



## Memorandum

To: Vail Town Council

From: Environmental Department

Date: February 5, 2019

Subject: Gore Creek Stream Tract

### I. Purpose

The purpose of this memorandum and presentation is to provide an update on the effort to restore town-owned property along Gore Creek and some of its tributaries by working with adjacent property owners to remove encroachments.

### II. Background

The Town of Vail owns approximately 40% of the property along Gore Creek as well as parcels along Booth Creek and Mill Creek. Most of this town-owned stream tract is sandwiched between private property and the creek. The Gore Creek Strategic Action Plan identifies the restoration of riparian habitat along Gore Creek on both public and private land as a key action in the effort to *Restore the Gore*. The 2018 Community Survey indicated strong support for these efforts within the community with 86% of respondents supportive of an increase to stream setback regulations and 85% supportive of a no-mow zone along Gore Creek on private property.

On October 6, 2009, Town Council adopted a “zero tolerance” policy for allowing illegal private encroachments on town-owned stream tract lands and instructed staff to pursue removal of all encroachments. Town environmental staff inspected and originally discovered 68 private encroachments and disturbances into the public stream tract. These inspections identified numerous properties that have modified or encroached onto sensitive riparian areas including, but not limited to; landscaping town-owned riparian property; building decorative planters; using the areas for recreational seating; or in more severe cases building structures, such as patios and a basketball court on town-owned properties. Through annual inspections and targeted outreach town staff has been able to work with many owners to mitigate private encroachments resulting in written agreements to stop mowing, landscaping and remove structures on public property.

### III. Current Status

Town environmental staff performed an inspection of town-owned stream tract in August and September of 2018. As of September 2018, 40 private encroachments on town-owned stream tract remained. The encroachments varied in size and scope from narrow, mowed paths to extensive landscaping and permanent structures. Similarly, cooperation from property owners varied from rapid compliance to refusal, issue of court summonses and counter lawsuits. New

violations are observed and documented by town staff every year, but the appearance of new encroachments has consistently been outnumbered by encroachments that have been corrected, so progress has been made. One of the major accomplishments of the last few years was the town's project to restore a large area of creek front behind Village Center, across the creek from Gore Creek Promenade, as part of a larger riparian planting effort in Vail Village.

Each year, environmental staff sends certified letters to all property owners suspected of being responsible for stream tract violations. As information and outreach from the Restore the Gore campaign has reached more community members, more of these property owners have responded positively to letters sent from the town and worked with environmental staff to correct their stream tract encroachments. Four properties along Booth Creek, on Manns Ranch Road and Booth Falls Road responded in this way in 2018.

Another tool that used is to withhold building permits from properties confirmed to be responsible for stream tract violations until those violations are corrected. This strategy has been an effective way to encourage property owners who have not voluntarily removed encroachments to come into compliance.

#### **IV. Next Steps**

In 2019, town staff already has specific plans in place to work with several property owners to correct several more encroachments through planting and drainage improvements. Town landscape architects are working with River Restoration, a design firm, to complete a planting and stormwater treatment project on town-owned stream tract behind Vail Trails Chalets and Vail Trails East. Residents and property managers have been cooperative and engaged in this process.

Town Environmental staff will also update and replace signs that mark boundaries between town-owned stream tract and private property in 2019. The signs will match the Project Re-Wild brand used to demarcate riparian restoration projects on other town-owned parcels and provide education about the importance of healthy riparian habitat in the effort to *Restore the Gore*.