



VAIL HOMEOWNERS ASSOCIATION

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November 6, 2020

Updates

Still No Booth Heights MOUs. Concerns are rising as there is still no MOUs for the Booth Heights land swap even though the parties have been negotiating for over six months. Those concerns have taken on new urgency in light of the recent District Court order affirming the TOV's approval of the Booth Heights development. From all appearances, the TOV is fully committed to the deal, making the necessary arrangements to move the Children's Garden of Learning Center and to otherwise make the East Middle Creek site available. There has been a change in the location of the new CGL facility from the Community Development building to the RV parking lot at the Lionshead Parking Garage, but the parties are in agreement with that change. Although the details of the negotiations for the land swap are not public, sources tell VHA that the principal subject that has not yet been resolved is the economics of the deal. Why Vail Resorts would not embrace the deal is unknown since it stands to gain a much more attractive, workable site and would receive much public acclaim for making the deal. VHA urges that the parties renew their efforts and bring this negotiation to a close as soon as possible.

De-Gallagherizing Vail Property Taxes Passes. Vail voters repealed the Gallagher limits on property taxes, providing a much needed influx of revenue to the Town. Similar measures passed for Eagle County and the State of Colorado. While property taxes will not rise under these measures, their passage stops the decline in property tax revenue at all levels of government, providing stability and predictability for the future.

Fencing for Bighorn Sheep. Temporary wildlife fencing has again been erected in East Vail from the I-70 East Vail interchange to Katsos Road to prevent bighorn sheep from going on to Frontage Road and I-70. The fencing will be up until mid-July. In the meantime, CDOT is proceeding with planning for permanent fencing. [VHA has urged that project to be a comprehensive plan](#) that will not only provide fencing but also maintain connectivity for wildlife to migrate through the area.



Mandatory masks now required to prevent community spread.

Vail Goes To Mandatory Outdoor Masks

Community Spread Increasing. Community spread is increasing in Eagle County as the country faces a third spike in cases. At the current rate, cases in Eagle County will enter the red zone within two weeks, and hospital capacities may be exceeded in December or January. Unless transmission rates are reduced, Vail will slide backwards into more restrictive limitations with devastating economic consequences. There are no two ways to cut it; getting the economy back on track means controlling the virus. This is something that everyone has a stake in, but some do not see it that way and refuse to take precautions. As explained by the county public

health director, voluntary compliance is not working, and the situation could get much worse in the coming holidays and when the winter season brings increased travel and more tourism.

Vail Directs Mandatory Masks. Against this backdrop, at Tuesday’s Town Council meeting, by a 6 – 1 vote (Council member Jenn Bruno opposed), the Council directed that the Town Manager issue an immediate emergency order mandating outdoor masks for the town center, Vail Village and Lionshead. ([see map](#)) There had already been an in-door mask requirement, but the new order now requires masks both in-doors and out-doors. At the meeting, Shannon Haynes, Breckenridge Assistant Town Manager, shared Breckenridge’s experience with mandatory masks—that they have worked to greatly increase mask usage and have not lead to significant enforcement problems. According to Haynes, businesses were pleased with the requirement, and if Breckenridge had to do it over, it would again adopt a mandatory mask requirement.

Critical Window. The next few weeks are a critical window for the community. Almost two-thirds of Eagle County cases are from unknown sources indicating that there is significant community spread. The most common current source of Colorado transmissions is social gatherings, prompting the state to issue new restrictions limiting personal gatherings to no more than 10 people from no more than two households. But this is more than just limiting personal gatherings. If there was a wildfire threatening the community, no one would try to stop fighting it. Masks will do the same thing for the virus. The VHA urges everyone to get on board and wear masks. This is not a matter of politics or personal freedom. It is a matter of all of us being in this together and everyone doing their part to control the disease, protect jobs and save the community from economic disaster.

More on November 17th. At the next Town Council meeting on November 17th, the Council will consider an ordinance implementing the emergency order. The ordinance will fill in details about the order and its enforcement. In the meantime, Vail will implement large scale signage to inform residents and visitors alike of the new requirement.

Donovan Park Hearing Set



Will it become “Designated Open Space?”

Save the Date. The Open Space Trustees (Town Manager Scott Robson, Council member Kim Langmaid and PEC member Ludwig Kurz) will meet on **November 13th** to consider the [VHA request that the Upper and Middle Benches of Donovan Park be designated as “Designated Open Space.”](#) In addition to the Donovan Park property, the Trustees will also consider two other parcels, although it appears that neither yet qualify for the designation since one (in Potato Patch) is not presently owned by the town, and the other (a 43 acre tract in East Vail) does not yet have the qualifying zoning. To be clear, VHA does not oppose either of those parcels from being so designated once they meet the qualifying requirements.

This will be the first meeting of the Trustees in many years. It will be a public meeting, and input from the public will be allowed. This is the first step in the designation process. If the Trustees unanimously recommend designation, the matter then goes to the Town Council where a three-fourths vote (at least 6 in favor) is required for designation.

The upper and middle benches of Donovan Park are a single parcel of land. It was purchased by the Town with RETT funds which could only be used for open space acquisitions; it has always been zoned as open space land, and it meets the qualifying criteria for the designation. Nonetheless, there have been periodic attempts to convert the land for other uses, with the Middle Bench portion, most recently, appearing on a list of potential sites for affordable housing. It is to more fully protect that land that VHA requested “Designated Open Space” status.

We believe that this will be a Zoom meeting, and there will be an opportunity to submit written comments. The VHA will keep you informed as more details about the meeting are made known. If this is an issue that concerns you, please mark you calendars and be prepared to inform the Trustees of your views.

Sustainability Headwinds



Vail’s pre-pandemic crowding this past February.

Photographer - Rachael Zimmerman – Vail

The long-term prospects of any community are directly tied to how well it manages its assets and resources to meet current needs while ensuring there will be adequate resources and assets for future generations. In many ways, Vail has done a very good job in that respect. It has good health care and education systems; it has acted to preserve natural resources most notably in cleaning up Gore Creek and habitat restoration for the bighorn sheep; it has acted to reduce greenhouse gas emissions; it is expanding affordable housing; it has significant

open spaces; there is a thriving non-profit sector, and it has great cultural opportunities. Kudos to the Town for all of that. But while the quality of life in Vail is currently very good, it could be easily undone by congestion, too much traffic that overwhelms parking resources and crowds that exceed the town's capacity, too many people on local trails or fishing in Gore Creek, too much greenhouse gas emitting activity and too many seeking affordable housing that outstrips the Town's best planning. Unfortunately, there are recent troubling signs in that regard.

Trail Overuse and Misuse.



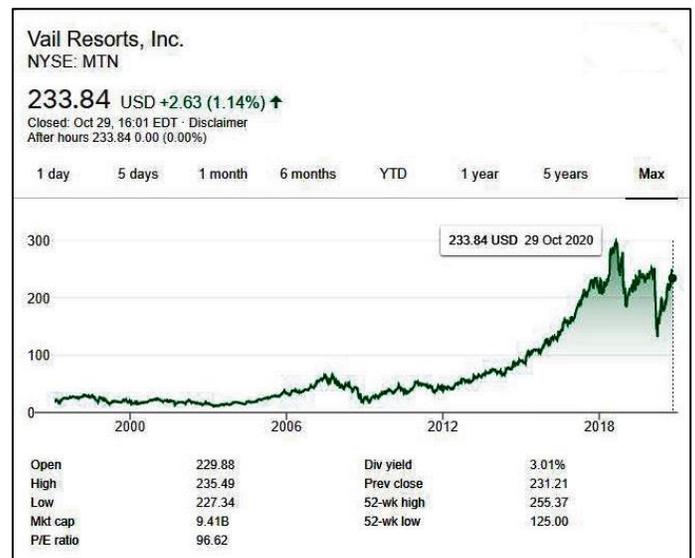
Overuse of Vail's trails.

It was recently reported that there is serious overuse and misuse of the East Vail Booth Falls and Gore Creek hiking trails, resulting in the case of overuse in trail degradation and erosion and in the case of misuse in despoiling by pet waste, trash and garbage. These problems first came to light two years ago when the Town Council decided to take a couple of summers to see if stepped-up education efforts could solve the problem. That has not worked because the trail overuse has the most impact, and those problems have dramatically increased over the past summer due to the ever growing number of users. This has now reached the point that there is an

immediate need for the TOV to proactivity take steps to protect these important recreation assets. But beyond the immediate damage to those assets, the East Vail trails overuse raises larger congestion issues that invoke environmental and community-wide sustainability questions. Stated another way, is Vail in danger of being oversold?

Is Trail Overuse Vail's Canary in the Coal Mine? For most of Vail's first 50 years, there was room for growth as the town built up and expanding tourism was an important driver of Vail's economy; in those years congestion was not an issue. But now, with the town mostly built out, there is reason for concern that ever increasing growth is no longer sustainable and whether what is happening to the hiking trails is a harbinger of things to come for the larger community. Those concerns were already lurking just below the surface as Vail mounted mass marketing campaigns and a growing list of special events to put an ever increasing number of "heads in beds." That was never going to be a sustainable strategy since sooner or later the ever growing number of visitors would exceed Vail's carrying capacity. And it may well be that the trail overuse of this past summer is an early concrete sign that that time has arrived. Also, the serious decline in area wildlife populations may be another sign pointing in the same direction.

Time To Act. Vail is currently in a time of forced downsizing that will probably continue until at least next summer if not through the end of 2021. Many special events that were intended to bring more visitors to town had to be cancelled or scaled back. Now, as the Town approaches planning for a return to pre-pandemic days, it would be worthwhile to consider whether a growth-centric model of mass destination marketing and ever increasing special events as economic recovery measures are prudent. It would also be worthwhile to consider the extent to which those goals could conflict with or compromise the quality of life and whether that is an acceptable result. And it would be worthwhile to ask why Vail has steadily trended downward in consumer ratings in recent years.



VRI stock price reflects growth of congestion in Vail.

Steps to Sustainability. There are well recognized steps that underlie any successful sustainability program. They are (1) a community assessment of current conditions, including the community’s carrying capacity, (2) adopting a vision statement of where the community should be headed, (3) creating an action plan centered on programs and initiatives to reach those goals and (4) identification of tools to implement the action plan. A sustainability focus examines what is good about the community and assigns value to adopting practices to maintaining those features. At the same time, it also identifies those things that need correcting and implements programs to remedy those situations. In terms of Vail, that might mean finding a balance between high impact “heads in beds” numbers and the impact of those numbers on the community’s natural and cultural assets, a question of quality versus quantity. Once identified, those factors should drive government decisions and investments so that key values are maintained and not overwhelmed by change or congestion. This is not rocket science. Vail has already done much in this regard. What is needed is the long-range perspective to pull it all together into a comprehensive way to move forward. VHA strongly encourages the Town Council to take the time to explore these issues before trying to just go back to the strategies of the past.



Attaining sustainability by downsizing Vail’s special events would bring them within the community’s carrying capacity. Masks, but what about social distancing?

The VHA covers a broad range of issues including residential housing, transportation, economic resiliency, governance, taxation, and restoration and preservation of environmental and community assets. Our most valuable tool in influencing decision makers is through the proactive engagement of our informed readers. For that reason, your participation magnifies the effectiveness of our message.

If you value our work, we invite you to join VHA or become a subscriber to our reports. Your support will ensure that the VHA can continue to bring such matters to the community's attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and subscribers, **who** sustain our efforts with financial and vocal support.

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

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