

## **Recreational Trails Master Plan Update**

*Comments In Support of the Plan as of 9/7/16* 

Name	
Zach Littlepage	Looks forward to more trails in his neighborhood. He said he is in full support of the expansion of the trails system as an investment and a community asset that leads people to buy houses there.
Yuri Kostick	Speaks as a member of VVTC. Is in full support of Avon's trails initiatives. Will be good for multiple user-types. The comparative benefit from trail investment is high compared to other infrastructure.
Clayton Chase	Looks forward to more trails in his neighborhood. He expressed his support of the expansion of the trail system.
Ryan Portz	He supports more trail systems to disperse high use and encourage tourism investment.
Mac Garnsey	He supports the adding to the trail system as a way to boost quality of life and provide for more user groups.
Gedra Mereckis	Was initially nervous about built trails near her house, but since then they have been a positive feature. She is OK with expanding the trail system but asks everyone to be respectful of the residential area. She does not want the trails to be open for events, races, etc. to ensure quality of life of the residents.
Andrew Bare	He is a proponent of the plan. He proposed a pedestrian/cyclist overpass or underpass bridging I- 70 to increase access to the trail system.
Laura Campbell	She supports the new trails and the connections they make to other networks.
Bill Hubbard	Current trails are positive for the Town, and more is better. Businesses will be helped. He is a proponent of the plan and thinks the negative externalities like trash, dog poop, noise, are negligible. Parking could be a concern.
Chapin Johnson	He is a regular user of existing trails and a proponent of the update to the Trails Master Plan.
Rick Blair	He supports the plan near his property, and says some of the externalities are overblown. Wildlife is less affected by trails than by houses and roads; narrow trails will not be as bad for views as much as Beaver Creek or roads; traffic will be mitigated due to low use during busiest times of the season and day; property values positively correlate with trails. Social trails will create negative impacts. With no races. Newer developments are built with trails; safety would be improved by trail and reducing modal conflict.
Mark Tamberino	Excited for trails for the active community and not for any commercial races in the area.
Pavan Krueger	He is a frequent user and in support, and thinks VVMBA and other volunteer groups can maintain the trails.
Tom	The trails will be a good addition to his neighborhood and wants to volunteer his time and money

Dosch	when they are built.
Sara	Thanks for investing in her neighborhood. Thinks less "poaching" of sensitive calving land on
Fahrney	Beaver Creek will occur with open trails in Avon.
Steve Vardaman	Is critical of "nimby" attitudes and a closed off approach of Wildridge residents seeking stasis in the area. Asks to keep the survey indicating trails as a top priority of town residents. Externalities caused by trail development are less severe than people lead on. Deer are not endangered and an adaptable to humans. Trail users are interested in peace and quiet, too. Scarring is less prevalent than the scarring at Beaver Creek, which many houses are positioned to view. Trail access increas property values. Move P4 to be near the road and out of sight lines.
Chris Anthony	Excited about trails. They encourage conservation attitudes. Nimby attitudes only serve a few. The community at-large does not share the selfish attitude. These trails could help underserved youth in the community access nature.
Mark Luzar	Trails will help economy and tourism, democracy of use and maintenance. Wildlife study should assess incremental impacts compared to the impact of having houses and roads etc. in the area.
Tim Halbakken	He is a current trail user and in strong support of most of the new proposed trails. In regard to P he said it makes most sense to stay as high as possible from the dog park and contour to the wild west trail, instead of descending. He likes the community aspect of the trails - saying hi to neighbors, for example.
Neil Henzler	Generally supports the plan, asks that P3 be moved to stay NW of ridge line, concerned about access from the "access road" near P1; P4 should be higher and generally follow the easement; P4 should only be built after the climbing lane is done; P7 should avoid Mountain Star; P6 is rife with privacy and erosion concerns;
Derek George	Likes the trails as a recreator and as a business owner. Proposes commercial uses for summer.
Brett Kinzler	Supports trails in his neighborhood as community and visitor asset; meet neighbors and introdu visitors to the natural beauty.
Casey Wyse	Supports trails as a user, Wildridge resident, VVMBA member. Asks that support for trails be recognized not only as letters, but also for the countless volunteer hours he and others like him have dedicated to the trails system. Contrasts to the vocal but small group of detractors. Enjoys the views of trails; sees few negative externalities of the current trails inc. parking, traffic. Critical of pretenses being used to cover nimby attitudes.
Thomas C Dubel	Supports trails in his neighborhood; they will have a positive impact on his homeownership;
Tina Vandaman	Supports trails in her neighborhood; enhanced quality of life; easy to enjoy natural beauty; finds opposition to be based on falsities (etiquette, traffic/parking, noise, safety, etc.)
Ryan Sutter	Supports trails as recreator and resident and is critical of opposition based on subjective opinior and speculation. Views trails as a positive community asset; good for his growing family.
Jody Morgan	Supports trails as user and resident; good for growing families; town and neighborhood amenity
Joshua Mauro	Appreciates foresight of Town; Critical of nimby attitudes about visual disruption, deer habitat loss, parking issues, commercialization of trails,

Charles Sherwood	All trails should be authorized; people are generally concerned with change to neighborhood; habitat(CPW comments were based on elimination of all impact and very conservative; lack of data timing of closures; discrepancies in surrounding areas; are incomplete and too conservative); traffic (additional parking will take strain of BC point; provide needed redundancy of trail difficulty); views (areas will be impacted, opinions differ on whether that is positive or negative; hand-built trails are minimally impactful). Trails respond to changing 4 season nature of valley; to the Town's active lifestyle; need evident by social trails; improved enforcement is certainly necessary. Avon needs to move forward; suggests cost effective study of wildlife; Avon does need new trails;
Jennie Thorne	Trails system attracted her and her husband to the neighborhood; these assets are attracting young families; growth of the community relies on development of more trails; opposition is from only a small segment of the population; trail development is good for economic health;
Paul Datsko	Wildridge was attractive due to new trails; social trails ought to be incorporated into trail network; he looks forward to help build new trails.
Alicia Pribramsky	Current trails are positive for Wildridge; used by different age/user groups; concerns do not take the greater community in mind; has confidence that the problems can be addressed by TOA;
Heather Cunningham	Homeowner who supports trail expansion and has many friends who feel the same.
Greg Johnson	Appreciates current trails as a safety feature that reduces conflict; sees little problem with visual impact; concerns against trails amount to NIMBY; CPW report fails to recognize that the neighborhood already heavily impacts wildlife; it is best to establish trails instead of continuing to see expanded social trails; safety will be improved;
Max Harris	Supports upper Metcalf trails as a benefit for the entire valley; lives in Vail and spends time in Avon as a consumer due to trails.
Matt Kozusko	Encourages more trails and their smart implementation; compares his area to ski in/ ski out; he has noted an increase in deer recently, and feels that their presence is a nuisance; he likes riding in his neighborhood and not traveling.
Alex Griffin	Supports trails and their positive impact on his professional and personal life: avid biker and as a real estate broker. It has been easy to sell Wildridge as an active and happening place due to the existing trails, more are better.
Cody Wyse	Enjoys current trails as an asset and way to balance work, training and family. Skeptical of the CPW recommendations due to other impacts in the area; encourages active families to use the area
Leslie Wyse	Current trails are great, and have made the area more desirable to live; frequent user never has issues with mode conflict; no noticed increased traffic or parking concerns by bikers; thinks trail proposal will spread riders out; these trails are cost effective use of town resources and promote volunteerism.
Ryan Williams	Feels it is unfortunate that people are so against the trails; people perhaps show bias against bikers and would be more in favor of hiking trails; is pro trail and is sympathetic to calls for more enforcement of rules; thinks CPW is overstating the potential impact; more trails would be positive of the town.
Dena Soulakis	Encourages more trails and maintenance.

# **Recreational Trails Master Plan Update**

### Comments In Opposition of the Plan as of 9/7/16

Name	Comments
Craig Brue	He believes the plan will negatively impact his view of open space, be a potential noise disturbance and have detrimental effects on the local wildlife.
Jim Jones	He is opposed to the plan as he envisions a tremendous impact to wildlife; sees proposed trails as redundant; impacts on neighborhood.
Suzanne Yager	She would like to see parking addressed for P1, P2 and P3. Concerns about modal conflict - she would like to see hiker-only paths considered for P4 and P5 trails are developed. Proponent of the P8 connector between Wild West Ridge and Wyse Way. Would like a connection between Saddleridge and Wyse. Questions economic impact of increased visitors; concerned over commercial races leading to loss of community feeling; concerns over liability for injury
David Petrowski	A concerned Wildridge resident; major concern is wildlife moving to more inhabited areas; more risk of unprovoked mountain lion attacks; views; trespass on Mountain Star; property values;
Jim Wiley & Patty Young	Their main concern is wildlife and how the development of the Upper Metcalf Drainage terrain would have a significant impact on the environment and wildlife; views; CPW comments citation; privacy concerns; agrees with Paula O'Leary's letter.
Rick Spitzer	Concerned about the impact to wildlife habitat per CPW; erosion due to poor drainage and use during wet times; noise; commercial operations; congestion; trash; and the area becoming too big of a draw; View shed; increasing switchback numbers due to steepness; valuing of Goal 3 vs CPW comments trailhead service provision and enforcement; transparency and right to of homeowners; doubts anyone moved to Wildridge to become a MTB community; wants use data obtained for WAP; economic impact to the Town by bikers; home values; closure of road; want vs need of trails; liability of trails; risk of lawsuits upon construction; no "ownership" of trails by locals; need to weigh cost/benefit.
Terri Brue	Trails stray from the original concept of Wildridge; comments mostly directed at P5 (no longer within plan); CPW analysis confirms that the trails would be a detriment to natural beauty;
Shirley Drury	Wants to maintain the residential feel of her neighborhood; concerns about lack of upkeep on current trails; does not want to see the balance of nature disturbed.
Howell Lowe	There are enough trails in the valley, evidenced by their low use; rather see money go to maintenance of existing trails; wildlife and view concerns; random cars parked; noise; traffic
Susan Clark	She is opposed to the plan and cited the negative effects to wildlife habitat.
Carol Tyler	Against cutting trails into steep sage hillsides. Weary of increased commercial operations in area. Taxes used to Devalue property. Concurs with many of her neighbors. Shares a letter from a friend in opposition to trails.

Jack Gardner	He cited the impacts on wildlife and views created by the proposed trails in Metcalf Gulch. He described the "Viewshed Analysis" as inaccurate. He does not think P2 should be constructed since P3 would accomplish the same thing with less impact. Follow CPW recommendations and covenants; concerns over accuracy of viewshed analysis; protect natural beauty; follow protective covenant; agrees with Paula O'Leary's Letter; TC should follow PZC recommendations; CPW; development code prohibits trails; protect natural beauty;
Leslie Roubos	Concerned over ruining the quiet nature of her neighborhood; neighbors share the common thread of appreciation of landscape within residential community and desire for maintenance should be balanced with desire to enhance recreation; concerns over property values; privacy; traffic; safety concerns; visual scarring; trail etiquette;. Avon already offers more trails than most other towns and does not need more in the interior of the neighborhood. Specifically opposed to P4 for privacy. Opposed to P1-3 for parking and truck needs; wildlife; environmental effects; traffic, safety; opposed to p4 because too close to homes; P1-7 due to CPW comments
Eagle Valley Land Trust	EVLT preformed an initial assessment of trails within the Preserve. Approval of trails needs careful consideration and might not be possible. Any trail must protect habitat and range "to at least the standard that currently exists". Future trails would need to demonstrate that the mitigation outweighs the impacts to wildlife. P8 would need further study to assess the impacts and suggest mitigation.
Sarah Smith Hymes	Critical of trails within a residential area; bikers should want to bike away from homes; wildlife concerns; noise; traffic; commercial activity; general disruption.
Scott Leonard	Concerns about P6 and privacy for residents.
Bill Reisinger	Already enough trails in the area; Wildridge already has high volumes of trail users; concerns for wildlife
Sherry & Chuck Bunting	Critical of the cost-benefit of new trails for the town; P4 would ruin views; redundancy between new bike lane and trails; traffic and parking; peace; privacy; security; property values; assumes trails will be used primarily by bikers; judges the trails as an expensive use of taxpayer money and will not reach a reasonable ROI
Jan Wisor	Primarily concerned with P1-3 will add more traffic to streets; limit parking so people need to bike up to use trails
Brad Seaton	Concerns over visual impact; commercial uses and events; concerns about households accessing the trails;
Peter & Judy Copses	Concerned Mountain Star homeowner; P1-3 invites trespass from the Mountain Star side; trespass would cause erosion, and loss of habitat; risk of liability over injury; difficulty to monitor/enforce; noise; trash; motorized travel along route; other nuisances; lots more opposition than support that should be noted; urges following PZC recommendation;
Douglas Patton	Strong objection to P1-3 for encroachment of trials in Mountain Star residential areas; enforcement of rules; funding for trash removal; trespass; traffic. Suggests spending money on existing trails maintained. Agrees with Paula O'Leary's letter.
Faye Rozier McKenny	Opposes dirt trails as Wildridge resident; concerns over traffic; loss of tranquility; child safety; restroom provision.

David Daigle	Troubled over loss of peace and serenity and the potential destruction of his neighborhood and way of life. Asks for a no vote on P1-4 and 7.
Jane Leavvitt	Concerns over loss of quiet, tranquil, family, and wildlife oriented community; traffic; illegal parking; wildlife; views; congestion on trails; irresponsible use of tax dollars;
Pam Warren	Concerned over views; that the plan veers from the original intent of Wildridge; removal of flora; noise; damage to habitat; traffic; safety concerns and response times to injury; long term cost implications and ramifications; pollution; . Amounts to reason enough to move. CPW citation; Agrees with PZC recommendation; erosion concerns; high costs; enough trails in area; development in steep slopes; protective covenants;
Janet McDavid	Enjoys views of Beaver Creek, Metcalf Gulch, mountains; concerns about inconsistency of trails in residential community; damage to ecosystem; numerous trails in the valley which are underutilized; trails inconsistent with open spaces during Wildridge development; violation of protective covenants stating travel is allowed but not construction or unreasonable damage/ defacement; noise and disturbance; need to study trails demand; negative fiscal impacts of recreation users for
Gary McDavid	Concerned about Metcalf Gulch views; does not want to become a residential/mountain bike community; traffic; noise and disruption; increased signage; transient bikers; habitat loss; consider the burden to the community. Cites CPW; destruction of community; trespass; suggests trails as part of Traer Creek; critical of other capital projects and their payback
Jerry McMahan & Mary Harrel Lawrence	Opposed to area becoming a bike mecca for outsiders; traffic - Wildridge road emergency access and modal conflict concerns; lack of enforcement of etiquette; modal conflict on trails; wildlife per CPW;
Derek George	Concerns about P6 and privacy for residents; erosion; theft and break-ins.
Nancy Adam	Concerns about P6 and invasion of privacy; erosion and mudslides; vandalism, theft, parking; wildlife.
Gene Fitzgerald	Concerns about P6 and erosion; security; redundancy.
Ann & Alan Mintz	Concerns over advocacy by bike shop owners promoting commercial events; wildlife loss; loss in esthetics; inevitability of motorized use; CPW comments concerns; contradiction in trails and residential area. Should be preserved.
Mitch Whiteford	Concerns about existing commercial drop-off activity expanding; lack of medical personally to respond to crashes; worried about more downhill routes
Barbra Harris	Traffic; wildlife; encroachment on neighborhood; lack of use of existing valley trails.
Mike Neff	Negative impacts of current trails outweigh the benefits in Avon's only traditional neighborhood. Trespass; damage to private property; wildlife impacts; negligible tax revenue increases; no consent of the people of Wildridge. Agrees with Richard Spitzer's letter; erosion; enforcement of rules; only for expert riders
Jonathan Schwartz	Opposed to the change in the neighborhood feel, peace and quiet. Trails offer little to residents; erosion; trail width expansion; CPD comments is cited. Agrees with Paula O'Leary's letter.
Phil Horsman	wildlife habitat infringement;

Hillary Welch	Plan is against peace, quiet, wildlife; current trails have too many negative externalities like traffic; wildlife loss; noise; cites CPW
Peter Buckley	Trails will hurt property values; poor use of tax dollars; increase traffic; wildlife; supports Paula O'Leary's letter;
Tripp Plavec	Enough trails in Avon; property owners don't want it.
Doug and Lisa Currey	Distressed of more expert only trails. Impact wildlife; noise; visual impact; excess of bikers who ignore signs; trash; fire pits; problems of nighttime use; lack of enforcement and response from Town; keep Wildridge for residents. CPD citation;
No Name	Too Much Traffic. Wildridge is against it.
John and Judy Perdzock	Against unconscionable mix of trails and residences; Trails P1-3 will ruin wildlife; visual impacts; erosion; CPW citation; trespass; bikers will distract drivers and cause hazard; current service provision is not being provided as promised; new links would be redundant; violation of covenant against commercial activity; additional unnecessary liability; vandalism; poaching of Mountain Star. Questions: Home census of Wildridge? Does viewshed analysis include all parcels or just built homes? How many homes are in the yellow area? Viewshed analysis for Wildridge Road or Metcalf Road? Should Upper Metcalf drainage be considered an avoidance zone? Rare plant habitat on planned trails? Asks for a no vote on P1-8.
Dan & Terry Smith	Concerned about attracting riders to area; wildlife concerns; ruin peace and quiet; modal conflict between bike and car; encroachment of services on open space;
Roger Michaud	Trails are contrary to preservation of protected areas; hurts many, helps few; excessive use of Beaver point as evidence of negative impacts of these trails; visual impacts;
Joan Willoughby	Concerns over increased traffic; emergency access and fire protection; habitat loss; commercial races; esthetics; increased modal conflict between bike and auto; no financial benefit; intrusion into the neighborhood; Agrees with Rick Spitzer's assessment; wonders what percentage of bikers live in Avon.
Norma Horton	MTB would disrupt lifestyle; lack of etiquette leaders to modal conflict; skeptical that the investment will draw wealthy riders and investment
Leigh Horton	Dismayed over wildlife disruption; geologic problems (earth movement, compaction, turbidity in creeks, reduced root bases); increased social trails; visual and auditory clutter; parking; trespass; etiquette problems; already enough trails in the valley.
Althea & Cliff Callaway	Moved there for peace and quiet; concerned over wildlife loss; suspicious of bike mecca ruining the area
Art Farr	negative impact on residents; would ruin rural feel; wildlife; CPW citation;
Doss Malone	Priority should be conservation and preservation of natural spaces, wildlife habitat, views. Concerns about all these problems. Region is resplendent with trails already. This is not a recreational area; urges PZC recommendation to be taken; trails are not worth the destruction;
Jan Livergood	Human disruption should be curbed; traffic concerns;
James Overcash	Loss of seclusion in neighborhood; emotional and physical impacts; impacts on nature;

Russell Rice	Negative wildlife impacts per CPW; poor enforcement of regulations; safety; parking; congestion; egress; viewshed concerns; inaccurate cost estimates due to exclusion of additional services.
Lodewijk de Vink	Suspicious of Wildridge as a biking destination; impacts on landscape; impact on serene area; traffic; modal conflict on trails; service provision at trailheads; misuse of tax money; CPR comments.
Ann Hodel	Trail building, especially P4, would deter her potential home buying in area due to noise; safety; privacy; wildlife; not suitable for MTB trails; CPW comments; viewshed; inadequate closure enforcement; congestion; egress.
Herb Pozen & Milly Goldstein	Trails would not benefit residents; violate peacefulness; traffic;
Carel & Marc Slatkoff	Concerned about P4 Beartrap parking lot; wildlife per CPW comments suggest more research needed.
Mountain Star Association	Particularly concerned about P1-3 due to trespass of MS and private property, particularly downhillers; CPW comments on wildlife; burden of enforcement on MS;
Paula O'Leary	Concerns about stakeholder process; plan does not account for needs of residents; one-way communication; expert nature of trails limits usage to few; inadequate data and analysis to go forward; P1-4 should be eliminated per CPW; skeptic of current management practices by TOA; lack of connectivity to near Town Core; potential of commercial uses; potential to disrupt egress to Wildridge; erosion; cost of policing and future management; wildlife; fiscal responsibility; public safety; privacy; respect neighborhood concerns.
Peter Warren	Concerned about new proximity to trails; congestion; CPW comments; covenant violation; asks Council to decide with the constituents of Avon;
Bob Willoughby	CPW comments traffic; emergency service conflict; liability concerns; commercial activities; erosion and soils concerns; abundance of trails in valley; disruption of way of life; burden of many for benefit of few.
Mark Kogan	Concerned over proximity of trails to Mountain Star; trespass; CPW comments and perceived hypocrisy in making police/fire green and damage to wildlife in this plan;
Dave Scherpf	Concerns over cost and tax dollars; few bikers will be able to ride aggressive trails; service provision at trailheads; visual scarring; lack of enforcement and upkeep at WAP; tax money concerns; front door of Wildridge ruined.
Daniel B Griffith	Concerns that this violates covenant; land is allocated as utility and drainage only; covenant needs to be read by decision makers; covenant is enforceable by residents, the Town;
Mary Ann Scherpf	Tax money could be better spent; existing trails are in need of repair; concerns over visual impact; habitat loss; loss of residential feel;
Steve Coyer	Mountain Star is unanimous in opposition; cites Association letter; cites CPW; threat of trespass; new trails should be near existing ones; concerns over VVMB overreach; area already has trails; legal issues with charter;
Prentice O'Leary	PZC duties are in conflict with the trails proposal; process was not transparent; damage to natural beauty; risk of erosion; risk of safety and congestion; cites CPW; enforcement of rules.
Jolene Dart	Concerns about P6 trail; it is redundant and a risk of privacy and erosion.
Roberta Schwartz	Resident against trails; ruins pristine area; erosion; increased social trails; wild animal loss; cites CPW.

Rebecca Kiser	Residents live in area because of wildlife; quiet and peaceful; concerns of traffic and financial burden. No to P1-4 and P7.
Jackie Boris- Work	P4 runs under their lots, and is concerned about the trails within and not on the periphery of the subdivision; proposes connection on the existing road; proposes trails near the road to minimize visual impact; P1 is effective but P2 and P3 damage wildlife.
Ben Peternell	Asks for a no vote on P1-4 and 7.
Clifford K Callaway	Asks for a no vote on P1-4 and 7; notes we have plenty of trails.
Alice Leeds	Asks for a no vote on P 1-4 and 7.
No Name	Asks for a no vote on P1-4 and 7.
Tom Ruemmler	Asks for a no vote and requests a cost-benefit for trails and widening of Metcalf.
Greg Sampson	Asks for a no vote on P1-4 and 7.
L. Kelly Jones	Understands the difficulty of decision making in this matter; enjoys neighborhood feel; active enjoyment should be limited to appropriate locales;
Michael and Patricia Saunders	Mountain Star owners concerned about trespass; injury claims; risk of theft and property damage; noise and other nuisance.
Ron and Val Wolfe	Oppose Metcalf trails due to negative impacts on wildlife and trespass.
Tom Jasper	Asks for a no vote on P1-4 and 7; for safety; noise; environmental concerns; trespass.
William and Katie Weaver	Mountain Star owner supports assessment of Peter Copses and his position.
Jim	Mountain Star resident who opposes all trails north of I70; concerns over environment, safety, liability, commercial mtb activities in the area
Jim and Suzan Dreisbach	Trails would not benefit residents; violate peacefulness; traffic; more bikers riding up Metcalf; visual impact; wildlife; great trails already in the area; parking;
Terese A Holmquist	Wildridge trails are at a good level of development; alter natural landscape; wildlife habitat; increased conflict between drivers and animals; trespass; addition of trailhead facilities is too much due to lack of space;
Casey Holmquist	Opposes P1-7 cites CPW and EVLT letters; concerns of habitat loss;
Linda Overcash	Asks for a no vote on P1-4 and 7; concerns over encroachment into neighborhood; cites CPW;
Mark and Tami Marto	Opposes trails in her neighborhood; disturbed serenity; wildlife; traffic concerns; does not think MTB community provides much cash; is a biker and does not want more trails; visual impact; Forest Service thinks the Metcalf trails are a bad idea;

Kit and Jan Cammermeyer	Critical of no pets decision; likes P8; P1 seems to serve only downhill bikers; P2-4 are also opposed; P7 should be for all users; P6 is opposed for erosion issues; all trails should be wide enough to accommodate many users at once.
Mike Farr	opposed to trails for wildlife; scarring and erosion; water pollution; plenty of trails in area; property values; traffic; parking; safety issues; trails become boring to repeat users quickly; little economic benefit; trash;
Gary Olson	Urges rejection due to wildlife; watershed issues; soil; vegetation; lack of infrastructure; residential nature of neighborhood; associated nuisance of trails;
Jon and Bobbi Schwartz	Ask for a no vote on P1-4 and P7.
Howard Leavitt	Cites CPW; does not want to pressure animals more; possible threat of mountain lions in residential area; no need to create more trails or a world class experience within Avon;
Christian Farr	Public lands within neighborhoods should not be trails; wildlife enhances quality of life and would be diminished; neighborhood should be an example of harmony with nature.
Marjorie and Robert Fink	concerns with etiquette of current trails; less inclined to use them than before; home values would suffer; quality of life would fall; neighborhood should not be a biking destination.
Herb Luhman	Concerns over transparency of plan; better use of funds.
Garfield & Hecht	Concerns over breach of covenant; plat prohibits trail construction; public gatherings; trash; wildlife; honor the original intent of the plat; trespass; erosion; emergency access problems; issues building on steep slopes; cites CPW letter;
Gasper and Irene Lazzara	Concerns over safety; trespass; theft; parking and traffic; social trails; environmental concerns; liability of injury; noise and nuisance.
Denise Durkee	Opposes the negative impacts of the trails; cites CPW;
Raymond and Mary Olivas	Cites CPW; does not more trail in their neighborhood.
William and Francine Hecht	Oppose trails because of redundancy; cost; environmentally irresponsible; wildlife issues; property values.
Jim Horan and Diane Sampson	Urges TC to follow PZC recommendations; cites CPW;
Mike Coleman	Concerned about P1-5 and their visual impacts; cites CPW;
Terie Roubos	Visits the area and is against the trails due to wildlife loss and visual impacts; intrusion of neighborhood;

Janet Perdzock	Agrees with Paula O'Leary's letter.
John Minervini	PZC followed CPW advice and EVLT to recommend no new trail development; special attention should be paid to existing trails for signage; usage; erosion; enforcement; parking; trash; elimination of WAP trails.
Jim Yager	Opposes trails through his residential community; Agrees with Paula O'Leary's letter.
Linda Spooner	Opposes trails and agrees with neighbors' points of view.
Michael Blair	Trails oppose the intent of the community; protective covenants would be violated;
Douglas	Concerned about volunteers building trails inadequately constructed for erosion; maintenance and
Werner	supervision; visual concerns; encourages rejection of p1-7

## **Recreational Trails Master Plan Update**

Suggestions for the Plan as of 9/7/16

	Suggestions
Mark Stephens	suggested the Town consider a shortcut on the west side of the Avon connector.
Peter Warren	He emphasized the need for more/better trail etiquette and said he cannot endorse moving ahead on creating more trails before issues are addressed. Would like an environmental impact analysis prior to trail approval for construction.
Jen Austin	Suggests a wildlife study specifically for Brewster's sparrows, and use restrictions from April 1 to July 31 for conservation.
Rick Spitzer	Would like a statement restricting the use of trails for only non-commercial, non-race uses. Suggests more study by CPW for animal dens and fawning; concerns about downhill dropoff. Cognizant of generational and nimby issues. Would like to see P1-3 as hiker-only.
	Metcalf Creek runs in all but the driest years; soft trails can cause degridation through poorly constructed trails causing erosion, trampling of vegitation, invasive species, or direct disturbance
Eagle River Watershed	of water areas; should be mitigated thorugh a buffer zone, limiting crossings, and perpendicular crossings.

Council Members,

My name is Mark Tamberino and I am a property owner at **Sector** in Wildridge. I am writing this letter to encourage my council members to vote in favor of the Avon mountain bike trail system. I find that it is a great asset to our active community! I highly recommend we keep these trails for public use only. And not to provide these trails as an asset to any race program as the area is not designed to accommodate that kind of traffic. Thank you for taking your time in reading my comments, and thank you for your time and serving our community. Best regards,

Mark Tamberino Kirby Cosmo's BBQ BAR Dear Avon Council Members and Planning Director,

I understand that there are plans in the works to build additional trails in the Avon preserve area. Already Avon has become a biking mecca that has begun to rival the celebrated Eagle Trails. As the plans will be discussed on the 26<sup>th</sup>, and I won't be able to attend the meeting, I wanted to voice my support.

I have been riding the Avon trails several times a week since they opened for the season. It has been wonderful to have some great riding in my front yard well before most of the other local trails open. The diversity of the trails is fantastic- it is a great place for some hard climbing and descending, or some easy, fun laps with the kids.

I had the pleasure of doing some trail work last Wednesday on Berry Creek with the VVMBA, Jamie Malin and the Wyse brothers, among many others. They did a great job of educating the volunteer builders, and helped us understand the concepts behind a well built, flowy, sustainable trail. I was glad to see the level of thought that goes into building the trails, and that they are being built to last decades. These trails, and future trails, are in great hands.

I don't live in Wildridge, so I don't see the impact on traffic and parking, but my impression is that most people who enjoy riding the trails prefer to climb first, so they tend to start the ride at the base in Avon or Singletree. And many start from their homes locally. While the trails are well-used, I have never experienced congestion that is annoying or impedes traffic. I have seen a lot of camaraderie and polite trail etiquette. I can't imagine not supporting what I can only see as a very healthy outlet for kids and adults alike.

I hope that you will continue to support building amazing trails that are putting Avon on the map.

Pavan Krueger

Pavan Krueger

Krueger Architecture & Design

To all,

As a resident in the Wildridge area I want to express my total support for the new trails master plan in the Wildridge/Wildwood area.

I use the current Avon Preserve trails almost daily when I am in town and believe additional trails will be wonderful for not only neighborhood residents but all residents and visitors to the Vail Valley.

I also would like to volunteer my time and money when trails need to be built.

I urge you to proceed with this project.

Thank you!

Tom Dosch

Avon, CO 81620

I am a homeowner in Wildridge and live very close to the new trail system on Saddleridge Loop. I just want to say thank you for investing in my neighborhood. I feel the improvements you've made in our open space not only have improved the desirability & value of my home but have also brought the community together. I now bike commute (on dirt!) most days from my house to the business I own on Nottingham Road and nearly every time I run in to a neighbor or two on the trails. I also now have a safe trail system for my kids, who are both on the Battle Mtn Cross Country & Track teams, to trail run that is close to home. Another great benefit that I am not sure was intended is that because we are on the dry side of the hill, with our new trails open so much sooner than the resort trails, my husband who works for Vail Resorts building trails at Beaver Creek, believes that there has been less poaching of the resort trails while they are closed down for elk calving. We used to joke that our property taxes went to the extra-long fireworks show every year but now we can really see our taxes at work making a difference in something we care dearly about - our neighborhood, the community and the environment. I imagine in your positions often enough all you hear are the complaints and the negatives to the decisions you have to make. I'm here to say that even though there might be some negative remarks by a few, what you have done here is overwhelmingly to the good and me, my family and my many neighbors approve! Keep up the good work.

Sincerely,

--

Sara Fahrney

President Vail Tax & Accounting Dear Avon Council members and staff,

Please accept my enthusiastic support for the proposal for ongoing soft surface trail expansion throughout the neighborhoods of Wildridge & Wildwood in the Town of Avon.

It appears there is a (very vocal) minority in opposition to any new trail development. I'm happy to support your continued work to find compromise and common ground, but their arguments are NIMBY ism at its purest. "Build houses, driveways, roads, etcetera until 'I' arrive and make it my home, then stop all progress." Many of these folks are proud to state how many decades they have lived in the Town of Avon or Wildridge/Wildwood neighborhood. Well, I bought my first Wildridge home in the early 1990s too. The neighborhood looks different than it did back then. There has been a lot of development, infrastructure improvements – in other words – PROGRESS. This is a good thing! Do not forget that a recent survey of the town's residents indicated that improvement of recreational trails opportunities was a resounding top priority for their quality of life.

Some arguments I've heard against this trail plan draft proposal:

*These trails are only for elite level athletes.* Not true. I hike/ride these trails daily and appreciate the compliment, but I'm certainly not an elite rider by any stretch. Nor are my children, my wife, or my mother-in-law. But we immensely enjoy the WAP trails and look forward to additional variety. PB&J and Our Backyard are enjoyed by young kids and families with strollers and Strider bikes. I love the current variety of various ability level trails and enjoy watching my children grow and aspire to ride something harder.

*This is causing a parking problem on Nottingham road*. – Not true. One of the benefits of trail development on the south-facing, generally drier side of the valley is longer seasonal use than other hiking and biking areas. As a result, WAP is a very popular rec area in the 'early' and 'late' seasons. If you notice, however, there has been no parking congestion whatsoever in this area since other area local trail restrictions has been lifted. Use of this parking area is sporadic, variable, and seasonal – certainly not a parking 'problem'.

*This is causing a parking problem on Beaver Creek Point.* I do sympathize with the vocal homeowner who lives across from the relatively new trailhead parking on BC Point. However, this is a somewhat unique situation to one particular trail and not indicative of the sport of mountain biking in general. Lee's Way Down is a technical DH trail and is the sole reason there are non-residents shuttling bikes and riders back to the top, partying in the lot after hours, etc. Many of those riders are using heavy DH bikes, they are not utilizing any of the other trails in WAP, and it's unfair to categorize all mtn bikers as falling into that group. A perfect example is the lack of a similar problem at the Old Trail Rd/June Creek Rd trail head. There are no shuttling or trail user parking issues there because the access there is for **cross-country trails**. A good compromise is to re-assure residents that the current proposed trails are not designed as 36", machine-built DH trails. As long as we do not build another LWD, we will not have similar problems with shuttling at other trailhead areas. The trailhead for P1-P3 is at the bottom of the trails, so there is no way to shuttle this ride with a vehicle anyway.

*Crazy mtn bikers are mowing people down*. – Not true. My experience is as anecdotal and unscientific as anyone else's, but I have experienced nothing but polite co-existence amongst

pedestrian and cyclists on these trails. I have yet to have an unsavory encounter. Courtesy begets courtesy. Follow the IMBA Rules of the Trail. Lee's Way Down again is an anomaly in this regard due to its high-speed DH flowing design and bermed corners. I hope no hikers walk down that – it's not a good mixed use trail. There is too much of a speed differential for peaceful hiker/biker coexistence.

**Invasion of privacy? Noise issues?** This argument gives the impression that droves of voyeurs, peeping Toms, and loud partiers are the typical trail users. Huh? Trail users are as interested in peace and quiet as the adjacent homeowners. Trail users are concentrating on the terrain and views in front of them, not what's happening in someone's windows. It's an empty excuse. The current West Avon Preserve trails are silent with the exception of giddy children's laughter and the panting hyperventilation of happy, healthy recreationalists.

*Commercial use and entrepreneurs will make profits from this trail system?* – I can't imagine this taking off as a viable commercial use. At most, bike shuttling will be a private niche activity for a specific subset of trail user. Entrepreneurs making a profit?? No one is getting rich. LWD takes 3 minutes to ride down. No one is paying for that shuttle.

**Harrington's Penstemon.** These plants appear to be only positively affected by soft-surface trail construction. It's not a coincidence that there are more penstemon immediately adjacent to the relatively new WAP trails. - These trails were not built too close to penstemon habitat, it is *because* of the disrupted soil of trail construction that caused this flower to thrive. You can see the same effect near the recently-improved Berry Creek Forest Service trail. That area is ripe with these beautiful and unique flowers.

*The deer will be affected.* – Mule deer are not an endangered species and are known to be adaptable to human settlement.

*Trail building scars the hillsides.* That is one's opinion. I think paved roads, high-tension transmission power lines, dog parks, single & multi-family homes, and driveways scar the hillsides. Not soft-surface trails. Opponents talk about vistas and undisturbed landscape, but what do we see when we look out our windows to the south? *Trails*. Beaver Creek ski *trails* are the desirable view from all of Wildridge.

There is no more visible or conspicuous 'scar' on the hillside of Wildridge than the road cut of Wildridge Rd between Old Trail and Beartrap. On the other hand, 24",non-bermed, hand-built, soft-surface trails are virtually invisible compared to any other type of human development.

**"I can't even imagine what they mean by a** *world-class* **trail system?"** (comparing to Vail & BC ski mtns – and drawing a parallel that construction of new trails is meant to increase use and maximize ridership numbers) Not true. What we mean by a 'world-class' trail system is one that is well-designed and properly built with consideration for future maintenance, trails that are visually interesting and fun to ride, and trails that help hikers and bikers avoid interactions with vehicular traffic.

*Who would possibly want a soft-surface trail running adjacent to their property?* Well, me for one. This idea is nothing new. Ski-in, ski-out property, property near parks, property adjacent to open space, and property that backs onto national forest all heralds a premium in property values. Hiking, cycling, and outdoor exercise is a big part of my family's well-being and I am excited that our community is recognizing the importance and value of this community amenity. I *do* want a ride-in and ride-out neighborhood. This will increase our property values by making it a more desirable place to live.

I am disappointed to see the elimination of P5 from consideration. If this concession was necessary to appease NIMBY concerns, then so be it.

P4 will be a valuable addition to this network by adding a fun, soft-surface connector to P1-P3. Re-routing this proposed trail just uphill (within 10') of the existing Wildridge Rd road cut will make it virtually invisible to many home site lines versus placing it in the middle of that open space as the map shows.

Thank you for your foresight, passion, and commitment to improving the recreation options and quality of life for residents and guests of Avon. The Town of Avon is not a planned retirement community where the only activity should be feeding the pigeons and keeping kids on a leash. Wildridge is not a private neighborhood either. We live in a public, vibrant, diverse outdoor-recreation-centric community that does rely on tourism and it's attractiveness to non-residents to help support it's economy.

I am not a tourist; I am a resident taxpayer and yes, this is in my backyard.

Respectfully,

Steve Vardaman

Town of Avon City Council,

TOPIC: New Mountain Bike Trails

Hello my name is Chris Anthony. I grew up in the Valley and have lived in the for around 30 years??? I have recently heard about the addition of new mountain bike trails surrounding our little town. I can't express how excited I am about this as well as how important this is to who we are and what we represent. We are a town hosted by an amazing environment that would like to share itself with us to enjoy and take care of. Which brings me to the first point. I find when people can take advantage of the land they are more committed to taking care of it. A majority of our population has moved here to enjoy the lifestyle we have not only marketed but built our lives around. I'm always confused by the few that have move here and bring their habits from where ever they came from and try to change this culture. The ones that complain, which is the few and very loud. While the majority sits a silently. I'm referring to the few that might oppose this improvement for their own selfish reasons. And that is exactly what that is, selfish. They serve so few. We are not a selfish community. In fact we are community that shares and takes care of our surroundings as well as our own. In doing so we have a responsibility to grow this part of us. Trail system connects those that want to take care of the environment and share it. Trails bring communities together.

I have a youth project in the valley. One of the amazing things that I have learned is how few of our youth do get out there and understand the surroundings. This is another way to place in it, provide education and create early adapters to take care of it.

Pleas support this wonderful addition to the Valley.

LINK TO YOUTH PROJECT: http://www.chrisanthony.com/youth-initiative/

Best Wishes,

Chris Anthony Chris Anthony Youth Initiative Project Ski Guide Warren Miller Athlete

TWITTER & INSTAGRAM

Dear Mike, Jake, and all Avon town council members

Mike, Jake and I had a short discussion about the Avon soft surface trails expansion in the Upper Wildridge area at the Blues and Brews festival in Avon a few weeks ago. I write this email to document my input, view and my request that the council commence construction on the Upper Wildridge trails expansion as soon as possible.

If need be, this could be in a step by step manner as I said at the June 15 council meeting. When one leg of the expansion is in question, please agree to commence building the other trail legs in 2016.

I have voiced my positive opinion in two previous Avon town council meetings and with other members of the council in various discussions over the past four years. I will continue to support our Valley's soft surface trail development into the future.

1) Economy and tourism: I believe that the valley lives on tourism. Preventing tourism expansion impacts our ability to generate the growth needed to sustain and enhance our community. Although the economy is doing better now than the post 2008 recession, expanding summer tourism venues will surely benefit us in future if harder economic times come to pass. I believe that you know how soft surface trails have had a positive impact the economies of Fruita, Steamboat and Moab to name only three.

2) Wildlife impact study: I would ask that this study clearly documents the **incremental impact** the upper Wildridge trails expansion may have compared to the impact that the entire Wildridge and Wildwood community housing and roads currently have and will have into the future. I would like to know if quantifiable and/or significant impact exists beyond the already existing human encroachment on wildlife. If it is significant, does the boost to the economy, living standard and enjoyment of the majority of our residents nevertheless justify the incremental impact?

3) Democracy: I use the Avon preserve and other Valley trails constantly for pleasure; whether I'm enjoying building and maintaining or hiking/biking them. As I am always trying to drum up support, I ask almost everyone I meet whether they like our improvements. Without counting, I am sure I have talked with way more than 200+ local and out of town people. I have only run into one (1) person, while we were doing trail maintenance on Berry Creek this year, who voiced rather negatively "I liked it the old way with rogue trails". My three most recent positive encounters were on the Avon preserve trails. A bike mechanic from Steamboat, a group of four from Indiana and a group of five from Denver. They said they love the new trails and that Avon is developing a great reputation. The Denver group said it was like riding in Disney Land. I know that you will consider the majority view in your decision process.

With respect and sincerely,

Exhibit C

Mark Luzar

I do not believe we need to deface and scare the hillsides in our Wildridge neighborhood and second, I do not see why the town council of Avon has any right to decide to tear up our neighborhood and encourage tourist and enthusiast to invade our privacy. The interested parties if allowed will open up our neighborhood to tourist, competitions and would like to make Wildridge trails a "World class mountain bike trail system" bringing in people, traffic, parking and congestion problems. There is already talk of individuals running for profit shuttles up and down our streets and roads from the town of Avon.

Next there may be entrepreneurs making profits from the use of the new open space trail systems which is being promoted as recreational use for residence. The individuals behind this program are for self-satisfaction and profit most who do not live in Wildridge. As stated in the "Management Plan for West Avon preserve, The Town is obligated to uphold the terms of the CE including ensuring that all acts on and uses of the Property must have a positive impact, neutral impact, or no impact on the protection of the Conservation Values as determined by Grantee in its discretion". I hardly think scaring the hillsides with paths introducing hundreds of people into a protected area is a positive or has no impact. If the town wants to build paths with the area between Wildridge and Singletree, so be it and if they want to build paths east of Mountain start go to it but stay out of Wildridge. But in our own backyard that is a different story, the trails we currently have endure enough of an impact. We do not need a ride in and ride out neighborhood as stated by a few enthusiast. As a neighborhood we should at least be able to get together and vote on this matter and it should be conducted by the town of Avon. Since our neighborhood has so many second home owners, all home and property owners need to be notified and the vote should be done by mail.

Thank you please email or call me with any questions or information

Brad Seaton Sent from my iPhone

Exhibit C

From: Rick Blaid Sent: Sunday, June 26, 2016 11:39 PM To: Matt Pielsticker Subject: Avon Trails Master Plan

Mr Pleisticker,

I have a second home at **the second s** 

I viewed the video of the meeting and I have to say I was incredulous at some of my neighbors opposing the new trail. Here are my answers to their concerns.

- 1. Wildlife Impact
  - Cyclists and other trail users have minimal impact to wildlife compared to the giant houses, roadways and other infrastructure already in the area.
  - o I regularly have deer sleep against the back of my house.
  - When I use the trails currently, I am immersed in the wildlife. I see deer almost overtime I ride there. I have also seen coyotes, lots of chipmunks and falcons fans hawks lying overhead.
- 2. Visual Impact
  - I can view the current PB&J trail from my house. It is a narrow 36" Dirt strip. In the background are the 200+ wide trails at the Beaver Creek ski area. I can also see paved roads and large, gaudy houses.
- 3. Increased traffic
  - These trails have little appeal mid-day during the height of the tourism season. They have constant southern sun exposure which makes other trails in the valley more desireable during middle summer months.
- 4. Property Values
  - In Colorado, having trail access near your property is like having beach front property on the coast. Home values in Jefferson County and Boulder County are extremely high for properties near trails.

From the perspective of a second homeowner, just to go for a walk currently you have to walk on the road with traffic and for trail hiking you usually need to drive to a trailhead somewhere. I also think increasing population in the Eagle Valley and in-fill in Wildridge could lead to the creation of social trails, I would much rather see professional trails designed by an engineering firm both from the prospective of potential erosion and usability. The current trails in the West Avon Preserve are some of the best I have ever been on and they are surrounded by wildflowers, wildlife, etc..., a fantastic experience you do not gain by walking on the shoulder of a paved road for cars and much safer too.

A lot of modern suburbs are now being included with public rights of way for trails and not just roads. My mom is from Crested Butte, one of the amazing things about that town has always been the trail access directly from town. I think in existing areas where this has been implemented it has been very successful.

I am also excited about the possibility of the P8 trail connection to Forrest Service trails.

Please let me know what I can do to assist or influence the completion of this plan.

Thank you for your time and consideration.

-Rick

From: Sent: To: Cc: Subject: NEAL Wednesday, July 06, 2016 4:21 PM Debbie Hoppe Matt Pielsticker; Henzler, Robin Comments on Avon Trails Plan

Hi Matt and Debbie,

Thanks again for your efforts on the Recreational Trails Master Plan Update. I was present at the June 15, 2016 meeting, and commented on video. I have owned property in Wildwood since 1992 and have been at my current residence at a since 1998.

I would like to add some additional comments:

1. Overall, I support the proposed Upper Metcalf Loops. The addition to the Avon Trails system is needed and is an amenity for the entire town. Historically Wildridge and Wildwood have been quiet neighborhoods; the Town Open Space provides undisturbed landscapes and privacy away from the noise and business of the valley floor. The trail designs need to respect those views and not infringe on the privacy of residents. Adding more trails will increase vehicle traffic and degrade the quiet that makes this neighborhood unique to the valley. Specific concern include:

a. Proposed trail P3 should be aligned to stay on the northwest aspects of the ridge line, especially on the lower section. The southeast facing slopes are very steep, and provide a downhill view less than 1/10 mile to the properties south of the gulch. Most of the current and proposed trails are below existing properties, while Wildwood residents would have trail users looking down on them with a loss of privacy. These steep slopes are whiter due to less vegetation, and the potential for



erosion is significant.

b. Another concern is the proximity of the proposed P1 trail to the old ranch road connecting Metcalf creek with Mountain Star. Unless access to this old road is block, Mountain Star faces trespassing issues as bikers will want to explore the old road. How will the Mountain Star owner's association feel when the Town of Avon has introduced trespassers due to a new biking trail?

Exhibit C

c. With regard to proposed trail P4, why is a new trail considered on unbroken terrain and not on the old utility corridor? Why add another scar across that landscape? The trail should use the utility corridor, and constructed only with approval from the residents most affected by the lost of privacy with a new trail close to their property.

d. Proposed trail connector P7 should have a few switchbacks and creek crossing to avoid using Mountain Star property to access Forest Service property.

e. The P4 and P5 trails should only be built after the Metcalf Rd climbing lane is completed. Yes the proposed trails are soft surface instead of paved. However the Town is spending \$1M to build the climbing lane - why not use it, even for mountain bikers? Then evaluate the use and see if the P4 and P5 trails are really necessary.

2. The proposed P6 trail is another invasion of privacy to the residents on Nottingham Road. Those properties already are surrounded by paved Nottingham Road, I-70, and the \$1M bike path that is hardly used. In addition to the construction challenges of an alluvial surface and steep gulches, why invade the privacy of the residents? I recommend that the town increase the signage and communications to do the following:

a. Encourage bikes accessing the West Avon Preserve (or future Upper Metcalf trails) to use the many many paved parking areas in the Avon core and ride the paved trail along I-70.

b. Remove the broken and unsightly "road stops here" sign at the intersection of Metcalf Rd and Nottingham Road. Extend the paved bike path yet block all off-street parking from that intersection to the west end of Nottingham Road. The should also discourage the vehicle traffic from those bikers that wish to only drive uphill to loop the downhill on Lee's Way. I'm amused how the Town has spend \$\$ on improving the Town Core, yet that broken sign at the dead-end bike path has remained the same for many years.

c. Install trailhead signage only at the current truck turn-around on Metcalf Rd. Adding parking will only encourage the type of mis-use and abuse that is seen at the West Avon Preserve trailhead on Beaver Creek Point. Also there is potential for impact to the drainage and limited wetlands in that area. Again, with the new Metcalf Rd climbing land, and existing uphill trails in the Preserve, why is more parking needed if we want to discourage vehicle use and encourage bikers to ride from the Avon core?

3. I support the proposed P8 trail in the West Avon Preserve.

4. Why not add another small loop in the Town Open Space - below Wildwood Road yet not part of Mountain Star's protected open space? This could start on the fill above the gulch, and have some switchbacks before crossing the old Metcalf roadbed to connect to Metcalf Road. A crossing of Metcalf creek could be avoided by connecting at the bend opposite the upper part of the Metcalf Lofts property.

Thank-you. I have a strong and vested interest in these proposed trails and welcome the opportunity to provide additional input or assistance to the Town's trail planning.

Neal E Henzler



From: Giedre Mereckis

To: Avon Council Web Cc: Matt Pielsticker Subject: Support bike trails in Avon

I think the trails are a wonderful addition to the town. My home overlooks the part of Avon's bike trails called the PB&J. I must admit I was nervous and watched with trepidation when construction began. I had the same misgivings I hear from residents who fear their peaceful lives will be disrupted. Actually it has been a total delight. Much of the time, the trails are empty. Since motorized traffic is prohibited, there is practically no noise--just the occasional huffing and puffing of someone on the upslope or a person speaking with a dog or child. I am no longer physically able to ride the trails myself, but I totally enjoy sitting on my deck with a cup of coffee and watching my neighbors exercising and having fun. As for wildlife, I am not an expert on their habits, but I can say the trails do not seem to have disrupted the deer and bunnies from feasting on my garden.

Gedra Mereckis

Avon, Co

Sent from my iPad

Debbie Hoppe	
From:	Zach Littlepage <
Sent:	15, 2016 4:03 PM
To:	Avon Council Web
Subject:	Town of Avon's Recreational Trails Master Plan (Trails Plan)
Importance:	High

Hello,

My Name is Zachary Littlepage and I am a homeowner in the Wildridge neighborhood of Avon. I wanted to reach out to the Avon Town Council regarding the upcoming Trails Plan open house this evening and express my full support for the expansion of the trails system in the area and town. Unfortunately, I am out of town and not able to attend the meeting, but wanted to make sure that the Town Council was aware of my support of the Trails Plan.

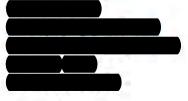
I moved to the valley in 1995 and purchased my town home in 2005. I have seen many ups and downs (2008!) in the Vail Valley and consider myself fortunate to be able to live in such an incredible place. The Town of Avon has done a great job of continuing to improve the community, especially the the Wildridge neighborhood. The playgrounds, dog parks and walking lanes have all made Wildridge one of the best locations to live in the entire valley. That being said, I consider the addition of the WAP and the improvements to the trail system *the single biggest improvement to the neighborhood and town in both quality of life, and value of my home*. Location, Location, Location! 2 other units have been sold recently in my complex and *the trail system directly influenced their decision to buy in Avon in general and Wildridge specifically*.

I can't express how this has changed my experience of living in Avon and how much I enjoy the trail system. My wife and I are expecting our first child in October, and we already are looking forward to his first 'hike' and 'ride' on the WAP! I am very excited to hear about the possible expansion of the trails system and look forward to making a great network even better.

Please help expand our trail system and make Wildridge and Avon a world class summer location.

Thank you for taking the time to consider my letter in your decision making process.

Zach Littlepage



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From:	
Sent:	
To:	
Cc:	
Subject	j.

Yuri Kostick <y Wednesday, June 15, 2016 12:52 PM Avon Council Web Rich Carroll Avon Trails Open House

#### Greetings Avon Town Council,

Thank you for hosting the open house on trails in Avon. I am writing to you as the former "Mayor of Mtn. Biking" from Eagle and also as a founding member of both the Hardscrabble Trails Coalition and the Vail Valley Trail Connection. I currently serve as the Secretary of VVTC.

Many of you know me personally and know my passion for trails. I am writing to you today to express my full support for Avon's trails initiatives. I believe that there is an upswell of support for trails in our community and it's not just for bikers. Dog walkers, joggers, kids in strollers all benefit from increased access to trails and the health benefits and quality of life improvements that trails bring to a community.

I encourage you not to slow down your trails planning and building efforts. The improvements at the West Avon Preserve are tremendous and you are witnessing the success firsthand.

It could be tempting as the elected leaders of Avon to say that you've accomplished your trail goals, check the box and move onto other priorities. That is very understandable and I have experience being in your shoes to understand that there are a million town priorities at any given time. I would simply offer the perspective that I think that you can solve multiple town priorities at once and you should not let go of your commitment to trails.

In Eagle, we have spent about \$200,000 over the last four years and trails and the results speak for themselves (in comparison, the roundabouts were a 7+ year project that cost >\$22,000,000). Our citizens love the upgraded amenities, our businesses have seen an increase in their bottom line, and the community has received regional, statewide, and national recognition for what we have accomplished. I believe in the one valley theory and I know that Eagle has had a positive effect on Avon in regards to trails and vice versa with what you've done in the Preserve and, importantly, connecting Avon to Edwards via Singletree.

Some of you and the leaders before you had a bold vision in Avon and I encourage you to continue that forward progress!

Thank you all for your public service. I know that it can sometimes be a thankless job. My parting advice is to not allow yourselves to be distracted by the small negatives and to stay focused on the overwhelming positives in your community.

Exhibit C

Best,

### Yuri Kostick



From: Sent: To: Subject: Clayton Chase Wednesday, June 15, 2016 9:36 AM Avon Council Web Trail open house

Hello,

My name is Clayton Chase. I am a home owner in Avon/Wildridge. I am unable to make it to the trails open house this evening but I wanted to write a letter of support for the expansion of the trail system in the area.

I have thought of moving out of the area many times but then I remember how lucky I am to have the current trail system so close to my home. I have been very excited to hear about a possible expansion of the system. This is a great place to live with a positive recreational outlet for adults, children, and pets.

When one considers a place to buy a home, we often hear that the most important factor is "location, location, location". I truly believe that the avon/wildridge has everything one would want when it comes to location. We are close to a great retail center, we have access to needed services, we have city utilities, we are close to wide open nature space, and we have a unique 5 star recreational center in our trail system.

Please help expand our trail system and make Wildridge the envy of the entire valley (if we are not already), by providing our children, ourselves, and our pets a great place to play!

Thank you, Clayton Chase

#### Avon trails

### Avon trails

Ryan Portz Sent: Wednesday, June 15, 2016 9:14 AM To: Debbie Hoppe

The quality of life in Avon for a mountain biker has dramatically improved in the last few years with the addition of more trail on the north side of the valley. More trail would help keep the existing trail more sustainable.

Mountain biking in Colorado is on the rise and more trail systems mean more money for the valley. Keep it coming

Ryan Portz

https://webmail.avon.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAC5jOIZfAZjQLkRO... 6/15/2016

From: Sent: To: Subject: Mac Garnsey < Tuesday, June 14, 2016 3:50 PM Debbie Hoppe Town of Avon bike trails

Town of Avon Board,

I am writing to voice my continued support of the current trails in Avon along with the proposed additions to the trail system. I live very close to the trail head of the West Avon Preserve and utilize those trails almost on a daily basis. Adding to this system will only enhance what Avon has to offer and will provide riders and hikers more options that will help spread out all user groups. This will enhance the experience for everyone.

Having such an asset builds community. 4<sup>th</sup> of July on the point is one of my favorite experiences because I get to share the most beautiful view with all of my neighbors. These trails provide a significant boost to the quality of life here in Avon and I fully support the town investing more time and money in adding to the already amazing system.

Thank you very much,

Mac Garnsey Director of Operations Vail Valley Foundation

vvf.org

From: Sent: To: Subject: Giedre Mereckis Sunday, June 12, 2016 3:40 PM Debbie Hoppe Avon trails

#### Hi,

I own a townhome at the second second

Gedra Mereckis

Sent from my iPad

From: Sent: To: Subject: Andrew Bare Monday, June 13, 2016 3:50 PM Debbie Hoppe Comment on new trails for Wednesday June 15th meeting

Dear Debbie Hoppe,

I'd like to have the below comment/proposal added to the public record regarding the new trails meeting on Wednesday, June 15th. Thank you!!

To whom it may concern,

I am an active user of the trail system in the West Avon Preserve. I applaud the Town of Avon and its associates for playing an active role in creating recreation opportunities right here in our own backyard.

I look forward to enjoying the new proposed trails but what I'd like to purpose is making these trails easily accessible to more of the town.

If you live next to Avon Elementary, the trailhead on Nottingham Road is a quarter mile away as the crow flies. There is a large thoroughfare in the way blocking the access, Interstate 70. In order to access the trailhead currently one must walk, run, of bike through/around the roundabouts, and under 70 to access the bike path bordering 70 on the northern side. It is roughly two miles from Avon Elementary to the trailhead via this route.

I propose either a pedestrian/cyclist overpass or underpass bridging Interstate 70 to increase access to this new trail system. Roughly connecting the bike path near the intersections of Nottingham Road/Metcalf Road and W. Beaver Creek Blvd.

This proposition would not only assist users of the trail system, but also other residents who yearn to casually stroll to Nottingham Park without walking far out of the way through busy intersections.

Within the town limits, how many thorough fares are there to safely cross Interstate 70? I count two. Interstate 70 is a lifeline to our community that brings us much needed business, but it also divides our community. I propose the Town of Avon to explore options to bridge this divide in our community.

Thank you for considering my proposal.

Andrew Bare

Avon, CO 81620

From: Sent: To: Subject: Laura Thursday, June 16, 2016 9:24 AM Avon Council Web Expansion of Mtn Bike Trails in Wildridge

I am writing to voice my support for the new trails that will connect the existing preserve trails to new trails higher up in the northern part of Wildridge.

Laura Campbell, CPA east west partners



From: Sent: To: Subject: Bill Hubbard Thursday, June 16, 2016 6:23 PM Debbie Hoppe Additional mountain bike trails in Avon.

A friend told me that this subject had come up in the Town Council and that there was substantial opposition to more trails in Avon. This really surprised me, since, at least in my experience, the trails that have already been added have had a very positive effect on our town. They are out of the way, so don't really have any negative effect on neighbors and are used a lot by both local riders and those who drive here to ride them. The only thing that I've seen that could be interpreted as negative is cars parked along the west end of Nottingham Rd on weekends. I don't know if anyone has quantified the positive effect the trails and there users have had on local businesses, but I suspect it's substantial.

When I returned to Avon and found all the new trails that had been added in the West Avon Preserve area, I was absolutely thrilled. Adding more trails to attract more riders should further improve Avon's reputation as a center for this type of recreation.

To conclude, I can't imagine why anyone would oppose expanding the recreational use of available land. It brings people into the area who spend money at local businesses and so far as I've seen don't make a lot of noise, litter the area, or leave piles of feces like dog owners do.

Bill Hubbard Wildridge resident.

From: Sent: To: Subject: chapin johnsor Friday, June 17, 2016 6:02 AM Debbie Hoppe Avon trail master development plan

Hi Debbie,

My name is Chapin Johnson and I have been a resident of Avon the past eleven years. I just wanted to say that I am a proponent of the master plan trail proposal. I've used the West Avon Preserve several times a week since it was put in and I would love to see more trails.

Thank you

Chapin Johnson

From: Sent: To: Subject: Attachments: Tim Halbakker Tuesday, June 21, 2016 2:40 PM Debbie Hoppe Avon Trail Plan Update comment P5 and P8 suggestion.jpg

Hi,

My name is Tim Halbakken and I have lived at **Example 10** in Wildridge for 12 years. I have watched the online broadcast on the trail plan update and would like to add my own public comment.

I am in strong support for most of the new proposed trails and would love to see more constructed this year. I do have some suggestions for revisions of a few of the trails:

First, I would tend to agree with a lot of the public comment about trail P5, but maybe for different reasons. P5 crosses Old Trail at the bottom of a hill from both directions and is on a blind corner. Residents regularly speed through this area, thus creating additional potential hazard in this section of roadway. I believe a better solution is connecting from the dog park trail head via the existing bike/pedestrian lane up to the three way stop on Wildridge road (this is noted in yellow on the attached and inserted jpg). I would also agree with a lot of the public comment that this trail seems forced through wildlife and maybe more importantly resident habitat that may not be conducive to the potential traffic generated by "world class trails". While I am not directly affected by this alignment, it appears the trail would negatively impact a large number of residents. It would seem wise to remove P5 from the plan, it just doesn't seem to have enough benefit to warrant the negative effects.

The other trail I would like to offer comment on is P8 or the Wyse to Wild West ridge trail. I believe it makes most sense to stay as high as possible from the dog park and contour (vertically well below existing residences) to the wild west trail. I understand this is tough terrain, but it makes the most sense from a connection standpoint not having to descend from the park only to climb back to the ridge and vis-versa. I have noted in orange the general area I am referring to (attached and inserted jpg). I have studied this terrain and believe it to be a better solution.

I absolutely love the long range thinking of connecting to regional trails such as Buck creek, please keep this connection in the plan.

#### Some reasons I support the trails:

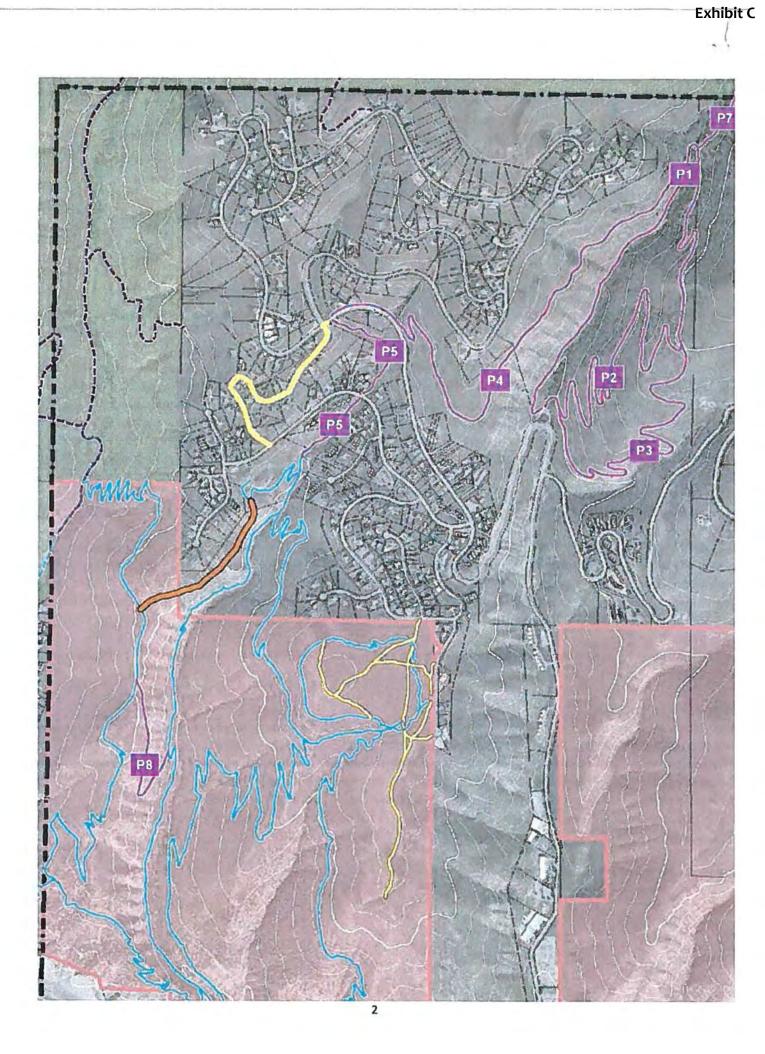
-I love the winter recreation aspect and this would bring a lot of joy to me and my family's lives. We use the one open trail (PBJ) all the time in the winter and would really benefit from the new trails in the winter.

-The sense of community the preserve trails have created is awesome. There are many times I am out hiking or biking the trails and I know every single person I come across....Wildridge residents love the trails.

-obviously there is positive economic benefit from out of town users coming to the trails.

-I don't believe wildlife is negatively impacted, I get to see more wildlife rather than just imagining that it is there. -The recently built trails have been a major improvement in my quality of life.

Thank you for considering my opinion,





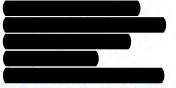


Exhibit C

From: Rick Blaid Sent: Sunday, June 26, 2016 11:39 PM To: Matt Pielsticker Subject: Avon Trails Master Plan

Mr Pleisticker,

I have a second home at **the second s** 

I viewed the video of the meeting and I have to say I was incredulous at some of my neighbors opposing the new trail. Here are my answers to their concerns.

- 1. Wildlife Impact
  - Cyclists and other trail users have minimal impact to wildlife compared to the giant houses, roadways and other infrastructure already in the area.
  - o I regularly have deer sleep against the back of my house.
  - When I use the trails currently, I am immersed in the wildlife. I see deer almost overtime I ride there. I have also seen coyotes, lots of chipmunks and falcons fans hawks lying overhead.
- 2. Visual Impact
  - I can view the current PB&J trail from my house. It is a narrow 36" Dirt strip. In the background are the 200+ wide trails at the Beaver Creek ski area. I can also see paved roads and large, gaudy houses.
- 3. Increased traffic
  - These trails have little appeal mid-day during the height of the tourism season. They have constant southern sun exposure which makes other trails in the valley more desireable during middle summer months.
- 4. Property Values
  - In Colorado, having trail access near your property is like having beach front property on the coast. Home values in Jefferson County and Boulder County are extremely high for properties near trails.

From the perspective of a second homeowner, just to go for a walk currently you have to walk on the road with traffic and for trail hiking you usually need to drive to a trailhead somewhere. I also think increasing population in the Eagle Valley and in-fill in Wildridge could lead to the creation of social trails, I would much rather see professional trails designed by an engineering firm both from the prospective of potential erosion and usability. The current trails in the West Avon Preserve are some of the best I have ever been on and they are surrounded by wildflowers, wildlife, etc..., a fantastic experience you do not gain by walking on the shoulder of a paved road for cars and much safer too.

A lot of modern suburbs are now being included with public rights of way for trails and not just roads. My mom is from Crested Butte, one of the amazing things about that town has always been the trail access directly from town. I think in existing areas where this has been implemented it has been very successful.

I am also excited about the possibility of the P8 trail connection to Forrest Service trails.

Please let me know what I can do to assist or influence the completion of this plan.

Thank you for your time and consideration.

-Rick

From: Sent: To: Cc: Subject: NEAL Wednesday, July 06, 2016 4:21 PM Debbie Hoppe Matt Pielsticker; Henzler, Robin Comments on Avon Trails Plan

Hi Matt and Debbie,

Thanks again for your efforts on the Recreational Trails Master Plan Update. I was present at the June 15, 2016 meeting, and commented on video. I have owned property in Wildwood since 1992 and have been at my current residence at a since 1998.

I would like to add some additional comments:

1. Overall, I support the proposed Upper Metcalf Loops. The addition to the Avon Trails system is needed and is an amenity for the entire town. Historically Wildridge and Wildwood have been quiet neighborhoods; the Town Open Space provides undisturbed landscapes and privacy away from the noise and business of the valley floor. The trail designs need to respect those views and not infringe on the privacy of residents. Adding more trails will increase vehicle traffic and degrade the quiet that makes this neighborhood unique to the valley. Specific concern include:

a. Proposed trail P3 should be aligned to stay on the northwest aspects of the ridge line, especially on the lower section. The southeast facing slopes are very steep, and provide a downhill view less than 1/10 mile to the properties south of the gulch. Most of the current and proposed trails are below existing properties, while Wildwood residents would have trail users looking down on them with a loss of privacy. These steep slopes are whiter due to less vegetation, and the potential for



erosion is significant.

b. Another concern is the proximity of the proposed P1 trail to the old ranch road connecting Metcalf creek with Mountain Star. Unless access to this old road is block, Mountain Star faces trespassing issues as bikers will want to explore the old road. How will the Mountain Star owner's association feel when the Town of Avon has introduced trespassers due to a new biking trail?

Exhibit C

c. With regard to proposed trail P4, why is a new trail considered on unbroken terrain and not on the old utility corridor? Why add another scar across that landscape? The trail should use the utility corridor, and constructed only with approval from the residents most affected by the lost of privacy with a new trail close to their property.

d. Proposed trail connector P7 should have a few switchbacks and creek crossing to avoid using Mountain Star property to access Forest Service property.

e. The P4 and P5 trails should only be built after the Metcalf Rd climbing lane is completed. Yes the proposed trails are soft surface instead of paved. However the Town is spending \$1M to build the climbing lane - why not use it, even for mountain bikers? Then evaluate the use and see if the P4 and P5 trails are really necessary.

2. The proposed P6 trail is another invasion of privacy to the residents on Nottingham Road. Those properties already are surrounded by paved Nottingham Road, I-70, and the \$1M bike path that is hardly used. In addition to the construction challenges of an alluvial surface and steep gulches, why invade the privacy of the residents? I recommend that the town increase the signage and communications to do the following:

a. Encourage bikes accessing the West Avon Preserve (or future Upper Metcalf trails) to use the many many paved parking areas in the Avon core and ride the paved trail along I-70.

b. Remove the broken and unsightly "road stops here" sign at the intersection of Metcalf Rd and Nottingham Road. Extend the paved bike path yet block all off-street parking from that intersection to the west end of Nottingham Road. The should also discourage the vehicle traffic from those bikers that wish to only drive uphill to loop the downhill on Lee's Way. I'm amused how the Town has spend \$\$ on improving the Town Core, yet that broken sign at the dead-end bike path has remained the same for many years.

c. Install trailhead signage only at the current truck turn-around on Metcalf Rd. Adding parking will only encourage the type of mis-use and abuse that is seen at the West Avon Preserve trailhead on Beaver Creek Point. Also there is potential for impact to the drainage and limited wetlands in that area. Again, with the new Metcalf Rd climbing land, and existing uphill trails in the Preserve, why is more parking needed if we want to discourage vehicle use and encourage bikers to ride from the Avon core?

3. I support the proposed P8 trail in the West Avon Preserve.

4. Why not add another small loop in the Town Open Space - below Wildwood Road yet not part of Mountain Star's protected open space? This could start on the fill above the gulch, and have some switchbacks before crossing the old Metcalf roadbed to connect to Metcalf Road. A crossing of Metcalf creek could be avoided by connecting at the bend opposite the upper part of the Metcalf Lofts property.

Thank-you. I have a strong and vested interest in these proposed trails and welcome the opportunity to provide additional input or assistance to the Town's trail planning.

Neal E Henzler



From: Giedre Mereckis

To: Avon Council Web Cc: Matt Pielsticker Subject: Support bike trails in Avon

I think the trails are a wonderful addition to the town. My home overlooks the part of Avon's bike trails called the PB&J. I must admit I was nervous and watched with trepidation when construction began. I had the same misgivings I hear from residents who fear their peaceful lives will be disrupted. Actually it has been a total delight. Much of the time, the trails are empty. Since motorized traffic is prohibited, there is practically no noise--just the occasional huffing and puffing of someone on the upslope or a person speaking with a dog or child. I am no longer physically able to ride the trails myself, but I totally enjoy sitting on my deck with a cup of coffee and watching my neighbors exercising and having fun. As for wildlife, I am not an expert on their habits, but I can say the trails do not seem to have disrupted the deer and bunnies from feasting on my garden.

Gedra Mereckis

Avon, Co

Sent from my iPad

Hi Matt,

As an Avon resident, I fully support using our tax dollars to build-out and maintain more trails like Sadleridge, Lee's Way, and ASC here in Avon. I use those trails several times per week and think they are a wonderful addition to our community.

As a local business owner, I think we should promote our world-class trail system to bring more summer revenue to our town. Perhaps a mountain bike festival with concerts in the park?

I may not be able to make it to the planning meetings, so please pass my input on to anyone you deem appropriate.

Thank you, Derek George -----Original Message-----From: Brett Kinzler Sent: Monday, July 25, 2016 12:14 PM To: Debbie Hoppe Subject: New Trails in Avon

Debbie,

I just wanted to pass along my support for the new trails and expansion of the trail system here in Avon. I have lived in Wildridge for 11 years and the new trail system has been such a welcome addition to living here in this neighborhood. It is great to see the community and visitors enjoying these trails on a daily basis. It is so nice to see friends out on the trails and to introduce friends and out of town guests to this beautiful place we live with these trail systems. I fully support these projects and couldn't be happier to be a resident inn Avon.

Thanks for the support and the wonderful outdoor access,

Brett Kinzler Director of Sales JPW Industries

Avon, CO 81620

Exhibit C

From: Casey Wyse Sent: Monday July 25, 2016 12:10 PM

**To:** Megan Burch; <u>jfancher@avonl.org</u>; Matt Gennett; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe

Cc:

Subject: Wildridge Trails - Upper Metcalf Loops

#### Town Council Members,

My name is Casey Wyse, VVMBA member, avid trail user, and resident of Avon/Wildridge since 1996. My support of the trails in Wildridge has been a significant part of my life since long before the West Avon Preserve existed. Over 4 plus years beginning with the ASC trail, to the Saddleridge Trail, to the many open houses, the trail construction by Momentum and finally the ALL VOLUNTEER completed Wyse Way I have contributed well over 1000 hours and will happily be eclipsing 2000 volunteer hours, along with my brother Cody, if the opportunity exists. But it is not my support I would like to point out. I would like to point out the many volunteers, our community, coordinated and organized along with the VVMBA, that has supported the Town Of Avon and the unbelievable multi use trails and the unparalleled amenity we have all created and now have the wonderful circumstance to expand. This support was and is not merely strongly worded letters or e-mails. This support was and continues to be time, sweat, hard work, determination, blistered hands and dirt stained faces of hundreds dedicated to creating multi use trails for all. I understand there is a small, albeit loud and often misguided contention of people against these trails as evidenced in the e-mail below. The voices of those that support these trail may not be as loud, but our actions and contributions should be deafening. Do not let the support of the several hundred that spent an entire weekend with the Volunteer Outdoor Colorado working on Saddleridge, the hundreds that showed up with Vail's Epic Promise to work on Wyse Way, and the hundreds of volunteers over the last four years that have contributed thousands of hours ,without exaggeration, in the WAP go unheard. The support of trails in Avon cannot be denied. Additional support can be evidenced at any given time on any given day by the number of trail users in the West Avon Preserve smiling, enjoying, and utilizing the trails. Many people do not understand that these new trails are not already approved and do not realize their support is necessary.

Additionally, as a resident of Avon/Wildridge my house has views of Our Backyard, Saddleridge, Wild West, PB&J, and Wyse Way which actually is right off my property line. My views are enhanced not diminished by the trails and the longer they are established the more they disappear into the scenery. My house is a 1 minute walk to the Wildridge pocket park and the largest trail head in the West Avon Preserve. Parking still remains completely open 90% of the time, traffic has not been significantly increased, and I have seen NO evidence of anything but friendly, happy, law abiding citizens using the trails. My wife I have young kids and we often take them to the trails with their striders to ride or without to hike and have yet to have a rider not politely yield, smile and comment how great the day or the trails are. When they get older they will need the challenge and additional trails that are being proposed. We cannot allow the thinly veiled pretenses of those who have no greater reason other than

to keep everything to themselves or the NIMBY's to overcome such a greater good.

I would also like to point out that the new trails are experiencing the same opposition as some of the trails did in the West Avon Preserve. I was at many, if not all, of the open houses and town council meetings and witnessed many of the people that spoke out against the trails. I now see many of those people out utilizing and enjoying the trails with great frequency.

Please use your foresight and community dedication to approve and progress the expansion of a trail system that means so much to so many.

Sincerely,

Casey Wyse



A few hooligans on "Our Backyard"

From: Thomas Dubel [Sent: Monday, July 25, 2016 11:54 AM To: Avon Council Web Cc: Thomas Dubel Subject: Loving the Plan for more Wildridge Trails

Dear Avon Town Council

As a home owner and full time resident of Wildridge, I wanted to express my endorsement and encouragement toward the proposed Trails Master Plan. I am an active bicycle rider both mountain and road bikes. I enjoy the many options of trails available throughout the valley but especially enjoy both hiking and biking along the trails in the Avon Preserve in Wildridge. I believe the additional proposed trail network is well thought out and will present many advantages to my home ownership experience. The present trails in the Avon Preserve and Wildridge have a positive impact and are wonderful to have in my back yard. The trails are delightful to view from my deck and those who use the trails are quiet and considerate from my experience. I entrust the Town Council will ensure the professional and proper implementation to ensure the trails are developed in a manner that has minimal impact to the idyllic nature of the area. Meanwhile, I am glad to see construction has begun on the bike lane proceeding up Metcalf. This is a wise and thoughtful development. Thank you.

I hope you all enjoy the remainder of your summer.

Home Owner and Fulltime Resident,

Thomas C Dubel

Avon CO 81620

From: Tina Vardaman [ Sent: Monday, July 25, 2016 1:55 PM To: Avon Council Web Subject: Trails proposal

Dear Council Members,

As a 10+ year resident of Wildridge, I want to express my enthusiastic support of the trail system and its proposed expansion. The trails have enhanced our family's quality of life tremendously, providing a convenient way to enjoy the beauty of our neighborhood and surrounding mountains. I respectfully disagree with many of the negative comments made in opposition of the expansion, and frankly find them to be untrue (rude bikers, traffic/parking issues, noise, safety, etc.).

Thank you for all you do to improve our community.

With appreciation,

Tina Vardaman

Avon, CO 81620



From: Ryan Sutter [ Sent: Monday, July 25, 2016 3:15 PM To: Avon Council Web Subject: Wildridge Trails

Dear Avon council members and staff,

I am writing on behalf of myself and my family to vehemently support the proposed expansion of the trail system in the Wildridge/Wildwood areas. It is my understanding that a vocal minority has expressed opposition to the trails and that much of that opposition is based on subjective opinion and speculation. Though I can not speak for the opposition, I can tell you with certainty that my family views the current trails along with the proposed system as a tremendous asset to the neighborhood, town and valley. I personally use the trails weekly as a quick escape and valuable source of fitness. I have watched my children grow in confidence and capability as both bikers and people on the diverse set of trials provided. My 9 year old son (hardly an elite athlete) continually asks me to take him out to ride.

Several years ago my wife and I purchased a homesite in the Homestead neighborhood of Edwards. A major factor in that purchase was the trail system in place and the family recreational atmosphere it provided. We have since put our lot on the market, believing the Wildridge trails now offer the same benefit. I believe the proposed trails will only increase the appeal of the neighborhood and sincerely hope you will consider their construction soon and without major modification.

Thank you for your time and consideration.

Regards,

rs

Ryan Sutter

From: jody morgan Sent: Tuesday, July 26, 2016 7:56 AM To: Avon Council Web Subject: Wildridge Mountain bike trails

Dear Council members,

I am writing on behalf of my husband and I in support of the expansion of the Avon preserve trail systems. We've been full time residents in Wildridge since 2013 and enjoy using the Avon trails for exercise (both biking and hiking) as well as teaching our children how to mountain bike. We feel so lucky to be able to have access to this wonderful trail system right from our front door and support expanding these trails.

We believe these trails are a tremendous amenity for our town and neighborhood.

Thank you for your dedication to improving our neighborhood and the outdoor recreation options here.

Jody Morgan

Avon, CO 81620

Dear Town Council Members,

Thank you all for your hard work on the current Avon Multi-use trail system in the West Avon Preserve and the work you have done to date on the Upper Wildridge (upper Metcalf loops) trail expansion project. I am sure you know that you have the vast majority of the Vail Valley and Avon business and property owners standing **FOR** the proposed Upper Wildridge trail expansion.

The support is clearly evident in two major successes in 2016: 1) our ability to raise > \$50,000. within the first three months of 2016 and 2) the "way beyond expectations" success of the kick-off of the first Vail Valley Adopt a Trail Program.

I am again writing you this year because I cannot personally be there to support our Valley in this effort through July and August of this year. I will return in September.

I 100% support and agree with everything in Casey Wyse's letter (as below). Any additional words are likely superfluous. I also include my letter to you from a few weeks ago to ensure you know my position. My most important point is the request for consideration of the "the incremental impact the upper Wildridge trails expansion may have compared to the impact that the entire Wildridge and Wildwood community housing and roads have and will have. " I am sure you know that the entire Beaver Creek Point project was under some of the same contentions at the time of it's conception. Again, any additional words are likely superfluous.

Thank you for all your efforts.

With Respect,

Mark Luzar

Hi,

I am a resident of Wildridge. While I am not an avid mountain biker, I walk my dog and hike on the trails. The mountain bikers are so polite and often times get off their bikes to let me pass even when I don't need them to. I think the trails will add to the outdoor accessibility for the area residents and the occasional tourist, which we all know is necessary for our economy! I have never ever seen any trash anywhere on the trails. By and large, mountain bikers are here to be in the wilderness and exercise. They are not sticking around and doing anything elicit. Who could actually do these trails and not be in great physical shape. anything that promotes a healthy life style, I am all for.

Respectfully, Rachel Yarrow (Sent from my iPad Dear Avon Town Council,

I am writing in support of plans to expand the trail system in and around the West Avon Preserve.

I am a homeowner and full-time resident in the Wildridge neighborhood and can say with absolute certainty that these trails are having a wonderful impact on our community. The rerouting and sustainable construction of our new trails is a great success, and I am pleased to know that this thoughtful construction will allow me and my kids to continue riding these trails for many long years to come. The variety of trails and their various skill levels are a great way to keep kids and adults of all ages, activities, and skill levels outside and actively enjoying the lifestyle we live here for.

I am aware that there is a small minority opposition to these trails, and that they speak loudly and often about their grievances. Everyone is entitled to their opinions, sure, but let's not forget the reason we live in Avon: to enjoy an active lifestyle in the mountains. Perhaps the "ayes" would have a louder voice if we weren't all outside enjoying our trails so much!

I hope that we continue to make improvements in bikeability and walkability of our town, as the results of our town survey revealed. The current construction of a bike lane on Metcalf road is a great step. Expanding our sustainable trails projects must continue. Dirt singletrack heading up the Metcalf drainage would be ideal. I hope one day to see a connection of trails linking the Berry Creek trails of Edwards with our WAP trails and reaching further east to include the trails near Buffalo Ridge. The opportunities for high quality trail experiences seem endless right out of back door. Link it all together! Trail building is progress; it is adding value to our lives and to our community.

The hills of Avon are full of smiles and laughs of approving users. Do not let a disgruntled few ruin the fun for everyone.

Sincerely,

Jimmy Vonesh

Dear Avon Council members and staff,

Please accept my support for the proposal to expand the recreational trails in Wildridge. I bought my first-ever townhome in Wildridge in 1996. I still own that place and I was lucky enough to buy my second townhome in Wildridge in 2013 where I currently reside. My other townhome, which I still own, is occupied by a single mother and her daughter who both grew up in the Vail Valley. We are all avid recreationists and we use the Western Avon Preserve trails regularly for hiking, running and biking

I feel strongly that the trails add to the quality of life in Wildridge and will ultimately add to the value of our properites here. Instead of getting in our cars to find a ride or hike we can go right our back doors and have multiple options.

I thank the Town of Avon for their foresight and their efforts to improve the quality of recreation and therefore life in our town. I also thank the many volunteers who built these amazing trails. I support this expansion and its responsible use by recreationists.

Sincerely,

Katrina Ammer

Katrina Ammer Kat5 LLC Honorable Jennie Fancher and Town Council Members:

My wife and I have been Avon residents since 1990 and more recently Wildridge since 2002.

We have kept ourselves aware of the movement to update the Trails Master Plan.

We have read the Colorado Parks and Wildlife letter dated July 21, 2016 and *are in agreement with their recommendations to the TOA.* 

We respectfully request that the Town Council give your highest consideration to their recommendations.

Sincerely,

Jim Horan & Diane Sampson

Jim Horan & Diane "Sam" Sampson

Avon, CO 81620 970-845-7922 (H) 970-376-1378 (C) Dear Avon Council Members,

My name is Joshua Mauro I am a current resident of Wildridge and I have lived here in Eagle County for the past 20 years. I am a mountain biker, a hiker, a dog walker, and I am fully In support of additional trail construction in the Avon & Wildridge area.

Trail use and constrution in this county has been stagnate up until the addition of the Avon open space trail system constructed within the past few years. The willingness and foresight of the town of Avon to see the need for additional recreation trails in the county is nothing but a positive step forward. It is no secret that mountain biking is on the rise, summer recreation is on the rise, and year-round activities and grown of our county is on the rise. The ability to provide an almost year-round recreational experience to not only our guests but our local residents is incredible.

Since the inception of the Avon open space trail system I have seen nothing but positive interactions between bikers, hikers and even the dogs that are out with their people. I feel that our culture in this valley promotes the inherently respectful trail usage that complements comingled usage.

I know there have been arguments against additional trails however I feel they are stated without merit:

**The trails are visually disruptive**: A single track narrow track soft trail is no more visually disturbing that the Giant 60foot tall power lines that traverse the South Avon gullies, they are certainly no more disturbing than the multiple mansions, condos, warehouses and roadways that currently spread through the valleys.

**They are disruptive to the deer**: The mule deer that frequent the area are not in any way an endangered species; it is well known that they are highly adaptable animals able to coexist easily with humans. I personally have walked all over the existing trails with my dog at varying times of the day and year, from 05:00am to 20:00pm and have seen herds of deer that do not seem in the least bit interested that I am walking or riding around

**Parking problem**: Again being an avid user of these trails, I have never once noticed an overflow of cars parked at the Beaver Creek Point lot, I have never seen cars parked on the road aside from 4<sup>th</sup> of July. Also, while people do park on Nottingham Rd at the cul-de-sac, I have never once seen a constriction of the roadway that impedes traffic. I have gone as far as inquiring with the Town of Avon Police as to whether parking is an issue and the officers I spoke with said it was not a problem. Furthermore as a resident of Avon it promotes... leaving your car parked. The ability to ride or hike from ones house or directly from a hotel is immeasurable compared to the need to drive to a trail head.

**They are going to become a commercial enterprise**: Vail and Beaver Creek Mountains are a commercial enterprise; trail construction on the resorts is definitely for profit. Regardless of what your opinion of Vail resorts is, the majority of what we as residents have would not be here if the ski areas were not here either. That aside the trails systems that are not on the

resort mountain are direct investors back into the town and our community. They provide a recreation destination that supports our towns, and economy rather than a corporate enterprise. Furthermore they directly support our citizens providing safe and well maintained areas to exercise, take that quick afternoon break from the office, or walk your pet in the evening.

In conclusion it seems to me that the opposition to the continued development of the Avon trail system are the "not in my back yard" breed of residents. The simple fact is that Avon and all of Eagle county are growing, and are going to continue to grow whether people like it or not. The need for more trails and recreation areas are going to grow hand in hand with the other issues we face such as housing and jobs. Therefore the wise approach is to continue your plan of developing a well thought out, sustainable trail system that will maintain for the future. Thank you for your hard work and I hope you proceeded with another great trail system

Again I am a year round resident of Avon, what you are proposing is directly in my back yard and I fully support it.

#### Joshua Mauro

From: Charles B. Sherwood

I was a member of the Steering Committee for the Master Plan.

### SUMMARY OF MY COMMENTS

I feel that ALL the trails proposed in the Master Plan should be authorized. This will upset some who are very vocal, but I feel this will best serve the majority of Avon's residents, while ensuring a strong future for Avon.

I think that the biggest problem that people have with the new trails is associated with change and their concerns about having change happen.

I feel that adding trails will very likely impact wildlife; how could it not? But I feel that the impact will be minimal, and may not be discernable at all.

I assess the Colorado Parks and Wildlife recommendations as being extremely conservative. Their recommendations are based on a week data base of wildlife studies (which they admit), and not a "feet on the ground" study. They (not surprisingly) have taken the most conservative approach in their recommendations.

Viewscapes will certainly be impacted. Many will be able to see at least one of the new trails, P4. Many of us already see trails and roads; I can see June Creek Road (USFS # 717 & 717.1a) very clearly from my house. The proposed trails will improve our quality of life in Avon, and are worth the sacrifice.

Traffic problems should be improved by the addition of the parking at the bottom of Metcalf Gulch. Harrington's Penstemon impact must be addressed, but based on guidelines in available research and avoidance during trail construction this is not an issue.

I made a compromise at our last steering committee meeting in agreeing to delete P1 from Option 4. <u>I now regret that</u>. Removing lower P1 makes it quite difficult to access P3. Any semblance of stacked loops is gone; there will be a significant loss of trail connectivity. Also, the extra parking at the truck turn around provides much less benefit in reducing load at the Beaver Creek Point Parking lot; the only way to access the system for users of this trailhead is to go up the Metcalf Rd. climbing lane. This just doesn't make sense. Impact on wildlife migration up Metcalf Gulch below P1 can be mitigated by adjusting closure dates.

### DETAILED COMMENTS

### BACKGROUND

In recent years the single season (winter) visitation to Vail Valley of the past is changing to include significant summer visitation. I expect that this trend will continue. Other entities in the valley are accelerating this change or are responding to it: Vail Resorts and the Town of Eagle.

They are actively pursuing activities that attract non-winter visitation. This can only enhance the quality of life for the citizens of the Valley while enhancing its economic posture in the Valley.

Avon is a town in an area that is focused on the outdoor lifestyle. The proposed trail system will allow Avon residents to live this lifestyle without having to go to other local areas to satisfy this need.

Avon has open space zoned into its layout. The question at hand is: "what do we do with this space? How do we use it? Do we develop it, or do we leave it as it is?"

I advocate moving into the future. For me, change is inevitable, and we need to accept it and plan for it.

But to many, change is disliked. For me, this seems to be the main reason driving the opposition to this plan. People do not want to experience changes to wildlife, changes to what they can see, or changes to traffic. Of these, the two issues that seem to cause the most pain are the impact on wildlife and changes to what people can see.

I will attempt to address these issues below.

#### WILDLIFE

A ground truth for me is that when new trails are added, wildlife will be affected. This is especially true for a place like Avon, which sits in the middle of lots of public land, where wildlife abounds. For me - from the start - it seems foolish to expect that wildlife will absolutely not get impacted by the new trails in the Master Plan. The important question is "how much?"

To get a better handle on this question, the Avon Town Council asked Colorado Parks and Wildlife (CPW) to comment on the plan. However, their recommendations can be easily misunderstood. Their recommendations are based on trying to achieve the absolute minimal impact on wildlife. Any potential impact, no mater how much, is considered bad. Furthermore, the CPW recommendations came from available research papers, not a "feet on the ground" study. As they state in the text, the recommendations are based on research that is incomplete and does not necessarily reflect our situation in Avon.

After receipt of the CPW recommendations, the Plan was revised by the Steering Committee. We recognized the need for better information regarding wildlife impacts than we presently have. The revised plan recommends such a study. This study would provide a better real life assessment of potential impacts, closing dates and opening dates.

#### I see the following flaws with the CPW recommendations:

1.) Unfortunately, there is a significant lack of data / research to assess the impacts of the trails in the Plan on wildlife.

The CPW document recognizes this lack of data / research: "In the past 20 years off road recreation (hiking, biking, horseback riding, ATV) has significantly increased, especially on public lands in areas surrounding resort communities. Research on possible impacts to wildlife has been slow to catch up." "While these research projects provide the baseline for documenting impacts to wildlife from off road recreation, they often don't replicate the intense level of use observed on lands surrounding resort areas."

2.) CPW says "When looking at wildlife impacts you must include behavioral changes. Wildlife behavior may take the form of avoidance, habituation or attraction." The latter 2 two behaviors are not addressed further in the report.

An International Mountain Biking Association report (Environmental Impacts of Mountain Biking: Science Review and Best Practices, J. Marion and J. Wimpey) does a better job regarding habituation: "Different animals respond differently to the presence of trail users. Most wildlife species readily adapt or become "habituated" to consistent and non-threatening recreational activities."

In the end, little research on animal habituation to disturbance appears to have been conducted.

3.) It appears that the CPW buffer zones are very conservative, and that the local deer and elk seem to have habituated to the presence of human encroachment around Avon.

Figure 1 of the CPW recommendations shows 100 Meter buffer zones for mule deer around the existing and proposed trails, but it does not include similar buffer zones around existing roads and residences. If this most conservative (smallest) buffer zone did include these roads and houses, nearly all of Wildridge would be within buffer zones.

But we have what appears to be a stable mule deer population in the Wildridge / West Avon Preserve area. So the buffer zone seems to represent a potential impact zone for wilderness type areas, and seems not to account for habituation.

A similar conclusion can be drawn from the Elk buffer zone, Figures 3 and 4. Observations of the West Avon Preserve habitat are documented in the Baseline Documentation Report (Rare Earth Sciences, LLC). The report says that, based on a 2 day site inspection by a wildlife biologist, "Elk sign (scat) was present throughout the property during the field visit, especially in the South part of the property. Elk are regularly present on the property during winter months....." Their ingress / egress must have been up June creek (I certainly have not seen them migrate through the residential community). The June Creek road is open year 'round.

4.) CPW says that trails above wildlife habitats have a greater impact than trails below them. The trails in Metcalf gulch are all above the bottom of the gulch.

CPW says that "Metcalf Creek provides a significant block of intact wildlife habitat *and a corridor from within the town out to the (summer range habitats).*"

Any degradation of Metcalf gulch as a corridor will be <u>completely abrogated</u> by closing trails in the gulch during migration season.

The only remaining impacts are similar impacts to those from existing roads, houses and social trails that occur throughout the whole of Avon town property. For Metcalf Gulch, they are above this habitat on both East and West sides, but especially to the West, where a heavily used social trail, a road, and residences exist.

As I have said, there will be impacts of P1 to P4 on wildlife during the period when they are open, but they will likely be minor to non-existent, similar to the impact throughout the rest of Wildridge and Mountain Star developments.

5.) "Extensive research has failed to document population level responses (e.g., decreased fitness, recruitment, or conception) as a direct result of disturbance" (Wilkins et. al., Habitat Guidelines for Mule deer: Colorado Plateau Shrubland and Forest Ecoregion. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies, 2007)

6.) "Mule deer are known as a "K-selected" species. This means that populations will increase until biological carrying capacity is reached." (Wilkins et. al., ibid.)

7.) "Even direct and frequent disturbance during breeding season has not yielded any population level response." (Bristow, 1988)

8.) Like CPW, I see Metcalf Gulch as being an access route to & from winter range for both deer and elk. It would seem that this access would be for elk wintering in the Mountain Star Conservation easement, as well as for deer. To date, no "feet on the ground" study has been conducted to assess the presence of elk on this easement, but I have seen deer there.

Metcalf Gulch is not the only access in this area, however. To the East is the Buck Creek drainage, and to the West the June Ck. drainage.

Both of these access routes are open year 'round. What makes Metcalf gulch so special that it needs a different seasonal closure? I am at a loss to answer.

At any rate, appropriate closure of the Metcalf drainage during migration season, based on an annual "feet on the ground" assessment, would minimize any potential impact to this access route.

9.) CPW says: "The peak of the deer migration thru the Mud Springs underpass at Dowd Jct. is approximately May 26 to June 12."

This underpass does not seem to be in the same usage category as any migration path out of the Town of Avon spaces. The underpass at Dowd Jct. connects two relatively large parcels of undeveloped public land to the North & South of I70.

VIEWSCAPES

Olson Assoc., who developed the Master Plan, generated Viewscape plots to address this issue before they recommended trail alignments. They are documented in the plan.

Avon held a citizens meeting on June 15, 2016. Visual intrusions of the proposed new trails were a significant concern for some who attended. Many other citizens said that they welcomed the addition of trails that impacted their views. They felt that they would be a pleasure to see. The opinions appeared to be split about 50/50.

1.) As a result of this meeting the trail "P5" was removed from the plan by the Steering Committee.

This trail (along with P4) provided a connection between the West Avon Preserve trails and the proposed trails in the Metcalf Gulch area. The trail connected PB J, in the WAP to P4 at the junction of Wildridge Rd. and Beartrap Rd.

The trail was very close to residences to the North & South of where it crossed Trail Ridge Rd. The close proximity was considered a significant issue by the Steering Committee.

A paved connection along existing streets from O'Neal Spur Pocket Park to the start of P4 was considered to be a more acceptable solution to providing needed connectivity between the WAP and Metcalf Gulch trails.

2.) There are four remaining trails in the plan that I have heard viewscape concerns about; P2, P3, P4 and P6.

2.a.) P2 & P3 can be seen from residences along the Wildridge Rd. E., and Coyote Ridge Rd. The Viewscape analysis by Olson Assoc. shows that very few homes can see these trails, but they might be pretty obvious from the few homes that do see them. These trails are proposed to be directional (single direction) hand built bicycle trails, and thus the least obtrusive of all the proposed trails in terms of their footprint.

<u>Rationale for the P1, P2, and P3 complex</u>: The high use of the West Avon Preserve trails over the first 2 years was a surprise. Of these trails, Lee's Way Down seemed to have the heaviest use. It was felt that similar directional trials of higher difficulty ratings needed to be added to reduce the user load on Lee's Way, and to respond to the perception as to what kinds of trails were most popular in the WAP; the more difficult ones. Very importantly, a well designed recreational trail system consists of good connections and multiple stacked loops.

2.b.) Concern about P4 was that it can be easily seen as it switchbacks above Wildridge Rd. This is true. Once it heads East along the ridge it will not be visible from most locations.

This trail is proposed to be hand built, which has less visual impact than machine built trails. It is multi use, and bi directional, so it would have a bigger footprint on the ground (and thus visual impact) than P2 & P3 if seen from a good vantage point.

<u>Rationale for P4:</u> P4 provides a soft (dirt) connection between the trails in the WAP and the trails in Metcalf Gulch. A paved connection will be present when the climbing lane along Metcalf Rd. is completed. It was retained in in the Plan because loops and connectivity are a very important part of an effective trail system. In addition, having a soft connection was felt to be very important.

2.c..) P6: Some concern was heard about the close proximity of P6 to the backs of the residences along Nottingham Rd. This trail, along an existing cut, would provide a soft connection for those residences to the trails in the WAP. It was felt that this was a desirable feature of a good trail system. It would also provide a section of soft access towards the trails East of exit 167.

### TRAFFIC

Concern was expressed at the June 15 meeting regarding capacity of the trail head parking at the Beaver Ck. Point TH. Quite often overflow parking occurred along Beaver Ck. Point Rd.

The proposed plan adds 10 parking places at the Metcalf Gulch TH. This should help in two ways: It provides access to trails that supplement the perceived most popular trails in the WAP, and – assuming a well connected trail system – should reduce the parking load at the Beaver Ck. Point TH.

## GENERAL COMMENTS: OTHER TRAILS

1.) I feel that P8 should be left in the plan in spite of EVLT concerns as a place holder, because of the clearly demonstrated need for such a connector.

2.) M3, M4, M6: These trails were added to provide a balanced trail system. It was felt that not enough beginner trails were included in the present WAP. It was anticipated that such a system would provide a use area primarily for families with young children.

While somewhat distant from the rest of the proposed trail system, a paved path does connect these trails to those to the West. An early version of the plan did provide a soft connection with the rest of the system across the Mountain Star Conservation Easement. This path was removed at the request of the Mountain Star community.

At any rate, since the expected users were mostly families with small children, it was felt that these trails could stand alone, with less impact on the concept of a well designed and well linked trail system than if a more diverse trail network was at this location.

### GENERAL COMMENTS: HARRINGTON'S PENSTEMON

Harrington's Penstemon is an endangered plant species found throughout the area of the existing and proposed trails. Construction of any new trails in the area must address this issue.

However, based upon a document prepared for the USDA forest service on HP, it appears that the impact of adding the proposed trials will be minimal at most.

Reference: "*Penstemon harringtonii* Penland (Harrington's beardtongue): A technical Conservation Assessment", Prepared for the USDA Forest Service, Rocky Mountain Region, Species Conservation Project, June 30, 2006.

Knowledge about HP, although better than for wildlife impacts, is still incomplete, based on this peer reviewed paper. Here are some out takes:

"HP is a stress tolerant species" (pg. 17)

"HP does seem to like, or at least tolerate lightly disturbed areas, but this is poorly studied." (Lightly disturbed means: "no disruption or removal of soil profile.") (Pg. 21)

"We do not know much about how it propagates, but some evidence shows it propagates along trails & cow tracks." (Pg. 17)

"The lack of specific information regarding impact to HP weakens arguments for road closure." (pg. 27)

"Given current knowledge, limiting motorized recreation to established trails within known occurrences (of HP) is most likely to be compatible with HP." (pg 33)

## CONCLUDING COMMENTS

Social trails still exist in and near the Avon town boundaries. These trails are in active use today. The WAP trails have experienced much more use than expected. Pressure on the trail system is expected to increase as population in Avon and in the Vail Valley increases. The need for additional trails in the system seems clear.

A well designed trail system results in less damage to the environment than a social trial system does. It would also help to minimize use of the social trails. Maintenance costs for professionally designed trails is low, based on Avon's experience with the WAP trails.

Avon must recognize that, even with the existing trail system, improved enforcement is a significant need. Improved enforcement would mitigate some (but certainly not all) of the problems voiced during the June 15 public meeting: overflow parking problems, smoking & partying at the TH and in the system, fireworks, etc. It is not a surprise that Avon is behind the curve in enforcement; we are still learning how to manage these new assets.

### Dear Avon Council members,

I would like to express my support for the proposal for ongoing trail expansion throughout the neighborhoods of Wildridge.

My husband and I are newly weds and bought a house in Wildridge back in October. The trail system was a strong appeal for us as we are both active runners and mountain bikers. Buying in Wildridge would not have been appealing to us just 3 years ago. There were no easily accessible trails except for June Creek and it would have required driving to get to trail heads. The fact that Wildridge now has a fantastic trail system makes it much more appealing to younger couples and families to buy up here.

From the meetings I have attended, the very loud opinions against trail development comes from a minority, most of them elderly. I strongly feel that if you want Wildridge to grow with the community, you need to continue to develop recreational trails. Trail development offers a wide variety of benefits, from economic to health. To read more about how trails can benefit a community, please visit the following websites:

http://www.americantrails.org/resources/economics/economic-benefits-trailsmacdonald.html

http://www.cdlandtrust.org/sites/default/files/publications/Benefits%20of%20Trails-NPS.pdf

Thank you for all your hard work and please listen to those of us who want to see Wildridge continue to grow and develop for the better. I urge you to keep in mind most of the negativity surrounding trail development comes from a small minority. Respectfully,

Jennie Thorne

, Avon, CO 81620

Avon Council members,

First of all thank you for all you do, your hard work and dedication to the town does not go unnoticed. Secondly, I would like to voice my support for the proposed multi use trails in Wildridge. I am a new homeowner on Longsun Lane and one of the reasons Wildridge was so attractive to my wife and I was the WAP trails that we have easy access to. After moving in we quickly discovered the "social" trails (illegal trails) that pepper the hillside east of Wildridge road that are easily accessible from Lonsun Ln. I admit, I have used these trails and I always feel guilty when using them. However, the close proximity to my house make them so attractive. I would love to have my guilt turned to pride with the adoption of the new trail network. I have helped build Wyse way, and other trails in the area with local groups, and I cannot wait to get involved in the building of a sustainable trail system in this area.

Thank you for your time.

Paul Datsko

Dear Avon Council members and staff,

I realize I am a little late in getting my letter in for your meeting on Monday, but believe that my support is needed regardless.

The trail systems in Wildridge/Avon are one of the best improvements that has happened since I started living in Wildridge in 2001. What I love about the trails is the multi use I see on daily basis by ALL different age groups; biking, walking, hiking, and running. I find people to be courteous and safe no matter how they have chosen to use the trails.

The concerns that have been brought forth by a few homeowners do not take into account the greater good for a community and beyond. Our trail system attracts outdoor enthusiasts from not only Avon, but our county and beyond. I have had the pleasure of talking with people on the trials from other states who marvel that we have such a system that is supported by the town and is progressive in its design for multi use.

When I look at the concerns I have heard from the opposite point by point, I see that most are personal concerns or speculative and the environmental concerns are a stretch (the deer population is thriving in Wildridge, just ask anyone who has a a garden!) I believe the town has done an excellent job of addressing traffic and parking concerns by providing a parking lot before the trails were even completed and an increase in patrolling of the area by Avon police. I have confidence that the town of Avon will continue to be proactive to meet safety and traffic needs or will address them as the arise.

I wrote a letter in support of expansion last year and foolishly believed it was a done deal. I thought that most people would have gotten out to experience the trails for themselves and come to the same conclusions that I had, it's a wonderful area to recreate for everyone. I understand now that is not the case, and hope that the Town Council will be able to base their decision on the many voices in support of the expansion rather than the few voices of dissent.

I am a 15 year homeowner in Wildridge and strongly support the expansion of the trail system as an added benefit to living in this neighborhood.

Thank you, Alicia Pribramsky

Alicia Pribramsky, NCC M.A. School Counseling K-8 School Counselor K-4 Spanish teacher Eagle County Charter Academy Dear Avon Council,

As a 19 year owner/resident of Wildridge, I commend you on the new Avon trails and support further trail expansion. The trails are absolutely wonderful. I have dozens of local friends who also enjoy the trails. I definitely recommend adding a connector from wyse way and all the additional proposed trails. I am an avid mountain biker, hiker and trail runner.

Sincerely, Heather Cunningham Dear Avon Council Members, please consider this email as my full support for the development of new trails as proposed in the trails development plan.

For years our community has lagged far behind in providing recreational opportunities for our residents, especially in Wildridge, which until recently really only included going for a walk or ride on the road if we wanted to do something after work in our neighborhood. This has always been a very real safety issue that is totally being ignored by opponents and will be perpetuated if other realistic local options are not developed.

I live on **Sector**) very close to the West end of the proposed P4 trail. I will have a full view of it from my house, as I already have full views of PB&J, and My Backyard. I have no issues with the minimal visual impact that a two foot wide hand built trail will have, or to see the trail used on a regular basis. Unfortunately we have a small group of vocal people who are opposed to this project largely because they are not concerned with wanting to live a healthy life, nor have the town provide opportunities for the majority of people who do want some options for that lifestyle in our own neighborhood. This "not in my backyard" approach is the real issue at hand, and quite disappointing to see.

Recommendations provided by CPW, while predictable, completely fail to recognize that our entire neighborhood is already significantly impacted by human activity in all forms, and that wildlife in the area is already in a severely compromised environment that already face all the impacts CPW sites as concerns about the new trails. If you apply CPW's own recommended setback widths of 100 meters or more to existing roads and developed areas in the same manner CPW applies the same setbacks to the new trail alignments you will quickly see the proposed trails like P1 through P4 are already impacted by CPW's own standards. Unfortunately the research they site is also quite old, and I am certain none of it was ever conducted in well urbanized areas where wildlife already lives in and around humans on a daily basis. If these standards are applied locally or regionally then the only possible decision is to never allow further development of any kind in Avon outside existing areas. This certainly is an unrealistic approach.

The demand in our neighborhood for these opportunities is also reinforced by the existence of reportedly 15 to 18 social trails already being utilized in the area of P4, established by our own residents. Trails of this type also come with existing problems for heavy erosion and damage to vegetation.

A better approach would be to build these trails and eliminate opportunities for commercial shuttle operations, apply seasonal closures where appropriate, and eliminate the ability to hold possible race related events in the area (even though these trails are poorly suited to racing for a variety of reasons).

Please do not allow a NIMBY approach to guide a decision on something our neighborhood needs, and the majority of our residents want as an asset in our area.

Thank you for your consideration on these issues.

## Greg Johnson

I am writing to voice my support for new trails and adoption of the updated trails plan in the "Upper Metcalf" drainage. I am a town of Vail resident but I feel the potential new trails will be a major benefit to the community, families, and businesses in the valley as a whole. I love riding the Avon trails especially in the spring and fall since the area receives a lot of sun and provides great shoulder season riding. I find myself spending more time in Avon than I normally would on account of the trails and it generally leads to a beer or bite to eat at a local business afterwards. Thanks,

Max Harris

The creation of the existing trails is the best improvement that I have seen in the town of Avon since moving here in 1991. Until recently, I had not paid close enough attention to realize that the addition of more trails would meet opposition. Certainly, smart planning is required, but I rarely encounter anyone in our greater community that doesn't believe these trails are anything other than a big step forward.

Wildridge residents have hit the lottery to have all of these great trails at our doorsteps. Previously, our neighborhood had limited access to the surrounding nature on jeep roads. The fantastic new trails bring convenient access to our homes in Wildridge (and those at Metcalf and Nottingham roads). The quality of these trails in design, skill variety and our varied surroundings is better than many great trails I have visited in Fruita, Buffalo Creek, Crested Butte and Moab. And on top of that these trails are right in our great town. The ability to quickly reach trails is similar to ski-in/ski-out access. More trails will add variety and provide organized access to nature.

In response to previous feedback about encouraging wildlife in our neighborhood or bicycle traffic past homes: I see no benefit to encouraging deer to enter Wildridge or other neighborhoods. The number of deer along Metcalf Road has grown - this past year there have been more deer along the road than ever before. Also, deer eating from gardens has increased at my home and others. Regarding bike traffic, if I have to ride my bike past other homes, it is far better than loading my bike in a car and driving to any other trail. I enjoy seeing additional bicycle riding in our neighborhood.

Matt Kozusko 20-year Wildridge resident To whom it may concern,

Please consider this email as a formal letter of support to implement more trails in the "Upper Metcalf" and surrounding Avon area.

As a local Realtor here in the Vail Valley, these trail systems have had a very positive impact on my life both personally and professionally.

Personally, mountain biking on these trails is my passion, mode of exercise, and how I blow off steam. Living in EagleVail, these trails provide unbeatable access to a natural, beautiful, mountainous playground. These trails are essential for my mental and physical health a key factor for why I choose to live this active Vail Valley lifestyle. I ride other trails throughout the valley to get variety but, most of them don't open until July 1 due to Elk migrations. We need more space and trails to access before July 1st. I have never seen an elk on the Avon Trails; only the occasional deer. It is to my understanding that the CPW applied a blanket, valley wide study when they should have conducted a targeted study of the exact proposed area.

Professionally, these trails have had a very positive effect on my clients' view of the Wildridge neighborhood and all it has to offer. In the last few years, I have sold multiple homes in the Wildridge neighborhood; all of which these trails have been a key factor in why the buyers purchased the homes. Real estate buyers want open space, they want trails, and they want to surround themselves with active people. I have clients from Minnesota that specifically purchased a \$1.5M home in Wildridge because of the mountain biking access right out of their back door. The Momentum trail builders built a trail by their home in Minnesota and they were ecstatic to hear about them building the Avon trails. Without these trails, I doubt my clients would have purchased the home and the Town of Avon would not have received the \$30,700 from the 2% transfer tax.

It is very apparent that these trails pump plenty of money into the local Avon economy and community. Hiking and biking is a very social activity and these active people will continually rendezvous before or after their rides/hikes in Avon's establishments, in particular Northside Kitchen.

All in all, I believe that more trails in the "Upper Metcalf" and surrounding Avon area are a net positive for the locals, guests, and future homeowners in the Vail Valley. These trails will continue to help the Town of Avon flourish. I believe it would be a colossal mistake to prevent trail development in such an opportune area.

Thank you for your consideration in my beliefs and opinions.

Alex Griffin Broker Associate | LIV Sotheby's International Realty <u>The Ritz-Carlton Residences, Vail</u> Just a quick note to voice my support of all the new proposed Avon trails. I recently completed the Leadville 100 MTB race. I have been incredibly thankful for the ability ride the existing WAP trails as a training tool. The fact that I was able to ride and train from my home in Wildridge contributed greatly to me being able to finish the LT100. Because I did not have to load bikes and commute to a far off trail head, I was able to train and have valuable time with my family. I am not an elite rider as my 11 hour 45 minute finish time will show. The trails inspired me to say, I can do the LT100. I can train with every free moment I have and I did. There is incredible community value with the proposed trails. Please move them forward and don't let the momentum fade away.

I have read the CPW recommendations and feel they do not reflect the reality of the proposed areas. The impact balloons on the map do not take into account existing roads and private residences. It only shows the impact of the user groups and not the areas of overlapping impact of the already existing roads and developments. The general CPW recommendations can easily be countered with quality of life arguments. child obesity studies, etc....

Please disregard the oppositions use of misinformation and flat out lies to rally against these trails. Look to the families who are out there on the WAP trails. Look to my kids aspiring to hike, look to my kids aspiring to ride.

Thank you.

Cody Wyse Avon Resident since 1996, Wildridge owner since 1999.

P.S. Matt Pielsticker - can you copy this to the PNZ?

Dear Avon Town Council,

My name is Leslie Wyse and I have lived in Wildridge for the last 7 years. I'm writing to voice my support for the new proposed soft trails in the upper Metcalf Loops. I think the current trails have been an amazing addition to our neighborhood, and have made Wildridge a much more popular and desirable place to live. The fact that our property values are now approaching Singletree's values per square foot speaks to this increase in popularity. I think people love having access to trails out their backdoor. We sure love it!

I am not a mountain biker, but I frequently use the trails for trail running. I've never had problems with bikers yielding to me as a runner. I'm a member of a weekly running club in Edwards and the majority of the club members say they love the WAP trails for trail running too. My kids love riding their Strider bikes on Our Backyard- it's the perfect trail for them.

We live right by the Oneal Pocket Park trailhead. I have not seen any increase in traffic or parking at the trailhead since the addition of the new trails. It seems most bikers arrive to the trailhead on their bikes. When I have driven to the Point trailhead, I've rarely seen other cars there. And the majority of the cars at the Point trailhead seem to be dog walkers, and not bikers. I'm at a loss of why some residents are opposing these trails. If anything I think the new trails on the Upper Metcalf Loops will take some traffic away from our neighborhood because it will spread the riders out. The current trails are getting a TON of use. We literally see hundreds of riders, runners, hikers, and dog walkers per day on PBJ, Saddleridge, Our Backyard, Wyse Way and Wildwest (we can see those trails from our house).

Relatively speaking, the soft trails are a very low-cost improvement compared to other projects the town is undertaking, and the "bang for the buck" the trails return is unrivaled such that I can't imagine why the Town wouldn't move forward with these trails. Especially if you consider that amount of community volunteer support these trails receive should make the trails virtually free to maintain in the future.

Thank you for your time,

Leslie Wyse,

Avon, CO

Hello my name is Ryan,

I was at the trail planning meeting today and unfortunately was not able to stay long enough to have time to speak. I was surprised to see how negative some of the community review was about the new trails. Mainly the Metcalf trails which can only be explained by the impact it has directly on the proximity to their homes. As a mountain biker I felt like many of these negative feelings are almost directly pointed at the sport itself and not the trails. I can only image if the trail through that area was hiking only there would be no problem. If the mountain bike only trails where in the East Avon area the community members would not have a problem. I understand that I do not have a home directly in this area and would not have as large an effect from new development. I would say that I am for the trails but if not completed it would not have a signifiant impact on my life. I do have to say that enforcement is something that all people seemed to want more of and I can attest to that as I try and be overly courteous as a rider, however, I know this is not widespread.

I can understand the need to carefully explore new trail additions for wildlife but stating that ATV's, Cars and mountain bikes have the same impact I can only image is exaggerated. Even if true I would like to see a disturbance map for the homes and roads already built that have a much larger impact on the wildlife. As the CPW officer stated most likely the housing development was originally rejected but all the people there ignore that fact. I can also attest that deer, elk and cows allow mountain bikes to approach and sometimes need to be told to move from trails.

I feel that continued growth of trail systems is valuable and if not feasible in this area there could be a start of more network in East Avon and try to gain access to forest service land into Davos.

As most the input was overwhelmingly negative (as they say the squeaky wheel gets the grease) I wanted to make it known that there is support for the trails or other trails of some capacity

Thank you for your time

Ryan Williams

August 18, 2016

Sarah Smith Hymes Avon Town Council PO Box 975 Avon, CO 81620

Re: Eagle River Watershed Council response to upper Metcalf Creek trails proposals

Dear Sarah,

At your request, Eagle River Watershed Council reviewed the draft Recreational Trails Master Plan Update (June 2016 version) for potential impacts to water resources from the proposed trail development. Eagle River Watershed Council is a 501(c)3 nonprofit that advocates for the health and conservation of the Upper Colorado and Eagle River basins and strives to protect and enhance the natural, scenic, and economic values that our rivers and tributaries provide.

Upper Metcalf Creek is identified as an intermittent system on 1:24,000 USGS quadrangles, however anecdotal local knowledge suggests that above the Metcalf Road truck turnaround, it is likely a small perennial stream in all but the driest of years. Although small tributaries like these (low flow and high gradient) do not typically support fish populations, they can provide important habitat for aquatic insects, amphibians, sensitive terrestrial species, and diverse riparian flora.

Soft-surface trails used for hiking, biking, and equestrian use are generally low-impact development types. However, poorly located or constructed trails may hold the potential to cause localized degradation to both aquatic and vegetative resources. This may take the form of increased sediment generation, trampling of sensitive vegetation, introduction of invasive species, or direct disturbance to aquatic habitats.

Impacts are most likely to occur from:

- 1) Trail segments traveling along side of a stream, and
- 2) Stream crossings.

To minimize impacts from (1), Eagle River Watershed Council recommends that trail corridors traveling along (parallel to) streams maintain a suitable upslope buffer distance that fully includes the riparian zone. This distance may be variable from 10m to 20m (33-66 feet) or more, and is best determined with site-specific observations of plant communities, soils, and terrain. Access to stream areas of special scenic interest that are likely to draw social traffic regardless should be controlled via shorter out-and-back spurs, rather than direct routing of the main trail. This recommendation for appropriate buffering distance may apply to the proposed P1 and P7 trails in the plan.

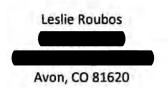
To minimize impacts from (2), the total number of crossings should be the minimal necessary to achieve the desired trail routing goals. Stream crossing areas should minimize the approach distance spent in the near-stream zone (cross both the stream and riparian zone in a

perpendicular fashion and move upslope). Bridging short crossings can help reduce or eliminate the sediment-generating impacts of high-traffic trails. Where structures are not feasible, hardening of the trail approach and locating the ford or crossing in a stream segment unlikely to generate significant sediment or physical disturbance (i.e. upstream head-cutting) can minimize vegetation and sediment impacts. Avoid locations with sensitive plant communities, hillslope wetlands, or groundwater inputs, when constructing crossings. This recommendation for appropriate siting and construction of stream crossings may apply to the proposed P1, P4, or P7 trails in the plan.

Thank you for the opportunity to provide comment on the Plan, please contact me with any additional questions.

Sincerely,

Holly Loff Executive Director



June 29, 2016

To: Avon Town Council Avon Planning and Zoning Commission

Re: Town of Avon Recreational Trails Master Plan

To Whom it May Concern:

This letter is intended to express my opposition to certain trails contemplated in the Town of Avon Recreational Trails Master Plan Update dated June 2016 and presented at the public meeting on June 15, 2016.

I appreciate the opportunity to be heard again on this issue by our elected officials. I have been a property owner in Wildridge for 18 years, and I selected this area specifically for the vistas and undisturbed landscape. Our community is composed of individuals and families of diverse passions and interests. Our common thread is our appreciation for the Colorado landscape within our residential communities, and our desire to maintain this landscape is equally as important as those who desire to enhance recreation opportunities. It is my understanding that the Avon Master plan is designed to protect residential impacts as well as provide appropriately placed and balanced recreation. The current proposal of scarring and disrupting areas close to our homes will decrease our property values, seriously impact privacy, increase non-residential traffic, and increase concerns for safety. The character of our residential developments would be dramatically negatively impacted forever.

Avon is fortunate to be the benefactor of the Avon Preserve. This offers almost 500 acres in the heart of our valley for recreation in many forms. The current trails system is significant and connects residents from Avon all the way to Singletree. Just above Wildridge and Singletree we have additional access points to many more trails and our Forest Service land. We are the heart of the valley, and that being said, presently offer more trail opportunities than almost any other town.

I am an avid hiker, mountain biker and road biker, and I am vehemently opposed to the trails proposed within the confines of the residential area of Wildridge, specifically the trails marked P4 and P5. I, as well as other directly affected homeowners, expressed this opinion at the public meetings in 2009 as well, but these trails continue to appear on the town's trails plan.

In the past, I have supported the addition of trails around the perimeter of Wildridge, and I personally use them often; however, the town planners created ugly scars in our view corridor with the Avon preserve trail below Old Trail Road, across from the dog park. This ugly scar can be seen from a mile away, and it's a shame that we did not have the foresight to leave a beautiful piece of property alone.

We should not put a scar or any type of development on every piece of land that does not have something on it. Our town guidelines are to minimize scarring of the land.

In addition, despite your consultant's report, which is clearly incomplete, the undeveloped land around Wildridge is in fact prime wildlife habitat. This is one of the only undeveloped pieces of land within the residential area that is free for wildlife to graze and hunt. On any given day you will spot deer, fox, coyote, hawks, an occasional eagle, owls, and many types of rodents on the land where the P4 and P5 trails are contemplated. Additional trails in this area will have a severe negative impact on wildlife with the presence of humans and pets. There is significant wildlife there all day long every day.

Please keep the trails on the perimeter of the residential area, not winding through people's homes. The charm of Wildridge will go away when we start letting throngs of people of who do not reside in the area ride through our neighborhoods. It goes without saying that we live in a resort area, and those of us who live in Wildridge live here to escape the resort aspect. Wildridge is a fantastic residential area that allows us to get just far enough away from the fray of resort activity. We have an amazing view corridor that should be preserved forever. Trail P4 is way too close to homes and trail P5 is far too visible from everywhere. Your consultant even alluded to this by showing it as red ("most visible") on the Viewshed Analysis.

There is no way to effectively address trail etiquette and enforce trail rules in these areas; therefore we would be inviting a mess into our wonderful neighborhood. This has been seen with issues that current homeowners near the Avon preserve are experiencing. The town can't support a staff to do this, and enforcement is already an issue for the Avon Preserve.

As I said, I voiced my opinion against these specific trails years go. Town council members have repeatedly expressed that they want more community members to be involved, yet, in the past, they have essentially ignored those of us when we do express our opinions, especially when it is in our backyards and affects us directly and negatively. I have been approached by countless homeowners in Wildridge who are opposed to the addition of trails that wind through and around our properties. This negatively affects all homeowners who bought knowing what their views and sight lines were. This will affect the homeowners and tax payers negatively by ruining our pristine views, adding unnecessary non-residential traffic, reducing the privacy that our neighborhood offers, and thereby reducing our property values.

We already have a nice bike path on the paved road that bikers and hikers can use to access the wonderful trails above Wildridge that already exist. We do not need to add more trails inside Wildridge. These trails are already connected by riding on the paved road for just a few minutes.

In addition to P4 and P5, I am also opposed to the trails marked P1, P2 and P3. These trails are designed to begin at the truck turnaround on Metcalf Road. There is not enough room at the turnaround for most trucks to easily maneuver, much less for a trailhead and parking. Trees would be need to be removed and the area would need to be enlarged significantly, all of which I strongly oppose. We currently have too much traffic on Metcalf Road, and we do not need to add more non-residential traffic in our

neighborhood. Vegetation removal just for connectivity does not make any sense. It is easy for those who don't live in our neighborhood to suggest these trails. It's not in their back yard.

A better use of the town's money is to repave Wildridge Road East where all the "tar snakes" are. The pavement is in terrible shape, and rather than repave the road, the town keeps adding the slippery tar to fill the cracks. It can be felt in a car when going around the turns, and it is dangerous for motorcycles when it heats up.

To summarize, I do not support trails P1-P3 because of the wildlife, environmental, traffic and safety impacts, and I do not support trails P4-P5 due to the close proximity to homes, privacy, homeowner safety, wildlife impact, view corridor impact, and scarring of the land. We do not need these proposed trails, given their negative impacts on the homeowners in the area. Please consider how all of you would feel if this was being proposed right in your backyard.

Please respect, represent and protect the wishes of maintaining our neighborhood character, and remember that our community already has significant trail recreational access.

Sincerely,

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Leslie Roubos via email

From: Sent: To: Subject: Spitzer Richard Monday, June 13, 2016 11:03 PM Debbie Hoppe; Sarah Smith Hymes Avon Trails proposal in Wildridge

I have a number of concerns about the Avon Trails proposal in Wildridge. I would like this entered into the record and the discussion.

1. I know that the trails pass through a lot of wildlife habitat that would be impacted by this trail use. A proponent of the trails stated to me in an email that "The current trails in the West Avon Preserve are some of the best I have ever been on and they are surrounded by wildflowers, wildlife, etc.., a fantastic experience you do not gain by walking on the shoulder of a paved road for cars and much safer too." I doubt that bikers traveling down these trails see or appreciate much of the wildlife or wildflowers as they zoom by. These trails are not be used by hikers or walkers for fear of being run over by the bikers.

As a wildlife photographer I have observed and photographed a lot of wildlife that would be impacted by these trails since the trails cut through the middle sections of much of the wildlife habitat. There are a number of fawns that hide out under the trees and shrubs in the spring. There are a number of fox dens near some of these proposed trails.

2. Every trail changes a drainage pattern and that has an impact on the environment caused by erosion. These trails often channel water in such a way that it creates erosion that then washes off the trail and buries the landscape below the trails. I have been observing the trail cuts that are already in place over the year as I do my walks and those trails are becoming more and more noticeable on the hillsides in Wildridge

3. Noise and commotion caused by the bikers will become noticeable. I was walking one quiet evening shortly after sunset near one of the trails and suddenly bikers with lights were shouting and yelling as they cruised down one of the trails.

4. One of the concerns that we may be faced with is the fact that the upper P5 trail comes up to the intersection of Bear Trap and the Wildridge roads and then goes east, I assume that would be on the road. However, according to the map it goes along the road on the north side in front of a neighbor's house. It goes from there on up the hill east of us, P4.

I think that the triangle at the intersection corner of Bear Trap and the Wildridge roads will end up being a major trailhead/parking area. It is almost at the high point of the proposed system and seems to be the only parking location near the top of the trails. There is limited parking on Beaver Point. Will we end up with commercial operators dropping people off at that intersection/location to ride downhill? Will people park at that location to start or end their rides? At Beaver Creek and Vail people ride to the top of the mountains on lifts at those resorts, at a high cost, so that they can ride down. Would these trails develop to the point that people will park near the top to ride down at a fairly low cost to them? The use of the neighborhood by throngs of future riders, their noise, congestion, and trash is not something I, or others who live here, would appreciate.

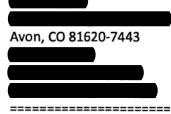
5. One biker commented to me that this area will soon become a "world class network of bike trails." Would a "world class network of bike trails" also draw world class bike events to our neighborhood? I shudder at the thought of the roads and hillsides lined with cars and people for those kinds of events.

6. There are a lot of areas that bikers can use that do not impact the people in the neighborhood. It seems that an investment in those locations would have less impact on the people who live here.

Exhibit C

Rick

Rick Spitzer Spitzer Photography



From: Sent: To: Subject: Spitzer Richard Thursday, July 07, 2016 6:34 PM Debbie Hoppe Wildridge Mountain Bike Trails

Debbie,

Initially I was not opposed to some trails in Wildridge, but things have changed after talking with some bikers. I am fearful that there is a lot that the VVMBA wants to do that is not being made public.

Last week I was walking on the My Back Yard trail (Ironic) at Beaver Point and a biker came down the trail and I stopped him. He seemed a little miffed by that. I asked him what he knew about the trail plan. He was really exited by that question. He told me that the 12 miles of trails for this phase would be a fantastic thing and would help to produce a "World Class Mountain Biking Venue" for the community and have a huge impact on the economy. (How many bikers are needed to have huge impact?) What he then said gave me pause. He said that next year the trails would be extended to the top of Wildridge, connected to Forest Service trails and eventually connected with Vail trails. He also said that parking areas would be added, with restrooms, and it would be fantastic because there would be no bike haul fee. I said that I wondered about the open space in Wildridge being dedicated to that and his response was "Hey, we have a right to use the open space." I asked where he lived. He said Eagle, then his demeanor changed and he "had to get going." I think he figured out what my position was.

It seems there is much more in the minds of the VVMBA members than they are letting on. One member told me that none of these trails would be used for competitions because they are single tracks. Looking at bike racing events in Colorado on the web tells me that is not true.

I bought a home in Wildridge 13 years ago. I did not want to live in a golf community, but it seems I am going to be forced to live in a mountain biking community! I can have "input," but I have no vote on what goes on in "my backyard."

Rick

Rick Spitzer Spitzer Photography Avon, CO 81620-7443

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From: Sent: To: Cc: Subject: David S. Petrowski Monday, June 13, 2016 11:17 PM Debbie Hoppe David S. Petrowski; marty@muledeer.org; ASKMDF@MULEDEER.ORG Avon Trails Master Plan

#### Dear Debbie,

I am a concerned homeowner in Wildridge living on proposed trail expansion P5; my address is Avon, CO. Our residence is on the West side of the duplex bordering the drainage of P5, North of Old Trail road. I have been a homeowner in Wildridge since 1999 and raised two daughters with my wife, Hilary. We have stayed in Wildridge because our love for The Town of Avon and the Wildridge neighborhood community. At first, the appeal to buy was the wildlife accompanied by the quiet beauty transcending to the mountain vistas. My family resents the town for considering such action to expand trails next to our property. We are truly outraged. I have the following reasons for not wanting this expansion to occur next to our property, which leads me to the other reasons why I fell in love with 2490 Old Trail road.

- 1. Wildlife impact is a major concern. The P5 trail would cause deer and other species to relocate to other areas. Mule deer find sanctuary as a birthing ground for their fawns in the Spring in the P5 corridor. Before the trails where put into Wildridge to the South of the neighborhood I would see on average 3 deer in my yard. Now there can be 10 to 20 deer at a time in my yard as they have been pushed North with trail construction. Did the Town of Avon complete an animal impact study prior to putting the first series of trails in the neighborhood? Many of my trees and bushes have been destroyed by both male and female mule deer in the Summer and Fall. I hold the town responsible for their gross negligence of displacing these animals if an impact study was not done prior or post construction.
- 2. I moved to my current residence because of the safety and harmony that Wildridge has to offer. The noise, hustle and bustle of a resort community was left at the resort when driving up Metcalf road into our neighborhood. Now packs of bikers ride past my house daily on the street. Our trees and yard provide some serenity from the street, but a trail bordering our property would not. The increased traffic will infringe on our privacy and general safety.
- 3. I have come to quickly realize my home was a great investment as I have seen property values rise steadily since we purchased our home. I could only imagine the curb appeal to a potential buyer when witnessing a trail of screaming tourist and bikers next to our property. Trash and broken bike debris will also be increased as I see more and more biker garbage on the current trail system.
- 4. The trail expansion through the neighborhood would be devastating to all who border and live in that neighborhood. Wildridge would lose its charm and character of being an outstanding Avon neighborhood. I bike myself and like the trails below and away from the community, and I do not like to ride past homes. Trails need to be redesigned and routed away from the community.
- 5. If the goal is to connect Avon to Vail, you do not want to route down P7, P1, P2, P3, P4 to P5 as this would greatly impact wildlife. These areas are animal wildlife sanctuary, and deer and elk would be displaced if the suggested trail expansions occur. I wonder how the Mule Deer Foundation would feel about such a proposed plan, also copied on this email. The Wildridge neighborhood was once one of the best areas to hunt mule deer. Since the community was established in the '80's, deer and many other species have been protected. Displacing their movement into the neighborhood would be a disservice to the deer and to the residences who live here. Animal populations can no longer be controlled by hunting, and the deer concentrations would run an increased risk for disease. Mule deer are a fragile species and need their uninterrupted space to drop and raise their young.

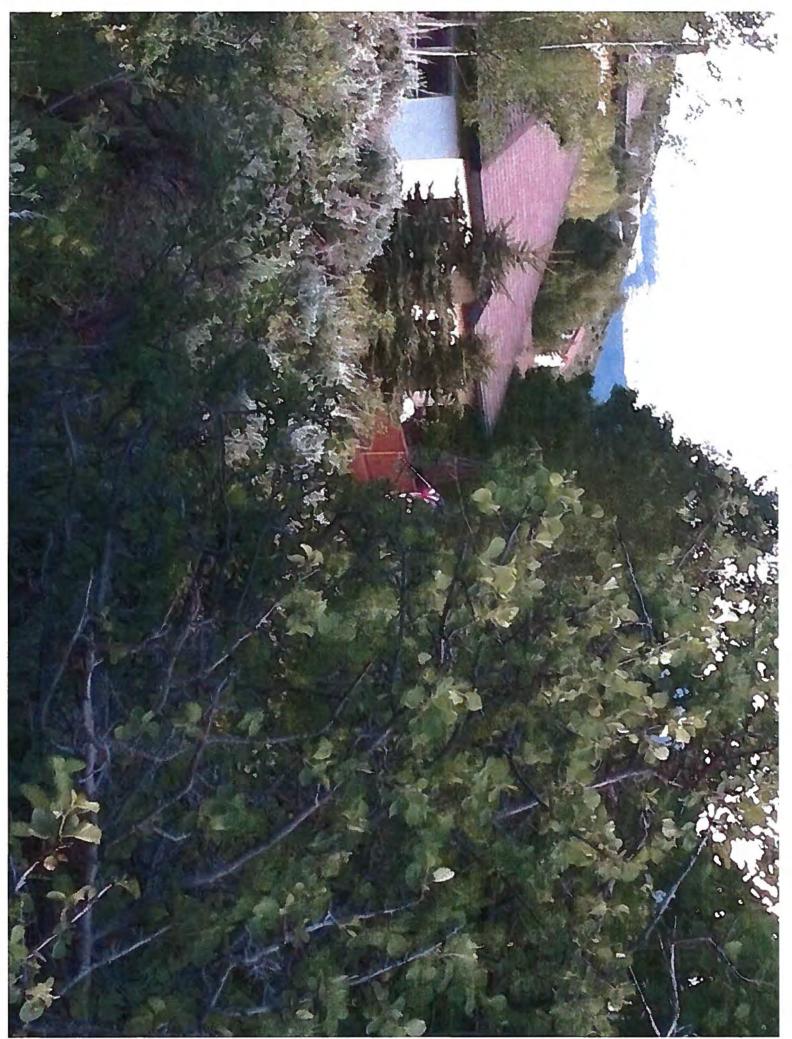
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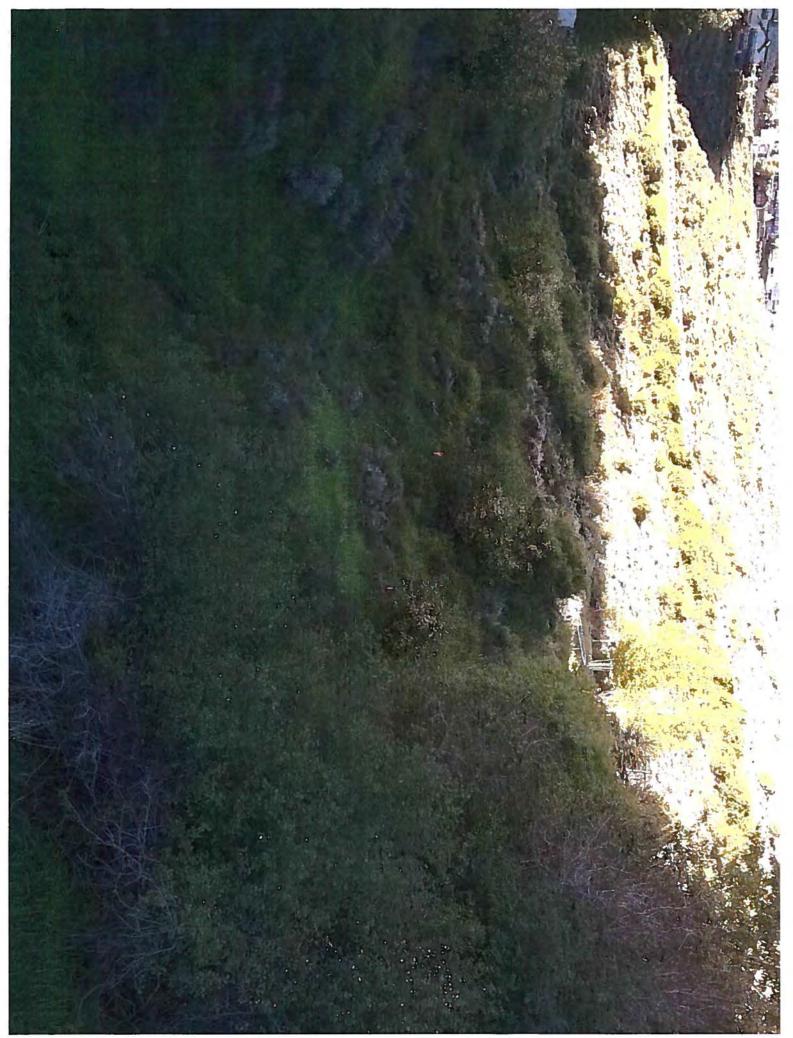
I have spoken to many other Wildridge residents affected by the proposed master trail plan, and they too are outraged. Please do what is right for the land, community and wildlife by not letting this expansion proceed any further.

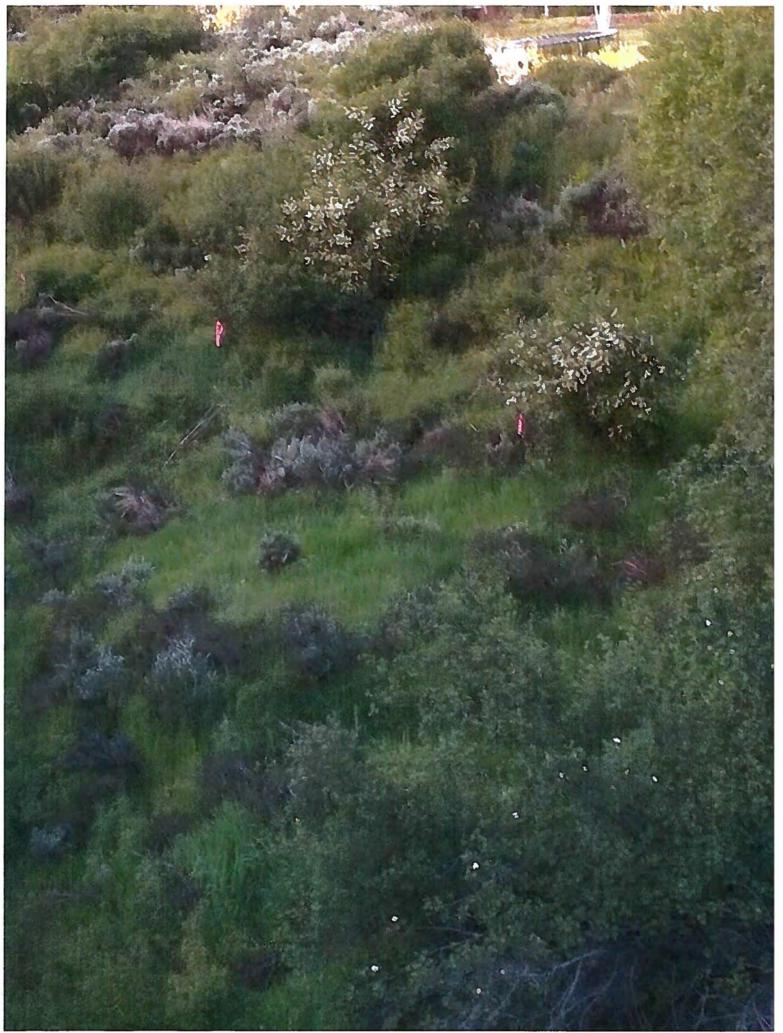
Sincerely,

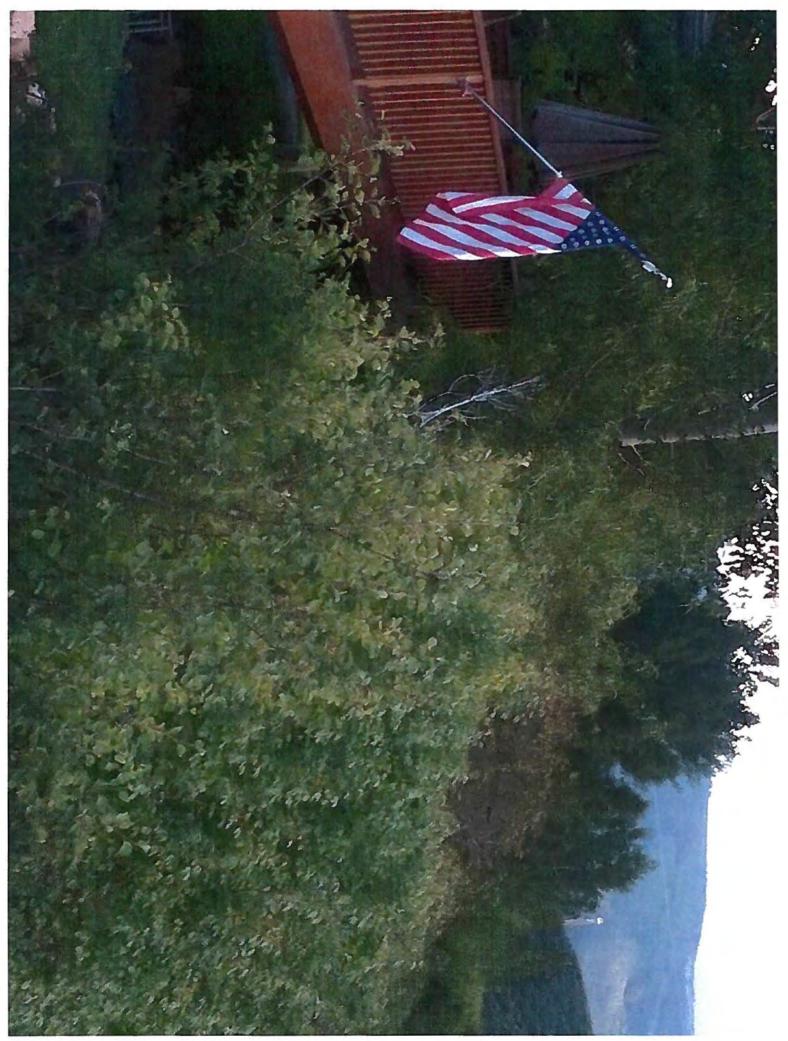
David Petrowski'











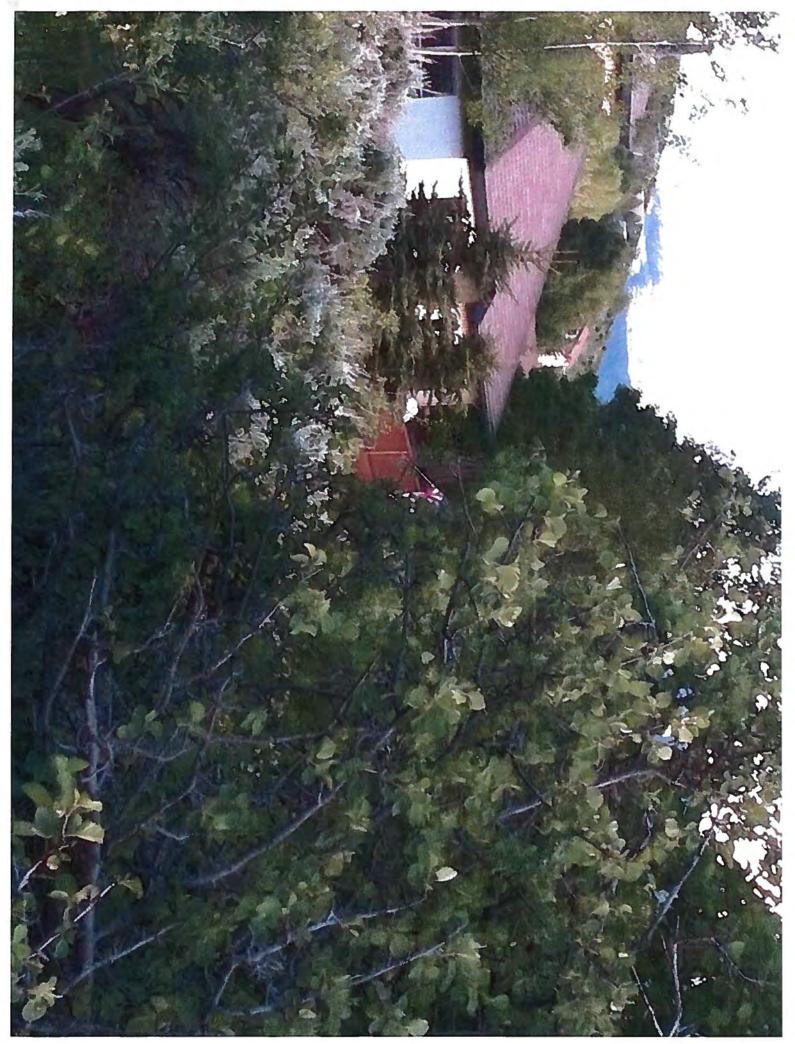


Exhibit C

## Debbie Hoppe

From: Sent: To: Subject:

Follow Up Flag: Flag Status: Terri Brue Tuesday, June 14, 2016 4:44 PM Debbie Hoppe Master Trail Plan

Flag for follow up Flagged

#### Debbie:

Please forward my following thoughts regarding the Master Trail Plan to the Avon Town Council. Thank you.

Terri Brue

## **Background Info**

The house at the second second was built in 1995. Our family purchased it in 2007. Our adult son, who is part-owner, works in Avon and has lived in the home full-time since then. We stay in our home several times a year when we visit him.

The house, which is now 21 years old, was built within the already well-established residential community of Wildridge. What a wonderful community it is in which to live! The tranquility is soothing; the views are amazing; and the wildlife corridor in front of our house is priceless.

What I never expected to encounter at our home, was the possibility of it someday being surrounded by a multiuse trail that includes mountain biking. This proposed trail would cut through the Dry Creek drainage basin which is part of the open corridor in front of our home. It is within this context that I am writing this memo.

I will be referring to some trails listed in the 11-page Avon Trail Master Plan Update Abstract, June, 2016. http://www.avon.org/DocumentCenter/View/14713

Upper P5 trail is also known as the Dry Creek drainage basin. This is the section of the trail that cuts through the wildlife corridor that runs in front of our house. Pages 5 & 6 Lower P5 trail. I assume this is part of the same Dry Creek drainage basin. Pages 5 & 6 The blue-colored multi-use trail. I know this trail to be called the Pocket Park Loup. It is not named on the maps, so it might have a different name. Pages 5 & 6 The environmental concerns for the Wildridge Connector Trail. Upper P5. Page 10

## Creation of the Wildridge Community

The Wildridge community was uniquely designed for all—both for people and for wildlife. The houses are nicely spaced apart; the winding roadways have a paved shoulder for walking or for riding a bike; and the common areas of undisturbed natural vegetation on large swaths of land, with steep hills and deep draws, are perfect for wildlife. Without question, this original design concept has been successful for everyone.

£ ...

## **Change of a Core Existence**

Now in 2016, many years after our original residential community was conceptualized and built, an internal trail system for Wildridge has been superimposed upon the original design. It includes an internal connector trail system (upper P5 and lower P5) that would change a core reason why many of us chose to live in this unique, peaceful mountainous area: to be able to live side by side with the wildlife community that lives among us in the open spaces.

## Our Winding Roadway Is the Trail System

The upper P5 internal connector trail that follows along the Dry Creek drainage basis within Wildridge is unneeded, as the winding roadways in our area is the "trail system." It's already here, people have been using it for years, and it's paved. Muddy, erosion problems never get a chance to start.

## Upper P5 Unneeded; Lower P5 Reassessed; Connection Remains

Move the unneeded upper P5 trail to the Wildridge "trail system." Today, one can already take this "trail system" to get from Wildridge Road (start of upper P5) to where it would connect with Old Trail Road (start of lower P5). Making this change would allow most of the Dry Creek drainage to be left untouched. Cost? \$0.

The lower P5 trail should be reassessed for its impact on the wildlife. Must the lower P5 be located in exactly this very narrow portion of the wildlife corridor? Could it be moved and be shortened by starting it at a different location along Old Trail Road?

The final outcome would be the same: The upper and lower 5P trails would still join up to the existing blue multi-use trail just as planned on the maps. ...Albeit via a different route that preserves the wildlife corridor.

## A 24-InchWide Dirt Trail Used By Bikes Creates No Environmental Concerns

It's appropriate to note here that while the Wildridge open areas are part of the wildlife corridor that goes from the valley to the upper mountains, this corridor is so much more for the wildlife. It's also where they feed, rest, bed down for the night, breed, and rear their young.

Knowing all that, I beg to differ with the Wildridge P5 connector wildlife environmental concerns on page 10: There are no wildlife environmental concerns. Only the viewsheds cause concerns. It defies logic that a 24-inch wide dirt trail, used by mountain bikes through the entire downhill Dry Creek drainage area, would not create a disruptive, negative environmental impact on the wildlife, plus on the land and the residents too.

#### The Hippocratic Oath

In looking over the Master Trail Plan materials, one cannot discern if the fact that Wildridge is a residential community was seriously taken into consideration. Locating the P5 internal connector trails into this drainage basin suggests that it wasn't much of a factor.

But we are a residential area. It's discouraging if it isn't acknowledged, that carving out this connector trail would negatively affect our community. I'll leave it to others who agree with that statement to express more specific issues. But moving the upper P5 trail to the current Wildridge "trail system" would at least save that segment of the Dry Creek drainage habitat for those of us who live within this basin.

To those of you who will decide to accept or reject the P5 connector trail for our community, the Hippocratic Oath seems somewhat appropriate when it concerns the well-being of our community: First, Do no harm.

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From: Craig Brue Sent: Friday, June 10, 2016 3:44 PM To

Subject: Trails in Wildridge

Debbie,

Hi my name is Craig Brue and I live at the open House on Wednesday, June 15th. I also received a text from my neighbor stating that a trail system was being proposed in the open space in front of our houses. I also had a very nice chat with Peter Waren about my thoughts on this area, and he suggested I email you.

When looking for a new place to live in 2009, Wildridge was not originally a spot we had considered. Driving up the road to look at my current property, it was apparent that the town had preserved the land to funtion with nature. During that time, 3 things stood out while looking through the oversized window in my living room: the views of Beaver Creek, the wildlife open areas and the quiet and peaceful community. This factured into our investment. A few years went by and new construction started at 2510 Old Trail Road. We didn't have any problems with the construction because our views were not obstructed and the homes backed up to the wildlife areas.

I have been watching the growth and ever-present wildlife through my living room window for over 7 years now. Ten deer in the community use this area to feed and bed down regularly, and I have seen them bed down for shade and cooler temperatures in the lower parts of the drainage. Just last year, I watched 2 male deer duke out and lock antlers for mating teritory. Additionally, four years ago I witnessed baby foxes and their mother playing in the lower areas by small rock bands.

It is my strong belief that putting a trail in front of our home will negatively impact not only my view of an open space that was said to be never bulit upon, but also have detrimental effects on the local wildlife. I also believe that this is a huge privacy violation and potential noise disturbance as people will be walking right in front of my house and others in the proposed area. I urge you to reconsider the proposal, as there are plenty of road and trails in the community otherwise.

Thank you for your time and consideration, Craig Brue

From:	
Sent:	
To:	
Subject:	

Jim Jones Monday, June 13, 2016 11:03 PM Avon Council Web Propose mountain bike trail

Dear Avon Council Members,

After being informed on the proposed new mountain bike trail system that runs in the open space ditch next to my house,

I felt an overwhelming need to write this email expressing my strong opposition to the proposed trail. While the impacts to me personally are many, I also see a tremendous impact to our wildlife. I have been a long time resident and taxpayer of Avon and have lived in my house at stremendous impact to since 1991. During this time I have noticed a huge impact on the wildlife in the area due to building, now you want to take away an area where I have seen many deer give birth to their fawns as well as many litter's fox pups born in the proposed bike trail area. This would be a huge travesty to eliminate the areas where our wildlife give birth to their young and use as a avenue of traveling from one area to the other. I've yet to hear a good reason or need to place a trail system in this area.

If the goal is for the mountain bikers to be able to access the Avon trail system from red and white road this can be accomplished via June Creek. As a tax payer I am opposed to the use of tax dollars to build recreational sites for mountain bikers when a adequate system is already in place.

I want to be clear I'm not against mountain bikers or hikers as I hike and mountain bike myself. I just believe this is a unnecessary impact on the homeowners of Wildridge as well as the wildlife that lives here. Once again, as a taxpayer I know there are better ways to utilize the money that would be spent on this project (The cost outweighs the benefits).

In the future I would like to see something that impacts and utilizes taxpayer dollars to this magnitude go before some type of vote. Sincerely,

Jim Jones

From: Sent: To: Cc: Subject:

Follow Up Flag: Flag Status: Suzanne Yager Tuesday, June 14, 2016 8:13 PM Debbie Hoppe Paula O'Leary Avon Trails Master Development Plan

Flag for follow up Flagged

#### Dear Debbie Hoppe,

I appreciate the work that the Avon Trails Steering Committee has put into this project.

My husband and I hike on the trails frequently. There is one spot that we have encountered problems on several occasions because it is a blind corner where bicyclists are descending at speed and neither they nor the hikers can see each other. It is on the PB&J trail going north (towards the O'Neal Spur Pocket Park) right after the drainage hollow and near the junction of Wyse Way. We have experience several close misses at that spot.

There are other places on this short section of trail to the O'Neil Pocket Park that have been a problem for us as hikers. It is our experience that bikers do not give way to hikers. The worst offenders were a high school group of 15-20+ bikers with an adult coach that was so intent on their training that they continued full speed towards us, taking the jumps literally in our faces. We have stopped hiking the trail between 4 and 6 pm because we fear encountering them.

When discussing the proposed trails with our neighbors in Wildridge, our experiences on the trails were echoed by them. We all hike the trails regularly, and although the majority of mountain bikers that we share the trails with are considerate, there are incidents due to the characteristics of the trails and the sport. When a mountain biker is riding at speed downhill and enjoying the bumps and banked curves, hikers are at risk. The bikers are concentrating on their obstacles and cannot or do not look ahead for walkers. It is difficult for hikers to hear a biker in order to jump out of the way in time. In other towns, bells are required on every bike, and it is the responsibility of the biker to alert a pedestrian or another biker of his approach. I have never had the curtesy of a biker using a bell. Many do not even call out.

Most of the trails have obviously been designed for bikers and loop access to Singletree. They are too long for most hikers, dropping to I70 before looping back to Wildridge. I welcome the connection between Wildwest Ridge and Wyse Way. I would like to see a connection between SaddleRidge Trail and Wyse Way. Perhaps these could even be restricted paths for hikers only, giving us a bit of space to enjoy the trails without always having to look over our shoulders for the next biker. Hikers need loops of reasonable distance. I would like to see that taken into consideration when the P5&4 are developed. It would be nice to have another connection at the top of Wildridge to bring the hikers and walkers back to Wildridge road.

I could not see where additional parking was planned for the proposed trails P1-2-3 through Metcalf Ravine. I would hope that the plan is not to have the bikers use the Dog Park. There is a unofficial trail that exists from the hollow at the top of these trails to a road near Mountain Star. There is currently no public parking on the Mountain Star road. Why not develop that trial with corresponding parking as an access point that could take some of the pressure off of Wildridge as the staging point for the bikers?

My neighbors and I have discussed the direction of the proposed trails. We love our trails. We worry that the master plan is to develop our backyard into the Mountain Biking Mecca of the region. Are these visitors providing revenue to our community? We question why our tax money is going to develop this "Attraction" and we hope that the additional bikers do not make it impossible to take a walk in our community.

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Suzanne Yager Wildridge, Avon Avon Town Clerk Debbie Hoppe dhoppe@avon.org

My wife and I just returned from a hike along the proposed trails identified in the Avon Trails Development Plan as P1, P2, P3 and P4. These trails were flagged with orange tape for interested residents and trail users.

The Upper Metcalf Drainage is considered pristine habitat to anyone who knows it, and is referred to as a "Preserve" by the Mountain Star Development. The Upper Metcalf Drainage represents a recovering habitat, having withstood forest fire and sheep ranching operations of the past.

The inhabitants of the drainage include the following:

Deer and elk habitat, with calving in the spring Bear dens and habitat Mountain lion territory Owl habitat Marten habitat Red tail hawk aeries Kestrel habitat Weasel/ermine Red Fox Coyote

Do we need more mountain bike trails at the expense of the wildlife habitat? How much space should we leave the wildlife?

The Upper Metcalf Drainage terrain has steep embankments on each side of Metcalf Creek, some approaching 45 degrees. The construction of the proposed trails will create vast over burden of exposed earth on the downhill side. A good example of the overburden of exposed earth was highlighted in the 6/12/16 Sunday Vail Daily photograph by Townsend Bessent which shows the trail construction on Lee's Way in Avon. This overburden of earth will be visible by a majority of the Wildridge homeowners.



The proposed trail system in the Upper Metcalf Drainage intersects with the Mountain Star trail system. According to the Avon Trails Steering Committee, Mountain Star has opted not to participate as a stakeholder in the trail development. Although not active participants, Mountain Star will see impacts, with trespassing into their "preserve". The potential for improper "trail etiquette" is high, knowing the recent destruction of trails further up the Metcalf Creek drainage. My point in this example is that, by allowing this mountain bike trail system to be built, it may have real impacts to the road bicyclists that now are allowed to ride beyond the Mountain Star gates. Will road bicyclists find a gate preventing Mountain Star access in the future?

Avon's Trails and Master Plan addresses the mountain bicyclist, but where does the road bicyclist come into the mix? The climbing lane on Metcalf road up into Wildridge has been discussed, how is that progressing?

The proposed Upper Metcalf Drainage mountain bike trail represents a devastating environmental impact on a pristine forested wildlife habitat. The construction of the mountain bike trails will immediately destroy the natural environment and lead to erosion and the additional loss of flora and fauna and the scar of earth overburden will create a lasting eyesore.

Avon, think about what you are giving away. Looking at a two dimensional map in your office doesn't represent what this trail system will do the environment. Take a field trip, and walk the flagged area outlined in your proposal, then tell everyone in Avon this is a good idea.

Sincerely Jim Wiley and Patty Young Wildridge Residents

CC:

Matt Pielsticker – <u>mpielsticker@avon.org</u> Buzz Reynolds – <u>breynolds@avon.org</u> Matt Gennett – <u>mgennett@avon.org</u> Scott Prince – <u>sprince@avon.org</u> Sarah Smith Hymes – shymes@avon.org

From: Sent: To: Subject:

Follow Up Flag: Flag Status: howell lowe Thursday, June 16, 2016 9:46 AM Debbie Hoppe Proposed Wildridge trails

Follow up Flagged

June 15th 2016

Shirley Drury Howell Lowe

Avon Colorado 81620

As home owners in Wildridge Mr. Lowe and I attended the Public meeting regarding the trail proposals for Wildridge. I am oppose to this proposal primarily because we purchased in a home a residential neighborhood and not a recreational area, and I do not wish to see it change.

I appreciate that this was a public meeting, however, I do not appreciate hearing from non residents how my neighborhood should change, for their benefit. I do not wish to see the balance of nature disturbed, nor the tranquility we enjoy. I find this proposal to be a violation of a life style in a place of my choosing. I will be very interested to know if this is also a violation of covenants pertaining to Wildridge that many residents and Town Council may not be aware of.

Town council should be making every effort to notify all Wildridge residents of these proposed changes, many homes are second or part time homes and these owners may not be aware.

Currently there is abuse and a lack of upkeep to existing trails, surely this should be addressed before any further proposals are put forward.

Having resided in Eagle Vail and moving to Wildridge to be in a less recreational area I will remain in opposition to any further trail proposals that will disrupt this neighborhood.

Shirley Drury.

From: Sent: To: Subject: howell lowe Thursday, June 16, 2016 8:28 AM Debbie Hoppe wildridge trails

We attended the meeting this evening, June 15, regarding the proposed trails in Wildridge, et al.

Specifically, I am opposed to any new trails being constructed in Wildridge. We have enough existing trails now and throughout the Vail Valley.

Many of the trails, including the forest service land, which we look onto now, need serious repair and would rather see the money spent on existing trail maintenance.

The fact is that these trails are rarely crowded and along with the rest of existing trails in Wildridge are more than adequate.

I believe it is required in the Wildridge covenants for the town of Avon to secure approval by a Wildridge committee in order to build these trails.

We moved here from Eagle-Vail to enjoy the peace and quiet, wildlife and views provided in our neighborhood. I have no doubt that additional trails will increase traffic and congestion, noise, detract from views, as well as more random cars parked on the street walking trail.

I was disappointed to hear from many people at the meeting who do not live in Wildridge, have their own agenda such as the consulting firm, town of Avon, Mountain biking associations and trail building firms.

Finally, I feel that all of the homeowners in Wildridge need to be notified in writing of your intentions, as many are unaware of what you are doing and I feel would overwhelmingly be opposed.

Howell S. Lowe, Jr.



#### June 16, 2016

RE: Town of Avon Trails Master Plan update comments and initial assessment of proposed trails

To Avon Town Council and Residents of Avon,

The Eagle Valley Land Trust (EVLT) appreciates the partnership and collaboration with the Town of Avon and the community at large to protect the West Avon Preserve. The Preserve is a fantastic natural and recreational asset for the community.

New trails have been included in the June 2016 proposed Trails Master Plan Update (Plan) for the West Avon Preserve and East Avon Preserve (aka the Village Parcel). Because of this action, EVLT has performed the first phase of assessment of the proposed trails to help the community understand the constraints and opportunities for such trails during the Plan approval process and will issue its report shortly.

These two parcels have restrictions that limit the ability of such trails to be created. We are issuing this letter to advise the community that a decision to approve these additional trails needs careful consideration, and might not be possible.

Members of the community may not know that these parcels were formerly owned by the United States Forest Service (USFS). The USFS required in the 2013 transfer of the properties that the Town of Avon convey conservation easements to EVLT to protect wildlife habitat and range "to at least the standard that currently exists" on these properties.

A conservation easement is a legally binding contract that forever protects all the fantastic qualities of open space properties for all generations to enjoy. It is therefore an inherently restrictive document and the ability to approve human disturbance is constrained.

A conservation easement is designed to protect all the conservation values of the property for the benefit of the community forever. That means that the current desires of the community may not prevail over the other long-term interests the conservation easement is designed to protect.

With respect to these parcels, we as a community have a legal responsibility to err on the side of caution when proposed uses impact wildlife habitat. In this case, the proposed trails may impact wildlife habitat by introducing the presence of humans (and their pets) into otherwise large, undisturbed, "safe" areas that wildlife need to thrive.

#### **Board of Directors**

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Mailing Address Post Office Box 3016 Edwards, CO 81632

Physical Address (Wells Fargo Building, Edwards) 34215 Hwy. 6, Suite 205 Edwards, CO 81632

970.748.7654

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Exhibit C

In 2014, EVLT approved an extensive new trail system on the West Avon Preserve because the benefits to recreation and the habitat mitigation included in the proposal outweighed the impacts to wildlife habitat. It should be no surprise to anyone involved with that process that approval of even more trails in the future would be much more difficult to achieve.

While the conservation easement has yet to be signed on the East Avon Preserve parcel, the USFS conditions of the transfer still exist and it is important to approach any proposal for trail construction on that parcel with similar caution. It appears the standards for the East Avon Parcel may be even higher than the West Avon Preserve.

For these reasons, the trail marked P8 in the Plan has not been approved. If the town wishes to move forward with the trail, the next phase of assessment would be to conduct field work to help clarify impacts to the conservation values and suggest mitigation measures. Ultimately, if the trail is to be approved, the benefits of the additional recreation and associated wildlife habitat mitigation must clearly offset the impacts to wildlife habitat and scenic open space values. This may be difficult to achieve in light of the cumulative impacts to habitat already caused by the trails approved in 2014.

EVLT requests that notes be added to the maps and tables in the Plan clarifying the restrictions under which the town has taken title to the properties. This will increase understanding by the community of the complexity of the situation.

Thank you for your continued partnership and efforts to protect wildlife habitat in the West Avon Preserve.

Sincerely,

The Board and Staff of EVLT

From: Sent: To: Cc: Subject:

Friday, June 17, 2016 6:55 PM Debbie Hoppe Sarah Smith Hymes Comments from Wildridge resident re new trail route

Please enter my comments into the record re this new bike route.

Sent from my iPhone

>> To whom it may concern:

>> -It's beyond my understanding that any city council would want to place a biking trail amongst an established residential neighborhood.

>> -I'm a hiker & would not want to hike amongst homes; don't bikers also want a scenic bike route?

>> -We have 2 permanent fox dens on either side of the East & West Wildridge corner & at least 35-40 deer, bears, rabbits, etc who frequent the proposed bike route; one year we had 5 fox kits; please do not destroy these dens & this wildlife area.

>> -I have a dog, as do probably 50% of those who live in Wildridge; it's a lovely, quiet, peaceful place to walk your dog. Please do not destroy the tranquility of this neighborhood.

>> -When I bought my home, I certainly had no way of anticipating, nor was I told, a "world-class biking path" would be placed in front of my home! I'm 100% against this bike path plan & the noise, traffic, commercialization and disruption it would cause!!!!

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>>
Susan M. Clark
>> Wildridge Resident
>> Avon
>>
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>>

From: Sent: To: Subject: Peter Warren Monday, June 20, 2016 9:26 AM Debbie Hoppe Input for Town Council and P&Z RE: Avon Trails Master Plan

Avon town Council and Planning and Zoning Commission -

The purpose of this email is to provide some preliminary input regarding the revisions to the Town's Trails Master Plan.

As a member of the Trails Steering Committee, I plan to remain impartial regarding the proposals for various specific trails at this time and will provide my input at a later date.

Currently, I would like to comment on the process for developing the plan and also on several operational aspects to consider going forward.

#### Process -

To date, my compliments to Virginia Egger and Matt Pielsticker for their efforts. Their selection of Olsen Consultants and efforts to drive an 'inclusive' process are to be commended compared to that which was employed during the implementation of trails on the West Avon Preserve.

I hope that sufficient time and consideration will be given to all who want to 'weigh-in', especially to the residents whose property abuts or is in close proximity to any and all of the proposed trails as we proceed. Also, I am hopeful that a comprehensive environmental impact analysis will be completed prior to any trail approvals for construction. Once decisions are made and dirt is moved, it will be too late to reverse any adverse impact to the extensive and diverse wildlife and penstemon that our community enjoys. Thus, careful review is not only warranted but is necessary to ensure the natural beauty of the Wildridge area is not devalued.

Net-net - take the time to get it right.

Management of the Current Trails -

I have traveled throughout the Wildridge neighborhood, speaking with approximately 2 dozen homeowners and leaving another 60 packets that encouraged people to attend the Open House and to provide written input.

While the focus of the conversations started with introduction of the proposed update to the Master Plan, what I heard was deep concern about the abuse of the West Avon Preserve trails. Here is a synopsis of unsolicited comments from the neighbors:

- Incidents of smoking, drinking, excessive noise at late night hours and marijuana use. When asked to curtail or stop, the residents have been disregarded or told to 'go away'! Needless to say, many have not called the police for fear of retribution since they live close to the action.
- Others have seen head lamps on riders as late as 1AM.
- Some riders have been out on the trails prior to opening and during the mud season.
- And there have been dog owners who have not had control of their pets.

Based upon their input, it seems that we have a set of enforcement problems. I have volunteered to participate in a sub-committee that may be formed to work on ways in which to turn the current situation around.

As a result, I can't endorse moving ahead on creating more trails, thus encouraging even more riders into our community, until we fix the above and experience a period of better performance. Said differently, Avon needs to prove to its residents and tax payers that the assets can be used in an appropriate fashion and proper etiquette is practiced each day.

I am advocating maintaining the current process for revising the Master Plan prior to any trail approvals. Furthermore, residents want to see real solutions developed for the use of current trails so that all constituents are satisfied with positive changes in trail behavior.

Finally, reiterating a concern voiced by a number of residents, "please do not fast-track the decision-making process". Let the process run its course.

Respectfully,

Peter Warren





From: Sent: To: Cc: Subject: Jack Gardner Monday, June 20, 2016 2:21 PM Matt Pielsticker Debbie Hoppe; Peter Warren Avon Master Trails Plan

Matt --- It was good to see you last evening, and I appreciated the public presentation of the Master Trails Plan. Unfortunately I had to leave before public comments were given, so I don't know what the general tone of the meeting was.

My wife, Greer, and I have owned property and paid taxes in Avon since 1992 (24 years), and we have lived here full-time since 2000 (16 years). Our home is located at the since takes, Block on the original plat. We decided to live here because of the views and open space, and we have enjoyed the "wild" in Wildridge ever since.

I have reviewed the draft Trails Plan and have the following comments:

- We are concerned with the impact on wildlife and views that will be created by the proposed trails in Metcalf Gulch. We have enjoyed the peacefulness of Metcalf Gulch all the time we've lived here, and the many trails on the proposed Master Plan, comprising almost 12 miles, will certainly have serious negative impacts.
- 2. The so-called "Viewshed Analysis" is grossly inaccurate and seems like pseudoscience. The Analysis purports to show view impact of new trails in precise terms from ranging from "most visible" to "least visible." However, our lot, from which the eastern slope of Metcalf Gulch is a principle view, is shown as least visible. And Coyote Ridge, where Metcalf Gulch is a primary view, is shown as having no impact at all! Since I know the so-called Analysis to be seriously flawed, I can't accept conclusions for future planning based on this document.
- 3. Specific comments on trails: P2 is listed as an "expert downhill" only trail. I see no reason why it should ever be built when P3 accomplishes the same purpose and would have much less impact. The P5 trail is ridiculous, with very negative impacts on Wildridge properties, and a waste of money - Paved roads should be used whenever possible.

Thanks for your time and efforts. With the right information and analysis, I know the Trails Plan can be an asset for all. We are concerned that open space for Wildridge residents who invested in their properties for the open space and natural views is being compromised for the recreational benefit of a minority group. As my wife says, as much as possible: "Let's keep the "WILD" in Wildridge !"

#### Jack Gardner



From: Sent: To: Subject: Carroll Tyler Tuesday, July 05, 2016 12:22 PM Avon Council Web Wildridge Mt. bike Trail

I am 100 percent against any more cutting into the steep sage hillsides to make more bike trails in Wildridge. The one to Singletree is fine as are your plans to spend money to enhance the paved Metcalf Road. Please leave the natural terrain alone. Thank you. Carroll Tyler

Carroll Tyler Broker Associate, V.P. Marketing Vail Slifer Smith & Frampton Real Estate



From: Scott Leonard Sent: Thursday, June 30, 2016 6:44 PM To: Matt Pielsticker Subject: Nottingham Rd Trails

Matt,

I own a property at the second second

Thx for listening, Scott Leonard

From: Sent: To: Subject: William Reisinger Wednesday, July 06, 2016 1:23 PM Debbie Hoppe I am opposed to further multiuse trails in Wildridge residential area

Dear Mayor and Town Council member

Although I am a resident of Wildridge and I am an outdoor enthusiast, frequent Road biker and occasional mountain biker, I am opposed to further multiuse trails in Wildridge residential area for the following reasons:

1. There is no shortage of mountain bike trails in Eagle County or in adjacent counties.

2. Wildridge community currently has many miles of mountain bike trails (as does Beaver Creek, Vail, Eagle-Vail, Edwards, and Eagle as well as surrounding counties)

3. Wildridge community currently has high traffic use with road bike and mountain bikers, unlicensed dirt bikes, four wheeled vehicles accessing the red and white Mountain area.

4. Increased mountain bike activity will adversely impact the wildlife habitat and reproduction of Fox, birds, deer, and elk. That's why the current West Avon preserve is closed and the fall through spring.

In summary, I believe the Vail Valley Mountain Bike Association's goal of turning the world-class Wildridge residential area into a world-class mountain biking trail system will further negatively impact the wildlife of Wildridge and further transform a residential neighborhood into the outdoor gym of VVMBA.

Respectfully, Bill Reisinger

July 5, 2016

Dear Planning and Zoning Commission and Avon City Council,

Thank you the opportunity for community input regarding the proposed bike trails in Wildridge. Please remember this is "Wildridge Residential Area," NOT "Wildridge Recreational Area."

We have several objections against the enlargement of the bike trails.

- I would like to know where this idea came from to "connect" and enlarge the bike trails. I do
  not recall, as a tax-payer, being surveyed as to whether I would want this. Isn't there an
  expense (tax-payer monies) that would need to be used to build this bike path and maintain it?
  I am not sure the cost is in proportion to the number of people who actually use the bike trails.
- 2. I am very much opposed to trails labeled P4 and P5. They would spoil a lovely view and make a scar in a lovely green mountain side which has much wildlife roaming on it. I see the deer almost daily. I would not like to see an ugly brown streak every time I look out my windows, or sit on my deck. I wonder if that would hurt my home value. I equate it to a child taking a magic marker and scribbling on a pretty picture.
- 3. I am under the assumption that the reason for P4 and P5 is to connect the current bike trail at Beaver Creek Point and the proposed trails of P1, P2, P3, at the Metcalf Road turnaround. Those trails are pretty far south from P4 and P5. I would suggest that bikers could use part of the new million dollar paved area in order to connect with the current path at Beaver Creek Point. I cannot see that a biker would ride up the Metcalf trail, and then bike further north in order to connect with the Beaver Creek Point trail (P8).
- 4. I am very much concerned about the amount of traffic and parking. It has already negatively impacted some Wildridge home owners. What about we resident's peace, privacy, security and property values?
- 5. I implore you to put no weight on remarks made by people who do not live in Wildridge, but would have monetary gains due to the bike path, i.e. the builders; the people employed in a hotel who advise tourists; the people who envy us, but probably cannot afford to move to Wildridge; etc. We people who actually live here should be the only people you listen to.
- 6. Who are you catering to? I have no interest in Wildridge becoming a part of someone being able to achieve The International Bikers Association Gold Status.
- 7. Also, please re-think the Metcalf Trail P7. This is a virgin, wilderness, forested gully. Why adulterate it?

Please, please, please eliminate P4 and P5 of this Trail Development Plan. Thank you for your time.

Sincerely yours, Sherry and Chuck Bunting

#### July 6, 2016

To Debbie Hoppe, Avon Mayor, and Avon Town Council Members;

I am writing to express my concerns regarding the construction of the Metcalf proposed trail system, specifically P1 through P4. The trails look great on paper to any mountain biker. I have been an avid outdoorsman and hunter my entire life. I recently hiked the proposed trail and found multiple signs of wildlife habitat – rubs, beddings, and deer carcasses. It was evident to me, as it would be to anyone knowledgeable about wildlife habitat, proposed trail cuts will impact the habitat of deer and elk. Mule deer bones found on the ground are most likely the result of a mountain lion kill. If the trail is constructed, wildlife that presently lives there will be pushed out of its natural habitat, and move elsewhere. Animals will relocate to the surrounding area, which is the Wildridge neighborhood. Mountain lion sightings will become more frequent, as apex predators will follow their prey. Residents will be at risk of unprovoked attacks, small domestic animals and children will be at highest risk. I am concerned the impact to the wilderness area will be more than the town of Avon realizes. The town's decision to not do an animal impact study was not properly thought through and should be reconsidered.

Sincerely,

David Petrowski

Wildridge resident

From: Sent: To: Subject: Janice Wisor Saturday, July 09, 2016 10:33 AM Avon Council Web Proposed new trails in Wildridge

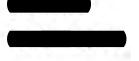
Dear Council Members,

I am a Wildridge homeowner and am writing to express my concern about the proposal to construct more trails north of the truck turnaround on Metcalf Road. My concern is not so much with the trails or the use of the trails, but rather that this expansion will add more vehicle traffic to the Wildridge streets. We already have significant vehicle traffic from those who use the Forest Service access road off Wildridge Road. In the West Preserve we have vehicles dropping off downhill mountain bike riders to access Lee's Way Down. In essence Wildridge streets have become a ski lift for downhill riders. We do not need any more vehicle traffic from those wanting to recreate. If the proposed new trails did not have any access from the Wildridge streets so that users of the trail would have to ride or hike up the trail in order to go down I would have fewer concerns.

Many thanks for the time you devote to making the town a great place. I appreciate your consideration of my views.

Sincerely,

Jan Wisor



From:	Suzanne Yager
Sent:	Thursday, July 07, 2016 5:13 PM
То:	Debbie Hoppe; Jennie Fancher; Buz Reynolds; Jake Wolf; Scott Prince; Megan Burch;
	Sarah Smith Hymes; Matt Gennett
Cc:	'Peter Warren'; Paula O'Leary
Subject:	Proposed Trails System

July 7, 2016 To Debbie Hoppe, Avon Mayor, and Avon Town Council Members;

I am writing to express my concerns regarding the construction of the Metcalf proposed trail system.

We moved to Wildridge a year and half ago. We are fulltime residents. We selected Wildridge over Beaver Creek, Arrowhead or Cordillera because it was a **community**. It had a neighborhood feeling with children playing in the street, neighbors chatting over flowerbeds and couples of all ages walking with and without their dogs on the streets and on the trails. We did not choose to live in a resort.

I would hate to see "world class events" or even regional bike races in my backyard. It bothers me that the emphasis of the new trails is to create the type of expert trails that would attract out of area tourists and events. I thought that was Beaver Creek Resorts business plan. I do not feel my community has the infrastructure to support big events or lots of tourists. I do not want my community of Wildridge to have that kind of infrastructure. I want it to retain its neighborhood feeling. If we are going to build new trails, time should go into designing them to meet our community's needs, not the region's or "world class needs".

In a time when other towns around the country are removing and safety sanitizing playground equipment to avoid potential lawsuits, I find it surprising that Avon is rushing ahead with "expert" downhill mountain biking courses. I have seen bikers' flip over their handlebars on Lee's Way. Frankly, all of the multiuse trails carry a certain amount of risk when a biker is coming downhill on banked turns and manmade bumps, and they encounter a 60 pound dog or a walker including seniors. If the local resorts can be sued after a skier has signed a liability waiver, what protection does the town have when the inevitable accident happens.

The multiuse concept may look good on paper (two for the price of one,) but it does decrease the enjoyment and increase the risk for both the bikers and the walkers. We do not have to look far to see that Vail Mountain and Beaver Creek Mountain have single use trails designated for the enjoyment and safety of all. I feel like the proposed trails are being rushed through without considering all the consequences.

Suzanne Yager

I do not believe we need to deface and scare the hillsides in our Wildridge neighborhood and second, I do not see why the town council of Avon has any right to decide to tear up our neighborhood and encourage tourist and enthusiast to invade our privacy. The interested parties if allowed will open up our neighborhood to tourist, competitions and would like to make Wildridge trails a "World class mountain bike trail system" bringing in people, traffic, parking and congestion problems. There is already talk of individuals running for profit shuttles up and down our streets and roads from the town of Avon.

Next there may be entrepreneurs making profits from the use of the new open space trail systems which is being promoted as recreational use for residence. The individuals behind this program are for self-satisfaction and profit most who do not live in Wildridge. As stated in the "Management Plan for West Avon preserve, The Town is obligated to uphold the terms of the CE including ensuring that all acts on and uses of the Property must have a positive impact, neutral impact, or no impact on the protection of the Conservation Values as determined by Grantee in its discretion". I hardly think scaring the hillsides with paths introducing hundreds of people into a protected area is a positive or has no impact. If the town wants to build paths with the area between Wildridge and Singletree, so be it and if they want to build paths east of Mountain start go to it but stay out of Wildridge. But in our own backyard that is a different story, the trails we currently have endure enough of an impact. We do not need a ride in and ride out neighborhood as stated by a few enthusiast. As a neighborhood we should at least be able to get together and vote on this matter and it should be conducted by the town of Avon. Since our neighborhood has so many second home owners, all home and property owners need to be notified and the vote should be done by mail.

Thank you please email or call me with any questions or information

Brad Seaton Sent from my iPhone

#### PETER & JUDY COPSES Avon, CO 81620

July 20, 2016

**DELIVERED BY EMAIL** 

Ms. Debbie Hoppe, Town Clerk Town of Avon P.O. Box 975 Avon, CO 81620

Dear Ms. Hoppe:

#### **RE: AVON RECREATIONAL TRAILS MASTER PLAN UPDATE**

We are residents of Mountain Star in Avon and own a home at **Constant State State** as well as an additional vacant lot at **Constant State**. We are writing to oppose the building of the walking/biking trails referred to as the Upper Metcalf Loops in the document entitled "Town of Avon Recreational Trails Master Plan Update, Abstract June 2016." Specifically, we respectfully request that Trail P3 and the portion of Trail P1 that runs north from the point where Trails P2 and P3 meet be deleted from the Plan or relocated. For your convenience, we have attached an excerpt from the Master Plan Update to clarify the trails to which we are referring, with the relevant portion of Trail P1 referred to above indicated in blue.

We cite the following arguments in support of our request:

- Trail P3 runs along the east side of a ridge that is just behind the Mountain Star utility area on Wildwood Road. With the limited amount of parking that is going to be provided at the trail head off of Metcalf Road, we are very concerned that users will attempt to gain access to Trail P3 and indeed the whole system of proposed trails by trespassing through the Mountain Star utility area, parking on Wildwood Road or the utility area driveway. Please note that the natural drainage provides no barrier because our understanding is that the Mountain Star utility area itself crosses the natural drainage and is within 300 feet of Trail P3 on the same side thereof.
- Portions of the Upper Metcalf Loops are located in terrain that is adjacent to Mountain Star open space and private homes; as such, there is a very reasonable expectation, and perhaps a certainty, that the proposed trails will be an irresistible enticement to trespass into Mountain Star.
- Although we expect most mountain bikers and hikers would follow the rules, some may
  well take up the opportunity to leave a legitimate trail and venture into new territory.

Were this to be the case, renegade trails would evolve and become adopted by the riding and hiking community, with more and more illegal use being the result.

- Trespassing and renegade trails would cause destruction of the environment through damage to vegetation, erosion and disruption to wildlife, all of which would diminish the beauty and value of Mountain Star. Ultimately, Mountain Star would be responsible for restoration efforts and costs. We were also disappointed to learn that the Town is not funding a comprehensive wildlife impact study.
- In addition to the disruption caused by trespass, Mountain Star could find itself the subject of lawsuits if bikers and hikers trespassed and were hurt while in Mountain Star.
- In their proposed locations, Trail P3 and the portion of Trail P1 referred to above, would place unreasonable burdens upon individual Mountain Star owners, the Mountain Star Association and the Town of Avon to police and enforce use-rules and to prevent trespassing. We would have no choice but to hold the Town responsible, but is the Town prepared to allocate the necessary resources to fulfill this obligation?
- The Upper Metcalf Trails will likely result in a considerable amount of noise, trash and other nuisances in close proximity to a residential area.
- While it is our understanding is that motorized bikes are not permitted on these trails, it
  is difficult for us to know how effectively that prohibition will be enforced. As you know,
  motorized bikes already use portions of BLM land north of Mountain Star in
  contravention of laws preventing such use.
- Finally, Trail P3 will be very visible from our home and at least two others in Mountain Star and the portion of P1 referred to above will be visible from most Mountain Star homes that face west.

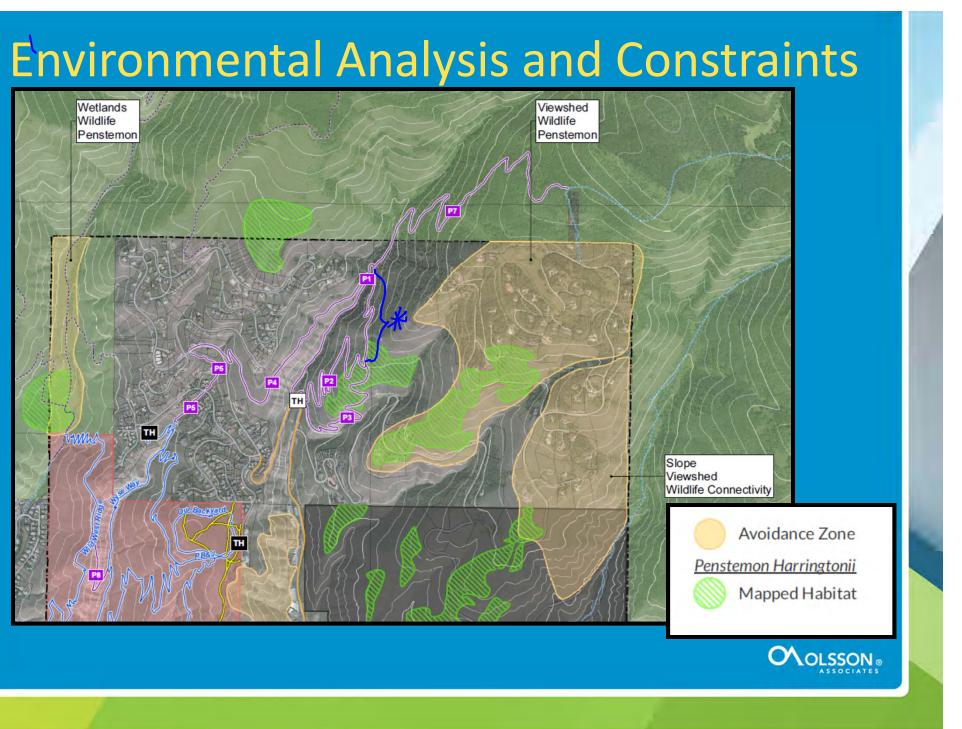
We respectfully request that you reconsider building the Upper Metcalf Trails at all, but, in particular, at a minimum, that you relocate Trail P3 to the west side of the ridge that is behind the Mountain Star utility area to mitigate the concerns expressed above.

Thank you in advance for considering our objection. I can be reached at 310 850-4119 or by email at

Yours truly,

Peter Copses

cc: Ms. Jennie Fancher, Mayor Mr. Jake Wolf, Mayor Pro Tem Ms. Virginia Egger, Town Manager Mr. Matt Pielsticker, Planning Director Mr. C. David McWilliams, Planner Ms. Megan Burch, Town Council Member Mr. Matt Gennett, Town Council Member Ms. Sarah Smith Hymes, Town Council Member Mr. Scott Prince, Town Council Member Mr. Buz Reynolds, Town Council Member



Page 123 of 316

From: Carroll Tyler Sent: Friday, July 22, 2016 11:35 AM To: Avon Council Web Cc: Subject: Wildridge

Council members, With one way in and one out, we residents are always aware of fire danger and now we are rerouted with mud slides. I repeat our opposition to cutting more bike trails on our steep hill sides. We are seeing large commercial trucks dropping off bikers and we do not need to encourage more when both Vail and Beaver Creek Mountains are set up for this. Thank you. Carroll Tyler

Carroll Tyler Broker Associate, V.P. Marketing Vail Slifer Smith & Frampton Real Estate



From: Sent: To: Subject:

Thursday, June 16, 2016 8:28 PM Debbie Hoppe Avon trail on our property

To Avon,

In looking at your trail proposal, it appears that you plan on building trail P5 on our property. The ribbons marking the trail are on our property and the map shows the trail on our property.

Please contact me.

Thank you,

Heather Cunningham

From: Sent: To: Subject: Spitzer Richard Thursday, June 16, 2016 6:30 PM Debbie Hoppe; Sarah Smith Hymes Re: Avon Trails proposal in Wildridge

I attended the Wednesday meeting on the trails proposal as much for my education as for my concerns.

The issue of being too close to homes, with a few of the routes may be addressed in the future. The trails don't bother me in terms of their view, etc. I feel for the folks where the trails go right by their houses on the map, but that still may be resolved based on the comments of the presenters and a comment from a friend who knows the guy flagging the trails.

My concern about events on the trails was addressed by a friend who said that it may become world class, however, I also learned something about mountain bike racing that was contrary to my understanding. We probably will not need to worry about events on these trails because all are listed as single track trails and those are generally not used in racing events as there is no opportunity for competitors to pass. In addition the total mileage of these trails would not be enough for most events of that type. Would like that stated in the final document.

Two of the major questions I really have now are the impact on the fawns or fox dens, and the parking.

I did a lot of searches on the internet and really hoped I would find something in the literature on the fawns or fox dens and the impact of trails, but no luck one way or the other. I have a degree in biology and 15 years of experience as a seasonal supervisory park ranger naturalist in Rocky Mountain National Park. They close some trails during lambing and fawning season. I think the Colorado Parks and Wildlife should weigh in on that. There are deer and foxes all over and they are not impacted by the homes, cars, bikers, or walkers, but we don't know about the dens or areas where the fawns are dropped.

Parking and drop offs for downhill use needs to be addressed as there is nothing in the plan about it. I see people park at the area below my house and ride down the road, but don't know how that might increase with this plan.

Generational or NIMBY issues are sometimes tough to get around. I have not had any issues on the trails on Beaver Point with the bikers there. I think it would be neat to have a trail in the P1,2,3 area for hiking only.

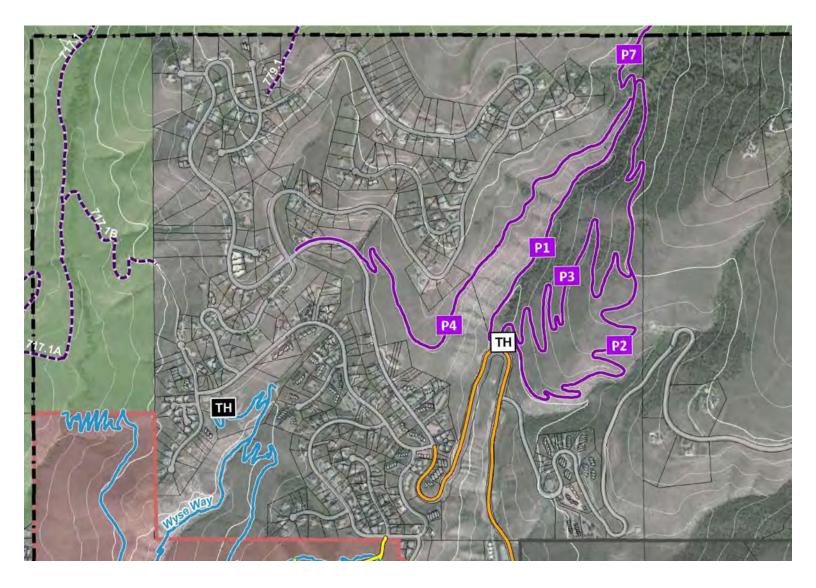
I like the idea of the trails, though I will not be on a bike on them. Saw the horizon upside down over the handle bars one too many times.

Rick



# WILDRIDGE AS A MOUNTAIN BIKE COMMUNITY

The visual impact of mountain bike trails that are proposed in the open space of Wildridge.



#### What the Mountain Bike Trails Planned for Wildridge Will Look Like

The 11 miles of purple trail shown on this map were proposed by mountain bike enthusiasts from around Eagle County and beyond (VVMBA), who aim to make Wildridge part of "a premier global mountain biking destination." Trails P1-P4 and P7 will be cut across open space between homes in the Wildridge subdivision, negatively affecting views for all residents and visitors. Avon Town Council's position is that residents will have "input," but there will be no vote! **Page 127 of 316** 

#### A Typical Mountain Bike Trail.

Mountain bike trails are cut into hillsides using mechanized equipment and hand labor to cut into the hillsides that vary in steepness. Steep trails need more switchbacks so riders can make it up the grade. Trails are cut into slopes, and excess dirt is either scattered onto the hillside or piled on the outside edge to shore up the trail. The steeper the hill, the more visible the trails and shoring becomes. Trees and shrubs are removed. Small mammal dens are destoyed. Trails will be 24" to 36" wide (plus vertical slope cuts),; areas with trees may be wider. Trail usage cause the cuts to become wider. Over the years, curves may be 6 feet wide—or more (as can be seen in the West Avon Preserve).





View from Wildridge Road East Taken Just Below Coyote Ridge Road.

P2 on the left and P3 on the right originate at the Truck Turn Around where Metcalf meets Wildridge Road. P1 and P4 are also in the Metcalf Creek drainage, but cannot be seen in this view. Trail position on these photos is based on a map from the Avon Trails Master Development Plan. According to those who have walked the trails, the steep grade will require many more switchbacks and more cutting to accommodate slope grade and vegetation.

#### View of Wildridge Road East From the First Eastbound Switchback which overlooks the Metcalf drainage.

P2 on the left and P3 on the right originate at the Truck Turn Around on Wildridge road. P1 and P4 are also in the Metcalf Creek drainage, but cannot be seen in, as they are on the foreground slope and in the bottom of the drainage.





View from the Intersection of Bear Trap and the three Wildridge Roads.

P4 starts on the road just east of the curve and works up the hill and around the hillside to the east and then along the upper part of Metcalf Creek to eventually join those trails.

These panoramas were built from dozens of overlapping images to allow more detailed examination. As drawn, the trails follow the actual pink flagging placed on the hillside by mountain bike trail proponents. When developed, the trail will have more switchbacks as evidenced by trails cut elsewhere on equally steep hillsides. The two red circles are deer.

#### Impact on the The Trails that will be Caused by Erosion

Erosion after trail construction will further degrade the aesthetics of these views. Rainwater follows the trails like a ditch: flowing out of a low spot; following gravity straight down the hillside; cutting a swath through the terrain.

Soil becomes compacted by the bike traffic and, thus, less permeable to wate , increasing water runoff and "cuping out" the trail. Riders push soil laterally, causing displacement of soil and development of ruts, berms, or cupped trails. This is more severe when the trails are wet, elevating slopes or berms, and compounding drainage problems. Trails with poor drainage trap water, exacerbating muddiness.

Subsequent bike traffic skirts these muddy areas, further widening the trail. Loose, uncompacted soil particles are most prone to erosion, because the sandy nature of these soils make particles easily carried away by rain water. A steep trail grade increases the water speed and erosion.

The watershed above the trail concentrates the water on the trails creating drainage with larger volumes of water and substantially more erosion. All of this may have a huge impact on these views in future years. If races or competitions are allowed, further erosion and damage to adjacent plants will be caused by spectators, photographers, and other activ-

ities associated with such events.











#### View the First Switchback on Wildridge Road Above the Truck Turnaround.

P2 on the left and P3 on the right originate in the Metcalf truck turnaround. P1 and P4 are on the far left of the image. These switchbacks are based on the Town's planning map and may not match what is built due to construction difficu - ties. There will surely be more switchbacks due to the steepness of the hillside. The red circle is a mule deer.

#### **Trail Impact on Wildlife**

To most residents of Wildridge, wildlife is the most highly prized and enjoyed characteristic. Wildlife are an essential part of our "View Shed." A recent Colorado Parks and Wildlife (CPW) study recommended that these trails NOT be built. In a letter to the Town of Avon they stated that Trails (P1, P2, P3, P4, P5, P7) should not be developed. CPW also recommended that no commercial use and no race events be held. These trails are within deer and elk ranges.

Deer and fawns are often found beneath shrubs and bushes during the heat of the day where they find cover and prote tion from the heat of the sun and from predators. Fox, weasel, and other dens are near these trails. Constant disturbances from bikers may not allow animals to obtain adequate nutrition or rest. This will impact fawn and calf development, nesting birds, denning animals, as well as all other animals that use this open space: deer, elk, bears, mountain lions, bobcats, coyotes, foxes, raccoons, skunks, song birds, raptors, and many more.

Those animals we still see have become accustomed to hikers, road bikers, and cars, because they are predictable encounters. Daily harassment from added biking trails may cause the wildlife to move out to more suitable habitat. Many residents moved to Wildridge because we did not want to live in a town or in a golfing communit . We wanted to live amongst natural flora and fauna—not to become part of a Mountain Bike Community!



## **"KEEP THE WILD IN WILDRIDGE !"**

Dear Ms. Hymes - I own a home in Wildridge. My husband and I purchased our home on Coyote Ridge in January 2014 in large part because of the surrounding natural beauty and tranquility – in particular we enjoy our views of Metcalf Gulch, Beaver Creek, and the mountains on the south side of the valley. I appreciate the opportunity to submit views on the proposed new bike trails. I oppose the construction of additional mountain bike trails in Metcalf Gulch for several reasons, including:

- Wildridge is a residential community, and the construction of additional bike trails is inconsistent with the residential nature of our community;
- Construction of additional bike trails is likely to be damaging to the ecosystem, which supports a large wildlife population, including elk, deer, coyotes, mountain lions, foxes, bears, and birds, as well as beautiful vegetation;
- The Vail Valley already has numerous mountain bike trails, including more than 30 miles in Vail and Beaver Creek, which have announced plans to expand their mountain bike trail networks, as well as several under-utilized bike trails in the area around Beaver Point and the West Avon Preserve;
- Construction of additional bike trails is inconsistent with the open spaces established at the time Wildridge was developed and that continue as open spaces to this day; and
- Construction of additional bike trails is not permissible under the Plat and Protective Covenants established at the time Wildridge was created, as explained in detail below.

I understand that the proposed Wildridge trails are part of the VVMBA mission to make Eagle County a premier global mountain biking destination. Being a global sports destination is certainly not consistent with a quiet, residential community such as Wildridge. While there are residential communities that incorporate world-class athletic venues, such as Vail, Beaver Creek, or Cordillera, those athletic venues were either in place or well-advertised at the time residences were constructed, so people who purchased homes in those communities knew that they would become residents of a global sports destination. Wildridge, in contrast, is a residential community that would have sports facilities imposed on it many years after most of the homes were constructed. The people who live in Wildridge did not choose to live in a premier global mountain biking destination – that is being forced on them many years after they purchased homes in what they believed to be a quiet, tranquil residential community. The proposed bike paths represent a fundamental change in the character of the Wildridge neighborhood.

In addition to being the home of hundreds of people, Wildridge, and particularly Metcalf Gulch, are also home to a diverse wildlife population that includes elk, deer, coyotes, mountain lions, foxes, bears, and birds. Just yesterday morning I watched two Redtail Hawks circle Metcalf Gulch, and a mother deer and fawn walk through the Gulch just below our home. Our friend Rick Spitzer has photographed all of these species in our neighborhood, and during the fall rutting season, he has identified more than 60 individual elk in the area. Metcalf Gulch has one of few reliable sources of water year-round, and it also enjoys abundant shade during hot days, so it is a particularly

attractive haven for wildlife, along with Buck Creek and June Creek, to a lesser extent. Wildlife move between Metcalf Gulch, Buck Creek, and June Creek to use those water sources, so the proposed bike paths would disrupt their traditional migration routes. There can be little question that the proposed bike trails will be highly disruptive to wildlife. In fact, one of the developers of Wildridge recently told us that many of the streets were named for animals (such as Coyote Ridge, where our home is located). He also told us that he thought up the name Wildridge while sitting on what is now Coyote Ridge watching wildlife in the area, specifically he saw a coyote and an eagle following the same rabbit. In addition, the Gulch has fabulous wildflowers and other flora, which also would be literally uprooted to make way for bike trails.

The Vail Valley already enjoys many miles of bike trails, most of which are currently under-utilized. Every day we walk our dog on Beaver Point, near the West Avon Preserve bike trails, and we see very few mountain bikers. Vail and Beaver Creek have extensive mountain bike paths, and are planning to build more. And there are additional bike trails in Minturn and Eagle. Before the Town of Avon invests scarce financial resources to build additional bike trails in Wildridge, it should evaluate the utilization rate of existing trails and consider whether sufficient demand exists for the new proposed trails.

There is clear evidence that the Wildridge open spaces were intended to be just that: open spaces that should be largely undisturbed with minimal human use and preserved for the Wildridge home owners. This is evident in both the Protective Covenants that govern Wildridge and in the Wildridge Plat.

Wildridge is a residential community developed by the Wildridge Development Company (WDC). On July 12, 1979, to facilitate this development, WDC filed a document with Eagle County entitled Protective Covenants of Wildridge Subdivision in the Town of Avon, Eagle County, Colorado, which was subsequently amended (Protective Covenants). The Covents established restrictions, covenants and conditions for the benefit "of all persons who may acquire an interest in any of the tracts or lots in the Wildridge Subdivision." Basically, WDC wanted to establish a residential community and set out protective covenants to assure that all people who deal with Wildridge abided by these Protective Covenants, including land owners and the Town of Avon, which is specifically bound by the Covenants.

The bike trail proposal violates both the letter and the spirit of the Protective Covenants. If the Town proceeds to develop the bike trails, it will not be respecting the trust that was established for the use of open spaces in Wildridge. Nowhere do the Covenants state that the Town may construct bike trails, trail heads, remove trees, adversely affect wildlife and vegetation in the area, create signage for bike trails, or increase traffic in our residential community. On the contrary, the Protective Covenants place a high value on activities that do not alter the natural condition of the vegetation and wildlife and the aesthetic values of the natural environmental.

Section 1.9 of the Protective Covenants dealing with the use of open spaces, provides:

"Open Space Tract – May be used for municipal and utility facilities and easements when permitted by the Owner and Town of Avon. Also such tracts may be used for emergency and maintenance vehicles, pedestrians, bicyclists and cross-country skiers and may be landscaped and used by the WDC or Town as a picnic area upon which there may be constructed and maintained picnic shelters, tables, benches, park benches, fireplaces, barbeque pits, trash containers and related equipment storage buildings. Hikers, pedestrians, skiers and bicyclists are expressly permitted to travel on a Tract provided the surface of the Tract is not unreasonably damaged by said activities." (emphasis added)

This paragraph says that open space may be "used for" bicyclists, who are also permitted to "travel on the Tract," but it does not say that open spaces may be excavated or otherwise disturbed to construct new trails for bicycles. Bicycles may "use" the roads that traverse the open spaces, but there is no provision in Covenants to allow construction of an extensive set of bike trails, trail heads, trail signage, etc.

That becomes even more clear in the final sentence, which states, "Hikers, pedestrians, skiers and <u>bicyclists</u> are expressly permitted <u>to travel on</u> a Tract <u>provided the surface of</u> <u>the Tract is not unreasonably damaged by said activities</u>." [emphasis added.] Thus, under the Covenants, bicycle use is explicitly prohibited if it might damage the Tract. There can be little doubt that construction of bicycle trails will damage "the surface of the Tract" in Wildridge.

Other provisions of the Covenants also make it clear that preservation of the "wild" in Wildridge was of paramount importance to the developers. For example, Paragraph 2 provides:

"No part of a Tract shall be used for camping or overnight stays by any person or persons, nor shall there be permitted, within or upon the Tract, any informal or organized public or private gathering nor any other act by any person or persons (except hereinafter expressly permitted), which in the judgment of the WDC, the Committee, or the DRB may deface, <u>alter</u>, <u>destroy or damage the natural condition of the vegetation or the aesthetic values of the natural environmental quality of the Tract</u>." [emphasis added.]

This paragraph specifically states that no acts are permitted that "alter" the "natural condition of the vegetation or the aesthetic values of the natural environmental quality of the Tract." It is clear that the proposed bike trails construction project (with the attendant trail heads and signage) will "alter" the natural condition of the vegetation and the aesthetic values of the natural environment within the Wildridge open spaces.

The Covenants allow "improvements" for utility services, but only those that do not disturb or alter the surfaces of the Tract: "<u>Improvements</u> necessary, desirable or convenient for the provision and maintenance of utility services may be constructed and maintained through or under the Tract land, <u>provided that such improvements shall not</u> cause permanent disruption or alteration to the surface of the Tract." [emphasis added.] Here again, where improvements are allowed, that can happen only if there shall be no "permanent disruption or alternation to the surface of the Tract," even where utility services are to be provided. It is very clear that the Wildridge developers were concerned about disruptions and alterations to the surface of the land in the open spaces, and that this trust has been created to protect against such disruptions.

Section 4 of the Covenants states that "It is the intention of the WDC that the Town and its DRB shall follow and utilize the Architectural and Landscape Design Guidelines and other appropriate provisions of these Covenants." So the Town is charged by these Protective Covenants with the duty of protecting the rights of the residents of Wildridge - people who have made an investment in the community of Wildridge, sometimes a substantial investment and pay the taxes that go along with it.

This all becomes even more clear based on the language included in the Subdivision Plat of Wildridge, which states, "<u>undevelopable areas [i.e. the open spaces] shall be</u> <u>physically undisturbed and left in their present natural state except for approved access</u> <u>and utility easements</u>." The intent of both the Covenants and the Plat are – the Wildridge open spaces are to be left in their natural state and undisturbed.

Based on the clear language in the Covenants and the Plat, if the Planning and Zoning Commission and Council proceed with the proposal to develop additional bike trails in Wildridge, they will act inconsistently with the documents that created Wildridge.

Other communities have made investments in recreational facilities in the expectation that visitors attracted by those facilities will bring significant revenues to their community. For example, Glenwood Springs constructed a kayak venue in that expectation, only to find that the expected visitors camped rather than stay in local hotels and brought picnics rather than eat in local restaurants. Glenwood Springs also found that it had to invest in additional facilities to serve the visitors, such as restrooms, parking lots, and camp grounds, without the expected enhanced revenues.

I appreciate your consideration of my views and very much hope that the Council will give careful consideration to the views of Wildridge residents who are most directly affected by these proposed bike trails. I also ask that you please keep the residents of Wildridge, and especially those of us who have taken the time to provide our views, with regular updates with respect to the plans and the dates and times at which these issues will be considered by the Council, the Planning and Zoning Commission, and any other government organizations that will play a role in the decisions with respect to the proposed trails. I specifically request that you advise me of these schedules and plans.

Janet McDavid

Exhibit C

Avon, CO 81620

From: Derek George Sent: Wednesday, July 27, 2016 2:09 PM To: Matt Pielsticker Cc: Debbie Hoppe Subject: Proposed P6 trail comments/concerns

Dear Matt and Debbie, please pass these comments and concerns on to the committee overseeing the development of the Avon trail system.

As an Avon resident I would first like to say that I love the new mountain bike trails that the town has installed just west of Nottingham Road. I think we should continue to develop new trails like Saddle Ridge, Lee's Way, and ASG that will help turn Avon into a world-class mountain biking destination. But, I have several concerns with the proposed P6 trail that is designed to connect Buck Creek Rd and Metcalf.

1) This is a redundant trail. We already have a bike path between I-70 and Nottingham Rd that achieves the same goal as P6. I think town resources would be better spent widening Nottingham Rd and extending the new sidewalk that is in front of the new medical facility up to the end of Nottingham Rd. Resources would also be better spent creating easier access to the bike path that we already have.

2) The proposed path of P6 is through a very steep area that is prone to erosion. Just last week we had a mudslide that would have buried the proposed P6 trail.

3) As a resident **Sector**, I am concerned about the additional traffic and easy access the proposed P6 trail would create for my property. In recent months, residents of Nottingham Rd have endured multiple vehicle break-ins, including my own car which was broken into, rolled off my driveway, and totaled. There was even a home burglary on Nottingham Rd within the past five years. I think Nottingham Rd is targeted by criminals because of it's easy access to I-70. This trail would give criminals direct access to every backdoor on Nottingham Rd including my own. It would be virtually impossible to patrol the proposed P6 trail, making an already criminally-targeted area even more appealing to people that want to do harm to persons and property.

Please keep me in the loop as you develop your plan to expand the Avon trail system.

Sincerely, Derek George This email is sent to express our opposition of the proposed trail immediately north of our Sunnyside complex

Derek George eloquently articulated some of the reasons to not pursue this invasive path. We incorporate his points by reference.

We received accolades from the PZC for our remodel which will enhance Nottingham Road.

We would not have pursued this addition and expense if we had any notice of the proposed intrusion into the privacy of our property.

Furthermore, we have learned that the soils on which Sunnyside was built are silt from prior mudslide(s). We learned that the town put in a retainer pond to mitigate this risk, which seems to be helping. However, the proposed trail may cause the fix to fail. Please do not do anything that may risk future slides that would damage our properties.

We agree that a pedestrian route along Nottingham with an adjacent bike path--such as exists at the east end by the roundabout--would be welcomed enhancements for the safety and enjoyment of the neighborhood.

However, installing a path immediately north of our property line will be invasive, filled with risk of damage from mudslides and from vandals.

Please relocate the path to create a desirable and usable walkway along Nottingham west of Buck Creek.

Please let me know if you desire additional information or participation from us.

Thank you

NSA Investments, Inc.

Nancy Adam, President Cell Matt and Debbie,

My name is Gene Fitzgerald. I own 2 townhomes @ Units I have been a property owner there for 20 years. I just was made aware of the proposed plan to create a bike trail just to the north of our buildings.

I am writing to express my disapproval of the plan. My reasons are similar to my neighbors on this.

1. That hillside is steep and unstable. Over the years I have had to, on many occasions, clear rocks and debris from alongside the back of my homes up there anytime there is a heavy rain. I am truly concerned that one day we will experience a more substantial debris slide on that hill.

2. Security has been an issue as discussed by a neighbor. The Rushmer Townhomes sit higher and further off Nottingham than the surrounding buildings. We have enjoyed, for the most part, a degree of solitude and security back where we are. It appears the proposed plan would bring cyclists and hikers right along the back of and slightly above these residences with easy access to the back of the buildings. Its too close to our properties. Not only does that disturb the solitude and jeopardize the security enjoyed by the residents along this route it creates additional stress on that hillside.

3. Don't we already have a bike route from Metcalfe to Buck Creek along Nottingham Rd or the frontage rd? Lets consider alternative uses for these funds.

I hope the town of Avon will reconsider the placement of this proposed trail for the benefit of all of us who would be negatively affected by it.

Thank you,

Sincerely,

Gene Fitzgerald



Ms. Hoppe,

We are residents of Mt. Star and live **example and the second sec** 

My wife, Ann and I, fully agree and support the concerns and observations expressed in Mr. Copses's letter.

We understand this proposed trail system is being primarily advocated by a number of commercial bike shop owners, who are interested in promoting this proposed trail system as a destination for mountain bike events, races, competitions and such.

For all the reasons outlined in Mr. Copses's letter, this is a very bad idea. Building trails in this area will result in the destruction of the natural environment, damage flora, disrupt wildlife, and have an overall deleterious effect on the very reason we chose this location for our home. In addition, it is inevitable and virtually unstoppable that motorized bikers and atv's will take advantage of these trails with their excessive noise and disruption.

We have reviewed the Colorado Parks and Wildlife Department of Natural Resources letter dated June 21, 2016 to Avon which clearly states the trails proposed to be built in the Metcalf Creek drainage SHOULD NOT be built.

There are numerous mt. bike and hiking trails readily accessible to all of us living in the Avon area. Building additional trails and disrupting the natural environment in the middle of two residential areas, Wildridge and Mt. Star, is in direct contradiction to the very reason we chose to live here.

As stated in the Colorado Parks and Wildlife letter, we have limited open and natural space. Preserving this land as a natural environment would be the most responsible decision and outcome for the governing board of the Town of Avon.

Please confirm that this letter is incorporated into the public record for distribution to the Mayor andTown Council.

Thank you.

Ann and Alan Mintz

Dear Avon Town Council Members,

I live full time on in Wildridge.

Writing with concerns about new trails in the hillsides of Wildridge feels a little like criticizing apple pie. We all ride bicycles, and most of us mountain bike as part of our enjoyment of the spectacular lifestyle in the Valley.

However, I believe that what we think of as "mountain biking", and what is going on already on the trail(s) accessed off Beaver Creek Point are not even in the same universe. The "bicycles" are only related because they have two wheels.

Spend any time at all during the middle of the day into the afternoon and evening at either the "pick up point" at the west end of Nottingham Boulevard, or at the "drop off" on Beaver Creek Point, and you will be treated to the Valley's newest commercial endeavor: Downhill Mountain Biking through a residential neighborhood.

One look at the vans pulling trailers of the highly specialized gear up Metcalf (the bikes only go downhill), and a look at the gladiatorial attire of the participants, and you will understand that this "sport" is barely related to huffing and puffing up some trail at hiking speed on a mountain bike. As a matter of fact, the bikes go at tremendous rates of speed, and so are segregated to separate trails on Vail Mountain which offers the efficiency of the gondola to pull the bikers back up. I think Vail Mountain is better suited to this recreation because the gondola is a better way to bring bikes up than a van wheezing up Metcalf with a trailer full of "bikes" over and over again. Vail also staffs medical personnel so that the horrific accidents associated with downhill mountain biking can be promptly attended.

I think to carve more trails into the Wildridge hillsides primarily to be used by downhill mountain bikers is a huge mistake. I also think for people to be confused that this has anything to do with mountain biking as we think we know it is disingenuous.

Thanks for taking the time to read this. Mitch Whiteford Avon From: Barbara Harris [ Sent: Friday, July 29, 2016 9:54 AM To: Sarah Smith Hymes Subject: Wildridge trails

Sara, I would adamantly oppose any more bike trails being added to the Wildridge subdivision. With only one road in and out of our low-density neighborhood which is full of wildlife, which we enjoy. We certainly do not need any more traffic on our roads. Please stress that it is just not appropriate to violate our neighborhood in such a destructive way and violate our wildlife and flora. There is plenty of off road biking in Eagle County and how much is all of it really used? NO MORE BIKE TRAILS!!!!!

Barbara Harris Mountain Information Center

VAIL Like nothing on earth.

Councilmen – I have too items that directly affect me and many of the real residents of Avon that I wish to address. Your prompt response is appreciated in advance.

First, the traffic calming experiment on West Beaver Creek Blvd. has been very poorly thought out. While it may slow autos down (I favor that aspect) the side effects are very disruptive to Post Office ingress and egress. The single entry to the post office is very narrow. Forcing all traffic to enter and exit the one driveway is creating traffic jam/backup on the road and in the parking lot. When cars are trying to enter the parking lot from the road cars trying to exit the parking lot are backed up in the parking lot. It is most inappropriate to reduce the post office, one of the busiest in town, down to one entry and exit. Additionally, when winter arrives snow plows will not have anywhere to throw the snow when the parking spaces are filled with cars. I urge you to rethink the closure of the now blocked driveway to the post office parking lot. The experiment is a total failure in the regard.

Second, I fail to see any advantage to the further expansion of the mountain bike trails in Wildridge. In my business I come in contact with many residents of Wildridge who have already been negatively impacted by the current trail system. Further expansion should be deleted from the plan for what is certainly the only traditional neighborhood in Avon. My clients are already seeing riders cutting across their property leaving damaged grass areas, flower beds and native vegetation areas in their inconsiderate wake. Wildlife is being impacted as well. The mountain bike trails on the lower slopes of the area have been driven higher into the neighborhood. The increase in animals per acre inevitably concentrates the animals. This in turn creates stress on the available food sources for each species. Expansion of the trails will further damage both the private property of residents and animal habitat alike.

I have read that part of the justification of the trail system is economic. I fail to see any measurable benefit to the tax payers of Avon. The number riders that use the trail system are growing. How many of them are actual residents of Avon? The public communication is touted to attract riders from all over the area, the state and the country. How much will they spend in town? I will wager not much. Thus these out of town users will benefit the use of our tax dollars and create little or no value for Avon tax payers. The Vail Valley Mountain Bike Association(VVMBA) wants to usurp the assets of the tax payers of Avon for an agenda that brings no value to the tax payers. While I am sure that there are many avid mountain bikers in Avon, I doubt that the majority of the VVMBA pay taxes here nor live in Wildridge. I feel confident that should something as disruptive were being proposed for their neighborhood

### they would say no, no not in my neighborhood. I believe that no additional expansion of the trail system in Wildridge should proceed without the express consent of the people that will be most impacted by the expansion.

Please make sure that I am kept current on any meetings that will be held with these items on the agenda.

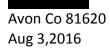
Exhibit C

Make each day a great day,

Mike

MICHAEL NEFF <u>PRESIDENT, MICHAEL NEFF AGENCY, INC</u>





To Planning and Zoning committee.

I am writing in oppositioin to the proposed mountain biking trails in AVon. I am a 15 year resident of Wildridge and moved here because if it's proximity to the Widerness, peace and quiet. I feel that thes proposed so called multiuse bike emphasis trails offer little or nothing to the residents of Wildridge. these trails are principally for the VMBA members.,who is far as I know are not tax paying residents of Avon. I have hiked PBJ and the P1 trail. I have noted the erosion on the steep slopes of PBJ which widen it for several feet beyound the designated diameter and creates an ugly scar on the land. which is very visable from a distance.. P1 is far steeper than PBJ and I think these proposed 24" trails will likely becom e much wider because of erosion giving a "strip mine" like appearance to the area..I am a hiker and find that the trail will be quite steep for the short distance proposed unless there are multiiple switchbacks which will increase the chances of more erosion.The Colorado PW comission has reccommended against any development of this area, I think we should keep Wildridge WILD Respectfully

Jonathan Schwartz

From: Phil Horsman [ Sent: Thursday, August 04, 2016 3:31 PM To: Debbie Hoppe Subject: new trails proposal above Wildwood

Hello,

We would like to voice our opposition to the new proposed trail(s) above Wildwood Rd. As a resident of that neighborhood we have see how much that area is used by wildlife including: bear; mountain lion; coyote; deer; elk; and more. We believe that area is extremely sensitive and trail development would have an adverse effect on those species. We cannot continue to infringe on wildlife habitat. Elk have all but disappeared from Vail Mountain and that is indicative of our expanding presence. We don't need it.

Sincerely,

Phil and Katie Horsman

From:

Sent: Thursday, August 04, 2016 11:16 PM To: pzc; Jennie Fancher; Megan Burch; <u>imgennett@avon.org</u>; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe Subject: Against Wildridge Trails

To Avon Town Council Members;

I am strongly opposed to the building of additional bike trails in Wildridge. We moved to this neighborhood because we love the quiet, the solitude, and the wildlife. The proposed bike trails would ruin that for us. Already with the trails that were build last year we have seen more traffic (and speeding!), more trash, less wildlife where the trails are presently, and much more noise. I don't understand why the trails would even be considered after the Colorado Parks and Wildlife wrote a report indicating that the trails would definitely impact wildlife. Do you not like or appreciate the beautiful wildlife we have in our neighborhood?

Hilary Welch

From: Peter Buckley [
Sent: Friday, August 05, 2016 11:13 AM
To: Avon Council Web
Cc: Virginia Egger; Eric Heil - Heil Law Mail Address
Subject: Not in Favor of Additional Mountain Bike Trails - WildRidge

ATC,

Like many of my WildRidge Neighbors and Property Owners...

<u>I AM NOT</u> – in favor of any additional/proposed Mountain Bike Trails in, nor near WildRidge/WildWood for the following (TAX) reasons.

Spending additional Avon Tax Money to put in and maintain new Mountain Bike Trails...

# WILL NOT

1 – Improve Public Safety (Governments #1 job)

2 - Zero chance of improving our WildRidge/WildWood Property Values – Bike Trails can only (reasonably) be used (June, July, August, September) 1/3 of the calendar year...

3 - Avon Tax Money unquestionably could be better spent – (examples: Bury the WildRidge Power lines like they did years ago in Singletree, Avon Transit, or looking at what the Public School system needs...etc...etc)

## WILL

4 - Will increase unneeded, unwanted, unnecessary additional automobile traffic in WildRidge/WildWood

5 - Negative impact on WildRidge – Wildlife.

# **ATC Responsibility**

6 – is to the Avon Voters and Avon Taxpayers and Avon Property Owners. Any individual or (outside) group

that is not an Avon Voter/Taxpayer/Property Owner should NOT have any influence over Avon P&Z nor Council in this yes/no decision. A point well worth remembering on and before Tuesday, November 8<sup>th</sup> 2016.

Peter Buckley Avon/WildRidge

Exhibit C

From: Tripp Plavec [ Sent: Saturday, August 06, 2016 2:10 PM To: Megan Burch Subject: trails

I think we have enough trails in Avon already. Many property owners in Wildridge really don't want this to happen.

Please vote no and share Tisch and my opinion on this with the other council members. Thanks Tripp Plavec We are distressed at the idea of creating more mountain bike trails in Wildridge for very few "expert" bikers! Most of us have moved here for the peace and quiet, wildlife, and scenic views. This does not include bike paths which will impact wildlife habitat and corridors, increased noise levels from adrenalin-pumping bikers who have loud music from cars and their bikes (yes, they bring radios) and yelling to each other to get fired-up to ride, and visual scars of ever-widening bike trails which are also being created on the "HIKER ONLY" trails because the bikers ride on those too!! Despite the Trailhead sign which is marked very poorly in light yellow ink for HIKER ONLY trails, bikers are all over the place, riding on flowers, out to The POINT, then west down the hills where there are no trails, to get to the other trails.

How can Avon think of creating NEW trails to attract more people when the issues at the WA Preserve are of major concern? A fire pit was created out by the picnic tables on The Point which we reported and was dismantled, there are cigarette butts around, trash is a concern, and we have had several groups of people are out partying in the Preserve. One was a group of 8 people walking back down from The Point at 11:30PM with bright flashlights and LOUD talking and laughing. They woke us up. We heard and saw them from our bedroom come all the way from the Point , down the street past our house, and out to the corner. Another recent incident involved FOUR cars at 2:45 A.M. coming screeching out of the Preserve parking lot and racing each other out of our street, radios blasting, scaring and waking us up. We have seen a white car that says "Volunteer Official" come by once in a while to turn around in the parking lot and leave. Why doesn't this person walk the trails and interact with people? Maybe there should also be a police car to patrol the parking lot and Preserve late at night?

We alerted Avon in June and requested signs and were told as of July 1, that Avon would work to get signage out to 1: clarify the HIKING ONLY trails situation and 2: put up signs on our street "Residential Neighborhood Please Observe Quiet". NOTHING has been done to this date!

We are not against mountain biking trails but please put them in a place where they will not affect an acknowledged wildlife corridor and be built in residential neighborhoods that have been enjoying peace, quiet, and the wilderness for many years. We, like many others in Wildridge, bought here years ago because it was where we could hear the hawks and see pristine landscapes. It has been ruined for us. Don't do it to more residents.

Sincerely, Avon

Exhibit C

Too much traffic. Wildlife is against it.

Sent from my iPhone

My name is John Perdzock and I am a registered voter and Avon resident since 2013, and a taxpayer since 1999 in the Wildridge Subdivision.

# I am 100% against any new or proposed mountain biking and hiking (aka multi-use) trails in the Wildridge Subdivision.

My stated reasons for this position are summarized below:

- Mountain bike trails in the middle of the Wildridge Subdivision residential area are both unprecedented and unconscionable. Wildridge is primarily a residential and not a recreational community.
- Mountain bike trails in the Upper Metcalf Drainage (UMD) will ruin this pristine area for wildlife, wetlands, and native plants (see below).
- Banked trails turns UMD into a roller coaster ride for mountain bikers that will resemble an erodible and unsightly strip mine that can never be restored.
- Colorado Parks and Wildlife (CPW) expert report recommended NO trail development in the Upper Metcalf Drainage.
- CPW stated that summer stress on wildlife is now considered as bad or worse than winter stress, so a seasonal closure will be essentially ineffective.
- Illegal access and the making of new illegal trails within UMD would be quite easy from Wildwood road through the Mountain Star Subdivision on existing pathways.
- The flagged trails are not consistent with the trail plan and the great leeway that will be given to the trail builders to add turns and change the path exacerbates this problem.
- Trails and riders in UMD may present a distraction hazard to drivers on Metcalf and Wildridge Roads. This has not been considered (see below).
- Town council has not followed the current plan in regards to placement of a trash receptacle on Beaver Creek point.
- Trails within UMD are not needed as many miles of trails can already be accessed from West Avon Preserve, Wildridge and the Town of Avon. Existing June Creek and Metcalf Creek and Buck Creek trails already link to Red and White Mountain trail and beyond.

- Any desire for a world class venue for mountain biking in UMD is in direct violation of Wildridge covenants and restrictions against commercial activity and excessive harm to the environment within the subdivision.
- Adds unnecessary liability to the Town of Avon and/or Wildridge residents. A serious accident or death could occur in UMD for which the town and/or residents of the Wildridge Subdivision could be sued.

In addition, I have more specific questions and comments below regarding the Town of Avon's 2016 recreational trails master plan that I would like to see addressed:

1. On the Wildridge Viewshed Analysis page:

How many homes are there in Wildridge?

Does the analysis include all parcels in Wildridge or just built homes? If not parcels, why not?

On the colored bar scale where blue is one home and red is 278 homes how many homes are in the yellow area and could you add a number there?

2. 100% of the Wildridge population, visitors, workers, and perspective investors will be affected by the planned trails in the Wildridge Subdivision because they must access Wildridge via Upper Metcalf road. Is there a viewshed and/or distraction analysis for Upper Metcalf road from a driver's perspective? Including both driving to and from the Wildridge Subdivision and including the visibility of riders on the trail? Due to the human eye's exquisite ability to detect motion, we were easily able to spot walkers on the Wildridge pathways far above us from the Metcalf truck turnaround on the day we took our hike up P2. To what extent could these trails and the riders on them be considered distracting to drivers on Metcalf Road? Have the police or other experts been asked this question or been asked to comment on the plan from this perspective? If not, will you ask them to comment and report?

3. On the Trail Development Constraints page:

Lower Metcalf Road (below the Wildridge Subdivision) is constrained by Slope and Viewshed concerns. What views are affected? If residential, what communities/subdivisions were affected? If not residential, were there business or driver or other concerns?

To what extent will the Colorado Parks and Wildlife report recommending no trails should be built in the Upper Metcalf Drainage affect this plan? Although a seasonal closure has been discussed for winter stress (per the Vail Daily article), the report stated summer stress is now considered as bad or worse than winter stress especially when it is random and unpredictable like mountain biking.

Wetlands along June Creek are an Avoidance Zone in the Trails Master Plan Update. Has it been determined by a competent authority that Upper Metcalf Drainage does/does NOT contain wetlands and/or that an environmental impact statement is/is NOT required to encroach on same and/or build P1-P4? If no wetlands authority has been asked to comment on the plan will you ask them?

Rare plant life habitat is an Avoidance Zone on the plan. To what extent have introduced invasive and alien plant life been considered as a threat to the Upper Metcalf Drainage and to what extent and how soon could they harm native and rare plant life as they proliferate outward from the planned trails? On my hike up the downhill portion of P2 I only noticed occasional goat beard (alien) and very little if any dandelion. On any casual hike in Lake Creek, Buck Creek , or June Creek these alien species are prolific and getting worse. It is not hard to imagine the same thing happening in the Upper Metcalf Drainage as seeds are easily transported via hiking shoes and bike tires that are not cleaned after every use. There is also considerable amount of carving in aspen trees along the aforementioned trails. Has this threat also been considered? Has a competent authority/expert on these hazards been consulted in planning these trails? If not will such an authority(ies) be asked to comment on the trail plan?

#### 4. On the Wildridge Proposed Trails page:

As planned, it will be relatively easy to "illegally" access P2 and P3 via Brush Creek/Wildwood roads due to the existing pathway intersecting the roads, and then cutting down by making "illegal trails" from the pathway to P2 and P3. This would be quite easy as these trails are designed for expert only downhill access, which, by definition, includes only the most aggressive and accomplished mountain bikers. Worse, a group could be dropped off by a vehicle at the pathway intersection and then be picked up at the bottom of P2/P3 just the same as if skiing loops on the switchbacks on Route 6 near Eisenhower Tunnel. These new trails would not only be illegal but would be highly subject to erosion, and blocking one will only lead to creation of others. That this would be almost impossible to enforce or stop is evidenced by the continual and easily observed cutting of switchbacks on hiking trails and intrusions into the closed areas of our nearby ski resorts despite methods of patrolling and enforcement which are not present on trails. To what extent was this factor considered in trail planning for P2 and P3?

5. Is the town of Avon and/or the residents of the Wildridge subdivision insured and/or indemnified against a lawsuit for accidental death or serious injuries on the existing West Avon Preserve and/or trails within the Wildridge Subdivision?

Thank you for your attention in this matter, John Perdzock

From: Sent: Sunday, August 07, 2016 5:33 PM To: Debbie Hoppe Subject: Wildridge Trails

Avon Town Clerk Debbie Hoppe

As residents of Wildridge, we are writing to stress our objections to the proposed trails in the Metcalf Drainage.

We bought our land in 1992 and built on the edge of Wildridge specifically for the views and seclusion that it provided. Now we are faced with a proposed trail system that will impact this pristine, forested area and the wildlife that inhabits it.

Our concerns about the trails are reinforced by the recent determination of the Colorado Parks and Wildlife study that states, "Developing the proposed trails within the Metcalf Creek drainage would negatively impact wildlife habitat and the ability of wildlife to use it as a movement corridor".

We live at the very end of Coyote Ridge, and in addition to the environmental impact of the trails, we undoubtedly will face intrusion of our privacy by mountain bikers who will try to access or exit these trails via our property. Will we be left to enforce against intrusion like the residents of Beaver Creek Point, where they are building berms and re-landscaping their houses to face away from the road? I don't see where Avon has helped these residents, why should we expect anything else.

The negative impact of these trails is a major concern to many Wildridge residents and as <u>OUR</u> representatives, I strongly urge you to vote "NO" to the development of these trails.

Sincerely, Patty Young & Jim Wiley

CC:

pzc@avon.org; jfancher@avon.org mburch@avon.org; mgennett@avon.org sprince@avon.org; breynolds@avon.org shymes@avon.org; jwolf@avon.org; mpielsticker@avon.org From: Dan Smith [ Sent: Sunday, August 07, 2016 3:00 PM To: Debbie Hoppe Subject: Opposition to Wildridge Bike trails Expansion

Debbie:

Please pass this along to the members of Avon Planning and Zoning.

Thanks

Dear Planning and Zoning Commission

Both of us would like to express our opposition to the significant expansion of mountain bike paths in the Wildridge subdivision. We do not see a benefit to the introduction of additional trails into the open space areas of Wildridge, nor to attracting a large number of mountain bikers to a residential area by weaving trails through the subdivision.

When we purchased our lot in 1992 and built our home in 1999, we did so to be in a quiet residential area. It is an area in which deer and other wildlife abound because there is only a minimum impact of the development on their habitat. Thus far, our expectations have been met. The subdivision has remained quiet, even though it is almost completely built out. The deer and other wildlife have remained and visit our lot almost every day three seasons of the year. The Wildridge trails expansion would change all of that.

The proposed trail system would more than double the mileage of mountain bike trails in the subdivision, expanding them from west Avon into most of the interior open spaces in Wildridge. Wild life will be displaced during the summer months and will probably find an alternative habitat for spring and fall. Peace and quiet will be disrupted if the proposed expansion succeeds in making the trail system a world class mountain bike venue. Wildridge would no long be a quiet, peaceful community, but become something similar to Vail and Beaver Creek mountains base areas if the expansion succeeds in attracting more riders.

As laid out, many of the new trails cross existing paved roads. This presents a safety hazard to both riders and drivers alike. Road width is simply inadequate to accommodate these crossings safely and the bike favoring stop signs would further increase congestion. Open space would be further invaded by the construction of bath rooms, parking lots and alike needed to support this expansion.

Council should remember that Wildridge residents also retain the right of private action to individually enforce the existing deed restrictions. Many are partially or fully retired lawyers. The town has already experienced one disastrous bout of litigation over Traer Creek and another smaller bout of the first attempt to purchase the Skier Building. I do not believe it is in anyone's interest to behave in a way that opens the Town to additional legal fees and costs.

Please remember that Wildridge is a residential area and not a public sports arena.

In short, Wildridge would no longer be the peaceful community it is today and become a sports venue which we neither want nor need. We urge you to oppose this expansion and be considerate of people who make Wildridge their home.

Sincerely

Dan & Terry Smith

From:

Sent: Sunday, August 07, 2016 8:13 AM To: pzc; Jennie Fancher; Megan Burch; <u>imgennett@avon.org</u>; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe Subject: Wildridge Bike Trails

As an avid bike rider and Wildridge resident, I have enjoyed biking in the Vail Valley and the challenge of going up Metcalf. As much as I encourage riding, I am strongly against the proposed bike trails in the Wildridge area. The proposed bike trails in the Wildridge neighborhood run contrary to the efforts to maintain protected areas and seem to be another scar on the landscape. Recognizing that much of the proposed trail areas run through sage brush, the removal of this erosion barrier will undoubtedly lead to further environmental damage and impact soils and wildlife in the area.

This is not a selfish request, but considering all of the factors involved in the creation of these trails, it seems to benefit a few to the detriment of many, with very little, if any, positive contribution to the area. Additional bike trails were added last year adjacent to Beaver Point and the impact that has had with bus loads of riders being dropped off and seemingly becoming a "theme" attraction, would seem to be indicative of the outcome should the new trails be constructed.

There are so many opportunities for biking in the valley that the enormous cost both in terms of visual impact, and environmental degradation do not warrant this expansion.

Zoning restrictions have been placed on home development in Wildridge, Wildwood and Mountain Star, and now it seems that the efforts to curb random development have been abandoned in favor of a project that will visually and environmentally impact significantly more area than all of Wildridge.

I strongly urge you to re-focus our constrained budget to higher priority initiatives. The beauty of this landscape deserves better.

Sincerely,

Roger Michaud

Avon, CO

Exhibit C

From: Doug Currey [ Sent: Sunday, August 07, 2016 4:29 PM

**To:** pzc; Jennie Fancher; Megan Burch; <u>jmgennett@avon.org</u>; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe

#### Subject:

Dear representatives,

Keep Wildridge for residents; not for mainly outside bikers. Please.

Avon has not quantified, disclosed or proposed mitigation for impacts. (Impacts of the WRP remain unmitigated!) Parking, noise, drop off and looping, and now wildlife per Colorado Parks and Wildlife. D. Currey

From: John Perdzock [ Sent: Sunday, August 07, 2016 4:35 PM To: pzc Subject: Opposition to Wildridge Mountain Bike Trail Development

I am **opposed** to additional mountain bike trail development in Wildridge **because trails**:

- **Destroy animal habitat** (according to CPW report, summer stress is as bad or worse than stress in other seasons)
- Cause erosion (destroy natural landscape permanently)
- **Threaten safety** (increase car and bike traffic on residential roads and ruin unique, quiet neighborhood)

I am a voter and a permanent resident of Wildridge. Your consideration of my views is appreciated.

Regards, Janet Perdzock From: Joan Willoughby [ Sent: Sunday, August 07, 2016 5:58 PM To: pzc Subject: Not in favor of bike trails in Wildridge

Please note, as an Avon taxpayer and Wildridge resident, I am <u>extremely opposed</u> to having additional bike trails above and through our neighborhood. My reasons are many:

- We already have a good many bikers coming through Wildridge and don't need to encourage more. It is extremely <u>unsafe</u> on our 2 lane road.
- In the event of a <u>fire</u>, which could be more prevalent with more people on the mountain, we only have this one narrow road to <u>evacuate</u> people on.
- The <u>animal habitats</u> close surrounding my house would be extremely <u>compromised</u>. Animals would be very stressed.
- I moved here so I could <u>enjoy wildlife</u>, not bikers.
- Bringing pro bike races here would require an acceptance of a lot <u>more traffic</u>, in general.
- One would assume the races would require a lot more support systems like <u>police</u>, <u>ambulances</u>, food concessions, <u>bathroom equipment</u>, etc. This would be <u>very</u> <u>disruptive</u> to our nice peaceful neighborhood that we enjoy now.
- The <u>esthetics</u> of the hillsides would be disrupted in a major way.
- There would be increased danger of accidents; I can envision pulling a car out of a driveway and having a collision with someone on a bike who is racing downhill and appears suddenly.
- I cannot see any advantage to this; the town will not benefit financially.

There must be a lot of mountains in the area that do not go through our yards. We do not need them going through Wildridge!!! This is a neighborhood.

## Please find another alternative.

Joan Willoughby

Avon, CO.

From: Lee Bennett [ Sent: Sunday, August 07, 2016 9:09 PM To: pzc; Jennie Fancher; Megan Burch; <u>imgennett@avon.org</u>; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe Subject: Wildridge bike trails Dear City Council Members,

I am extremely dismayed to hear the proposed plans for bike paths in Wildridge – one of the only neighborhoods left in the Vail Valley free of tourist noise, heavy vehicular traffic, and the visual scarring associated with paths used by a small percentage of taxpayers. I am writing to strongly object to the construction of bike paths in Wildridge.

I am protesting this development for three reasons: 1) Disruption of wildlife habitat

Herds of animals regularly inhabit the BLM land and natural forest surrounding this neighborhood. Spotted fawns are born and suckle in protected, quiet spaces; mountain lion generally hunt away from human interference; fox families patrol for rodents. Building these biking trails would disrupt this behavior that is so precious to fortunate Coloradans' way of life.

# 2) Geologic problems

As a geotechnical engineer, I am convinced that bike paths will lead to decreased soil quality surrounding the trails. This degradation of soil could lead to many other problems including, but not limited to: earth movement, compaction, turbidity in June Creek, and reduced root bases exacerbating these problems.

Additionally, a stroll along any bike path or hiking trail in the Vail Valley — and there is a surplus of both — provides enough evidence for even casual observers to see that many bikers and hikers do not respect vegetation surrounding trails. Even if these trails begin narrow, it is unlikely that they will remain so. And then there are the self-made trails that appear when bikers take the land for granted and create shortcuts.

## 3) Visual and auditory clutter

Many Wildridge residents live here to escape the tourism of Vail, Beaver Creek, and Edwards. Building bike trails in Wildridge would destroy this oasis.

Even now, bikers on the existing Wildridge trails (June Creek, for example) can be heard from residences. Even now, there is too little parking for the people who live here. Even now, there are too many intrusions from the bicyclists who disrespect road laws and trail etiquette. Increasing the number of Wildridge trails is tantamount to providing toys to children who have proven that they cannot behave. In conclusion, I staunchly oppose the construction of bike paths behind Wildridge. There are already enough bike trails for enthusiasts in the valley.

Respectfully Yours,

Leigh Horton

From: Jack Gardner [ Sent: Sunday, August 07, 2016 9:33 PM To: pzc Cc: Jennie Fancher Subject: Avon Master Trails Plan

**To the Avon Planning and Zoning Commission:** My wife, Greer, and I have owned property and paid taxes in Avon since 1992 (24 years), and we have lived here full-time since 2000 (16 years). Our home is located at **Sector** on the original plat. We decided to live here because of the views and open space, and we have enjoyed the "wild" in Wildridge ever since.

I have reviewed the draft Trails Plan and have the following comments:

- Please follow the recommendations of the Colorado Department of Parks and Wildlife and deny all new trails. We are concerned with the impact on wildlife and views that will be created by the proposed trails in Metcalf Gulch. We have enjoyed the peacefulness of Metcalf Gulch all the time we've lived here, and the many trails on the proposed Master Plan, comprising almost 12 miles, will certainly have serious negative impacts. This impact has been verified by the professionals and should be our guide.
- 2. <u>Please Protect the natural beauty of Wildridge and recommend</u> <u>against all new trail development.</u> The trails will permanently scar the land and erode the natural slopes of Metcalf Gulch.
- Please follow the Protective Covenants for Wildridge and recommend against any new trails. These covenants were designed to assure maintenance of property values and create a pristine residential community. The trails will encourage activities at a level that is inimical to these goals. You are our representatives to observe and enforce these Covenants.
- 4. <u>Please do not be misled by the "Viewshed Analysis" prepared by the trails consultant.</u> The so-called "Viewshed Analysis" is grossly inaccurate and seems like pseudo-science. The Analysis purports to show view impact of new trails in precise terms from ranging from "most visible" to "least visible." However, our lot, from which the eastern slope of Metcalf Gulch is a principle view, is shown as least visible. And Coyote Ridge, where Metcalf Gulch is a primary view, is shown as having no impact at all! <u>Since I know the so-called Analysis to be seriously flawed, I can't accept conclusions for future planning based on this document.</u>

**Thanks for your time and efforts**. With the right information and analysis, I know the Trails Plan can be an asset for all. We are concerned that open space for Wildridge residents who invested in their properties for the open space and natural views is being compromised for the recreational benefit of a minority group.

# PLEASE ----- KEEP THE WILD IN WILDRIDGE !!!!!

Jack Gardner

From: ALTHEA CALLAWAY [ Sent: Monday, August 08, 2016 8:53 AM To: pzc Subject: Wildridge Bike Trails

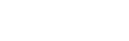
#### Dear Committee Members:

We have been residents of Wildridge for eight years, the last three years on Coyote Ridge. We bought in this community for the quiet, wildlife and, of course, views. We had numerous choices when we purchased here. We specifically made this choice. The amenities the community offered were the ones WE desired at this point in our lives. We do not play golf, we ride our bikes on paved trails. I love watching wildlife from my deck or out the window.

We specifically moved three years ago from Saddleridge Loop on up to Coyote Ridge for even greater quiet, peace and privacy. We are completely opposed to the expansion of mountain bike trails in Wildridge. One of my greatest joys is watching the wildlife. I walk and run in the neighborhood on a nearly daily basis. The large drainage area is a treasure trove of wildlife and seems to enable it to move easily from one area to another. We love being remote yet close to a town i.e Avon. Developing these areas as a mountain bike mecca will remove this unique feature.

Thanks for your consideration,

Althea & Cliff Callaway



Hello, I would like to voice my concerns over the proposed bike trails that build up into the Wildridge residential areas.

Extending mountain bike trails up into the residential areas will have a large negative impact on the residents who live here. We came to Wildridge for the rural feel of the area. Turning it into a recreational area would not only destroy the allure of living here but also have a large negative impact on wildlife as is strongly corroborated by the Colorado Parks and Wildlife report. Ignoring the recommendations of the CPW and the concerns of the residents would be grossly negligent on the part of the Town Of Avon.

Thank you

--

~Art Farr

As a resident of Wildridge for 22 years and a real estate broker for 33 years, I am Opposed to building more mountain bike trails in Metcalf drainage or anywhere else on these steep hillsides. Others will site many reasons but I refuse to see my tax dollars being spent to devalue my property and others in this residential neighborhood. Carroll Tyler

Carroll Tyler

www.carrolltylerinvail.com

Avon Planning & Zoning Committee:

I'm vehemently opposed to the cycling trails proposed for upper Wildridge and the area between Wildridge and Mountain Star above Wildwood. Wildridge is in its final buildout phase and we should be working toward conservation and preservation of unbroken natural spaces, wildlife habitat, and views. Preventing the destruction and fragmentation of native terrain and wildlife habitat should be a top priority to anyone who appreciates nature and delicate ecosystems.

The large, prominent, unbroken expanse of native terrain that extends from the Metcalf Creek Draw, across the distinctive hillside / ridge above Wildridge Rd, to the center of Wildridge is a priceless and integral part of the character of this area. Much of the charm that existed in Wildridge when I moved up here 21 years ago is gone. Preserving the last remaining unbroken natural spaces and views is critical to the quality of life up here and should be a priority of our representatives. Do we have to trash every square inch of this valley?

The scarring from existing artificially constructed trails is significant. New trail construction will degrade very prominent and substantial view corridors and aesthetically pleasing open space. New trails will also fragment native terrain, adversely affecting and disturbing delicate ecosystems and wildlife around here. Also, this is a residential neighborhood and should not be turned into a destination recreational area / mtn bike theme park, with all the issues that would create.

This region is resplendent with an abundance of outstanding off-road cycling opportunities; in Avon, near Avon, up in the forest, in and around the ski areas and all over the local valley. Existing trails provide ample riding opportunities throughout the entire cycling season. We do not need to trash valuable natural habitat and priceless open space to create more trails in a residential neighborhood. When discussing among my neighbors, the common refrain is "who comes up with this stuff?".

Do not trash our nice, quiet neighborhood!

Doss Malone

I am a Wildridge resident

I am opposed to any further development of trails in Wildridge, not only biking trails, but ANY trails!

My opposition is based on a number of factors, and wildlife is one of many factors. I believe these trails will have a significant impact on the wildlife in this area. The wild of Wildridge is one of the many reasons residents chose to live here.

The Vail Valley Mountain Bike web site posted a document that portends to say that Impacts to Wildlife: Mountain Biking-Specific Research (Taylor and Knight (2003)) shows little impact of mountain biking over hiking. It is based on a lot of anecdotal, observational research on the behavior of animals. It is NOT based on any solid, scientific research that determines the biological and physiological response of animals to biking and hiking. Nor is it based on research into the long term impacts of those activities on wildlife.

I have a degree in biology, I am a wildlife photographer (40 yrs), I am a former biology teacher (16 yrs), and a former seasonal supervisory park ranger naturalist (15 seasons) in Rocky Mountain National Park. I am acutely aware of the population, population fluctuations, behavior, and preferred habitat of the many different species of wildlife that live here. Wildlife in Wildridge includes deer, elk, bears, mountain lions, weasels, bobcats, coyotes, foxes, raccoons, skunks, song birds, raptors, and many more.

I have taken photos of a wide variety of wildlife in Wildridge using high end camera equipment. I have documented virtually all the animal species except elk and mountain lions inside the residential area of Wildridge. I know elk and mountain lions are also here because I have seen their tracks and heard their vocalizations. I have photos of those two species taken near Wildridge.

I also have a trail cam mounted on my house that is active 24/7. I have photos of dozens of different species of animals that live here. Something goes by my house virtually every day and night.

A recent Colorado Parks and Wildlife (CPW) study recommended that these trails NOT be built. In a letter to the Town of Avon they stated that Trails (P1, P2, P3, P4, P5, P7) should not be developed. The CPW based their report on a number of documents that were peer reviewed research. It is difficult to find numerous studies about the biological and physiological impacts that hiking and biking has on wildlife. The sensors needed, the telemetry required, and the time element make research of that type very difficult and very expensive.

These trails are within deer and elk ranges. They pass by fox dens, weasel dens, nests, and fawning grounds. Many of these animals are around us year round. These animals may not be seen during the day, but they are here. Deer and their fawns find cover and protection from the heat of the daytime sun under the shrubs and bushes. Foxes and other mammals spend much of their day time in dens. These proposed trails would pass by those locations.

The constant disturbances from bikers on these trails may not allow animals to obtain adequate nutrition. It will cause stress resulting in higher heart rates and blood pressure. They will spend time being alert, and fleeing rather than feeding. That will impact fawn and calf development, nesting birds, denning animals, as well as have various impacts on all other animals that use this open space. Even seasonal closures may not be enough to protect the wildlife that live here.

Those animals we see have become accustomed to hikers, road bikers, and cars, because they are predictable encounters. Daily, unexpected encounters caused by the biking trails may cause the wildlife to die off or move out to more suitable habitat.

Many residents moved to Wildridge because they did not want to live in a town or in a golfing community. They wanted to live with a natural environment around them and all the flora and fauna that is associated with that. They did not move here to become part of a Mountain Bike Community!

The CPW also recommended that there be no commercial use and that no race events be held. My concern is that if these World Class Mountain Bike Trails are built, it will draw World Class Mountain Bikers and eventual World Class Events. This group is also attempting to attain IMBA Ride Center Gold Medal status to the bike trails in the Vail Valley and recognition for large-scale mountain bike facilities that offer something for every rider. They say this status will bring in even more riders and that riders should bring their full arsenal of bikes to these destination-worthy areas. From backcountry adventures to shuttle-served gravity trails, and from expert-only to family-friendly. They promise that riders would encounter the best the sport has to offer. Is that what the residents of Wildridge have to look forward to?

The Town Council says that the Wildridge residents will not be allowed to vote on these proposals they will only have input. The wildlife of Wildridge do not have a vote or input!

If these trails are developed, Wildridge will no longer be wild.

**Rick Spitzer** 



http://spitzerphoto.com

To: Chairman Clancy and Avon Planning and Zoning Commission

Re: Town of Avon 2016 Recreational Trails Master Plan

My name is Pam Warren. My husband Peter and I have lived in Wildridge since 2002. When we first moved to Colorado we searched several communities in Summit and Eagle County looking for the perfect mountain home. We wanted a quiet, residential community with magnificent views, amazing expanses of open space and easy access to Vail. Wildridge seemed to be a perfect fit until recently when it became clear that the Town of Avon appeared to be moving full steam ahead to approve the creation of a world class mountain bike amusement park in our tranquil neighborhood.

I am opposed to the proposed Mt. Bike Trails for the following reasons:

- The report from Colorado Parks and Wildlife clearly states that it is against the development of any trails within Metcalf Creek or any additional trails in the West Avon Parcel. Enough said. How can anyone, in good conscience refute, let alone disparage this report.
- 2. In addition to having a negative impact on wildlife, as clearly articulated by the Colorado Parks and Wildlife study, additional mountain bike trails will produce additional bikers, cars and traffic congestion, increased safety issues and noise polution to a peaceful, residential neighborhood as is clearly evidenced by the impact to the home owners who reside in close proximity to the West Avon Parcel. And the trails will have a negative impact on the view-scape of many of the residences in the neighborhood.
- 3. The Town of Avon should abide by the protective covenants for Wildridge, specifically Section 1.9 that focuses on the use of the open space tracts which were designed as such to maintain property values and create a pristine residential community in Wildridge. The covenants clearly state that no acts are permitted that alter the natural condition of the vegetation or the aesthetic values of the natural environmental quality of the tract. Building mountain bike trails, especially those that will be heavily used by expert mountain bikers, would permanently disrupt the natural environment that the covenants were designed to protect.

And finally, as Town of Avon representatives, I hope that you will carefully weigh all input from wildlife experts, the protective covenants and the tax-paying residents of Avon and vote without personal bias, based upon as much factual evidence as is available. A minority group of mountain bike enthusiasts, many of whom are not tax-paying residents of Avon, should not have the power to forever negatively impact the open space of Wildridge. Please recommend: NO MORE TRAILS in Wildridge.

Thank you.

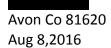
Pam Warren

From: jan.livergood [ Sent: Monday, August 08, 2016 5:08 PM To: Avon Council Web Subject: Wildridge trails

Dear council members

It has come to my attention that Avon is considering building more trails in wildridge. I am very much against this proposal. Along with building & traffic. Humans have already disrupted the natural setting that I consider a way of life. I have lived in wildridge for 27 years and already notice the strain on the environment. Wildridge does NOT need more trails or traffic. Please do not accept this proposal.

Sent from my Verizon, Samsung Galaxy smartphone



To Avon Town Council Members

I am writing in opposition to the proposed mountain biking trails in AVon. I am a 15 year resident of Wildridge and moved here because if it's proximity to the Widerness, peace and quiet. I feel that the proposed so called multiuse, bike emphasis trails offer little or nothing to the residents of Wildridge. these trails are principally for the VMBA members.,who as far as I know are mostly not tax paying residents of Avon. I have hiked PBJ and the P1 trail. I have noted the erosion on the steep slopes of PBJ which widen it for several feet beyound the designated diameter and creates an ugly scar on the land. which is very visable from a distance.as the top of Wildridge. P1 is far steeper than PBJ and I think these proposed 24" trails will likely become much wider because of erosion, giving a "strip mine" like appearance to the area.I am an experienced hiker and find that the trail will be quite steep for the short distance proposed ,unless there are multiiple switchbacks, which will increase the chances of more erosion. In addition, the narrow, steep, trails increase the chances of biker hiker collisions.The Colorado PW comission has reccommended against any development of this area because of adverse effects on wildlife, I think we should keep Wildridge WILD and not part of a "premier, global mountain biking destination".

Respectfully submitted Jonathan Schwartz

Council members and Avon staff.

Please read my concerns about the potential impacts to the, Wildwood neighborhoods. 1. *The ever increasing loss of a secluded and serene neighborhood.* Like many others in these 2 neighborhoods, we moved here to get away. My family has lived in the neighborhood for over 23 years including moving from one home to another in Wildridge. We have accepted less amenities than an in-village Avon neighborhood for the quality of calm and nature. This is what keeps Wildridge residents staying in the neighborhood rather than move. Please do not try to make us a destination recreation site we are already impacted by back country visitors on June Creek and Wildridge trail in addition to the existing bike trails on the Beaver Creek point open space.

2. *Infrastructure impacts both physical and emotional.* In spite of an attempt to accommodate parking for bikers on the Beaver Creek open space, we are seeing parking on the streets at Saddle Ridge and in the West Wildridge. Parking for the June Creek and Wildridge access is also impacted by parking issues. The emotional issues stem from trying to reason with these people who respond negatively when advised to park in assigned areas. I am sure our PD tries to stem this activity but it is still occurring. Another problem is a sense of ownership by the neighborhood which some visitors do not collectively support. I have seen the residents walking the trails and picking up trash including the day after the 4th of July festivities. Finally it is one thing to have people who do not live in the neighborhood around the Beaver Creek open space, where they have already negatively affected those residents as they move through the trails, but, to have trails that are designed to move visitors between houses seems egregious. I get the Beaver Creek space and use it on a daily basis, but the houses sit on the perifery.

3. *Impacts on Nature*. Once again referring to the serenity of the neighborhoods. We are also seeing an impact not just during the spring and summer but in the winter as well. The Beaver Creek space is now drawing X ski, Winter biking and snowshoe athletes. I get it. but this is also a wintering and rest point for a phenomenal amount of nature, not just Beaver Creek Point. The original impact study highlighted an abundance of special flora and fauna in the neighborhoods. Impacts to this nature has been significantly more than the community thought and to expand this to the physical neighborhoods will be more stressful. Creating a new and much larger neighborhood trail system will add to the impact.

**Concluding**. Thank you for your hard work and your desire to receive input and make our community better. Sometimes an open space should just remain an open space so we can appreciate the neighborhood we wanted to move in to and not a destination rec area between our homes.

Thank you James (coot) Overcash Dear Avon Town Council Members and Planning & Zoning Commissioners:

I am writing in advance of the P&Z meeting on Tuesday, August 16, 2016 to implore you not to approve the 2016 Recreational Trails Master Plan that was released today.

I will try to keep this as short as possible, but the amount of stress this has caused me is immeasurable. It literally makes me sick to my stomach when I look out my windows at the flags for the proposed P4 trail.

There is a LONG list of reasons why I am vehemently opposed to the proposed trails P1-P8, but I will try to highlight what I think are the most important reasons to <u>not</u> do these trails.

1. Trail P4 is directly below and next to my home. Now that the trail has been flagged, I have to question who are these people who are proposing these trails literally right in our back yards? Have they no respect for the homeowners in this area? This is a huge piece of property and the trail is proposed to be as close to the existing homes as it possibly can. It is unacceptable for so many reasons:

- Too close to homes, negatively affecting the privacy and safety of those homes

- The homeowners will be able to hear every word uttered on the trail

- The existence of the trail will create a parking lot at the corner of Wildridge Road and Bear Trap. This area is NOT designed to be a parking lot and will negatively affect the homes adjacent to this area.

- Now that P5 was scrapped, P4 is "the trail that goes from nowhere". It is totally unnecessary, other than to stress out the residents out who look directly at it every day.

- There is abundant wildlife on this property, which is contiguous with forest service land. **Deer inhabit this property daily, and now they are currently browsing on and laying beneath bushes that have flags (marking the proposed trail) on them.** There are fox dens in the area and hawks who hunt this property daily. There is very little property within the neighborhood where these animals can browse and take cover from the heat undisturbed by humans. This is one of those properties and it needs to be preserved.

- It's the most visible piece of property in the neighborhood. Ugly scarring on a pristine piece of property that has been preserved for decades is not acceptable, and the property should be preserved for eternity.

- It will negatively affect property values.

2. Trails P1-P7 also should **not** be developed for the following reasons:

- Colorado Parks and Wildlife recommends no new trail development in this area. I could not agree more with their findings as outlined in their report and summarized by Matt Pielsticker in his letter to you on August 8, 2016.

- There is an entire resort across the valley that was designed for recreational use. Our neighborhood was designed to be a residential neighborhood. Please preserve the spirit of the Wildridge PUD and respect the privacy of, and preserve the viewshed for, the residents.

- The trails will directly negatively impact the privacy and safety of the homeowners in Wildwood and some in Mountain Star

- The scarring on the land is atrocious

- The truck turnaround is a necessary thing for the commercial spaces at the bottom of the hill. It currently is barely big enough for the trucks to utilize. Creating a trailhead with parking in this area will require removal of a significant amount of trees and vegetation, which is unacceptable and unnecessary.

- The trails will create significantly more traffic for a neighborhood that only has one egress and has too much traffic as is. This is a safety issue for the residents.

- This is a waste of our taxpayer money. Please use the money to fix the roads in the area.

- There are so many trails around the perimeter of Wildridge. I am on them almost daily and they are not utilized as much as they could be. We do not need trails within our neighborhood when we have so much to offer on the perimeter.

Please remember that you represent the homeowners who elected you to office, not the mountain biking association. It is very easy for outsiders to go into a community and propose whatever they want with total disregard for the people it will actually affect. In this case, those who are directly, negatively impacted by these trails - meaning those whose privacy, safety and views will be impacted - should have the final say, and we say NO. Not in our beautiful residential area.

I have attached a letter I sent you on June 29th for your review. Thank you for your time and consideration.

--

Leslie Roubos Wildridge Resident I have been a Wildridge resident for 13 years and have been studying the Town of Avon Recreational Trails Master Plan Update. I have also attended a meeting and talked with bikers and with fellow residents.

I have a number of questions that I would like to have answered before this plan is approved by the town.

1. A biker I met on a trail told me that "they" have the right to develop the trails into the residential area because they have a right to use open space. (He was from Eagle.) The Vail Valley Mountain Bike Association web site and Facebook page seems to support that idea. Why is it that the mountain bikers have a right to develop the trails between the homes in Wildridge but the people that live in those homes only have the right for "input?"

2. The West Avon Preserve has 11+ miles of trails and the new proposal will add another 12+ miles of trail. Some websites and other estimates say that Eagle County has 600 miles of trail bike trails and the state of Colorado has 10,000 miles of bike trails. Why is it necessary to provide bike trails in Wildridge when so many miles of trail exist close by?

3. Again, the West Avon Preserve has 11+ miles of bike trails, the new proposal will add another 12+ miles of trail. I met a mountain biker on a trail on Beaver Point (Ironically the trail is named by the mountain bikers "My Back Yard."). He told me that the plan for next year is to add 11 more miles of trails into the upper part of Wildridge. Is that true and if it is, does Wildridge really need to have 34+ miles of mountain bike trails through our neighborhoods to support the mountain bikers?

As a side note, visualize this. Wildridge is about 1 mile by 1 mile, a section. If all those 34 miles of trail were straight lines going north and south there would be 7 straight vertical lines that would be spaced 660 feet apart!

4. The plan states that Goal 1 is to "Increase the size of the recreational network inside Town boundaries, in response to feedback received from citizens and interest groups, and to distribute the heavy use that is occurring on the West Avon Preserve Trails." How was this feedback and "heavy use" data obtained and documented?

4. The Vail Valley Mountain Bike Association and other groups are saying that there will be a huge economic impact on the local community from mountain bikers. They are even working on securing national Ride Center status from the International Mountain Bicycle Association for further economic impact. How many bikers need to be on the trails in Wildridge to have a significant economic impact to the Town of Avon?

5. Mountain bikers also say that the Wildridge trails will become a World Class Mountain Biking Venue. I was told by a number of bikers that competitions cannot be held on these trails because there is no room to pass, yet I have found scores of time trial mountain bike events on single track courses on the web. Will this new World Class Venue bring in World Class events that have hundreds of spectators along with an army of concessionaires, vendors, porta potties, organizers, emergency, and medical services into the Wildridge neighborhood?

6. Will this new World Class Venue bring in riders using concessionaires that are dropped off at the top of Wildridge to ride the trails down into the valley, further compounding an already congested residential road, with limited parking and only one way into and out of the residential neighborhood?

7. The mountain biker mentioned above said that next year's plan is to add parking lots and toilets so that bikers can use the trails more efficiently. If that is true, where are those parking lots and toilets going to be developed and how will their use be enforced?

8. The proposed trails in the plan have been flagged in some areas by the mountain bikers. The switchbacks on those trails appear to be steeper than other trails they have built. Will 4 switchbacks become 8 switchbacks and further degrade the view and the environment?

9. The plan states that Goal 3 is to "Provide robust protection for the natural setting, scenic beauty and wildlife that draws people to live in Avon." The Colorado Parks and Wildlife submitted a report that was opposed to development of any of these trails because of wildlife concerns. How is it possible to cut 22 miles of 24" wide trails through wildlife habitat where there is shelter in woodland, aspen, evergreen forests, and gullies, leave many visual scars on the landscape, and then populate that with mountain bikers and still "Provide robust protection for the natural setting, scenic beauty and wildlife that draws people to live in Avon." as stated in the plan?

10. Many residents in Wildridge, including me, bought homes here for the open, quiet, wild nature of the area. Those individuals did not desire to live in a golf community or in a town atmosphere. I doubt that any of us moved here to become a part of a mountain bike community! Is the intent of the town to turn Wildridge into a mountain bike community with a World Class Mountain Bike Venue?

The bottom line is this. What is happening to the open, quiet, wild nature of the area with the "natural setting, scenic beauty, and wildlife that draws people to live in Avon?"

#### **Rick Spitzer**

#### Avon City Council:

As a long-time and current resident of Wildridge, I wish to express that I vehemently oppose the proposal for the construction of cycling trails in upper Wildridge and in the area between Wildridge and Mountain Star. The multiple reasons I am against this proposal are outlined below.

#### Negative impact to wildlife

The attached CDW addresses the fact that upper Wildridge and the area between Wildridge and Mountain is critical to wildlife migration patterns and that the proposed creation of trails would therefore have a negative impact on wildlife. The wildlife in this area is dependent on utilizing this land for migration while the local and/or non-local biking/hiking community has many alternatives in the immediate area for engaging in their recreational activities of choice. The needs of the wildlife vastly outweigh the recreational interests of bikers and hikers who wish to exploit this area - they are already blessed with many trail options in and around Avon. It is our job as a community to protect the wildlife that depends on this habitat. If we don't, nobody else will.

#### Inadequate enforcement of closures and rules governing the West Avon Preserve trails

The argument has been put forward that if the newly proposed trails were subject to seasonal closures, the negative impact to wildlife would be mitigated. However, most residents in this area can readily attest to the fact that seasonal closures and other rules governing the West Avon Preserve trails are not monitored or enforced and therefore are not very effective. The same would likely be true for any new trails that are created.

#### Scarring the land $\rightarrow$ erosion and destruction of a pristine area

Much of what attracts homeowners to this area is the natural beauty that surrounds us. Some parts of our Wildridge community have already been scarred with unattractive trails zig zagging across the limited areas of natural open space which remain. For residents of Wildridge, whose views should take precedence over those of any outside parties wishing to have this area reconfigured for their own purposes, it is unsightly and upsetting to see the natural beauty that brought us here exploited, scarred and eroded to serve the recreational interests of the wider general public.

#### Safety/parking/congestion/egress

Wildridge is a residential community with many families, small children, and pets. Homeowners and residents of this community choose to live here because it is secluded, quiet, and safe. The creation of hiking/biking trails means Wildridge would incur an influx of non-resident visitors. The increased visitor and vehicle traffic is a serious safety concern for residents. The Avon City Council ("the Council") has a mandate to protect the interests of homeowners and residents who pay taxes here. The Council is not honoring this mandate if it chooses to appease outside interest groups wishing to exploit this area in the face of extensive opposition from residents.

#### Cost estimates: currently exclude parking, toilets, maintenance and enforcement

When all requirements are taken into account, the trail proposal is likely to be a very expensive and time consuming project. As a local resident, I do not wish to have my tax money and other Town resources poured into this project.

## Priorities for tax dollars: Is this the best way Avon can spend our tax dollars?

As an Avon tax payer, I do not believe this is an effective or appropriate way to spend our tax dollars.

Best regards, Russell Rice Representatives on the council and the planning and zoning commission,

My mane is Lodewijk de Vink and live on

Through various sources I have been informed about a proposal to construct 11 miles of new mountain bike trails in the Wildridge / West Avon area. I want to strongly voice my opposition to that plan for a number of reasons. Why do we need to build a "premier global mountain biking destination" in a green area surrounding a residential neighborhood? Not only are we destroying the landscape, we are equally impacting the serenity of our area because the bikers will have to be brought by cars and trailers. It will dramatically increase traffic in this area. What about parking, toilets and other infrastructure needs like maintenance? Let there be no misunderstanding that these trails can not be used by hikers, 'downhill bikers and hikers do not mix well!'

We all moved here for the beauty and quietness of the area, why are we using tax dollars to attack that acquired right? Lets use our tax dollars to make our community even more pleasant to live in.

It is hard to comprehend that as a community, we want to ignore the recommendation of the Colorado Parks and Wildlife not to built these trails, as it affects our wildlife. I sincerely hope that you as our representatives will do what is best for our community. Respectfully,

Lodewijk de Vink

Dear Chairman Clancy and Members of the Planning and Zoning Commission:

I am writing to let you know that I am in opposition to the building of the new trails in the Wildridge subdivision.

I am presently and East Vail resident and am looking to buy in the Wildridge area. The building of these trails—P1-P8, and especially the P4 trail—would completely deter me to this area. The reason why I am choosing this area is because of the pristine wildlife that I have experienced up there. I know the proposed building of these trails so close to the existing homes will negatively impact the privacy, noise level and safely of the residents, in addition to disrupting the wildlife.

I will mention that I am an avid biker and mountain biker and I feel like there are more than enough trails presently for mountain bikers. There is absolutely no need to negatively impact this residential area, we have more than enough trails throughout the valley to ride on.

with the research that I have done because of wanting to buy in this area, here are my major issues and concerns:

**1**. This is a residential area and was designed as such decades ago. This is not the place to create a "world class mountain biking" area. There is plenty of open land, away from people's residences, that would better serve a mountain biking area...across the valley at BC Resort for instance.

a. Negative impact to wildlife strongly corroborated by the CPW Report - who recommend not doing any of the "P" trails

b. Ugly scarring of the land & erosion and destruction of a pristine area - highly visible viewshed corridor

c. Inadequate enforcement of closures and rules governing the West Avon Preserve trails

d. Safety/Privacy/parking/congestion/egress - there is only one way in and out of Wildridge and it is already congested with residential traffic. The trails will result in parking lots within the residential area, which is not acceptable.

thank you for your time,

Sincerely,

Ann Hodel

Council members:

We chose Wildridge as our home for the views, peacefulness and serenity of the open lands around it. It has come to our attention that there is a plan to open our green space to biking trails. We strongly urge the Council to turn this plan down.

Allowing bike trails in the open space of Wildridge and the Metcalf drainage would be of little benefit to this resident. It would scar an area that we love to look at each day at various times of the day..

Allowing the trails to be built would an extra cost for maintenance. It would also increase traffic in our neighborhood. The trails would disturb local wildlife.

Allowing more access to our neighborhood via these trails would violate the peacefulness and serenity that we moved here to enjoy.

Wildridge is a special neighborhood. Please do not ruin for the residents by allowing the Bike Trails to be built.

Thank you for your consideration.

Herb Pozen and Milly Goldstein

#### Dear Council Members,

My husband and I have been residents for 15 years of Avon and Wildridge in particular. We were drawn by the amazing vistas, community feel and location of this neighborhood. Being outdoors people, we can appreciate that there are many ways to enjoy all that Colorado has to offer. While not categorically opposed to the idea of trails, we do have some concerns about the trails under review at this time.

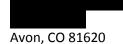
First, with the potential development of P4, we foresee the dirt lot at the corner of Wildridge Road (east and west) and Beartrap Road becoming a (informal or formal) parking lot. Since Lot 56 appears to be a private lot rather than easement, it is curious that people park there now. With the possible development of P4, it doesn't take much imagination to see this becoming a place where bikers park and access P4. This is a busy intersection. Increased traffic and bikers crossing would create an undesirable situation.

Second, we are concerned about the negative impact on wildlife. At a previous meeting, members of the biking community stated that the wildlife seemed unfazed by their presence. But will that continue if we increase trails and decrease habitat for the animals. The CPW report supports the notion that these trails will have a negative impact. If this report is to be ignored, we urge further research on this issue.

Also, it is interesting to note that the Trail Development Constraints map that was distributed at a past meeting showed several areas deemed avoidance areas. Wildlife was sited as a reason in four of those areas. Wildridge has no such designation, in fact no designation at all. Considering the ample wildlife that has resided in the neighborhood up to this point, that is perplexing.

Because of these reasons, we would cannot support these new trails and urge the Town Council to veto their construction.

Carel & Marc Slatkoff



Chairman Clancey and Committee members, I totally agree with Peter Warren, Rick Spitzer, Paula Lutomirski, Peter Copses and many others opposing the construction of anymore trails in Wildridge or Mountain Star hillsides. I have lived in Wildridge 22 years and sold Real Estate in Eagle County for 33 years. I know that many people have bought in Wildridge because of its natural setting . I know that many would not buy homes or be able to sell their homes for good prices if these hillsides are cut up and the residential setting scarred by more bike trails. Tax revenue will go down and this is not a good thing for Avon. We are your taxpayers and supporters not an organized bike group where most do not live in Wildridge. Please do not approve this plan. CARROLL TYLER

Carroll Tyler Broker Associate



The Mountain Star Association

# Avon, Colorado 81620

August 9, 2016

Ms. Debbie Hoppe Town Clerk Town of Avon P.O. Box 975 Avon, CO 81620

Re: Avon Recreational Trails' Master Plan

Dear Ms. Hoppe:

On behalf of the residents of Mountain Star and the Mountain Star Homeowners Association ("HOA"), we are writing to you regarding the Town of Avon's (the "Town") Proposal Recreational Trails Master Plan, and the series of walking/biking trails referred to as the Upper Metcalf Loops in the document entitled "Town of Avon Recreational Trails Master Plan Update, Abstract June 2016." In particular, we are concerned about the walking/biking trails labeled Trail P1, P2 and P3, which are intended to be developed on the east side of the Metcalf drainage.

As you may know, currently mountain bikers are trespassing on a lower portion of Mountain Star land despite numerous posting of 'no trespassing' signs. We are concerned that if the proposed trails are developed as planned, hikers and bikers would be attracted to trespass onto Mountain Star land, and even onto individual owners' private property. Mountain Star could be subject to liability to the extent that hikers and bikers were hurt while on Mountain Star land. And once on our land, we are concerned that bikers will utilize Mountain Star roads throughout our community.

Of particular concern to us are the various types of "downhill' mountain bikes. These are increasingly popular to riders, and are designed primarily to go downhill – in fact, many cannot be ridden uphill at all. Consequently, riders plan (conspire?) to be dropped off at the highest points of trails. The easiest way to the top of trails P1, P2, and P3 is by trespassing onto Mountain Star private property – this would be totally unacceptable to our community.

Additionally, we read the Colorado Parks and Wildlife report dated July 21, 2016 on the proposed Metcalf biking trails and were struck by the report's vehemence against any biking trails (or any kind of development, for that matter) in the Metcalf drainage area. One of the attractions of Mountain Star (as well as Wildridge and Wildwood) is its wide-open vistas, privacy and natural wildlife/habitat. Our residents on Wildwood Road are concerned that not

only could their quiet enjoyment be interrupted by the presence of hikers and bikers so close to Mountain Star land, or on Mountain Star land if trespassing occurs, but also the impact on wildlife that could occur from bikers. All of our residents cherish seeing wildlife in Mountain Star, and the delicate eco-balance that we enjoy could be irreparably harmed by nearby biking trails. We wholeheartedly support the CPW recommendation that no trails be developed in the Metcalf drainage.

Finally, given our lack of success in preventing mountain bikers that currently trespass on Mountain Star land, we are concerned that an undue burden would be placed on our HOA and our caretaker to prevent illegal access to our community. We feel it unfair that Mountain Star should be placed in a position of having to police its western boundaries and to repair any damage that could occur to our environment.

Because of the above concerns, we respectfully request that the Town abandon the plan to develop biking trails in the Metcalf drainage area. These trails are a bad idea, and, if implemented, could not easily be undone. Instead, we encourage those people and organizations interested in additional mountain bike trails to approach the Beaver Creek Resort Company. This is a much more appropriate location for this kind of activity. And, similar to Vail, "downhill" bikers will find the gondola an attractive way to access these trails.

Thank you in advance for considering our concerns regarding this plan.

Sincerely,

The Mountain Star Association Board of Directors Steve Coyer Jim Gustafson Mark Kogan Ben Peternell Ron Wolfe

cc: Ms. Jennie Fancher, Mayor Ms. Virgina Egger, Town Manager Mr. Matt Pielsticker, Planning Director Good afternoon. My name is Norma Horton.

My husband and I built at the top of Wildridge seven years ago and live here full-time. We chose to build in Wildridge, instead of on a lot we owned in East Vail at the confluence of Gore and Big Horn creeks, for many reasons. One of which was that Wildridge really is the only true "neighborhood" mid-valley. Our views are unmarred and stupendous. The area is quiet and private. We're surrounded by animals migrating, consuming my garden (!), and birthing and rearing their young.

Dealing with mountain bikers would disrupt the lifestyle we believed we were embracing when we chose Wildridge over East Vail. We've all hiked "authorized" trails in the valley that have been expanded and crisscrossed by the self-made trails of mountain bikers. While hiking, we've all had to dodge flying bikes coming out of nowhere. We've all *heard* mountain bikers riding as if they own the mountains.

Which brings me to mountain-biker demographics. Isn't this the same demographic that attended the now-cancelled Snowball? Won't wealthier mountain bikers gravitate to Vail or Beaver Creek or Aspen? Do you believe that a skeletal trail system in Avon will be enough of a draw to distract riders from these more developed, better-serviced destinations? According to the statistics I scanned, the median income of mountain bikers is between \$50K and \$60K, and the median household expenses are more than \$59,000. That's an unsustainable ratio of income to expense and an awfully underfunded demographic when compared to the cost of developing these seasonal trails.

Although I ride a bike, I am against the town of Avon spending tax dollars to fund these trails.

Norma Horton



Dear Chairman Clancy and Members of the Planning and Zoning Commission:

I stand with Peter Warren, fully in opposition to building new trails Wildridge in the Wildridge subdivision, now or at any time in the future.

I live on Beaver Creek Point where I can observe usage and conditions on the WAP trails at close range. Even when walking or sitting on our deck, my husband and I enjoy views of upper Wildridge and the Metcalf Drainage. (Yes, even from down here!)

I want to share my concerns about the Plan in the hope they will illuminate your reading of the Plan and ultimate decision.

- 1. The Process:
  - Wildridge residents should be the central stakeholders, but the list of Stakeholders doesn't even mention us even though P1-4 cuts through the Wildridge tract and amongst our homes. Zoning changes are more collaborative because adjacent neighbors are contacted directly.
  - b. Many plan sections are clearly written from the VVMBA perspective. yet the Plan is silent on the needs, wishes, and concerns of residents
  - c. Consultation has been one way in hearings and Town Halls. When WAP trails were proposed, a series of neighborhood meetings took place, and the mayor and council members listened to and conversed with us, generating more collaborative and effective communication.
- 2. The Plan
  - a. Whom are these trails really for? Their expert nature is more in line with VVMBA goals than with what a neighborhood trail system should be. Descriptions understate their expert nature and unsuitability for recreational bikers: Grades of P1-3 are extreme (9.5 for P3) and will surely require more switchbacks than drawn in the Plan's maps—cutting more habitat. P3 is unrealistically shown as "Intermediate." P1 is undesirable for hikers (high sun exposure and non-looping).
  - b. Inadequate data and analysis: Without data about usage, traffic levels and patterns, erosion potential, real estate values, mountain bikers' flow pattern, etc., how do we know these will be used, and used properly, without detriment to Wildridge and Mountain Star homeowners? Any major decision to change the land forever deserves better.
  - c. The plan contains statements about "protecting the natural setting, scenic beauty, and wildlife that draw people to live in town." Real concern about this would eliminate P1-4 and would insist upon Dec 1- June 30 closures on all Town trails including WAP as recommended by CPW.
  - d. The plan claims that 2 years of WAP experience show good management by by VVMBA and the Town. But this is not so. Anyone who walks the WAP trails has watched them grow from 2' to 6' or more in width; vertical cuts are eroding; noxious plants line the edges. Bikers ride the walking-only trails, speed down

"uphill only" trails, cut through the sage, are seen muddy and wet at the bottom in the rain, and ride as late as 2:45 a.m. Other rules are violated by walking visitors and dogs. WAP demonstrates that good intentions are meaningless in practice. Cutting into the land will change it forever, worsening day-by-day. Before going forward, the Town must prove that it can manage WAP.

- e. Why are these trails so high on Town priorities? Why build them before the Nottingham mud slide damage is fixed and future problems prevented? Wouldn't trail connectors nearer to town be more useful for visitors at Avon hotels who rent bicycles and eat out—raising revenues?
- 3. Unforeseen Consequences:
  - a. WAP trail experience shows that mountain bikers prefer to drive or shuttle to the top of the trail system. With no trailhead at the top of P1, P2 and P3, bikers will want to enter these expert trails illegally (through Wildridge or Mountain Star private property).
  - b. Wildridge has only one road in and out. Will adding a parking lot to the truck turnaround create risks of incidents that will prevent egress? Remember when a semi-truck fell over in the turnaround, blocking traffic for hours? What if one fell onto parked cars and people? What about emergency evacuations in case of fire?
  - c. The erosion seen on relatively flat "My Backyard" suggests that more serious erosion and slippage on dry, steep, trails are inevitable.
  - d. What are the realistic costs for adequate policing of all Wildridge trails?
  - e. Will the future bring a need or a call for more parking and trailhead, traffic control, and trespassing management?
  - f. In short, what are the total and future costs to taxpayers, and who really benefits?

Please consider these serious concerns carefully before you vote.

If the Town was really "committed to developing and maintaining a recreational trails network while *preserving the natural setting and wildlife that draws so many citizens to Avon in the first place*," P1-4 would have never been proposed. From the CPW study alone, I think we know enough to say "NO"now, but even if you disagree, surely you will see that we don't know enough to say "YES."

Sincerely,

Paula Lutomirski O'Leary

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Chairman Clancy and Members of the Planning and Zoning Commission -

The purpose of this letter is to voice my opposition to the proposed development of trails (multi-user and mountain biking) within the Wildridge sub-division.

Having served on the Trails Steering Committee since its inception in February, I have participated in the process for updating the Town's Trails Master Plan Update and observed the evaluation and comments by both those in favor and those opposed to what is about to be presented to you. I have done so with an objective effort to understand the pros and cons presented by supporters of the biking associations and residents of Avon, specifically Wildridge.

I have also reviewed various studies about biking, the environmental impact of trails by ALL users (hikers, bikers, pet owners, motorized users, etc.) conducted throughout the US as well as a number of documents pertaining to the initial development and governance of Wildridge.

And read the most recently received memorandum from the Colorado Parks and Wildlife Division.

As a result, I along with Paula O'Leary, voted against the development of trails within the Wildridge sub-division. The votes by the entire Steering Committee resulted in two votes 'in favor' and two 'against' (with one vote in abstention) at its final meeting. None of the alternative recommendations from the consultant received any votes.

Like so many of my neighbors, my wife and I purchased a home in Wildridge because of its tranquility, proximity to all that nature offers in Colorado, and the views of the open space in Colorado that were designed into the sub-division. My wife and I did NOT select Singletree, nor Cordillera because we did not choose to live in a golfing-oriented community. We did NOT choose Beaver Creek nor Vail proper as we did not want the life-style and congestion that come with living right in the ski resorts.

And now, we do not want our peaceful residential neighborhood turned into a world-class mountain biking venue.

For the PZC, I see three key issues associated with this proposal that deserve focus toward your decision-making process:

 The Colorado Parks and Wildlife Division review recommends the Town not proceed with the building of any of the trails proposed within the Wildridge sub-division (P1, P2, P3, P4, P7 and the previously identified P5). This report was developed by local professionals who are very aware of local wildlife conditions and it was substantiated by research reports from a number of learned, acknowledged experts is clear and definitive.

- 2) The Wildridge Plat and Protective Covenants prohibit the disturbance of vegetation on the undeveloped/open space tracts (except for utility access) and these documents should be honored by the Town of Avon.
- 3) As representatives of our community, I hope you will vote according to your constituents and represent the interests of the voters and tax payers of Avon.

Please consider the facts presented to you in an unbiased way as you formulate your position.

Thank you for your consideration.

Peter Warren



My name is Bob Willoughby. I am a Wildridge resident. I have lived **a second se** 

The recent report by Colorado Parks and Wildlife experts make it absolutely clear : No More Trail Development. No commercial enterprises . No races. No competitive contests of any type. This is from the experts. They have no conflict of interest. They are unbiased researchers who specialize in land management and wildlife habitat. Listen to them.

Isn't that why experts were asked to do the study to begin with ?

Trail development will bring problems to the single road in and out of Wildridge.

Among these are Parking. Traffic. Congestion. Possible blocking of essential services like Fire and Ambulance with this congestion.

There is more.

Mountain bikers get injured. This is not the Avon Bike Path It is steep, rugged terrain. Who shoulders the liability for injury? Is the Town of Avon liable ?

How can the Town of Avon control commercial companies from dropping off clients to bike on these trails.? This is far from a "local" issue.

Who foots the bill when there are problems with erosion, possible slides, resulting from trail development and repeated usage?

This is more than an "aesthetic " issue. It is a safety, fiscal, liability issue. Don't be fooled by it's seeming simplicity. It has many layers.

There are close to 600 miles of mountain biking trails in Eagle County. Surely, you do not have to disrupt the Wildridge neighborhood to develop more.

No one moved to Wildridge because of it's Bike trails.

The residents of Wildridge do NOT want trail development. You are sacrificing this long-standing wonderful neighborhood for the personal pleasure of a few.

Represent your constituents, those who voted for you and put you in charge.

Say NO to trail development. We don't want it in Wildridge. Find other, non-residential alternatives .

Bob Willoughby Wildridge Resident Avon Voter Dear Town Council Members,

I am writing to express my formal opposition to the proposed biking trails that are so topical right now. I'm writing as an individual, but the Mountain Star Homeowners' Association will be submitting a formal letter as well on behalf of our community.

I know that the Council has been inundated with emails for and against the Trails. My concerns are focused on the proximity of the trails to Mountain Star land as well as the impact on the natural environment that will result from the trail development. A number of our community members have hiked these proposed new trails, including Steve Coyer, my wife Betsy (who stood in for me) and Robert Moehring, who is our property manager as well as Mr. Peter Copses's property manager (Peter lives in the western portion of MS on Wildridge). We have all been struck by how close certain of these trails are to MS land, and the potential for bikers to use MS to access the downhill trails. Right now, we have bikers trespassing on lower MS land despite numerous signs we put up saying 'no trespass.' These signs are routinely taken down by bikers. Were the new Avon trails to be developed, we all fear a loss of quiet enjoyment and damage to our pristine community by bikers. I'm sure that's not something the Town Council would want as well.

Additionally, we all have read the Colorado Wildlife report and we echo the concern about damage to our environment and wildlife. I know that the Town Council is focused on being environmentally sensitive and is even considering geothermal for the new Police/Fire Dept building despite there being no true economic payback for such an investment (that's another subject all together). So I don't see how the Council can on the one hand support the environment for buildings but not for nature and wildlife. Were the trails to be developed in contravention of the Wildlife Report, I know that the Town's reputation for being green would suffer greatly.

I support and would use more biking trails. But I don't believe they belong in areas so close to residential communities and in areas where natural beauty and wildlife are so important. Please support the people and wildlife that live in Wildridge and Mountain Star. We have but one environment, and for the enjoyment of a few mountain bikers, we should not be jeopardizing the community we all cherish dearly.

Thank you.

Mark Kogan

My wife and I have owned our home in Wildridge since 1999. We are bike owners, road, cruisers, and mountain bikes. Spending over \$365,000 and \$30,000 for maintenance would be a travesty. I'm sure the Council can find better uses for our (my) taxes. Our schools is but one example for use of this money. Spending this amount of money for mostly outsiders from whom the town derives scant benefit is totally ridiculous. Trails for aggressive mountain biking in a residential neighborhood is wrong. This virgin mountain will be scarred for a long long time. Further, Wildridge has no need for toilets, and parking lots by its front door. Please, drop this concept. Thanks for your attention in this matter. Sincerely, Dave Scherpf Sent from my iPad To All concerned with the proposed Wildridge trails,

Wildridge is a Community within Avon that has its' own unique Covenants. These Covenants in complete form are on file with Eagle County. They specifically address the trails being proposed. This is must reading for anyone involved in making decisions for open space in wildridge. I am sure that the Town Attorney can provide them for you. They are the covenants we are governed by and will be the final word in the outcome of whether trails will be developed.

The current plan to develop and cut trails in Wildridge is a wanton disregard for the rules that govern the community. The Avon Trails Steering Committee, the Planning and Zoning Commision and the Avon Town Council are potentially acting as if there are no applicable covenants. None of these entities have the right to summarily dispense with the rules upon which the property known as Wildridge was platted. The right to develop open space simply does not exist. The Wildridge Plat is very clear when it reads that "Public Lands and drainage easements shown hereon are for utility and drainage purposes only". Permission is given to organically enter open space provided in so doing minimal erosion is created. Where soils are disturbed, it is required that the soil be revegetated with indigenous plants. No permission is granted to develop the open space into a maze of trails.

Any attempt by the town to develop trails in the open space of Wildridge changes the character of the development, intent, and integrity of the original plat and directly violates the Covenants of this community to which they were and are a willing party. While it may be considered admirable for the Town of Avon to want to step forward and obligate itself to developing open space, it does not have the right or authority to do so. Wildridge was platted and intended to be a residential community from inception and there is no room for development of open space other than that platted as a park and then the role is clearly laid out and limited. Tract D was platted for land use as a park, yet the trail built through it violates the theme of limiting erosion and the specific Covenant of damaging the natural condition of the vegetation. This is a clear violation of the Covenants. No right can be cited for this infraction.

A trail has been built through tract E, designated for open space, which clearly violates the Covenants, "Public lands are for utility and drainage purposes only". This trail is a continuation of the legal trail on the West Avon Preserve. It clearly violates the purpose of public lands as defined in the covenants and again, allows for erosion to be created, not contained.

This is a clear violation of the covenants. No right or authority can be cited allowing this infraction.

The Steering Committee planned and carried out organized incursions into open space by taking group walks of the planned trails. This is strictly forbidden by the Covenants. The Covenants clearly state, "No part of a tract shall be used for camping or overnight stays by any person or persons, nor shall there be permitted, within or upon the trust, any informal or organized public or private gathering nor any other act by any person or persons (except hereinafter expressly permitted), which in the judgement of the WDC, the Committee, or the DRB may deface, altar, destroy or damage the natural condition of the vegetation or the aesthetic values of the natural environmental quality of the Tract. Improvements necessary, desirable or convenient for the provision and maintenance of utility services may be constructed and maintained through or under the Tract land, provided that such improvements shall not cause permanent disruption or alteration to the surface of the Tract." This implicitly dictates you cannot organize tours through open space nor can you build trails upon it which in fact do cause permanent disruption and alteration to the surface. The covenants need to be placed in the hands of the Steering Committee, the Planning and Zoning commission and the Avon Town Council so they understand the standing rules of Wildridge open space.

The Town of Avon has historically upheld and enforced the Covenants of Wildridge. There is recent precedent in court specific to Wildridge in which the Town defended the Plat (see Jackson and Co vs Town of Avon, 2007). The Town Council also upheld the PUD Covenants prior to the 2015 Ski Championships using Counsel to cite the Covenants which do not allow short term rentals. The integrity of the covenants have been confirmed by their recent actions.

The current Covenants placed restrictions on the use of open space "in order to establish and maintain the character and value of real estate in the vicinity of the Town of Avon". One of the arguments for the trails includes the fact that my real estate value will increase. The argument against claims it will decrease. Both visions have the impact of changing the value and character, not maintaining it as it is established.

The Wildridge Protective Covenants allow the Town to enforce the Covenants while also obligating them to follow the Covenants. As stated in the Covenants, The Town of Avon, Design and Review Board, The Wildridge Covenants Committee or "any property owner of the subdivision may enforce the Covenants". This letter and all others received by the Town from a Wildridge Property owner in the negative should not only be considered writs of demand to cease any development of open space but in fact a demand to enforce the Covenants of Wildridge.

Anyone who could read the Covenants of Wildridge and have the opinion that trails are even remotely allowed has an agenda not in line with the Covenants. I only cited a mere handful of the ways the Covenants would be shattered by continuing forward with development. The entire process has the beginnings and characteristics of a commercial enterprise in the making.

Clearly no attempt is being made to change the widridge Covenants. Ignoring them will not make them go away,

Sincerely, Daniel B Griffith Please NO MORE TRAILS! I feel the board is neglecting the Avon taxpayer. We need to improve our infrastructures (think mud slid and trying to get out of Wildridge along with many other residents.). Our schools our lacking, and have many, many needs!

The trails we have currently are in need of repair, and have grown in size scarring the land. The location of possible new trails interferes with the wonderful wildlife we have as well as changing the beauty and tranquilly we have enjoyed in our residential neighborhood. I see no advantage to the taxpayer or to our residential neighborhood. Please spend our hard earned tax dollars on our most pressing needs! Thank you for your consideration. Respectfully,

Mary Ann Scherpf

Dear PZC members..... I have had numerous discussions with many owners of homes here in Mountain Star, and we are unanimous in opposing any trail development in the Metcalf drainage. Attached to this email is a letter our Board sent to town staff. I wanted to be sure that you received this information as well. I appreciate the work you do, and hope you will understand the reasons behind our thinking.

Steve Coyer

From: Douglas Pattor Sent: Wednesday, July 20, 2016 11:29 AM To: Debbie Hoppe Subject: Avon Recreational Trails

Ms. Debbie Hoppe Town Clerk/Municipal Court Clerk Avon Colorado

My wife Nancy and I currently reside at **Constant and Second Second** which is located in the Mountain Star community. We have resided here since 2003 and are registered voters in the state of Colorado. We wish to express our strong objection to the proposed plan for the Upper Metcalf Loop(Trails P1,P2 and P3).

First of all Mountain Star was conceived of and marketed as a private and somewhat serene development preserving its quietness and natural beauty as well as protecting its wildlife and vegetation. That is one of the main reasons we purchased and built our home on this lot. Why do we now need more trails encroaching on residential communities when we have already an abundance of trails in the Vail Valley as well as other accessible areas in nearby Colorado counties. We know this since we are avid bikers and hikers.

There are other reasons which speak against these trails besides being in our backyard. Whose is going to police these trails ? Do you have funds set aside in your annual budget for garbage pickup ? Is the Avon police force going to monitor any motorized vehicles from using these trails ? What is to prevent hikers and bikers from meandering off of these trails to make their own "bushwacking" routes which can be closer to our private properties ? Wildwood road by our residence has seen a large increase in vehicular traffic the past few years. This plan will only increase that volume. Why not use the funds slated for this and devote them to the trails and paths already in existence ? For example , sweeping the shoulders of Highway 6 of debris and rocks so bikers and walkers can more safely navigate without threat of injury.

We would urge the town of Avon to consider all the negative ramifications in proceeding with the implementation of the plan for these trails. We thank you.

Nancy and Doug Patton



Exhibit C

From: frmckenny
Sent: Sunday, July 24, 2016 3:37 AM
To: Megan Burch; Matt Gennett; Scott Prince; Buz Reynolds; Sarah Smith Hymes; Jake Wolf; Debbie Hoppe; Jennie Fancher
Subject: CALL TO ACTION: WILDRIDGE TRAILS

As a voter and Wildridge resident, I want to add my name to the list of residents opposing the expansion of the dirt trails in Wildridge. As you know we have only one road in and out of the area and expanding the dirt trails will undoubtedly increase traffic and congestion and decrease (and perhaps harm) the wild life in the area. Wildridge is a tranquil residential area, a place that is safe for our children. We must do everything possible to protect the open space not damage it. Where will these folks park, what facilities will they be able to use, we have only one public restroom area and that is a modified portalet used by children playing in the park.

I urge you to reconsider this proposal and vote to preserve Wildridge as a tranquil residential area.

Faye Rozier McKenny

Avon, CO 81620-3854

From: David Daigle Date: July 24, 2016 at 06:39:28 MDT To: <u>mburch@avon.org</u> Subject: Biking trails in Wildridge

Dear All,

I am a long time resident of Wildridge. I chose Wildridge for its peace and serenity, and I have truly enjoyed my time living here. I am troubled, to say the least, regarding the proposed biking trails that are being considered for Wildridge. Please accept this email as my strongest objection to these proposals and I hope that you as my representative will take any necessary action to prevent this destruction to our neighborhood and way of life.

Regards, David Daigle Resident on Little Point

Sent from my iPad

Dear Avon Town Council Members:

I am writing to you to express my concern regarding protecting our open space in Wildridge and the Metcalf drainage, Avon's last pristine drainage.

It is my understanding that the Vail Valley Mountain Bike Association wants to make Wildridge part of "a premier, global mountain biking destination", and I would like to say that I have great concern about you, our Town Council, turning a major portion of Wildridge open space into dirt trails.

As a Wildridge resident, I would like to remind you that Wildridge is a quiet, tranquil, family and wildlife oriented residential community, and I would like it to remain so. Currently, we are already seeing an influx of traffic, both on mountain bike and cars, in our neighborhoods, as well as an increase on my street, Draw Spur. People are parking their cars on the side of the road, and riding through rapidly on our streets. These proposed trails will harm what wildlife we have left, scar the land, violate our Protective Covenants and be an irresponsible use of taxpayer dollars. Wildridge is a residential neighborhood with a single access road, not meant for more traffic. This increased congestion of mountain bikes and traffic will be a hazard, increasing town liability and reducing our privacy.

I would like to see the council PROTECT our open space in Wildridge and the Metcalf drainage, not make it a circus of mountain bikers and vehicles.

Thank you

Jane Leavitt, PMP, CSM

IT Project Manager

**Resort Application Development** 

direct:

<image001.jpg>

Dear Town of Avon Council Members:

My name is Pam Warren. My husband Peter and I have lived in Wildridge since 2002. When we first moved to Colorado we searched several communities in Summit and Eagle County looking for the perfect mountain home. We wanted a quiet, residential community with great views. We fell in love with and selected a home in Wildridge for several reasons:

1. Location, Location, Location. Close to Vail but not in Vail with all of the noise, constant activity and traffic associated with being in a resort town.

2. Views. We felt the views in Wildridge were outstanding. The best in the valley. Panoramic views across the valley to Beaver Creek and beyond and to the east across the open space tracts in Wildridge.

3. **Quite/residential neighborhood**. We did not buy in Singletree due to the road noise and the fact that we did not want to be in an established golf course community.

4. **Open Space and wildlife**. Every day we enjoy the wildlife activity which is a big part of our viewing pleasure that exists thanks to the foresight of the original developers who recognized the importance of protecting many open space parcels throughout the community. We have spent countless hours watching the fox den located in Tract G, the hawks circling for their next meal and deer enjoying the great food sources our area provides. It was my understanding when we purchased our home on Little Point that all of the tracts of land such as Tract G, F and L would remain as is, as undevelopable, open space that would be physically undisturbed and left in their present and natural state except for the approved access and utility easements.

So the idea of scarring the landscape with numerous mountain bike trails crisscrossing this open space which I believed to be undevelopable, open space would have a very negative impact on the views and the tranquility of the neighborhood, while impacting the habitat of the wildlife that have selected the Wildridge area as their home.

While the mountain bikers are in favor of removing the flora to carve out more dirt trails for their riding pleasure, what I envision, based upon what we have seen in the West Avon Preserve, is increased noise, damage to the natural habitat, additional traffic congestion, and increased safety issues which haven't been addressed and a reason to move to another location. We did not invest in property in Wildridge to be in the center of a Mountain Bike Mecca and amusement park.

There are already a plethora of mountain bike trails across the state and in our local area. According to several websites such as mtbproject.com there are at least 427.2 miles of mountain bike trails in Eagle County. And Vail Resorts is planning to build more.

Which leads me to another key point, **Saftey.** I work on Vail Mountain in the winter and in the summer as a mountain host and back up to Vail ski patrol. In this role I have become all too familiar with the consequences of a mountain bike population enjoying the trails. While Vail does not publish any information about on mountain accidents, what is important to understand is that they have invested in an infrastructure that facilitates their ability to come to the aid of any injured bikers. This includes on mountain staff with medical capability, on mountain communications and on mountain roads/trucks etc. to more quickly access an injured biker. The residential neighborhood of Wildridge and town of Avon simply cannot staff to the levels of Vail to insure a quick response to an injured biker on some of these proposed trails which will be extremely difficult to access, in particular the Metcalf Drainage.

And finally, if you look at what voters are saying nation-wide, they are very concerned that the majority of politicians are not listening to them. You as council members, have a unique opportunity to rise above the fray and set a higher level of standards by proactively surveying/reaching out to all of your constituents, carefully weighing all input and voting without personal bias, based upon as much factual evidence as can be gleaned.

Please think about all of the long-term costs and ramifications before casting your final vote.

Thank you.

Pam Warren

Good morning Ms. Fancher,

My name is Gary McDavid. My wife Janet and I live at the will be a solution of the Wildridge development. Our property is near the top of Metcalf Gulch. We have a good view of the gulch and the proposed bike tail development there. We can see the pink markers in the sage. We oppose this development. It will change our residential community into a residential/mountain bike community – something we do not want. It will scar hillsides diminishing the natural beauty of our community and adversely affect wildlife. It will bring additional traffic to a residential community that is served by one road, and it could well increase traffic on our street, Coyote Ridge, something inconsistent with the residential nature of our community and something we definitely do not want.

Wildridge is a quiet residential community and has been for 37 years. It is not a golf or ski community where people move to the community expecting to see golfers and skiers and expecting a golf course in their midst or a ski resort nearby. Wildridge is instead a residential community prized for its natural beauty and wildlife. It is this natural beauty/wildlife that drew us here. We did not move here with the understanding that mountain bikers would become part of our lives or that our hillsides would be carved up for their trails. This is not a golf community. It is a long-standing residential community and should remain that way.

The quiet natural beauty and wildlife of Wildridge is what makes it special. This bike trails proposal diminishes that beauty by scaring the hillsides, putting up trail heads, signage, and removing trees. And it certainly disturbs the quiet residential nature of Wildridge, increasing traffic, bringing additional transient bikers to our hillsides, and possibly having competitions. This is all not good.

Our concern about increased traffic on Coyote Ridge comes from the fact that there is a cul-desac at the end of the street that comes close to the proposed bike trails at the top of Metcalf Gulch. Bikers could take cars to Coyote Ridge an offload there to get on the bike path and go downhill or pursue other trails that we have heard may be built through the mountains to connect with Vail. This could increase the traffic on our street and we are very concerned about it.

This bike trails proposal fails to protect our interests as a long-term residential community in Avon, making Wildridge bear the burden of the bike trail development plan. You might think that we had not supported the growth of Avon over the years, but this would not be true. We have supported the shops and restaurants, paid our taxes, had people serve in public office, worked in various jobs (such as ski instructors, translators, photographers, physical therapists, restaurant owners, and real estate agents), and contributed to charities in the area in both money and volunteer time. You might think that our interests would be protected first because we deserve it and that any such proposal would need to be approved by the good residents of Wildridge before it would even be considered. We ask that this be the case and that the town respect our interests as a well-established residential community. We urge you to reject this bike trail proposal. Thank you for hearing our concerns,

Gary

J. Gary McDavid



Avon, CO 81620

# PETER & JUDY COPSES d, Avon, CO 81620

August 9, 2016

Ms. Debbie Hoppe, Town Clerk Town of Avon

Avon, CO 81620

Dear Ms. Hoppe:

# **RE: AVON RECREATIONAL TRAILS MASTER PLAN**

We are residents of Mountain Star in Avon and own a home at the back of the swell as an additional vacant lot at the letter we submitted on July 20, 2016. We have read the "Town of Avon Recreational Trails Master Plan" dated August 8, 2016, and <u>we are writing to oppose the building of the walking/biking trails referred to as P1, P2, P3, P4, and P7 (collectively, the "Trails") in their entirety.</u>

Since our July 20<sup>th</sup> letter, <u>the Colorado Parks & Wildlife Division has unequivocally</u> <u>recommended against the Trails</u> and we have had a chance to physically tour the area where the Trails are proposed to be built. As a result, we cite the following additional reasons to support our request that the Trails <u>not</u> be constructed:

- Users will likely attempt to access the proposed trails by trespassing along an existing Mountain Star trail:
  - Trails P2 and P3 are downhill trails
  - An existing Mountain Star trail connects to the junction of Trails P2 and P3
  - The grade of the Mountain Star trail is much gentler than Trail P1 or P4, which are the only ways to legally access the proposed downhill Trails P2 and P3
  - o Trespassing through Mountain Star to get to the new trails will be irresistible
  - Unreasonable burdens will be placed on individual Mountain Star owners and the Mountain Star Association to prevent trespassing
  - We would have no choice but to hold the Town of Avon responsible, but is the Town prepared to allocate the necessary resources to fulfill this obligation?
- The Colorado Parks & Wildlife report could not have been more clear in recommending against building Trails P1, P2, P3, P4, and P7
  - On page 4, the report states that Metcalf Creek and certain "private conservation property" are the only two remaining undeveloped parcels in Avon that provide a wildlife habitat, particularly for deer and elk

- "Metcalf Creek provides a significant block of intact wildlife habitat and a corridor from within the town out to the USFS boundary that allows wildlife to utilize this drainage without having to cross roads or developed home sites."
- "Developing the proposed trails within the Metcalf Creek drainage would negatively impact wildlife habitat and the ability of wildlife to use it as a movement corridor"
- The true motivation for the proposed trails relates to drawing mountain biking competitions and increasing the revenues of bike rental shops
  - Do not be taken in by the platitudes that the Trails bring the community together
  - The main proponents of the new Trails are groups whose stated objective is to attain for the area IMBA Ride Center Gold Medal status to become attractive to event promoters for competitions and destination tourists
  - Another key source of support are local bike rental shops
  - Our residential neighborhood should not be the site of mountain bike competitions or become a mountain biking tourist mecca.
- Option 4 in the "Town of Avon Recreational Trails Master Plan" dated August 8, 2016 does not make sense and should not be considered under any circumstances:
  - With the lower part of Trail P1 and all of Trail P2 both eliminated, the only way to access the top of Trail P1 <u>without trespassing</u> is by riding along Trail P4
  - Since Trail P4 is a "Medium Priority" trail scheduled to be built after P1 and P3, how will P1 and P3 be accessed in the meantime, or if Trail P4 is never built?
  - If mountain bikers ride down the top of Trial P1 and along Trail P3 to the Trailhead, where do they go from there? P3 is downhill only
  - There is no lower Trail P1 to take back up to ride the trails again, so presumably one would have to ride along Metcalf Road up into Wildridge to access P4 again
  - What is the purpose of the Trailhead if you cannot originate a ride or a hike from that point since P3 is the only trail at the Trailhead (once lower P1 and P2 are eliminated) and it is a downhill bike trail?

We purchased our home in Mountain Star because of its tranquility, proximity to nature, and the views of the open space that were designed into both Mountain Star and Wildridge. We did not choose to live in Beaver Creek or Vail because we wanted to be far removed from the congestion that comes with ski resorts and other recreational facilities. Similarly, we do not want our peaceful residential neighborhood turned into a mountain biking venue.

Thank you in advance for considering our objections. I can be reached at by email at

or

Yours truly,

Howlover

Peter Copses

From: Jerry McMahan & Mary Harrel Lawrence

Avon, CO 81620

Dear Council members:

We have been residents of Wildridge since 1992. We are opposed to the addition to the Wildridge Trail system. We moved here to be out of congestion and to enjoy the birds, deer, and other wild animals.

- 1. We are opposed to the Wildridge residential area becoming a mountain biking mecca for mountain bikers who do not live in the area, and for any additional mountain biking trails in the subdivision. We are bikers ourselves but think there are many biking trails already in place.
- 2. We are opposed to the additional traffic and parking problems that the proposed addition to the trail system would create. The Wildridge road already has a problem in that it is the only way in and out of Wildridge in case of fire or other emergency.
- 3. We believe that the additional traffic will cause a safety problem for the many people, kids, and dogs that heavily use the existing walking lanes that the Town of Avon has constructed on the Wildridge road system.
- 4. There is already an issue with non resident motor bikers accessing the road to Red and White Mountain. They travel at unsafe speeds, and create noise, which impacts the families that use the walking lanes, and nearby homes.
- 5. We have existing hiking and biking trails on Beaver Point, which are used by bikers and by families with kids and dogs. We personally have had an experience with a mountain biker pushing us off the trail at high speed. We were very frightened by this experience since there was a near collision. We also have observed mountain bikers hauling bikes up to the trail head and riding down Lee's Way and back up again. We believe the existing trail system on Beaver Point and the walking lanes on Wildridge Road are adequate for the residents of Wildridge.
- 6. We do not understand how the Avon Town Council can approve a trail system that will heavily impact the residents of Wildridge, and approve a trail system that will negatively affect wildlife, especially since this proposal is already opposed by the Colorado Department of Parks and Wildlife.
- 7. We think our rights as residents of Wildridge should take precedence over bikers wanting to turn our quiet neighborhood in Avon into their mountain biking mecca.

We therefore respectfully request that the proposed addition to the Wildridge Trail System be rejected by the Avon Town Council.

Sincerely, Mary Harry Faurure Jerry McMahan & Mary Harrel Lawrence Sincerely

Exhibit C

# Avon City Council:

As a long-time and current resident of Wildridge, I wish to express that I vehemently oppose the proposal for the construction of cycling trails in upper Wildridge and in the area between Wildridge and Mountain Star. The multiple reasons I am against this proposal are outlined below.

# Negative impact to wildlife

The attached CDW addresses the fact that upper Wildridge and the area between Wildridge and Mountain is critical to wildlife migration patterns and that the proposed creation of trails would therefore have a negative impact on wildlife. The wildlife in this area is dependent on utilizing this land for migration while the local and/or non-local biking/hiking community has many alternatives in the immediate area for engaging in their recreational activities of choice. The needs of the wildlife vastly outweigh the recreational interests of bikers and hikers who wish to exploit this area - they are already blessed with many trail options in and around Avon. It is our job as a community to protect the wildlife that depends on this habitat. If we don't, nobody else will.

#### Inadequate enforcement of closures and rules governing the West Avon Preserve trails

The argument has been put forward that if the newly proposed trails were subject to seasonal closures, the negative impact to wildlife would be mitigated. However, most residents in this area can readily attest to the fact that seasonal closures and other rules governing the West Avon Preserve trails are not monitored or enforced and therefore are not very effective. The same would likely be true for any new trails that are created.

# Scarring the land $\rightarrow$ erosion and destruction of a pristine area

Much of what attracts homeowners to this area is the natural beauty that surrounds us. Some parts of our Wildridge community have already been scarred with unattractive trails zig zagging across the limited areas of natural open space which remain. For residents of Wildridge, whose views should take precedence over those of any outside parties wishing to have this area reconfigured for their own purposes, it is unsightly and upsetting to see the natural beauty that brought us here exploited, scarred and eroded to serve the recreational interests of the wider general public.

# Safety/parking/congestion/egress

Wildridge is a residential community with many families, small children, and pets. Homeowners and residents of this community choose to live here because it is secluded, quiet, and safe. The creation of hiking/biking trails means Wildridge would incur an influx of non-resident visitors. The increased visitor and vehicle traffic is a serious safety concern for residents. The Avon City Council ("the Council") has a mandate to protect the interests of homeowners and residents who pay taxes here. The Council is not honoring this mandate if it chooses to appease outside interest groups wishing to exploit this area in the face of extensive opposition from residents.

# Cost estimates: currently exclude parking, toilets, maintenance and enforcement

When all requirements are taken into account, the trail proposal is likely to be a very expensive and time consuming project. As a local resident, I do not wish to have my tax money and other Town resources poured into this project.

# Priorities for tax dollars: Is this the best way Avon can spend our tax dollars?

As an Avon tax payer, I do not believe this is an effective or appropriate way to spend our tax dollars.

Best regards, Russell Rice

Russell M Rice | President | Direct Dispense LLC

Sent Wednesday 8-10:

I live at **Example 1** I object to the proposed trails in the Metcalf Drainage and other parts Wildridge because it is a residential community. In reviewing the Planning and Zoning Commission's "Purpose and Duties", I found a number of them that are directly relevant to the decision you will make about trails on August 16.

1. *"To guide a harmonious development of the Town and its environs..."*The issues involved pit many Wildridge residents against the proponents of the trails. When the West Avon Preserve trails were proposed, a series of community meetings were held in Wildridge to discuss the proposal. All views were aired and discussed. This has not occurred this time. Please read all the letters of objection very carefully.

2. *"to preserve the natural beauty of the Town's site and setting..."* Trails through Wildridge would damage the natural beauty of the area, and forever damage the now pristine Metcalf Drainage.

3. "...unsightly grading of property that could cause disruption of natural watercourses or scar natural landforms." Trail cutting and stream modification will exacerbate risks of erosion and flooding. Without any doubt planned trails will scar the land.

4. "...best promote ...adequate provision for traffic, ... safety from flood waters and other dangers..." There can be no doubt that encouraging more mountain bikers to come to Wildridge, plans for a parking lot at the Metcalf drainage create safety and congestion risks—amplified by having only one access road to our homes.

If this is not enough, the report from CPW about Wildlife should give you serious pause about going forward.

Building more trails when the management and enforcement of the rules on the West Avon Preserve is lacking would be foolhardy.

A walk around the West Avon Preserve with residents would be enlightening. Call me at **a second second** if you would like me to join you.

Thank you for your consideration, Prentice O'Leary

Dear Matt and Debbie,

I wanted this opportunity to share my thoughts and concerns regarding proposed Avon trail system and hope that they be shared with all involved.

I have utilized and enjoyed the mountain bike trail at Nottingham and Metcalf Rd. However, I have concerns about the proposed P6 trail.

First, I think this traverse trail is redundant as we have a paved trail that connects Buck Creek to Metcalf, and although not a mountain trail, it serves the same purpose without being an issue to residents along Nottingham Rd. A east/west mountain trail would not have enhanced my biking experience. Secondly, as evident from the recent mudslide on Nottingham Rd, I have serious concerns about the impact a trail would have on the soil erosion. Thirdly, I watch the wildlife trek east and west daily and a trail would force them to change their route either south into Nottingham residence or north to Wildwood. Certainly, the property value and quality of life would be negatively affected by a mountain bike trail just north of our property line. Residents on Nottingham Rd have been victimized by burglaries in the past with its location so close to the interstate exit, and I would feel more vulnerable with strangers so close to my property and they having the cover of open land space.

Please take care of the town of Avon residents while providing a safe, enjoyable experience for visitors. I think that is what we have and the proposed P6 trail would not further that.

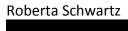
Thank you,

Jolene Dart, homeowner

I am a resident of Wildridge and a Voter. I have lived in Wildridge for 13 years. I am completely against the proposed bike trails.

You will take a pristine area and degrade it massively. There will be erosion and extra trails cut into it. The wild animals cannot tolerate such an intrusion on their territory.

The Colorado Parks and Wildlife Commission has recommended against thee trails and we should take their advice.



Avon Co.

It is our understanding that the Town of Avon has decided not to pursue additional bike paths at this time except for the proposed Trail P-6 that is proposed to traverse the hillside on the north side of Nottingham Road.

This email is sent to reiterate our objection to the proposed Trail P-6 for several reasons, including but not limited to:

1. The hillside along Nottingham Road has historically been prone to mudslides--including one this summer that shut down Nottingham Road. To build a bike path across a mudslide hazard is not prudent.

2. The Nottingham Road neighborhood would be better served by putting a sidewalk and bike path along Nottingham Road from Buck Creek to Metcalf Road to facilitate safe pedestrian and bike traffic. The path along I-70 is not readily accessible for use for access to/from properties on the North side of Nottingham Road--you have to trespass over the land of other's to access the existing bike path that runs near the highway. The growing full time residential neighborhood of Nottingham Road would greatly benefit from a functional sidewalk and bike path that facilities safe travel, rather than putting pedestrians and bike riders at risk as they traverse the narrow, cinder filled shoulder.

3. Parking for Trail P-6 is a serious concern. There is no street parking along Nottingham Road or Buck Creek. Creating Trail P-6 will exacerbate an already negative parking situation.

4. As a full time resident on the north side of Nottingham Road, I can attest to the amount of wildlife that has its habitat on the hillside. One night, we were sitting out on the back deck when 2 deer came around the corner of Unit 6, saw our gathering, and pranced up the hillside. At night, we use a flashlight to inspect the hillside for eyes before we take our dogs out. Typically, we find multiple sets of eyes peering down from the hill. We often see 1 or more deer walking across the hillside during the daytime. The trails forged by the wildlife are readily visible. Please do not impact their habitat.

There are numerous other reasons to express. This email is sent to highlight these important concerns.

There are numerous existing bike trails in or near Avon. Trail P-6 will add very little, if any, to the residents of the area. Rather, it will seriously and negatively impact the surrounding community and the wildlife. Thus, when you weigh the high negative impact against the nominal benefits, Trail P-6 is a clear misuse of funds and should not be built.

Please do NOT approve or implement Trail P-6.

Thank you,

NSA Investments, Inc.

Nancy Adam, President

Avon, CO. 81620 970-46-5383 To: Avon Planning and Zoning Commission and Town Council Members

From: Terri and Stan Brue, , Avon

Date: August 11, 2016

Subject: Trails Plan Input

First, thank you to the Town Council for requesting a review of the Trails Plan by Colorado Parks and Wildlife. This was a crucial decision in keeping with the town's stated goal of "providing robust protection for the natural setting, scenic beauty, and wildlife that draw people to live in town."

The CPW's analysis and letter confirms what the homeowners in Wildridge and the surrounding area have known all along: The open-spaced, natural habitat purposely left on large swaths of land was designed to minimize the detrimental effects on wildlife. It has largely achieved its intended purpose and needs to be protected. Even the name "Wildridge" suggests the uniqueness of the area in terms of wildlife and natural areas.

It is clear from the report that the intact Upper Metcalf Drainage is a critical wildlife habitat that serves a significant migration corridor. It is highly unique for a city to have an area like this within its city limits. The Metcalf drainage is a "last, rare space" in Avon—one that will become an increasingly valuable amenity to residents as population density increases down valley. We strongly prefer the alternative Option 2 of the Trails Plan. No trails in the Upper Metcalf Drainage! Please protect this natural setting, not only for its scenic beauty, but for its amazing wildlife.

I was shocked to learn about the proposed new trail system for Wildridge. Residents live there because it's WILD! Animal habitats would be destroyed.

It's quiet and peaceful. We don't need more traffic especially when there's only one way in and out. Porta potties, more parking spaces?etc. etc. etc. We just got 11 new trails!! Is the biking community trying to ruin our neighbor hood ? Is the Avon Town Council out of control?! It seems like every month they come up with another big plan to spend our money!!

An outraged voter Rebecca Kiser

Sent from my iPhone

#### Dear Sir/Madam,

I am the property Owner of East, and the 3 adjacent presently empty lots on the Point. The proposed new P4 trail runs directly below and around my properties. While myself, my husband Brian, and my business partner Les Boris (who owns the point lots with me jointly) believe that the trail systems in Wildridge are a nice feature to have in the neighborhood, we object to the current proposed placement and size of the new trail system. When one examines the location of the **existing** trails, they are placed along the **perimeter** of the subdivision, a fair distance away from the neighboring homes. Trail heads may be close by, but the trails themselves wind around away from homes. This minimizes the impact of the trails themselves on the neighborhood. Home owners are able to enjoy the quiet beauty of the area, and not have their privacy infringed upon by having hikers/biker, barking dogs, and traffic directly around their homes.

The biggest concern is how the trail system is cutting **through** the neighborhood creating more activity <u>within it</u> instead of complimenting the neighborhood as the existing perimeter trails do. The increase of activity, Biking/hiking trails, within the heart of the neighborhood can be looked at as a negative to some property owners and property buyers. Trail systems need to maintain a separation from homes in a way that separate <u>active</u> and <u>passive</u> enjoyment in Wildridge.

The question should be raised: **Can the connection of the east-west mountain biking/hiking trails not be done on the roadside bike path improvements that are already in existence or under construction?** We do not feel there is a need to cut more trails into the hillside to achieve this. We would much rather see the Town of Avon work with the Forest service/BLM to look at trails on the northern edge to connect the trail system. In addition, the P4 Trail is cutting across the ridge and creating the appearance of **a non-desired dividing line of Upper and Lower Wildridge.** Council should consider this in itself unacceptable to the cohesiveness of the Wildridge community.

With regard to our properties, on the west side of the Wildridge point the trail runs very close to our home's property line. Around the ridge on the east side on our furthest northeast lot, the Avon Trails Master Development Plan shows the P4 trail point bisecting across our private property on the northeast corner. The placement of the P4 trail is detrimental to future home plans we have for the Wildridge Point lots. It will be difficult to develop and sell them if potential Buyers feel people are hiking, dog walking, mountain biking, right through their back yard. We strenuously object to the current placement of this trail, and we will not give permission for any trail to cross our property.

Wildridge has an abundance of trails as it is, with the new trails recently being added at West Avon Preserve, the beautiful June Creek trails, and the upper mountain Wildridge Road trails. Rather than cutting more swaths through wild sage and putting further stress on the Wildlife that feel safe wandering these trail free areas in Wildridge, we have some suggestions:

- Eliminate the P5 (from Bear Trap to Old Trail) and the P4 (Bear Trap along Wildridge to the Truck Turnaround) trails. In this short distance it makes more sense to utilize the Town's investment in the existing roadside hiking and biking lanes. These proposed trails are much too close to neighboring houses, and there is not enough room to place a trail without it negatively impacting homes and wildlife. The proposed location of Trail P5 (Bear trap to Old Trail), and the small drainage between lower and upper Wildridge, are a really heavy traffic wildlife corridor. Deer, Coyotes, and Fox travel this path every evening.
- 2. Any proposed trails should be located as low on the hillside and close to the road as possible, in order minimize impact on the neighborhood. It should also skirt any drainage valleys which are huge deer habitat.
- 3. The P1 trail appears to satisfactorily skirt the drainage valley, but the trails connecting it need to be eliminated to protect the animals that live and winter in that area. There is no need for two additional trails P2 and P3. The June Creek trail meets up in the hillside above the Wildridge community to existing forestry trails. These existing trails should be utilized to hook up to town property on the east, or onto Wildwood Road. The money would be better spent expanding the roadside bike path program to Wildwood Road to achieve this. Then this new bike path could be enjoyed not just by hikers and mountain bikers, but by Road Cyclists who are presently using the vehicle lanes on these windy roads.

Trails P5 and P4, and P2 and P3 are on very exposed hillsides and visible for great distances within the area. We believe that these portions of trial will bring undesired activity to the heart of the neighborhood and scarring to the existing natural landscape with trail construction and switchbacks.

The Town has an obligation to its' Constituents to balance the needs of passive and active enjoyment of the community. Trail systems should be designed in such a way as to enhance a community; respect existing Home Owners' needs and rights to enjoy their properties; maximize the area of nature surrounding it, while minimizing the impact on wildlife habitat. The existing trail plans do not do this, and we do **not** support the existing proposal.

Sincerely, Jackie Boris-Work We are your constituents, taxpayers and voters who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4 and 7. Thank you, Rebecca Kiser Wildridge home owner

Sent from my iPad

Members of the Planning & Zoning Commission,

We have had an opportunity to review the PZC Meeting Packet and are writing to reiterate in the strongest possible terms our opposition to the proposed Avon Recreational Trails for the reasons outlined in our letters of July 20th and August 9th.

We urge you to recognize that you received about 2.5x as many letters opposed to the new trails as letters in favor, and this counts the letter from the Mountain Star Homeowners Association as one when it actually represents 90 properties. We believe the reason for this strong negative reaction is that we cannot think of anything that the Town of Avon could do to us that is more offensive and disappointing than using our tax dollars to actually decrease the value of our property. Your own Development Code's Purpose statement explicitly obligates you to "protect the environment and...conserve the value of the value of the investments of the people of the Avon community."

We urge you to listen to your constituents, taxpayers and voters who cherish the special nature of our community and please vote to reject the proposed new Avon Recreational Trails P1, P2, P3, P4, and P7.

Thank you for considering our objections.

Best regards,

Judy and Peter Copses Mountain Star Residents We are your constituents, taxpayers and voters who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4 and 7.

Ben Peternell

Avon, CO

To the Avon Planning Commission:

We are your constituents, taxpayers and voters, who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4 and 7.

### WE have PLENTY of riding trails (I ride a fat bike) in place already.

Clifford K. Callaway

I am going to be out of the country beginning tomorrow and will not be able to attend the Aug $16^{\rm th}$  meeting.

Please acknowledge my voice in my absence:

# I am your constituent, taxpayer and voter, who loves the land and the special nature of our community.

Please <u>VOTE NO</u> on P1,2,3,4 and 7.

Thank you,

Alice Leeds



We are Avon residents and taxpayers who love the land and the special nature of our community. Please vote no on P1,2,3,4 and 7.

Sincerely

## To the Avon Planning and Zoning Commission:

My wife, Greer, and I have owned property and paid taxes in Avon since 1992 (24 years), and we have lived here full-time since 2000 (16 years). Our home is located at Block on the original plat. We decided to live here because of the views and open space, and we have enjoyed the "wild" in Wildridge ever since. I have reviewed the draft Trails Plan and have the following comments:

- Please follow the recommendations of the Colorado Department of Parks and Wildlife and deny all new trails. We are concerned with the impact on wildlife and views that will be created by the proposed trails in Metcalf Gulch. We have enjoyed the peacefulness of Metcalf Gulch all the time we've lived here, and the many trails on the proposed Master Plan, comprising almost 12 miles, will certainly have serious negative impacts. This impact has been verified by the professionals and should be our guide.
- 2. <u>Please Protect the natural beauty of Wildridge and recommend</u> <u>against all new trail development.</u> The trails will permanently scar the land and erode the natural slopes of Metcalf Gulch.
- Please follow the Protective Covenants for Wildridge and recommend against any new trails. These covenants were designed to assure maintenance of property values and create a pristine residential community. The trails will encourage activities at a level that is inimical to these goals. You are our representatives to observe and enforce these Covenants.
- 4. <u>Please do not be misled by the "Viewshed Analysis" prepared by the trails consultant.</u> The so-called "Viewshed Analysis" is grossly inaccurate and seems like pseudo-science. The Analysis purports to show view impact of new trails in precise terms from ranging from "most visible" to "least visible." However, our lot, from which the eastern slope of Metcalf Gulch is a principle view, is shown as least visible. And Coyote Ridge, where Metcalf Gulch is a primary view, is shown as having no impact at all! <u>Since I know the so-called Analysis to be seriously flawed, I can't accept conclusions for future planning based on this document.</u>

<u>Thanks for your time and efforts</u>. With the right information and analysis, I know the Trails Plan can be an asset for all. We are concerned that open space for Wildridge residents who invested in their properties for the open space and natural views is being compromised for the recreational benefit of a minority group.

#### PLEASE ----- KEEP THE WILD IN WILDRIDGE !!!!!

Jack Gardner

I am a resident of Avon and would like to voice my opinion to vote no concerning more bike trails in Wildridge.

Furthermore, I am requesting a benefit and cost person that uses the trails be calculated, only because these trails were added. Please include the cost to widen Metcalf Road.

In other words is it is projected that an additional 40 people will use the trails per day for 180 days (because they are drawn to the area by only the new trails) that would be and 7200 people day usage increase. If the cost was \$1,000,000 than that would equate to \$138.88 per use. You also need to include projected maintenance costs.

I think you get the point. Any new feature that is added using public funds should include a cost per use per day per person (usage cost calculation).

Tom Ruemmler

We are your constituents, taxpayers and voters, who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4,6,7, and 8.

Thank you for your attention.

John and Janet Perdzock Wildridge homeowners and full-time residents

#### Avon P & Z,

# Re: Dept. of Wildlife report on Impacts of Bike Trails in WildWood/WildRidge/Nottingham Road

Along with the interests of Bambi below – I extend my support of the (attached) Dept. of Wildlife <u>conclusions</u> about the <u>negative</u> impacts to Bambi's Habitat!

I call this photo – "what if Bambi could talk?" It was taken from my WildRidge Deck (Bear Trap road) looking down at Bambi and his friend – last weekend.

#### Again: NO! To any new/proposed Bike Trails in WildRidge/WildWood/Nottingham Road!

#### -pete buckley

19 year WildRidge Resident and Homeowner



We are your constituents, taxpayers and voters, who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4 and 7

Thank You, David Daigle

Sent from my iPad

Greetings,

We are your constituents, taxpayers and voters who love the land as is, as well as the special nature of our Wild ridge community and town. **Please vote "NO" on P-1-2-3-4 and 7.** Thank you for your attention,

Greg Samson G E Samson Companies LLC.

Avon, Co. 81620

Honorable Mayor and Town Councilmembers:

As a 19-year Wildridge owner and part-time resident at more, my wife and I are adamantly opposed to the currently-contemplated proposal to turn Wildridge into a "premier, global mountain biking destination."

As a former city councilmember of two different municipalities, let me at the onset state that I clearly understand the difficulty in the face of differing opinions of making a decision based on what is best for the community. Someone's ox usually gets gored.

This time, I most sincerely hope that it is not the Wildridge homeowners' ox.

In addition to the obvious fact that a huge factor in Wildridge's appeal is that it remains "wild" (as corroborated by the Colorado Parks & Wildlife report), my wife and I have greatly enjoyed the tranquil "neighborhood" feel of upper Wildridge. Other than the already-too-much four-wheel-drive vehicular traffic up the dirt road toward Red & White Mountain, there is very little third-party traffic throughout Wildridge.

Of course, I enjoy, appreciate, and support outdoor recreational activity in the area; however, it's only logical that it should be limited to appropriate locales, and most certainly should not interfere with long-standing homeowners of a long-established, peaceful, residential neighborhood.

Additionally, please do not grant the recent request of creating a parking lot in upper Wildridge, allowing all-winter access to the Red & White Mountain trail.

I believe not being a full-time resident, spending most of my time in a big city, gives me an even better perspective of how truly special and different is our beloved Wildridge home.

I appreciate your time and service, and know you will make an appropriate decision.

Respectfully, L. Kelly Jones

EXPERIENCED TRUSTED RESPECTED

Ms. Hope and Other Town of Avon Officials,

We own a home at **Example 1** and two adjacent lots in Mountain Star. As Mountain Star homeowners and taxpayers within the Town of Avon affected by the proposed Amendment To The Recreational Trails Master Plan, we oppose the proposed construction of the walking/biking trails known as the "Upper Metcalf Loop" in the proposed Amendment for the following reasons:

1. These trails pose greatly increased risk of trespassers illegally entering Mountain Star residential properties.

2. As the risk of trespassers increases, the risk of claims for injury increases. We have already had to deal with a biking trespasser's claim for injury due to an alleged imperfection in a Mountain Star roadway surface.

3. Greatly increased ease of access to Mountain Star properties from such trails also increases the risk of burglary, theft, property damage, personal safety, and physical confrontation in an otherwise private, gated residential community.

4. Not only will increased noise and littering undoubtedly result on or near residential properties built or purchased without such trails in place or on paper, but the increased risk of fire on Mountain Star properties from smoking, campfires, or fireworks on or adjacent to these trails greatly outweighs any benefit from use of such trails.

Thank you for considering our objections.

Michael and Patricia Saunders , Avon, CO 81620 As full time residents of Avon in Mountain Star, we oppose any new or expanded trails in the Metcalfe drainage and adjacent and surrounding areas because of their negative impact on wildlife and expected trespass into Mountain Star.

Ron and Val Wolfe

Avon

Exhibit C

From: Tom Jasper [**1999**] Sent: Saturday, August 13, 2016 4:02 PM To: Debbie Hoppe Subject: Avon Trails

We are Avon residents and taxpayers who love the land and the special nature of our community. Please vote no on P1, 2,3,4 and 7.

Sincerely

Thank you. I am quite concerned about the trails being discussed from the standpoints (among others) of safety, noise, environmental impact, controlling access and potential for trespassing on Mountain Star property. Why is this idea even being considered by Avon? It seems to me there are many better ways to spend this money for the recreational benefit of Avon residents.

Dear Ms Hoppe:

My wife and I have been homeowners in Mountain Star since 2003 and are part time residents there. Most of the time we spend in Mountain Star is during the non ski season.

One of the main things that attracted us to Mountain Star was its remoteness from the city center of Avon and the busyness of Beaver Creek. We previously owned a town home at the Pines in Beaver Creek for over six years.

Rather than repeat the points made by Peter Copses in his letter to you of July 20, we want you to know that we are strong supporters of his positions on the proposed new trails.

Since his letter, I have read the report in the Vail Daily regarding the disruption of wildlife that would be caused by the proposed trails. The wildlife in Mountain Star is another thing that attracted us to this development.

We urge you to accept the recommendations made by Mr. Copses and that you review any proposed trail in light of the report affecting the habits of wildlife in this area.

William and Katie Weaver

Dear Town Council Representative Hymes,

My wife and I have lived in Wildridge part time from 1999 to 2006. We moved to Wildridge permanently in 2006. Our backyard is connected to the WAP. Unfortunately the WAP Trails have not lived up to their initial billing:

Fire Hazard with smokers

Illegible signage

Little to no maintence

Riding in rain and at night

Little to no security

Told my wife not to say anything to smokers due to verbal abuse

Trails growing in width

Trails with bank cuts filling with earth

Cars and trucks with bikes speeding on Beaver Creek Point

Less wildlife observed on WAP vs prior years

Can't the Town find something better to do with \$365,000++ and \$30,000 in annual maintenance (low estimate)

The Trails will be a huge expense mostly for outsiders with little to no return

I hate to see our tax money spent on people who for the most part don't live inWildridge Less neighborhood security

No security or user identity on new or existing WAP trails

Pristine mountain will be scarred for decades

Negative impact to wildlife

Wildridge "front door" spoiled with toilets and parking lot

My wife and I are owners/riders of mountain bikes, road bikes and cruisers. We are bikers, we just have no interest in destroying the Wildridge Neighborhood. Thank you for listening. Sincerely,

David Scherpf

Dear, Town Council Member Hymes,

My wife and I have owned our home in Wildridge since 1999. We are bike owners, road, cruisers, and mountain bikes. Spending over \$365,000 and \$30,000 for maintenance would be a travesty. I'm sure the Council can find better uses for our (my) taxes. Our schools is but one example for use of this money. Spending this amount of money for mostly outsiders from whom the town derives scant benefit is totally ridiculous. Trails for aggressive mountain biking in a residential neighborhood is wrong. This virgin mountain will be scarred for a long long time. Further, Wildridge has no need for toilets, and parking lots by its front door.

Please, drop this concept. Thanks for your attention in this matter. Sincerely, Dave Scherpf Sent from my iPad I am a resident of Mountain a Star and a Colorado resident. I am writing to strongly oppose the development of additional trails North of I-70.

There are several reasons for my opposition, including -

- Environment- damage to landscape and impact on wildlife

- Safety -

- Liability - the trails are adjacent to private property and will invite trespassing - that subjects property owners to potential liability and expense.

It also seems that there is a desire by some supporters of the plans to see commercial mountain biking activities in our neighborhoods. This is totally incompatible with the nature of our communities and may well damage property values.

I strongly hope the these trails are not approved in any form.

Thank you.

Sent from my iPad - Jim

Dear Sarah,

Susan and I have owned a home in Wildridge since 2005 and have come to love the community, people, wildlife and tranquility. The proposal of the VVMBA to cut bike rails across and through our *residential* community seems to hold benefit for the Vail biking community but not for our residential community. In contrast, the Wildridge community will get increased traffic congestion, noise pollution, more bikers riding up Metcalf, permanent scarring of our hillsides, possible land erosion, and most importantly damage to our wildlife. We moved to Wildridge to enjoy the robust wildlife population of deer, elk, fox, bear, coyotes, and the many species of birds. These trails will interrupt the normal migration and living patterns of these animals and may interfere with reproduction and health.

The benefit of this proposal to the Wildridge residential community eludes us. There are great mountain biking trails in Vail and Beavercreek with room for expansion and facilities in place to support competitions. We have supported the previous expansion of bike trails in Wildridge away from our primary residential areas and are dealing with the extra folks biking and parking in our residential community. But enough is enough. The VVMBA proposal is unnecessary, not requested by the Wildridge community, and a greater cost than benefit to the people impacted.

We appreciate your listening to the concerns of your constituents. We trust you will give your fullest consideration to all the possible unintended consequences from this plan that will inadvertently degrade the tranquil, wild nature of this residential community in which we and our neighbors have invested.

Sincerely, Jim and Susan Dreisbach

Avon, Co 81620

Dear Town of Avon Planning and Zoning Committee,

I am writing this letter to state my opposition to the proposed mountain bike trail expansion in Wildridge.

I am a supporter of the sport of mountain biking and respect the proposal to expand the trail system in Wildridge. However, when are many miles of trails going to be enough without destroying the natural surroundings and wildlife habitat in our community? It seems that the land that was given to Avon by the Eagle Valley Land Trust has been significantly developed already, through the initial stage of mountain bike trails bordering and going directly into the Wildridge area. The existing June Creek trail system leading up to Red and White borders Wildridge as well. The proposed P1,P2,P3,P4, and P7 trails make a final "border" altering one of the last natural areas in this area of Avon. The proposed trails noted above would directly invade a wildlife habitat area that is already bordered by Wildridge, Wildwood, and Mountain Star. I'm not sure what your wildlife assessment showed, but I can tell you firsthand that this area is home to many deer, fox, coyote, and yes, mountain lion. It saddens me to think that we have lost sight of the importance of protecting our wildlife, all for the goal of creating more trails, when plenty already exist. It seems that by creating a trail system through the natural habitat of many animals, they will be funneled down onto Metcalfe Road, increasing danger to both the animals and drivers.

In addition, as a taxpayer that owns a home and property that immediately borders that open space where P4 is proposed, what will keep the mountain bikers from going off trail and entering private property? There are many other homeowners in this same situation. Just as P5 was brought to your attention and stopped, this issue with P4 must be addressed as well.

In addition, creating parking spaces, toilet facilities, etc. on Metcalfe Road seems to be a bit of a stretch, given the high traffic volume already, and lack of space.

Also, even if the trails are deemed "multiuse", I have the same concerns.

Avon is already surrounded by many, many miles of beautiful trails for all to enjoy. I do hope respect for one last natural area of land in the Wildridge area is respected by those who will be voting on this issue in the near future.

Sincerely,

Terese A. Holmquist

Avon, CO 81620

We are your constituents, taxpayers and voters, who love the land and the special nature of our community. Please VOTE NO on P1,2,3,4 and 7.

Stop the madness and the encroachment into our residential neighborhood(s) of Wildridge, Wildwood and Mountain Star by mountain biking special interest groups who want to make our peaceful living community into a mountain biking mecca. The already developed West Avon Preserve is enough and there are so many other options in the valley that already exist for mountain biking enthusiasts. Please do not ignore the comments from Colorado Parks and Wildlife – the wildlife in our area need to be protected and not driven out by these plans to build more mountain biking trails. Please consider the comments of your constituents. You were elected to be our voice and I say 'no' to these proposed expansions.

Thank you.

Linda Overcash

Wildridge Resident

After having looked into this issue more thoroughly, I have distilled the argument against new trail development down to these points:

- 1. The CPW report must be given great weight, and the report is strongly against any development in the Metcalf drainage. This area is one of the last wildlife refuges within the Town's borders, and should be respected.
- 2. The threat of trespass onto Mountain Star property to gain access to the tops of the proposed trails, as well as the attraction of our existing private trails to mountain bikers, is too likely. Trails P1, P2, and P3 should not be developed.
- 3. Any new trails should be developed in conjunction with existing ones, preferably in areas that make common sense like at the Beaver Creek and Vail Resorts. Or in the WAP.
- 4. Avon already has eleven miles of bike trails (WAP), and these should be maintained, improved, and managed appropriately use the money from the proposed trails for this purpose.
- 5. It is quite obvious that the mountain biking community (perhaps led by the VVMB group) wants to gain access to as much open space in the county as possible. I am guessing that only a small handful of these advocates live in Avon. And while there are a certain number of Wildridge residents in favor of new trails, the large majority of Wildridge and Mountain Star residents are vehemently against the proposal. You MUST make this decision as representatives of Avon residents, and not in response to vocal, non-Avon based, special-interest groups of bikers. If you question this conclusion, perhaps we should have a vote of Avon residents on the issue?
- 6. It appears there may be legal issues involved with the trail development and the charter of Wildridge. If the proposal advances, legal action would be likely. Do we really want to face this?
- 7. I don't think you should delay the decision for "more study". This will only increase the negative feedback you have already received about the proposal. Make the decision **not** to build the trails, and be done with it. It's the right, and smart, thing to do for our community.

Thank you....Steven C. Coyer

Avon, CO Full-time resident and voter To Town Council & Planning and Zoning Commission,

NO, NO, NO, to any proposed new bike trails in Wildridge (open space), we chose to live on the top of Wildridge for the Serenity, the beautiful wildlife and convenience of activities in the Vail Valley. We do not need /want more traffic heading up the hill as we only have one access to Wildridge which is congested currently. I do not want our tax dollars being spent on something we do not need, nor want. I find it hard to believe that the mtn bikers are going to give the town an influx of cash. (We are also mtn & road bikers and do not want any more trails in the quiet Wildridge subdivision).

Town council, Scott Prince, Sarah Hymes and Buzz you are our neighbors, you represent us the constituents in Wildridge, so how could you ever be behind the scaring of the land & reduce wildlife habitat? I do believe the Forest Service has also stated that the development of the Metcalf drainage is a bad idea as it would be a loss of wildlife habitat.

We do realize that Kat is also the VP of VVMBA and on the Avon town trails committee, we still will side with the Forest Service as they do know more about Wildlife Habitat than someone /town wanting more bike trails.

Many thanks, Mark & Tami Marto Longsun lane Resident Good afternoon, we live and very much enjoy the current trail system with our **leashed pets**, in Wildridge. However, we do have concerns and questions about the current proposed 2016 Master Plan. Since we live in Wildridge we can only address the proposed P trails.

1. **No Pets**: The Staff Report seems to selectively use the CPW report. While allowing biking which can become fast, dangerous and uncontrollable, why restrict pets even if leashed? If we have trails they should be available to everyone and certainly leashed pets. We are strongly opposed to a complete pet ban.

1. **P8**: Seems to be a very good idea and we have no objections even though it will be clearly visible from our home it does serve as a useful connection trail.

2. **P1**: Seems to only serve as a trail to satisfy one stakeholder. It's purpose is to provide access to bike- **only** extreme descent trails and possible access to upper Wildridge. We thought the Metcalf bike lane currently under construction was providing Wildridge access? Why is a different route required just to provide one stakeholder soft and hard surface options? We are currently opposed to P1.

3. **P2-P4:** Obviously if we are opposed to P1 there is no reason to provide these trails.

4. **P7** - if and when P7 trail becomes a reality for **all** stakeholders we would be amenable to reconsider all the available options.

5. **P6:** There is already hard surface multi-use trail access. We would support the decision of the home owners directly affected by such a close trail cutting across the current steep terrain. Recent storms have exposed very unstable soil conditions. What would it cost to mediate this unstable condition and would a cross-cut trail make conditions more unstable? Is this trail really necessary, needed or required for one stakeholder since there is already wide hard surface access available?

A general comment regarding trail width - any multi-use trails wherever possible, should be wide enough so bikers and hikers can pass without one party going off-trial. Then we can both together enjoy the trails

Except for P8 we think the proposed Master Plan for the balance of "P" trails should be rejected. We should use our scarce resources more wisely servicing all stakeholders in our community.

These are our thoughts and views. You certainly have our permission to share this information with others.

#### Kit and Jan Cammermeyer

Avon, CO 81620

To Planning and Zoning,

This Mike Farr, I live at **Example 2002**, Wildridge subdivision of Avon, Co. I have lived in Wildridge since 2002.

I have lived in the Vail valley nearly 30 years.

I move to the Vail valley to train as I was a professional triathlete looking to mix up my training. I am still an avid mountain and road bike rider, mountaineer, trail runner, hiker, kayaker as well as a dirt biker.

My experience with trails is extensive by experience. I have seen and experienced what the impact is from hiking trails -Colorado's 14ners which I have done almost 3 times as well as skied almost all of them. I have competed, climbed and kayaked through out the world. We have a great trail system compared to many parts of the world. I hope we can keep it this way.

I am completely against the new mountain bike trail system that is proposed.

Here are the reasons I am opposed to it. I hope this will enlighten your awareness's on the issue at hand.

-The wildlife and the impact on them. The stress it causes them during the summer months. Wildlife not having food due wildlife being pushed out. There is a large elk heard that migrates through there to just name a few of the animals. I found a dead mountain lion within 10 feet of the proposed trail. A women was just chased by a mountain lion in lake creek while riding her mountain bike.

-Department of Wildlife does not recommend this, how can it still even be considered. This is a platent disregard to the professionals of the Department of Wildlife.

-Impact on wildlife habitat and homes of wildlife.

-Wildlife lives in a peaceful state 99% of the time - it sleeps and eats. the other 1% percent is if a predator disturbs it state of peace - mountain lion, human etc. this causes the animal stress and its young stress where it might not survive the winter.

-Impact on land, which will include scaring of land, erosion of land.

-Grade of trail in areas is too steep and will cause erosion and more scaring.

-The type of soil that the majority of the trail runs on is sandy and pores which can cause a huge impact to the erosion of the land.

-There is an aqua fur at the stream crossing and depending on the time of the year extends up from the stream 10 feet - this is all mud and saturated earth, which will cause more damage to the earth the immediate vegetation and the water shed where we get our water from.

-In order make this a new trail it is my understanding that we must close whiskey creek trail. Thats a major impact. Open one close one not great idea, one people will continue to ride the closed trail even though its closed

-We already have two access trails that take us into red and white. We do not need another. -We have miles and miles of trails in Red and White now that are not being used. -We miles and miles of trails in Vail, Beaver Creek, Edwards and Eagle now.

-Property values will decrease which will call Avon to loose money.

-Traffic issues.

-Cars parked in truck turn around - even if will add spaces which will further impact the land and the wildlife.

-Unsightly cars and trucks parked along road causing safety issues with bikes and cars not to mention a real eye sore for wildridge and wildwood.

-Property owners of Wildridge - the majority do not want this.

-A big percentage of those who are for this do not even live in the Avon area let alone Wildridge.

-If the bikers do not get this they will go somewhere else its not a big deal - I know as I have experienced many hiking trail closers ect.

-If the trail is built, after few years it will be an old trail, so the use of the trail will be less and less, so whats the benefit. As a rider I like new trails not ones I have ridden over and over. We are then left with a big scar and a lot of money spent on nothing.

-No benefit to the merchants or restaurants - The majority of people including myself will ride a trail in the am and then go to work, ride at lunch then go back to work, ride after work and then go home for dinner and family.

-The trash left behind at the trailheads and power bar wrappers on the trail.

-Unable to maintain the current trails in our area.

-It could happen where another trail is opened and then this one is abandoned and then we are left with a big scar, erosion and a waste of tax payers money.

-Bikes can do as much damage or more than dirt bikes can do to the trails as the tires are narrow and cut into the earth like a sharp knife, which leads to erosion quickly. Then riders will make a new trail around the problem trail - which cause more impact to our land, water shed and wildlife.

-Wildridge was night designed as a mountain bike community as it was not designed as a golf community or even a ski community it was designed for local who wanted to live in nature and view the wildlife.

Upside

-Mountain bikers get a new trail.

-Local bars serve an extra 20 beers a day and few pizzas - maybe.

Alternatives for use of money

-Create an adult park next to kids park - This is an up and coming thing in new cutting edge sub - divisions.

-Create nice entrance signs to Wildridge and upper Wildridge.

-Enhance the Rec center.

Thanks for reading my letter and appreciate all that you do for our town,

Mike Farr

Pure Woodworking Inc.,

www.purewoodworking.com

www.purewoodflooring.net

Good Morning,

I would urge you to reject the proposals to put bike trails in the Wildridge area for several reasons:

- 1. The adverse impact on the numerous wildlife species in the area
- 2. The adverse impact on the watershed, especially the Metcalf Road valley
- 3. The adverse impact on soil stability, vegetation and habitat
- 4. The lack of infrastructure to support transient recreational use
- 5. Wildridge is a residential area

I own several houses in Wildridge. The reason I bought them and live there is that it is a quiet, peaceful and <u>residential</u> neighborhood. I really don't want to see it turned into an amusement park for mountain bikers for any number of reasons. I am especially concerned about the environmental impact as we have already seen a significant reduction in wildlife in the so-called PB&J trail area.

If Colorado Parks and Wildlife recommended against it, you should follow their recommendation.

Thanks so much for your consideration.

I hope that you are having a great day.

Best Regards,

Gary Oleson

We are your constituents, taxpayers AND VOTERS WHO LOVE THE LAND AND THE SPECIAL NATURE OF OUR COMMUNITY Please vote "NO" on P1,2,3,4,7. Thank you Jon and Bobbi Schwartz

My name is Casey Holmquist, an Avon taxpayer and a Wildridge resident. I strongly oppose the plans for P1, P2, P3, P4, P5, P6 and P7.

I don't think the CPW and the EVLT could have been more clear in their assessment of this proposal.

Building these trails would affect the habitat of hundreds of animals, we see hawks, mule deer, mountain lion, elk, bear, fox, coyotes, rabbits and rodents year round, not just in the winter months. These animals live in these areas. You can't put the toothpaste back in the tube, if this area was turned over to trails, we would never get it back.

The Avon Town Council was entrusted with this area by the EVLT. In their letter they state: "A conservation easement is designed to protect all the conservation values of the property for the benefit of the community <u>forever</u>."

As far as economic benefit of these trails. I think we are over estimating the price of a 6 pack of IPA and a bag of ice.

I use the new trails, and I access Red and White. There are two existing trails to Red and White already, building another just doesn't seem necessary. I rarely see another biker on the June Creek trail and have never seen another biker on the very top. Therefore, I don't see the need for more trails.

**Casey Holmquist** 

To the members of Avon Planning and Zoning and members of the Avon Town Council

I am writing this letter to urge you to recommend against the development of the new bike trail system up Metcalf Creek as well as the addition of any additional trails within the existing Avon Preserve, just as the Colorado of Parks and Wildlife has in it's own recommendations on the Trails Master Plan. In fact, this report should be all you need to render a decision. They have given more than sufficient evidence of why this should not move forward and all other arguments against - view corridors, erosion, quality of neighborhood and more - while certainly real and viable, shouldn't even be necessary.

I have lived in the Valley for 42 years and in Wildridge for nearly 20. Over the years, I have watched time and again, as development has been given priority over the needs of wildlife. With each year we see more and more wildlife habitat impacted, as homes, recreational areas and industrial development encroach upon these sensitive zones, while the needs of a few, along with personal agenda, trump common sense and science.

With this impact we have seen the number of deer in Wildridge - on the roads, on the hiking trails and in our yards - proliferate. Development of this nature has affected the behavior and movements of wildlife throughout the area. Just today, I watched as several deer bedded down for the day in my own yard. This daily occurrence came just one day after reports of a biker being chased by two mountain lion up Lake Creek Road. It's no stretch to assume that where the deer go, so go the mountain lion. Do we really want to push yet more deer and wildlife into our residential neighborhoods?

Another aspect <u>not</u> mentioned in the Colorado of Parks and Wildlife report is the impact upon the Dusky (Blue) Grouse. This upland game bird hatches it's broods every spring in the lower reaches of draws like Metcalf Creek and the hogbacks along the flanks of Red & White Mountain. Nesting for these birds would also be impacted by additional human activity spawned by these trails.

Look...I'm a an avid biker. And, I think the existing trail system within the Avon preserve is a great addition to Avon and the upper Valley as a whole. But enough is enough for now. The system is nowhere near maxed out and we are already seeing the impact of increased traffic on the access roads along with strings of bikers coming through residential cul-de-sacs and even through some yards.

More important we don't need to feed our egos and agendas to make Avon a world class biking destination to the detriment of the wildlife and the environment. To ignore the very strong, educated and science-based recommendations of Parks and wildlife would be at the very least selfish and, at the worst, the epitome of arrogance.

There are already abundant biking and hiking trails throughout the Avon area, including an incredible network of BLM and Forest service roads and multi-use trails. Let's not be greedy. Let

us think about the long term impacts on the terrain, the neighborhood its residents but most important...the wildlife.

Howard Leavitt



Though I didn't submitt this letter in time for it to be included in the packet, I am hoping its contents will be considered.

I am overwhelming against any development of mountain bike trails in Wildridge and Metcalf drainage.

" Access to our public lands needs to me made available. Just as access to our beaches and rivers. Communities that did not take on this matter early create walls for the future. This needs to be tackled. And our community and those in it need to adapt as we live in a place surrounded by recreation. The population in Colorado is exploding right now. The irony is people are moving here for quality of life. We need to think forward."

This quote was taken from the Eagle County Cyclists and Friends Facebook page, in the comments section of one of their posts promoting the trials in Wildridge. While I agree with having access to Public lands, I do not believe thiose lands include open space within our neighborhood. I have been part of the Wildridge community for 23 years and do not believe that I'm creating walls for the future. Through the years we have watched wildlife adapt to our homes, and become our neighbors. Whether it's the fox family playing chase in our yard or the deer napping under our trees and deck or the occasional bear sighting, these creatures are an integral part of what makes the Wildridge community so special. I do believe when the mountain biker say they do not have run-ins with the wildlife on other trails. However, their presence in a particular area is swift and they are not around to wittness the long term impact on our 4-legged neighbors.

Yes, the population in Colorado is exploding and people are moving here for the quality of life. Wouldn't it be in our best interest to keep our neighborhood as a safe haven for wildlife? Isn't that also considered tto be quality of life? If i'm not mistaken, it seems Vail Resorts has put time and funds into developing mountain bike trails for all levels on two World Class Resorts. Why not support more development of trails built by Vail Resorts? I find it interesting that a cycling group wants to put in trails in our neighborhood and wants us to pay for it. A great deal for them, not so much for those of us that call this wonderful community home.

"We need to think forward." Yes we do! We need to think about how our decisions will impact our neighborhood and community. How do these decisions impact our wildlife? I beleive the correct forward thinking is denying the construction of these proposed trails and any trails in the future. Wildridge should be a neighborhood where we are an example of how we live in harmony with our 4-legged neighbors and not catering to those that want to develop every speck of "open space." Thank you for your consideration

~Christian Farr

To Whom it May Concern:

As residents of Wildridge and frequent hikers on the Avon preserve trails, we have great concern about developing more trails, expanding the trail use by bikers, and allowing biking events to take place in Wildridge:

In addition to being concerned about the impact on the wildlife and natural habitat, some specific concerns are:

## Multi use trails with increased bikers pose a safety concern:

\* In the past, bikers from Wildridge knew to move over and give hikers the right of way. The increased number of bikers and those unfamiliar with sharing the trail with hikers, are increasingly forcing hikers off the trails to wait for bikes to pass. One of our neighbors almost had a collision with a biker who didn't stop. This is an accident waiting to happen.

\* Bikers are being driven up to Wildridge in vans depositing multiple bikers. If the trails are crowded with bikers, hikers may ultimately abandon the trails which is not the goal of the preserve.

\* We , personally observed novices dropped off in vans who were going to practice on our easier trails such as the "Smile Mile". These trails are geared for young families with children, for biking and walking. In the past, we have enjoyed walking with our grand children on the trails but are less inclined already to do so , let alone, if it gets worse.

## House values and the quality of life would be negatively affected -

\* if the trails were continued to be used as a destination for vans to drop off bikers and for events, the resulting road congestion and safety concerns for neighborhood children who now play on our streets is of grave concern.

\* We were attracted to and moved to Wildridge because it is a tranquil, family neighborhood away from the hustle and bustle of resort life. We are also concerned about our house values since we would have been less interested in purchasing a property here if Wildridge was promoted widely as a biking destination

Marjorie and Robert Fink

Avon, Co

Honorable Council Members--

My wife and I are living in a condo in Avon this summer. It is our intent to spend future summers here. Having lived in Eagle Valley for nearly 20 years, we know many people who live in Wildridge. These are people who have lived meaningful lives, of affluence, contributors to the community.

That's why I was completely amazed to learn that you are on a path to disturb this development by building a mountain bike trail through their backyards. Is it true that you didn't even ask them?

Think of the reasons why this doesn't make sense to them: noise, dust, much less privacy, disturbance, the intrusion of people who don't really belong there....the change of a quiet neighborhood into a sports venue. Surely this will result in a reduction of property values to those directly impacted. Our Wildridge friends think this project has been cooked up in secret. And for a really good reason, it is a very poor idea.

We are fortunate to live close to Nottingham Lake and are very impressed with the use of the Park by a broad segment of people. It is a true family venue. A problem with the park, though, is the lack of restrooms. Why don't you spend the mountain bike money on restrooms at Nottingham?

Herb Luhman

Avon, CO 81620

AVON OFFICE 0070 Benchmark Road Post Office Box 5450 Avon, Colorado 81620 Telephone (970) 949-0707 Facsimile (970) 949-1810

August 12, 2016

# GARFIELD & HECHT, P.C.

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## VIA EMAIL, US MAIL AND HAND DELIVERY

Town of Avon Community Development Attn: Matt Pielsticker <u>mpielsticker@avon.org</u> PO Box 975 Avon, CO 81620

RE: Town of Avon Recreation Trails Proposed in Wildridge Subdivision

Dear Mr. Pielsticker:

I am writing on behalf of a group of concerned residents from the Wildridge Subdivision ("<u>Residents</u>"). In particular, the Residents oppose the construction of the trails identified as P1, P2, P3, P4 and P7 ("<u>Trails</u>"). After reviewing the plans, the Town of Avon code, the plat, applicable covenants and the Colorado Parks and Wildlife recommendations, it is not legally permissible to construct the Trails. Therefore, we request that the Planning and Zoning Commission recommend against the construction of the Trails and that the Town of Avon cease and desist further actions regarding the proposed Trails.

Section 7.08 of the Municipal Code of the Town of Avon (hereinafter "<u>Code</u>") defines "<u>Development</u>." The definition of Development includes the grading or clearing of land, the change or use of a property, any change in the intensity of use of land and any change in use of land. Therefore, any analysis of the Trails necessarily includes an analysis of the how the construction of the proposed Trails complies with the Code.

1. <u>The Code requires the Town of Avon to apply any restrictive covenants contained in the</u> <u>Plat and the Protective Covenants for the Wildridge Subdivision.</u>

In accordance with the Section 7.04.040(1) of the Municipal Code of the Town of Avon, the "Development Code is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of ....restrictive covenants running with the land. Where the Development Code imposes a greater restriction than that of any other law, contract or deed, the provisions of the Development Code shall control." Therefore, the Town of Avon must abide by

Town of Avon Letter regarding Recreation Trails Proposed in Wildridge Subdivision Page 2

the restrictive covenants and may only apply a Code provision if it imposes a greater restriction. The Code may not be used to "work around" restrictive covenants.

The Final Subdivision Plat of Wildridge was recorded on in 1978 in book 330 at page 78 at reception no. 226437 (the "<u>Plat</u>"). The Plat contains the following restriction:

"Non-developable areas shall be physically undisturbed and left in their present natural state except for approved access and utility easements."

# As the area in which the Trails are planned is open space and non-developable, the Plat specifically prohibits such construction.

The Restatement of and Third Amendment to Protective Covenants of Wildridge Subdivision in the Town of Avon, Eagle County, Colorado was recorded on September 14, 1982 at reception no. 242188 ("Restrictive Covenants"). The Restrictive Covenants also contain restrictions against the development of the Open Space for the Trails. Specifically, the Restrictive Covenants contain the following language:

- Excerpts from Paragraph 1.9
  - Bicyclists are expressly permitted to travel on a Tract provided the surface of the Tract is not unreasonably damaged by said activities.
  - [N]or shall there be permitted, within or upon the Tract, any informal or organized public or private gathering nor any other act by any person or persons (except hereinafter expressly permitted), which in the judgment of the WDC, the Committee, or the DRB may deface, alter, destroy or damage the natural condition of the vegetation or the aesthetic values of the natural environment quality of the Tract.
  - Improvements necessary, desirable, or convenient for the provision and maintenance of utility services may be constructed and maintained through or under the Tract land, provided that such improvements shall not cause permanent disruption or alteration of the surface of the Tract."
- Excerpt from Paragraph 12
  - The objective of the WDC is to provide for the free and uninhibited movement of wildlife...

These excerpts from the Protective Covenants make it clear that the open space or nondevelopable areas are meant to be left in their natural state, undamaged and available for wildlife. Construction of the Trails will significantly alter the open space, leave a scar upon the

Town of Avon Letter regarding Recreation Trails Proposed in Wildridge Subdivision Page 3

land, create potential flooding and mudslide dangers and disrupt wildlife. Furthermore, the outright prohibition in the Plat alone dictates that the Trails cannot be constructed.

Furthermore, as stated above, there is language which prohibits any informal or organized public or private gathering or any other act which may deface, alter, destroy or damage the natural condition of the vegetation or the aesthetic values of the natural environment quality of the Tract. The Tract will be scarred by the construction of the Trails. Additionally, the nature of the Trails will bring groups of riders together in violation of the gathering prohibition. Also, the area will be littered with trash creating additional hazards for wildlife. I personally visited the area in which parking is proposed and found trash including empty liquor containers. This will only get worse if the Trails are constructed.

While there is language in the Protective Covenants that allows bicyclists to "travel on a Tract," that language does not authorize the Town of Avon to engage in construction project to build over ten miles of trails that permanently scar the land, endanger wildlife and affect drainage. Nor does it allow for trailheads to be constructed or signage installed. While bicyclists may travel on the paved roadway, trail construction projects through the open space are clearly not permitted by the Plat and the Protective Covenants.

It is worth noting that the Wildridge Subdivision was discussed in Jackson & Co. v. Town of Avon, 166 P.3d 297 (Ct.App. 2007). The Colorado Court of Appeals held that its primary task in interpreting statutes and municipal enactments is to give effect to the intent of the drafters. Id. at 299. Although this case dealt with short-term rentals, the Court found that the language used in the subdivision plat and Town ordinance was to "prohibit uses inconsistent with the residential character of the area." Id. at 300. The Court further stated that the subdivision plat and ordinance should thus legitimately maintain the character of a residential neighborhood. Id. The recitals in the Protective Covenants state that they are for the purpose of "to establish and maintain the character and value of real estate in the vicinity of the Town of Avon." Since the Plat specifically prohibits development of the Trails and the Protective Covenants must be construed as to the intent and the residential nature of Wildridge be maintained. Construction of the Trails invites in non-residents who have no vested interest in maintaining the residential nature of the Wildridge community.

## 2. Application of the Code prohibits approval and construction of the Trails.

The Code is intended to promote and achieve certain goals for the Avon community. These goals are located in Section 7.04.030 and include the following:

• Avoid undue traffic congestion and degradation of the level of service provided by streets and roadways.

Town of Avon Letter regarding Recreation Trails Proposed in Wildridge Subdivision Page 4

- Provide a planned and orderly use of land, protection of the environment and preservation of viability.
- Minimize the risk of damage and injury to people created by unstable slopes, mudslides, flood danger and other natural hazards.
- Maintain the natural scenic beauty of the Eagle River Valley, provide for adequate open spaces and preserve scenic views.
- Promote the health, safety and welfare of the Avon community.

The Trails violate all of the above referenced goals. Construction of the Trails will bring undue traffic into the area. Although there is parking planned at the lower portions of the Trails, there is no parking or drop off area at the top of the Trails. Due to the planned grades of the slopes of the Trails (8% to in excess of 11%), these Trails will be difficult for most riders. Therefore, it is likely that rider will trespass across privately owned property to access to the top of the Trails in order to ride down such Trails. Furthermore, cutting the Trails will affect the drainage pattern and may cause flooding and mudslides. As there is only one (1) means on ingress and egress from the Wildridge Subdivision, a mudslide closing that road could be catastrophic for the 600+ properties utilizing that road. Recently, there was a mudslide on Nottingham Road. Therefore, the area is likely prone to such conditions.

The Code defines "<u>Slope</u>" as the relationship of elevation or vertical measure as divided by the horizontal measurement shall be expressed as a percentage as a means of quantifying the term Slope. This is important because the Code has an entire subsection devoted to natural resource protection and steep slopes. In section 7.28.100, the Code addresses Steep Slopes and states that the purposes for the subjection are the following:

- Prevent soil erosion and landslides
- Encourage only minimal grading that relates to the natural contour of the land and reduce the necessity of retaining walls
- <u>Development on natural slopes of forty percent (40%) or greater is prohibited</u> (emphasis added)
- Open Space. One hundred percent (100%) of areas with a slope greater than forty percent (40%) shall remain in natural private or public open space unless expressly allowed.
- Site design shall not change natural drainage patterns.

Town of Avon Letter regarding Recreation Trails Proposed in Wildridge Subdivision Page 5

Although the exact grade of the slope where the Trails are proposed is not known at this time, it appears that the area is a Steep Slope under the Code which exceeds 40%. Therefore, in accordance with provisions of the Code, no Trails should be constructed.

The Code goes on to discuss flood damage prevention in section 7.28.100(d). The following purposes are applicable to the proposed construction of the Trails:

- Protect human life and health
- Minimize the need for rescue and relief efforts associated with flooding and that are generally undertaken at the expense of the general public
- Minimize damage to streets in areas of special flood hazard

The Code further instructs that there should be restrictions or prohibitions on uses that are dangerous to the health, safety and property due to water or erosion hazards or that result in damaging increases in erosion or in flood heights or velocities. <u>Again, there is only one means of ingress and egress into Wildridge</u>. Cutting into the steep slopes will result in a change in drainage patterns which may lead to a catastrophic event and close that road. Imagine if a resident of Wildridge requires ambulance service during such an event. Also, overtime trails widen due to overuse and improper maintenance. Even if Trails are anticipated to be less than 2 feet wide, human use will inevitably lead to wider trails, damage of natural vegetation and therefore, loss of important flood barriers.

3. <u>The Department of Natural Resources, Colorado Parks and Wildlife Division has</u> recommended against the construction of the Trails.

As you are aware, the Department of Natural Resources, Colorado Parks and Wildlife Division sent a letter to you dated July 21, 2016. That letter specifically states that the Trails should not be developed. The impact on wildlife could be severe. The area in which the Trails are planned are a natural habitat for wildlife. There are many trees and a stream which would be impacted. The Trails will cross through these areas creating an "area of influence" as the letter states which displaces the animals. The Town should not substitute its judgment for the judgment of the professionals at the Department of Natural Resources. They are the experts.

In summary, the Plat forbids the construction of the Trails, the Protective Covenants prohibit the construction of the Trails, application of the Code prohibits the construction of the Trails and the Colorado Department of Natural Resources recommends against the construction of the Trails. Therefore, it should follow that the Planning and Zoning Commission recommend that the Town of Avon reject the Trails.

Town of Avon Letter regarding Recreation Trails Proposed in Wildridge Subdivision Page 6

In the event that the Planning and Zoning Commission recommends the construction of the Trails and the Town of Avon adopt the plan allowing for the construction of the Trails, the Residents may take any and all actions against the Town of Avon to enforce the Code and their rights under the Plat and the Protective Covenants. The Residents will also seek to obtain their attorney's fees and costs in any such action as authorized by Section 33 of the Protective Covenants. That said, the Residents have confidence that the Town of Avon will make the correct decision and reject the Trails.

If you have any questions, please contact me.

Sincerely,

Mary L'Kusella

Tracy L. Kinsella

cc: Eric Heil (via email to eric@heillaw.com)

Gasper and Irene Lazzara 917 Chiming Bells Avon, CO 81620

August 3, 2016

Debbie Hoppe, Town Clerk Town of Avon P.O. Box 975 Avon, CO 81620

## Re: Avon Recreational Trails Master Plan Update

Dear Mrs. Hoppe:

We are residents of the Mountain Star neighborhood in Avon, and have recently become aware of the walking/biking trails referred to as the Upper Metcalf Loops in the document entitled "Town of Avon Recreational Trails Master Plan Update, Abstract June 2016." We are writing in strict opposition to the building of such trails as they significantly impact our property located at 917 Chiming Bells. Specifically, we request that Trail P3 and the portion of Trail P1 that runs north from the point where Trails P2 and P3 meet be deleted from the Plan or relocated.

We are in opposition for the following reasons:

i. Safety

We are extremely concerned about the safety of our property and family, as the trail opens up our gated neighborhood to trespassers. Portions of the Upper Metcalf Loops are located in terrain that is **directly adjacent to our property line**. Trail users will have easy access to our property and home. Though we are in no way claiming that all users of the trail will trespass, it presents an easy opportunity for those that wish to do so. We purposefully chose to buy property in a gated community due to safety concerns. This trail will give users easy access to our home, and opens our family up to vulnerability and security risks.

### ii. Parking

Trail P3 runs along the east side of a ridge that is just behind the Mountain Star utility area on Wildwood Road. We believe that trail users will attempt to access Trail P3 and the whole system of proposed trails by trespassing through the Mountain Star utility area, parking on Wildwood Road or the utility area driveway. This is because of the very limited parking that will be available at the trail head off of Metcalf Road.

## iii. Formation of Renegade Trails

There is the chance that some trail users will leave the established trails and venture off into new areas. This could create renegade trails that will then be followed by other trail users.

## iv. Destruction of Environment

We are strongly opposed to the formation of such trails because of the detrimental impact such trails would have on the local environment. There would be damage to vegetation and disruption to our wildlife, which is absolutely unacceptable. Detailed information can be found in the Colorado Wildlife Commission's research that establishes the consequences the trails will have on our local wildlife.

### v. Lawsuits

Because of the risk of trespass, Mountain Star property owners could be held liable for trail users who trespass onto our property and are subsequently injured.

These trails would place unreasonable burdens upon Mountain Star owners, the Mountain Star Association, and the Town of Avon to police and enforce use-rules and to prevent trespassing. We would be forced to hold the Town responsible for all consequences resulting from such trespass.

### vi. Nuisance and Noise

The Upper Metcalf Trails will likely result in a considerable amount of noise, trash, and nuisances in close proximity to our property. In addition, even though motorized bikes are not permitted on these trails, it is hard to determine how strictly these rules will be enforced. Our property is directly adjacent to the trail, and we are very concerned about the noise that motorized bikes will produce, which will be easily audible from our home. At this time motorized bikes are already using portions of BLM land north of Mountain Star despite laws prohibiting such use.

For the above reasons, we request that you reconsider building the Upper Metcalf Trails. Thank you in advance for considering our objection.

Best

Gasper Lazzara

Members of the Planning and Zoning Committee, Avon Town Council members,

As a 16 year tax-paying resident of Wildridge, and 35+ year tax-paying resident of the upper Eagle Valley, I am apposed to the current rendition of the Wildridge Trail Plan proposal. As clearly outlined in the latest Colorado Parks and Wildlife Report, I believe the proposed trail system will have a very negative impact on the wildlife in these areas, as well as the overall negative impact to residences and adjoining homes in the Wildridge/Wildwood area. Under no circumstances should any of the existing or new trails in the Wildridge/Wildwood area be used for races or commercial purposes.

Therefore it is imperative you vote NO on the trails P1, 2, 3, 4, and 7.

Thank you, Denise Durkee Dear Ms Hymes,

As a long time resident of Wildridge I would like to express my strongest opposition to the construction of more mountain bike trails in and around the community.

Wildridge is a residential neighborhood. As homeowners we moved here for its secluded and serene location with beautiful views, wildlife and the absence of road noise and traffic. It is not a recreational area for use by various and sundry groups and individuals. To allow that would change the very nature of the neighborhood and its zoning; it would destroy what we love about the neighborhood. The rights of the taxpaying residents should not be subservient to or trampled by the desires of mountain bikers to have a few more trails and to turn the area into a mecca for the sport. There are plenty of trails already in existence in areas more appropriate for that use.

In addition to the zoning and use issues, here are serious concerns, requiring extensive study, which should stop this before it even begins. Those include;

- 1. The adverse impact on the numerous wildlife species in the area
- 2. The adverse impact on the watershed, especially the Metcalf Road valley
- 3. The adverse impact on soil stability, vegetation and habitat
- 4. The lack of infrastructure to support transient recreational use

I live directly across from the "PB&J" trail and can say that it has materially changed the nature of the neighborhood, and not for the good. The vista from my home, which is the reason I built there and paid a lot of money to do so, is now not one of pristine nature and wildlife, it is one of a natural hillside scarred by a man made trail.

The trail has brought us more road traffic, more bike traffic, more ATV traffic, more foot traffic. There is substantial noise from the increased traffic and a hazard to families and especially children playing in the area as vehicles go speeding through. There is a significant loss of privacy as we now effectively live on a thoroughfare for those coming or going from the trail head. There is also noise from the users of the trail and, though it is supposed to be day only, there are bright lights at night from people using the trail year round, shining into my windows. I am sure it has had a detrimental impact on wildlife as we see many fewer deer in the canyon.

Recently, we even had a celebrity and his entourage show up to ride the trail; what a privilege to see him using our neighborhood as a playground; how special as he and his cohorts partied in our streets. I mean that with all sarcasm.

I am a mountain biker and appreciate the sport and those who participate in it. I believe that, though mountain bikers are generally nice people, they are not naturalists seeking an intimate connection with nature; they are essentially looking for the adrenaline rush of a single track.

People live in gated communities for the privacy, security and serenity that they provide; though generally the only adverse impact that would affect them otherwise is through traffic. This proposal would take it one step farther by turning our residential neighborhood into an amusement park.

Maybe we should put a gate at the bottom of Metcalf Road.

Though it might seem compelling to try to put Avon on the map with this project, that is not your job. Your duty is to provide stewardship for the community and to protect the residents and taxpayers of the town. This is not an acceptable use of our tax dollars and public funds

Pitkin County is currently having significant problems with the trails that they allowed to be built; don't take us down that road.

Take the bike trails somewhere more appropriate. Sincerely, Gary Oleson Wildridge Resident Honorable Jennie Fancher and Town Council Members:

My wife and I have been Avon residents since 2010 and more recently Wildridge since 2012.

We have kept ourselves aware of the movement to update the Trails Master Plan.

We have read the Colorado Parks and Wildlife letter dated July 21, 2016 and <u>are in</u> <u>agreement with their recommendations to the TOA.</u>

We respectfully request that the Town Council give your highest consideration to TOA recommendations.

Raym	ond a	nd M	lary Olivas
Avon,	. CO 8	81620	)
Cell:			
Cell:			

## Town Council Members,

Hi Carol,

I cannot make the meeting tonight because of a new family commitment. If you get a chance to speak, please use my name as an attorney, developer, a mountain bike rider, and the father of 3 bike riders, as being totally against the proposed trail. My kids are also against it, even though they ride the existing trails in Eagle County and love the sport. They feel as I do that scaring a hillside so they can ride more trails is a poor trade off.

Once put in place, the scar will be irreversible. The Town cannot possibly protect the hillside from noxious weeds once the trail is cut. The noxious weeds will not only grow on the trail, but after a few years will take over the hillside.

To visibly destroy a hillside for everyone so a few riders can ride more trails, and bike shops can make more money, when there are a huge number of existing trails throughout Eagle County, is bad planning.

Jay K. Peterson Bailey & Peterson, A Professional Corporation PO Box Wolcott, CO 81655 Date: September 1, 2016

Dear Town Council Members:

# We urge you to accept PZC's wise recommendation to eliminate P1,2,3,4,6,7 from the Revised Master Trails Plan!

We offer 8 reasons why these trails should not be built. We culled these comments from the letters and testimony of dozens and dozens of Wildridge, Mountain Star and Nottingham Road residents.

## Protect Wildlife

- The CPW report is what you asked for and says it all: "*Metcalf creek* provides a significant block of intact wildlife habitat and a corridor from within the town out to the USFS boundaries that allows wildlife to utilize this drainage without having to cross roads or developed home sites. With this gone, ... even trying to maintain the current deer and elk population is questionable."
  - Why destroy Avon's last pristine drainage and ruin critical shaded habitat for wildlife?

## Preserve Natural Open Space and Prevent Erosion

- Just walk "Our Backyard" in West Avon Preserve (WAP) to see the scale of erosion-caused trail widening, noxious weeds, and rogue trails—on a basically flat trail—steep trails are even worse.
- Every trail cut on steep, sandy trails will gather runoff and cause more erosion and slides.
- Slopes along Metcalf drainage are steeper than allowed by Town Code.
- How many switchbacks will *really* be cut? Plan drawings show too few.
- Imagine a future with ugly, growing scars, visible from homes, roads, and even BC Resort.

## Ensure that Avon's Existing Trails are Well Managed

- Abuse and lack of upkeep plague existing WAP trails.
- Enforcement efforts haven't been successful.
- Demonstrate that the Town can properly manage what we already have.

## Demonstrate Fiscal Responsibility

- Why is this a priority for TOA resources?
- Use resources instead to: revegetate and oversee WAP; properly pave roads; build retaining walls to prevent more slides on Nottingham and Metcalf; and tend to noxious weeds and grasses that degrade the entrance to Wildridge.
- Demonstrate with data that bikers bring substantial revenue to Avon before you use it as justification.
- Costs for building, maintaining, and policing trails are significant.
- If home values do fall, it could have serious economic impacts on Avon's tax receipts.
- **Don't** use our tax money to fund a mountain bike amusement park amidst our homes.

## Public Safety Would Be Jeopardized

- All access to Wildridge could be blocked by severe rainfall and erosion as happened on Nottingham Road in July.
- Essential services (Fire, Ambulance and school bus) would be blocked and residents, workers, and visitors could not enter or leave

## Protect Residents' Privacy, Potential Liability and Safety

- Don't create a situation like WAP where homeowners have been left to phone police about rulebreakers, build berms and block their own views with evergreens to protect their privacy.
- More Mountain Star and Wildridge homeowners should not be placed in a position of having to police boundaries or repair damage to their property and adjacent environment.
- Bikers will trespass because doing so is much easier than the steep climb up P1 to reach the top of P2 and P3, especially for those with downhill only bikes.
- If trespassers are injured on private property, liability would fall on homeowners.

## Honor Wildridge Homeowners' Legal Protections

- These trails constitute "development" under the Town Code, which specifically prohibits development on slopes at these steep pitches
- They also violate the letter and spirit of the Wildridge Covenants and Plat.
- Our closing papers promised we were protected by these Covenants, and
- They were designed to protect open space in Wildridge.

## Respect Residents' Values and Concerns

- We live here *because* it is *not* in a resort or recreation area.
- Wildridge and Mountain Star are beautiful residential neighborhoods.
- We chose to live here for its bucolic, peaceful setting and for its natural beauty.
- We represent all generations; we are active outdoor enthusiasts and mountain bikers too.
- Why do outsiders have a voice about our neighborhood?
- We don't want Wildridge to be a "Mountain Biking Mecca of the region" with mounting pressure to hold races here.
- We take little comfort from the Plan's "prohibition on commercial use [which] applies to any *for-profit* use of the trails, including races, fundraisers" because the exemption to this ban for non-profits completely removes our protection.

Please, listen to us—we vote and pay taxes. We want to preserve Colorado's special beauty for all – both today and tomorrow. Please vote no on new trails P1 thru P7 and thank you for listening to your constituents.

Most sincerely,

Paula O'Leary and Peter Warren

Page 272 of 316

Yz

September 6, 2016

To: The Avon Town Council From: Michael Blair, Planner Re: Wildridge Open Spaces

Hand Delivered to: Town Clerk, Avon Town Hall, 02 Sept., 2016

I support the decision of the Planning and Zoning Commission not to build mountain bike trails in the hillsides of the Wildridge Subdivision. The construction of these mountain bike trails would change the residential character of this community and the natural appearance of the land. It will harm wildlife in the Metcalf Gulch, and it is inconsistent with requirements of the Subdivision Plat and the Protective Covenants for the Wildridge community. It would be bad for Wildridge as a residential community and bad for the Town of Avon because it invades important open spaces that need to be preserved.

I have been working with the Wildridge Subdivision since work began there in 1978. In planning the Subdivision, I walked all over the property while it was still a natural landscape. I laid out the streets and determined where the houses would go. I named the subdivision Wildridge. I worked with the Wildridge Development Company to develop the property, and I laid out the open spaces in consultation with the Colorado Division of Wildlife and the US Forest Service. Preservation of wildlife has long been an important concern in the Metcalf Gulch and in other open spaces in Wildridge.

I was chairman of the Design Review Board in Avon when the Wildridge Subdivision was created and for several years thereafter, and I currently serve on the Covenants Committee under the Protective Covenants for the Wildridge community. This Committee is responsible for applying and enforcing the restrictions in the Subdivision Plat and the provisions of the Protective Covenants. So I will be talking about the Plat and the Covenants.

Wildridge was intended to be a quiet residential community. In developing the property, we emphasized the natural appearance of the land and the wildlife. We thought it was very important to the residential character and value of the property, and we intended to protect it. So we put protections into the Subdivision Plat and the Protective Covenants. The Plat stated that the non-developable areas (which includes the open spaces) should be "physically undisturbed and left in their present natural state except for approved access and utility easements." This is pretty clear. The non-developable areas should be physically undisturbed and left in their present natural state except for approved access and utility easements, like emergency access, maintenance, and utility easements. Similarly, the Protective Covenants say that no one may alter or damage the natural condition of the vegetation or the aesthetic values of the natural environment, unless it is expressly permitted in the Covenants. Nowhere in the Covenants is the construction of bike trails through the hillsides expressly permitted. Building these bike trails would scar the hillsides and unreasonably damage the open spaces. When the Wildridge Subdivision was created, we thought that bicyclists would travel on the roads or beside the roads.

I urge the Town Council to reject the idea of building mountain bike trails along the hillsides in the open spaces of Wildridge and to accept the recommendation of the Planning and Zoning Commission on this issue. These bike trails would change the residential nature of the Wildridge community and have an adverse impact on wildlife. It may also create additional traffic and parking problems and result in conflict with existing residents if mountain bikers seek to go across private property in Wildridge or Mountain Star to gain access to the trails at the top of Metcalf Gulch and bike down from there. The Metcalf Gulch has remained a natural habitat for animals for 37 years after the creation of the Wildridge Subdivision, and it is important that it remain so.

Respectfully, Michael Blain P.O.BOX 127 Glenwooz Springs, CO 81601 Ph: 970) 945-8058

-2-

We have lived @ \_\_\_\_\_\_ in Wildridge since 1992. When we purchased the house there weren't many other residences in all of Wildridge. Since then there has been a tremendous amount of development including the addition of parks, hiking trails & bike trails. A long trail which was cut 2 years ago is to the east of my house. We don't see many bikers or hikers using that trail. Now there is a proposal to cut many miles of additional trials above the Metcalf Road truck turnaround. We object to this project as being unnecessary, costly, environmentally irresponsible, as well as resulting in issues with wildlife immigration and reducing property values. We urge the Avon Town Council to vote against this proposal. Sincerely, William & Francine Hecht

Ladies and Gentlemen – while I cannot so eloquently describe the issues with further mountain bike trails will have on Wildridge's wildlife and residents as Mr. Spitzer, I can tell you I am totally opposed to any expansion of the trails. The wildlife that call Wildridge home is the only diverse animal population in Avon. From the reports coming out of the P&Z meeting last month it is clear that wildlife experts are totally opposed to the expansion. Mr. Spitzer's full presentation should be taken very seriously by the council. The certain degradation of the trails will inevitably cause serious and irreversible erosion. The commitment by proponents of the expansion to maintain the trails is weak at best. The town will have no enforcement capability to cause the proponents to full fill their promise. There is clear risk of the system becoming a major source of mud flowing downhill onto the roads

The trails may be described as useable by whole families, however, anyone looking at the terrain can see that these trails will be useable only by strong riders. While on some level it may be unfair to make a broad generalization of riders, it is all too common for the riders to act as though they OWN the trails. If you dare to try to walk where they want to ride you are placing your safety in the hands of a rider going downhill at a rapid pace with virtually no chance of stopping quickly.

The bottom line is this proposal is a terribly bad idea. I implore and expect the council to stop this now.

Make each day a great day,

Mike

MICHAEL NEFF PRESIDENT, MICHAEL NEFF AGENCY, INC PO BOX AVON, CO 81620-3289 (T) Honorable Jennie Fancher and Town Council Members:

My wife and I have been Avon residents since 1990 and more recently Wildridge since 2002.

We have kept ourselves aware of the movement to update the Trails Master Plan.

We have read the Colorado Parks and Wildlife letter dated July 21, 2016 and the PZC recommendations to the Council.

We respectfully request that the Town Council give your highest consideration to their recommendations.

Sincerely,

Jim Horan & Diane Sampson

Jim Horan & Diane "Sam" Sampson P.O. Box

Avon, CO 81620

Dear Town Counsel Members,

I have written previously to express my concern and opposition to the idea of developing miles and miles of bike trails on our mountain and through our subdivision. I have not changed my opinion since that time, and I surely hope that everyone on the council has paid attention to the concerns of our residents.

Mr. Spitzer has shared a copy of his concerns, and his handout, with me. His concerns make a lot of sense to me. His point about having potential mudslides, as we had this year on Nottingham Road, plus the scarring of the landscape, plus, as we noted before, the stress on the animals here in Wildridge, should certainly be enough to convince each of you that this is a terrible plan. None of us are against bike riding, but there are certainly limits; I feel we have enough people riding up here already.

The town seems to be going all out to do things for the biking population (i.e. the expansion of bike lanes in front of the post office causing cars to be parked into the middle of the street which makes it confusing about where the drivers are supposed to go This has also caused traffic jams at certain hours trying to get into the one and only entrance to the post office. I also find it generally confusing to know how to proceed when heading North, after going under the underpass and heading to Wildridge. There is a bike lane in the right lane which I customarily get into in order to go to Wildridge. I assume it is ok to drive in that lane if there are no bikers in it, but not totally sure.

May I ask what percentage of our current bike riders live in Avon and pay taxes? Are their numbers more numerous than non bike riders so that they have more clout with precipitating these changes? I am all for bike safety, but let's not do it at the expense of other citizens, especially in the Wildridge neighborhood.

Please abandon this idea; I think we, the residents, have many valid concerns and I urge you not to proceed.

Sincerely, Joan Willoughby

Avon, CO. 81620

Town Council,

I agree with all of the concerns raised by Mr. Spitzer in his letter below. I am definitely **not in favor** of having new bike trails through Wildridge. I urge you to put this matter to rest with a negative vote as soon as possible.

Joan Willoughby

> Matt -

>

> I wanted to take a minute to express my concerns about the impact of the recently proposed mountain bike trails on the Wildridge neighborhood. Specifically, P1 thru P5 are going to be highly visible from the homes in Wildridge and will denigrate the natural beauty of the surrounding sage laden slopes. I have particular concerns about P4 and P5 which cut right through the neighborhood to connect to the West Avon Preserve. I think the connector here should be on the roads and new climbing lane rather than through our beautiful hillside.

>

> I do fully suport the Metcalf climbing lane which will greatly improve safety on the roads for cyclists and drivers.

>

> Thanks for allowing me the opportunity to express my concerns.

>

> Mike Coleman

Matt - Did you get this email that I sent on July 6? I didn't see it in the PZC package.

I did attend the August 16 PZC meeting and I remain opposed to the new trails. I was thoroughly convinced by the Colorado P&W representative that the proposed Metcalf Gulch trails would have a devastating effect on the wildlife in Wildridge, and potentially Avon in general. It would be horrible to permanently lose the abundance of wildlife that we currently have in Wildridge.

Please make this letter available to the Council members who will be considering the issue at the September Council meeting.

Thanks - and I appreciate all the work you do for the city.

Mike Coleman

For the written record –

Avon Town Council (candidate) Peter Buckley – 100% supports the attached letter and <u>all</u> its Recommendations.

--pete

20 year Wildridge Resident and Property Owner

I completely support the positions stated in the attached later. My daughter lives in Wildridge, and when I visit and stay with her, I am always struck by the views, tranquility, and the amazing number of wild animals that roam through her yard and the surrounding open space. It would be a travesty to scar the landscape and intrude on the homes with a mountain bike trail. There are already other trails, in Avon, Edwards, Beaver Creek Mountain, and from Summit County to Eagle County. Please don't ruin what Wildridge has - the open spaces cannot be replaced if they are taken away. The property owners there are your constituents. Please listen to the overwhelming majority of them who do not want these trails through their backyards.

Terie Roubos

Street Scottsdale, AZ 85262

We agree 100% with the enclosed message from Paula O'Leary and Peter Warren

Jonathan Schwartz, Roberta Schwartz

Dear Avon Council,

Please see attached letter; I am in complete agreement.

As a 21 year resident of Wildridge, I urge you to accept the PZC's recommendation to reject the trail proposal. I agree with all the points covered in the attached letter which was composed after thoughtful input and study from a varied and diverse coalition of Wildridge, Wildwood and Mountain Star residents.

On a personal note, I am a Colorado native, outdoor enthusiast and have been a dedicated cyclist since I was in high school. I ride almost daily and was never at a loss to find challenging and outstanding mtn biking opportunities in the local area. While I appreciate the desire by some for more convenient artificial dirt trails, the destruction of delicate, sweeping, healthy, natural and prominent terrain, an integral part of Wildridge's planned open space tracts outlined in our protective covenants, would be short sighted, disrespectful to the land and unjustifiable on many levels.

The open space tracts create a unique and wild character in our residential neighborhood, providing space and habitat to multiple species of wildlife. New, artificially cut trails will fragment and disturb the delicate habitat and ecosystems that support a wide range of plants and wildlife on many different scales

Thanks,

Doss Malone

As stated in the attachment we are firmly opposed to the trails. We agree with the stated reasons. We also are registered voters and find it hard to believe that the town would even contemplate more trails through residential neighborhoods.

Nancy and Douglas Patton

Doug Patton

#### Avon Town Council Members:

We agree 100% with the statements in the attached document and urge you to vote "NO" on the development of these trails in Wildridge.

Patty Young and Jim Wiley Wildridge Residents

Dear Ms. Mayor and Members of Town Council:

Please see the attached letter from Paula O'Leary and Peter Warren. We heartily agree with it and endorse their views. Please accept your Planning and Zoning Commission's wise decision !!

Jack and Greer Gardner

Avon	
Home:	

## To the Avon Town Council:

We have owned property and paid taxes in Avon since 1992 (24 years), and we have lived here full-time since 2000 (16 years. We decided to live here because of the views and open space, and we have enjoyed the "wild" in Wildridge ever since.

## We oppose the adoption of the proposed Master Trails Plan for the following reasons:

- 1. Your Planning and Zoning Commission voted to eliminate all trails in Metcalf <u>Gulch.</u> Your P&Z, after an extensive public hearing and discussion, found that the "land is not compatible with the proposed development of trails", and "unavoidable natural impacts could not be properly mitigated."
- 2. You should follow the recommendations of the Colorado Department of Parks and <u>Wildlife and abandon all new trails.</u> We are concerned with the impact on wildlife and views that will be created by the proposed trails in Metcalf Gulch. We have enjoyed the peacefulness of Metcalf Gulch all the time we've lived here, and the many trails on the proposed Master Plan, comprising almost 12 miles, will certainly have serious negative impacts. <u>This impact</u> has been verified by the professionals and <u>should be our guide</u>.
- 3. <u>The Town's own Development Code</u> <u>prohibits development on the steep slopes</u> <u>in Metcalf Gulch.</u> Section 7.08 of the Avon Municipal Code defines development to include any grading or clearing of land, or any change or use of property, or any change in the use of land. Section 7.28.100 of the Code prohibits any development on slopes 40% or greater --- <u>Metcalf Gulch</u> <u>contains many slopes that exceed this limit.</u>

- 4. You should protect the natural beauty and the value of our property in Wildridge and vote against all new trail development. The trails will permanently scar the land and erode the natural slopes of Metcalf Gulch. We have been advised by real estate experts that these impacts would lower the value of our property and , therefore, lower the tax base of the Town of Avon.
- 5. You are bound to follow the Protective Covenants for Wildridge. These covenants were designed to assure maintenance of property values and create a pristine residential community. The trails will encourage activities at a level that is inimical to these goals. The Town owns the Wildridge Open Space but is <u>subject to these Covenants just like any other</u> <u>landowner</u>. You are our representatives to observe these Covenants.
- 6. Please do not be misled by the "Viewshed Analysis" prepared by the trails consultant. The so-called "Viewshed Analysis" is grossly inaccurate and seems like pseudo-science. The Analysis purports to show view impact of new trails in precise terms ranging from "most visible" to "least visible." However, our lot, from which the eastern slope of Metcalf Gulch is a principle view, is shown as least visible. And Coyote Ridge, where Metcalf Gulch is a primary view, is shown as having no impact at all! Since the so-called Analysis is seriously flawed, don't base conclusions for future planning on this document.

<u>Thanks for your time and efforts</u>. The Trails Plan should be an asset for all. We are concerned that open space for Wildridge residents who invested in their properties for the open space and natural views is being compromised for the recreational benefit of a minority group.

## PLEASE ----- KEEP THE WILD IN WILDRIDGE !!!!!

Jack and Greer Gardner



Dear Avon Town Council Members,

I am a Wildridge resident at **Example 1** and I agree 100% with the opposition to the Wildridge mountain bike trails as stated in Paula O'Leary and Peter Warren's letter below (and attached). Thank you for your attention and consideration.

Kind regards,

Janet Perdzock

Mayor Fancher and Town Council Members,

We members of your PZC followed the advice of the Colorado Parks & Wildlife Department AND the Eagle Valley Land Trust and recommended no new trail development in the Metcalf drainage. The large resident turnout at our meeting hasn't been seen by us since the public hearings 10 years ago regarding short term rentals in Wildridge. Public sentiment at our public hearing and via letter and email was overwhelmingly opposed to new trail development. I hope you will eliminate all P trails from consideration, including the trail above Nottingham Road, where privacy and erosion are the major concerns.

Many residents also cited **problems in the West Avon Preserve that do deserve your attention.** These include:

1. measure, survey and monitor WAP trails to better know what usage is now in place.

2. better signage & user etiquette need to be in place.

3. trail erosion & expansion require MUCH repair and maintenance.

4. enforcement measures & penalties need to be detailed and increased.

5. parking, trash, traffic and access-across-private-property issues need your attention.

6. eliminating the aggressive WAP trails would make the Preserve more family friendly and better for all users.

My opinion is that the Preserve needs more funding and attention, not new trails.

Please listen to the Wildridge homeowners who are trying to protect their home values, to protect the threatened wildlife and to protect the fragile terrain we live in.

John Minervini, Avon Planning & Zoning Commissioner

To the Avon Town Council,

I am Gary McDavid. My wife Jan and I live at **Example 1** in Wildridge. I would like to highlight some things for your consideration when looking at the issue of mountain bike trails for Wildridge.

#### 1. Metcalf Gulch is a wildlife habitat and sanctuary that must be preserved.

Wildridge is one of Avon's oldest residential communities. It was begun in 1979 at approximately the same time as the Town of Avon was incorporated (1978). It is over 30 years since the Wildridge Subdivision was developed, and in that time as well as the years before, the Metcalf Gulch has been a sanctuary for wild animals of the area. The deer, elk, rabbits, hawks and other wild animals use the water in the Metcalf Gulch and have it as a habitat. Colorado Parks and Wildlife (CPW) strongly recommended against putting bike trails in this area because they will have a detrimental affect on wildlife and be bad for the Town. I hope their expert opinion will be respected. The steep hillsides of the Metcalf Gulch have given wildlife in this area a degree of privacy, but the proposed mountain bike trails would end all that. They say that animals don't vote, well not in elections anyway, but they vote with their feet -- they will leave, and we will all be the worse for it.

#### 2. The proposed bike trails will destroy Wildridge as the Community it is today.

Wildridge was designed to capture a particular part of the Colorado experience. It was planned as a residential community that would preserve the natural landscapes of the area and protect the wild animals who live there. It was appropriately named Wildridge.

Mike Blair, who planned and helped develop Wildridge, told the Planning and Zoning Commission that "in developing the property and selling lots, we emphasized the natural appearance of the land and the wildlife. We thought it was very important to the character and value of the property and we intended to protect it." This focus on natural appearance of the land is contained in the organizational documents for Wildridge.

- The Subdivision plat states: non-developable areas should be physically undisturbed and left in their present natural state except for approved access and utility easements.
- The Protective Covenants say: no one may alter or damage the natural condition of the vegetation or the aesthetic values of the natural environment, unless it is expressly permitted in the Covenants (and the construction of mountain bike trails is not).
- The Protective Covenants say that improvements for utilities cannot cause "permanent disruption or alteration to the surface" of the open spaces.

Why was it important to preserve the natural environment in Wildridge? Because it is the basis on which this community was planned and developed and the reason many of its residents live there today.

Colorado is wonderful in many ways. Some communities have been created to feature golf, swimming and fitness in a mountain environment (Singletree). Others feature golf, skiing and other recreational activities (Arrowhead), or skiing, outdoor activities and entertainment (Beaver Creek). The residents go there looking for those activities. Wildridge is different. It has no golf, no skiing, no restaurants. It is a residential community with natural landscapes and wild animals. Scarring the hillsides, running off the animals, adding more traffic, parking problems, creating trespass issues as bikers go across private property to get access to trails at the top would be devastating for many of us who came here because of the natural environment and assurances in the Protective Covenants that it would remain so.

# 3. <u>The proposed trails will create conflict with residents as bikers go across private</u> property to gain access to trails at the top of the Metcalf Gulch.

My street, Coyote Ridge, is at the top of the Metcalf Gulch. At the end of this street, is a cul-de-sac, which is separated from the proposed trails at the top of Metcalf Gulch by private property. I anticipate that bikers will drive or be driven to Coyote Ridge, access the bike trails across private property and bike down. Similar concerns have been expressed by residents of Mountain Star, who anticipate that bikers will go across private property in that development to gain access to the trails at the top of Metcalf Gulch and bike down. This is a problem with the proposed design of the trails.

#### 4. A way forward.

The Vail Valley Mountain Bike Association wants to make the Vail Valley a Gold Medal Biking Destination, which could draw bikers from across the United States, and beyond. Is it worth destroying the Metcalf Gulch animal sanctuary and one of Avon's oldest residential communities to recognize this interest in mountain biking? I don't think so. This does not have to be a choice between two alternatives – the mountain bikers versus the animals and many residents of Wildridge. I suggest that it may be possible to have both.

This started with the Town Council asking for an update on the Recreational Master Trails Plan and earmarking \$100,000 for new trails. The Town hired a consultant who produced a possible plan. The Wildridge portion of this plan was rejected by the Planning and Zoning Commission, but this does not mean that there could not be a different and better plan that would work. The bike trails just need to be placed elsewhere.

Avon is looking at its long-term plan. This does not need to be done tomorrow. We know of one project currently in development, The Village at Avon, to be developed on the north side of I-70 from Traer Creek. Michael Lindholm is involved in this development and he attended 1-2 meetings of the Trails Planning Committee. I understand that he told the Trails

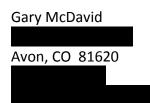
Committee that they were not ready to entertain any trails planning until they accomplished more of their own planning. So this might be a possibility for new trails as part of long-term planning, but if not, it still might suggest a way forward. If the bike trails are considered when a community is being planned, the effect on wildlife can be understood and taken into consideration as part of the planning process. Trail heads could be built in as part of the project (no trespassing to get to the trails), and bike trails constructed for different levels of bikers (not just experts). Traffic and parking could be provided for and the residents would come to the community welcoming the bike trails and probably hiking trails to go along with them (or they would go somewhere else).

All this can better be done when residential communities are formed. Trying to remake one of Avon's oldest residential communities and damaging the wild animal sanctuary in the Metcalf Gulch is a bad idea. Relocating the bike trails in a way that produces a better result for the bikers, the Town, the residents of the new community being formed, and the wild animal preserve in the Metcalf Gulch is a win-win-win-win solution.

Thank you for considering my views.

Sincerely,

Gary



Members of the Avon Town Council,

We are Mountain Star residents and whole-heartedly support all of the arguments made in the attached letter <u>opposing</u> the building of the new Avon Recreational Trails referred to as P1, P2, P3, P4, P6, and P7. As you may know,

- both the Planning & Zoning Commission and Colorado Parks & Wildlife have recommended AGAINST building these trails
- the Board of the Mountain Star Homeowners Association has submitted a letter on behalf of the 90 homes in our community opposing the building of these trails
- there were 2.5x more letters opposing the trails submitted prior to the PZC meeting than ones in favor

We believe the reason for this strong negative reaction is that we cannot think of anything that the Town of Avon could do to us that is more offensive and disappointing than using our tax dollars to actually decrease the value of our property. Your own Development Code's Purpose statement explicitly obligates you to "protect the environment and...conserve the value of the value of the investments of the people of the Avon community."

We urge you to listen to your constituents, taxpayers and voters who cherish the special nature of our community and please vote to <u>reject the proposed new Avon Recreational Trails P1, P2, P3, P4, P6, and P7.</u>

We would appreciate it if Ms. Hoppe would acknowledge receipt of this email and confirm that it will be part of the record for the Town Council meeting on September 13th. We also plan to attend the Town Council meeting to express our opposition in person.

Thank you for considering our objections.

Judy and Peter Copses

I have sent the following to the Avon Town Council.

If you have comments and concerns, they need to be in the hands of council by the end of the day on Wednesday. The meeting is Tuesday, Sept 13th. We need people there. Rumors are that the bikers are mobilizing. We need to be ahead of them.

<u>mburch@avon.org</u>, Jennie Fancher <<u>jfancher@avon.org</u>>, <u>mgennett@avon.org</u>, <u>sprince@avon.org</u>, <u>breynolds@avon.org</u>, <u>shymes@avon.org</u>, <u>jwolf@avon.org</u>, Debbie Hoppe <<u>dhoppe@avon.org</u>>

Town Council,

I have been very dismayed at the fact that the Town of Avon is even considering the construction of the mountain bike trails through the Wildridge residential neighborhood.

During all the time I have worked in opposition to the trails I continue to have one question, just one question, but first, consider the following.

People purchased homes here because of the views and the open space between the homes. Those views and open space will be lost forever and the damage cannot be undone.

• Risk: People will be less inclined to purchase homes in Wildridge and that will cause a loss of the taxes associated with those sales.

Trail construction will cause physical damage that can result in erosion that would block the only road in and out of Wildridge.

• Risk: Safety of Wildridge residents would be jeopardized by more mud slides, similar to what has already occurred across local roads, prohibiting travel in and out of Wildridge.

The trails will produce a change in the view with jeep like roads across the landscape. Erosion on the trails will make those views even worse in the future.

• Risk: Forever ruining the views that Wildridge residents have enjoyed for almost 40 years.

The Colorado Parks and Wildlife have stated in their report that wildlife will be harmed by the development of these trails and they recommend that the trails not be built.

• Risk: The wildlife will leave and will no longer be part of the character of Wildridge that the residents enjoy.

The mountain biking community has said they WANT more bike trails, but with 400+ miles of named bike trails in Eagle County, bikers have never demonstrated any real NEED, especially a need in a residential area.

• Risk: Spending a large amount of tax dollars to develop trails even though you have never done a study to show the need for those trails, how much they will be used, or what the return on that investment would be.

Many communities look to the economic benefit of local amenities. No one has produced a study on the economic impact to the overall community.

• Risk: Spending huge sums of money on construction, maintenance, and enforcement, with no estimate of the return in taxes or business for the community the trails might create.

World class amenities will draw world class events like the Birds of Prey Races run by a nonprofit. Those kinds of events can have hundreds of spectators along with an army of concessionaires, vendors, porta potties, organizers, emergency, and medical services. All of that would be in the Wildridge neighborhood!

• Risk: There may be a significant impact to the residents, the town, the environment, and to the wildlife of Wildridge, should such events be approved.

The people who purchased homes in Wildridge did not intend to purchase homes in a mountain bike community. If the trails are constructed, it is possible that others would not want to purchase homes here after becoming aware of all the impacts those trails have created.

• Risk: Property values in Wildridge may decrease and all the taxes associated with that property may go down. Residents will fail to see an increase in the value of the investments in their homes.

There is discussion of closing constructed trails at certain times of the year to protect the trails in the mud season and protect the wildlife.

• Risk: Without funding and an enforcement plan, there will be damage to properties, damage to the trails that cannot be controlled, and an impact on wildlife will occur.

Mountain bikers crash on their bikes. Vail Mountain and Beaver Creek have a summer equivalent to ski patrol that are trained and have the equipment to deal with bike injuries.

• Risk: Injuries will occur and without a patrol, a rescue plan in place, or the appropriate funding, the town may develop liability issues, which may impact taxpayers as well as the town image.

The covenants for Wildridge and many of the town's planning documents prohibit the construction of bike trails in the open space.

• Risk: Wildridge and Mountain Star residents may initiate expensive legal action against the town for violating those documents. That may also impact the town image.

Emailed comments to the Planning and Zoning Commission that supported the trails have no support from any studies. They tend to be we want, like, enjoy, use, are excited, and support more trails. Many have a dislike for nimby attitudes of the people who live in Wildridge. Many of the supporters are not residents or owners in Wildridge. Many of the supporters are members of the Vail Valley Mountain Bike Association.

• Risk: Individuals that have no involvement or "ownership" in the Wildridge community will be the ones who pressure the town to construct more trails, trailheads, and toilets. They will also encourage biking events. They will have little concern for the residents of Wildridge.

The residents of any community expect their government to protect and serve them, to develop what they want in their community. You will not even allow the Wildridge residents a vote on this plan. Instead outside groups seem to have a greater impact than the residents do.

• Risk: The residents of Wildridge will lose trust in their elected officials and in their government when the Town Council fails to do the right thing for the residents who pay the taxes.

What is my question?

What is the benefit that the Town Council thinks they have to gain for the community of Wildridge or even the Town of Avon that has enough impact to overcome the thirteen risks I have listed!

Name one thing and substantiate it!

Rick

Rick Spitzer Spitzer Photography PO Box Avon, CO 81620-7443 Once again I am in complete agreement with Mr. Spitzer. It seems totally unreasonable and contrary to public good to continue consideration of this plan.

As Mr. Spitzer has asked, "What is the benefit that the Town Council thinks they have to gain for the community of Wildridge or even the Town of Avon that has enough impact to overcome the thirteen risks I have listed!"

Make each day a great day,

Mike

MICHAEL NEFF PRESIDENT, MICHAEL NEFF AGENCY, INC PO BOX AVON, CO 81620-3289 (T)

#### Avon Town Council:

You have received numerous inputs regarding proposed bike trails P1 through P7 and their visual impact on anyone driving in Wildridge and their negative impact on all wildlife in the Metcalf drainage. I agree that the trails should not be built due to these negative impacts. I want to address the financial considerations regarding the trails.

In 2006, a whitewater park was developed below Bob the Bridge. Bob, Sr, Bob, Jr, and Baby Bob were created to provide a world class whitewater park. In 2008, the city council created a marketing campaign to encourage the use of the park. Magazine ads were runs for multiple months and the park was to be highlighted in a website (eddyflower.com). This website does not exist today. These efforts have been unsuccessful and the whitewater park does not have any significant use today.

In 2015, the Nottingham Pavilion was completed at a cost of \$3.5 million. The projected cost was \$1.9 million. As of last week, the town was starting a major effort to increase the use of the pavilion since events have been cancelled or not scheduled. The investment is not creating any financial return to the town.

In the past two years, the town has spent significant funds to create the Main Street Mall. This mall seldom has pedestrians and has a very few events during the year.

In 2016, the Skier Building was purchased in spite of a referendum that the voters approved to not buy the building. At this time, there is no activity at the building and no significant construction to make it usable.

In 2014, the West Avon Preserve bike trails were created and dedicated. I have asked at three recent town meetings if any statistics are available regarding the use of those trails. Apparently, this data has not been generated. The trails do not appear to be overused. In fact, on most days there are very few or no riders on the trails. There does not seem to be a need for any additional trails in Avon.

Before, a commitment is made to spend additional town funds on mountain bike trails that have not been proven to be necessary, I would like the town to make use of and complete all of the above projects. You do not have unlimited funds to keep experimenting to see if we can increase activity in the town

Regards, Chuck Bunting

Home: Cell: I am a tax payer and fulltime resident of the Wildridge Community. I oppose the building of mountain biking trails in the Metcalf Drainage and through my residential community. I agree with the attached letter from Paula O'Leary and Peter Warren dated September 1 offering 8 Reasons why these trails should not be built.

Jim Yager

<<....>>

We would like to provide a perspective on the economics of mountain biking trails as this is one of the justifications the trails advocates have been using in their efforts to obtain support for the proposal to build trails within the Wildridge sub-division.

The "P" designated trails will be used predominantly by mountain bikers. Most hikers/walking users of the West Avon Preserve have indicated they will not utilize these "P" trails, thus the practical use will be mountain biking.

So let's look at the costs and potential payback:

Approximate capital costs:

-	P1-P7 Construction (all from Master Plan plus P7 estimates) Metcalf Trail Head (from Plan)	\$417K \$ 90K		
Total Capital		\$507K		
-	Annual Cost Amortized over 5 years	\$101.4K		
Approximate annual expenses:				
-	Maintenance (from Plan)	\$ 21.6K		
-	Code officer (loaded head count estimate)	\$ 75K		
-	Vehicle and trail head annual estimate	\$ 20K		
-	Annual Operating Expense	\$116.6K		
Total annual expense for each of the first 5 years		\$218K		

We believe these cost estimates are conservative and may be exceeded if these trails plans are implemented.

So – how much revenue do the Town of Avon (and its tax payers) need to realize in order to cover the annual expense incurred by the construction and operating costs associated with these incremental (aka not the WAP trails) trails?

This is fairly straight-forward math exclusive of Net Present value, etc.:

Costs/Tax Rate = Necessary Annual Revenue

\$218K/.04 = \$5.45Million

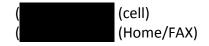
We would like to see the business plan that illustrates how mountain biking activity will generate an incremental \$5M + in business revenue, within the Town, through a user period of approximately 5 months (June through October). Please note that this is just the simple

analysis of **incremental** trail development ROI. Perhaps a similar analysis should be considered for what the ToA already spends on the West Avon Preserve trails.

In the absence of a plan that can illustrate this magnitude of economic stimulation and growth, we fail to see the economic justification for building these proposed trails. We know there are many other reasons why this project should not proceed.

As an alternative for Council to consider, how about exploring other project options that might improve public safety and provide a benefit for a larger number of your constituents? You might start with investigating and potentially helping fund a project to reduce or eliminate future mud slides from the north side of the residences on Nottingham Road. This summer's event caused not only a traffic inconvenience but also might have resulted in serious damage to residences and/or businesses had there been a major structure or wild fire to the west and/or north of the road closure. We are not convinced that simply cleaning/enhancing the current drainage ditches will be a satisfactory solution.

Thank you for considering our perspective and one shared by many of your constituents.



Dear Town of Avon Council Members:

We purchased property in Wildridge in 2002 for the tranquility, protected open spaces, plentiful wildlife and killer views. This is how Wildridge was billed and has continually been marketed – a key differentiator vs. surrounding neighborhoods. Overlaying a World Class Mountain Bike Amusement Park at this point in time is inconsistent with the residential nature of our community and represents an unwarranted change in the quality of this neighborhood. If the proposed mountain bike trails had been in place when we were searching for a home, we would not have purchased property in Wildridge.

We are opposed to the proposed trails P1, P2, P3, P4, P6 and P7 for the following reasons:

- **Concern about impact on wildlife**: Colorado Parks & Wildlife has weighed-in. Their recommendations are clear (No trails: P1, P2, P3, P4, P7) based on scientifically-based studies that are relevant to Wildridge and assembled by experts who have lived and worked in this Valley for decades. We concur with these recommendations.
- The Planning and Zoning Commission agreed and voted to modify the master plan to exclude trails P1-7. We concur with these recommendations.
- **Concern about erosion issues**: The recent Nottingham Road wash-out has demonstrated what Mother Nature can do. No wonder Nottingham Road Residents are concerned about P6. Trails built in the Metcalf Drainage (P1, P2, P3, P7) could lead to a massive erosion event that could block the only road in and out of Wildridge and propel more mud, rocks and debris down Metcalf Rd. to Nottingham Rd.
- **Our Protective Covenants** prohibit this type of development in Wildridge openspace tracts. Section 1.9 says: "No acts are permitted that may deface, alter, destroy or damage the natural condition of the vegetation or the aesthetic values of the natural environmental quality of the tract". The town of Avon should abide by these covenants.
- The **Avon town code section 7.28.100 addresses steep slopes** and prohibits development on slopes greater than 40%. Many of the proposed intermediate and expert trails are on steep slopes ranging from 40-60%. The town of Avon should follow its own code.
- **High costs** with no solid economic justification for assets that are utilized a fraction of the calendar year.
  - a. With more trails come more costs trail head engineering, excavation, trail surfacing, bathroom facilities, ongoing maintenance, larger area for enforcement personnel, and likely requests to build a bridge or tunnel access from town to Nottingham road. What will be next?
  - b. Would the residents and tax payers be better served if the town invested in providing additional public safety and expanded recreational options that benefit a broader range of residents?
- Availability of trails throughout the valley.
  - a. We have the West Avon Preserve in our neighborhood but there are concerns about rules/regulations, noise and parking issues as well as code enforcement. These issues need to be addressed to protect the WAP asset.
  - Already, bikers have access to the Forest Service high altitude trails via alternate routes June Creek to Red and White. Right up the hill from Avon town center we have Beaver Creek Mountain resort. Let's support their continued efforts to attract mountain bike enthusiasts to the valley.

And finally, as Town of Avon representatives, we hope that you will carefully weigh all data - from wildlife experts, the protective covenants, the town codes and constructive input from the tax-paying residents of Avon. Mountain bike enthusiasts, many of whom are not tax-paying residents of Avon, should not have the power to forever negatively impact the open space of Wildridge.

Thank you for listening.

Pam and Peter Warren

Avon, Co

My name is Linda Spooner I live at **Constant Sector**. I am currently out of town and cannot make the meeting on the 13th. I have lived in Wildridge for 15 years. I would like for you to know I am opposed to the biker trail proposal. My neighbors Rick Spitzer and Doug Werner will be attending the meeting I agree with their points of view. I can be contacted at this email address. Thank you Linda s Spooner.

Sent from my iPad

RE: Richard Spitzer's September 4, 2016 email showing bike trail visual impacts

I am very concerned about the visual impacts of the proposed P1-P7 bike trails in Nottingham drainage and Wildridge. I understand that the trails will be constructed by volunteers who may not properly and consistently construct trails in the rough, steep environment. The risk is that the trails can become even wider and with even greater visual and environmental impact than as designed. For example, based on my hiking experience (I am a trip leader and instructor with the Colorado Mountain Club) making a small error in drainage, back filling, or compaction, causes rain or snow melt to form pools in parts of the trail, many people prefer to ride around the water and thereby make the trail even wider. This effect is clearly visible in the West Avon Preserve. Providing additional supervision and engineering support may reduce these risks, but will increase the financial cost to the town of Avon. Maintenance and supervision are also additional expenses; water bars require periodic repair-especially when subjected to the impact and wear of mountain bikes. Not only will these trails be visible from Wildridge, Wildwood, and Mountain Star but they may be visible from Avon and even Beaver Creek. This could reduce the visual quality for visitors at our greatest attraction-Beaver Creek. I understand that the town of Avon has rejected some previous proposed real estate development in the Wildridge area because of concerns about its visual impact when viewed from the town and Beaver Creek.

In summary, I am concerned that the proposed trails present significant visual impact and financial risks to the town of Avon.

Therefore, I urge you to VOTE NO ON THE P1-P7 TRAILS IN NOTTINGHAM DRAINAGE AND WILDRIDGE.

Full time resident, Douglas Werner From: Jen Austin Sent: Thursday, June 30, 2016 12:33 PM To: Matt Pielsticker Subject: Wildlife comment regarding trail expansion in the Wildridge area

Mr. Pielsticker,

I'm writing as a resident of Wildridge, and recently learned of proposed additional trails near 'the point.' If you're planning to do additional trail work near the 'my backyard' trail area, there are singing Brewer's sparrows in the dense sage patches there.

The Brewer's sparrow is a White River National Forest sensitive species, and they are considered in decline range-wide due to loss of sagebrush habitat (they rely on sagebrush for nesting habitat). Further fragmentation and removal could likely prevent them from re-nesting in the area.

If sagebrush will be cleared for a trail regardless, please consider a timing restriction during nesting season so as to not affect their short-term nesting success. The Forest timing restriction, which prohibits activities that may disturb Brewer's sparrows, is from April 1st - July 31st, although an extension to mid-August would be preferred.

Thank you for your time. I can be reached via cell if you have any questions. I can also do surveys of specific locations of BRSP, weather permitting, though they should be singing less and less as they're further along in the nesting season.

Sincerely,

Jennifer Austin

Exhibit C

#### **Debbie Hoppe**

From: Sent: To: Subject: Mark Stephens Tuesday, June 14, 2016 3:47 PM Debbie Hoppe bike trails suggestion

Hello Diane,

I live in the Moonridge area, west of Singletree, and enjoy our many bike trails north of the Interstate.

I was pleased to find the Carol's connector addition to the Avon connector trails as an alternative to the climb up to the power lines, while commuting east-west between Singletree and Avon; the more direct, easier route this represents is a nice break from all the climbing, esp. for a commute (instead of a "workout").

I suggest Avon consider a similar "shortcut" on the west side of the Avon connector, for those of us wishing just to enjoy a ride through, rather than a grueling, very technical ride in that area. Such an alternative will enhance the riding in that area, drawing more beginner/intermediate/family riders to a treasure trove of trails.

Sincerely,

#### Initial Assessment Report:

#### I. Introduction:

The Eagle Valley Land Trust (EVLT) appreciates the partnership and collaboration with the Town of Avon (Town) and the community at large to protect the West Avon Preserve. The Preserve is a fantastic natural and recreational asset for the community. This initial assessment report has been produced under the direction of the EVLT Stewardship and Projects Committee, EVLT legal counsel and EVLT staff.

#### II. Purpose and Scope:

The Town, in its June 2016 draft Trails Master Plan Update (Plan) has publicly proposed new trails for the West Avon Preserve and East Avon Preserve (aka the Village Parcel) thereby compelling this initial rapid assessment of the proposal by EVLT. EVLT has performed detailed records research and the issuance of this initial report, to help the community understand the constraints and opportunities for such trails during the master plan approval process. This report addresses proposed trails on the West Avon Preserve, which is currently under conservation easement (CE), and East Avon Preserve, which is intended to be under CE as part of the Eagle Valley Land Exchange (Exchange).

#### III. Summary:

The West Avon Preserve has restrictions that limit the ability of new trails to be created and a decision to approve additional trails needs careful consideration, and might not be possible. <u>The trail marked P8 in the Plan has not been approved</u>. However, opportunities exist for such additional trails so long as at least a balance of conservation values enumerated in the CE can be easily demonstrated to EVLT's sole satisfaction.

Approval of the trails proposed for the East Avon Preserve should be obtained from the Forest Supervisor of the White River National Forest, otherwise the East Avon Preserve should be placed under CE, as stated in the Decision Notice for the Exchange, prior to consideration of any proposed trails.

#### **Historic Context Review:**

Members of the community may not know that these parcels were formerly owned by the United States Forest Service (USFS). The USFS required in the 2013 transfer of the properties that the Town of Avon convey CEs to EVLT to protect wildlife habitat and range (see findings below).

To be clear, these properties could not have been transferred to the town's ownership without the town committing to place them under CEs protecting wildlife habitat.

Further, and also in return for placing a CE on the property, the County open space fund assisted the town with the \$5 million acquisition price. As a result, the acquisition of these parcels cost the town only \$1 million.

In return for being able to acquire these properties at a greatly reduced price, the Town accepted these properties subject to CEs.

A CE is designed to protect all the conservation values of the property for the benefit of the community forever. A CE was granted to EVLT on the West Avon Preserve at the closing of the Exchange in May 2013. A CE for the East Avon Preserve is pending affordable housing development plans being finalized for a 5-acre portion of the parcel to be identified in the future.

In the case of the West Avon Preserve, the conservation values identified in the CE are wildlife habitat, open space (scenic values) and public recreation.

In 2014, EVLT was asked to approve several new trails on the West Avon Preserve. Through an extensive public process and a solid proposal from the town, EVLT found the proposal acceptable. While not a written outcome of that process, it should not be a surprise to anyone involved with that process that the assessment was not an easy one and that it is not likely that further trails on the West Avon Preserve would be approved without significant actions to mitigate damage and improve the other conservation values.

#### IV. Findings:

As a result of this background and the current status of the East Avon Preserve, an analysis of all the documents relevant to the Exchange is necessary. The Exchange involves several documents including an Exchange Agreement, an Environmental Assessment and a Decision Notice. All of these documents detail the requirement of CEs to be placed on the properties to protect and maintain wildlife habitat. Relevant excerpts of the documents are summarized below:

#### Exchange Agreement

As described in the Exchange Agreement dated November 2012, "<u>Consistent with the</u> <u>assumptions applied in the environmental analysis process as disclosed in the Eagle Valley Land</u> <u>Exchange Environmental Assessment dated November 6, 2012, conservation easements will be</u> <u>conveyed</u> to the Eagle Valley Land Trust for all or portions of the following parcels subsequent to the Exchange closing" (pg. 14).

• West Avon (Town of Avon to EVLT immediately following conveyance of Federal parcel to Town of Avon.)

• Village (Town of Avon to EVLT upon designation of road alignment in accordance with an intergovernmental agreement between the Town of Avon and Eagle County.)

#### Eagle Valley Land Exchange Environmental Assessment

As stated in the Environmental Assessment, placing the two parcels in question under CE was necessary to deal with key issues identified as barriers to the transfer of the parcels to the town of Avon, in particular:

Issue #1 - The proposed exchange could have a negative effect on Threatened, Endangered or Sensitive plant species. (pg. 8)

Issue #3 - The proposed land exchange could have negative effects on American elk and mule deer winter range, and to greater sage-grouse habitat. (pg. 9)

### Actions Considered by USFS:

West Avon - "The land is proposed to be protected by a conservation easement following conveyance." (pg. 14) East Avon Preserve - "All but approximately 5 acres of this parcel would be protected by a conservation easement." (pg. 15)

The following is stated in the Environmental Assessment regarding protection of Threatened, Endangered or Sensitive plant species and compliance with USFS Plan Standards and Guidelines:

"Mitigation in the form of conservation easements are proposed for parcels with *Penstemon* 

*harringtonii* habitat where those habitats would be released out of federal jurisdiction, and because the conservation easement would promote the protection of this habitat, this proposed land exchange would be in compliance with Forest Plan Standards and Guidelines for sensitive species habitat." (pg. 25)

"...the following mitigating actions are noted here as for land owners to consider to minimize impacts to Proposed, Threatened, and Endangered Species and Sensitive Species, especially *Penstemon harringtonii*.

- 1. Prior to developing a conservation easement for the Cordillera parcel conduct an in depth survey and identity all Penstemon harringtonii plants and habitat.
- 2. Restrict activities to avoid disturbing sensitive, proposed, threatened, or endangered species during time critical to survival." (pg. 25)

The following is stated in Environmental Assessment regarding protection of American elk and mule deer winter range, and to greater sage-grouse habitat and compliance with USFS Plan Standards and Guidelines:

"Conservation easements could conserve a portion of sagebrush, and could minimize impact to greater sage-grouse and its winter and historic habitat." (pg. 36)

"This proposed land exchange would be in compliance with Forest Plan Standards and Guidelines for American elk and mule deer winter range because conservation easements are proposed for the larger parcels containing winter range." (pg. 39)

"...the following mitigating actions are noted here as for land owners to consider for minimizing impacts to greater sage-grouse:

1. Develop conservation easements that promote ecological characteristics for the conservation of greater sage-grouse and their habitats as described in the 2002 Forest Plan Forest-wide Standards and Guidelines

...and the following mitigating actions are recommended to minimize impacts to mule deer during winter.

- 1. Develop conservation easements that provide adequate amounts of quality forage, cover and solitude for deer and elk to effectively use winter range habitat in average winters
- 2. Restrict disturbance to mule deer on winter range from December 1st to April 14th"(pg. 39)

The following is stated in the Environmental Assessment regarding overall effect of the Exchange on public benefit:

"It is proposed that the important natural resource values of the West Avon, Cordillera, Highway, and FS Village parcels could be protected with conservation easements to Eagle Valley Land Trust following acquisitions of the parcels from the SLB." (pg. 46)

"The remainder of the FS Village parcel and the entire West Avon parcel are proposed to be managed by the Town of Avon as public open space with a conservation easement." (pg. 46)

The following is stated in the Eagle Valley Land Exchange Environmental Assessment regarding the significance of the overall impacts of the proposed Exchange:

"(7) Cumulative impacts – This combination of past, present and foreseeable future actions when combined with the proposed land exchange, and the proposed adoption of land conservation easements and/or conservation efforts by the municipalities, may

have effects on some individuals of wildlife species at a minor spatial scale and magnitude." (pg. 49)

#### Decision Memo

In the Decision Memo, the Forest Supervisor of the White River National Forest, Scott Fitzwilliams, concludes that the Exchange may move forward and will not create a significant impact in large part due to the CEs that will be required to maintain vegetative habitat and generally to protect wildlife habitat and range on these properties.

Specifically, he acknowledges that prior disturbance exists on the West Avon Preserve due to existing trails and use but doesn't clarify that further degradation is acceptable. (pg. 10)

The supervisor also makes the following observations and conclusion: "One concern in this case is the loss of deer and elk winter range associated with the release of federal parcels. Conveyance of winter range will indeed result in the loss of deer and elk habitat from Federal ownership....I am confident that the conservation easement to be placed on the properties of concern will protect these values to at least the standard that currently exists." (pg. 10)

Finally, with regard to the East Avon Preserve, the Supervisor states: "This conservation easement will include provisions to maintain and protect the natural vegetation that provides habitat to wildlife." (pg. 9)

These statements may be read to create a higher standard for protection of vegetation and for allowing or offsetting impacts of trails on the East Avon Preserve as compared to the West Avon Preserve.

#### Conservation Easement for the West Avon Preserve

A CE is a legally binding contract that forever protects all the qualities of open space properties for all generations to enjoy. It is therefore an inherently restrictive document and the ability to approve human disturbance is constrained. The conservation values identified in Recital C of the CE for the West Avon Preserve are relatively natural habitat, open space (scenic values) and public recreation. As this section speaks for itself, it is copied here in their entirety:

The Conservation Values of the Property are as follows:

1. Relatively Natural Habitat [Treas. Regs. § 1.170A-14(d)(3)]. The Property features sagebrush shrublands and shrubsteppe, pinyon-juniper woodlands, small aspen stands, and montane riparian areas at an average elevation of 7,800 feet in the Eagle River watershed. June Creek, a perennial stream, flows through the northwest part of the Property, and an unnamed seasonal stream crosses through the west-central part of the Property. The Property provides food, shelter, breeding ground, and migration corridors for a variety of wildlife species,

including migratory songbirds, raptors, small mammals, and big game. The Property provides summer and winter range for mule deer and elk, overall range for mountain lion, and lies within a summer concentration area for black bear. The habitat on the Property is significant because it is habitat or potential habitat for a number of significant species including, winter range and winter foraging range for the bald eagle (State Species of Concern), wintering habitat for the greater sage grouse (Candidate for listing under the U.S. Endangered Species Act), suitable breeding habitat for the northern leopard frog (State Species of Concern) and the presence of the Harrington penstemon is documented on the Property (a rare endemic plant recognized by the Colorado Natural Heritage Program as vulnerable).

- 2. Open Space [Treas. Regs. § 1.170A-14(d)(4)]. The Property qualifies as open space because it is being preserved for the scenic enjoyment of the general public, pursuant to clearly delineated federal, state or local governmental conservation policies (set forth in Recitals D and E below), and the Property's preservation will yield a significant public benefit.
  - (i) <u>Scenic enjoyment</u>. The Property features a mosaic of natural vegetation communities across dramatic topography which adds to the scenic character of the local rural landscape in which it lies, contains a harmonious variety of shapes and textures, and provides a degree of openness, contrast and variety to the overall landscape. A large portion of the Property is visible to the general public traveling along Interstate 70 which is open to and actively utilized by residents of Eagle County and the State of Colorado and visitors from across the United States and around the world. The Property is also visible from U.S. Highway 6, Metcalf Road, Nottingham Road, and many other public roads around Eagle Valley, all of which are open to and actively utilized by residents of and visitors to the Town of Avon, Eagle County and the State of Colorado.
  - (ii) <u>Significant public benefit</u>. There is a foreseeable trend of intense development in the vicinity of the Property in the near future, including but not limited to the Town of Avon, Eagle-Vail, Edwards and Singletree. There is a strong likelihood that development of the Property would lead to or contribute to degradation of the scenic and natural character of the area, additional congestion, and loss of open space which serves as a community separator. Preservation of the Property will continue to provide an opportunity for the general public to appreciate its scenic values.

It should also be noted that the terms of the Easement do not permit a degree of intrusion or future development that would interfere with the essential scenic quality of the land.

**3.** Recreation or Education [Treas. Regs. § 1.170A-14(d)(2)]. The Property is intended to be used for passive public recreation and education including, but not limited to, public trails and a parking area. The Property includes a trail system which is interconnected with the surrounding area.

These Conservation Values are of great importance to Grantor, Grantee, the residents of Eagle County, and the State of Colorado. It should also be noted that the terms of the Easement do not permit a degree of intrusion or future development that would interfere with the Conservation Values.

The purpose of the CE is stated in Paragraph 1 and includes the following language that limits the ability of the land trust to approve uses that have negative impacts on other conservation values:

"The Parties intend to permit acts on and uses of the Property that are consistent with the Purpose, and that are not expressly prohibited by this Easement and to restrict or prohibit acts on and uses of the Property that are not consistent with the Purpose. In this Easement, "consistent with the Purpose" shall mean acts on and uses of the Property that have <u>a positive impact</u>, neutral impact, or no impact on the Conservation Values as determined by Grantee in its discretion..."

With respect to recreational trails, the CE specifically established that extent of the existing trails at the time of closing was acceptable. It also established that any new trails would require EVLT approval. As a CE is an inherently restrictive document, such new trials might not be appropriate to approve. Paragraph 5.k sets forth the use of trails on the property:

"Recreational Trails. Use of the Property for the recreational purposes set forth in Section 6.e. of this Easement is limited to: the existing trails depicted on Exhibit B ("Existing Trails"); a paved recreation trail with a maximum finished surface width of ten (10) feet as depicted on Resolution No. 11-12 including the right to complete necessary surveys and soils tests, determine the final trail alignment, utilize reasonable and necessary temporary construction areas adjacent to the trail alignment, and install necessary retaining walls, drainage improvements and related appurtenances of such paved trail; and, other new trails approved as part of the Management Plan or otherwise approved by Grantee pursuant to Section 17 (Grantor's Notice) and 18 (Grantee's Approval) of this Easement ("New Trails"). The Management Plan shall set forth general guidelines for the use and maintenance of the Existing Trails and any New Trails. The surface of the Existing Trails and any New Trails (not including the maximum ten (10) foot wide paved trail) shall be dirt, gravel, rock, or other natural surface and the width of any Existing Trails or New Trails (not including the maximum ten (10) foot wide paved trail) shall not exceed six (6) feet unless the surface, width or other characteristic of the trail is stated in the Management Plan, in which case the Management Plan shall control. Grantor reserves the right to make improvements to Existing Trails or New

Trails as may be required under the law to comply with the Americans with Disabilities Act ("**ADA**") in accordance with the Management Plan."

#### V. Conclusions:

The community values the frequent deer, eagle, mountain bluebirds, and wildflowers found on the property as well as the recreational benefits of the property.

With respect to these parcels, we as a community have a legal responsibility err on the side of caution, when proposed uses impact wildlife habitat, to protect relatively natural habitat as stated in the Eagle Valley Land Exchange documents for West Avon Preserve and East Avon Preserve. In this case, the proposed trails may impact wildlife habitat by introducing the presence of humans (and their pets) into otherwise large, undisturbed, "safe" areas that wildlife need to thrive.

EVLT requests that the maps and tables in the adopted Plan contain notes that clarify the restrictions under which the town has taken title to the properties to prevent false understanding about the ease with which trails can be approved and ultimately built.

#### West Avon Preserve

Opportunities exist for such additional trails so long as at least an appropriate balance of the conservation values enumerated in the CE can be clearly demonstrated to EVLT's sole satisfaction. However, the trail marked P8 in the Plan is not currently approved.

While recreation, wildlife habitat and open space are not an uncommon set of conservation values for a CE to identify, land owners and land trusts have a responsibility to err on the side of caution when proposed uses impact any of the conservation values. Often, as in the case here, overall impact is difficult to measure because recreation automatically impacts negatively the wildlife habitat and scenic characteristics of the property.

If the town wishes to move forward with the trail, the next phase of assessment would be for a certified wildlife biologist to conduct field work to help clarify impacts to the conservation values and suggest mitigation measures. Ultimately, if the trail is to be approved, the benefits of the additional recreation and associated wildlife habitat mitigation must clearly offset the impacts to wildlife habitat and scenic open space values. This may be difficult to achieve in light of the cumulative impacts to habitat already caused by the trails approved in 2014.

#### East Avon Preserve

Approval of the trails proposed for the East Avon Preserve should be obtained from the Forest Supervisor of the White River National Forest, otherwise the East Avon Preserve should be placed under CE, as stated in the Decision Notice for Eagle Valley Land Exchange, prior to consideration of any proposed trails. Prepared by Jim Daus, Executive Director, and Jessica Foulis, Stewardship Manager under direction of the Stewardship and Projects Committee of the Eagle Valley Land Trust

# HEIL LAW & PLANNING, LLC MEMORANDUM

TO:	Honorable Mayor Fancher and Town Council members
FROM:	Eric J. Heil, Town Attorney
RE:	Proposed Mountain Bike Trails and Wildridge Protective Covenants
DATE:	September 7, 2016

**SUMMARY:** The Town of Avon has commenced a multi-use trail planning effort for certain Town owned parcels in and adjacent to the Wildridge subdivision. A legal question has been raised as to whether the Town of Avon may construct multi-use trails on Openspace Tracts in the Wildridge subdivision. The Openspace Tracts were created by the Wildridge Subdivision plat in 1981, were conveyed to the Town by the Wildridge Development Company in 1988, and are subject to the Wildridge Protective Covenants ("**Covenants**"). Certain legal issues are raised in a letter from Tracy L. Kinsella, of Garfield & Hecht, P.C., dated August 12, 2016, on behalf of residents who are not identified in the letter. This memorandum responds to some specific legal issues raised in Ms. Kinsella's letter.

**LEGAL OPINION:** The Town of Avon is the owner of Tracts K and L. As a property owner, the Town of Avon is subject to the Covenants. The Covenants expressly allow hikers, pedestrians, skiers and bicyclists to travel on Openspace Tracts, "provided that the surface of the Tract is not unreasonably damaged by said activities." There is no guidance or criteria in the Covenants to determine or evaluate whether construction of bicycle trails "unreasonably" damages the surface of an Openspace Tracts. The construction of single tract, soft-surface multi-use trails by the Town of Avon on Openspace Tracts is not prohibited by the Covenants provided that Avon uses generally accepted practices for the design and construction of multi-use trails. I understand that the Town has conducted a slope study to determine trail alignments in order to minimize surface disturbance during construction. The construction of a well-designed trail is a method of minimizing damage that may be caused by hiking, pedestrian, skiers and bicyclists.

**BACKGROUND:** The proposed trails P1, P2, P3, P4 and P7 are located on Tract K and Tract L of the Wildridge subdivision. Page 1, Final Subdivision Plat of Wildridge, <u>Land Use</u>: designates Tracts K and L as "Open Space/Drainage/Access". The lower left corner of plat has a legend which shows a rectangle and states, "park open spaces, non-developable areas". Track K and Tract L are Openspace Tracts.

The original Protective Covenants of Wildridge Subdivision in the Town of Avon, Eagle, County, Colorado expressly state, "Openspace may be used for . . . pedestrians, bicyclists . . . ." and state "Hikers, pedestrians, skiers and bicyclists are expressly permitted to travel on a Tract provided the surface is not unreasonably damaged by said activities." The Third Amendment to Protective Covenants of Wildridge Subdivision in the Town of Avon, Eagle County, Colorado, retains this same language.

The Town has previously constructed trails on Openspace Tracts D and E, so construction of multi-use trails on Openspace Tracts K and L is consistent with past practice and interpretation of the Covenants.

## OTHER LEGAL ISSUES:

<u>Construction of Trailhead</u>: Although the Covenants permit hikers, pedestrians and bicyclists to travel through Openspace Tracts, parking is neither identified as a permitted use nor a prohibited use. The definition of Openspace Tract in the Covenants does allow for the construction of a picnic area, including

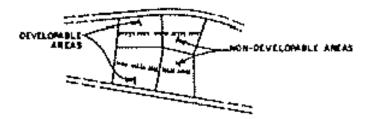
#### Avon Town Council Wildridge Trails and Protective Covenants September 7, 2016 Page 2 of 4

the construction of picnic shelters, tables, benches, park benches, fireplaces, barbeque pits and trash containers and related equipment storage buildings. It is common for picnic areas to include parking and restroom facilities. Paragraph 18 Parking of the Covenants does not specifically address parking for Openspace Tract uses, but does state in sub-paragraph 18.1 that "no parking shall be permitted along the public or common roadways." The Covenants define "Park Tract" as "A tract of land upon which community recreational activities may be enjoyed, and may include the construction and placing of facilities for such activities." Parking has been allowed as an accessory use to the Park Tracts in the Wildridge subdivision. It is my opinion that it is reasonable to interpret the Covenants as allowing parking and restrooms as accessory uses for permitted trails and picnic areas in the Openspace Tracts. The Avon Development Code addresses accessory uses and structures in ADC §7.24.070. It is a reasonable interpretation under the Avon Development Code to find that parking, restrooms and other trailhead features are permitted accessory uses to openspace uses.

<u>**Trail Signs</u>**: The only reference to signs in the Covenants is in Paragraph 14 which requires signs to be approved by the Wildridge Design Review Board for any sign erected on a "Lot" or structure. Openspace Tracts are defined separately and do not expressly permit or prohibit trail signs. It is a reasonable interpretation under the Covenants and Avon Development Code to find that trail signs are an accessory use to trail uses. Trail signs may be erected provided that they otherwise comply with the Avon Municipal Code.</u>

<u>Plat Note Restriction on Non-Developable Areas</u>: Ms. Kinsella's letter suggests that Plat Note 2 in the Wildridge Subdivision applies to Openspace Tracts. Plat Note 2 applies to Lots in which developable and non-developable areas are designated and does not apply to Openspace Tracts. Plat Note 2 reads in full as follows:

"2. Approximate limit of developable and non-developable area within lots is designated in the following manner: (dimensions shall be noted from the plat)



No development shall occur on the non-developable area without written specific approval of the covenants committee and the Town of Avon. Development shall include buildings, fences, signs, roads, and grading. Non-developable areas shall be physically undisturbed and left in their present natural state except for approved access and utility easements."

"Lot" is defined separately from Openspace Tract. Plat Note 2 only applies to "lots". Examples of Lots with the developable/non-developable delineation include Lots 3 through 12, Block 4, and Lots 50-54 and 58-71, Block 3.

#### Avon Town Council Wildridge Trails and Protective Covenants September 7, 2016 Page 3 of 4

<u>Wildlife Objectives</u>: Ms. Kinsella's letter provides an excerpt from Paragraph 12 in support of an argument that construction of trails on Openspace Tracts is contrary to wildlife objectives in the Covenants. However, Paragraph 12 of the Covenants concerns fences, and reads in full as follows:

"12. Fences: The objective of the WDC is to provide for the free and uninhibited movement of all wildlife, and in approving any fence or walls the Committee, the Town and the DRB shall consider such objective. The fencing of entire lots is discourages and may be prohibited in order to maintain the objective of this paragraph. No fence, other than a slit wood rail fence, or wall or similar type barrier of any kind shall be constructed, erected or maintained on any lot unless approved by the DRB, except such functional or decorative fences or walls as may be approved as an integral or decorative part of a building to be erected on a lot. Chain link fences will not be permitted."

The objective stated in Paragraph 12 to provide for the free and uninhibited movement of all wildlife is limited to the review of fences and is not related to the construction of trails. The Covenants state that hikers, pedestrians, skiers and bicyclists are expressed permitted to travel on Openspace Tracts.

#### Relationship of Covenants to Avon Municipal Code: Section 7.04.040(I) states,

Relationship to Third Party Agreement. The Development Code is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with land. Where the Development Code imposes a greater restriction than that of any other law, contract or deed, the provisions of the Development Code shall control. Nothing in the Development Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with the Development Code. In no case shall the Town be obligated to enforce the provisions of any easement, covenants or agreements between private parties.

This provision of the Avon Municipal Code states general law that the requirements of the Town's land use regulations are independent of private covenants and that where the Town's regulations impose a greater restriction, the Town's regulations apply. The Avon Municipal Code neither requires the Town to abide by private covenants nor authorizes the Town to not abide by private covenants; rather, the Town's obligation to abide by private covenants arises from the Town's ownership of property subject to private covenants. As stated above, it is my opinion that the Wildridge Protective Covenants allow hiker, pedestrian, skier and bicycle use on Openspace Tracts, which includes construction of multi-use trails that do not unreasonably damage the surface.

<u>Compliance with Avon Development Code</u>: Ms. Kinsella's letter suggests that trail construction meets the definition of "Development" in the Avon Municipal Code and that Development is prohibited on slopes greater than 40% grade. "Development" is defined as the grading or clearing of land, the erection, construction or alteration of structures, the change of use of a property or the division of property to create two (2) or more separate ownership interests. ADC §7.08.010. The definition of Development then lists 10 activities that constitute development and 6 activities which do not constitute development, none of which are specific to the construction of trails. The Community Development Director has the authority to interpret terms used in the Development Code as applied to a specific development application or activity.

#### Avon Town Council Wildridge Trails and Protective Covenants September 7, 2016 Page 4 of 4

ADC §7.04.040(m). The Town has previously interpreted the construction of trails to not constitute "Development", including the construction of regional trails along the Eagle River and the construction of trails on the West Avon Preserve. Therefore, ADC §7.28.100(3)(i) [which prohibits "development" on natural slopes greater than 40%] is not applicable to the construction of trails.

<u>Comprehensive Plan Amendment Process</u>: The proposed trail plan is processed as a comprehensive plan amendment under the Avon Development Code. The Avon Development Code sets forth an application process for amendments to the Avon Comprehensive Plan. See ADC §7.16.030. ADC §7.16.030(c) sets forth 7 review criteria. The Council is required to consider each of the review criteria and determine whether each of the proposed trails meet the review criteria, or when appropriate, determine that certain review criteria are not relevant or applicable to the application. Council has considerable discretion to determine whether the proposed trails in the Comprehensive Plan Amendment application meet the review criteria.

Generally, adoption of amendments to a Comprehensive Plan is considered a legislative act and is not subject to legal review. However, due to the elevated status of the Comprehensive Plan under the Avon Municipal Code, it is possible (but not certain) that a Comprehensive Plan amendment may be subject to a Rule 106(a) review whereby a governmental action may be challenged and overturned if "arbitrary and capricious." Under this standard, the courts would only review the record to determine if there was any evidence to support the Avon Council's findings on each of the criteria and would provide substantial deference to the Council's decision.

#### CONCLUSIONS:

- The Wildridge Protective Covenants do not prohibit the construction of trails for hiking, pedestrian use, skiers and bicyclists provided that the surface is not unreasonably damaged by such activities. The Town should utilize generally accepted practices for design and construction of multi-use trails to minimize disturbance and damage to the surface of Openspace Tracts in Wildridge.
- 2. The Avon Municipal Code, including Title 7 Avon Development Code, does not prohibit the construction of trails on Openspace Tracts and does not prohibit the construction of trails that traverse steep slopes in excess of 40% grade.
- **3.** Council should adopt specific findings for each of the review criteria for this Comprehensive Plan Amendment application.
- 4. The recommendations of the Department of Natural Resources and Colorado Parks and Wildlife Division may be considered by the Avon Town Council when determining whether the proposed use is compatible with the surrounding area, whether the plan amendment promotes the purposes stated in the Development Code and whether the plan amendment promotes other goals and policies of the Avon Comprehensive Plan. However, it is within Council's discretion to determine if the public benefits of additional trail development on Openspace Tracts outweigh potential impacts to wildlife and nearby property owners.

Thank you, Eric

#### MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C.

#### **MEMORANDUM**

#### PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

TO:Avon Town CouncilCc:Virginia Egger, Town Manager<br/>Eric Heil, Esq. Town AttorneyFROM:Richard J. Mehren, Esq.

# RE: Filing of Application for Finding of Reasonable Diligence - The Village (at Avon) Lakes Nos. 1 and 2

DATE: September 8, 2016

As result of the settlement of litigation involving the Village (at Avon) development, the Town of Avon ("Avon") acquired from the developer and the Traer Creek Metropolitan District the conditional water storage rights decreed to The Village (at Avon) Lakes Nos. 1 and 2 ("Avon Lakes 1 and 2") along with an interest in certain decreed conditional appropriative rights of exchange that could be used in conjunction with the lakes. Avon also acquired other water rights, including other conditional water rights, as part of the settlement of that litigation, but those water rights have since been conveyed to the Upper Eagle Regional Water Authority ("Authority") in exchange for a commitment by the Authority to supply a certain amount of potable water to the Village (at Avon) development.

The conditional water storage rights decreed to Avon Lakes 1 and 2 and the conditional exchange rights owned by Avon and the other conditional water rights that have since been conveyed by Avon to the Authority as described above were originally decreed by the Water Court in Case No. 97CW306 on April 9, 2001. These water rights are conditional because the rights have not yet been diverted and placed to beneficial use by Avon. Colorado statute requires the owner of a conditional water right to file an application for a finding of reasonable diligence with the water court every six years in order to maintain and continue the conditional water right in force and effect and to thereby preserve the priority of the water right. In order to continue a conditional water right the owner must provide documentation demonstrating that it meets the statutory diligence standard of "steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances." The owner will also need to demonstrate its continuing need for the water right. If the application is not timely filed then the conditional water right will be cancelled.

The subject conditional water rights were last continued in force and effect by the Water Court in the decree entered in Case No. 07CW83 on August 1, 2010. In that decree, the Water 00135570-2

#### MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C.

MEMO TO: Avon Town Council September 8, 2016 Page 2

Court required the next diligence application to be filed on or before August 31, 2016. Accordingly, on August 30, 2016 Avon and the Authority filed a joint application for finding of reasonable diligence for the conditional storage rights decreed to Avon Lakes 1 and 2 and the conditional exchange rights owned by Avon and for the conditional water rights that were conveyed to the Authority. A copy of the application as filed with the Water Court is attached to this memo for your reference. The application will be published in the Water Court resume for Water Division No. 5 and any interested party may file a statement of opposition within two months in order to participate as a party to the case. Avon and the Authority will be working together with the goal of obtaining a decree from the Water Court continuing the conditional water rights for an additional six-year diligence period. I will keep the Avon Council informed on the progress of the application as it proceeds through the Water Court.

Please let me know if you have any questions or would like any additional information about the diligence application or the conditional water rights acquired by Avon.

DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO	DATE FILED: August 30, 2016 12:07 PM FILING ID: ECB3B2C9FE763 CASE NUMBER: 2016CW3067
109 8 <sup>TH</sup> STREET, GLENWOOD SPRINGS, CO 81601	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UPPER EAGLE REGIONAL WATER AUTHORITY AND THE TOWN OF AVON	
IN EAGLE COUNTY, COLORADO	COURT USE ONLY
Porzak Browning & Bushong LLP Glenn E. Porzak (#2793) William D. Wombacher (#42354) 2120 13 <sup>th</sup> Street Boulder, CO 80302 Tel: 303-443-6800 Email: gporzak@pbblaw.com, bwombacher@pbblaw.com	Case Number: (07CW83) (97CW306) Water Division: 5
Moses, Wittemyer, Harrison and Woodruff, P.C. Richard J. Mehren, #32231 2595 Canyon Boulevard, Suite 300 Boulder, Colorado 80302 Telephone: (303) 443-8782 Facsimile: (303) 443-8796 Email:rmehren@mwhw.com	

#### APPLICATION FOR FINDING OF REASONABLE DILIGENCE

## 1. Name and Address of Co-Applicants:

Upper Eagle Regional Water Authority ("Authority) c/o Manager 846 Forest Road Vail, Colorado 81657 Copies of all pleadings to:

Glenn E. Porzak William D. Wombacher Porzak Browning & Bushong LLP 2120 13<sup>th</sup> Street Boulder, Colorado 80302 303-443-6800

Town of Avon ("Avon") c/o Town Manager P. O. Box 975 Avon, CO 81620 Telephone: (970) 748-4010

Copies of all pleadings to:

Richard J. Mehren Moses, Wittemyer, Harrison and Woodruff, P.C. 2595 Canyon Boulevard, Suite 300 Boulder, Colorado 80302 Telephone: (303) 443-8782

#### 2. <u>Name of Structures</u>:

- A. Metcalf Ditch Headgate
- B. Raw Water Booster Pump
- C. The Village (at Avon) Lake No. 1
- D. The Village (at Avon) Lake No. 2
- E. Rights of Exchanges

#### 3. Description of Conditional Water Rights:

- A. <u>Metcalf Ditch Headgate</u>.
  - (i) <u>Original Decree</u>. Decreed by the Water Court in and for Water Division No. 5, State of Colorado ("Water Court") in Case No. 97CW306, on April 9, 2001.
  - (ii) <u>Prior Diligence Decree</u>. Decreed by the Water Court in Case No. 07CW83, on August 1, 2010.

- (iii) Location. On the North Bank of the Eagle River in Section 7, T. 5 S., R. 81 W. of the 6th P.M. at a point from which the SE corner of the SW1/4 of said Section 7 bears South 53°00'40" E. 1,446 feet. This location is alternatively described as the SE1/4 of the SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6<sup>th</sup> P.M., at a point approximately 870 feet from the South section line and 1,485 feet from the West section line of said Section 7.
- (iv) Appropriation Date. December 31, 1997.
- (v) <u>Amount</u>. 0.257 cfs absolute and 3.343 cfs conditional for domestic, municipal, commercial, fire protection, and irrigation purposes and 3.6 c.f.s. conditional for industrial, recreational, piscatorial, and fish and wildlife uses.
- (vi) <u>Source</u>. The Eagle River, tributary to the Colorado River.
- (vii) <u>Uses</u>. Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, and fish and wildlife uses.
- B. <u>Raw Water Booster Pump</u>.
  - (i) <u>Original Decree</u>. Decreed by the Water Court in Case No. 97CW306, on April 9, 2001.
  - (ii) <u>Prior Diligence Decree</u>. Decreed by the Water Court in Case No. 07CW83, on August 1, 2010.
  - (iii) Location. On the North bank of the Eagle River and diverts from a point from which the SW corner of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. bears South 18° 01'34" W. 1,551.13 feet. This location is alternatively described as the NW1/4 of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6<sup>th</sup> P.M., at a point approximately 1,165 feet from the North section line and 480 feet from the West section line of said Section 12.
  - (iv) <u>Appropriation Date</u>. December 31, 1997.
  - (v) <u>Amount</u>. 0.267 cfs absolute and 3.333 cfs conditional for domestic, municipal, commercial, fire protection, and irrigation purposes and 3.6 c.f.s. conditional for industrial, recreational, piscatorial, and fish and wildlife uses.
  - (vi) <u>Source</u>. The Eagle River, tributary to the Colorado River.
  - (vii) <u>Uses</u>. Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, and fish and wildlife uses.

- C. The Village (at Avon) Lake No. 1 and The Village (at Avon) Lake No. 2.
  - (i) <u>Original Decree</u>. Both lakes were decreed by the Water Court in Case No. 97CW306, on April 9, 2001.
  - (ii) <u>Prior Diligence Decree</u>. Decreed by the Water Court in Case No. 07CW83, on August 1, 2010.
  - (iii) <u>Location</u>. Off-channel, within the following 40-acre areas:
    - (a) <u>The Village (at Avon) Lake No. 1</u>. In the S1/2 SE1/4 NE1/4 and the N1/2 NE1/4 SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado.
    - (b) <u>The Village (at Avon) Lake No. 2</u>. In the NW1/4 SE1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., Eagle County, Colorado.
  - (iv) Appropriation Date. May 20, 1997.
  - (v) <u>Amount</u>. The Village (at Avon) Lake Nos. 1 and 2 are decreed for a total combined storage of 27 acre-feet, conditional, with the right to fill and refill. The total surface area of the two lakes combined will not exceed 2.7 acres. The precise quantity of water stored in each lake, the surface area of each lake and a more definite legal description of each lake will be included in any application to make the conditional water rights absolute, limited only by the total storage and total surface area maximums and the legal descriptions set forth herein.
  - (vi) Source. Surface drainage tributary to the Eagle River, and surface diversions from the Eagle River or its tributaries. Filling and refilling of The Village (at Avon) Lake Nos. 1 and 2, whether by direct diversion or by augmentation, is limited to a diversion rate of 5 c.f.s., and will be from the Nottingham and Puder Ditch, which diverts from the north bank of the Eagle River at a point which bears S.12° W. 250 feet from the S1/4 corner of Section 8, T. 5S., R. 81 W. of the 6<sup>th</sup> P.M.
  - (vii) <u>Uses</u>. Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, augmentation and exchange.

### D. <u>Rights of Exchange</u>.

Four separate rights of exchange were decreed by the Water Court in Case No. 97CW306 as follows:

- (i) Exchange Reaches.
  - (a) Exchange No. 1. The exchange reach shall extend from a point on the Eagle River in the SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th PM. (outlet of The Village (at Avon) Lake No. 1) upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek.
  - (b) <u>Exchange No. 2</u>. The exchange reach shall extend from a point on the Eagle River in the SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. (outlet of The Village (at Avon) Lake No. 1) upstream on the Eagle River to the headgate of the Metcalf Ditch at the location described in paragraph 3.A.iii. above.
  - (c) <u>Exchange No. 3</u>. The exchange reach shall extend from the confluence of Nottingham Gulch and the Eagle River in the SE1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE 1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek.
  - (d) Exchange No. 4. The exchange reach shall extend from the Nottingham and Puder Ditch headgate, on the North Bank of the Eagle River at a point which bears S. 12° W. 250 feet from the S1/4 corner of Section 8, T. 5 S., R. 81 W. of the 6th P.M., upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE 1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek.
- (ii) <u>Exchange Rates</u>.
  - (a) Exchange No. 1. 0.0152 c.f.s.
  - (b) Exchange No. 2. 0.55 c.f.s.
  - (c) Exchange No. 3. 0.0152 c.f.s.
  - (d) <u>Exchange No. 4</u>. 0.0152 c.f.s.

- (iii) Exchange Priority Date. December 31, 1997 for all four exchanges.
- (iv) <u>Prior Diligence Decree</u>. Decreed by the Water Court in Case No. 07CW83, on August 1, 2010.

# 4. <u>Detailed Outline of Work and Expenditures Done by Co-Applicant Upper Eagle</u> <u>Regional Water Authority to Complete Appropriations and Apply Water to</u> <u>Beneficial Use</u>:

**Background**. The conditional water rights and rights of exchange that are the subject of this Application were granted by decree dated April 9, 2001, in Case No. 97CW306 (the "Decree"). Collectively, these conditional water rights and rights of exchange are referred to as the "Subject Water Rights." In addition to the Subject Water Rights, the Decree approved a change in various water rights and a plan for augmentation to provide water service to the Village (at Avon) (the "Plan for Augmentation"). The Village (at Avon) is a mixed-use development project located on approximately 1,789 acres of land in Eagle County, Colorado that obtained entitlements to construct 2,400 residential units, 650,000 square feet of commercial/retail space, and 300,000 square feet of cultural space (the "Development").

Specific activities demonstrating reasonable diligence for the development of the Subject Water Rights include the following:

- A. During the diligence period, the Subject Water Rights were conveyed from the Traer Creek Metropolitan District to Avon, and then some of the Subject Water Rights were conveyed from Avon to the Authority, which is obligated to provide water service to the Development.
- Β. During the diligence period, the Authority entered into a Water Storage Tank Agreement and Amended Water Storage Tank Agreement with the Town of Avon. the Traer Creek Metropolitan District, Traer Creek, LLC, and Traer Creek-RP, LLC concerning the financing, construction, and maintenance of a 2.0 million gallon treated water storage tank and the parties' responsibilities with respect to the Subject Water Rights. Construction of this tank was a necessary precondition to serving the Development and the beneficial use of the Subject Water Rights. The Authority incurred costs exceeding \$200,000.00 associated with planning, engineering, design, bidding, permitting, and testing associated with the tank. The Authority also obtained an easement for the purpose of installing, operating, and maintaining pipelines and pump stations associated with the tank. Tank construction was completed in February 2015 at a cost of more than \$8,250,000. By May 2015, defects in the tank became apparent and the Authority is now engaged in litigation with the builders of said tank. During the diligence period, the Authority incurred additional expenses exceeding \$250,000 associated with the tank defects, including engineering, monitoring, rehabilitation, surveying, testing, and legal expenses. Moreover, the Authority spent more than \$40,000 on other activities related to the Traer Creek water rights including the Subject Water Rights.

- C. The Authority operates an integrated municipal water system that provides water service to the Development. The Subject Water Rights are an integrated component of this municipal water system. Work done on any component of the system advances the whole. The Authority has spent additional money for engineering, legal advice and litigation, and for planning, design and construction of various features of its raw and treated water system.
- D. The Authority has employed legal counsel to monitor all Water Division No. 5 resumes and authorized the filing of numerous statements of opposition to protect the Subject Water Rights from injury.
- E. The Authority has employed a water resource engineering firm to undertake accounting, maintenance, and general advisement on operation of the Plan for Augmentation and the full development of the Subject Water Rights.

The above activities are necessary prerequisites to applying the Subject Water Rights to the beneficial uses for which they were decreed, demonstrate the Authority's diligence to fully develop and place such water rights to beneficial use, and entitle the Authority to a continuation of the conditional Subject Water Rights in full force and effect.

## 5. <u>Detailed Outline of Work and Expenditures Done by Co-Applicant the Town of Avon</u> to Complete Appropriations and Apply Water to Beneficial Use:

- A. The Subject Water Rights owned by Avon are part of Avon's extensive integrated system to provide a municipal water supply water to Avon's customers. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. §37-92-301(4)(b). Consequently all work and expenditures by Avon in connection with its municipal water supply system directly and indirectly constitute part of Avon's reasonable diligence in developing the Subject Water Rights to be used in its water system.
- B. During the subject diligence period, Avon has worked diligently to develop the Subject Water Rights, complete the appropriation, and place the water to beneficial use, as demonstrated by the following activities and expenditures that were incurred by Avon in its efforts to develop, operate and maintain its municipal water system:
  - (i) Avon owns and operates an integrated municipal water system that provides water service to its customers. The Subject Water Rights are an integrated component of this municipal water system. Avon has expended significant financial and other resources for engineering, legal advice and litigation, and for planning, design, construction, maintenance and repair of various features of its municipal water system during the subject diligence period. Such work included, but was not limited to, the following: (a) repair of the

Nottingham and Puder Ditch at a cost of approximately \$24,500; (b) maintenance of Avon's Raw Water Boost Station at a cost of approximately \$35,000; and (c) replacement of the liner in Benchmark Lake at a cost of approximately \$1,200,000.

- (ii) During the diligence period, Avon entered into a Water Storage Tank Agreement and Amended Water Storage Tank Agreement with the Authority, the Traer Creek Metropolitan District, Traer Creek, LLC and Traer Creek-RP, LLC concerning the financing, construction and maintenance of a 2.0 million gallon treated water storage tank and the parties' responsibilities with respect to the Subject Water Rights. Construction of this tank was a necessary precondition to serving the Development and the beneficial use of the Subject Water Rights. Avon incurred costs related to this agreement.
- (iii) During the diligence period, Avon entered into the Consolidated, Amended and Restated Annexation and Development Agreement for the Village (at Avon) with Traer Creek Metropolitan District and other parties and other agreements concerning water and other service to the Development. Completion of these agreements were a precondition to serving the Development and the beneficial use of the Subject Water Rights. Avon incurred costs related to these agreements.
- (iv) Avon has incurred a total of approximately \$25,500 in legal fees to obtain decrees for water rights that are part of Avon's integrated water system and for participating as an opposer in various Water Court cases to protect Avon's water rights against injury from other water users.

## 6. <u>Names and Addresses of Owners of Land upon which Structures are or will be</u> <u>Located, upon which Water is or will be Stored, or upon which Water is or will be</u> <u>Placed to Beneficial Use</u>:

The Raw Water Booster Pump is located on land owned by the Authority. The Metcalf Ditch Headgate is located on land owned by Tanya Argo and Chris Striebich whose address is 2274 S. Ogden St. Denver, CO 80210. The Village (at Avon) Lake Nos. 1 and 2 are planned to be located on land owned by Avon.

WHEREFORE, the Authority and Avon requests that the Court enter a finding of reasonable diligence with respect to the conditional portion of the water rights decreed to the Metcalf Ditch Headgate, Raw Water Booster Pump, The Village (at Avon) Lake No. 1 and The Village (at Avon) Lake No. 2, and Rights of Exchanges described herein and granting such other relief as the Court may see fit.

Dated this <u>30<sup>46</sup></u> day of August, 2016.

### **PORZAK BROWNING & BUSHONG LLP**

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Glenn E. Porzak (#2793) William D. Wombacher (#42354) Attorneys for the Upper Eagle Regional Water Authority

# MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C.

Thichard J. Mehren

Richard J. Mehren, #32231 Attorneys for the Town of Avon

### VERIFICATION

# STATE OF COLORADO ) ) ss. COUNTY OF <u>Arapuno</u>

I, Daniel J. Gillham, P.E., engineer for the Upper Eagle Regional Water Authority, state under oath that I have read the foregoing Application for Finding of Reasonable Diligence and that the contents thereof are true with respect to the rights owned by the Upper Eagle Regional Water Authority to the best of my knowledge and belief.

Daniel J. Gillham, P.E.

Subscribed and sworn to before me this <u>2</u> day of August, 2016, by Daniel J. Gillham, P.E..

My commission expires  $\underline{Q} \cdot \underline{W} \cdot \underline{\Box}$ .

[SEAL]

JENNIFER RECTOR Notary Public State of Colorado Notary ID 20134057841

My Commission Expires Sep 16, 2017

#### VERIFICATION

STATE OF COLORADO ) COUNTY OF  $\underline{Eag/e}$  ) ss.

I, Virginia Egger, Town Manager for the Town of Avon, state under oath that I have read the foregoing Application for Finding of Reasonable Diligence and that the contents thereof are true with respect to the rights owned by the Town of Avon to the best of my knowledge and belief.

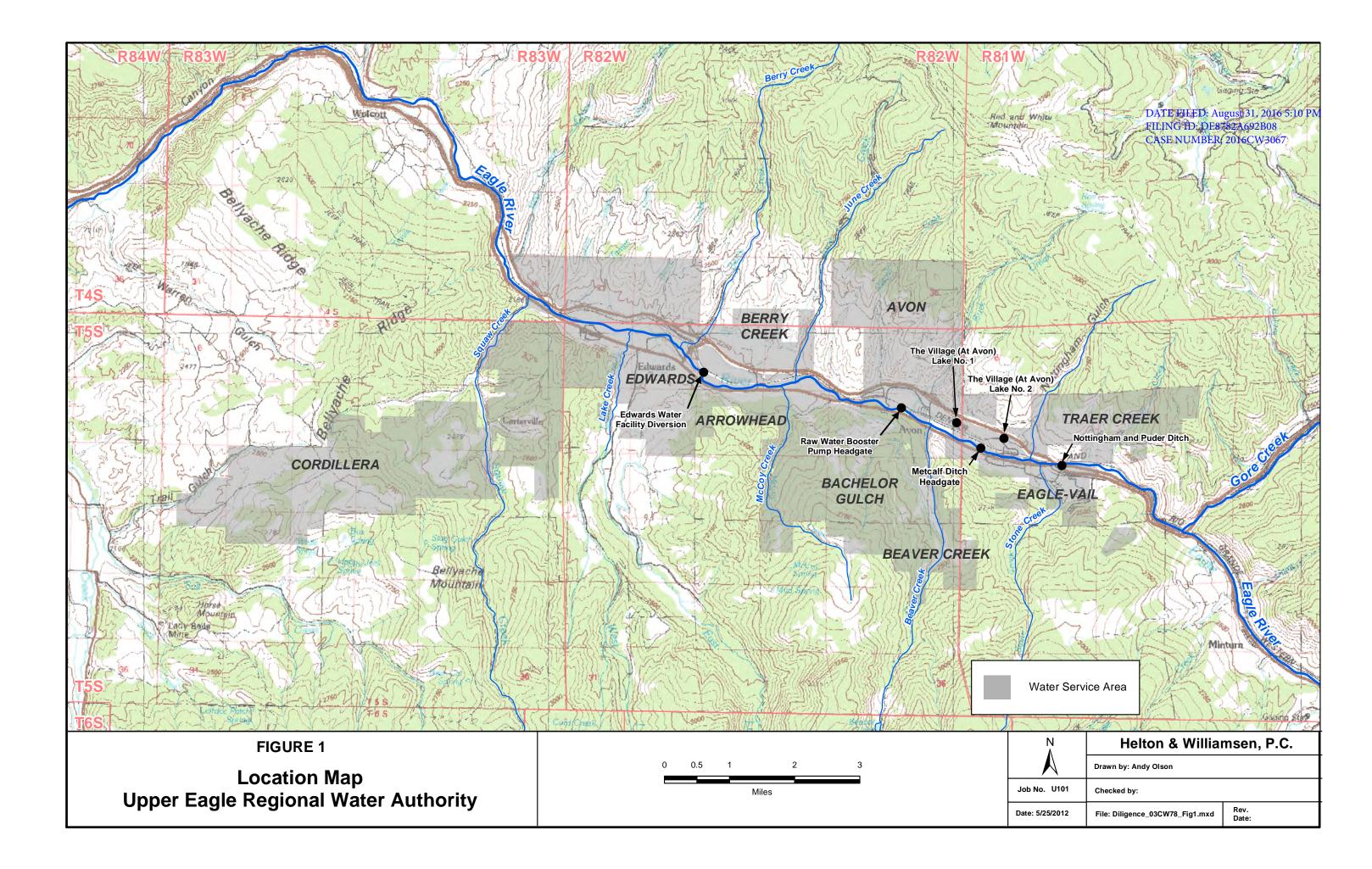
Virginia Egger

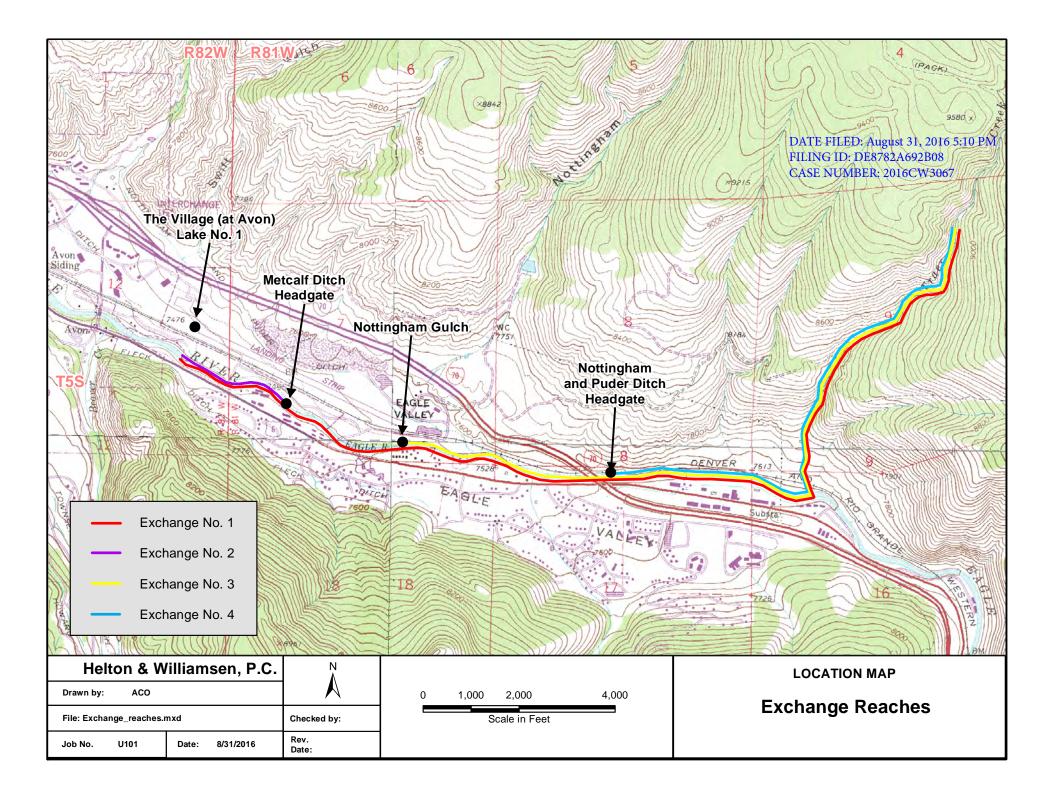
Subscribed and sworn to before me this  $\mathcal{M}^{++}$  day of August, 2016, by Virginia Egger.

My commission expires -7/18/17.

DEBORAH M HOPPE NOTARY PUBLIC [SEAl State of Colorado Notary ID 20054028128 MY COMMISSION EXPIRES JULY 18, 2017

Debenal M. Hoppo Notary Public





# HEIL LAW & PLANNING, LLC MEMORANDUM

TO:	Honorable Mayor Fancher and Town Council members
FROM:	Eric J. Heil, Town Attorney
RE:	HB16-1311 – Vacating Warrants for Failure to Pay – Written Report
DATE:	September 8, 2016

**Summary:** The Colorado legislature adopted House Bill 16-1311 during this last session which adopts procedural safeguards prior to issuing Bench Warrants for Failure to Pay. House Bill 16-1311 went into effect on June 10, 2016. Prior to issuing a bench warrant for a failure to pay, the municipal court must now offer the defendant the right to a hearing to determine, "If the defendant lacks the present ability to pay the monetary amount due without undue hardship to the defendant or the defendant's dependents". Statutory criteria must be considered. Although the municipal Judge retains considerable discretion in making a finding on a defendant's ability to pay, the required procedural hearing increases the burden of the court before it can issue a warrant for arrest based on a failure to pay.

House Bill 16-1311 only applies to warrants for failure to pay issued after June 10, 2016; however, I consulted with Buck Allen, Avon's municipal judge, and reviewed a Department of Justice advisory letter issued last March, which recommended vacating Bench Warrants for Failure to Pay when the procedural hearing safeguards have not been followed. I understand that other municipalities are vacating such past Bench Warrants as well. Debbie Hoppe, Town Clerk and Brenda Torres, Deputy Town Clerk, reviewed over a decade of files to identify 254 Bench Warrants for Failure to Pay. These were all vacated last week.

I am working with Town staff, Elizabeth Pierce-Durance, Town Prosecutor, and Judge Allen to explore options to require payment of fines, including conducting the required hearings, using a collection agency (as some local courts systems are doing) and imposing community service in lieu of paying fines. I will likely be able to provide an update in November on how the Avon Municipal Court is proceeding.

House Bill 16-1311 was pushed through with support by the ACLU. The Colorado Municipal League opposed this bill as an infringement on municipal court authority and additional unfunded burden on municipal courts. The ACLU has been effective in advocating for legislation at the state and local level with regard to this bill, HB 16-1309 (requires municipal court to provide public defender at first arraignment when a jail sentence is possible), and in reforming panhandling and begging ordinances.

Thank you, Eric