



Vail Town Hall, Town Council Election – Who’s in, who’s out?

VAIL HOMEOWNERS ASSOCIATION

Taking Stock as Election Season Nears

Are Vail Values Being Lost?

New Studies

New Proposed Tax Increases

August 23, 2021

Section 1: Taking Stock. With election season fast approaching—four Town Council seats and a proposed increase in the sales tax will be up for vote in November—this is an appropriate time to take stock of where Vail is. Two weeks ago, the Council overturned the DRB rejection of the design for the Residences at Main Vail (Chapin, Bruno, Coggin, Langmaid and Mason in favor; Foley and Stockmar opposed). That decision means there will now be two large ugly apartment buildings lining I-70 with one perched at the main entrance to Town. In voting to overturn the DRB decision, both Langmaid and Mason expressed hope that the design for the Residences at Main Vail could be improved, but the Council’s decision ends the approval process. Even if some

improvements were made—an unlikely matter now—putting lipstick on a pig doesn't change the fact that it is still a pig.

As part of the deal on the Residences at Main Vail, the Town plans to also redevelop the balance of Timber Ridge. The same developer, Triumph Development, has a right of first refusal on the project. But that redevelopment is proceeding in the same flawed way that resulted in the mal-designed Residences—an upside-down design process that will be dictated by a requirement that the new Timber Ridge have “at least 200 homes of varying sizes” with no alternative possibility and no consideration of whether that is compatible with the site. One can only image what those buildings will look like.

Then this week, the Council approved asking for a .05% increase in the sales tax (groceries exempted) to fund “housing initiatives, housing developments and housing programs and related activities” based on polling that allegedly showed support for the tax. The polling, however, did not ask any of the hard questions such as whether there was support if the resulting buildings were more of the same (Solar Vail and/or the Residences at Main Vail) or if it was to be placed on open space sites, making it questionable at best whether the voters are ready for another “trust me” tax increase. Underscoring the uncertainty of the use of the funds, the ballot question contains no restrictions on how the funds could be used. And with no public notice and only a few moments discussion, the Council decided to extend the tax for 30 years. (See below for more on this tax increase.)

These are just the latest of a number of troubling events that have some asking whether the system is broken.

Section 2: What is being lost to growth?



Donovan Park Upper Bench meadow lands: The TOV's proposed West Vail Master would change the development status of the meadow lands to recreation which is inconsistent with VHA's request to preserve the meadow lands as voter protected open space, meaning the voters will decide to retain or change the current character of the meadow. The illustration, documenting the change, is to be removed, according to TOV officials from the West Vail Master Plan.

Are Vail Values Being Lost? Vail was established on certain bedrock principles. First of those principles that was enshrined in the Town Charter—intended to be the enduring foundational basis for the Town—was the recognition that “Vail is unique in that it places greater emphasis on aesthetic, environmental, promotional and recreational concerns than are traditional in most municipal governments.” As a result, it was intended that those concerns should be implemented through progressive government to protect and enhance the quality of life for the people of Vail. Three other bedrock principles were also contained in the Town Charter. They are that the citizens of Vail should be encouraged to be involved in and participate in the governance of Vail, that Vail's government should be ethical and free of conflicts of interest and that open space should be especially protected through a Designated Open Space designation.

Yet in significant ways, it appears that Vail has lost sight of those fundamental values. Employee housing trumps the environment (Booth Heights) and aesthetics (Solar Vail and the Residences at Main Vail). Citizen

participation is being suppressed by strict enforcement of a three-minute rule while proponents of controversial projects are given unlimited time to promote those projects.



Solar Vail on North Frontage Road lacks architectural character and adequate natural landscaping.

For years, successive Councils looked the other way while Council Member Greg Moffit profited from business with the Town while racking up tens of thousands of dollars of indebtedness to the Town (it was only in the last year when that indebtedness exceeded \$125,000 that the Town took action). A VR employee was allowed to cast the deciding vote on Booth Heights, something that would have been clearly prohibited by most other surrounding communities, and while Council members Foley and Stockmar have called for a Code of Conduct and Ethics, the rest of the Council has steadfastly refused to take up that subject.

Open space is continually under threat of being commandeered for housing projects while the Open Space Trustees (the Town Manager, Scott Robson, Council Member Langmaid and PEC Chair, Ludwig Kurz) have not had a public meeting in years. A meeting was scheduled last year to take up the VHA request that the Upper and Middle Benches of Donovan Park be protected with Open Space designation, but the Trustees secretly decided to cancel the meeting the day before it was to take place, and no subsequent meeting has been scheduled. And it



Too many people, too much of the time?

appears that significant parts of the Town’s business are being conducted behind the closed doors of Executive Sessions. These are issues that should inform the selection of the new Council members for the coming years.

Section 3: Marketing – Toward what end?

Town to Launch New Studies. On a potentially positive note, the Town has announced that it is launching two new studies: a study to design a Destination Stewardship plan and a study of the impact of Short-Term Rentals (STRs) on workforce housing.

The **Destination Stewardship study** will be a year-long examination of how to balance economic development and the quality of life. While Vail has previously had sustainability studies, those have primarily focused on climate issues. This is the first time that quality of life will be considered and, also for the first time, there will be opportunity for community engagement and input. As part of the study, the Town will also conduct a “Vail Visioning” exercise to examine community goals and desires.

The need for this study was long overdue (VHA has been advocating for such studies for years), but it was accelerated by the pandemic which resulted in Vail and other resort communities seeing surges in tourism that threaten to overwhelm community capacity, leaving many to question why should there be more marketing to bring in more tourists to cause more overcrowding. The study is also necessary for Vail to maintain its designation as a Mountain IDEAL “Sustainable Destination.” A total of \$200K has been budgeted for the work with a goal of completing the plan by the end of 2022.

The VHA believes that it is also past time to reconsider the Vail business model. It is highly questionable whether that model—based on continued expansion and cheap labor—is any longer valid. With exception of a re-visioned West Vail under the new Master Plan and the Ever Vail property, Vail is now essentially built out, leaving little room for further expansion. At the same time, present day workers are no longer willing to work for less than a living wage.

Section 4: Residential Housing - Rapid changes in residency demographics.



Many in the business community believe that if Vail would just build more employee housing there would be an abundance of workers for local businesses, but the causes of present worker shortages are much more complex. The argument that more housing will solve all problems is undercut by the fact that already much of Vail's worker housing stock is filled by individuals who do not work in Vail. Beyond that, a new worker attitude is emerging. Worker attitudes were already changing before the pandemic, but the economic shutdown brought on by the pandemic has resulted in a new employee norm. Gone are the days when employees are willing to work multiple jobs at less than living wages to score some free skiing. To fill and maintain staffs, businesses are going to have to reassess how workers are paid and treated.

At the same time, many visitors, part-time residents and those fleeing urban sprawl have relocated to the valley. This also was underway before the pandemic—demographers have been predicting it for years—but the shutdowns and business closures during the pandemic have accelerated that migration. While some may return to their former lives, a substantial number will remain, altering the resident population and increasing the need for private and governmental services. Instead of a resort community, Vail is quickly becoming a community that happens to have a resort but which represents and requires much more. This too needs to be accommodated in Vail planning for the future.

The **Short-Term Rentals study** is designed to take a comprehensive look at the impact of STRs on the economy, neighborhood combability, town services and workforce housing. It is intended to be completed in 90 days with recommendations to follow. STRs exploded on the scene in late 2016, and Vail took its first step in regulation in 2017.

Even though the community strongly favored regulation of STRs (51% “strongly support[ed]”), the Town took a “hands-off” approach, what has been described as a “passive” approach. While many other mountain resort communities actively regulated STRs, imposing caps on the number of STRs allowed, zoning restrictions on where there could be located, land use limitations and substantial licensing fees, Vail imposed only minimum requirements and only a \$150 fee. As a result, thousands of units went on the STR market.

Available data already indicates there was a severe impact on workforce housing. Of the current stock of STRs, at least 1,000 units with almost 2,800 beds are in properties which could have been long-term workforce housing. If so, it would mean that instead of gaining workforce housing with the current 2027 Plan, counting all the properties acquired or to be built in the near term, the Town has actually lost as much as 500 units between 2017 (when the 2027 Housing Plan was put in place) and the present. That means that it will take until 2027 to recover workforce housing levels to what existed in 2017.

Further exacerbating the housing situation is the fact that many residents of Vail's workforce housing do not work in Vail. To the extent that the absence of workforce housing is a cause of the current shortage of employees for Vail's business, Vail's workforce housing policies have only made the situation worse.

The VHA strongly suggests that what is needed is a comprehensive master plan for Vail worker housing. It should include an accurate count of current workforce housing, an examination of how current policies for that housing are impacting the workforce, the impact of STRs, a realistic appraisal of future needs and a plan for how to proceed to meet those needs. That has never been done, and until it is done, Vail is just flying in the dark.

Section 5: TOV/Eagle County Election –Mail In Balloting



Mail in balloting: Registration www.GoVoteColorado.gov.
Questions or for assistance email: elections@eaglecounty.us

Who Will be the Candidates? Candidate qualification is open until August 30th, so it is not yet known who will be vying for the four Council seats of which at least two will be vacancies (Coggin and Stockmar can run again; Chapin and Bruno are term limited). Already at least 10 individuals have picked up the qualifying papers, ranging from the aforementioned Greg Moffet to incumbent Brian Stockmar. We won't know exactly who the candidates are until the end of the month, but for those who are concerned about the direction of Town governance and the processes being followed, this will be a critical election. Remember, Vail has switched to mail-in ballots for this election, so voting will be easier than ever.

Proposed Sales Tax Increase. As noted above, the ballot will also contain a proposed .05% sales tax increase that is projected to raise \$4.2 million in the first year. This will be on top of huge property tax increases in November that will result from a reassessment of property values.

Originally, the tax increase was conceived as a means to fund the Vail Housing 2027 Strategic Plan. That plan was to acquire 1,000 housing units by 2027, six years from now. However, at last week's Council meeting, without any notice to the public, the Council decided to extend the tax for 30 years, thereby, extending the housing plan for an additional 24 years and making it a "generational" tax.

Conservative estimates by the Town are that over the 30-year life of the tax at least \$250M will be raised. Yes, that is a quarter of a billion dollars. As noted, there was very little discussion, and 30 years was picked because that is the possible length of bonding, even though there are no present plans for any bonding. There was also no discussion of how the Town would propose to spend a quarter of a billion dollars on housing or even the specifics on how the money would be used in the near term other than for the redevelopment of Timber Ridge, the Indeed program and some unidentified "CDOT properties" and Minturn references, or what protections there would be to prevent misuse, making the tax increase a gigantic "trust me" proposition (while the money is supposed to be for housing, the catch-all "related activities" is a huge loophole that could be used to justified a lot of presently unknown and unannounced uses).

While Vail clearly needs more affordable employee housing, it does not need to turn over \$250 million or more to the VLHA which so far has exercised no restraint in its efforts to build housing wherever it can, including on open space (both the Donovan Park Middle Bench and the West Middle Creek open space have been on its agenda) and on the golf course. As yet, the VLHA has not demonstrated that it can balance aesthetics and the environment with building more housing, nor does Vail need more architecturally deficient apartment buildings dotting the landscape.

And this proposed tax increase may be just the beginning. Already there is talk of increases in 2022 in the lodging tax to support more marketing of Vail and promote more special events (deferred at the most recent Town Council

meeting until next year because of concern that the community would not support more tourists), a tax increase for regional transportation and still another tax increase for childcare.

The cumulative effects of more taxation will bring other problems, particularly for those in the workforce and the retired living on a fixed income.

Editor Note: Content Contributors. We want to hear what you our readers' have to say about the issues you believe should be asked of those running for Vail's highest elective office.

You may participate by taking the attached poll and then expressing your opinion about the issue of Town of Vail governmental ethics and other TOV matters. Readers please [submit an informed and well-tempered written commentary suitable for public distribution](#).

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