

**Subject:** 2018 Visioning Report - Part 2  
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Chamonix Vail - Should the TOV build expensive affordable housing in Town or less expensive out of Town?

## VAIL HOMEOWNERS ASSOCIATION

### 2018 Visioning Report - Part 2

February 19, 2018

A critical part of formulating a vision for Vail's next 25 years should be planning for the consequences of a significant projected increase in both the resident and visitor populations. VHA has consistently spoken out that master planning should occur hand in hand with consideration of proposed developments, especially when that departs from the character of established neighborhoods.

The Association believes that planning is, particularly, needed for the West Vail commercial area and that the adjacent West Vail neighborhoods should also be included in that process. A similar approach should be used for projects that are proposed in East Vail. Neither area has received master planning attention since they were annexed into the Town in the 1970's and 1980's.

The Association has for some time, also, urged that greater effort be directed outside the community to find prospects for increasing Vail's workforce housing. Recent trends indicate that developers have under consideration several workforce housing proposals in down valley communities. The benefit of taking advantage of market forces to provide affordable workforce housing should not be ignored in favor of projects requiring public tax, cash or density subsidies.

Eagle County is weighing the feasibility of placing a tax to subsidize the development of workforce housing on the fall ballot. Tax increases proposed in a robust economic climate, [see summary of current key economic indicators](#), tend to receive greater receptivity from voters. Vail needs to make hard financial choices between subsidizing expensive workforce housing in Town or incentivizing less expensive mass transit to transport workers

into town.

### **Residential Housing:**

- **Master Plan Compatibility:** Concerns were raised by VHA about the abandonment of a long standing TOV practice to amend a neighborhood's master plan before increasing zoning densities. The TOV did not amend applicable master plans when, during 2017, it considered large scale residential development that included some amount of affordable workforce housing. Master plans are advisory and, as such, are used to document issues or conditions that should be considered before increasing density or changing uses that will alter the character and intent of the master plan.

VHA believes the Town of Vail should update applicable master plans before exchanging higher density for affordable housing or parking, in excess of what is required, which causes [\*\*a proposed supersized development project to be out of character with its surrounding neighborhood or its existing master plan.\*\*](#)

Zoning and Master Planning play important roles in maintaining the integrity of neighborhoods. Special Development Districts (SDD's) are most often used to circumvent the Town's master planning and zoning; more may be in the offing. As [\*\*VHA has continually pointed out,\*\*](#) this is a recipe for wholesale abolition of zoning regulations; allowing developers to "negotiate" with the Town to increase density, height and change neighborhood characteristics is a game that developers usually win. It should not be allowed.

- VHA calls for the TOV to include environmental sustainability in its analysis of proposals that would increase allowed density whether residential or commercial.

- **TOV purchase of deed restrictions:** Private developers see advantages in selling deed restrictions for both existing and contemplated affordable housing units to the TOV. The Town is willing to pay \$60,000 per unit for a deed restriction that limits occupancy to workers employed in the Town of Vail. These types of purchases could, also, have the effect of increasing density in exchange for the purchase of deed restrictions or other special considerations. VHA does not believe the purchase of deed restriction should result in increasing density beyond existing zoning limitations or the granting of reductions in parking, structured or otherwise, or any other special consideration unavailable to all property owners in the same or similar circumstances. The trend toward a new breed of supersized buildings in suburban areas, which are taking advantage of the TOV's purchase of deed restrictions, are in most cases incompatible with the character and zoning restrictions of existing surrounding neighborhoods.

- **Rental by Owner Regulations:** Tighter regulatory control over Rental by Owner of residential property is being extended to the enforcement of nuisance violations, business licensing and the requiring of safety equipment. VHA was successful, along with others, in urging the Council to drop a proposal giving a neighbor a veto over whether or not short term rentals would be allowed in their multiunit building. Such a move could lead to the expropriation of property rights without compensation. The Town instead will rely on a complaint procedure that can result in an offender losing their business license. VHA believes that enforcement which prevents abusive behavior is preferable to causing property right disputes among neighbors. RBO disperses visitors throughout the entire community resulting in less reliance upon increasing densities creating even more supersized buildings. RBO should be considered as an opportunity to encourage a maturing of a market that, over time, incentivizes rentals for both visitors and residents.

We trust that the Vail Homeowners Association engages with the issues you believe are important to sustaining the value of your investment in the Vail community. If not, please let us know.

We speak up and speak out when we see the need to inform and motivate constructive actions. Our efforts are aimed to assist the community in taking advantage of the opportunities and challenges needing to be addressed. We see a greater willingness for the community to join together to face unforeseen and long standing challenges.

On behalf of the VHA Board of Directors, we would like to urge you to support the efforts of the Vail Homeowners Association. Thank you for the support you have given us, and we look forward to continuing our mutually supportive relationship to make Vail the very best that it can be.

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Community Service Links:

[Ski and Snowboard Safety](#)

*Please provide us with Community links that you find useful.*

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**VHA Membership:**

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