

VAIL HOMEOWNERS ASSOCIATION

Open Space Trustees Decline to Act on Donovan Park Time For A Sustainability Reset?

November 16, 2020



Middle Bench of Donovan Park will not be protected.

Open Space Trustees Decline to Act on Donovan Park

The TOV Open Space Trustees have declined to act on VHA's request for "Designated Open Space" status for the Upper and Middle Benches of Donovan Park. The decision was made without public input or notice in an "internal" meeting of the Trustees in advance of what was supposed to be a public meeting on November 13th. As a result the public meeting was cancelled. The VHA was informed of this decision the day before the public meeting.

In explaining the reason for this action, the Town Manager stated that:

“at this time there is not a compelling need to convene a meeting of the Trustees. Our direction stems in part from the fact that there are simply no current development proposals, re-zonings, or any land use actions being considered by the Town that contemplate action on Middle Bench... So for the time being, we are comfortable in the fact that the Middle Bench of Donovan Park is zoned A/O and a part of Donovan Park and that the Open Lands Plan continues to identify the parcel as open space.”

However, under the Town Charter provision for Designated Open Space, agriculture open space zoning and Open Lands designation are reasons to grant "Designated Open Space" status not to decline to consider the matter. Using those as reasons to avoid a hearing is turning the Town Charter on its head. And declining to act because there is no current development proposals is imposing an additional criteria that is not contained in the Town Charter. Not only is that limitation contrary to the Town Charter but it makes it difficult, if not impossible, to ever achieve such an open space designation because once some other use is proposed political forces will kick in to support the other use. The whole purpose of the designation is to prevent that from happening by protecting any such consideration from taking place without a vote of the citizens.

And on the latter point of no pending proposal, what compelled the VHA to make its request was that the Middle Bench was listed in official TOV documents as a potential housing site notwithstanding the A/O zoning and Open Lands designation and the fact that this was another of several efforts over the years to convert the Middle Bench to other uses. If the zoning and Open Lands Plan were sufficient protection, the property should

have never been listed in official TOV documents for any purpose other than as an open space park. All of this is before even getting to the fact that the Middle Bench was purchased with RETT funds which could only be used for open space acquisitions and which should foreclose any further discussion of the subject.

The Manager also explained that, because the Trustees have not met in many years, he has asked staff and the Town Attorney to further refine the criteria and process to be followed in the future to allow “for greater success and transparency in decision-making down the road.” It is unknown when that will take place, whether the public will have access to or a say in those considerations or whether the resulting “rules” will allow the VHA or citizens to even make a designation request. And the staff and the Town Attorney have no authority to impose addition criteria beyond those contained in the Town Charter. All of this raises the question of whether the only property that will ever be considered in the future is that which the Trustees, on their own, decide is worthy of such a designation. That would contravene both the spirit and the letter of the Town Charter.

Time For A Sustainability Reset?



Is Vail being oversold?

Sustainability Concerns. Community sustainability has long been a Vail focus. It grew out of a concern of the founders to preserve and enhance Vail’s natural and built environment. [In 1994, that led to the adoption of an Environmental Strategic Plan](#) which called for a sustainable development strategy based on the protection of

natural resources thought critical to Vail's tourist based economy. The Town recognized that the plan, which called for the determination of carrying capacity for key resources and policies for staying within those limits, a reduction of energy and water use and management of disposable waste, would enable it to be a responsible steward of the natural environment. At the same time, the TOV adopted an Open Lands Plan to acquire or protect natural areas needed for outdoor recreation. At that time, the Town was only 86% built out and wildlife protection and congestion did not seem to be focuses of community concern.

[The Town then proceeded, in 1998, to conduct a carrying capacity study](#), although while a draft was completed, it appears that it was never formally adopted. Nonetheless, the results of that study were used in the Lionshead master planning process and informed a 2009 update of the environmental plan, what is known as the "[Code Green](#)" [Environmental Sustainability Strategic Plan](#). That plan targeted the same subjects but with more specificity for reductions in solid waste, energy use, improvements in environmental protection and sustainable business practices and public education. However, once again, there was no focus on congestion or wildlife management, and the plan was only intended to cover five years. At the same time, the TOV adopted a [Transportation Master Plan](#) that projected that by now transportation infrastructure may be insufficient for efficient movement of traffic in Vail.

Since then, the Town has been working on an update of the environment plan but reportedly, so far, that has been limited to the reduction of climate impacts, and even that project has been placed on hold as the Town deals with the effects of the COVID pandemic. More important for a sustainability plan, there are currently no efforts to update the carrying capacity study which is necessary to provide fundamental baselines to inform all aspects of the Town's policies and operations from special events to recreation assets to affordable housing.

Time to Act. The TOV is now built out which brings additional concerns, specifically congestion, recreational degradation and needs for pro-active wildlife management, so these studies need to be updated, and there is now a window of opportunity not merely to just update those plans but to address sustainability in a broader systems or holistic approach to ensure that the magic of Vail will remain for future generations. That is because the Town is currently in a period of forced reduction in activity and services that has been brought on by the pandemic. With the pandemic getting worse—Eagle County now has its highest rate of transmission since the pandemic began--and with a vaccine probably not being widely available under a best-case scenario until next summer, an increasing number of analysts are predicting that the impacts of the pandemic may extend well into 2022. That has created a once-in-a-lifetime opportunity to reshape the future of our community before the Town begins to resume pre-pandemic levels of activity. The VHA, therefore, suggests that the TOV should use this time for a full-scale sustainability reset.

Short-Term Actions. In the short term, sustainability necessarily means economic stability. With strong reserves, Vail is well positioned for tough times ahead, but 2021, and maybe beyond, is probably going to be a time of austerity budgeting or worse. If the community does not rally behind the recent mask mandate and arrest the virus spread, it is within the realm of possibility that Vail Resorts will again have to close the mountain, especially if the nation has to go into a nation-wide lock-down to stop the virus. Impacts from that turn of events will be much more severe than the first time, requiring more expenditures of the Town's reserves for worker security. The Town should, therefore, proceed very cautiously in the near term and may have to shelve major capital projects to ensure economic resources to weather the storm. But, at the same time, this is a period that the TOV could take necessary steps to update and expand plans for the future.

It Should Not Be Just Back to Business As Usual. For the longer term—the time when the virus is finally contained—the TOV should act now to re-examine community goals and develop policies to enhance sustainability. Vail's vision is to be the premier international resort community. To accomplish that, Vail's

mission is to grow its economy and community while preserving the natural environment and providing exceptional services together with recreational, cultural and educational opportunities. The VHA is not suggesting that those goals should change but, rather than just reverting to what was before the pandemic, that now is the time to think about how those goals can be sustained when the virus is finally brought under control.

A Baseline Carrying Capacity Study is the First Step. Sustainability analyses do not exist in a vacuum. Because they examine the extent to which the natural and built environment can meet present needs without compromising the ability of future generations to enjoy the same resources, they need to be based on carrying capacity data. Only then can policies and operations be calibrated to promote the well-being of the community. And to have a comprehensive plan, the data should not be limited to just an environmental assessment but rather an all-in analysis across all TOV operations and activities.

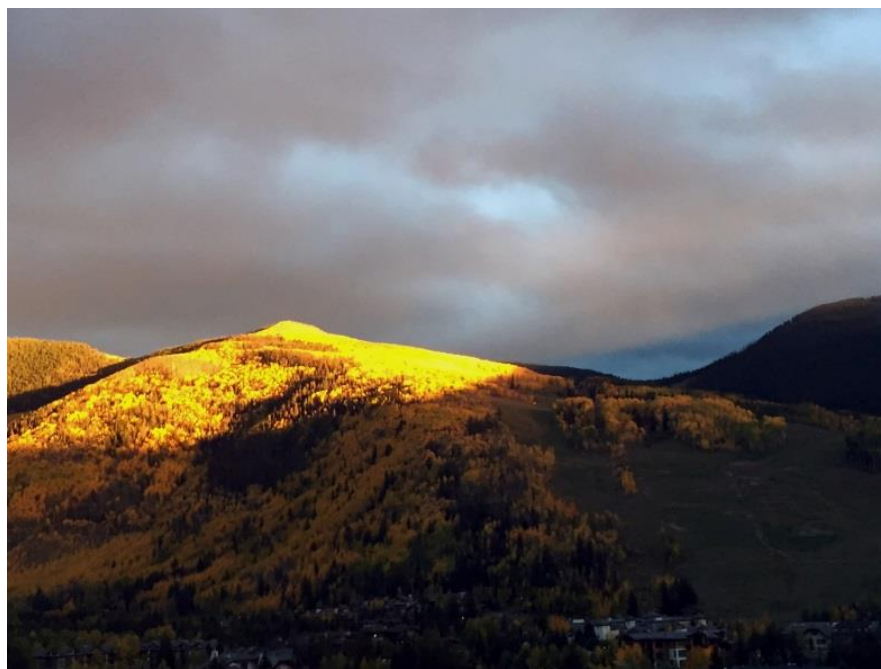
Sustainability Subjects. Of course, any sustainability analysis should cover the subjects that the TOV has already addressed in its prior plans. But, in addition, attention should be given to the following:



Is this the future for Vail?

- **Congestion.** The Town is now essentially built out. Avoiding congestion which could undermine the quality of Vail life should be a priority. Marketing programs and special events should be coordinated with Vail’s carrying capacity and target high-value guests. “Heads in beds” programs that put growth above all else are not sustainable in the long term; quality over quantity that contributes to the well-being of the community should be the goal. Before allowing promoters to use the Vail brand to sell events that bring substantial numbers to the Town, all proposals should be critically examined to determine if the event (1) is compatible with the Vail image, (2) will not exceed Vail’s capacities and (3) will bring value to the community. And a crucial component of value should be the extent to which an event might result in congestion within the Town. Town leadership should not be hesitant to say “no” when events don’t measure up.

- **The Business Community.** Retail businesses are taking a huge hit from the pandemic. The impacts extend beyond just the businesses; jobs are being lost; store fronts will go empty, and the economy will suffer. Many businesses will not survive, especially if the pandemic continues on its present course. Much will need to be done to restore that part of the economy. But this should not be simply a matter of wait and see. What is needed is “good growth” that will contribute to the community’s well-being and quality of life. That will require leadership from the Town to take a proactive role in prospecting for new businesses. And this is not just a Vail concern; it is a county-wide matter as the pandemic’s impact on businesses is not limited by municipal boundaries. Nonetheless, even if new businesses might locate down valley, Vail still has a significant interest in helping to bring them to the valley, and it should spearhead efforts in this regard.
- **Greenhouse Gases.** Vail has already addressed reducing greenhouse gases from its buildings and operations, and it is working with private businesses to achieve greater reductions in the private sector. However, vehicular traffic is a large component of greenhouse gas emissions, and while the TOV is converting its public transportation to renewal energy sources, private transportation still is a major factor that needs to be addressed. [Part of that solution may be more efficient public transportation.](#)
- **Infrastructure:** Vail has reliable and efficient in-town public transportation, but improvements to town-wide public transportation would reduce private vehicle impacts. In addition, the valley-wide public transportation platform needs significant improvements in efficiency. While that is the responsibility of Eagle County, this is another area where it is the TOV’s interest to engage in efforts to improve that system. In addition, the TOV traffic infrastructure may be at or reaching saturation levels which is a factor that can affect carrying capacity. Having infrastructure projects “shovel ready” would put Vail in line to take advantage of funding as it becomes available.



Paradise lost.

- **Open Spaces.** Open spaces are a key component of any sustainability plan. Vail is already blessed with generous open spaces and has the possibility of obtaining even more. All of the open spaces should be

protected with “Designated Open Space” status pursuant to the Town Charter so that, absent a vote of the citizens, those properties will not be converted to some other use.

- **Natural Environment.** Vail’s natural environment is a crown jewel of the TOV. As the steward of that environment, the TOV has already acted to restore Gore Creek and enhance habitat for the bighorn sheep, but action is needed on other fronts. Wildlife populations have been dramatically decreased by loss of habitat and connectivity across the I-70 corridor; highway fencing could further eliminate connectivity, and recreation trails are being overused and misused. The VHA urges that these concerns be addressed in a comprehensive way and that those plans be incorporated in an Environmental Master Plan so that there will be a roadmap for the future.
- **Affordable Housing.** Pre-pandemic, Vail had a deficit in affordable housing units that limited carry capacity. In 2017, a ten-year plan to eliminate that deficit was adopted, but the plan does not contain any concrete steps to achieve its goal. There appears to be an emerging consensus of how that can be accomplished, and the VHA urges that those plans be formalized and incorporated in an Affordable Housing Master Plan to guide development for the foreseeable future.

The coronavirus pandemic is the kind of event that will separate history into before and after for generations to come. But it also is the kind of event that presents opportunities to shape the future. The TOV now has the opportunity to achieve something positive in the midst of very adverse circumstances. The VHA, therefore, urges the Town Council to direct a comprehensive, all-in sustainability review.

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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