



**Memorandum**

To: Vail Town Council

From: Community Development Department  
Vail Fire and Emergency Services Department

Date: December 19, 2017

Subject: Ordinance No. 17, Series of 2017. Amendments to Sections 5-11-7 and 12-11-3 of the Vail Town Code related to vegetation removal for wildfire mitigation purposes.

**I. SUMMARY**

This is a proposal to clarify and codify existing standard operating procedures related to vegetation removal. The Town of Vail currently requires a Design Review Board (DRB) permit for the removal of vegetation, including trees, when not associated with another development application. The Town of Vail Fire and Emergency Services Department also issues permits for vegetation removal through a Wildfire Hazard Assessment as part of the Fire Adapted Vail Program or through the town's abatement provisions for dangerous or diseased trees. The proposal eliminates the requirement for a DRB permit following a recommendation by the Wildland Coordinator concerning vegetation removal.

This proposal also corrects that the appropriate authority for the issuance of tree removal permits under the Town of Vail's abatement procedures for dangerous or diseased trees is the Fire and Emergency Services Department, not the Community Development Department.

**II. PLANNING AND ENVIRONMENTAL COMMISSION ACTION**

The Planning and Environmental Commission (PEC) held a public hearing on the proposed Prescribed Regulations Amendment on November 13, 2017 where a recommendation for approval was forwarded to the Vail Town Council by a vote of 6-0. This recommendation was based on a finding that the proposal furthered the adopted goals, objectives and policies of the Vail comprehensive plan.

**III. BACKGROUND**

Over the course of the past year, the Fire Department has evaluated all aspects of the current Wildfire Mitigation Program in an effort to identify opportunities to more effectively reduce the threat of catastrophic wildfire and associated loss of homes. This

evaluation included a review of the existing Town Code pertaining to wildfire mitigation and defensible space. In collaboration with the Community Development Department, the Fire and Emergency Services Department has proposed eliminating the DRB requirement for vegetation removal when approval has been granted by the Wildland Coordinator.

#### **IV. DESCRIPTION OF THE REQUEST**

The following amendments are proposed with new language in underline and items to be removed designated by a ~~strikethrough~~.

##### **Sec. 5-11-7: Permit for Removal**

*An owner desiring to remove diseased trees shall file an application for a permit with the ~~community development department~~ Fire and Emergency Services Department. There shall be no application fee for the permit. The application shall contain a written narrative describing the type, size, quantity and general location of the diseased trees proposed to be removed. The director may perform a site visit prior to taking any action on the permit application.*

##### **12-11-3: DESIGN APPROVAL**

*A. Scope: No person shall commence removal of vegetation, site preparation, building construction or demolition, dumping of material upon a site, sign erection, exterior alteration or enlargement of an existing structure, paving, fencing or other improvements of open space within the corporate limits of the town unless design approval has been granted as prescribed in this chapter. The addition of plant materials to existing landscaping, gardening, ~~and landscape~~, and vegetation removal approved by the Fire and Emergency Services Department through a Wildfire Hazard Assessment shall be exempt from this provision.*

#### **V. ACTION REQUESTED OF THE VAIL TOWN COUNCIL**

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 17, Series of 2017 upon first reading.

#### **VI. ATTACHMENTS**

- A. Ordinance No. 17, Series of 2017
- B. PEC Memo, November 13, 2017
- C. Draft PEC Minutes, November 13, 2017