



## Memorandum

To: Town Council  
From: Mark Novak, Fire Chief  
Date: August 16, 2016  
Subject: Ordinance No. 18, Series of 2016

### I. Purpose of Public Hearing

The purpose of this public hearing is to present Ordinance No. 18, Series of 2016, an Ordinance Repealing and Reenacting Chapter 11 of Title 5 of the Vail Town Code, Concerning Abatement of Diseased Trees and Wildfire Fuels.

### II. Background

In 2007 the Town adopted the Abatement of Mountain Pine Beetle and Wildfire Fuels Reduction Ordinance. This ordinance was codified in Chapter 11, Title 5 of the Vail Town Code. This section of the code was implemented in response to the outbreak of Mountain Pine Beetle and the resultant widespread mortality of Lodgepole pine, as well as the recognition of the need to address the threat of catastrophic wildfire.

During the peak years of the Mountain Pine Beetle outbreak, the provisions of this code were an effective tool in encouraging property owners to remove dead trees in a timely manner. The code was particularly effective in facilitating dialogue with absentee property owners. Since the adoption of this code, it has not been necessary to implement the abatement order provisions of section 5-11:5.

Although, the incidence of Mountain Pine Beetle in the region has greatly subsided, there are a number of other forest pathogens which can cause mortality in a wide variety of tree species.

### III. Current Situation

Over the course of the past year, staff 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 existing Town Code pertaining to wildfire mitigation and defensible space. The Mountain Pine Beetle and Wildfire Fuels Reduction Ordinance was identified as a section of Town Code that no longer represented the current conditions. Staff has revised the code to better address current wildfire hazards.

The proposed changes to this code are summarized as follows:

- Elimination of Mountain Pine Beetle from the title to reflect the current condition in which a number of forest pathogens can result in tree mortality.
- Clarification regarding the definition of wildfire fuels to reflect current knowledge and industry accepted definition of wildfire fuels.
- Reassignment of primary responsibility for this code from Public Works to the Fire Department. The Fire Department has increased its capacity and improved its level of technical expertise related to forest health. The Fire Department now has a Forester/Arborist on staff, who is responsible for oversight of the Wildfire Mitigation Program.

In addition to these changes there are a number of changes intended to clean up the code. A summary of the changes as well as possible effects was compiled by Community Development staff and is found in the attached table of changes.

#### **IV. Action Requested of Council**

Approve, approve with amendments or deny Ordinance No.18 Series of 2016 on second reading.

#### **V. Staff Recommendation**

Fire Department staff recommends approval of Ordinance No. 18, Series of 2016 as read.

#### **VI. Attachments**

1. Summary of proposed changes to Chapter 5-11