEC
Subject: Booth Heights comment

Hello,

Thank you for asking for comments in the Vail Daily. I hope that I have submitted this in time to be considered. I am very busy with two businesses, and family, but want to enter a comment as a lifelong resident of Colorado and a person who loves the mountains and wildlife. I have watched the progress and discussion of the Booth Heights proposal with interest and hope the process will reach a decision based on long term interests as well as short term housing needs.

I can't help but think that the project as presented is severely underestimating the reality of interaction of the human population (and their pets) with the bighorn sheep.

How, exactly, will you keep people from hiking, or letting a pet out and running in this area? A big fence would surely be a negative impact on the sheep. Signage and Rules will be largely ineffective, especially with a transient population that may care less about this particular environment and as evidenced by many visitors at popular National Parks. As a property manager for 20+ years, I know tenants ignore rules, sneak pets out to relieve themselves in the dark and don't pick up, not to mention the common party attitude and noise of some people. Inadequate parking is also a glaring problem with this project. I doubt the plan is for 1.33 people per unit, so how can it only allow 1.33 spaces per unit? If this is supposed to be employee housing, it is more likely that each person will have arrived with their own vehicle than come without a vehicle. Where are those vehicles going to be parked in a town that already has parking issues? Housing is certainly a problem in the valley, but this is not a good solution in this scale, in this area. Perhaps if the total number of units were greatly reduced and clustered, but it will still affect the bighorn sheep.

Another huge issue that is not being discussed is the pay scale! Why is there so little, if any, discussion about paying local employees enough to afford to live here? Why don't Vail Resorts, Vail Health and other major employers pay better starting wages?!? I see articles about large shortages of employees, but little about the fact people can't afford to live on the average service industry wage. Please open discussion about raising wages so more employees can afford to stay here year round and provide a more stable employee base and year round tax base. Raise wages through natural business consequences, aka capitalism, not through legislation. If they can't attract employees at a feeble wage, they will have to raise the incentive!

Many more issues, but regardless, this particular development is very likely to be the end of the bighorn sheep in Vail if completed as stated. Please consider alternatives.

Thank you!
Rebecca Horst
Eagle, CO

VAIL HOMEOWNERS ASSOCIATION

August 8, 2019

Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

RE: Booth Heights proposed development
Wildlife Mitigation/Parking and Related Matters.

Dear Chairman and Commission Members:

We write to comment on certain aspects of the mitigation suggestions of the independent wildlife experts (dated Aug. 5th). While generally the VHA supports all of the suggested measures, especially the first suggestion that the best mitigation would be for the project to be rejected, the situation is direr than the experts realize. That is because the area of concern is not just a winter foraging area but is used by the sheep year-round.

It is understandable that the experts did not address the critical summer months, since they did not independently study this herd and were only reviewing Triumph's plan which was based on the assumption that the sheep only use the area during the "winter." What is not understandable is why Triumph's biologist proceeded on that assumption and did not survey the herd for at least an entire year. (Triumph's biologist's "study" was only from 10/13/17 to 6/14/18; it did not include the summer months). That may reflect a basic misunderstanding of the sheep and their activities (he was, after all, the proponent of the erroneous foraging "under the cover of darkness" theory), but had he consulted the CPW he would have learned that the CPW considers the area as year-round sheep habitat.

Resident observations over this summer validate the CPW conclusion. On July 10, July 27, August 1 and August 2, bighorn sheep were observed foraging in the smooth brome to the east of the project site (on one occasion in the area just above the smooth brome). Since these were serendipitous observations, it's probable that the sheep used the area more frequently. And, while these were not scientifically documented observations, they are the same kind of observations that Triumph's biologist used in his study.¹ Therefore, using the same "observational methodology," these observations support the CPW conclusion that the area is a year-round range for the sheep.

That conclusion has huge implications for the proposed project. No longer is the impact of this project just a matter of the "winter period" but rather a matter of year-round concern. That means

¹ Triumph's biologist has admitted, his "study" was not a "research study" and was based on an observational methodology that drew conclusions from limited trail camera locations and personal observations from only 15 days (just 16% of the study period).

restricting heavy construction to the summer months, as the experts recommend, may not provide sufficient protection for the sheep (with only minor exception, Triumph's plans is for full-scale building during the winter months when disruption of the sheep could be catastrophic), and it underscores the need for the comprehensive scientifically-based sheep use and movement study, the experts recommend, to understand how the entire herd uses the area. (Such a study should also include the ram population which would inform needed mitigation for the bus maintenance facility project which will shortly be before the PEC for approval of Phase I construction).²

Beyond those matters, the experts' suggestions undermine Triumph's mitigation plan. That plan relies on (1) improving the NAP property (the experts state that might help elk and deer but not the sheep since they won't move there because it is too forested and too far from the sheep's escape routes), (2) the false claim that even if scared away the sheep will return "under cover of darkness" to forage (sheep are not nocturnal animals, and Triumph's biologist finally admitted that he was wrong about that) and (3) housing policies and area closures that the testimony at prior meetings shows have never worked before. As the experts' report makes clear, it is only habitat enhancement in the right locations that can save the bighorn sheep. That is not part of Triumph's mitigation plan and, even if it were a last-minute addition, the experts make clear that mitigation of the sheep's habitat requires continual maintenance. That is also not part of Triumph's plan. It should now be clear that Triumph's entire EIS needs to be rewritten.

The experts' report also underscores the uncertainty of success from any mitigation attempts. That makes it even more important that before any project approval is considered, mitigation should first take place and be demonstrated effective. That such work might delay this project should not be a consideration; Triumph and VR had over two years to address that issue but instead tried to skate through by relying on a now discredited pseudo-scientific plan.

The VHA concurs with the experts' recommendations that if the project is to be built, protection of the sheep should be maximized by moving the bus stop and pedestrian access to the east end of the project and that year-round area closure of the adjacent property should be mandated. In the end, those steps may not save the sheep (due to the overall impact of the project), but they would at least be a step in the right direction.

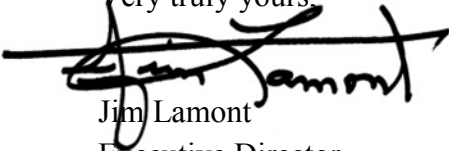
The VHA also concurs with the experts' recommendation that if the project were to be built, with the exception of ADA service dogs, all other dogs should be ban from the project. In that respect, it is important to distinguish between true service dogs and emotional support dogs. Service dogs are specially trained to perform work or assist persons with a disability. On the other hand, emotional support animals receive no training and can be "certified" for a relatively few dollars through a multiple of internet sites. Everyday thousands of completely well people board airlines in the U.S. with certified comfort animals. The ban on dogs should include so-called "emotional support" or "comfort" dogs.

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Beyond these environmental concerns, there are many other reasons to deny the current proposal. For example: (1) The mass of this project, including large four-story elements, is incompatible with East Vail. The buildings and the rock fall berm, which cannot be screened or blended into the surrounding landscape, would stand out like a sore thumb at the gateway to Vail. (2) The scale of this project is way too much for the site. Trying to squeeze 270 to 350 people into this site, without any services for them (except for one small store), is like trying to force a square peg into a round hole. There is nothing in East Vail even remotely similar. (3) There has not been a legitimate traffic impact study (Triumph's study was done on December 30th when VMS was not in session and ski passes were blacked out), but it seems clear that the project would overwhelm the transportation infrastructure and create a potentially deadly situation at the I-70 East Vail underpass. (4) There has not been a proper evaluation of whether the planned massive excavation on the site could trigger a land or mud slide nor is the proposed rock fall berm adequate. (5) And having only 60 parking spaces for the 168 to 254 apartment residents, 30 % less than required, is woefully inadequate.

Finally, and separately, if this project is to be built, the VHA urges the PEC to pass a resolution asking the Town Council to approve the installation of a raised sidewalk under the I-70 East Vail interchange and to direct the Public Works department to immediately begin the process to construct such a sidewalk.

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Jim Lamont
Executive Director

Vail Homeowners Association

Post Office Box 238 Vail, Colorado 81658

Telephone: (970) 827-5680 E-mail: vha@vail.net Web Site: www.vailhomeowners.com

Chris Neubecker

From: Jim Lamont <JFLamont@vail.net>
Sent: Thursday, August 1, 2019 1:14 PM
To: PEC
Cc: Chris Neubecker; Shelley Bellm
Subject: VHA/JFL/TOV/PEC: Please review - Updates On: The East Vail Booth Heights Housing Project and The Secret Golf Course Housing Project

If you are unable, please let us know. Thank you. Jim Lamont

Vail Homeowners Association



**Updates On
The East Vail Booth Heights Housing Project
The Secret Golf Course Housing Project
August 1, 2019**

The East Vail Booth Heights Housing Project

Latest PEC hearing results. On July 22nd, the PEC held another hearing on the Booth Heights housing project, this time mainly to hear public comments. Kudos to the PEC and Chairman Stockmar for scheduling this hearing (it was not on the original schedule) and for not imposing any time limits on the public comments. Many viewpoints were presented with all of the speakers being opposed to the project; no one spoke in favor of it. There was even a petition in opposition presented which had over a 1000 signatures.

Renderings shocking. At the beginning of the hearing, Triumph presented renderings of how the project would appear. Even though the renderings didn't show the large rock fall berm that would have to be constructed on the up-hill side of the project, the massiveness of the project was shocking.



Is this the future of East Vail?

This rendering, as well as the other ones, should have been part of the original application. They only came about because of questions raised by the PEC. The renderings, nonetheless, make it clear that it will be impossible to screen this project or make it blend into the surrounding landscape.

Even worse, the renderings do not show the large rock fall berm that will have to be built uphill of the project. We are told it will be similar to the Booth Falls berm. That berm was built in 1989/90 (and modified in 1997), and this is what it looks like today.



As is apparent, despite over two decades of growing seasons, that berm still has been unable to generate any screening or softening landscape cover, and it remains a huge scar on the land. If the Booth Heights project is built, both the buildings and the uphill rock fall berm will stand out like a sore thumb on the landscape, forever marring the view, especially for those descending from Vail Pass. Several speakers eloquently described the feeling on descending the pass and making the turn into the valley and being greeted by a pristine landscape which would be lost forever if this project were to be built.

The renderings also make it clear that this project is way too big for the site; that they are only now being made available speaks volumes about the incompatibility of this project in East Vail. There is nothing in East Vail that is even remotely as big as this project and trying to squeeze 270 to 350 people into this site, without any services for them (except for one small store), is like trying to force a square peg into a round hole. Furthermore, notwithstanding the inadequacy of Triumph's traffic study which was done on December 30, 2017, when VMS was not in session and ski passes were blacked out, it is clear that the project would overwhelm the transportation infrastructure and create a potentially deadly situation at the I-70 East Vail underpass. And providing only 60 parking spaces for the 168 to 254 apartment residents is woefully inadequate.

That is why the VHA has been calling for a substantial downsizing of the project. Downsizing would not only lower the visual impact, eliminate the four-story elements and probably allow for more landscape screening, but it would have the additional beneficial effects of reducing the potential impact on the bighorn sheep, reducing the traffic infrastructure impacts and allow more on-site parking.

Very few revisions. Despite two long hearings and hundreds of pages of comments, Triumph has so far made very few changes in the project. It has added 15 parking spaces to bring the total for the apartment units up to 60 (still short of the Town required 84), and it has agreed to retain the few trees on the south side that are outside the property boundaries, but no other specific changes have yet been agreed to.

Wildlife mitigation. Wildlife mitigation remains the big issue. As Bill Andre, the leading local expert with decades of experience with bighorn sheep, noted at the July 22nd hearing, housing has the greatest impact (two times more than any other activity or factor) on bighorn sheep. The TOV's independent experts have continued to work on the environmental impacts and more reports are due, but one thing is already clear; Triumph's proposed mitigation on the NAP site will do nothing to help the sheep. The proposal will require mitigation work on the north and west sides of the project and that such work might delay this project should not be a consideration. Triumph and VR had over two years to address that issue but instead tried to skate through by relying on a pseudo-scientific plan that has now been thoroughly discredited (as has been its author).

It is also futile to try to mitigate human impacts with housing policies or trail or area closures. As Bill Andre also stated at the hearing, the valley is littered with unenforced, failed housing policies and closures which only deter a small percentage of people. In the end, if this project is to be built, it is only habitat enhancement in the right locations that can save the bighorn sheep. So far, that is not part of the mitigation plan for this project. And the only way to ensure a positive outcome is to complete the mitigation work and see it demonstrated effective before approving any construction. As one Commissioner noted, “this is a potential extinction event for the bighorn sheep” and the PEC can’t afford to guess on the outcome.

Many questions remain. At the conclusion of the hearing, the Commission made it clear that many questions still remain to be resolved. The Commissioners raised questions about the inadequacy of the parking [Triumph has tried to gloss over that issue by combining the Town House parking into a single ratio and pointing to core town properties], the adequacy of the geological studies, allowing dogs on the site, short-term rentals [some suggested that the allowance of short-term rentals in the TOV, whereby owners can make more by renting to tourists than employees, has greatly exacerbated the employee housing situation], the inadequacy of the traffic study and the ability to prevent residents from using the sheep winter range. Several suggested that wildlife mitigation should be completed before any construction begins, that there should be no winter construction on the west end of the project and that the bus stops should be at the east end of the project. How these issues will be resolved remains to be seen.

Which do you prefer? Here is a comparison of what’s at stake with the Booth Heights project—leave the site as is, as shown below,



or bulldoze it and replace it with this housing project?



Concept for the Booth Heights development.

If this is an issue that concerns you, mark your calendar for August 12 at 1 pm and make your views known to the PEC. This will be one of the most consequential decisions that the PEC ever makes and it should have the benefit of your views before it makes that decision.

Even more problems for the bighorn sheep. As though the problems for the bighorn sheep raised by the Booth heights project were not enough, the TOV is moving forward with plans to redevelop and expand the public works/bus maintenance facility and Buzzard Park. The project includes not only expanded maintenance facilities but a proposal to take seven acres of hillside for a solar panel farm (the staff preferred alternative to roof-top installations) and building 144 housing units on the site. This will squeeze the bighorn sheep's range from the west at the same time as the Booth Height's project squeezes it from the east; the bighorn rams' winter habitat is directly uphill from that facility.

Bighorn sheep herds are generally only together during mating season. The rest of the year rams and ewes and their lambs live separately. In East Vail, during the winter periods, the ewes and lambs use the range that involves the Booth Heights project site and adjacent land to the north and west. The rams use the land further west that is uphill from the bus maintenance facility. The survival of the herd depends not only on the health of the ewes and lambs but also on the health of the rams.

The solar panel farm and workforce housing components of the planned redevelopment in particular raise serious issues for the bighorn rams, issues that have not yet received any public airing. That does not have to be the case for the solar panel farm. It does not need to be sited on the hillside above the project where it will directly impact the bighorns and cause a massive amount of reflective light impact on residences across the valley. The Town could achieve the same green environmental credits by locating that facility in a remote area or by purchasing solar power from other providers (similar to what VR is doing).

The timetable for bus maintenance facility project will begin as soon as the next few months when the Phase I application is filed with the PEC. The plan for Phase I envisions construction this coming fall of a large retaining wall along the north side of the property with building construction to start in March 2020. That timetable may also include construction of the solar panel farm and employee housing units, leaving little time for public comment and input concerning the impact of this project on the environment and the bighorn sheep.

Where is the Environmental Impact Study? Although this project will potentially cause a massive disruption to the bighorn rams' winter foraging habitat—it raises all the issues involved in the Booth Height's project—it appears that, so far, no steps have been taken by the TOV to prepare an EIS for the project. The only reference to an EIS has been in connection with the proposed solar panel farm, even though the zone of influence of the rest of the project will clearly impact the rams. Even just the construction of the north side retaining wall, with related excavation and heavy equipment activity over the coming winter months, will potentially have a negative impact on the rams.

Why no EIS is being prepared is unknown. Even though the TOV is the owner/developer of this project, it is subject to the same requirements as any other developer which in this case should require an EIS. The TOV has already retained three wildlife experts for the Booth Heights project, and they could be readily tasked with preparing an EIS for the public works/bus maintenance facility and Buzzard Park expansion and developing appropriate mitigation measures to offset the negative impacts from the project. It would seem that this is a necessary prerequisite to any approvals for any construction for that project.

This shouldn't be done piecemeal. Because of the impact on the rams' winter habitat, the CPW and local experts are urging that the cumulative impacts on the overall sheep herd of the Booth Heights and bus maintenance redevelopment projects be considered through a "comprehensive impact lens." As the CPW noted, that type of comprehensive consideration would serve to better inform decisions on each of the projects so that the impacts are not piecemeal and the PEC has the whole picture before it as it considers these projects. The VHA, therefore, urges the TOV to immediately begin an EIS for this project and to instruct its wildlife experts to include a comprehensive assessment of the overall impact on the herd of both of these projects. The VHA further urges that, in so far as the bighorn sheep are concerned, the PEC consider these two projects in tandem and that doing so might cause some delay should be beside the point. As more than one Commissioner noted, from an environmental perspective, the Booth Heights project (and by extension the TOV bus maintenance facility expansion) is one of the biggest decisions that the PEC has ever faced, and they should take all the time necessary to get it right; i.e., there should be no rush to a decision.

Responsibility of the PEC. In approving or rejecting proposed projects, the PEC has the responsibility to fulfill the stewardship role for the TOV mission to "preserve our surrounding natural environment." That was a foundational principle of the Town and it has remained a key element of the Town's mission ever since. It would seem that insofar as the Booth Heights and bus maintenance facility projects are concerned that means no project approvals are warranted unless the developer can assure that all environmental impacts will be completely mitigated, no

lingering doubts and no guessing. Stated another way, disturbing the natural environment (and by extension, endangering the bighorn sheep) is a matter that should only be considered if there is no other alternative course of action. Fortunately, that should not be a decision the PEC has to face on the Booth Heights project because there are other workforce housing alternatives, both within the TOV and down valley. And, while it is still too early to assess impacts from the redevelopment and expansion of the bus maintenance facility (an application has not yet been filed), the PEC should be cognizant of the upcoming issues that project will most likely raise.

What's next? The next (and currently, last scheduled) PEC meeting on the Booth Heights project is set for August 12th at 1 p.m. We have been told that prior to that meeting a revised wildlife mitigation plan will be submitted. There has also been some reference to the possibility of some revisions to the development plan. It is unclear, in that regard, what Triumph will do to respond to the PEC's questions or whether it will simply ask for an up/down vote on the current proposal. If the latter, the VHA urges that the PEC vote "No" on the current proposal.

If there are substantial changes or revisions to either the wildlife mitigation or development plan, the PEC and the public will have scant notice of them before the next meeting since PEC agendas are not usually published until the Friday before the meeting. And if there are substantial changes, the public should have a reasonable opportunity to review and comment on those changes. Therefore, if changes are forthcoming, it does not seem feasible that the PEC would be in a position to vote on this project at the August 12th meeting and at least one more meeting will be necessary. That also raises the possibility that an application for the bus maintenance facility will have been filed so the two projects could be considered in tandem.

Because the August 12th meeting could be the last meeting on the Booth Heights project, the VHA urges that you make plans to attend. This could be the most consequential environmental meeting in the history of Vail, one that will set the course for years to come.

The Secret Golf Course Housing Project

It now appears that the secret efforts to convert the 12th fairway and hole of the Vail Golf Course into a housing project, first brought to light by the VHA a month ago, have been abandoned (at least for now). According to the director of the VLHA, the "conceptual idea was rejected before any meaningful discussion amongst the community could occur." Unfortunately, because of the secret ways in which the LVHA operates, it is never clear what is really going on. The VHA will continue to monitor this and other LVHA activities and bring them to your attention as warranted.

Tell the PEC and Town Council what you think.
PEC email: pec@vailgov.com
Town Council email: towncouncil@vailgov.com

Post Office Box 238 Vail, Colorado 81658
Telephone: (970) 827-5680 E-mail: vha@vail.net Web Site: www.vailhomeowners.com

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Vail Homeowners Association | PO Box 238, Vail, CO 81658

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Chris Neubecker

From: Rebecca Horst <rahorst23@gmail.com>
Sent: Thursday, August 1, 2019 7:54 PM
To: PEC
Subject: Booth Heights comment

Hello,

Thank you for asking for comments in the Vail Daily. I hope that I have submitted this in time to be considered. I am very busy with two businesses, and family, but want to enter a comment as a lifelong resident of Colorado and a person who loves the mountains and wildlife. I have watched the progress and discussion of the Booth Heights proposal with interest and hope the process will reach a decision based on long term interests as well as short term housing needs.

I can't help but think that the project as presented is severely underestimating the reality of interaction of the human population (and their pets) with the bighorn sheep.

How, exactly, will you keep people from hiking, or letting a pet out and running in this area? A big fence would surely be a negative impact on the sheep. Signage and Rules will be largely ineffective, especially with a transient population that may care less about this particular environment and as evidenced by many visitors at popular National Parks. As a property manager for 20+ years, I know tenants ignore rules, sneak pets out to relieve themselves in the dark and don't pick up, not to mention the common party attitude and noise of some people. Inadequate parking is also a glaring problem with this project. I doubt the plan is for 1.33 people per unit, so how can it only allow 1.33 spaces per unit? If this is supposed to be employee housing, it is more likely that each person will have arrived with their own vehicle than come without a vehicle. Where are those vehicles going to be parked in a town that already has parking issues? Housing is certainly a problem in the valley, but this is not a good solution in this scale, in this area. Perhaps if the total number of units were greatly reduced and clustered, but it will still affect the bighorn sheep.

Another huge issue that is not being discussed is the pay scale! Why is there so little, if any, discussion about paying local employees enough to afford to live here? Why don't Vail Resorts, Vail Health and other major employers pay better starting wages?!? I see articles about large shortages of employees, but little about the fact people can't afford to live on the average service industry wage. Please open discussion about raising wages so more employees can afford to stay here year round and provide a more stable employee base and year round tax base. Raise wages through natural business consequences, aka capitalism, not through legislation. If they can't attract employees at a feeble wage, they will have to raise the incentive!

Many more issues, but regardless, this particular development is very likely to be the end of the bighorn sheep in Vail if completed as stated. Please consider alternatives.

Thank you!
Rebecca Horst
Eagle, CO

VAIL HOMEOWNERS ASSOCIATION

August 8, 2019

Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

RE: Booth Heights proposed development
Wildlife Mitigation/Parking and Related Matters.

Dear Chairman and Commission Members:

We write to comment on certain aspects of the mitigation suggestions of the independent wildlife experts (dated Aug. 5th). While generally the VHA supports all of the suggested measures, especially the first suggestion that the best mitigation would be for the project to be rejected, the situation is direr than the experts realize. That is because the area of concern is not just a winter foraging area but is used by the sheep year-round.

It is understandable that the experts did not address the critical summer months, since they did not independently study this herd and were only reviewing Triumph's plan which was based on the assumption that the sheep only use the area during the "winter." What is not understandable is why Triumph's biologist proceeded on that assumption and did not survey the herd for at least an entire year. (Triumph's biologist's "study" was only from 10/13/17 to 6/14/18; it did not include the summer months). That may reflect a basic misunderstanding of the sheep and their activities (he was, after all, the proponent of the erroneous foraging "under the cover of darkness" theory), but had he consulted the CPW he would have learned that the CPW considers the area as year-round sheep habitat.

Resident observations over this summer validate the CPW conclusion. On July 10, July 27, August 1 and August 2, bighorn sheep were observed foraging in the smooth brome to the east of the project site (on one occasion in the area just above the smooth brome). Since these were serendipitous observations, it's probable that the sheep used the area more frequently. And, while these were not scientifically documented observations, they are the same kind of observations that Triumph's biologist used in his study.¹ Therefore, using the same "observational methodology," these observations support the CPW conclusion that the area is a year-round range for the sheep.

That conclusion has huge implications for the proposed project. No longer is the impact of this project just a matter of the "winter period" but rather a matter of year-round concern. That means

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restricting heavy construction to the summer months, as the experts recommend, may not provide sufficient protection for the sheep (with only minor exception, Triumph's plans is for full-scale building during the winter months when disruption of the sheep could be catastrophic), and it underscores the need for the comprehensive scientifically-based sheep use and movement study, the experts recommend, to understand how the entire herd uses the area. (Such a study should also include the ram population which would inform needed mitigation for the bus maintenance facility project which will shortly be before the PEC for approval of Phase I construction).²

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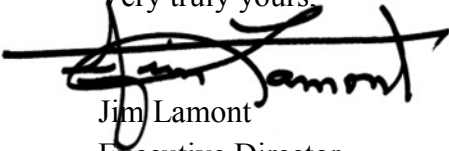
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Executive Director

Vail Homeowners Association

Post Office Box 238 Vail, Colorado 81658

Telephone: (970) 827-5680 E-mail: vha@vail.net Web Site: www.vailhomeowners.com

Chris Neubecker

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Sent: Thursday, August 1, 2019 1:14 PM
To: PEC
Cc: Chris Neubecker; Shelley Bellm
Subject: VHA/JFL/TOV/PEC: Please review - Updates On: The East Vail Booth Heights Housing Project and The Secret Golf Course Housing Project

If you are unable, please let us know. Thank you. Jim Lamont

Vail Homeowners Association



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August 1, 2019**

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The renderings also make it clear that this project is way too big for the site; that they are only now being made available speaks volumes about the incompatibility of this project in East Vail. There is nothing in East Vail that is even remotely as big as this project and trying to squeeze 270 to 350 people into this site, without any services for them (except for one small store), is like trying to force a square peg into a round hole. Furthermore, notwithstanding the inadequacy of Triumph's traffic study which was done on December 30, 2017, when VMS was not in session and ski passes were blacked out, it is clear that the project would overwhelm the transportation infrastructure and create a potentially deadly situation at the I-70 East Vail underpass. And providing only 60 parking spaces for the 168 to 254 apartment residents is woefully inadequate.

That is why the VHA has been calling for a substantial downsizing of the project. Downsizing would not only lower the visual impact, eliminate the four-story elements and probably allow for more landscape screening, but it would have the additional beneficial effects of reducing the potential impact on the bighorn sheep, reducing the traffic infrastructure impacts and allow more on-site parking.

Very few revisions. Despite two long hearings and hundreds of pages of comments, Triumph has so far made very few changes in the project. It has added 15 parking spaces to bring the total for the apartment units up to 60 (still short of the Town required 84), and it has agreed to retain the few trees on the south side that are outside the property boundaries, but no other specific changes have yet been agreed to.

Wildlife mitigation. Wildlife mitigation remains the big issue. As Bill Andre, the leading local expert with decades of experience with bighorn sheep, noted at the July 22nd hearing, housing has the greatest impact (two times more than any other activity or factor) on bighorn sheep. The TOV's independent experts have continued to work on the environmental impacts and more reports are due, but one thing is already clear; Triumph's proposed mitigation on the NAP site will do nothing to help the sheep. The proposal will require mitigation work on the north and west sides of the project and that such work might delay this project should not be a consideration. Triumph and VR had over two years to address that issue but instead tried to skate through by relying on a pseudo-scientific plan that has now been thoroughly discredited (as has been its author).

It is also futile to try to mitigate human impacts with housing policies or trail or area closures. As Bill Andre also stated at the hearing, the valley is littered with unenforced, failed housing policies and closures which only deter a small percentage of people. In the end, if this project is to be built, it is only habitat enhancement in the right locations that can save the bighorn sheep. So far, that is not part of the mitigation plan for this project. And the only way to ensure a positive outcome is to complete the mitigation work and see it demonstrated effective before approving any construction. As one Commissioner noted, “this is a potential extinction event for the bighorn sheep” and the PEC can’t afford to guess on the outcome.

Many questions remain. At the conclusion of the hearing, the Commission made it clear that many questions still remain to be resolved. The Commissioners raised questions about the inadequacy of the parking [Triumph has tried to gloss over that issue by combining the Town House parking into a single ratio and pointing to core town properties], the adequacy of the geological studies, allowing dogs on the site, short-term rentals [some suggested that the allowance of short-term rentals in the TOV, whereby owners can make more by renting to tourists than employees, has greatly exacerbated the employee housing situation], the inadequacy of the traffic study and the ability to prevent residents from using the sheep winter range. Several suggested that wildlife mitigation should be completed before any construction begins, that there should be no winter construction on the west end of the project and that the bus stops should be at the east end of the project. How these issues will be resolved remains to be seen.

Which do you prefer? Here is a comparison of what’s at stake with the Booth Heights project—leave the site as is, as shown below,



or bulldoze it and replace it with this housing project?



Concept for the Booth Heights development.

If this is an issue that concerns you, mark your calendar for August 12 at 1 pm and make your views known to the PEC. This will be one of the most consequential decisions that the PEC ever makes and it should have the benefit of your views before it makes that decision.

Even more problems for the bighorn sheep. As though the problems for the bighorn sheep raised by the Booth heights project were not enough, the TOV is moving forward with plans to redevelop and expand the public works/bus maintenance facility and Buzzard Park. The project includes not only expanded maintenance facilities but a proposal to take seven acres of hillside for a solar panel farm (the staff preferred alternative to roof-top installations) and building 144 housing units on the site. This will squeeze the bighorn sheep's range from the west at the same time as the Booth Height's project squeezes it from the east; the bighorn rams' winter habitat is directly uphill from that facility.

Bighorn sheep herds are generally only together during mating season. The rest of the year rams and ewes and their lambs live separately. In East Vail, during the winter periods, the ewes and lambs use the range that involves the Booth Heights project site and adjacent land to the north and west. The rams use the land further west that is uphill from the bus maintenance facility. The survival of the herd depends not only on the health of the ewes and lambs but also on the health of the rams.

The solar panel farm and workforce housing components of the planned redevelopment in particular raise serious issues for the bighorn rams, issues that have not yet received any public airing. That does not have to be the case for the solar panel farm. It does not need to be sited on the hillside above the project where it will directly impact the bighorns and cause a massive amount of reflective light impact on residences across the valley. The Town could achieve the same green environmental credits by locating that facility in a remote area or by purchasing solar power from other providers (similar to what VR is doing).

The timetable for bus maintenance facility project will begin as soon as the next few months when the Phase I application is filed with the PEC. The plan for Phase I envisions construction this coming fall of a large retaining wall along the north side of the property with building construction to start in March 2020. That timetable may also include construction of the solar panel farm and employee housing units, leaving little time for public comment and input concerning the impact of this project on the environment and the bighorn sheep.

Where is the Environmental Impact Study? Although this project will potentially cause a massive disruption to the bighorn rams' winter foraging habitat—it raises all the issues involved in the Booth Height's project—it appears that, so far, no steps have been taken by the TOV to prepare an EIS for the project. The only reference to an EIS has been in connection with the proposed solar panel farm, even though the zone of influence of the rest of the project will clearly impact the rams. Even just the construction of the north side retaining wall, with related excavation and heavy equipment activity over the coming winter months, will potentially have a negative impact on the rams.

Why no EIS is being prepared is unknown. Even though the TOV is the owner/developer of this project, it is subject to the same requirements as any other developer which in this case should require an EIS. The TOV has already retained three wildlife experts for the Booth Heights project, and they could be readily tasked with preparing an EIS for the public works/bus maintenance facility and Buzzard Park expansion and developing appropriate mitigation measures to offset the negative impacts from the project. It would seem that this is a necessary prerequisite to any approvals for any construction for that project.

This shouldn't be done piecemeal. Because of the impact on the rams' winter habitat, the CPW and local experts are urging that the cumulative impacts on the overall sheep herd of the Booth Heights and bus maintenance redevelopment projects be considered through a "comprehensive impact lens." As the CPW noted, that type of comprehensive consideration would serve to better inform decisions on each of the projects so that the impacts are not piecemeal and the PEC has the whole picture before it as it considers these projects. The VHA, therefore, urges the TOV to immediately begin an EIS for this project and to instruct its wildlife experts to include a comprehensive assessment of the overall impact on the herd of both of these projects. The VHA further urges that, in so far as the bighorn sheep are concerned, the PEC consider these two projects in tandem and that doing so might cause some delay should be beside the point. As more than one Commissioner noted, from an environmental perspective, the Booth Heights project (and by extension the TOV bus maintenance facility expansion) is one of the biggest decisions that the PEC has ever faced, and they should take all the time necessary to get it right; i.e., there should be no rush to a decision.

Responsibility of the PEC. In approving or rejecting proposed projects, the PEC has the responsibility to fulfill the stewardship role for the TOV mission to "preserve our surrounding natural environment." That was a foundational principle of the Town and it has remained a key element of the Town's mission ever since. It would seem that insofar as the Booth Heights and bus maintenance facility projects are concerned that means no project approvals are warranted unless the developer can assure that all environmental impacts will be completely mitigated, no

lingering doubts and no guessing. Stated another way, disturbing the natural environment (and by extension, endangering the bighorn sheep) is a matter that should only be considered if there is no other alternative course of action. Fortunately, that should not be a decision the PEC has to face on the Booth Heights project because there are other workforce housing alternatives, both within the TOV and down valley. And, while it is still too early to assess impacts from the redevelopment and expansion of the bus maintenance facility (an application has not yet been filed), the PEC should be cognizant of the upcoming issues that project will most likely raise.

What's next? The next (and currently, last scheduled) PEC meeting on the Booth Heights project is set for August 12th at 1 p.m. We have been told that prior to that meeting a revised wildlife mitigation plan will be submitted. There has also been some reference to the possibility of some revisions to the development plan. It is unclear, in that regard, what Triumph will do to respond to the PEC's questions or whether it will simply ask for an up/down vote on the current proposal. If the latter, the VHA urges that the PEC vote "No" on the current proposal.

If there are substantial changes or revisions to either the wildlife mitigation or development plan, the PEC and the public will have scant notice of them before the next meeting since PEC agendas are not usually published until the Friday before the meeting. And if there are substantial changes, the public should have a reasonable opportunity to review and comment on those changes. Therefore, if changes are forthcoming, it does not seem feasible that the PEC would be in a position to vote on this project at the August 12th meeting and at least one more meeting will be necessary. That also raises the possibility that an application for the bus maintenance facility will have been filed so the two projects could be considered in tandem.

Because the August 12th meeting could be the last meeting on the Booth Heights project, the VHA urges that you make plans to attend. This could be the most consequential environmental meeting in the history of Vail, one that will set the course for years to come.

The Secret Golf Course Housing Project

It now appears that the secret efforts to convert the 12th fairway and hole of the Vail Golf Course into a housing project, first brought to light by the VHA a month ago, have been abandoned (at least for now). According to the director of the VLHA, the "conceptual idea was rejected before any meaningful discussion amongst the community could occur." Unfortunately, because of the secret ways in which the LVHA operates, it is never clear what is really going on. The VHA will continue to monitor this and other LVHA activities and bring them to your attention as warranted.

Tell the PEC and Town Council what you think.
PEC email: pec@vailgov.com
Town Council email: towncouncil@vailgov.com

Post Office Box 238 Vail, Colorado 81658
Telephone: (970) 827-5680 E-mail: vha@vail.net Web Site: www.vailhomeowners.com

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Vail Homeowners Association | PO Box 238, Vail, CO 81658

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Chris Neubecker

From: Anne Esson <alesson055@gmail.com>
Sent: Tuesday, August 13, 2019 7:51 AM
To: PEC
Subject: Long Meetings, Passion, & Cool Heads

It is impressive to watch the level of dedication your members bring to their examination and analysis of all the material and commentary provided by the developer, staff, and the very interested public. You are uniformly disciplined, polite, and impressively attentive and informed. Even at the exhausted end of discussions when one would think there is nothing left to consider, you find items of significance. I think of Karen's points on importance of smoking prohibitions and Pam's call for viewing again the renderings of the cut sections of the berm behind the higher townhomes. (I awoke this morning early thinking of that frightening image.)

Very respectfully, I would remind commissioners that displays of persistent questioning when all want to go home, stubborn refusal to cede a point on safety, even impassioned pleas to fellow commissioners about environmental cost and risks, are all part of what makes you so effective, not personal faults. I have never been a cheer leader, but you deserve praise for your work, especially yesterday.

Anne Esson

August 12, 2019

Dear Members of the PEC,

Thank you for your time and consideration in this extremely important matter. We are locals who have lived in Vail and worked full time in the valley for 34 years, raised our children here and provided employee housing where "Pets are OK" for a better part of 20 years. We recognize what a serious problem our lack of employee housing is.

What we cannot understand is why Vail Resorts being an environmentally savvy company is overlooking the Big picture of the Booth Heights project and how it will irreversibly impact the surrounding area. The survivability of the herd of Big Horn Sheep and the stability of the rock cliffs above are huge concerns. The increased congestion on the ironically named "Big Horn" Road will be further complicated by winter closures, school traffic, recreational bike riders, hikers and the already dangerous underpass condition.

What people need to understand is that sheep need a very specific environment to survive the winters and if they are forced out of this area where the proposed project is to be placed chances are high the big horn sheep population will die out. What will you say Vail Resorts when your kids and grandkids ask why Big Horn Road, Park and Trail have this name? What would your partner Patagonia Clothing Company say to your risking the survival of a species so that you can make more profit as a corporation when we all know that there are other places that this project can be located with much less environmental impact.

If you think we are being NIMBYIST then think again, this is not only East Vail's back yard but it is Vail's backyard, it is Vail Resort's backyard, it is all of our valley's local citizens and guests backyard! This particular space is why we can all enjoy the peace, beauty and wonder that comes while being in wilderness with animals as nature intended. It keeps us coming to Vail. It is why we live here. It is the FIRST thing we see when entering Vail and the last thing we see when leaving Vail.

We propose that Eagle County excuse the back taxes not paid by Vail Resorts on this parcel and that the Town of Vail with its RETT funds targeted for preservation of open space along with any willing land conservation groups buy the parcel from Vail Resorts and put it into conservation. We urge you all to consider a better suited location for our desperately needed employee housing and to make the right decision.

Sincerely, Cindy and Tony Ryerson

Chris Neubecker

From: Daniel j Frederick <djfrederick@gmail.com>
Sent: Monday, August 12, 2019 1:30 PM
To: PEC
Subject: Booth East Vail

Once again I am writing to voice my opposition and concerns with all aspects of this property, it's development, abandonment and now devastation to the wildlife and the community who cares. Total disregard. Vail government has totally disregarded its mission and promise to its residents. Environmental Sustainability! Daniel Frederick - Intermountain Vail

Town of Vail City Counsel
75 S Frontage Rd. W.
Vail, Colorado, 81657
August 7, 2019

Ingrid Seade
4552 Meadow Dr.
unit 15
Vail, Colorado 81657

Dear Town of Vail and City Council,

I am writing this letter today to express my opinion and concerns regarding the destruction of one of the last and most pristine areas left in East Vail. This area that is in danger of being destroyed is an important wildlife area for Vail's Rocky Mountain Bighorn sheep herd. Not only is this area used as a refuge during the harsh winter months but is also used for grazing and raising their newborn calves. I know that it's a strange area for the sheep to be in but that is where they're comfortable and feel protected. The wildlife here in Colorado is constantly having to relocate or try and coexist with the encroaching population of humans. Wildlife is in steep decline all over the state. We need to protect this area and not let it fall to the development of worker housing. Some say that the sheep will try and relocate but do we really think this will happen and that they will just move down the road? They're creatures of habit and just like the swallows they come back to the same place year after year. Let's be better stewards of the land and not fall victim to the fact that money talks. This small remnant of Bighorn sheep is a priceless population of animals dependent upon this area for their habitat.

I've been a homeowner in East Vail since June of 1980. I've witnessed the destruction of this great mountain town and it's surroundings for years. Gone are all the beautiful mountain vistas since the construction of the likes of Arabelle, the Solaris and numerous buildings too ugly to mention. Does the Town of Vail want another eyesore coming into town from I-70? There is already an ugly box being built near the Red Sandstone elementary school. This ugly building looks like its teetering on a couple of pillars to hold it up. Gone are all the lovely independent shops like The Rucksack and The Moose's Caboose. Now there are only shops owned by Vail Resorts and the likes of Real Estate companies and retail fur shops. What has become of the charming village that was Vail? Isn't it important to preserve the last pristine tract of land east of

town? I beg the Town of Vail planning commission to reconsider this construction project for the sake of not only preservation but to be good stewards of the declining wildlife population of Bighorn sheep. There has to be a better alternative than having worker housing in this beautiful grove of aspens and spruce trees. There seems to be a lot of barren land west of Dowd Junction that would be a terrific choice. The Town of Vail should look for better locations for worker housing and not destroy the beautiful entrance to what is the Vail Valley.

Sincerely,

A handwritten signature in cursive script that reads "Ingrid M. Seade". The signature is fluid and elegant, with a prominent initial 'I'.

Ingrid Seade

Chairman and Commissioners
Planning and Environmental Commission
Town of Vail
Vail, Colorado 81657

August 12, 2019

Dear Mr. Chairman and Commissioners,

Thank you as ever for your tireless work on this issue and on this commission. Thank you also for listening and reading a very concerned Public's comments.

Overall, the Town Code, the Vail Master Plan, Vail Open Space Plan and additional documents, have sought to preserve and enhance the interaction and interplay between built areas, open space, recreational space, and Public Lands adjacent to the Town of Vail.

The Booth Heights proposal would, in effect, create a peninsula of high density urban-style habitation that is, by virtue of location in an area important to Bighorn Sheep and other wildlife, completely cut off from its surroundings. It can not integrate with the surrounding open space. In addition, as it is a high density project completely out of character with its immediate neighbors - the single family homes and duplexes west of the proposal area as well as the Vail Mountain School and the neighboring low density housing - it can not integrate with the existing neighborhood.

This isolation is compounded by the project's distance from the neighborhood ½ a mile to its east and the fact that there is no pedestrian linkage to Bighorn Road.

A great deal has been said about wildlife but I think it's important to restate that this project can not be mitigated. It is the opinion of all the biologists who have looked at it that, if built, it will spell the end of the Gore Valley Bighorn Sheep

herd. In addition, a recent study, carried out by Paul Millhauser for Rocky Mountain Wild, analyzed the use of the area by elk. Certainly, the project area is part of the historic elk migration corridor. This is one of the reasons Katsos Ranch was purchased by the Town of Vail, the thinking being that the protection of the Katsos Ranch as well as the proposed Booth Heights parcel would protect the migration corridor for the Bighorn Sheep, elk and deer. The Town and County just acquired a property to protect Katsos Ranch during discussions regarding Booth Heights.

In addition to numerous practical, aesthetic and biological arguments against the project from a practical, the project is in direct opposition to the goals and aspirations of the planning documents mentioned above. In addition, the project is in violation of several sections of the Town Code.

In changing the zoning from duplexes to housing, the Town may have violated its own ordinance.

12-61-11 is titled **Development Plan Required**. At paragraph A. the Code states "Compatibility With Intent: To ensure the unified development, the protection of the natural environment, the compatibility with the surrounding area and to assure that development in the housing district will meet the intent of the zone district, **an approved development plan shall be required.**" [emphasis added]. This would seem to require a development plan to be approved *before* the Housing District zoning can be put in place.

The proposal does not fit in with the neighborhood

The applicant makes comparisons to Pitkin Creek Condominiums in showing that the height is consistent with neighborhood standards. I find this somewhat ironic as Pitkin Creek was originally constructed - and the allowable density and GRFA increased - to provide affordable housing. The height comparison is also incorrect - Pitkin Creek averages 30 and 40 feet above

grade and the proposed height of the multi family portion of Booth Heights is 50 and 60 feet above grade.

This error is compounded by the fact that, Pitkin Creek is, as stated above, ½ mile away. The nearest non-ovid neighbors, are in fact the duplexes and single family homes to the west of the proposal area and beyond that, the low density campus of Vail Mountain School.

The proposal is inconsistent with the Town Zoning Code

The proposal is inconsistent with the stated purposes of Title 12, which outlines the Zoning Code. 12-1-2 A. states the zoning regulations are enacted to **conserve and enhance [the community's] natural environment** [emphasis added]. Obviously, the project can not meet this criteria, as discussed in detail below.

12-1-2 B at 3. States that a goal of the zoning code is "to promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets." The proposal is in direct conflict with this goal. The traffic study, as has been pointed out to the Commission by several residents, is entirely inadequate. In addition, as numerous residents of East Vail have pointed out, the addition of a large project in this location will exacerbate pedestrian/bicycle/vehicle conflicts and create unsafe conditions at the East Vail Interchange and under the interstate bridge located at that location as there is no pedestrian interface.

12-1-2 B. at 9 states that an aim of the Town Zoning Code is "**To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.**" [Emphasis added] Obviously, wildlife can neither be conserved nor protected if three biologists not in the employ of the applicant agree that effects of construction of the project on bighorn sheep can not be mitigated and that the **construction of the project will lead in the probable extirpation of the Gore Valley Bighorn Sheep herd.**

In addition, a brief visit to the site would indicate that **the full extent of wetlands in the project area have not been fully delineated on supplied maps**, with some areas consisting of rare montane wetlands and native plant and insect species that would be eradicated by construction of the project. Considering the enormous resources the community is now expending on restoring Gore Creek to Gold Medal fishery status, it is counter intuitive to not take into account all impacts on the aquatic environment and mitigate them to the fullest extent possible.

The proposal is inconsistent with Housing District zoning.

12-61-13 at C. states "Open space and landscaping are both functional and aesthetic, are **designed to preserve and enhance the natural features of the site**, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and, when possible, are **integrated with existing open space and recreation areas.**" [emphasis added] The proposed project will neither preserve nor enhance the natural features of the site, requiring a scar to be torn above the site to protect the project from geological hazards; the removal of a mixed age aspen forest; the filling in of several wetlands. If built, the proposal can not be integrated with existing open space as "mitigation" for impacts on Bighorn Sheep prohibit doing so.

The applicant has yet to discuss how the non-EHU portion of the project will subsidize the EHU's. 12-61-3 places evaluation for this entirely under the purview of the PEC. The PEC and thus the Public have a right to fully understand the full financial picture of the project. Indeed, this section may be strictly construed to indicate that there can be no other purpose other than subsidization for EHU's and that no profit can be made from the subsidization.

Reviewing the Master Plan, Associated Documents and the Town Code, not to mention the enormous Public sentiment against the project, the PEC has full authority to deny the project outright

and recommend to the Council that the Town acquire the property to protect the winter habitat for Bighorn Sheep, the migration corridor and the wetlands.

I hope you will do so.

Thank you again for your time and consideration.

Sincerely,
Jonathan Staufer

100 East Meadow Dr. #31
Vail, Colorado 81657

Chris Neubecker

From: Shelley Bellm
Sent: Monday, August 12, 2019 7:51 AM
To: PEC
Subject: FW: East Vail Housing Project

From: Lauren Phillips [<mailto:phillips.lauren16@gmail.com>]
Sent: Sunday, August 11, 2019 5:26 PM
To: CommDev
Subject: East Vail Housing Project

To Vail Community Development,

Thank you for your time on this issue. I am unable to attend the meeting tomorrow so I thought I would write to you on my thoughts on the East Vail Housing Project.

The East Vail Housing Project is vital to the sustainability and livelihood of our community. Finding and retaining housing in Vail has become a very difficult and stressful process. My rent has continued to increase while my wages have remained the same making it very difficult to keep housing in the town of Vail. In April, my boyfriend and I were in need of a new housing situation. It was a struggle. Eventually a friend decided to help us out and allowed us to rent a room in his condo. Without this help, we were seriously considering leaving the valley because there wasn't any affordable option.

The East Vail Housing Project is not only important for the working community of Vail but it is important for all citizens as well. I have worked for the Vail Ski Patrol for the last 7 years and will continue to do so this season. As you all know, last season was amazing with so much snow! Snow means early mornings for myself and my coworkers, many of whom have to drive from Eagle at 4am in order to open Vail on time and safely. It is vital for me and my coworkers, along with every member of the mountain staff, to get to work safely and on time so that the mountain can do the same. We all moved here for the skiing and without Vail Mountain operating as it does, Vail will diminish.

Please consider the East Vail Housing Project as a way of life for our town, locals and guests.

Thank you,
Lauren Phillips
Vail Ski Patrol

Chris Neubecker

From: Pete Feistmann <feistmann@earthlink.net>
Sent: Sunday, August 11, 2019 5:07 PM
To: PEC
Subject: Can there be a reasonable explanation for this omission?

<https://www.vaildaily.com/news/town-of-vails-hired-biologists-on-booth-heights-plan-find-another-location/>

“

In a [staff memo](#) prepared for Monday’s meeting, a summary of the town-hired biologists recommendations fails to include their top suggestion — not to build the Booth Heights development as proposed.”

If not, it is a clear violation of the staff’s duty to present a full summary of this report, and a gross disservice to the PEC and the public. Failing a credible explanation, I hope you will address this in the public meeting tomorrow.

Pete

Chris Neubecker

From: Anne Esson <alesson055@gmail.com>
Sent: Tuesday, August 13, 2019 7:51 AM
To: PEC
Subject: Long Meetings, Passion, & Cool Heads

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August 12. 2019

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Town of Vail City Counsel
75 S Frontage Rd. W.
Vail, Colorado, 81657
August 7, 2019

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unit 15
Vail, Colorado 81657

Dear Town of Vail and City Council,

I am writing this letter today to express my opinion and concerns regarding the destruction of one of the last and most pristine areas left in East Vail. This area that is in danger of being destroyed is an important wildlife area for Vail's Rocky Mountain Bighorn sheep herd. Not only is this area used as a refuge during the harsh winter months but is also used for grazing and raising their newborn calves. I know that it's a strange area for the sheep to be in but that is where they're comfortable and feel protected. The wildlife here in Colorado is constantly having to relocate or try and coexist with the encroaching population of humans. Wildlife is in steep decline all over the state. We need to protect this area and not let it fall to the development of worker housing. Some say that the sheep will try and relocate but do we really think this will happen and that they will just move down the road? They're creatures of habit and just like the swallows they come back to the same place year after year. Let's be better stewards of the land and not fall victim to the fact that money talks. This small remnant of Bighorn sheep is a priceless population of animals dependent upon this area for their habitat.

I've been a homeowner in East Vail since June of 1980. I've witnessed the destruction of this great mountain town and it's surroundings for years. Gone are all the beautiful mountain vistas since the construction of the likes of Arabelle, the Solaris and numerous buildings too ugly to mention. Does the Town of Vail want another eyesore coming into town from I-70? There is already an ugly box being built near the Red Sandstone elementary school. This ugly building looks like its teetering on a couple of pillars to hold it up. Gone are all the lovely independent shops like The Rucksack and The Moose's Caboose. Now there are only shops owned by Vail Resorts and the likes of Real Estate companies and retail fur shops. What has become of the charming village that was Vail? Isn't it important to preserve the last pristine tract of land east of

town? I beg the Town of Vail planning commission to reconsider this construction project for the sake of not only preservation but to be good stewards of the declining wildlife population of Bighorn sheep. There has to be a better alternative than having worker housing in this beautiful grove of aspens and spruce trees. There seems to be a lot of barren land west of Dowd Junction that would be a terrific choice. The Town of Vail should look for better locations for worker housing and not destroy the beautiful entrance to what is the Vail Valley.

Sincerely,

A handwritten signature in cursive script that reads "Ingrid M. Seade". The signature is fluid and elegant, with a prominent initial 'I'.

Ingrid Seade

Chairman and Commissioners
Planning and Environmental Commission
Town of Vail
Vail, Colorado 81657

August 12, 2019

Dear Mr. Chairman and Commissioners,

Thank you as ever for your tireless work on this issue and on this commission. Thank you also for listening and reading a very concerned Public's comments.

Overall, the Town Code, the Vail Master Plan, Vail Open Space Plan and additional documents, have sought to preserve and enhance the interaction and interplay between built areas, open space, recreational space, and Public Lands adjacent to the Town of Vail.

The Booth Heights proposal would, in effect, create a peninsula of high density urban-style habitation that is, by virtue of location in an area important to Bighorn Sheep and other wildlife, completely cut off from its surroundings. It can not integrate with the surrounding open space. In addition, as it is a high density project completely out of character with its immediate neighbors - the single family homes and duplexes west of the proposal area as well as the Vail Mountain School and the neighboring low density housing - it can not integrate with the existing neighborhood.

This isolation is compounded by the project's distance from the neighborhood ½ a mile to its east and the fact that there is no pedestrian linkage to Bighorn Road.

A great deal has been said about wildlife but I think it's important to restate that this project can not be mitigated. It is the opinion of all the biologists who have looked at it that, if built, it will spell the end of the Gore Valley Bighorn Sheep

herd. In addition, a recent study, carried out by Paul Millhauser for Rocky Mountain Wild, analyzed the use of the area by elk. Certainly, the project area is part of the historic elk migration corridor. This is one of the reasons Katsos Ranch was purchased by the Town of Vail, the thinking being that the protection of the Katsos Ranch as well as the proposed Booth Heights parcel would protect the migration corridor for the Bighorn Sheep, elk and deer. The Town and County just acquired a property to protect Katsos Ranch during discussions regarding Booth Heights.

In addition to numerous practical, aesthetic and biological arguments against the project from a practical, the project is in direct opposition to the goals and aspirations of the planning documents mentioned above. In addition, the project is in violation of several sections of the Town Code.

In changing the zoning from duplexes to housing, the Town may have violated its own ordinance.

12-61-11 is titled **Development Plan Required**. At paragraph A. the Code states "Compatibility With Intent: To ensure the unified development, the protection of the natural environment, the compatibility with the surrounding area and to assure that development in the housing district will meet the intent of the zone district, **an approved development plan shall be required.**" [emphasis added]. This would seem to require a development plan to be approved *before* the Housing District zoning can be put in place.

The proposal does not fit in with the neighborhood

The applicant makes comparisons to Pitkin Creek Condominiums in showing that the height is consistent with neighborhood standards. I find this somewhat ironic as Pitkin Creek was originally constructed - and the allowable density and GRFA increased - to provide affordable housing. The height comparison is also incorrect - Pitkin Creek averages 30 and 40 feet above

grade and the proposed height of the multi family portion of Booth Heights is 50 and 60 feet above grade.

This error is compounded by the fact that, Pitkin Creek is, as stated above, ½ mile away. The nearest non-ovid neighbors, are in fact the duplexes and single family homes to the west of the proposal area and beyond that, the low density campus of Vail Mountain School.

The proposal is inconsistent with the Town Zoning Code

The proposal is inconsistent with the stated purposes of Title 12, which outlines the Zoning Code. 12-1-2 A. states the zoning regulations are enacted to **conserve and enhance [the community's] natural environment** [emphasis added]. Obviously, the project can not meet this criteria, as discussed in detail below.

12-1-2 B at 3. States that a goal of the zoning code is "to promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets." The proposal is in direct conflict with this goal. The traffic study, as has been pointed out to the Commission by several residents, is entirely inadequate. In addition, as numerous residents of East Vail have pointed out, the addition of a large project in this location will exacerbate pedestrian/bicycle/vehicle conflicts and create unsafe conditions at the East Vail Interchange and under the interstate bridge located at that location as there is no pedestrian interface.

12-1-2 B. at 9 states that an aim of the Town Zoning Code is "**To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.**" [Emphasis added] Obviously, wildlife can neither be conserved nor protected if three biologists not in the employ of the applicant agree that effects of construction of the project on bighorn sheep can not be mitigated and that the **construction of the project will lead in the probable extirpation of the Gore Valley Bighorn Sheep herd.**

In addition, a brief visit to the site would indicate that **the full extent of wetlands in the project area have not been fully delineated on supplied maps**, with some areas consisting of rare montane wetlands and native plant and insect species that would be eradicated by construction of the project. Considering the enormous resources the community is now expending on restoring Gore Creek to Gold Medal fishery status, it is counter intuitive to not take into account all impacts on the aquatic environment and mitigate them to the fullest extent possible.

The proposal is inconsistent with Housing District zoning.

12-61-13 at C. states "Open space and landscaping are both functional and aesthetic, are **designed to preserve and enhance the natural features of the site**, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and, when possible, are **integrated with existing open space and recreation areas.**" [emphasis added] The proposed project will neither preserve nor enhance the natural features of the site, requiring a scar to be torn above the site to protect the project from geological hazards; the removal of a mixed age aspen forest; the filling in of several wetlands. If built, the proposal can not be integrated with existing open space as "mitigation" for impacts on Bighorn Sheep prohibit doing so.

The applicant has yet to discuss how the non-EHU portion of the project will subsidize the EHU's. 12-61-3 places evaluation for this entirely under the purview of the PEC. The PEC and thus the Public have a right to fully understand the full financial picture of the project. Indeed, this section may be strictly construed to indicate that there can be no other purpose other than subsidization for EHU's and that no profit can be made from the subsidization.

Reviewing the Master Plan, Associated Documents and the Town Code, not to mention the enormous Public sentiment against the project, the PEC has full authority to deny the project outright

and recommend to the Council that the Town acquire the property to protect the winter habitat for Bighorn Sheep, the migration corridor and the wetlands.

I hope you will do so.

Thank you again for your time and consideration.

Sincerely,
Jonathan Staufer

100 East Meadow Dr. #31
Vail, Colorado 81657

Chris Neubecker

From: Shelley Bellm
Sent: Monday, August 12, 2019 7:51 AM
To: PEC
Subject: FW: East Vail Housing Project

From: Lauren Phillips [<mailto:phillips.lauren16@gmail.com>]
Sent: Sunday, August 11, 2019 5:26 PM
To: CommDev
Subject: East Vail Housing Project

To Vail Community Development,

Thank you for your time on this issue. I am unable to attend the meeting tomorrow so I thought I would write to you on my thoughts on the East Vail Housing Project.

The East Vail Housing Project is vital to the sustainability and livelihood of our community. Finding and retaining housing in Vail has become a very difficult and stressful process. My rent has continued to increase while my wages have remained the same making it very difficult to keep housing in the town of Vail. In April, my boyfriend and I were in need of a new housing situation. It was a struggle. Eventually a friend decided to help us out and allowed us to rent a room in his condo. Without this help, we were seriously considering leaving the valley because there wasn't any affordable option.

The East Vail Housing Project is not only important for the working community of Vail but it is important for all citizens as well. I have worked for the Vail Ski Patrol for the last 7 years and will continue to do so this season. As you all know, last season was amazing with so much snow! Snow means early mornings for myself and my coworkers, many of whom have to drive from Eagle at 4am in order to open Vail on time and safely. It is vital for me and my coworkers, along with every member of the mountain staff, to get to work safely and on time so that the mountain can do the same. We all moved here for the skiing and without Vail Mountain operating as it does, Vail will diminish.

Please consider the East Vail Housing Project as a way of life for our town, locals and guests.

Thank you,
Lauren Phillips
Vail Ski Patrol

Chris Neubecker

From: Pete Feistmann <feistmann@earthlink.net>
Sent: Sunday, August 11, 2019 5:07 PM
To: PEC
Subject: Can there be a reasonable explanation for this omission?

<https://www.vaildaily.com/news/town-of-vails-hired-biologists-on-booth-heights-plan-find-another-location/>

“

In a [staff memo](#) prepared for Monday’s meeting, a summary of the town-hired biologists recommendations fails to include their top suggestion — not to build the Booth Heights development as proposed.”

If not, it is a clear violation of the staff’s duty to present a full summary of this report, and a gross disservice to the PEC and the public. Failing a credible explanation, I hope you will address this in the public meeting tomorrow.

Pete

Chris Neubecker

From: Stephen Connolly <sfcvail@hotmail.com>
Sent: Friday, August 9, 2019 11:50 AM
To: PEC
Cc: Council Dist List
Subject: Booth Falls Heights

Love the project, hate the name. And you shouldn't pay any attention to this letter.

Early on in the debate over this project, someone in opposition wrote that it was a foregone conclusion to have the project passed by PEC. It should be – IF it meets the Town's criteria.

There is a set of standards that a project must meet in order to receive approval by the PEC. Public opinion should play no role in your decision.

To hold a meeting for unlimited public comment was an odd and extreme move by the Commission.

Many of the people who will be positively impacted by the addition of affordable housing in East Vail are not even living in Vail yet. Most of the people who will be helped by additional employee housing are not aware of the how our system works, much less have time in the middle of the day to attend PEC meetings. Who spoke on behalf of these people?

Our frontline employees are the backbone of this community. Without them, we would not be Vail – the Town or the resort that has no comparison.

When told that the Commission has heard “from the community and about 90% are opposed to the project”, all I could think of is the 100% of the people I speak with who are in favor of it. And they find much of this conversation ludicrous.

We, collectively, have kicked this can down the road for way too long and way too far. No one argues that we don't need more affordable housing. From the very beginning of this project, cynics have written that there are better places in Vail to build. I have asked a simple question to those who have contacted me directly, “Where?” Not one has bothered to answer. In all of the Letters to the Editor contending that such a site exists, not one has suggested a location with the amount of housing Booth Falls Heights presents.

The arguments against the project don't hold water.

The cliffs behind my home on Bald Mountain are steeper and much closer to my neighborhood than the rock band in East Vail. There is no barrier protecting me and my neighbors from a possible landslide. With no visible scree field, it is safe to conclude that our bluff has stayed intact since before sheep grazed in Potato Patch. Isn't this true for the East Vail exit site?

We have plenty of smart people who work for the Town and are capable of solving the mass transit “problem”. Seems logical to presume that tenants would gladly endure the hardship of spending an hour on two busses to get to City Market once a week, as opposed to having a one-hour commute to work every day.

Some landlords in Vail already offer no parking spaces for renters (and have polices prohibiting dogs). Variances, which many have suggested should have been sought and granted with the redevelopment of Timber Ridge, could reduce the amount of parking mandated by our Town codes.

When the first building went up in East Vail, its scale no doubt dwarfed the surrounding area and displaced wildlife. Man has “spoiled” the entire Vail Valley and will continue to do so. Fortunately, Vail’s founding families had the foresight to incorporate pocket parks throughout town so as to maintain a degree of natural beauty that attracted all of us in the first place.

Scale is a relative concept and the fact is our dirt is just too expensive not to build big. Some large developments are necessary. Looking at the elevator shaft towering over the Evergreen Lodge, one can see that the new Vail Health building will stand above its surrounding structures. But it is something that we need.

The impending doom predicted by opponents of Middle Creek and Solaris has not materialized. Not only will we survive, we will thrive with Booth Creek Heights. We are surrounded by nature on a much grander scale and this project will not have a negative impact on its gorgeousness.

Extinction is a very serious term to be used, especially when applied to an animal that is migratory. Did the elk herds that used to winter in Ford Park become extinct or are they just grazing somewhere else? Did anyone move out of Town when the elk stopped coming? Did any of our guests stop visiting? Should we worry about the “extinction” of a heard of sheep or should we worry about the extinction of a workforce residing in Vail?

Rather than tell Triumph, a developer with a proven track record in this arena, why they can’t build this project, the PEC should be working hand in ski glove to find solutions to the real challenges that have presented themselves. Our future cannot afford for us to squander this opportunity in the hope that something else will present itself do the road.

The only change I can recommend is the name. It sounds like a suburb of some city with stop lights.

But don’t listen to me, or anyone else. Stick to the criteria.

Thanks for reading.

Cone – Resident of the Booth Falls neighborhood

###

aka Stephen Connolly
sfcvail@hotmail.com
<https://www.linkedin.com/in/stephen-connolly-vail>
970-376-5798 (cell)
970-476-6826 (phone and voicemail)

Looking for a great little Bed and Breakfast in Vail?
<https://www.airbnb.com/rooms/4015461>

Or a nice home for the family just minutes from the Mountain?
<https://www.airbnb.com/rooms/21715532>



Rethink * Reduce * Reuse * Recycle

To the TOV PEC

A CONTEMPORARY VAIL SENARIO

It all become clear...

Let's first eliminate the rather pejorative term "greed" from the discussion of the little portion of the valley at Vail's eastern entrance, recently referred to as Vail Heights. (heh heh...only one point of reasonable access).

Let's instead call it business acumen. And an amusing little power play.

AhHa...Vail Resorts finds it has a piece of land that can be had for a song. What to do with it? "We don't live here. We don't have any particular history with the land. We do business internationally. So what do we do with this land?"

"The underpaid seasonal lift operators, the mountain service crews, food servers, bowl patrol. They just want to live here for a season and they need a place to tuck in with their fellows. And what about our year-round employees...and those who toil at Vail Health. We could add a bunch of dead-restricted places to hold onto them for a few more seasons...maybe raise their families."

"But how will we get somebody to build this for us? Somebody with a track record with the Town. We could sweeten the deal by letting them apply for as many market-price units as they could squeeze onto the site. That would make this worthwhile, certainly. And how could the Town turn away so much workforce housing that they've touted of late? Surely this will get easy approval."

"We can continue to hold onto all the land in NeverVail for a future profitable sale...and house the great portion of our seasonal workforce in the boonies where no one will bother if they make a little noise. So what if it takes them two bus rides to get food or get duct tape to shore up their beds."

"Yes, this is the solution. What's the difference between one site and another? We don't live there. We could sell Vail in a minute. Loyalty to the land? To the so-called Vail Environment? No question. Go for the deal. Housing for our underpaid workers and a sweet deal for the developers. Who would question that?"

Scenario to be continued.

Susan Bristol, Hon. AIA

LETTER TO THE TOWN OF VAIL PEC – August 9, 2019

In the Town of **Vail's Environmental Sustainability Strategic Plan of 2009**, the Executive Summary stated:

“As a tourism destination for outdoor activity, the Town of Vail relies heavily on the environment to provide natural beauty and recreational opportunities. Therefore, the state of the environment greatly affects the Town's economy. **It is essential to maintain and improve the state of our environment to ensure that our natural resources are available to future generations.** Vail's reputation as a resort industry leader lends itself to **setting exceptional standards for environmental stewardship.**”

Three independent wildlife biology studies commissioned by the Town of Vail have concluded that no “mitigation” would assure that the herd of **Bighorn Sheep** on the site would preclude the herd's **extinction as a result of the proposed Booth Heights development.**

In addition to the threat to the sheep, the site of the proposed Booth Heights development sits at the base of **historic rockfall and landslides.** Thus far the developer has not addressed the risks that the extensive excavation of the existing Aspen grove would affect the stability of the mountainside above, placing residents in danger. In all previous meetings, the developer has not presented the PEC with any sort of comprehensive Geotech study of the site.

Other issues -- **traffic congestion** of the Frontage Road, need for greatly increased **Town bus service, pedestrian safety**, the reality of a **giant berm creating a gash in the beautiful mountainside at the entrance to the valley, inaccessibility of goods and services** for residents, and **enforcement of a ban on human and canine encroachment** on the limited Bighorn grazing land -- are all insufficiently addressed in the proposal.

As important as housing is to Vail, **there are other viable sites for housing in Vail.**

I hope all Vail residents will support the difficult decision the PEC is being charged with making. I sincerely hope that the Commission's decision will preclude yet another nail in the coffin of **Vail's fragile natural environment.**

Respectfully, Susan Bristol, Hon.AIA

cc: pec@vailgov.com, dchapin@vailgov.com, rkatz@vailresorts.com, letters@vailydaily.com

PEC Commissioners:

This parcel is not suitable for the Booth Heights development. I did not say “not suitable for development” as was suggested by staff when they edited recommendations from the 3 independent wildlife biologists. It will be developed-we know that. We accept that.

In the blind rush for workforce housing, we all, including the PEC and Town Council, have been pressured into ignoring or overlooking the glaring criteria that makes Booth Heights unacceptable, unsightly and dangerous as presented. Well intentioned residents have spent countless hours researching documents, studies and testimonials in order to uncover facts. You have heard from the experts, the wildlife biologists, the Colorado Geological Survey and Colorado Parks and Wildlife. The issues and challenges are staggering: Rock fall, Landslide, Avalanche, Berm Maintenance, Landscaping, Parking, Density, Size and Scale, Threats to our Bighorn Sheep herd, Dogs, Trespassing, Enforcement and Pedestrian Safety which I will briefly address.

I am a runner and living in East Vail I often run into or back from town on this route. I run year-round, during the daylight hours and unimpaired (i.e. no drugs/alcohol) and I have had many close calls. On this brief stretch from Bighorn Road to the Frontage Road, which includes the underpass, there are 6 intersecting traffic patterns. There are cars turning in front of me, behind me, cars blowing through the stop signs, confused guests not knowing where to turn to find the ski area and then doing U-turns, distracted drivers on phones, kids and parents late for school,

blind corners, log jams when the Pass is closed, idling snow plows, countless cyclists, and on and on.

The proposed sidewalk will have little impact on these safety issues and after the TOV has just spent hundreds of thousands of dollars on a beautification project along with surface water mitigation, I seriously doubt they would consider a round-a-bout. Maybe Triumph would? And now with this proposed development they will add hundreds of new residents who will be pedestrians since “most of them will not have cars”.

Mr. Lockman, you know the vulnerability of a pedestrian as you were recently hit by a car. And I know this all too well myself having lost my brother and also a fellow runner to pedestrian/vehicular accidents.

I implore you to take seriously the impacts of this proposal as presented. In my 47 years here I have never seen such turmoil, uncertainty and mistrust of our local government. If we have a Constitutional crisis looming in Washington D.C., we have a Town Charter crisis looming right here in Vail.

As Pete Feistmann said in an earlier meeting, “If you say “yes” to this what will you say “no” to?

Please wait for a proposal that will meet all the criteria of the Town Code, stewardship and safety for the residents of this valley. And, yes, that includes wildlife.

Sincerely,

Blondie Vucich

Vail

From: cbartmd@aol.com
To: letters@vaildaily.com; PEC
Subject: Unanswered questions still surround Booth Heights
Date: Thursday, August 22, 2019 6:39:17 AM

In December 2017, Triumph's traffic consultants issued a report saying 300 more cars per day will be added to the underpass by Booth Heights. The consultants did not mention increased numbers of pedestrians or their safety. When Triumph's consultant is asked about why safety was not evaluated, the answer has been that no major accidents had occurred in the underpass the last several years. No safety issues were evaluated. That is an irrelevant answer since the numbers of pedestrians currently using the underpass is uncommon and the numbers of potential pedestrians will be in the hundreds, as well as hundreds more cars per day.

The proposed complex is large and densely populated. NO offsite usage is supposed to occur; therefore, most outdoor recreational activities and access to a small market are only accessible by using the underpass. The underpass has no separation between people and vehicles besides a painted white line which is frequently not visible in snowy conditions as it is covered by ice, snow and cinders.

As a retired pathologist who has seen the effects of pedestrian-vehicle encounters, pedestrians fare poorly. In fact, the incidence of pedestrian deaths is increasing and factors associated with that increase include: distracted driving, increased numbers of SUV's, alcohol, poor lighting and inadequate signage. I believe all of those factors are currently or will likely be present at that underpass.

The PEC showed thoughtfulness when independently asking for corroboration of Triumph's wildlife report concerning the bighorn sheep. As stated, the five additional consultants, not paid by Triumph, differed in their summary by saying the best mitigation for our sheep is to build this complex elsewhere.

Likewise, an evaluation of the underpass should also be done by an independent consultant, not paid by Triumph. Comprehensive evaluations of the externalities generated by Booth Heights cut into Triumph's profit margin and thus far Triumph's reports on traffic and wildlife have been inadequate. The underpass needs real consideration to the dangers for pedestrians, particularly the winter and spring conditions with ice and snowpack and road closures in an underpass with NO up to date safety features.

Unanswered questions include: 1) Who will pay for any upgrades, given the urgency to assure safety, is a direct result of this development? Should Vail taxpayers have to pay? Where would any liability fall if no safety upgrades are performed? How can Triumph's proposal for no offsite usage at the site, ever be enforced?

D.L. Mumma, MD

From: [Shelley Bellm](#)
To: [PEC](#)
Subject: FW: Booth Heights Housing
Date: Tuesday, August 20, 2019 4:09:38 PM

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

From: JILL LANDMAN-ALFOND [<mailto:jillalfond@mac.com>]
Sent: Tuesday, August 20, 2019 4:09 PM
To: CommDev; Council Dist List
Subject: Booth Heights Housing

Dear Planning Commissioners and Vail Town Council:

I first came to Vail in May of 1992 and my first jobs were at the Jackalope, Pazzos, and the Vail Golf Club. My first housing situation was the Sunbird Lodge.

As a resident / homeowner ever since, I now recognize how challenging it is for our workforce today to find housing. I have witnessed so many local businesses suffer - longtime and new businesses-due to lack of employees - and I believe it is directly related to the deficit of affordable housing reasonably located near their jobs or priced within their budgets.

I'm very disappointed at the angry rhetoric coming from East Vail about what appears to be a well-designed, thoughtfully planned housing neighborhood which is located directly on the bus route and along I-70. From my perspective, the developer has worked hard on an exhaustive wildlife mitigation plan that no other neighborhood in Vail is offering to take on. This parcel has been available for development and this is certainly the best use of this space, adding housing for our local workers. For those wanting open space, all we have to do is hike up the many trails we have up and down the valley!

The application before you is the most significant net increase in locals' housing in more than a decade and represents 6% of the Town's 10-year housing goal. The application meets all of the Town's requirements to develop in the Housing District, and is asking for no variances and no financial support from the Town.

Please do not delay your vote any longer - and consider a unanimous yes for our workforce and the livelihood of our town and our resort - and our wildlife!

Jill Alfond
9 Vail Road #25
Vail, CO 81657

From: [Jurgen Hintz](#)
To: [PEC](#)
Subject: Fwd: Destroying our Big Horn Sheep will not rectify Vail's employee housing need.
Date: Thursday, August 15, 2019 5:40:48 PM

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

From: Jurgen Hintz <jurgen_hintz@comcast.net>
To: valleyvoices@vaildaily.com, letters@vaildaily.com, pec@vail.com
Cc: sheika@pepis.com, Andy Daly <Skidaly@vail.net>, Mike Imperi <mimper@vms.edu>, Anne-Marie Keane <amkeane004@gmail.com>, eric.resnick@kslcapital.com, Kirsty Hintz <kirsty_hintz@comcast.net>, Arthur Reimers <areimers@optonline.net>, George Lamb <glamb@slifer.net>, Reg Delponte <rdelponte@lpsi.com>, Ken Tuchman <kent@teletech.com>, Johannes Faessler <jfaessler@sonnenalp.com>
Date: August 15, 2019 at 1:05 PM
Subject: Destroying our Big Horn Sheep will not rectify Vail's employee housing need.

Dear Vail Daily,

Destroying our Big Horn Sheep will not rectify Vail's employee housing need.

Lively, vigorous debate of the Booth Heights proposal has exposed Vail's need for substantial, additional

employee housing..... and the inadequacy of the Booth Heights project to address that need.

The Vail PEC was told that the town needs 1,200 additional new dwellings for employees today, growing to 2,800

in the next 10 years. Such housing is badly needed by our important hospitality sector and Vail Mountain operations.

No-one disagrees.

The Booth Heights project would provide 42 new employee housing units, which would not be a rounding error on Vail's need, providing only about 1.5% of what will be required.

So if the Booth Heights development went ahead, Vail's indigenous Big Horn Sheep herd would be displaced or destroyed forever, but Vail's need for new employee housing would remain 98.5% unmet.

Experts agree our Big Horn Sheep would be displaced from their indigenous winter grazing, probably killing the herd, despite the developers 'mitigation' proposals to fertilize distant habitat, not used by sheep. Experts confirm wildlife 'mitigation' has failed on other projects, repeatedly, in the past. It's a lame excuse.

So in all candor, the only interest served by Booth Heights is that of the Developers profit.....not employee housing,

.....not Vail's green belt, and.....not our unique, ancient Big Horn Sheep herd.

Profitable and vigorous developers have benefited Vail in the past, and are vital to our town's future. The Booth

Heights reviews have highlighted Vail's need for substantial, appropriate employee housing today and in future.

To meet this need, while maintaining the quality of Vail's environment, will require professional profitable developers,

clear-eyed Town guidance, and perspicacious Vail Resorts support.

Displacing Vail's unique landmark Big Horn Sheep herd will not serve that purpose.

B. Jurgen

From: lreimers@rhip.com
To: [Dave Chapin](#); [Jenn Bruno](#); [Travis Coggin](#); [Kevin Foley](#); [Kim Langmaid](#); [Jen Mason](#); [Greg Moffet](#); [PEC](#)
Cc: [Info](#)
Subject: Fwd: Booth Heights Development
Date: Thursday, August 22, 2019 2:50:39 PM

Dear TOV and PEC members,

Thank you for your attention to this important discussion of Booth Heights Development.

When the fourth PEC meeting ended, Triumph retreated in acknowledging its requirement to provide proper environmental and safety mitigation for the Booth Heights development: the transfer of mitigation costs has now become a town problem. We believe it is a good time for PEC to seek 5 year financial projection numbers for the cost of mitigation maintenance. What mitigation legacy and tax payer costs must the community inherit for a development in the wrong place at the wrong time? Why not use this project as an opportunity to set the process now and forever for what a PEC mediation plan might really look like?

1. Big Horn Sheep. Triumph is essentially limiting its exposure to a \$100,000 donation, toward an unknown liability to TOV and taxpayers, for comprehensive big horn herd mitigation. The preservation of the herd was deemed bigger than Triumph could muster. While the biologist reports have surfaced an important issue, Triumph handed off its responsibility to address its impact. What will be the overall projected costs to support the herd for the next five years?

2. I-70 Underpass. Knowing that added foot, bicycle and car traffic would make this dangerous underpass even worse, they claimed the development's impact is outside their preview and a town and taxpayer problem. Once again they are giving TOV a potentially large and certainly unknown liability for their project. The development caused the difficult problem—this traffic area will be deadly. What are the planning options and costs for I-70 underpass? Why should TOV foot the bill for their profit?

3. Geology and Berm mitigation. We have seen no rendering. In fact after three public requests, it begs the question as to whether they are hiding something. Triumph geology experts clearly stated that they had no data on soil stability and could therefore not confirm whether soil remediation would work. How can Triumph proceed and again at what long term safety, financial and visibility cost to the town?

4. Do we really want a huge but insufficient parking lot in a wilderness area? At 2 spots per employee unit, will the small number of parking spots be enough? Where will extra cars go? What are the additional costs of enforcing overflow parking along NorthFrontage and Big Horn Roads? We all know the answer.

5. The proposed bus stop choice is between a rock and a hard place—either the safety of bighorn sheep are impacted or the safety of residents crossing the road are impacted. There is not a good solution here.

6. Dogs and bighorn sheep are NOT compatible. Even if certified service dogs are required by law, they are still canines. If permitted for the investment units, dogs still cannot live next to bighorn sheep no matter how high the fence. How will this be enforced and at what cost? There is no good solution here either.

Each new Triumph mitigation plan pushes responsibility to TOV, and the potential mitigation costs are increasing. This is the developer's responsibility to assume these mitigation costs! And not the taxpayers. We urge the PEC to take the responsibility it has and represent the entire community.

With respect,
Lindsay and Art Reimers

Lindsay Reimers
Sent from my iPad

From: rolvail@aol.com
To: [PEC; c.neubecker@vailgov.com](mailto:c.neubecker@vailgov.com); [Matt Gennett](#)
Subject: Booth Falls Additional Considerations
Date: Wednesday, August 21, 2019 2:48:10 PM

Dear PEC,

Just a short added note regarding the project:

1. As proposed by Triumph the design is totally incompatible to recent construction and remodels in E Vail. VMS is now the norm.
2. Commissioner Ryan Lockman must recuse himself from and vote on this matter. For those of us familiar with VR, one does not buck management without losing their job. Period!
3. The wildlife "mitigation plan" has now been dumped on the TOV's lap with one or two checks. The TOV has enough on their plate without taking on this very questionable project.

Thanks so much for listening.

All the best,

Rol Hamelin
5167 Gore Cir.
Vail, Co.
970-390-5223

August 19, 2019

Town of Vail

Planning and Environmental Commission

75 South Frontage Road

Vail, CO 81657

RE: Booth Heights proposed development

Dear Chairman and Commission Members:

We, the undersigned, believe that PEC Commissioner John Ryan-Lockman has a serious conflict of interest that requires his recusal from further participation in the pending Booth Heights development application. Mr. Ryan-Lockman is employed by Vail Resorts, the owner of the property in question and a party who would benefit from approval of this project, both in terms of a financial profit on the sale of the property to Triumph development (on project approval) and in terms of obtaining 36 dedicated housing units from the deal.

At the first PEC meeting on this project, on June 24th, Mr. Ryan-Lockman made comments that he felt he had no conflict of interest. However, at the next meeting, on July 8th, Mr. Ryan-Lockman stated that was not the case and his prior statements should not be misunderstood.

That was where matters stood until last week's hearing. At the PEC meeting on August 12, several Vail Resorts management-level people appeared to urge approval of the project because Vail Resorts needs more employee housing. They included Beth Howard, a corporate officer of Vail Resorts (Vice President) and the COO of Vail Mountain.

Since Mr. Ryan-Lockman works in management for Vail Resorts as the Environmental Sustainability Manager for Vail/Beaver Creek, it was his ultimate management superior who made the request for approval. We believe this placed Mr. Ryan-Lockman in a situation where if he did not support the project he had reason to fear retaliation from his employer.

Following Ms. Howard's request for approval, at the end of the meeting Mr. Ryan-Lockman praised the applicant's submission and stated that he intended to vote to approve the project. This creates a strong public impression that he was influenced by the obvious conflict. Conflicts of interest undermine the integrity of the governmental process; even the appearance of a conflict of interest should be avoided. Because of this recent turn of events, Mr. Ryan-Lockman should now recuse himself from any further involvement in this project.

Very truly yours,

Planning & Environmental Commission
Recusal Request Signors
August 21, 2019

Josef Staufer	Art Kelton
Elaine Kelton	David Gorsuch
Axel Wilhelmsen	Del Zopf
Renie Gorsuch	John Mueller
AnneMarie Mueller	Merv Lapin
Janie Wilhelmsen	Andre Boesel
Rose Gillett	Donna Mumma
Chris Bartlett	Audre Engleman
Carey Rash	A. Todd Rash
James G. Dulin	Christie Hochtl
Gina Grasifi	Barbara Derman
Ron Pollack	Fritz Dietrich
Larry Stewart	Arthur H. Chesnut
Karen Anderson	Chris Maggini
Kate Scott	Jackie Clark
Joe McHugh	Jack Rush
Steve Clark	Lindsey McKeever
Alan Scott	Brenda McHugh
Larry Montan	Jerry Johnson
Gary Eno	Alan Danson
Silvia Danson	Steven Dowdle
Nancy Dowdle	Cynthia Ryerson
Anthony M. Ryerson	John Reimers
Susan Bird	Louise Hoversten
Barbara Keller	Jill Zimmerman Rutledge
Michael Halpert	George Lamb
Pati Marsh	Grace Poganski
Ginny Culp	Rol Hamelin
Samuel Maslak	Jonathan Staufer
Patty Nixon	Diana Donovan
Susan Bishop	Sue Rychel
Tim Wolf	Linda Maynor
Margaret Nichols	Martha Cadmus
Blondie Vucich	Pamela Stenmark
Anne P. Staufer	Wendi LoSasso
Rhonda Swenson	Pat Stewart
Katie Boone	Anne Esson
Julie Zopf	Georgia Fox
Pia Streeter	Bill McIntyre

Shirley McIntyre
Julie Hanson
Debbie King Ford
Shari Boesel
Kristi Hintz
Chip McKeever
Dillon Oberlin
Kit Williams
Kristen Bartlett
Wally Frank
Greg Poganski
Karl Hocht
Christine Oppenheimer
Malin Johndotter Zeltman

Henry Ittleton
Greg Kissler
Carolyn Schnierholz
Susan M. Dorf
Robert Walsh
Lily Grisafi
Susie Kincade
Tom Vucich
Peter Woods
Kara Woods
Christie Hocht
John Friestad
Richard Leslie

August 21, 2019

TO: Planning & Environmental Commission

RE: Proposed East Vail / Booth Heights Housing Application

Having re-read and reviewed the latest Wildlife Mitigation Plan (WMP) offered by Triumph Development many concerns remain. It is apparent that the 'plan' continues to be inadequate. The Plan appears to be an effort on the part of Triumph to dump real and significant mitigation responsibility onto the Town, CPW and USFS to complete and maintain going forward with a proposed \$100,000 payoff. Once again, the Plan doesn't address completion and testing of significant mitigation prior to any construction and ignores many of the suggestions offered by the roundtable of wildlife biologists. We must keep in mind that this development would cause the destruction and elimination of significant wildlife habitat. The effects of this destruction will reach 80 plus acres of habitat beyond the confines of the 5 acre parcel. According to the experts; mitigation cannot be limited to the equivalent of the 15 acres of NAP that Triumph initially suggested as their mitigation plan.

Following are questions regarding Triumph's development plan:

- Although Commissioners and the public have repeatedly requested a rendering showing the relationship and perspective of the berm with the buildings and the hillside, indicating removal of all the trees required to build the berm, Triumph has not produced such a rendering.
- From drawings of the berm it is difficult to tell if some of the sloping on the uphill side of berm will be on the applicant's property or if grading will affect TOV property. Clarification on this would be appreciated.
- Triumph claims to now be 'saving' some aspen trees along the Frontage Road right of way however it appears that the trees are on the CDOT right of way and don't belong to VR or Triumph in the first place. Therefore, Triumph cannot claim credit for 'saving' these trees. Triumph has no plan to add landscaping to the area between the Frontage Road and the buildings to help soften the massive development.
- The latest Plan eliminating fencing allows for fencing to be installed at a later date, should it be recommended by CPW. And Triumph will allow TOV access to construct such a fence. But the plan does not indicate that Triumph will pay for a fence, if needed. Is Triumph is dodging its responsibility to complete proper mitigation and enhancement, by passing it off to others?
- The revised Winter Range Enhancement plan appears to trade 15 acres of NAP land for 15 acres of TOV owned land for enhancement. It has already been shown that 15 acres is completely inadequate to make up for the loss of current habitat and the impact

of the development. Does Triumph expect to pay for this work or do they plan to put that responsibility on others as part of their \$100,000 seed money?

-Wildlife biologists have strongly recommended that mitigation and forage enhancement be completed prior to any construction to test effectiveness. Triumph is skirting this recommendation and wants to start construction before much, if any mitigation has been completed. Further, it appears Triumph wants to mitigate only 15 acres, then just walk away, claiming that they have mitigated the damage created by the development when in fact, the effects will expand beyond 80 acres.

-Per recommendation of experts, NO dogs should be permitted anywhere on this property at any time except as required by law. Triumph continues to ignore this recommendation. Further, the ADA Requirements for service animals should be the standard for admitting any dogs; emotional support animals, (ESA) should only be admitted if they meet the ADA Requirements which are noted below:

US Department of Justice
Disability Rights Section
ADA Requirements

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

-Enforcement of rules, Policies & Procedures is vague, weak and unrealistic at best. 'Peer pressure' is unlikely to work, it is equally unlikely that Vail Resorts will terminate an employee for violations considering the difficulty of retaining workers in this economy; shared enforcement means no one is truly responsible therefore it is likely to be kicked down the road to the next unfortunate authority.

-The enhancement plan indicates winter closure of the surrounding Booth Creek area while the biologists recommendation of year round closures is ignored.

-Triumph offers to share the cost of feeding the bighorn sheep whose habitat is destroyed by this development "During construction of the development and in the event

of a severe winter". It is unclear if this limits supplemental feeding of animals to only during the construction period or if the developer will share funding for feeding after construction is completed - the lost habitat won't come back after construction is complete.

-Triumph claimed that their plan is dedicating more toward wildlife than any previous development plan ever has. That claim was promptly refuted when it was revealed that VR paid \$400,000 toward the Eagle Valley Elk Study; on the Mud Springs project CDOT invested over \$100,000 in 1970 dollars while the State of Colorado purchased 107 acres, the equivalent of 4 lots, to prevent development - an investment of over \$200,000. Even after these examples were presented, Triumph repeated the false claim as if trying to create an alternative reality.

Clearly Triumph has modified its WMP to suit its own needs but not in the full spirit of honoring its responsibility, per Code, which obligates a developer to identify and mitigate harm generated by a project. Suggesting a band-aid approach then offering \$100,000 to buy its way out of the obligation is inadequate and inappropriate.

These issues alone are enough to create doubt and rejection of this plan. The plan does not meet Criteria A in Town Code where if the Commission finds that "the project will have significant long term adverse effects on the environment....." it should be denied.

There are many other issues that haven't been adequately addressed including architectural deficiencies, geologic issues and testing, reports not provided, that I have not elaborated here. I urge the PEC to deny this application as it is inappropriate for this site.

Respectfully,

Pamela Stenmark

From: [pamelas](#)
To: [PEC](#)
Cc: [Chris Neubecker](#); [Matt Gennett](#)
Subject: Booth Heights Discussion
Date: Wednesday, August 21, 2019 5:45:38 PM

Dear Chairman Stockmar and PEC Commissioners:

As another PEC meeting with Triumph Development approaches I am reflecting on the August 12 hearing on this application.

We appreciate you enduring hours of 'presentation' by the applicant, who generally repeats what has been said in all previous PEC hearings on this project. It is sometimes difficult to focus on new information as it is buried in the repeated content. Appearances are that the applicant hopes we all will become catatonic and will not dig into the real meat of the issue; omissions or lack of response to questions raised by Commissioners and the public.

We feel it is important to mention again that the pleas for employee housing expressed by a number of VR employees in Public Comment at the meeting on August 12 are not the point of this discussion. The PEC is charged with examining the development plan put forth by the applicant and its suitability for this site. There is no question that Eagle County would benefit from more employee housing but it is not the responsibility of the PEC to address that need.

Thank you,
Pamela Stenmark

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

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

Larry S. Stewart
5146 Gore Circle
Vail, CO
LStewart@stfblaw.com

August 22, 2019

Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

RE: Booth Heights proposed development

Dear Chairman and Commission Members:

Unfortunately I have a conflict next Monday, August 26th that will require me to leave the meeting early. Since I believe the agenda will be lengthy I will probably have to leave before the public comments so I am therefore sending this letter in substitute for the remarks I would have made had I been able to be present for that portion of the meeting.

I have already spoken about many of my concerns about this project and why I think it should be rejected. Unfortunately, I don't know what, if any, further revisions might be made by Triumph since I have to submit this letter before any such revisions are made public and therefore will be unable to comment on them. Nonetheless, there is already a revision to the mitigation plan that makes this project even more objectionable and two other "new" developments that raise serious concerns about the process.

First, the process concerns. I believe that Commissioner John Ryan-Lockman has a serious conflict of interest that should preclude him from participating further in the consideration of this project. Mr. Ryan-Lockman is a Vail Resorts' employee. At the last meeting, Beth Howard, a Vice President of Vail Resorts and the COO of Vail Mountain, appeared and on behalf of Mr. Ryan-Lockman's employer urged approval of the project. VR has a reputation of retaliating against employees that do not follow the company line. Ms. Howard's appearance and statements created an immediate conflict of interest for Mr. Ryan-Lockman and, at the end of the meeting, Mr. Ryan-Lockman stated that he intended to vote to approve the project. Conflicts of interest, even appearances of conflicts of interest, undermine the integrity of governmental process. That now appears to be the case with Mr. Ryan-Lockman. Because of this recent turn of events, Mr. Ryan-Lockman should now recuse himself from any further involvement in this project.

Incidentally, Ms. Howard's comments, as well as most of the other comments in support of the project, did not address the issue before the PEC. . The issue before the PEC is not whether Vail needs more housing but only whether this particular project meets the zoning Design Criteria. I also thought that it was ironic that a Vail Resorts officer, and other management-level VR

personnel, was pleading for this project.. If those individuals were not just “testifying for their jobs” and sincerely believed what they were saying, they should take their request directly to Bloomfield. VR has available property with no environmental issues on which it could construct plenty of employee housing.

The second process concern is the executive session that preceded the last meeting where the Town attorney in secret apparently instructed the PEC that the town could face liability if this project were voted down because Triumph had a “right of use” to develop the project and a rejection could amount to a “taking” of the property; that is at least the rumors of that meeting. Whatever was actually said in that regard, it should not have been done in secret. I once served as a Town attorney and gave all my input and advice in public. The public has a right to know exactly what is being said to the PEC that might influence the outcome on any given issue, except for the rare instances that might involve litigation strategy or some other protected subject, neither of which was applicable here.

Beyond that, the rejection of the proposed Booth Heights project would not be a “taking.” If the Town attorney stated or implied that he was wrong. In the case of “H” zoning, the PEC is vested with great discretion to approve or reject projects and, as long as the PEC follows the proscribed criteria and bases its decision thereon, a denial is not a “taking” because Triumph is free to return with a different configuration/project. It would take multiple rejections from which it could be concluded that the TOV would not permit any development before a “taking” could occur. Even then, if the rejection was for environmental reasons a “taking” may not occur since mitigation of all environmental harm is a requirement of any development under “H” zoning. Of course, as the PEC knows, there are many who would favor that outcome because the Town would then own the land and could designate it as open space, or even better as protected Designated Open Space, but we are not anywhere close to that point.

As far as the project itself is concerned, Triumph’s changes to its mitigation plan, by themselves, are grounds for rejection of the project because the “new” plan is no plan at all as far as the sheep are concerned. While Triumph’s original mitigation plan involved actual, albeit scientifically unfounded, habitat enhancement, the new plan involves no sheep foraging area enhancement by Triumph whatsoever. Instead, Triumph proposes to give the TOV \$50,000 “seed money” (later raised to \$100,000) to use as it sees fit. In other words, Triumph plans to dump its obligation to mitigate the harm to the bighorn sheep from its project into the Town’s lap.

The Town Code is explicit: it is Triumph’s obligation to mitigate the harm from its project. The Code does not allow a developer to “buy off” that obligation nor does the Code authorize a “capping” of that obligation so that the Town taxpayers will bear the ultimate final cost of the mitigation. While it is clear that more than just offsetting Triumph’s environmental harm (estimated at 80 acres) needs to be done to improve bighorn sheep habitat that doesn’t justify Triumph dumping its obligation on the Town.

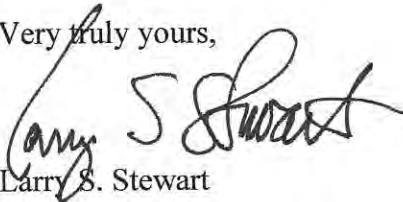
Under this “new” plan the sheep are actually much worse off. Not only is there now no plan for sheep habitat enhancement but the absence of any plan means that no mitigation would take place and/or be completed before Triumph plans to start construction. In other words, Triumph is asking the PEC to take it on faith that a plan will be developed and will work. Add to that, the

fact that the planned turn-around bus stop will wall off the sheep from another two acres of prime foraging land and Triumph still wants to allow dogs on the site. If that isn't all a recipe for disaster for the sheep, it's hard to imagine what would be. A potential extinction event looms big.

In addition, Triumph still has not produce renderings showing both the project and rockfall berm which I have confidence would show in stark terms how incompatible this project is with East Vail; the mass, scale, density and four-story elements are all way too much; the parking is woefully inadequate for a project that is not in the Town core; there is no screening landscaping between the project and Frontage Road so that the project would loom even larger; and there still has not been a proper evaluation of whether the planned massive excavation could trigger a land or mud slide.

For all these reasons, I urge that the PEC reject this proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry S. Stewart". The signature is written in a cursive, flowing style with a large initial "L".

Larry S. Stewart

From: [Shelley Bellm](#)
To: [PEC](#)
Subject: FW: Planning & Environmental Commission and Vail Town Council
Date: Tuesday, August 20, 2019 2:04:50 PM

From: Ted Steers [mailto:Ted@vailvillagerentals.com]
Sent: Tuesday, August 20, 2019 1:41 PM
To: CommDev; Council Dist List
Subject: Planning & Environmental Commission and Vail Town Council

Hello my friends,

As a longtime resident and business owner in Vail, I am offering my support for the East Vail Booth Heights housing neighborhood. It should be clear to most people that my office and team has dedicated significant resources to finding solutions for our fellow residents to achieve home ownership. I love the program's Vail has pioneered. Vail InDeed has been revolutionary. Thank you for doing this for all of us.

In addition to home ownership our community needs additional workforce housing in the town of Vail where the employees can enjoy the community. Personally I think the sheep are being used as an excuse. It appears to me that Triumph Development working with the Town's biologists have put together a wildlife mitigation plan will be sufficient. The development parcel has been lawfully annexed, subdivided and zoned for future development under the requirements of the Housing District. The recently adopted Open Lands Plan acknowledges the likely development of the Parcel. The Housing District zoning permits each of the proposed uses subject to a Development Plan Approval.

I support moving forward on this project.
thank you
TED

[Ted Steers](#), Owner
Vail Village Rentals | Luxury Vacation Rentals
Vail Office: 970.476.PLAY (7529)
Cell: 970.331.4995
ted@vailvillagerentals.com

PEC Commissioners:

As the approval process for the Booth Heights development plan nears its conclusion I want to reiterate the reasons I believe you should deny this application.

(You will note some questions herein directed to specific commissioners as well as previous comments from you all).

- The density, massing and scale do not meet Criteria A for compatibility with the site, adjacent properties and surrounding neighborhood.**

Comments from previous PEC meetings about this issue:

-Pretty imposing building (Kurz). Site is probably overbuilt (Gillette). Massing is too much (Kjesbo). Trying to put too much on the land. Work with the land more (Perez). Is there any way to verify the scale of that 52' height in relation to the rendering? (Lockman) (Staff responded "A rendering like this is never going to be to scale". To which commissioner Hopkins replied "That's not true.") Where's the berm in this rendering? (Hopkins)

So the question I have for commissioner Lockman is: are you satisfied with this answer to your question about the size and scale of the rendering as it relates to the actual proposed buildings?

The size of this project will overwhelm this pristine site- especially viewed from the frontage road and approaching from

Vail Pass on I-70 . The newly erected 4-stories at the Mountain View re-development near the Blue Cow Chute is a perfect example of how imposing Booth Heights will be. I assume you've all seen it by now.

- Criteria E and environmental impacts have not been met with this application.

The overwhelming opinions of the wildlife biologists agree that wildlife, and specifically the bighorn sheep, will be placed in further jeopardy with this plan.

Mr. O'Connor falsely stated publicly in his August 12, 2019 Vail Daily column "We have modified our original plans to ensure the protection of wildlife". "Ensure" means "make certain" and that claim is patently false-made only to influence public opinion in his favor. The wildlife biologists agreed that most mitigation plans fail and there will be no guarantee the herd survives if this development is built.

Triumph and the town staff apparently continue to ignore recommendations and comments from the Colorado Geological Survey and Skyline Geoscience regarding further studies of avalanche hazards, debris flow, landslide and construction-related landslide reactivation issues. You have received details of this from me in a previous letter. There is no mention in those recommendations that they will be addressed "at the building permit application" as Triumph has asserted.

You as commissioners have discretion in deciding on the efficacy of solutions to these environmental issues and whether or not they have been addressed appropriately and effectively.

There is too much at stake here environmentally to approve this application as presented.

More comments from you commissioners: The key here is Criteria E. The environmental impacts are the lynchpin of this entire application. It is the responsibility of the applicant to meet these criteria. (Lockman). The sheep are the most important thing (Gillette). We're not guaranteed the sheep will survive (Kurz). Mitigation hasn't worked in the past. It's all about the sheep (Kjesbo).

- Enforcement (wildlife protection, dogs, parking)

This is the prime feature in the applicant's proposal to protect wildlife and address the shortage of parking. I believe in the real world this approach is set up for total failure.

Parking issues plus the responsibility of on-site management to enforce non-trespass onto wildlife habitat alone would require a nearly full-time effort. You've already heard public comment by locals about the futility of enforcing dog compliance even in HOAs that prohibit them. Also, I own a rental property (long-term to a local family) at Sandstone 70 in Vail and I can assure you the parking issues are constant and contentious throughout the year. Booth Heights will be no different and probably worse. And, enforcing a "no short term rental" policy is highly problematic-witness the current TOV issues with that.

You've also heard consistent feedback from Colorado Parks and Wildlife and other independent wildlife biologists that enforcement doesn't happen. Examples given were the ignoring of a Memorandum of Understanding that protected elk winter range on Meadow Mountain when the recently

completed Evercrisp mountain bike trail was built; no enforcement by Vail Resorts of skiers violating “no skiing” on the wildlife habitat terrain under and near Cascade lift; and the loss of critical elk habitat at Beaver Creek when Strawberry Park was approved in spite of protections to wildlife there.

This risk of failure the proposed enforcement tools for this application offer is too great a threat to wildlife. And, do we really believe that as a master leaseholder Vail Resorts would fire an employee/tenant for a trespass (dog, smoking, or parking) infraction when they were in dire need of employees on the mountain? Seriously doubtful.

Comments: People don't obey closure signs. There has to be a workable and effective enforcement (Stockmar). Yes, HOAs don't always work (Perez). The TOV needs more protection regarding changes to Booth Heights HOA covenants (Gillette).

- Final thoughts.

This proposal is the wrong plan for this site. It's too dense and is obviously burdened by and subject to numerous mitigation plans that have doubtful outcome for success.

And regarding density, I noted Triumph's floor plans show 2 double beds in each 2-BR of the multi-family units (that's potentially 8 people in each). The deed restricted townhomes show 1 double bed in each BR and the same number is shown for the free-market townhomes. There is a reason developers show this on their plans-it's to demonstrate how many people they expect to live in each one as a selling point-in this instance to VR for rental units and to potential buyers for the “for sale”

townhomes. So running the #s we get: $42 \times 4 \times 2 = 336$ rental. $19 \times 2 \times 4 = 76$ deed restricted townhomes. $12 \times 3 \times 2 = 72$ free market townhomes. Total= 484 potential occupants as currently in the application. Is this what is right for this site? No.

Commissioner Perez—the minutes of the 9/11/17 PEC meeting that approved the re-zoning of this parcel shows you expressed concern about the transparency of the applicant (then Vail Resorts) regarding density and scale for any future development application—and for good reason. You also expressed your feelings recently in the last PEC meeting that the issue here is that our ordinances and town code do not require a development plan when applicants come to re-zone. It's a sentiment the previous PEC chair Redicker shared as a concern at the time, also.

And, so, here we are-considering an application and proposal for this site that has so many questions, problems and unknowns that it has divided our town like few issues that I can recall in my 46 years here. Each side is expounding on heartfelt positions—proponents for workforce housing at all costs, and opponents advocating for the environment, wildlife and lifestyle for those workers.

I wonder, if the PEC and Town Council knew then (during re-zoning) what we know now about the specifics of this proposal—the burdensome mitigation steps required, the density and the scale, and the fervent opposition to it—would we even be in such a contentious state now. Yes, the town needs to change

things at the re-zoning level to require a specific plan before re-zoning is approved. Yes, the town needs more workforce housing, but this proposal is not about that. It's about what is right and appropriate for this sensitive site.

Two wrongs do not make a right. Approval of this plan as presented will be the second wrong. Please deny this application for the good of Vail and your good reputations.

Respectfully,
Tom Vucich
Vail

From: [Tom Vucich](#)
To: [PEC](#)
Subject: Booth Heights
Date: Thursday, August 15, 2019 10:56:00 AM
Attachments: [PECdocs8.15"19.pdf](#)

Dear PEC Commissioners,

As I stated at the end of my comments at the 8/12/19 meeting I wanted to get the **attached documents** to you. These documents, including the 6/21/19 letter from the Colorado Geological Society, were the basis of my comments regarding safety issues with this parcel. I know you've undoubtedly read these as part of the voluminous amount of paperwork, but it warrants another quick review I believe since there is no evidence any promised additional studies/evaluations have been done.

My closing comments were also going to reference sections in both the Geologic Hazards Analysis and the Rockfall Hazard Study titled "Limitations".

I realize most of this verbiage is probably boilerplate legalese, but I did notice the words "Subsurface exploration was not included in the scope of this study and snow cover prevented field verification of ground surface conditions along study sections" that at least to a layman gave me pause. Can I assume that is why Skyline's May 24, 2019 memo "Review of Update Site Plan" page 2, mentions "**slope stability and other geotechnical considerations**" being addressed by Cesare in the summer of 2019? As I stated at the 8/12/19 meeting, **Bill Koechlein of Cesare said at the July 8th meeting "we will investigate further to evaluate the soils conditions"** and I assume this is what Skyline is referring to. Perhaps staff or Triumph can explain to you.

Additionally, Appendix B, pg.9 to the Rockfall Hazard Study (which is the Colorado Geological Survey assessment of the March 1997 rockfall incident at Booth Creek) recommends for an interim time, residents there "not establish living areas where they spend the bulk of their time, such as bedrooms and sitting areas against the exterior wall that faces upslope." Was this precautionary recommendation considered by Triumph in the building layouts and floor plans of the residences at Booth Heights?

As those "Limitations" sections of the hazard studies imply, the authors of those disclaimers and limitations are protecting themselves. Shouldn't the same protections apply to the residents of Booth Heights in the plan as presented?

Thank you for your continued time and effort in this process.

Sincerely,
Tom Vucich

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

June 21, 2019

Chris Neubecker
Planning Manager
Community Development, Town of Vail
75 South Frontage Road
Vail, CO 81657

Location:
S½ Section 2,
T5S, R80W of the 6th P.M.
39.6473, -106.3125

**Subject: East Vail Housing – Rockfall Hazard Mitigation
Town of Vail, Eagle County, CO; CGS Unique No. EA-19-0007 (previously reviewed as EA-18-0002)**

Dear Chris:

Colorado Geological Survey has reviewed the East Vail Housing proposed development plan, geologic hazard studies, and rockfall hazard mitigation plans. I understand the applicant proposes a 73-unit residential development on the north side of I-70, at the East Vail (Exit 181) interchange.

The available referral documents include:

- Development application narrative (May 28, 2019),
- Set of 11 civil plans (Alpine Engineering, Inc., February 21, 2019),
- Rockfall Hazard Study, East Vail Parcel (Cesare, Inc., June 29, 2017)
- Geologic Hazard Analysis, East Vail Parcel (Skyline Geoscience, February 12, 2019),
- East Vail Parcel Geologic Hazard Analysis – Review of Updated Site Plan (Skyline Geoscience, May 24, 2019)

CGS reviewed this site, and Cesare's June 19, 2017 Rockfall Hazard Study, at rezoning; comments were provided in letters dated September 18 and September 19, 2017.

Skyline's rockfall hazard analysis and recommendations are valid. The rockfall hazard mitigation berm shown on the civil plans appears to be consistent with Skyline's recommendations.

However, the proposed berm will require periodic and ongoing inspection, maintenance and possibly repairs to preserve its effectiveness. Maintenance may include cleaning out accumulated debris to maintain the design berm/catchment height on the upslope side. **CGS recommends that the Town require an inspection and maintenance plan for the rockfall hazard mitigation berm prior to final plat approval.** The plan should include an inspection schedule.

Debris flow, avalanche, landslide, and construction-related slope instability hazards. Skyline discusses debris flow, landslide, and construction-related landslide reactivation hazards, but does not provide specific recommendations. It is possible that the proposed rockfall berm could provide some protection from debris flow hazards, but this should be evaluated.

Two, possibly three "small avalanche" paths are located within the proposed Lot 1 area. Mears (CGS Special Publication 7, "Colorado Snow-Avalanche Area Studies and Guidelines for Avalanche-Hazard Planning) describes these as "not wide enough to be accurately displayed at the mapping scale of 1:24,000, so they are indicated as arrows. Although they appear small at this scale, they can also be very destructive."

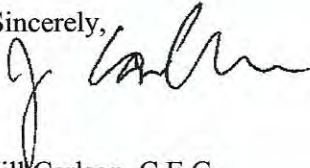
Chris Neubecker
June 21, 2019
Page 2 of 2

CGS continues to recommend that the Town require completion of an avalanche hazard analysis and design of any necessary mitigation prior to final development plan approval to ensure that the proposed mitigation will provide adequate protection from avalanche hazards and can be maintained to ensure future performance. CGS recommends that any such hazard analysis and/or mitigation design be reviewed by the Colorado Avalanche Information Center.

Based on hillshade imagery derived from high resolution LiDAR data, proposed Building A appears to be located in the headscarp area of a small landslide located immediately west of the large landslide in proposed Tract A. Proposed Buildings E and F are also located within this smaller landslide. Skyline states (page 2 of the 5/24/2019 Review of Updated Site Plan) that slope stability and other geotechnical considerations are being addressed by Cesare this summer. CGS is available to review any additional geologic and geotechnical information and geologic hazard mitigation plans submitted for this project.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,



Jill Carlson, C.E.G.
Engineering Geologist

SKYLINE GEOSCIENCE

GEOLOGICAL CONSULTING

Memorandum

Subject: East Vail Parcel Geologic Hazard Analysis – Review of Updated Site Plan

Date: May 24, 2019

To: Michael O’Connor, Triumph Development

From: Julia Frazier, Skyline Geoscience

Skyline Geoscience (Skyline) has reviewed the Grading and Drainage Plan (Plan) by Alpine Engineering, Inc. (Alpine) dated May 17, 2019. This Plan is an update from the Preliminary Grading Plan by Alpine dated January 25, 2019. The Plan shows a 12-foot high earthen rockfall barrier with a 1V:1H slope on either side of the crest, spanning a length of about 620 feet and located upslope from the proposed structures (Figure 1). The location of the berm on the east end of its length has been relocated upslope about 85 to 95 feet from the location previously analyzed for the Geologic Hazard Analysis (original report; February 12, 2019). The Plan also shows changes in the number and location of residential structures, and site grading and drainage.

The Colorado Rockfall Simulation Program (CRSP) analysis for Study Section C has been updated to reflect the relocation of the barrier. Moving the barrier upslope is moving it closer to the rockfall source. The analysis point (AP) is associated with the location of the crest of the proposed barrier. Slope profile parameters were not changed from those stated in the original report. Study Section C was analyzed: 1) in the natural, current condition without a barrier, and 2) with the barrier placed at the location shown on the Plan. The results for the natural condition analysis are reported in Table 1. The maximum estimated values and the 95% and 98% statistical cumulative probability values are reported for velocity, impact energy, and bounce height.

Table 1. Rockfall Analysis Results Study Section C

Rock Size/Shape	Rock Weight (lbs)	Velocity (ft/sec)			Kinetic Energy (kJ)			Bounce Height (ft)
		max	98%	95%	max	98%	95%	max
8' spherical	44,234	25.3	21.7	19.7	730	500	450	1.7
10' spherical	86,394	36.8	28.3	25.7	3,000	1,700	1,500	3.5
10'x4' discoidal	51,836	37.1	26.4	24.1	2,100	980	860	3.2

SS = study section; kJ = kilojoules; AP = analysis point; lbs = pounds; ft/sec = feet per second

A 10-foot high barrier placed at the location shown on the Plan for Study Section C stopped all 10-foot spherical rocks in the CRSP model. Due to overtopping conditions that may occur and due to the size of boulders observed on the ground surface within the property limits, the recommended height of the rockfall barrier is 12 feet (as shown on Figure 1). Based on the results of the CRSP analysis for a spherical, 10-foot diameter limestone rock, the barrier should be designed and constructed to withstand the maximum estimated impact energy of 3,000 kJ (about 2,200,000 ft-lbs), velocity of 36.8 ft/sec, and bounce height of 3.5 ft. These values have increased from those reported in the original report for Study Section C at the location of the proposed berm. Refer to the original report for other recommendations related to rockfall berm system and catchment area construction, maintenance and access. Skyline and Cesare, Inc. (Cesare) should be contacted for additional consultation and review if other rockfall barrier systems are considered or if changes are made to the Plan after the date of this memorandum.

Slope stability was not included in the scope of this study. Skyline understands that a geotechnical investigation by Cesare is planned for the summer of 2019 and that slope stability and other geotechnical considerations will be addressed at that time by that firm.

Thank you for the opportunity to provide this review and update to the geologic hazard analysis for the East Vail Parcel, Town of Vail, Colorado. Please contact Skyline if you have any questions or comments regarding the information provided in this memorandum.

Sincerely,

SKYLINE GEOSCIENCE

Golden, Colorado
www.skylinegeoscience.com

Prepared By:

Julia M. Frazier, P.G. | Owner

rockfall event, the section of rock that detached from the upper cliff was about 20 x 8 x 8 feet in dimension and broke into smaller pieces as it tumbled down the slope.

Two cliff exposures of the Robinson Limestone Member are present above Booth Falls, and the CGS identified the main rockfall source to be the upper cliff exposure (Figure 5). The upper cliff exposure at Booth Falls can be correlated to the main rockfall source for the EVP. The lower cliff exposure above the EVP is largely obscured by colluvial deposits and not considered a primary rockfall source. The slope below the cliff exposures at Booth Falls constitutes the acceleration and runout zones and is about 40 degrees. The slope below the rockfall source zone for the EVP is less extreme, varying from about 20 to 40 degrees.

Joint spacing in the bedrock source zones may be an indicator for the potential size of rockfalls. Joints observed in the upper cliff exposure above the EVP were spaced about 10 feet apart. Other joint set orientations and spacing may exist but were not observable in the cliffside. Shale layers in the limestone and sandstone, spaced at irregular intervals, are also discontinuities along which blocks can be dislodged. Differential weathering of the shale layers also causing instability. For Booth Falls, the CGS states that:

"Most rocks do not shatter, but remain as intact approximately 8 by 5 ft (2.5 by 1.5 m) limestone boulders which are capable of reaching the farthest limits of the runout zone."

The CGS indicates that larger slabs tend to break from the lower source zone above Booth Falls, with diameters of 15 to 20 feet.

4.2 DEBRIS FLOWS

The EVP is not within the limits of the Town of Vail debris flow hazard zone, however, there is the potential for debris flows at the site. Review of a detailed terrain surface derived from the LiDAR (Light Detection and Ranging) and of aerial photographs of the EVP and surrounding area indicates the potential for debris flows. Incised channels with flowing water are present on the west side of the site (the part to be developed) and on the slopes above, evidence for active erosive processes. An intense, prolonged precipitation event or rapid snowmelt has the potential to trigger a fast-moving, hyper-concentrated debris flow. Modifications to the existing, natural condition may increase the debris flow susceptibility.

4.3 EXISTING LANDSLIDE

Landslide deposits are mapped on either side of the Gore Creek Valley and are commonly associated with the middle and lower members of the Minturn Formation (the lower member underlies the EVP). Most of these landslides are considered by investigators to be ancient and inactive. One known exception is a large historic landslide about 1.5 miles to the west of the EVP which was re-activated by undercutting of the toe for construction of I-70. That landslide involved Minturn Formation bedrock units, the same which underlie the EVP. Contributing factors for landslide susceptibility in the project area includes over-steepening or undercutting of slopes by natural processes or human activities, bedding in sedimentary rocks that is oriented out-of-the slope (dip-slope), deforestation and removal of vegetative cover, elevated water content by means of intense, prolonged rainfall or rapid snowmelt, and unit contacts with vastly contrasting material properties (Kellogg and others, 2003).

An existing landslide occupies the eastern approximate 18 acres of the EVP, the area to remain undeveloped (NAP). The landslide is visible in the LiDAR collected for the area, shown on Figure 5. Figure 6 shows a slope map derived from the LiDAR, with marked landslide extents. Geomorphic features of landslide movement have been obscured by heavy vegetative cover and smoothed by natural processes over time. The LiDAR imagery assisted in delineating the extents of the landslide (Figure 7), which extend further upslope than previously identified in published geologic maps (Kellogg and others, 2003). The landslide extents delineated in this report are approximate.

Historical landslides are complex, and characteristics vary even within a single landslide mass, including type of slope failure (may be a combination of various mobilization mechanisms), timing of slope failure events, causative factors, direction of sliding, and others. The mechanism of sliding for this landslide may be a combination of block sliding and deep rotational processes. The detachment location for the landslide is located further upslope and beyond the boundaries of the EVP. The steep toe of the landslide is abruptly cut off by Fall Line Drive (Figure 7). The western flank of the landslide in the area of the toe is also steep and forms a recognizable break in slope on the topography map. Based on LiDAR imagery, the approximate extent of the landslide is about 1,750 feet wide by about 2,500 feet long from head scarp to Fall Line Drive.

5.0 ROCKFALL ANALYSIS

Skyline modeled rockfall along three representative study sections through the part of the EVP to be developed using the Colorado Rockfall Simulation Program version 4.0 (CRSP). Figure 6 shows the locations of the study sections. CRSP estimates maximum, average, and cumulative probability statistics

6.2 EXISTING LANDSLIDE

The existing landslide exhibits geomorphic evidence of past movement. Features such as a detachment zone upslope, over-steepened toe and flank areas, and hummocky topography are visible on the ground surface and in the LiDAR imagery (Figures 5 through 7). Evidence of recent movement such as tension cracks, fresh scarp exposures, and other features were not observed. As noted by previous authors (*Kellogg and others, 2003; 2011*), large landslides in the Gore Creek Valley are generally ancient and inactive. Ground modifications and development around these ancient landslides will increase the potential for re-activation and re-mobilization of the landslide mass, as is the case on I-70 about 1.5 miles west of the EVP.

Based on the proposed development plan made available to Skyline at the time of this report, development and planned structures are limited to 5.4 acres on the west side of the EVP. Planned development extends up to the limits of the steep western flank of the landslide extents as delineated from LiDAR imagery and surface topography. Skyline recommends avoiding development within or near the mapped extents of the landslide. Site improvements and regrading near the toe of the landslide may re-activate slope movement and should be avoided. Landslide extents have not been verified with subsurface exploration and the geomorphic expression of the landslide has been smoothed with time and erosive processes. Thus, the landslide extents presented in this report are approximate.

Skyline recommends implementing a slope monitoring program during construction or grading activities near the landslide. If development within the extents of the landslide is planned, additional geological and geotechnical analysis should be performed to further characterize the landslide and the potential impact the proposed development would have on slope stability.

7.0 LIMITATIONS

The purpose of this report is to provide a geologic hazard analysis as it relates to rockfall, debris flows, and the existing landslide for the development of the western 5.4 acres of the East Vail Parcel located in Vail, Colorado. The professional judgments and conclusions presented in this report meet the standard of care for our profession. This geologic hazard analysis is based on review of available literature and published geologic and topographic maps, an understanding of geologic conditions and processes in the project area, and experience with similar conditions. Variations in geologic conditions can and do occur. Subsurface exploration was not included in the scope of this study and snow cover prevented field verification of ground surface conditions along study sections. There is a potential for variations in the geologic conditions presented in this report. These variations, if present, may be enough to necessitate modifications to this report. If unexpected, adverse, or differing conditions are

are planned in or near the landslide mass. The landslide has the potential to destabilize if the ground is disturbed or modified in adverse ways. Slope stability of the over-steepened toe and flank areas, as well as large-scale global stability should be considered. In addition, the bedrock is dipping gently out-of-slope, exacerbating the slope instability issue.

8.3 DEBRIS FLOW CONSIDERATIONS

Although the site is not within the limits of the Town of Vail Debris Flow Hazard zone, there exists the potential for debris flows at the site. Material and debris which could mobilized in a debris flow event cover the slopes at and above the site, including glacial till capping the ridge above, and rock talus and colluvium on the slope above the site. Incised drainages actively flowing with water are present on the west side of the site, and ground surface patterns visible in the LiDAR imagery suggest erosive processes are underway in this area. A significant precipitation event has the potential to trigger or increase the probability of a debris flow event, additionally, ground modifications may alter or increase this debris flow hazard in some areas. Cesare recommends the debris flow hazard potential be considered in future development stages.

9. LIMITATIONS

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geologic and geotechnical engineering practices. No warranties, either expressed or implied, are intended or made. In the event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Cesare reviews the changes and either verifies or modifies the conclusions of this report in writing.



Basemap: LIDAR ground surface.

East Vail Workforce-Housing Parcel - part to be developed (+/- 5.4 acres)

Approximate Landslide Extents

Approximate Extents, published landslide deposit (Kellogg and others, 2003)

- Area 1 - landslide headscarp, down-dropped, detachment area.
- Area 2 - down-dropped area with irregular topography.
- Area 3 - dislocated, semi-intact block that has moved downslope from the point of origin, hummocky and uneven topography.
- Area 4 - landslide flank, over-steepened slope.
- Area 5 - landslide toe, over-steepened slope.

Project No: 18105
 Project Name: East Vail Parcel

Date: 01.31.2019

To: Planning & Environmental Commissioners & Staff

From: Anne Esson

Re: Aug. 26th Meeting

Please excuse my absence due to medical appointments at the UCH neurology department.

After long study of the Development Criteria for Evaluation by PEC laid out most recently in a staff memo on Aug. 12, 2019 I am convinced that this project does not meet the standard of Criterion A, Building Design, Architecture, as the scale & massing are not "compatible with the site," nor does it meet the standard of Criterion C, "Open space and landscaping functional and aesthetic" as currently proposed.

It has already been shown that the proposal fails to meet Criterion E, the Environmental Criterion as four qualified Wildlife Biologists have detailed the likely inadequacy of the proposed mitigation measures to compensate for the "significant long term adverse impacts" to critical winter habitat for a "sensitive species," the E.Vail Bighorn herd.

I will address the impact of the Sleeping Giant, the massive berm to be built behind the project housing, namely Townhomes A, B, C, and D which despite repeated questioning from Commissioners has not been fully explained, nor illustrated by the developer. To be constructed as a shield against serious rockfall hazard from the unstable cliffs directly above the housing, Architectural Rendering 500, view From Neighborhood Road may best show the impact of the giant berm towering over Townhomes A & B to a height of 40 to 60 ft. above the backyards. A further rendering, Architectural Plans, A 601 shows a cross section of the berm in relationship to Townhome B whose backyard it looms over like a threat in a bad dream. To paraphrase one of your commissioners, this architectural form does not lie lightly upon the land.

This berm using nearly 1/2 of the 5.39 acres of the development site and requiring extensive bull-dozing of known unstable slopes, dominates the site landscape and composes most of the space to be cultivated. A 6 ft. stacked wall of natural boulders will form a separation between berm and backyards, but leaves most with gardening experience with many questions:

How quickly can one expect the long, steep, berm slope to re-vegetate? The plan calls for grass and forbs on most of the slope, aspen seedlings at the bottom. This south-facing slope will be most visible from I 70.

What will be done meantime to prevent all that dirt from washing down into backyards and storm sewers?

How does the developer foresee the handling of snow melt and heavy rain run-off in the same backyards?

Will moisture accumulation in backyards with a north orientation and little sunshine lead to foundation damage and mold and mildew issues in units?

Section 12.2.2 calls for an environmental impact report when a development plan “significantly changes the environment” as when it:

- a. Alters the land form (in this case) a hillside;
- b. Directly affects wildlife habitat;
- c. Removes vegetative cover;
- d. Affects the appearance, character of a significant scenic area or resource;
- e. Potentially results in siltation,...flood hazard to health and safety;
- f. (J)Has potential to strain the capacity of...storm drainage or other utility systems;
- g. (m)Preempts a site with...open space value.

I find no such study by the developer or staff of these significant issues listed in your development standards and criteria. It is therefore premature to approve this project on this beautiful and cherished site. If geologic hazards make necessary protection by such an ugly structure here, this is a measure of how inappropriate this project is for this site. Let VR propose a project more fitting to the site.

PEC Commissioners:

This parcel is not suitable for the Booth Heights development. I did not say “not suitable for development” as was suggested by staff when they edited recommendations from the 3 independent wildlife biologists. It will be developed-we know that. We accept that.

In the blind rush for workforce housing, we all, including the PEC and Town Council, have been pressured into ignoring or overlooking the glaring criteria that makes Booth Heights unacceptable, unsightly and dangerous as presented. Well intentioned residents have spent countless hours researching documents, studies and testimonials in order to uncover facts. You have heard from the experts, the wildlife biologists, the Colorado Geological Survey and Colorado Parks and Wildlife. The issues and challenges are staggering: Rock fall, Landslide, Avalanche, Berm Maintenance, Landscaping, Parking, Density, Size and Scale, Threats to our Bighorn Sheep herd, Dogs, Trespassing, Enforcement and Pedestrian Safety which I will briefly address.

I am a runner and living in East Vail I often run into or back from town on this route. I run year-round, during the daylight hours and unimpaired (i.e. no drugs/alcohol) and I have had many close calls. On this brief stretch from Bighorn Road to the Frontage Road, which includes the underpass, there are 6 intersecting traffic patterns. There are cars turning in front of me, behind me, cars blowing through the stop signs, confused guests not knowing where to turn to find the ski area and then doing U-turns, distracted drivers on phones, kids and parents late for school,

blind corners, log jams when the Pass is closed, idling snow plows, countless cyclists, and on and on.

The proposed sidewalk will have little impact on these safety issues and after the TOV has just spent hundreds of thousands of dollars on a beautification project along with surface water mitigation, I seriously doubt they would consider a round-a-bout. Maybe Triumph would? And now with this proposed development they will add hundreds of new residents who will be pedestrians since “most of them will not have cars”.

Mr. Lockman, you know the vulnerability of a pedestrian as you were recently hit by a car. And I know this all too well myself having lost my brother and also a fellow runner to pedestrian/vehicular accidents.

I implore you to take seriously the impacts of this proposal as presented. In my 47 years here I have never seen such turmoil, uncertainty and mistrust of our local government. If we have a Constitutional crisis looming in Washington D.C., we have a Town Charter crisis looming right here in Vail.

As Pete Feistmann said in an earlier meeting, “If you say “yes” to this what will you say “no” to?

Please wait for a proposal that will meet all the criteria of the Town Code, stewardship and safety for the residents of this valley. And, yes, that includes wildlife.

Sincerely,

Blondie Vucich

Vail

To: Planning & Environmental Commissioners & Staff

From: Anne Esson

Re: Aug. 26th Meeting

Please excuse my absence due to medical appointments at the UCH neurology department.

After long study of the Development Criteria for Evaluation by PEC laid out most recently in a staff memo on Aug. 12, 2019 I am convinced that this project does not meet the standard of Criterion A, Building Design, Architecture, as the scale & massing are not "compatible with the site," nor does it meet the standard of Criterion C, "Open space and landscaping functional and aesthetic" as currently proposed.

It has already been shown that the proposal fails to meet Criterion E, the Environmental Criterion as four qualified Wildlife Biologists have detailed the likely inadequacy of the proposed mitigation measures to compensate for the "significant long term adverse impacts" to critical winter habitat for a "sensitive species," the E.Vail Bighorn herd.

I will address the impact of the Sleeping Giant, the massive berm to be built behind the project housing, namely Townhomes A, B, C, and D which despite repeated questioning from Commissioners has not been fully explained, nor illustrated by the developer. To be constructed as a shield against serious rockfall hazard from the unstable cliffs directly above the housing, Architectural Rendering 500, view From Neighborhood Road may best show the impact of the giant berm towering over Townhomes A & B to a height of 40 to 60 ft. above the backyards. A further rendering, Architectural Plans, A 601 shows a cross section of the berm in relationship to Townhome B whose backyard it looms over like a threat in a bad dream. To paraphrase one of your commissioners, this architectural form does not lie lightly upon the land.

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How quickly can one expect the long, steep, berm slope to re-vegetate? The plan calls for grass and forbs on most of the slope, aspen seedlings at the bottom. This south-facing slope will be most visible from I 70.

What will be done meantime to prevent all that dirt from washing down into backyards and storm sewers?

How does the developer foresee the handling of snow melt and heavy rain run-off in the same backyards?

Will moisture accumulation in backyards with a north orientation and little sunshine lead to foundation damage and mold and mildew issues in units?

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- a. Alters the land form (in this case) a hillside;
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- c. Removes vegetative cover;
- d. Affects the appearance, character of a significant scenic area or resource;
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I find no such study by the developer or staff of these significant issues listed in your development standards and criteria. It is therefore premature to approve this project on this beautiful and cherished site. If geologic hazards make necessary protection by such an ugly structure here, this is a measure of how inappropriate this project is for this site. Let VR propose a project more fitting to the site.

August 22, 2019

To The Vail Town Council and the Vail Planning and Environmental Commission


The list of reasons to deny the application of the development proposed as Booth Heights is lengthy and compelling. The loss of the bighorn sheep herd, the environmental hazards, the urbanization of the entrance to Vail are most important but what has gotten lost in the discussion is the lack of affordable housing in this project. I focus on AFFORDABLE. At the PEC meeting on August 12th, two young men who live in employee housing and work in Vail and the owner's of Moe's Barbecue spoke about that importance of having workforce housing. Affordable housing for the service people needed by the business community of Vail, the cooks, line chefs, waiters, bar tenders, sales people, maintenance people, ski lift operators, the ones that keep our village going. It is evident that that is what is needed but that is not the housing planned in the proposed Booth Heights development. Nineteen deed restricted townhouses won't meet this need.

Bob Warner has the right idea with the redevelopment of his office building into a dorm like residence with shared communal space. What we need in Vail is this type of housing which is all the rage among millennials in many cities across the nation. This type of co-living space is often a small, fully furnished studio or bedroom with its own bathroom and large shared living space. Vail could build a project of this type on the Timber Ridge site to house several hundred employees. That site has the advantage of backing up to a steep hillside so the height of the buildings is not as crucial an issue. A housing project here could be numerous enough to significantly add to the Vail employee pool. It is already a developed site, on the bus route, convenient to the West Vail stores and to the town. It could also be affordable!!! When rental rates are \$1475 for a one bedroom at 6 West Apartments in Edwards, (688 square feet), it is evident that much of what is being built in our valley does not fall into the affordable category. Vail can change that with an innovative project that creates housing for the workforce of Vail.

With the new building rising east of the Blue Cow Chute, Solaris, the Four Seasons, Scorpio, The Vail Bank Building, the hospital expansion, Evergreen Lodge, Vail International, the Vail Spa, ending with the Ritz Carlton at the west end of Lionshead, we have almost a solid ring of high-rise buildings as an outer ring for the town. The two gaps remaining to be filled are the tops of the parking structures. Development here is ideal for a public private partnership. Luxury condominiums and penthouses in the heart of Vail provide the incentive needed by a developer and can include workforce housing of many types, communal living as described above as well as two and three bedroom condominiums for families. Concentrating development in what is now the highest density in Vail makes sense. It allows Vail to develop workforce housing and maintain its mountain character by preserving the rest of Vail stretching east and west as relatively low rise areas.

Booth Heights does not need to be built in East Vail. There are other more appropriate sites. One of the best is the Vail Mountain Maintenance Yard at the west end of Lionshead. Another is the Vail Resorts West Parking Lot. Both of these sites are flat, close to town with enough room to build a sizable development. Here the scale, massing and number of units fits seamlessly with its neighbors. Not so at Booth Heights.

The voice of the community is strong and united in its desire to see the East Vail site remain as open space. Let's pursue the option of the town purchasing this site for open space, ensuring the viability of the bighorn sheep herd and our mountain environment. The RETT (the Real Estate Transfer Tax) is specifically "restricted by town ordinance for acquiring, maintaining and improving local property for parks, recreation, open space and for supporting sustainable environmental practices". Let's seek contributions from the community and other sources. Let's preserve this land for future generations to enjoy Vail as we do. Let's leave a legacy.

Sincerely,


TO: Planning and Environmental Commission, Town of Vail Council

RE: East Vail parcel proposed development application submitted by Triumph Development

As pointed out in my letter of July 15, I believe Triumph Development's application does not meet all of the criteria needed for approval by the PEC. If you listen to the experts, the wildlife biologists and the CGS, this proposed development is too dangerous to approve, not only for the Bighorn sheep but for the individuals that might live there. Triumph's newest amendments to the proposal have not changed those facts.

Regarding the latest wildlife biologists' memo, I found it somewhat disingenuous of the staff to exclude the main point of these experts on the grounds that they were recommending that **no** development occur on this parcel. In fact, if you read their memo carefully, the biologists clearly state that their "collective view is that finding another location for **this** development would offer the best mitigation for this sheep herd." They go on to state, "..the impacts to this already struggling Bighorn sheep herd as a result of **this** development might not be able to be mitigated. Based upon our collective experience, most wildlife mitigation efforts do not provide the intended mitigation results. There is no certainty, even with these (suggested) measures, that this herd will be able to sustain itself considering the human disturbance-associated impacts related to **this** development." The experts are clearly referring to **this particular development**, not **any** development on the site.

It is also interesting that Triumph brought up the bias of the three wildlife biologists brought in by the Town of Vail. It seems evident that when you want experts on a particular subject to weigh in, of course they would have a bias on that subject. That's the reason those experts are brought in. If they had no experience with Bighorn sheep in particular, what credence would you give their suggestions?

As indicated by the CGS letter, there are still necessary pieces missing to guarantee the safety of the individuals who might live in this development. Recommendations of the CGS include "that the Town require an inspection and maintenance plan for the rockfall hazard mitigation berm prior to final plat approval." Has this plan been put in place? CGS also relates that while Skyline Geoscience discussed debris flow and landslide reactivation hazards, it did not provide specific recommendations. Have any specific recommendations for these hazards been put in place?

CGS goes on to say that the avalanche paths located within the proposed Lot 1 area of development while small in appearance, "can also be very destructive. CGS **continues** to recommend that the Town require completion of an avalanche hazard analysis and design of any necessary mitigation prior to the final development plan approval.." They further recommend that "any such hazard analysis and /or mitigation design be reviewed by the Colorado Avalanche Information Center." Has any of this been done? LIDAR data revealed that some of the proposed townhomes are located in, and adjacent to, landslide areas. Have the slope stability and other geotechnical considerations that Cesare was to address this

summer been accomplished? Mr. O'Connor's comment that "I think we've got a pretty good sampling of soil" is not an expert opinion or analysis of slope stability.

False Equivalencies:

It is a false equivalency to use The Vail Racquet Club as being in the East Vail parcel neighborhood to justify scale, mass and scope of the proposed development. Wikipedia defines neighborhood, in part as "spacial units in which face-to-face social interaction occurs..." I don't believe that potential residents of the proposed development would have daily face-to-face interaction with the people living in The Racquet Club. There is nothing comparable in scale, mass or scope in the actual neighborhood of this development.

It is also a false equivalency to use the Solar Vail, Lions Ridge and Timber Ridge projects to compare parking needs and usage. These projects are close enough to town and services so as to substantially reduce the need for a car. Individuals who live in these projects and work in Vail Village could, if they had to, walk to their jobs on paved sidewalks and a pedestrian span across the highway. Individuals living in an East Vail parcel unit or home would not have this option.

Another false equivalency - Simms Market is not a City Market or a Safeway.

Ultimately, the center stage argument of Bighorn sheep vs. employee housing is, as well, a false equivalency. The PEC is not charged with finding employee housing, no matter how many VR executives are paraded in front of the Commission to plead their case. The Commission is charged, among other things, with determining whether a project "will have significant long term adverse effects on the environment with respect to the natural systems..." I would extrapolate that this charge, as it relates to the sensitive geologic environmental conditions, would also include "significant long term adverse effects" on the human beings who might populate this development. As the 2018 Open Lands Plan Update Purpose succinctly states, "Protect environmentally sensitive land from development and/or mitigate development impacts on environmentally sensitive land." You cannot mitigate away the adverse effects to the land, the wildlife and to individuals this project would cause. These adverse effects reach far beyond the footprint of this proposed development.

I urge the Commissioners to stick to their convictions as they relate to the many uncertainties of this proposal.

- CPW and the wildlife biologists conclude that a bus stop on the eastern end of the property is the only way to protect the Bighorn sheep and their migration and escape corridors.
- CGS concludes that there is much more to be done to provide the safety and viability of a massive project in such a sensitive geologic area, if it can be done at all.
- Skyline Geoscience points out the evidence of the landslide that occurred when land of the same geologic makeup was disturbed by ground modifications as a result of work on

I-70 just west of the East Vail parcel. They recommend avoiding development within or near the mapped extents of the landslide toe located within the east end, and adjacent to, the proposed development parcel.

Please listen to the experts. Re-read all their reports. The dangers and uncertainties of putting **this** project on this piece of land are all there in black and white--no smoke, no mirrors, just facts.

Respectfully submitted,

Grace Poganski

Chris Neubecker

From: Kirsty Hintz <kirsty_hintz@comcast.net>
Sent: Sunday, August 25, 2019 3:17 PM
To: PEC
Subject: Americans' love of hiking has driven elk to the brink, scientists say | Environment | The Guardian

Dear PEC members

You may or may not be interested in this article in The Guardian today. I doubt that killing the bighorn sheep through building on their habitat and allowing dogs to roam freely would be seen as protecting the environment and in fact would be viewed for what it is - totally anti environmental. If you don't care about the sheep - which frankly very few of you have shown much interest in - you are more interested in where to put the bus stop - perhaps you will care about Vail's international reputation and put this project in a different location. That is what the independent wildlife experts concluded. Please listen to them - you will never have another case such as this - just say NO and protect these magnificent animals for future generations of visitors, inhabitants and sheep alike. If hiking can stress the elk there is no question that this project is the death knell for this herd.

Regards

Kirsty Hintz

<https://www.theguardian.com/environment/2019/aug/25/hiking-elk-driven-to-brink-colorado-vail>

Americans' love of hiking has driven elk to the brink, scientists say

Christine Peterson
Sun 25 Aug 2019 06.00 EDT

Trail use near Vail, Colorado, has more than doubled since 2009. It's had a devastating impact on a herd of elk



Increasing numbers of outdoor recreationists – everything from hikers, mountain bikers and backcountry skiers to Jeep, all-terrain vehicle and motorcycle riders, aren't good for Elk populations. Photograph: Alamy

Biologists used to count over 1,000 head of elk from the air near Vail, Colorado. The majestic brown animals, a symbol of the American west, dotted hundreds of square miles of slopes and valleys.

But when researchers flew the same area in February for an annual elk count, they saw only 53.

“Very few elk, not even many tracks,” their notes read. “Lots of backcountry skiing tracks.”

The surprising culprit isn't expanding fossil-fuel development, herd mismanagement by state agencies or predators, wildlife managers say. It's increasing numbers of outdoor recreationists – everything from hikers, mountain bikers and backcountry skiers to Jeep, all-terrain vehicle and motorcycle riders. Researchers are now starting to understand why.

US national parks and wilderness areas have boomed in popularity in the last decade, with places like Yosemite national park hitting as many as 5 million visits a year. The influx is due to a mixture of visitation campaigns, particularly during traditional “off seasons”, and an explosion of social media exposure that has made hidden gems into national and even international viral sensations.

The impact on wildlife is only recently apparent, and the Vail elk herd may be one of the more egregious examples.

Outdoor recreation has long been popular in Colorado, but trail use near Vail has more than doubled since 2009. Some trails host as many as 170,000 people in a year.

Recreation continues nearly 24 hours a day, 365 days a year, said Bill Andree, who retired as Colorado Parks and Wildlife's Vail district wildlife manager in 2018. Night trail use in some areas has also gone up 30% in the past decade. People are traveling even deeper into woods and higher up peaks in part because of improved technology, and in part to escape crowds.

The elk in unit 45, as it's called, live between 7,000 and 11,000 feet on the pine, spruce and aspen-covered hillsides and peaks of the Colorado Rockies, about

100 miles from Denver. Their numbers have been dropping precipitously since the early 2010s.



Elk stand in an open field in 2014 between the Eagle River and Interstate 70 just east of the town of Eagle, Colorado, near Vail, Colorado. Photograph: Richard Spitzer/The Guardian

Blaming hiking, biking and skiing is controversial in a state where [outdoor recreation is expected to pump \\$62.5bn into the state's economy in 2019](#), an 81% increase from 2014.

But for Bill Alldredge, a now-retired wildlife professor at Colorado State University, there is no other explanation. He started studying unit 45 in the 1980s in response to expanding ski resorts and trails systems.

To measure the impact on calves, he deliberately sent eight people hiking into calving areas until radio-collared elk showed signs of disturbance, such as standing up or walking away. The consequences were startling. About 30% of the elk calves died when their mothers were disturbed an average of seven times during calving. Models showed that if each cow elk was bothered 10 times during calving, all their calves would die.

When disturbances stopped, the number of calves bounced back.

Why, exactly, elk calves die after human activity as mellow as hiking is not entirely clear. Some likely perish because the mothers, startled by passing humans and their canine companions, run too far away for the calves to catch up, weakening the young and making them more susceptible to starvation or predation from lions or bears. Other times it may be that stress from passing recreationists results in the mother making less milk.

“If you’ve ever had a pregnant wife, and in the third trimester you chase her around the house in two feet of snow, you’ll get an idea of what she thinks about it,” Andree said.

The problems came to a head in 2017, when a group called the Vail Valley Mountain Trails Alliance proposed building a new trail through more of unit 45’s elk calving area.

Andree wrote a letter explaining the dire impact of constant recreation on elk. Even if certain trails were closed during calving season, he said, elk would still be disturbed because some people simply disregarded instructions for them to keep out.

“Generally when you ask people to stay out of the area no matter what the reason is, 80-90% obey you,” Andree said. “But if you get 10% who don’t obey you, you haven’t done any good.”

The recreation community acknowledges its impact on wildlife as well as other development, said Ernest Saeger, the executive director of the mountain trails alliance. Many people don’t understand the significance of the closures. Others, he acknowledged, just don’t care.

So the group formed a trail ambassador program to post more informative signs at closures and even place volunteers at trailheads to explain why trails are closed. The scheme reduced closure violations in 2018, according to Forest Service numbers.

If trail building and closure violations in critical habitat continue, Devin Duval, Colorado Parks and Wildlife’s district wildlife manager in the area, anticipates the worst.

“It will be a biological desert,” he said.

As the crisis escalates...

... in our natural world, we refuse to turn away from the climate catastrophe and species extinction. For The Guardian, reporting on the environment is a priority. We give reporting on climate, nature and pollution the prominence it deserves, stories which often go unreported by others in the media. At this pivotal time for our species and our planet, we are determined to inform readers about threats, consequences and solutions based on scientific facts, not political prejudice or business interests.

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The Guardian will engage with the most critical issues of our time – from the escalating climate catastrophe to widespread inequality to the influence of big tech on our lives. At a time when factual information is a necessity, we believe that each of us, around the world, deserves access to accurate reporting with integrity at its heart.

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TO: Planning & Environmental Commissioners & Town of Vail Council
RE: Booth Heights Development
Date: 8/25/2019

So let me get this straight:

Vail Resorts found out they got this property, paid 2 years taxes on it and gave it to a developer. The developer decided that building a road to the private properties planned on this site would be too expensive, so they asked the Town of Vail to rezone the property. This rezoning includes open space except for 5.9 acres that will hold 42 multi-family units, 19 Deed restricted townhome units, and 12 unrestricted townhome units.

According to all the community comments, this area is dangerous to build on because it is under a rockslide area. It will increase traffic on the frontage road along with the Vail Mountain School. It will increase bus occupancy, which is already very bad in East Vail. The area has loud traffic noise and the majority of the properties have earthen berms as sound barrier. No earthen berms are consider for the property except the berm on the north side to collect rocks that fall down the slope. It will be dangerous for people walking to the bus or store at Pitkin Creek. People going on the bus to the bigger grocery store will have long ride to get back and forth.

The biggest reason for not building on this site is that it is the only winter habitat of the East Vail bighorn sheep herd. These sheep live outside all year long. They do not have employee housing, where they can have a nice hot meal and warm place to stay. They are surviving, day & night outdoors and for many years feel safe in this area. It is a good place to avoid predators and the snow melts on warm days, so they can find some shrubs to eat. We expect them to move elsewhere, so we can have nice warm places to stay. How fare is that? These sheep have gone through a very hard winter with tons of snow. I have never seen them stay so long on that hillside. It was until the end of June when they could start to move around more from the snow melting.

As the Biologists have stated, it would be better not to build on this site. This herd has been declining and having a hard time surviving, but all we care about is our employee housing. We have to start making hard decisions for our future. We have to think and care about the other creatures that share this valley with us, where money does not matter, but our conscience does. Please vote "no" for this development.

To say that it meets the criteria of the Town of Vail is not correct and very cold of the commissioners. The commissioners are dreaming if they think they can enforce all the restrictions on the development by a piece of paper. To say that it is environmentally great that the developer has hook ups for solar panel, but not think of the consequences on the bighorn sheep from this development is deplorable.

Vail Resorts and the developer can do the right thing by building their employee housing on the Ever Vail site. It would be a no carbon footprint for their employees to live so close to the mountain and it would save the bighorn sheep.

Thank you for your time,

Liz Schramm
East Vail Home Owner

From: cbartmd@aol.com
To: letters@vaildaily.com; PEC
Subject: Unanswered questions still surround Booth Heights
Date: Thursday, August 22, 2019 6:39:17 AM

In December 2017, Triumph's traffic consultants issued a report saying 300 more cars per day will be added to the underpass by Booth Heights. The consultants did not mention increased numbers of pedestrians or their safety. When Triumph's consultant is asked about why safety was not evaluated, the answer has been that no major accidents had occurred in the underpass the last several years. No safety issues were evaluated. That is an irrelevant answer since the numbers of pedestrians currently using the underpass is uncommon and the numbers of potential pedestrians will be in the hundreds, as well as hundreds more cars per day.

The proposed complex is large and densely populated. NO offsite usage is supposed to occur; therefore, most outdoor recreational activities and access to a small market are only accessible by using the underpass. The underpass has no separation between people and vehicles besides a painted white line which is frequently not visible in snowy conditions as it is covered by ice, snow and cinders.

As a retired pathologist who has seen the effects of pedestrian-vehicle encounters, pedestrians fare poorly. In fact, the incidence of pedestrian deaths is increasing and factors associated with that increase include: distracted driving, increased numbers of SUV's, alcohol, poor lighting and inadequate signage. I believe all of those factors are currently or will likely be present at that underpass.

The PEC showed thoughtfulness when independently asking for corroboration of Triumph's wildlife report concerning the bighorn sheep. As stated, the five additional consultants, not paid by Triumph, differed in their summary by saying the best mitigation for our sheep is to build this complex elsewhere.

Likewise, an evaluation of the underpass should also be done by an independent consultant, not paid by Triumph. Comprehensive evaluations of the externalities generated by Booth Heights cut into Triumph's profit margin and thus far Triumph's reports on traffic and wildlife have been inadequate. The underpass needs real consideration to the dangers for pedestrians, particularly the winter and spring conditions with ice and snowpack and road closures in an underpass with NO up to date safety features.

Unanswered questions include: 1) Who will pay for any upgrades, given the urgency to assure safety, is a direct result of this development? Should Vail taxpayers have to pay? Where would any liability fall if no safety upgrades are performed? How can Triumph's proposal for no offsite usage at the site, ever be enforced?

D.L. Mumma, MD

August 22, 2019

To The Vail Town Council and the Vail Planning and Environmental Commission


The list of reasons to deny the application of the development proposed as Booth Heights is lengthy and compelling. The loss of the bighorn sheep herd, the environmental hazards, the urbanization of the entrance to Vail are most important but what has gotten lost in the discussion is the lack of affordable housing in this project. I focus on AFFORDABLE. At the PEC meeting on August 12th, two young men who live in employee housing and work in Vail and the owner's of Moe's Barbecue spoke about that importance of having workforce housing. Affordable housing for the service people needed by the business community of Vail, the cooks, line chefs, waiters, bar tenders, sales people, maintenance people, ski lift operators, the ones that keep our village going. It is evident that that is what is needed but that is not the housing planned in the proposed Booth Heights development. Nineteen deed restricted townhouses won't meet this need.

Bob Warner has the right idea with the redevelopment of his office building into a dorm like residence with shared communal space. What we need in Vail is this type of housing which is all the rage among millennials in many cities across the nation. This type of co-living space is often a small, fully furnished studio or bedroom with its own bathroom and large shared living space. Vail could build a project of this type on the Timber Ridge site to house several hundred employees. That site has the advantage of backing up to a steep hillside so the height of the buildings is not as crucial an issue. A housing project here could be numerous enough to significantly add to the Vail employee pool. It is already a developed site, on the bus route, convenient to the West Vail stores and to the town. It could also be affordable!!! When rental rates are \$1475 for a one bedroom at 6 West Apartments in Edwards, (688 square feet), it is evident that much of what is being built in our valley does not fall into the affordable category. Vail can change that with an innovative project that creates housing for the workforce of Vail.

With the new building rising east of the Blue Cow Chute, Solaris, the Four Seasons, Scorpio, The Vail Bank Building, the hospital expansion, Evergreen Lodge, Vail International, the Vail Spa, ending with the Ritz Carlton at the west end of Lionshead, we have almost a solid ring of high-rise buildings as an outer ring for the town. The two gaps remaining to be filled are the tops of the parking structures. Development here is ideal for a public private partnership. Luxury condominiums and penthouses in the heart of Vail provide the incentive needed by a developer and can include workforce housing of many types, communal living as described above as well as two and three bedroom condominiums for families. Concentrating development in what is now the highest density in Vail makes sense. It allows Vail to develop workforce housing and maintain its mountain character by preserving the rest of Vail stretching east and west as relatively low rise areas.

Booth Heights does not need to be built in East Vail. There are other more appropriate sites. One of the best is the Vail Mountain Maintenance Yard at the west end of Lionshead. Another is the Vail Resorts West Parking Lot. Both of these sites are flat, close to town with enough room to build a sizable development. Here the scale, massing and number of units fits seamlessly with its neighbors. Not so at Booth Heights.

The voice of the community is strong and united in its desire to see the East Vail site remain as open space. Let's pursue the option of the town purchasing this site for open space, ensuring the viability of the bighorn sheep herd and our mountain environment. The RETT (the Real Estate Transfer Tax) is specifically "restricted by town ordinance for acquiring, maintaining and improving local property for parks, recreation, open space and for supporting sustainable environmental practices". Let's seek contributions from the community and other sources. Let's preserve this land for future generations to enjoy Vail as we do. Let's leave a legacy.

Sincerely,


TO: Planning and Environmental Commission, Town of Vail Council

RE: East Vail parcel proposed development application submitted by Triumph Development

As pointed out in my letter of July 15, I believe Triumph Development's application does not meet all of the criteria needed for approval by the PEC. If you listen to the experts, the wildlife biologists and the CGS, this proposed development is too dangerous to approve, not only for the Bighorn sheep but for the individuals that might live there. Triumph's newest amendments to the proposal have not changed those facts.

Regarding the latest wildlife biologists' memo, I found it somewhat disingenuous of the staff to exclude the main point of these experts on the grounds that they were recommending that **no** development occur on this parcel. In fact, if you read their memo carefully, the biologists clearly state that their "collective view is that finding another location for **this** development would offer the best mitigation for this sheep herd." They go on to state, "...the impacts to this already struggling Bighorn sheep herd as a result of **this** development might not be able to be mitigated. Based upon our collective experience, most wildlife mitigation efforts do not provide the intended mitigation results. There is no certainty, even with these (suggested) measures, that this herd will be able to sustain itself considering the human disturbance-associated impacts related to **this** development." The experts are clearly referring to **this particular development**, not **any** development on the site.

It is also interesting that Triumph brought up the bias of the three wildlife biologists brought in by the Town of Vail. It seems evident that when you want experts on a particular subject to weigh in, of course they would have a bias on that subject. That's the reason those experts are brought in. If they had no experience with Bighorn sheep in particular, what credence would you give their suggestions?

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I urge the Commissioners to stick to their convictions as they relate to the many uncertainties of this proposal.

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I-70 just west of the East Vail parcel. They recommend avoiding development within or near the mapped extents of the landslide toe located within the east end, and adjacent to, the proposed development parcel.

Please listen to the experts. Re-read all their reports. The dangers and uncertainties of putting **this** project on this piece of land are all there in black and white--no smoke, no mirrors, just facts.

Respectfully submitted,

Grace Poganski

From: [Shelley Bellm](#)
To: [PEC](#)
Subject: FW: Booth Heights Housing
Date: Tuesday, August 20, 2019 4:09:38 PM

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

From: JILL LANDMAN-ALFOND [<mailto:jillalfond@mac.com>]
Sent: Tuesday, August 20, 2019 4:09 PM
To: CommDev; Council Dist List
Subject: Booth Heights Housing

Dear Planning Commissioners and Vail Town Council:

I first came to Vail in May of 1992 and my first jobs were at the Jackalope, Pazzos, and the Vail Golf Club. My first housing situation was the Sunbird Lodge.

As a resident / homeowner ever since, I now recognize how challenging it is for our workforce today to find housing. I have witnessed so many local businesses suffer - longtime and new businesses-due to lack of employees - and I believe it is directly related to the deficit of affordable housing reasonably located near their jobs or priced within their budgets.

I'm very disappointed at the angry rhetoric coming from East Vail about what appears to be a well-designed, thoughtfully planned housing neighborhood which is located directly on the bus route and along I-70. From my perspective, the developer has worked hard on an exhaustive wildlife mitigation plan that no other neighborhood in Vail is offering to take on. This parcel has been available for development and this is certainly the best use of this space, adding housing for our local workers. For those wanting open space, all we have to do is hike up the many trails we have up and down the valley!

The application before you is the most significant net increase in locals' housing in more than a decade and represents 6% of the Town's 10-year housing goal. The application meets all of the Town's requirements to develop in the Housing District, and is asking for no variances and no financial support from the Town.

Please do not delay your vote any longer - and consider a unanimous yes for our workforce and the livelihood of our town and our resort - and our wildlife!

Jill Alfond
9 Vail Road #25
Vail, CO 81657

From: [Jurgen Hintz](#)
To: [PEC](#)
Subject: Fwd: Destroying our Big Horn Sheep will not rectify Vail's employee housing need.
Date: Thursday, August 15, 2019 5:40:48 PM

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

From: Jurgen Hintz <jurgen_hintz@comcast.net>
To: valleyvoices@vaildaily.com, letters@vaildaily.com, pec@vail.com
Cc: sheika@pepis.com, Andy Daly <Skidaly@vail.net>, Mike Imperi <mimper@vms.edu>, Anne-Marie Keane <amkeane004@gmail.com>, eric.resnick@kslcapital.com, Kirsty Hintz <kirsty_hintz@comcast.net>, Arthur Reimers <areimers@optonline.net>, George Lamb <glamb@slifer.net>, Reg Delponte <rdelponte@lpsi.com>, Ken Tuchman <kent@teletech.com>, Johannes Faessler <jfaessler@sonnenalp.com>
Date: August 15, 2019 at 1:05 PM
Subject: Destroying our Big Horn Sheep will not rectify Vail's employee housing need.

Dear Vail Daily,

Destroying our Big Horn Sheep will not rectify Vail's employee housing need.

Lively, vigorous debate of the Booth Heights proposal has exposed Vail's need for substantial, additional

employee housing..... and the inadequacy of the Booth Heights project to address that need.

The Vail PEC was told that the town needs 1,200 additional new dwellings for employees today, growing to 2,800

in the next 10 years. Such housing is badly needed by our important hospitality sector and Vail Mountain operations.

No-one disagrees.

The Booth Heights project would provide 42 new employee housing units, which would not be a rounding error on Vail's need, providing only about 1.5% of what will be required.

So if the Booth Heights development went ahead, Vail's indigenous Big Horn Sheep herd would be displaced or destroyed forever, but Vail's need for new employee housing would remain 98.5% unmet.

Experts agree our Big Horn Sheep would be displaced from their indigenous winter grazing, probably killing the herd, despite the developers 'mitigation' proposals to fertilize distant habitat, not used by sheep. Experts confirm wildlife 'mitigation' has failed on other projects, repeatedly, in the past. It's a lame excuse.

So in all candor, the only interest served by Booth Heights is that of the Developers profit.....not employee housing,

.....not Vail's green belt, and.....not our unique, ancient Big Horn Sheep herd.

Profitable and vigorous developers have benefited Vail in the past, and are vital to our town's future. The Booth

Heights reviews have highlighted Vail's need for substantial, appropriate employee housing today and in future.

To meet this need, while maintaining the quality of Vail's environment, will require professional profitable developers,

clear-eyed Town guidance, and perspicacious Vail Resorts support.

Displacing Vail's unique landmark Big Horn Sheep herd will not serve that purpose.

B. Jurgen

Chris Neubecker

From: Kirsty Hintz <kirsty_hintz@comcast.net>
Sent: Sunday, August 25, 2019 3:17 PM
To: PEC
Subject: Americans' love of hiking has driven elk to the brink, scientists say | Environment | The Guardian

Dear PEC members

You may or may not be interested in this article in The Guardian today. I doubt that killing the bighorn sheep through building on their habitat and allowing dogs to roam freely would be seen as protecting the environment and in fact would be viewed for what it is - totally anti environmental. If you don't care about the sheep - which frankly very few of you have shown much interest in - you are more interested in where to put the bus stop - perhaps you will care about Vail's international reputation and put this project in a different location. That is what the independent wildlife experts concluded. Please listen to them - you will never have another case such as this - just say NO and protect these magnificent animals for future generations of visitors, inhabitants and sheep alike. If hiking can stress the elk there is no question that this project is the death knell for this herd.

Regards

Kirsty Hintz

<https://www.theguardian.com/environment/2019/aug/25/hiking-elk-driven-to-brink-colorado-vail>

Americans' love of hiking has driven elk to the brink, scientists say

Christine Peterson
Sun 25 Aug 2019 06.00 EDT

Trail use near Vail, Colorado, has more than doubled since 2009. It's had a devastating impact on a herd of elk



Increasing numbers of outdoor recreationists – everything from hikers, mountain bikers and backcountry skiers to Jeep, all-terrain vehicle and motorcycle riders, aren't good for Elk populations. Photograph: Alamy

Biologists used to count over 1,000 head of elk from the air near Vail, Colorado. The majestic brown animals, a symbol of the American west, dotted hundreds of square miles of slopes and valleys.

But when researchers flew the same area in February for an annual elk count, they saw only 53.

“Very few elk, not even many tracks,” their notes read. “Lots of backcountry skiing tracks.”

The surprising culprit isn't expanding fossil-fuel development, herd mismanagement by state agencies or predators, wildlife managers say. It's increasing numbers of outdoor recreationists – everything from hikers, mountain bikers and backcountry skiers to Jeep, all-terrain vehicle and motorcycle riders. Researchers are now starting to understand why.

US national parks and wilderness areas have boomed in popularity in the last decade, with places like Yosemite national park hitting as many as 5 million visits a year. The influx is due to a mixture of visitation campaigns, particularly during traditional “off seasons”, and an explosion of social media exposure that has made hidden gems into national and even international viral sensations.

The impact on wildlife is only recently apparent, and the Vail elk herd may be one of the more egregious examples.

Outdoor recreation has long been popular in Colorado, but trail use near Vail has more than doubled since 2009. Some trails host as many as 170,000 people in a year.

Recreation continues nearly 24 hours a day, 365 days a year, said Bill Andree, who retired as Colorado Parks and Wildlife's Vail district wildlife manager in 2018. Night trail use in some areas has also gone up 30% in the past decade. People are traveling even deeper into woods and higher up peaks in part because of improved technology, and in part to escape crowds.

The elk in unit 45, as it's called, live between 7,000 and 11,000 feet on the pine, spruce and aspen-covered hillsides and peaks of the Colorado Rockies, about

100 miles from Denver. Their numbers have been dropping precipitously since the early 2010s.



Elk stand in an open field in 2014 between the Eagle River and Interstate 70 just east of the town of Eagle, Colorado, near Vail, Colorado. Photograph: Richard Spitzer/The Guardian

Blaming hiking, biking and skiing is controversial in a state where [outdoor recreation is expected to pump \\$62.5bn into the state's economy in 2019](#), an 81% increase from 2014.

But for Bill Alldredge, a now-retired wildlife professor at Colorado State University, there is no other explanation. He started studying unit 45 in the 1980s in response to expanding ski resorts and trails systems.

To measure the impact on calves, he deliberately sent eight people hiking into calving areas until radio-collared elk showed signs of disturbance, such as standing up or walking away. The consequences were startling. About 30% of the elk calves died when their mothers were disturbed an average of seven times during calving. Models showed that if each cow elk was bothered 10 times during calving, all their calves would die.

When disturbances stopped, the number of calves bounced back.

Why, exactly, elk calves die after human activity as mellow as hiking is not entirely clear. Some likely perish because the mothers, startled by passing humans and their canine companions, run too far away for the calves to catch up, weakening the young and making them more susceptible to starvation or predation from lions or bears. Other times it may be that stress from passing recreationists results in the mother making less milk.

“If you’ve ever had a pregnant wife, and in the third trimester you chase her around the house in two feet of snow, you’ll get an idea of what she thinks about it,” Andree said.

The problems came to a head in 2017, when a group called the Vail Valley Mountain Trails Alliance proposed building a new trail through more of unit 45’s elk calving area.

Andree wrote a letter explaining the dire impact of constant recreation on elk. Even if certain trails were closed during calving season, he said, elk would still be disturbed because some people simply disregarded instructions for them to keep out.

“Generally when you ask people to stay out of the area no matter what the reason is, 80-90% obey you,” Andree said. “But if you get 10% who don’t obey you, you haven’t done any good.”

The recreation community acknowledges its impact on wildlife as well as other development, said Ernest Saeger, the executive director of the mountain trails alliance. Many people don’t understand the significance of the closures. Others, he acknowledged, just don’t care.

So the group formed a trail ambassador program to post more informative signs at closures and even place volunteers at trailheads to explain why trails are closed. The scheme reduced closure violations in 2018, according to Forest Service numbers.

If trail building and closure violations in critical habitat continue, Devin Duval, Colorado Parks and Wildlife’s district wildlife manager in the area, anticipates the worst.

“It will be a biological desert,” he said.

As the crisis escalates...

... in our natural world, we refuse to turn away from the climate catastrophe and species extinction. For The Guardian, reporting on the environment is a priority. We give reporting on climate, nature and pollution the prominence it deserves, stories which often go unreported by others in the media. At this pivotal time for our species and our planet, we are determined to inform readers about threats, consequences and solutions based on scientific facts, not political prejudice or business interests.

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From: lreimers@rhip.com
To: [Dave Chapin](#); [Jenn Bruno](#); [Travis Coggin](#); [Kevin Foley](#); [Kim Langmaid](#); [Jen Mason](#); [Greg Moffet](#); [PEC](#)
Cc: [Info](#)
Subject: Fwd: Booth Heights Development
Date: Thursday, August 22, 2019 2:50:39 PM

Dear TOV and PEC members,

Thank you for your attention to this important discussion of Booth Heights Development.

When the fourth PEC meeting ended, Triumph retreated in acknowledging its requirement to provide proper environmental and safety mitigation for the Booth Heights development: the transfer of mitigation costs has now become a town problem. We believe it is a good time for PEC to seek 5 year financial projection numbers for the cost of mitigation maintenance. What mitigation legacy and tax payer costs must the community inherit for a development in the wrong place at the wrong time? Why not use this project as an opportunity to set the process now and forever for what a PEC mediation plan might really look like?

1. Big Horn Sheep. Triumph is essentially limiting its exposure to a \$100,000 donation, toward an unknown liability to TOV and taxpayers, for comprehensive big horn herd mitigation. The preservation of the herd was deemed bigger than Triumph could muster. While the biologist reports have surfaced an important issue, Triumph handed off its responsibility to address its impact. What will be the overall projected costs to support the herd for the next five years?

2. I-70 Underpass. Knowing that added foot, bicycle and car traffic would make this dangerous underpass even worse, they claimed the development's impact is outside their preview and a town and taxpayer problem. Once again they are giving TOV a potentially large and certainly unknown liability for their project. The development caused the difficult problem—this traffic area will be deadly. What are the planning options and costs for I-70 underpass? Why should TOV foot the bill for their profit?

3. Geology and Berm mitigation. We have seen no rendering. In fact after three public requests, it begs the question as to whether they are hiding something. Triumph geology experts clearly stated that they had no data on soil stability and could therefore not confirm whether soil remediation would work. How can Triumph proceed and again at what long term safety, financial and visibility cost to the town?

4. Do we really want a huge but insufficient parking lot in a wilderness area? At 2 spots per employee unit, will the small number of parking spots be enough? Where will extra cars go? What are the additional costs of enforcing overflow parking along NorthFrontage and Big Horn Roads? We all know the answer.

5. The proposed bus stop choice is between a rock and a hard place—either the safety of bighorn sheep are impacted or the safety of residents crossing the road are impacted. There is not a good solution here.

6. Dogs and bighorn sheep are NOT compatible. Even if certified service dogs are required by law, they are still canines. If permitted for the investment units, dogs still cannot live next to bighorn sheep no matter how high the fence. How will this be enforced and at what cost? There is no good solution here either.

Each new Triumph mitigation plan pushes responsibility to TOV, and the potential mitigation costs are increasing. This is the developer's responsibility to assume these mitigation costs! And not the taxpayers. We urge the PEC to take the responsibility it has and represent the entire community.

With respect,
Lindsay and Art Reimers

Lindsay Reimers
Sent from my iPad

TO: Planning & Environmental Commissioners & Town of Vail Council
RE: Booth Heights Development
Date: 8/25/2019

So let me get this straight:

Vail Resorts found out they got this property, paid 2 years taxes on it and gave it to a developer. The developer decided that building a road to the private properties planned on this site would be too expensive, so they asked the Town of Vail to rezone the property. This rezoning includes open space except for 5.9 acres that will hold 42 multi-family units, 19 Deed restricted townhome units, and 12 unrestricted townhome units.

According to all the community comments, this area is dangerous to build on because it is under a rockslide area. It will increase traffic on the frontage road along with the Vail Mountain School. It will increase bus occupancy, which is already very bad in East Vail. The area has loud traffic noise and the majority of the properties have earthen berms as sound barrier. No earthen berms are consider for the property except the berm on the north side to collect rocks that fall down the slope. It will be dangerous for people walking to the bus or store at Pitkin Creek. People going on the bus to the bigger grocery store will have long ride to get back and forth.

The biggest reason for not building on this site is that it is the only winter habitat of the East Vail bighorn sheep herd. These sheep live outside all year long. They do not have employee housing, where they can have a nice hot meal and warm place to stay. They are surviving, day & night outdoors and for many years feel safe in this area. It is a good place to avoid predators and the snow melts on warm days, so they can find some shrubs to eat. We expect them to move elsewhere, so we can have nice warm places to stay. How fare is that? These sheep have gone through a very hard winter with tons of snow. I have never seen them stay so long on that hillside. It was until the end of June when they could start to move around more from the snow melting.

As the Biologists have stated, it would be better not to build on this site. This herd has been declining and having a hard time surviving, but all we care about is our employee housing. We have to start making hard decisions for our future. We have to think and care about the other creatures that share this valley with us, where money does not matter, but our conscience does. Please vote "no" for this development.

To say that it meets the criteria of the Town of Vail is not correct and very cold of the commissioners. The commissioners are dreaming if they think they can enforce all the restrictions on the development by a piece of paper. To say that it is environmentally great that the developer has hook ups for solar panel, but not think of the consequences on the bighorn sheep from this development is deplorable.

Vail Resorts and the developer can do the right thing by building their employee housing on the Ever Vail site. It would be a no carbon footprint for their employees to live so close to the mountain and it would save the bighorn sheep.

Thank you for your time,

Liz Schramm
East Vail Home Owner

From: rolvail@aol.com
To: [PEC](#); c.neubecker@vailgov.com; [Matt Gennett](#)
Subject: Booth Falls Additional Considerations
Date: Wednesday, August 21, 2019 2:48:10 PM

Dear PEC,

Just a short added note regarding the project:

1. As proposed by Triumph the design is totally incompatible to recent construction and remodels in E Vail. VMS is now the norm.
2. Commissioner Ryan Lockman must recuse himself from and vote on this matter. For those of us familiar with VR, one does not buck management without losing their job. Period!
3. The wildlife "mitigation plan" has now been dumped on the TOV's lap with one or two checks. The TOV has enough on their plate without taking on this very questionable project.

Thanks so much for listening.

All the best,

Rol Hamelin

5167 Gore Cir.

Vail, Co.

970-390-5223

August 19, 2019

Town of Vail

Planning and Environmental Commission

75 South Frontage Road

Vail, CO 81657

RE: Booth Heights proposed development

Dear Chairman and Commission Members:

We, the undersigned, believe that PEC Commissioner John Ryan-Lockman has a serious conflict of interest that requires his recusal from further participation in the pending Booth Heights development application. Mr. Ryan-Lockman is employed by Vail Resorts, the owner of the property in question and a party who would benefit from approval of this project, both in terms of a financial profit on the sale of the property to Triumph development (on project approval) and in terms of obtaining 36 dedicated housing units from the deal.

At the first PEC meeting on this project, on June 24th, Mr. Ryan-Lockman made comments that he felt he had no conflict of interest. However, at the next meeting, on July 8th, Mr. Ryan-Lockman stated that was not the case and his prior statements should not be misunderstood.

That was where matters stood until last week's hearing. At the PEC meeting on August 12, several Vail Resorts management-level people appeared to urge approval of the project because Vail Resorts needs more employee housing. They included Beth Howard, a corporate officer of Vail Resorts (Vice President) and the COO of Vail Mountain.

Since Mr. Ryan-Lockman works in management for Vail Resorts as the Environmental Sustainability Manager for Vail/Beaver Creek, it was his ultimate management superior who made the request for approval. We believe this placed Mr. Ryan-Lockman in a situation where if he did not support the project he had reason to fear retaliation from his employer.

Following Ms. Howard's request for approval, at the end of the meeting Mr. Ryan-Lockman praised the applicant's submission and stated that he intended to vote to approve the project. This creates a strong public impression that he was influenced by the obvious conflict. Conflicts of interest undermine the integrity of the governmental process; even the appearance of a conflict of interest should be avoided. Because of this recent turn of events, Mr. Ryan-Lockman should now recuse himself from any further involvement in this project.

Very truly yours,

Planning & Environmental Commission
Recusal Request Signors
August 21, 2019

Josef Staufer	Art Kelton
Elaine Kelton	David Gorsuch
Axel Wilhelmsen	Del Zopf
Renie Gorsuch	John Mueller
AnneMarie Mueller	Merv Lapin
Janie Wilhelmsen	Andre Boesel
Rose Gillett	Donna Mumma
Chris Bartlett	Audre Engleman
Carey Rash	A. Todd Rash
James G. Dulin	Christie Hochtl
Gina Grasifi	Barbara Derman
Ron Pollack	Fritz Dietrich
Larry Stewart	Arthur H. Chesnut
Karen Anderson	Chris Maggini
Kate Scott	Jackie Clark
Joe McHugh	Jack Rush
Steve Clark	Lindsey McKeever
Alan Scott	Brenda McHugh
Larry Montan	Jerry Johnson
Gary Eno	Alan Danson
Silvia Danson	Steven Dowdle
Nancy Dowdle	Cynthia Ryerson
Anthony M. Ryerson	John Reimers
Susan Bird	Louise Hoversten
Barbara Keller	Jill Zimmerman Rutledge
Michael Halpert	George Lamb
Pati Marsh	Grace Poganski
Ginny Culp	Rol Hamelin
Samuel Maslak	Jonathan Staufer
Patty Nixon	Diana Donovan
Susan Bishop	Sue Rychel
Tim Wolf	Linda Maynor
Margaret Nichols	Martha Cadmus
Blondie Vucich	Pamela Stenmark
Anne P. Staufer	Wendi LoSasso
Rhonda Swenson	Pat Stewart
Katie Boone	Anne Esson
Julie Zopf	Georgia Fox
Pia Streeter	Bill McIntyre

Shirley McIntyre
Julie Hanson
Debbie King Ford
Shari Boesel
Kristi Hintz
Chip McKeever
Dillon Oberlin
Kit Williams
Kristen Bartlett
Wally Frank
Greg Poganski
Karl Hocht
Christine Oppenheimer
Malin Johndotter Zeltman

Henry Ittleton
Greg Kissler
Carolyn Schnierholz
Susan M. Dorf
Robert Walsh
Lily Grisafi
Susie Kincade
Tom Vucich
Peter Woods
Kara Woods
Christie Hocht
John Friestad
Richard Leslie

August 21, 2019

TO: Planning & Environmental Commission

RE: Proposed East Vail / Booth Heights Housing Application

Having re-read and reviewed the latest Wildlife Mitigation Plan (WMP) offered by Triumph Development many concerns remain. It is apparent that the 'plan' continues to be inadequate. The Plan appears to be an effort on the part of Triumph to dump real and significant mitigation responsibility onto the Town, CPW and USFS to complete and maintain going forward with a proposed \$100,000 payoff. Once again, the Plan doesn't address completion and testing of significant mitigation prior to any construction and ignores many of the suggestions offered by the roundtable of wildlife biologists. We must keep in mind that this development would cause the destruction and elimination of significant wildlife habitat. The effects of this destruction will reach 80 plus acres of habitat beyond the confines of the 5 acre parcel. According to the experts; mitigation cannot be limited to the equivalent of the 15 acres of NAP that Triumph initially suggested as their mitigation plan.

Following are questions regarding Triumph's development plan:

- Although Commissioners and the public have repeatedly requested a rendering showing the relationship and perspective of the berm with the buildings and the hillside, indicating removal of all the trees required to build the berm, Triumph has not produced such a rendering.
- From drawings of the berm it is difficult to tell if some of the sloping on the uphill side of berm will be on the applicant's property or if grading will affect TOV property. Clarification on this would be appreciated.
- Triumph claims to now be 'saving' some aspen trees along the Frontage Road right of way however it appears that the trees are on the CDOT right of way and don't belong to VR or Triumph in the first place. Therefore, Triumph cannot claim credit for 'saving' these trees. Triumph has no plan to add landscaping to the area between the Frontage Road and the buildings to help soften the massive development.
- The latest Plan eliminating fencing allows for fencing to be installed at a later date, should it be recommended by CPW. And Triumph will allow TOV access to construct such a fence. But the plan does not indicate that Triumph will pay for a fence, if needed. Is Triumph is dodging its responsibility to complete proper mitigation and enhancement, by passing it off to others?
- The revised Winter Range Enhancement plan appears to trade 15 acres of NAP land for 15 acres of TOV owned land for enhancement. It has already been shown that 15 acres is completely inadequate to make up for the loss of current habitat and the impact

of the development. Does Triumph expect to pay for this work or do they plan to put that responsibility on others as part of their \$100,000 seed money?

-Wildlife biologists have strongly recommended that mitigation and forage enhancement be completed prior to any construction to test effectiveness. Triumph is skirting this recommendation and wants to start construction before much, if any mitigation has been completed. Further, it appears Triumph wants to mitigate only 15 acres, then just walk away, claiming that they have mitigated the damage created by the development when in fact, the effects will expand beyond 80 acres.

-Per recommendation of experts, NO dogs should be permitted anywhere on this property at any time except as required by law. Triumph continues to ignore this recommendation. Further, the ADA Requirements for service animals should be the standard for admitting any dogs; emotional support animals, (ESA) should only be admitted if they meet the ADA Requirements which are noted below:

US Department of Justice
Disability Rights Section
ADA Requirements

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

-Enforcement of rules, Policies & Procedures is vague, weak and unrealistic at best. 'Peer pressure' is unlikely to work, it is equally unlikely that Vail Resorts will terminate an employee for violations considering the difficulty of retaining workers in this economy; shared enforcement means no one is truly responsible therefore it is likely to be kicked down the road to the next unfortunate authority.

-The enhancement plan indicates winter closure of the surrounding Booth Creek area while the biologists recommendation of year round closures is ignored.

-Triumph offers to share the cost of feeding the bighorn sheep whose habitat is destroyed by this development "During construction of the development and in the event

of a severe winter". It is unclear if this limits supplemental feeding of animals to only during the construction period or if the developer will share funding for feeding after construction is completed - the lost habitat won't come back after construction is complete.

-Triumph claimed that their plan is dedicating more toward wildlife than any previous development plan ever has. That claim was promptly refuted when it was revealed that VR paid \$400,000 toward the Eagle Valley Elk Study; on the Mud Springs project CDOT invested over \$100,000 in 1970 dollars while the State of Colorado purchased 107 acres, the equivalent of 4 lots, to prevent development - an investment of over \$200,000. Even after these examples were presented, Triumph repeated the false claim as if trying to create an alternative reality.

Clearly Triumph has modified its WMP to suit its own needs but not in the full spirit of honoring its responsibility, per Code, which obligates a developer to identify and mitigate harm generated by a project. Suggesting a band-aid approach then offering \$100,000 to buy its way out of the obligation is inadequate and inappropriate.

These issues alone are enough to create doubt and rejection of this plan. The plan does not meet Criteria A in Town Code where if the Commission finds that "the project will have significant long term adverse effects on the environment....." it should be denied.

There are many other issues that haven't been adequately addressed including architectural deficiencies, geologic issues and testing, reports not provided, that I have not elaborated here. I urge the PEC to deny this application as it is inappropriate for this site.

Respectfully,

Pamela Stenmark

From: [pamelas](#)
To: [PEC](#)
Cc: [Chris Neubecker](#); [Matt Gennett](#)
Subject: Booth Heights Discussion
Date: Wednesday, August 21, 2019 5:45:38 PM

Dear Chairman Stockmar and PEC Commissioners:

As another PEC meeting with Triumph Development approaches I am reflecting on the August 12 hearing on this application.

We appreciate you enduring hours of 'presentation' by the applicant, who generally repeats what has been said in all previous PEC hearings on this project. It is sometimes difficult to focus on new information as it is buried in the repeated content. Appearances are that the applicant hopes we all will become catatonic and will not dig into the real meat of the issue; omissions or lack of response to questions raised by Commissioners and the public.

We feel it is important to mention again that the pleas for employee housing expressed by a number of VR employees in Public Comment at the meeting on August 12 are not the point of this discussion. The PEC is charged with examining the development plan put forth by the applicant and its suitability for this site. There is no question that Eagle County would benefit from more employee housing but it is not the responsibility of the PEC to address that need.

Thank you,
Pamela Stenmark

[Pamela Stenmark](#)
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(c) 970-376-1124

[Pamela Stenmark](#)
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(c) 970-376-1124

Larry S. Stewart
5146 Gore Circle
Vail, CO
LStewart@stfbllaw.com

August 22, 2019

Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

RE: Booth Heights proposed development

Dear Chairman and Commission Members:

Unfortunately I have a conflict next Monday, August 26th that will require me to leave the meeting early. Since I believe the agenda will be lengthy I will probably have to leave before the public comments so I am therefore sending this letter in substitute for the remarks I would have made had I been able to be present for that portion of the meeting.

I have already spoken about many of my concerns about this project and why I think it should be rejected. Unfortunately, I don't know what, if any, further revisions might be made by Triumph since I have to submit this letter before any such revisions are made public and therefore will be unable to comment on them. Nonetheless, there is already a revision to the mitigation plan that makes this project even more objectionable and two other "new" developments that raise serious concerns about the process.

First, the process concerns. I believe that Commissioner John Ryan-Lockman has a serious conflict of interest that should preclude him from participating further in the consideration of this project. Mr. Ryan-Lockman is a Vail Resorts' employee. At the last meeting, Beth Howard, a Vice President of Vail Resorts and the COO of Vail Mountain, appeared and on behalf of Mr. Ryan-Lockman's employer urged approval of the project. VR has a reputation of retaliating against employees that do not follow the company line. Ms. Howard's appearance and statements created an immediate conflict of interest for Mr. Ryan-Lockman and, at the end of the meeting, Mr. Ryan-Lockman stated that he intended to vote to approve the project. Conflicts of interest, even appearances of conflicts of interest, undermine the integrity of governmental process. That now appears to be the case with Mr. Ryan-Lockman. Because of this recent turn of events, Mr. Ryan-Lockman should now recuse himself from any further involvement in this project.

Incidentally, Ms. Howard's comments, as well as most of the other comments in support of the project, did not address the issue before the PEC. . The issue before the PEC is not whether Vail needs more housing but only whether this particular project meets the zoning Design Criteria. I also thought that it was ironic that a Vail Resorts officer, and other management-level VR

personnel, was pleading for this project.. If those individuals were not just “testifying for their jobs” and sincerely believed what they were saying, they should take their request directly to Bloomfield. VR has available property with no environmental issues on which it could construct plenty of employee housing.

The second process concern is the executive session that preceded the last meeting where the Town attorney in secret apparently instructed the PEC that the town could face liability if this project were voted down because Triumph had a “right of use” to develop the project and a rejection could amount to a “taking” of the property; that is at least the rumors of that meeting. Whatever was actually said in that regard, it should not have been done in secret. I once served as a Town attorney and gave all my input and advice in public. The public has a right to know exactly what is being said to the PEC that might influence the outcome on any given issue, except for the rare instances that might involve litigation strategy or some other protected subject, neither of which was applicable here.

Beyond that, the rejection of the proposed Booth Heights project would not be a “taking.” If the Town attorney stated or implied that he was wrong. In the case of “H” zoning, the PEC is vested with great discretion to approve or reject projects and, as long as the PEC follows the proscribed criteria and bases its decision thereon, a denial is not a “taking” because Triumph is free to return with a different configuration/project. It would take multiple rejections from which it could be concluded that the TOV would not permit any development before a “taking” could occur. Even then, if the rejection was for environmental reasons a “taking” may not occur since mitigation of all environmental harm is a requirement of any development under “H” zoning. Of course, as the PEC knows, there are many who would favor that outcome because the Town would then own the land and could designate it as open space, or even better as protected Designated Open Space, but we are not anywhere close to that point.

As far as the project itself is concerned, Triumph’s changes to its mitigation plan, by themselves, are grounds for rejection of the project because the “new” plan is no plan at all as far as the sheep are concerned. While Triumph’s original mitigation plan involved actual, albeit scientifically unfounded, habitat enhancement, the new plan involves no sheep foraging area enhancement by Triumph whatsoever. Instead, Triumph proposes to give the TOV \$50,000 “seed money” (later raised to \$100,000) to use as it sees fit. In other words, Triumph plans to dump its obligation to mitigate the harm to the bighorn sheep from its project into the Town’s lap.

The Town Code is explicit: it is Triumph’s obligation to mitigate the harm from its project. The Code does not allow a developer to “buy off” that obligation nor does the Code authorize a “capping” of that obligation so that the Town taxpayers will bear the ultimate final cost of the mitigation. While it is clear that more than just offsetting Triumph’s environmental harm (estimated at 80 acres) needs to be done to improve bighorn sheep habitat that doesn’t justify Triumph dumping its obligation on the Town.

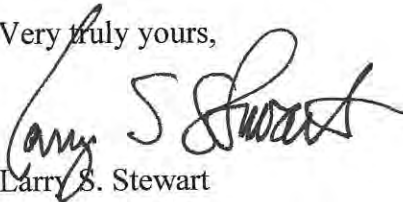
Under this “new” plan the sheep are actually much worse off. Not only is there now no plan for sheep habitat enhancement but the absence of any plan means that no mitigation would take place and/or be completed before Triumph plans to start construction. In other words, Triumph is asking the PEC to take it on faith that a plan will be developed and will work. Add to that, the

fact that the planned turn-around bus stop will wall off the sheep from another two acres of prime foraging land and Triumph still wants to allow dogs on the site. If that isn't all a recipe for disaster for the sheep, it's hard to imagine what would be. A potential extinction event looms big.

In addition, Triumph still has not produce renderings showing both the project and rockfall berm which I have confidence would show in stark terms how incompatible this project is with East Vail; the mass, scale, density and four-story elements are all way too much; the parking is woefully inadequate for a project that is not in the Town core; there is no screening landscaping between the project and Frontage Road so that the project would loom even larger; and there still has not been a proper evaluation of whether the planned massive excavation could trigger a land or mud slide.

For all these reasons, I urge that the PEC reject this proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry S. Stewart". The signature is written in a cursive, flowing style with a large initial "L".

Larry S. Stewart

From: [Shelley Bellm](#)
To: [PEC](#)
Subject: FW: Planning & Environmental Commission and Vail Town Council
Date: Tuesday, August 20, 2019 2:04:50 PM

From: Ted Steers [mailto:Ted@vailvillagerentals.com]
Sent: Tuesday, August 20, 2019 1:41 PM
To: CommDev; Council Dist List
Subject: Planning & Environmental Commission and Vail Town Council

Hello my friends,

As a longtime resident and business owner in Vail, I am offering my support for the East Vail Booth Heights housing neighborhood. It should be clear to most people that my office and team has dedicated significant resources to finding solutions for our fellow residents to achieve home ownership. I love the program's Vail has pioneered. Vail InDeed has been revolutionary. Thank you for doing this for all of us.

In addition to home ownership our community needs additional workforce housing in the town of Vail where the employees can enjoy the community. Personally I think the sheep are being used as an excuse. It appears to me that Triumph Development working with the Town's biologists have put together a wildlife mitigation plan will be sufficient. The development parcel has been lawfully annexed, subdivided and zoned for future development under the requirements of the Housing District. The recently adopted Open Lands Plan acknowledges the likely development of the Parcel. The Housing District zoning permits each of the proposed uses subject to a Development Plan Approval.

I support moving forward on this project.
thank you
TED

[Ted Steers](#), Owner
Vail Village Rentals | Luxury Vacation Rentals
Vail Office: 970.476.PLAY (7529)
Cell: 970.331.4995
ted@vailvillagerentals.com

From: [Tom Vucich](#)
To: [PEC](#)
Subject: Booth Heights
Date: Thursday, August 15, 2019 10:56:00 AM
Attachments: [PECdocs8.15"19.pdf](#)

Dear PEC Commissioners,

As I stated at the end of my comments at the 8/12/19 meeting I wanted to get the **attached documents** to you. These documents, including the 6/21/19 letter from the Colorado Geological Society, were the basis of my comments regarding safety issues with this parcel. I know you've undoubtedly read these as part of the voluminous amount of paperwork, but it warrants another quick review I believe since there is no evidence any promised additional studies/evaluations have been done.

My closing comments were also going to reference sections in both the Geologic Hazards Analysis and the Rockfall Hazard Study titled "Limitations".

I realize most of this verbiage is probably boilerplate legalese, but I did notice the words "Subsurface exploration was not included in the scope of this study and snow cover prevented field verification of ground surface conditions along study sections" that at least to a layman gave me pause. Can I assume that is why Skyline's May 24, 2019 memo "Review of Update Site Plan" page 2, mentions "**slope stability and other geotechnical considerations**" being addressed by Cesare in the summer of 2019? As I stated at the 8/12/19 meeting, **Bill Koechlein of Cesare said at the July 8th meeting "we will investigate further to evaluate the soils conditions"** and I assume this is what Skyline is referring to. Perhaps staff or Triumph can explain to you.

Additionally, Appendix B, pg.9 to the Rockfall Hazard Study (which is the Colorado Geological Survey assessment of the March 1997 rockfall incident at Booth Creek) recommends for an interim time, residents there "not establish living areas where they spend the bulk of their time, such as bedrooms and sitting areas against the exterior wall that faces upslope." Was this precautionary recommendation considered by Triumph in the building layouts and floor plans of the residences at Booth Heights?

As those "Limitations" sections of the hazard studies imply, the authors of those disclaimers and limitations are protecting themselves. Shouldn't the same protections apply to the residents of Booth Heights in the plan as presented?

Thank you for your continued time and effort in this process.

Sincerely,
Tom Vucich

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

June 21, 2019

Chris Neubecker
Planning Manager
Community Development, Town of Vail
75 South Frontage Road
Vail, CO 81657

Location:
S½ Section 2,
T5S, R80W of the 6th P.M.
39.6473, -106.3125

**Subject: East Vail Housing – Rockfall Hazard Mitigation
Town of Vail, Eagle County, CO; CGS Unique No. EA-19-0007 (previously reviewed as EA-18-0002)**

Dear Chris:

Colorado Geological Survey has reviewed the East Vail Housing proposed development plan, geologic hazard studies, and rockfall hazard mitigation plans. I understand the applicant proposes a 73-unit residential development on the north side of I-70, at the East Vail (Exit 181) interchange.

The available referral documents include:

- Development application narrative (May 28, 2019),
- Set of 11 civil plans (Alpine Engineering, Inc., February 21, 2019),
- Rockfall Hazard Study, East Vail Parcel (Cesare, Inc., June 29, 2017)
- Geologic Hazard Analysis, East Vail Parcel (Skyline Geoscience, February 12, 2019),
- East Vail Parcel Geologic Hazard Analysis – Review of Updated Site Plan (Skyline Geoscience, May 24, 2019)

CGS reviewed this site, and Cesare's June 19, 2017 Rockfall Hazard Study, at rezoning; comments were provided in letters dated September 18 and September 19, 2017.

Skyline's rockfall hazard analysis and recommendations are valid. The rockfall hazard mitigation berm shown on the civil plans appears to be consistent with Skyline's recommendations.

However, the proposed berm will require periodic and ongoing inspection, maintenance and possibly repairs to preserve its effectiveness. Maintenance may include cleaning out accumulated debris to maintain the design berm/catchment height on the upslope side. **CGS recommends that the Town require an inspection and maintenance plan for the rockfall hazard mitigation berm prior to final plat approval.** The plan should include an inspection schedule.

Debris flow, avalanche, landslide, and construction-related slope instability hazards. Skyline discusses debris flow, landslide, and construction-related landslide reactivation hazards, but does not provide specific recommendations. It is possible that the proposed rockfall berm could provide some protection from debris flow hazards, but this should be evaluated.

Two, possibly three "small avalanche" paths are located within the proposed Lot 1 area. Mears (CGS Special Publication 7, "Colorado Snow-Avalanche Area Studies and Guidelines for Avalanche-Hazard Planning) describes these as "not wide enough to be accurately displayed at the mapping scale of 1:24,000, so they are indicated as arrows. Although they appear small at this scale, they can also be very destructive."

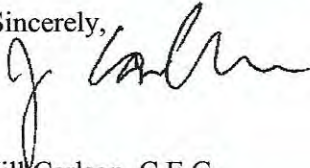
Chris Neubecker
June 21, 2019
Page 2 of 2

CGS continues to recommend that the Town require completion of an avalanche hazard analysis and design of any necessary mitigation prior to final development plan approval to ensure that the proposed mitigation will provide adequate protection from avalanche hazards and can be maintained to ensure future performance. CGS recommends that any such hazard analysis and/or mitigation design be reviewed by the Colorado Avalanche Information Center.

Based on hillshade imagery derived from high resolution LiDAR data, proposed Building A appears to be located in the headscarp area of a small landslide located immediately west of the large landslide in proposed Tract A. Proposed Buildings E and F are also located within this smaller landslide. Skyline states (page 2 of the 5/24/2019 Review of Updated Site Plan) that slope stability and other geotechnical considerations are being addressed by Cesare this summer. CGS is available to review any additional geologic and geotechnical information and geologic hazard mitigation plans submitted for this project.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,



Jill Carlson, C.E.G.
Engineering Geologist

SKYLINE GEOSCIENCE

GEOLOGICAL CONSULTING

Memorandum

Subject: East Vail Parcel Geologic Hazard Analysis – Review of Updated Site Plan

Date: May 24, 2019

To: Michael O’Connor, Triumph Development

From: Julia Frazier, Skyline Geoscience

Skyline Geoscience (Skyline) has reviewed the Grading and Drainage Plan (Plan) by Alpine Engineering, Inc. (Alpine) dated May 17, 2019. This Plan is an update from the Preliminary Grading Plan by Alpine dated January 25, 2019. The Plan shows a 12-foot high earthen rockfall barrier with a 1V:1H slope on either side of the crest, spanning a length of about 620 feet and located upslope from the proposed structures (Figure 1). The location of the berm on the east end of its length has been relocated upslope about 85 to 95 feet from the location previously analyzed for the Geologic Hazard Analysis (original report; February 12, 2019). The Plan also shows changes in the number and location of residential structures, and site grading and drainage.

The Colorado Rockfall Simulation Program (CRSP) analysis for Study Section C has been updated to reflect the relocation of the barrier. Moving the barrier upslope is moving it closer to the rockfall source. The analysis point (AP) is associated with the location of the crest of the proposed barrier. Slope profile parameters were not changed from those stated in the original report. Study Section C was analyzed: 1) in the natural, current condition without a barrier, and 2) with the barrier placed at the location shown on the Plan. The results for the natural condition analysis are reported in Table 1. The maximum estimated values and the 95% and 98% statistical cumulative probability values are reported for velocity, impact energy, and bounce height.

Table 1. Rockfall Analysis Results Study Section C

Rock Size/Shape	Rock Weight (lbs)	Velocity (ft/sec)			Kinetic Energy (kJ)			Bounce Height (ft)
		max	98%	95%	max	98%	95%	max
8' spherical	44,234	25.3	21.7	19.7	730	500	450	1.7
10' spherical	86,394	36.8	28.3	25.7	3,000	1,700	1,500	3.5
10'x4' discoidal	51,836	37.1	26.4	24.1	2,100	980	860	3.2

SS = study section; kJ = kilojoules; AP = analysis point; lbs = pounds; ft/sec = feet per second

A 10-foot high barrier placed at the location shown on the Plan for Study Section C stopped all 10-foot spherical rocks in the CRSP model. Due to overtopping conditions that may occur and due to the size of boulders observed on the ground surface within the property limits, the recommended height of the rockfall barrier is 12 feet (as shown on Figure 1). Based on the results of the CRSP analysis for a spherical, 10-foot diameter limestone rock, the barrier should be designed and constructed to withstand the maximum estimated impact energy of 3,000 kJ (about 2,200,000 ft-lbs), velocity of 36.8 ft/sec, and bounce height of 3.5 ft. These values have increased from those reported in the original report for Study Section C at the location of the proposed berm. Refer to the original report for other recommendations related to rockfall berm system and catchment area construction, maintenance and access. Skyline and Cesare, Inc. (Cesare) should be contacted for additional consultation and review if other rockfall barrier systems are considered or if changes are made to the Plan after the date of this memorandum.

Slope stability was not included in the scope of this study. Skyline understands that a geotechnical investigation by Cesare is planned for the summer of 2019 and that slope stability and other geotechnical considerations will be addressed at that time by that firm.

Thank you for the opportunity to provide this review and update to the geologic hazard analysis for the East Vail Parcel, Town of Vail, Colorado. Please contact Skyline if you have any questions or comments regarding the information provided in this memorandum.

Sincerely,

SKYLINE GEOSCIENCE

Golden, Colorado
www.skylinegeoscience.com

Prepared By:

Julia M. Frazier, P.G. | Owner

rockfall event, the section of rock that detached from the upper cliff was about 20 x 8 x 8 feet in dimension and broke into smaller pieces as it tumbled down the slope.

Two cliff exposures of the Robinson Limestone Member are present above Booth Falls, and the CGS identified the main rockfall source to be the upper cliff exposure (Figure 5). The upper cliff exposure at Booth Falls can be correlated to the main rockfall source for the EVP. The lower cliff exposure above the EVP is largely obscured by colluvial deposits and not considered a primary rockfall source. The slope below the cliff exposures at Booth Falls constitutes the acceleration and runout zones and is about 40 degrees. The slope below the rockfall source zone for the EVP is less extreme, varying from about 20 to 40 degrees.

Joint spacing in the bedrock source zones may be an indicator for the potential size of rockfalls. Joints observed in the upper cliff exposure above the EVP were spaced about 10 feet apart. Other joint set orientations and spacing may exist but were not observable in the cliffside. Shale layers in the limestone and sandstone, spaced at irregular intervals, are also discontinuities along which blocks can be dislodged. Differential weathering of the shale layers also causing instability. For Booth Falls, the CGS states that:

"Most rocks do not shatter, but remain as intact approximately 8 by 5 ft (2.5 by 1.5 m) limestone boulders which are capable of reaching the farthest limits of the runout zone."

The CGS indicates that larger slabs tend to break from the lower source zone above Booth Falls, with diameters of 15 to 20 feet.

4.2 DEBRIS FLOWS

The EVP is not within the limits of the Town of Vail debris flow hazard zone, however, there is the potential for debris flows at the site. Review of a detailed terrain surface derived from the LiDAR (Light Detection and Ranging) and of aerial photographs of the EVP and surrounding area indicates the potential for debris flows. Incised channels with flowing water are present on the west side of the site (the part to be developed) and on the slopes above, evidence for active erosive processes. An intense, prolonged precipitation event or rapid snowmelt has the potential to trigger a fast-moving, hyper-concentrated debris flow. Modifications to the existing, natural condition may increase the debris flow susceptibility.

4.3 EXISTING LANDSLIDE

Landslide deposits are mapped on either side of the Gore Creek Valley and are commonly associated with the middle and lower members of the Minturn Formation (the lower member underlies the EVP). Most of these landslides are considered by investigators to be ancient and inactive. One known exception is a large historic landslide about 1.5 miles to the west of the EVP which was re-activated by undercutting of the toe for construction of I-70. That landslide involved Minturn Formation bedrock units, the same which underlie the EVP. Contributing factors for landslide susceptibility in the project area includes over-steepening or undercutting of slopes by natural processes or human activities, bedding in sedimentary rocks that is oriented out-of-the slope (dip-slope), deforestation and removal of vegetative cover, elevated water content by means of intense, prolonged rainfall or rapid snowmelt, and unit contacts with vastly contrasting material properties (Kellogg and others, 2003).

An existing landslide occupies the eastern approximate 18 acres of the EVP, the area to remain undeveloped (NAP). The landslide is visible in the LiDAR collected for the area, shown on Figure 5. Figure 6 shows a slope map derived from the LiDAR, with marked landslide extents. Geomorphic features of landslide movement have been obscured by heavy vegetative cover and smoothed by natural processes over time. The LiDAR imagery assisted in delineating the extents of the landslide (Figure 7), which extend further upslope than previously identified in published geologic maps (Kellogg and others, 2003). The landslide extents delineated in this report are approximate.

Historical landslides are complex, and characteristics vary even within a single landslide mass, including type of slope failure (may be a combination of various mobilization mechanisms), timing of slope failure events, causative factors, direction of sliding, and others. The mechanism of sliding for this landslide may be a combination of block sliding and deep rotational processes. The detachment location for the landslide is located further upslope and beyond the boundaries of the EVP. The steep toe of the landslide is abruptly cut off by Fall Line Drive (Figure 7). The western flank of the landslide in the area of the toe is also steep and forms a recognizable break in slope on the topography map. Based on LiDAR imagery, the approximate extent of the landslide is about 1,750 feet wide by about 2,500 feet long from head scarp to Fall Line Drive.

5.0 ROCKFALL ANALYSIS

Skyline modeled rockfall along three representative study sections through the part of the EVP to be developed using the Colorado Rockfall Simulation Program version 4.0 (CRSP). Figure 6 shows the locations of the study sections. CRSP estimates maximum, average, and cumulative probability statistics

6.2 EXISTING LANDSLIDE

The existing landslide exhibits geomorphic evidence of past movement. Features such as a detachment zone upslope, over-steepened toe and flank areas, and hummocky topography are visible on the ground surface and in the LiDAR imagery (Figures 5 through 7). Evidence of recent movement such as tension cracks, fresh scarp exposures, and other features were not observed. As noted by previous authors (*Kellogg and others, 2003; 2011*), large landslides in the Gore Creek Valley are generally ancient and inactive. Ground modifications and development around these ancient landslides will increase the potential for re-activation and re-mobilization of the landslide mass, as is the case on I-70 about 1.5 miles west of the EVP.

Based on the proposed development plan made available to Skyline at the time of this report, development and planned structures are limited to 5.4 acres on the west side of the EVP. Planned development extends up to the limits of the steep western flank of the landslide extents as delineated from LiDAR imagery and surface topography. Skyline recommends avoiding development within or near the mapped extents of the landslide. Site improvements and regrading near the toe of the landslide may re-activate slope movement and should be avoided. Landslide extents have not been verified with subsurface exploration and the geomorphic expression of the landslide has been smoothed with time and erosive processes. Thus, the landslide extents presented in this report are approximate.

Skyline recommends implementing a slope monitoring program during construction or grading activities near the landslide. If development within the extents of the landslide is planned, additional geological and geotechnical analysis should be performed to further characterize the landslide and the potential impact the proposed development would have on slope stability.

7.0 LIMITATIONS

The purpose of this report is to provide a geologic hazard analysis as it relates to rockfall, debris flows, and the existing landslide for the development of the western 5.4 acres of the East Vail Parcel located in Vail, Colorado. The professional judgments and conclusions presented in this report meet the standard of care for our profession. This geologic hazard analysis is based on review of available literature and published geologic and topographic maps, an understanding of geologic conditions and processes in the project area, and experience with similar conditions. Variations in geologic conditions can and do occur. Subsurface exploration was not included in the scope of this study and snow cover prevented field verification of ground surface conditions along study sections. There is a potential for variations in the geologic conditions presented in this report. These variations, if present, may be enough to necessitate modifications to this report. If unexpected, adverse, or differing conditions are

are planned in or near the landslide mass. The landslide has the potential to destabilize if the ground is disturbed or modified in adverse ways. Slope stability of the over-steepened toe and flank areas, as well as large-scale global stability should be considered. In addition, the bedrock is dipping gently out-of-slope, exacerbating the slope instability issue.

8.3 DEBRIS FLOW CONSIDERATIONS

Although the site is not within the limits of the Town of Vail Debris Flow Hazard zone, there exists the potential for debris flows at the site. Material and debris which could mobilized in a debris flow event cover the slopes at and above the site, including glacial till capping the ridge above, and rock talus and colluvium on the slope above the site. Incised drainages actively flowing with water are present on the west side of the site, and ground surface patterns visible in the LiDAR imagery suggest erosive processes are underway in this area. A significant precipitation event has the potential to trigger or increase the probability of a debris flow event, additionally, ground modifications may alter or increase this debris flow hazard in some areas. Cesare recommends the debris flow hazard potential be considered in future development stages.

9. LIMITATIONS

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geologic and geotechnical engineering practices. No warranties, either expressed or implied, are intended or made. In the event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Cesare reviews the changes and either verifies or modifies the conclusions of this report in writing.



Basemap: LIDAR ground surface.

East Vail Workforce-Housing Parcel - part to be developed (+/- 5.4 acres)

Approximate Landslide Extents

Approximate Extents, published landslide deposit (Kellogg and others, 2003)

- Area 1 - landslide headscarp, down-dropped, detachment area.
- Area 2 - down-dropped area with irregular topography.
- Area 3 - dislocated, semi-intact block that has moved downslope from the point of origin, hummocky and uneven topography.
- Area 4 - landslide flank, over-steepened slope.
- Area 5 - landslide toe, over-steepened slope.

Project No: 18105

Project Name: East Vail Parcel

Date: 01.31.2019

FIGURE 7

Landslide Map

PEC Commissioners:

As the approval process for the Booth Heights development plan nears its conclusion I want to reiterate the reasons I believe you should deny this application.

(You will note some questions herein directed to specific commissioners as well as previous comments from you all).

- The density, massing and scale do not meet Criteria A for compatibility with the site, adjacent properties and surrounding neighborhood.**

Comments from previous PEC meetings about this issue:

-Pretty imposing building (Kurz). Site is probably overbuilt (Gillette). Massing is too much (Kjesbo). Trying to put too much on the land. Work with the land more (Perez). Is there any way to verify the scale of that 52' height in relation to the rendering? (Lockman) (Staff responded "A rendering like this is never going to be to scale". To which commissioner Hopkins replied "That's not true.") Where's the berm in this rendering? (Hopkins)

So the question I have for commissioner Lockman is: are you satisfied with this answer to your question about the size and scale of the rendering as it relates to the actual proposed buildings?

The size of this project will overwhelm this pristine site- especially viewed from the frontage road and approaching from

Vail Pass on I-70 . The newly erected 4-stories at the Mountain View re-development near the Blue Cow Chute is a perfect example of how imposing Booth Heights will be. I assume you've all seen it by now.

- Criteria E and environmental impacts have not been met with this application.

The overwhelming opinions of the wildlife biologists agree that wildlife, and specifically the bighorn sheep, will be placed in further jeopardy with this plan.

Mr. O'Connor falsely stated publicly in his August 12, 2019 Vail Daily column "We have modified our original plans to ensure the protection of wildlife". "Ensure" means "make certain" and that claim is patently false-made only to influence public opinion in his favor. The wildlife biologists agreed that most mitigation plans fail and there will be no guarantee the herd survives if this development is built.

Triumph and the town staff apparently continue to ignore recommendations and comments from the Colorado Geological Survey and Skyline Geoscience regarding further studies of avalanche hazards, debris flow, landslide and construction-related landslide reactivation issues. You have received details of this from me in a previous letter. There is no mention in those recommendations that they will be addressed "at the building permit application" as Triumph has asserted.

You as commissioners have discretion in deciding on the efficacy of solutions to these environmental issues and whether or not they have been addressed appropriately and effectively.

There is too much at stake here environmentally to approve this application as presented.

More comments from you commissioners: The key here is Criteria E. The environmental impacts are the lynchpin of this entire application. It is the responsibility of the applicant to meet these criteria. (Lockman). The sheep are the most important thing (Gillette). We're not guaranteed the sheep will survive (Kurz). Mitigation hasn't worked in the past. It's all about the sheep (Kjesbo).

- Enforcement (wildlife protection, dogs, parking)

This is the prime feature in the applicant's proposal to protect wildlife and address the shortage of parking. I believe in the real world this approach is set up for total failure.

Parking issues plus the responsibility of on-site management to enforce non-trespass onto wildlife habitat alone would require a nearly full-time effort. You've already heard public comment by locals about the futility of enforcing dog compliance even in HOAs that prohibit them. Also, I own a rental property (long-term to a local family) at Sandstone 70 in Vail and I can assure you the parking issues are constant and contentious throughout the year. Booth Heights will be no different and probably worse. And, enforcing a "no short term rental" policy is highly problematic-witness the current TOV issues with that.

You've also heard consistent feedback from Colorado Parks and Wildlife and other independent wildlife biologists that enforcement doesn't happen. Examples given were the ignoring of a Memorandum of Understanding that protected elk winter range on Meadow Mountain when the recently

completed Evercrisp mountain bike trail was built; no enforcement by Vail Resorts of skiers violating “no skiing” on the wildlife habitat terrain under and near Cascade lift; and the loss of critical elk habitat at Beaver Creek when Strawberry Park was approved in spite of protections to wildlife there.

This risk of failure the proposed enforcement tools for this application offer is too great a threat to wildlife. And, do we really believe that as a master leaseholder Vail Resorts would fire an employee/tenant for a trespass (dog, smoking, or parking) infraction when they were in dire need of employees on the mountain? Seriously doubtful.

Comments: People don't obey closure signs. There has to be a workable and effective enforcement (Stockmar). Yes, HOAs don't always work (Perez). The TOV needs more protection regarding changes to Booth Heights HOA covenants (Gillette).

- Final thoughts.

This proposal is the wrong plan for this site. It's too dense and is obviously burdened by and subject to numerous mitigation plans that have doubtful outcome for success.

And regarding density, I noted Triumph's floor plans show 2 double beds in each 2-BR of the multi-family units (that's potentially 8 people in each). The deed restricted townhomes show 1 double bed in each BR and the same number is shown for the free-market townhomes. There is a reason developers show this on their plans-it's to demonstrate how many people they expect to live in each one as a selling point-in this instance to VR for rental units and to potential buyers for the “for sale”

townhomes. So running the #s we get: $42 \times 4 \times 2 = 336$ rental. $19 \times 2 \times 4 = 76$ deed restricted townhomes. $12 \times 3 \times 2 = 72$ free market townhomes. Total= 484 potential occupants as currently in the application. Is this what is right for this site? No.

Commissioner Perez—the minutes of the 9/11/17 PEC meeting that approved the re-zoning of this parcel shows you expressed concern about the transparency of the applicant (then Vail Resorts) regarding density and scale for any future development application—and for good reason. You also expressed your feelings recently in the last PEC meeting that the issue here is that our ordinances and town code do not require a development plan when applicants come to re-zone. It's a sentiment the previous PEC chair Redicker shared as a concern at the time, also.

And, so, here we are-considering an application and proposal for this site that has so many questions, problems and unknowns that it has divided our town like few issues that I can recall in my 46 years here. Each side is expounding on heartfelt positions—proponents for workforce housing at all costs, and opponents advocating for the environment, wildlife and lifestyle for those workers.

I wonder, if the PEC and Town Council knew then (during re-zoning) what we know now about the specifics of this proposal—the burdensome mitigation steps required, the density and the scale, and the fervent opposition to it—would we even be in such a contentious state now. Yes, the town needs to change

things at the re-zoning level to require a specific plan before re-zoning is approved. Yes, the town needs more workforce housing, but this proposal is not about that. It's about what is right and appropriate for this sensitive site.

Two wrongs do not make a right. Approval of this plan as presented will be the second wrong. Please deny this application for the good of Vail and your good reputations.

Respectfully,
Tom Vucich
Vail

Chris Neubecker

From: Stephen Connolly <sfcvail@hotmail.com>
Sent: Friday, August 9, 2019 11:50 AM
To: PEC
Cc: Council Dist List
Subject: Booth Falls Heights

Love the project, hate the name. And you shouldn't pay any attention to this letter.

Early on in the debate over this project, someone in opposition wrote that it was a foregone conclusion to have the project passed by PEC. It should be – IF it meets the Town's criteria.

There is a set of standards that a project must meet in order to receive approval by the PEC. Public opinion should play no role in your decision.

To hold a meeting for unlimited public comment was an odd and extreme move by the Commission.

Many of the people who will be positively impacted by the addition of affordable housing in East Vail are not even living in Vail yet. Most of the people who will be helped by additional employee housing are not aware of the how our system works, much less have time in the middle of the day to attend PEC meetings. Who spoke on behalf of these people?

Our frontline employees are the backbone of this community. Without them, we would not be Vail – the Town or the resort that has no comparison.

When told that the Commission has heard “from the community and about 90% are opposed to the project”, all I could think of is the 100% of the people I speak with who are in favor of it. And they find much of this conversation ludicrous.

We, collectively, have kicked this can down the road for way too long and way too far. No one argues that we don't need more affordable housing. From the very beginning of this project, cynics have written that there are better places in Vail to build. I have asked a simple question to those who have contacted me directly, “Where?” Not one has bothered to answer. In all of the Letters to the Editor contending that such a site exists, not one has suggested a location with the amount of housing Booth Falls Heights presents.

The arguments against the project don't hold water.

The cliffs behind my home on Bald Mountain are steeper and much closer to my neighborhood than the rock band in East Vail. There is no barrier protecting me and my neighbors from a possible landslide. With no visible scree field, it is safe to conclude that our bluff has stayed intact since before sheep grazed in Potato Patch. Isn't this true for the East Vail exit site?

We have plenty of smart people who work for the Town and are capable of solving the mass transit “problem”. Seems logical to presume that tenants would gladly endure the hardship of spending an hour on two busses to get to City Market once a week, as opposed to having a one-hour commute to work every day.

Some landlords in Vail already offer no parking spaces for renters (and have polices prohibiting dogs). Variances, which many have suggested should have been sought and granted with the redevelopment of Timber Ridge, could reduce the amount of parking mandated by our Town codes.

When the first building went up in East Vail, its scale no doubt dwarfed the surrounding area and displaced wildlife. Man has “spoiled” the entire Vail Valley and will continue to do so. Fortunately, Vail’s founding families had the foresight to incorporate pocket parks throughout town so as to maintain a degree of natural beauty that attracted all of us in the first place.

Scale is a relative concept and the fact is our dirt is just too expensive not to build big. Some large developments are necessary. Looking at the elevator shaft towering over the Evergreen Lodge, one can see that the new Vail Health building will stand above its surrounding structures. But it is something that we need.

The impending doom predicted by opponents of Middle Creek and Solaris has not materialized. Not only will we survive, we will thrive with Booth Creek Heights. We are surrounded by nature on a much grander scale and this project will not have a negative impact on its gorgeousness.

Extinction is a very serious term to be used, especially when applied to an animal that is migratory. Did the elk herds that used to winter in Ford Park become extinct or are they just grazing somewhere else? Did anyone move out of Town when the elk stopped coming? Did any of our guests stop visiting? Should we worry about the “extinction” of a heard of sheep or should we worry about the extinction of a workforce residing in Vail?

Rather than tell Triumph, a developer with a proven track record in this arena, why they can’t build this project, the PEC should be working hand in ski glove to find solutions to the real challenges that have presented themselves. Our future cannot afford for us to squander this opportunity in the hope that something else will present itself do the road.

The only change I can recommend is the name. It sounds like a suburb of some city with stop lights.

But don’t listen to me, or anyone else. Stick to the criteria.

Thanks for reading.

Cone – Resident of the Booth Falls neighborhood

###

aka Stephen Connolly
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970-376-5798 (cell)
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Looking for a great little Bed and Breakfast in Vail?
<https://www.airbnb.com/rooms/4015461>

Or a nice home for the family just minutes from the Mountain?
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Rethink * Reduce * Reuse * Recycle

To the TOV PEC

A CONTEMPORARY VAIL SENARIO

It all become clear...

Let's first eliminate the rather pejorative term "greed" from the discussion of the little portion of the valley at Vail's eastern entrance, recently referred to as Vail Heights. (heh heh...only one point of reasonable access).

Let's instead call it business acumen. And an amusing little power play.

AhHa...Vail Resorts finds it has a piece of land that can be had for a song. What to do with it? "We don't live here. We don't have any particular history with the land. We do business internationally. So what do we do with this land?"

"The underpaid seasonal lift operators, the mountain service crews, food servers, bowl patrol. They just want to live here for a season and they need a place to tuck in with their fellows. And what about our year-round employees...and those who toil at Vail Health. We could add a bunch of dead-restricted places to hold onto them for a few more seasons...maybe raise their families."

"But how will we get somebody to build this for us? Somebody with a track record with the Town. We could sweeten the deal by letting them apply for as many market-price units as they could squeeze onto the site. That would make this worthwhile, certainly. And how could the Town turn away so much workforce housing that they've touted of late? Surely this will get easy approval."

"We can continue to hold onto all the land in NeverVail for a future profitable sale...and house the great portion of our seasonal workforce in the boonies where no one will bother if they make a little noise. So what if it takes them two bus rides to get food or get duct tape to shore up their beds."

"Yes, this is the solution. What's the difference between one site and another? We don't live there. We could sell Vail in a minute. Loyalty to the land? To the so-called Vail Environment? No question. Go for the deal. Housing for our underpaid workers and a sweet deal for the developers. Who would question that?"

Scenario to be continued.

Susan Bristol, Hon. AIA

LETTER TO THE TOWN OF VAIL PEC – August 9, 2019

In the Town of **Vail's Environmental Sustainability Strategic Plan of 2009**, the Executive Summary stated:

“As a tourism destination for outdoor activity, the Town of Vail relies heavily on the environment to provide natural beauty and recreational opportunities. Therefore, the state of the environment greatly affects the Town's economy. **It is essential to maintain and improve the state of our environment to ensure that our natural resources are available to future generations.** Vail's reputation as a resort industry leader lends itself to **setting exceptional standards for environmental stewardship.**”

Three independent wildlife biology studies commissioned by the Town of Vail have concluded that no “mitigation” would assure that the herd of **Bighorn Sheep** on the site would preclude the herd's **extinction as a result of the proposed Booth Heights development.**

In addition to the threat to the sheep, the site of the proposed Booth Heights development sits at the base of **historic rockfall and landslides.** Thus far the developer has not addressed the risks that the extensive excavation of the existing Aspen grove would affect the stability of the mountainside above, placing residents in danger. In all previous meetings, the developer has not presented the PEC with any sort of comprehensive Geotech study of the site.

Other issues -- **traffic congestion** of the Frontage Road, need for greatly increased **Town bus service, pedestrian safety**, the reality of a **giant berm creating a gash in the beautiful mountainside at the entrance to the valley, inaccessibility of goods and services** for residents, and **enforcement of a ban on human and canine encroachment** on the limited Bighorn grazing land -- are all insufficiently addressed in the proposal.

As important as housing is to Vail, **there are other viable sites for housing in Vail.**

I hope all Vail residents will support the difficult decision the PEC is being charged with making. I sincerely hope that the Commission's decision will preclude yet another nail in the coffin of **Vail's fragile natural environment.**

Respectfully, Susan Bristol, Hon.AIA

cc: pec@vailgov.com, dchapin@vailgov.com, rkatz@vailresorts.com, letters@vaildaily.com

“Aggrieved Citizen”

How am I “aggrieved”? Let me count the ways!

Hours of lost sleep, time spent writing 2 dozen letters, comments following study of agendas within agendas, staff memos, for Council & PEC, hours spent in meetings of same bodies;

Study of documents of wildlife biologists, efforts to communicate import of these to decision-makers over months of public meetings;

Anguish that personal property rights should trump mission statements calling for preserving the environment, even to the point of risking extirpation of an iconic herd of Bighorn Sheep, beloved by visitors and residents;

Personal pain, grief that I might be viewing for the last spring the Bighorn ewes, yearlings, on their usual forage grounds along the frontage road to East Vail;

Painful imaginings of the loss of a lovely primeval landscape at the foot of the East Vail cliffs north of Interstate Exit 180, soon to be defaced by a 60 ft. high trench to protect numerous 2 and four-story buildings from inevitable rockfall from cliff tops;

Disappointment in fellow citizens I thought deserving of my respect, that they would not recuse themselves from voting in the face of obvious conflicts of personal interest;

Distress that elected officials whom I thought far better of would put Vail Resorts will ahead of that of a clear majority of Vail citizens, then duck a public vote on that same position by hiding behind a contested 4-3 vote by a group of appointed, not elected, officials;

Appall that these same elected officials would again push the screening of a record number of appeals of the controversial decision for the resort company to an appointed official, decent and fair as that individual might be, to determine whether these appellants are sufficiently “aggrieved” for their appeal to have “standing.”

Director Genett, members of the Town Council, Planning & Environmental Commission, do you hear my pain, do you share it? Reverse this bad decision!

Anne Esson

One of numerous members of Citizens to Protect Our Wildlife & Gore Range Citizens Alliance”