



What has changed? - 1970's South Frontage Road at Lionshead

# Vail Homeowners Association Newsletter

News, Analysis, and Commentary for Vail Homeowners

December 6, 2013

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**President's Message**

**President's Message - Big Issues, Challenges and Opportunities Ahead:** The Vail Homeowners Association is dedicated to maintaining the character of Vail while supporting improving our quality of life in Vail. As we embark on 2014, Vail continues to face significant issues brought about by an erratic economy, a changing political landscape and more I-70 traffic. Issues of business orientation and projects being considered that will increase dense development with resulting traffic problems have the potential to negatively impact the quality of life of Vail residents. Some issues involve unintended consequences from actions taken during our past economic crisis. Others are simply the result of actions that seemed well-advised at the time, but in hindsight are regrettable. But, as is always the case, issues and challenges bring opportunities and so it is with Vail today.

The Vail Homeowners Association has therefore rededicated itself to being a positive force to address the problems of the moment in a collaborative way with a long-term perspective. We attend meetings to gather important information and share our findings through the Newsletter. By keeping our membership informed, we promote effective, evidence-based advocacy.

As you will see in this issue, VHA is already engaged and/or poised to take up issues arising from the shifting economy, efforts to change the founding protective covenants, resident property rights, Gore Creek pollution, and traffic congestion, to name just a few. Our intention in sharing the information we gather is to engage the community in a more inclusive, transparent conversation while helping to define the greater good. We believe that the strength and endurance of our response to the challenges ahead depends on how inclusive and collaborative the community's dialogue about its future becomes. I encourage you to read our newsletter, talk to your neighbors, get to know your Town Council and become involved in the discussions. We welcome your ideas and support in our quest to help shape the plans and policies that will insure Vail continues to be the best it can be to both residents and second homeowners.

Gail Ellis, Psy.D., VHA President

## VHA Annual Report

The following are the issues and activities which the Vail Homeowners Association has been involved with over the past year and those it expects to face in the coming year.

**Vail Economy:** Much effort has been spent over the past years to improve Vail's economy, largely through initiatives aimed at driving Vail's summer business. While there has been much improvement in recent years, some question whether it has resulted in an overcrowding of Vail where quantity, not quality, is dominant. At the same time, there are some disturbing trends that might indicate that unintended consequences are taking place, ones that do not bode well for the future. Foremost among those trends is the result for Vail's prime 2013 summer months which was one of the weakest year-on-year revenue gains when compared to most other [Colorado mountain resort communities](#). Vail's sales tax revenues only advanced 2.87% from June thru August, while Aspen as one comparable, grew by 6.36%. The Vail Town Council is sufficiently concerned that they have called a mid-December joint conference of their local economic development appointees to ascertain the reasons and to strategize corrective actions. VHA suggests that this would be an ideal time to re-think strategies and develop a forward looking plan of action.

**Why is Aspen Doing Better Than Vail?** A survey was conducted recently comparing [consumer attitudes toward Vail and Aspen](#). With the exception of Vail receiving high marks for being family friendly, Aspen leads in almost all categories of comparison. Other surveys tied to the Town's summer marketing effort indicate that [Vail continues to receive high marks for consumer awareness](#) of its tourism assets, but has less success recently in converting awareness to hotel bookings, seeing a decline of -1.2% in occupancy year over year for the [summer months](#). Some attribute the fall off to a modest average increase in high room rate of 3.1%, yet Vail's rate lagged behind the rises in its competitors' average rate.

**Vail's Playbook Copied by Competitors:** Vail continues to market heavily to the Front Range drive market, which is about 35% of its consumer mix, many of whom are day visitors. Vail's long-held attraction to the Front Range market may be falling victim to the success of its competitors. Many have copied Vail's success formula of recent summers and are now hosting their own events venues. The perceived overcrowding of Vail and associated hassle factors, such as high sales tax rates, according to some observers, may also be a consideration that is causing consumers to go elsewhere.

#### **Summer Event Crowd on Meadow Drive**

**Has Vail Become Too Dependent on Day Visitors?** Critics are saying that Vail's marketing results have become too dependent upon budget conscious day visitors, particularly on the weekends. This, and an increase in the frequency of large mass events, are causing the perception of overcrowding. The strategically timed appropriate mass spectator events are an asset, but if overdone, can be a deterrent to destination guests. The solution to counter overcrowding, according to some, is to increase marketing and funding for events that are held during the week. But, will dispersion really dispel the perception of overcrowding?

**Is Youth Marketing the Answer?** Many current special events are designed to appeal to the moderately affluent 25 - 44 year old "youth market." But one recent analysis shows a decline in Front Range visitations by that cohort. As a corrective strategy another marketing analysis says the [emphasis should remain on the Front Range consumer](#); it proposes that outdoor summer music, festivals and sporting events be staged earlier in the summer as the demand for events drops as the summer progresses. This may be wishful thinking, as early summer is prone to fickle weather conditions and the community has very limited outdoor, rain sheltered performance venues. Few appear to be mindful that Vail is located in one of the highest annual precipitation regions in the state. Beyond that, the 25 - 44 year old cohort has the least loyalty to any particular resort.

**Sporting Events Preferred by Young Adults:** Sporting events, like the [Vail GoPro Mountain Games](#) and [USA Pro Cycle Challenge](#), are favored for their income generation by retailers and restaurateurs as well as by the Town of Vail for improved sales tax receipts. However, they do not do as well at filling the hotels and lodges, which have plenty of excess capacity with average summer occupancy of 51.6%. Many of these lodging establishments are condominium properties operated as a hotel or lodge whose individual units are owned by non-resident property owners. It is the drop in young adult attendance that has the Town concerned.

**Free Admission Overcrowds:** There are those who believe that the perception of summer overcrowding is a result of having free admission to mass spectator special events. Lodges and hotels gain little from short-lived events with free admissions or free parking. The circumstances may be approaching when, for reasons of crowd control, charging for admission and public parking may be a means to migrate towards venues that place quality over quantity. This may become much more of a factor, once Vail Resorts normalizes attendance for its summer mountain attractions, which are now being developed. The key to controlling overcrowding that will sustain success is a combination of events and on mountain attractions that will create a vibrant ambiance without turning Vail into an amusement park.

**Shifting the Masses:** As an alternative to the "more-is-better" approach, some believe there should be less of an emphasis upon short lived mass spectator events and a shift towards longer duration quality entertainment venues. Surveys show that these events are both athletic and cultural. A range of musical entertainment venues, some of which are integrated into athletic events have, from experience, the potential to attract destination guests both during the week and on weekends. The advantage is that multiday events that attract destination overnight visitors put guests in beds, which benefit residential property owners who desire to generate rental income.

The [Vail Jazz Festival](#) is setting the pace for summer-long entertainment venues stated throughout Vail's Town Center.

**Seniors Rule:** Seemingly unacknowledged is an increase in affluent destination visitors in the 55 - 65 age bracket. Both the [Bravo Vail](#) classical music festival and [Vail Jazz Festival](#), which are weeks long, draw large, repeat, out-of-state audiences and appeal to a higher income adult age bracket. Both have shown a consistent ability to draw and retain longer stay destination guests, more so than the shorter duration mass spectator sporting competitions.

## Changing Political Landscape

**Special Events Have Changed the Vail Political Landscape:** The dominance of special events as a driver of Vail's economy is reflected in the changes to the balance of political power within the local government. Prior to the 2007 recession, residential real estate sales, development and construction were much more dominant factors in the Town of Vail's governing policies as they were a major source of revenue generation through real estate related taxes and development fees. During that time, there was a more balanced governing agenda between commercial and residential interests.

#### **Vail Town Council Chamber**

**Economy Changed the Political Balance in Town Hall:** The economic slowdown affecting real estate and development parallels the decline of the industry's influence in the Town's political affairs. This, according to some analysts, has resulted in a greater number of costly land use legal disputes between the Town and residential property owners. This is the source of a call by the Homeowners Association to rebalance the Town's political participation and agenda to formulate a more collaborative relationship among voters, businesses and non-resident property owners.

Simba Run Condominium Hotel recently completed an eye-catching renovation of classic early 1980's Vail modern design by architect Tom Briner. The well-executed renewal extended the property's value for many decades without changing its character, style or density.

The continued post-recession effect on real estate and construction is reflected in [2013 third quarter real estate sales](#) figures that saw a year on year decline of -11% in the number of real estate transactions and -28% in dollar volume. The Town of Vail for the same period reported a year on year decline of -16.9% in Real Estate Transfer Tax revenues. Building permit valuations for the Town of Vail are on a par with last year, but well below pre-recession levels. Both Eagle County and Pitkin County were down -2% in dollar volume. Some see the reason for the decline is the lack of available inventory.

**Residential Property Owners, Realtors and Developers Losing Their Place at the Table:** Critics question the degree to which the entire community benefits from public expenditures that lead to overcrowding and the resulting underfunding of quality-of-life priorities, such as cleaning up Gore Creek pollution. VHA advocates that it is the funding of quality-of-life projects that will underpin property values and ensure that sufficient real estate sales occur. The importance of on-going real estate sales and renewal cannot be ignored as a critical driver of the local economy. Actions that threaten property values such as covenant conflicts, excessive fees or regulation become an economic hindrance to the community-at-large. Many non-resident residential property owners and

realtors, developers and contractors who deal with residential property are waking up to the fact that they have to participate in the local political process or lose more of their influence.

## Town Budget Priorities Skewed

Expenditures for the Town of Vail were once held to a 50/50 ratio of operational costs versus capital investment. Since the Town of Vail began dwelling on its special events and health & wellness agendas in recent years, it has skewed the allocation of its budget expenditures to a ratio of 70/30. Seventy percent (70%) is now allocated to operational costs, leaving 30% for capital investment. The funding of [operational, i.e., special events](#), and non-voter approved capital cost for major projects are increasingly being taken from capital reserve funds, which have been depleted over the last few years. Troublingly, some business interests are saying the Town should expand from marketing and hosting summer events to winter as well. Winter marketing and events have for the most part traditionally been the responsibility of Vail Resorts. In addition, a new municipal building may once again be considered for approval and financing from the reserve fund in the coming months.

**Overcrowding the Root Cause of Residential Protest:** Overcrowding and congestion is causing protest from residential property owners in neighborhoods affected by excessive commercial events and urban uses, like on-street truck deliveries. Some local business interests dismiss residential owners' protests saying they should have expected inconvenience when they bought in a commercial area. Since the inception of the community in the 1960's, most commercial districts were developed to be mixed use, most having more residential than commercial. Therefore businesses, in the view of residential owners, have no intrinsic right to dominate and diminish the character of their neighborhoods.

**Town's Fair-minded Perspective Gives Way to the Business of Doing Business:** The Town of Vail was once viewed as a fair minded arbitrator between commercial and residential interests. Not so much any longer, since the recession it has taken a decidedly factional business centric perspective, becoming, as some see it, an instigator of conflict rather than an arbitrator of compromise. The Town, to some observers, is spending more of its energies and resources on the business of doing business. Each year it escalates spending on economic development related operations and less on quality-of-life capital improvements. Some critics ask, where are the improvements that benefit the entire community?

**Voters Can't Supply Near-term Solutions:** Reliance upon Vail's electoral process to shift the balance of power back towards a centrist position will not happen quickly. As the ratio of the Town's population of property owners tilts steadily towards an increase in non-resident owners, there has been greater polarization among commercial, resident and non-resident factions as played out through the Town of Vail economic development initiatives. Vail's non-resident property owners are the most vulnerable and are frequently given the short shrift in politically resolved confrontations, because non-residents have a marginal voice in the Town's electoral process.

A Colorado Court decision gives the authority to local voters to confer voting privileges upon non-resident property owners through an amendment to the Town Home rule Charter. This scenario is not likely to occur. It is in the hands of the Town Council to shape compromise



and build bridges of communication that will instill trust and collaboration among the community's competing factions.

**Shrinking Voter Base:** Incongruously, Vail has seen a steady decline in voter turnout and a steady rise in registered voters for much of the past decade. Disturbingly, the Town may have inadvertently spawned the suppression of voter turnout. The trend to vote absentee had been on a steady increase for much of the past decade. The Town Council, prior to the last election, decided to not maintain a mailing list from election to election for those wanting to automatically be sent an absentee ballot. Vail voters now have to apply each election to receive an absentee ballot. The consequence in the recent [Town Council election](#) was a decrease in voter turnout both by absentees and at the polls. Importantly, there has also been a [steady decline in voter turnout](#) for all but one of the seven Town Council elections held since 2001.

**Minority Rule:** When comparing Vail's [voter registration](#) (4,257) and the 2012 [US census population](#) estimation of persons over the age of 18 (4,707), all but 450 local residents over the age of 18 are registered to vote, better than 90%, an unusually high percentage. However, once registered, registered voters don't vote. Only 19.5% saw fit to vote in the November election. The outcome of low voter turnout is that public policy for the entire community, a majority of which are non-resident property owners, is being determined by an extraordinary small and steadily shrinking segment of the local population. This level of disengagement by both registered voters and non-resident property owners with the political process, particularly in a small town, rife with lively rumor and gossip, is a signal that something may be seriously wrong with the governing institution's ability to encourage public participation and the education of its citizenry in the governing of the community. Some see this as a recipe for escalating trouble ahead.

Vail Town Council meetings are already [live-streamed and archived on the Internet](#).

**Opening Windows of Opportunity:** To counter this prospect, the Town of Vail needs to become more transparent. As a step to motivate registered voters to become voting voters, the Homeowners Association suggests that *all* meetings of the Town's boards, commissions and advisory committees should be [live streamed and archived](#) on the Internet as the Town Council is currently doing. People need to be able to view firsthand how their government works. Perhaps they will see the value of putting their votes and their financial support to work on behalf of those who best represent their interests. Not knowing how local government works is a deterrent to those who want to participate, but don't know how to go about it. Residents and property owners need to be given the opportunity both to learn and participate. Opening opportunities for participation and leaning via the Internet may be a good place to start reconciliation among the community's competing factions.

## The Year Ahead

**Protective Covenants and Property Owners Disputes Likely to Continue:** Lawyers for the Town of Vail and the Golf Clubhouse neighborhood have filed their arguments with the Court and are awaiting the judge's decision. The Town could have resubmitted the Golf Club House Commercial Event Center design to the electorate for a fraction of the total that the ensuing litigation has cost. The Town will likely continue to challenge protective covenants because of the perspective of some who claim the Town has the ability to overturn covenants that they consider as outdated. That attitude, if put into action, will likely result in more litigation, which would in turn, usher in a new era for Vail where significant budget resources will be consumed by litigation. By way of comparison, prior to 2011, the Town went eight years without becoming embroiled in major litigation. There are those who question what changed and why.

**Into the Zoning Pot:** In addition to outright challenges to the founding covenants, there are potentially controversial zoning issues with broad effects getting underway. These may include Town House and historical zoning, inconsistencies in Primary/Secondary duplex zoning, restrictions on private clubs and marijuana shops, short term occupancy mandates and other environmentally directed regulations. This will be another area that VHA will closely monitor.

### Approved Entrance Lobby to Ford Amphitheater

**Ford Park Master Plan:** The Town Council approved an update to the [Ford Park Master Plan](#). The plan provides for the addition of an open air lobby to the Gerald R. Ford Amphitheater and the development of an education center for the Betty Ford Alpine Gardens. The Homeowners Association was successful in having included in the plan opportunities for the improvement of the park's Frontage Road traffic circulation, the consideration of a year round facility and the consolidation of shared uses into a single facility, as well as having greater emphasis placed on restricting improvements that add pollutants to Gore Creek or adversely affect environmentally sensitive areas. How each of these actions will be accomplished remains a matter of on-going concern and involvement for the Association.

**Gore Creek Clean Up:** In many ways, Gore Creek is the canary in the tunnel for the environmental health of the community. Unfortunately, recent news has not been good. The State of Colorado now uses the health of aquatic bug life to determine if a stream is polluted. [Gore Creek failed to meet the new standard](#). Even more problems may be in the offing due to the interconnection between the Town storm drains and the sewer treatment system. Recently, the Eagle River Water and Sanitation District (ERWSD) says the interconnection of the two systems is no longer appropriate and it has been [conducting smoke tests](#) that will likely lead to the termination of the interconnection. Once separated, storm drainage will most likely be diverted into Gore Creek, which will further exacerbate the stream's pollution levels. One of the largest sources of pollution, chemical and otherwise, is storm runoff accumulation that comes from the public roadways, including the Interstate.

The Town and stream protection advocates desire to use land immediately adjacent to streams to filter pollutants in combination with regulating fertilizing and landscaping practices. There has, as yet, been no scientific evidence presented as to the limitations and degree of effectiveness of using native Gore Creek stream bank habitat as a passive treatment approach to partially treat or eliminate chemical contaminants. There are doubts that the scale of the urban runoff pollutants can be contained or rapidly eradicated without the need for a central collection and treatment facility, which could be very costly. The Homeowners Association is pressing public officials to determine how an effective collection

system should function, who would operate and pay for it, as well as a target date for Gore Creek to be rid of pollutants. The Town and District have announced the intent to hold a public meeting, but have yet to set a date.

**Management of Traffic, Congestion and Incompatible Uses:** Effective traffic management is a growing community problem as long-term problems continue unabated and new problems arise. This is an area of Town planning that is increasingly calling for a comprehensive solution rather than a series of isolated fixes.

#### **Semi-trucks Supporting a Special Event Parked on East Meadow Drive**

**Implementation of Loading and Delivery System:** Efforts by the Homeowners Association are underway to further the implementation of relocating more on-street truck traffic to the now completed system of enclosed loading & delivery terminals in Vail Village. The [Vail Police Department](#) and Town Council have recommended that the effort be pursued. [Residential owners complain](#) about traffic congestion, engine and delivery noise, exhaust fumes and contributing contaminants to urban storm drainage runoff. The current method of regulating truck deliveries is in need of additional public capital investment, i.e. electric delivery carts, along with changes to operational regulations. This approach is needed to correct imbalances in areas where commercial and residential uses are experiencing incompatibility issues. Likewise for recycling staging areas within loading and delivery terminals as the Town is considering [mandatory recycling regulations](#).

**Vail Mountain and Golden Peak Traffic:** In a similar vein, VHA is in discussions with Vail Resorts in an effort to remedy the impacts of mountain service vehicular traffic on the Forest Road neighborhood. The Association is supportive of efforts to encourage the United States Forest Service (USFS) to reopen public access roads on Vail Mountain that have been affected by its road closure policy. Similarly, efforts remain on-going to ensure that

vehicular traffic to the Ski and Snowboard Club Vail building proposed for redevelopment remains compatible with the Golden Peak and Golf Course neighborhoods.

## Frontage Road and I-70 Issues

**Simba Run Underpass to Proceed:** A major breakthrough has been accomplished in advancing the Vail Homeowners Association's desire for long-term improvement of the community traffic circulation system. The Colorado Department of Transportation (CDOT) granted \$14.6 million to be matched by the Town of Vail's \$6.2 million to construct the Simba Run Underpass. The project allows the South and North Frontage Roads to be interconnected midway between the Main and West Vail interchanges. The interconnection will reduce traffic congestion, improve pedestrian safety and circulation to residential neighborhoods, increase the efficiency of shuttle bus service and reduce travel time between commercial centers. As currently planned, some private property will have to be acquired. Special care will be necessary to design the project to address the concerns of residential property owners who are immediately adjacent to the project. The design of the underpass will also be influenced by Vail Resorts' plan to straighten the South Frontage Road in connection with their proposed Ever Vail development in West Lionshead.

### Conceptual Design of Simba Run Underpass

**Additional Improvements to Follow:** Once completed, the Simba Run underpass will afford the opportunity to make further improvements to the joined sections of the North and South Frontage Roads. The Town of Vail Transportation Plan long-range calls for additional roundabouts, turn lanes, crossings, landscaped medians and variable message signs that will further improve traffic flow from Ford Park to the West Vail commercial shopping center. Upgrades to the [Town's directional signage](#) is currently underway, which will include

permanent, real-time, variable message signs to replace the portable ones. Landscaped medians are to be installed along the Lionshead portion of the South Frontage Road this coming year.

#### **Town 2006 Study of West Vail Commercial Center Redevelopment**

**On Vail's Drawing Board:** The Homeowners Association is an advocate for Frontage Road projects as they will directly improve the quality of life and public safety throughout the entire community and, importantly, for residential neighborhoods. The Association is currently working on several roundabout projects including the East Vail Interchange, Ford Park, the Town of Vail/Vail Valley Medical Center, Ever Vail, Simba Run and the West Vail Commercial Center. There will come a time when Frontage Road parking lanes will have to give way to traffic lanes, which means the development of public and privately owned public parking structures at Ever Vail, the Town's Municipal Building site and the West Vail Commercial Shopping Center will become a necessity. Plans, in one form or another, have already been prepared that address these eventualities.

**VVMC/TOV Traffic Handling Upgrades In the Public Interest:** The Association and affected neighborhoods are exploring methods to encourage VVMC and TOV to move forward with approaches that will create long-term solutions to traffic flowing to and from the VVMC facility and the Town's municipal center. Central to VHA concerns is vehicular access to the VVMC facility from the South Frontage Road, which will require the design and construction of a roundabout. It is the [desire of the Association to improve public safety](#) by enhancing the protection of pedestrian routes, reducing area-wide traffic congestion by improving access to centralized parking and service facilities from the South Frontage Road and ensuring that the location of community emergency helicopter flight paths and landing pad are located outside of residential neighborhoods and on Town or CDOT owned land.

**CDOT's Plan for Interstate 70-More Lanes, Trains and Traffic, but No Sound Walls, Cut & Cover or Diversion Tunnels:** I-70 traffic congestion, noise and pollution is a growing problem for the community and realistic solutions still seem to be non-existent as week-end traffic problems continue to multiply. Traffic engineers are nearing completion of their [study of high speed train service](#) along Interstate 70 between Denver and Eagle. [Mag-lev train technology](#) is being favored because it can climb steeper grades than more conventional technology. The construction cost would be \$13.5 billion Denver to Eagle or \$5.5 billion for the shorter distance, Denver to Breckenridge. There are no readily available solutions to finance the project. There are those in Vail who do not favor the train because it could cause an undesirable transformation by further urbanizing the resort community into a Denver commuter suburb.

**Shanghai Mag-lev Train in Vail's Future?**

**Mag-lev Station Development**

**See-Through Sound Walls**



**Air Service Not a Cure for I-70 Traffic:** CDOT officials are predicting dire consequences if the traffic handling capacity of I-70 is not increased. Delivering destination guests to Vail via air service to the Eagle County Airport could overcome some of the stress from I-70 travel, but [air travel to mountain resorts is struggling](#) due to [passenger subsidy competition](#).

**Toll Lanes Could Trump Trains:** The study of train service was an interim political tradeoff to temporarily appease communities, including Vail, along the intermountain route who have fought adding more travel lanes to the Interstate. It is highly likely that the financing of train service will remain an unresolved challenge. CDOT will likely follow a more conventional approach as it is now in discussions with a private company to convert the interstate's existing "safety aprons" into toll lanes. But that approach begs the question of what will be the impact of increased traffic on quality of life in the community as an ever increasing number of people and commercial traffic pass through the town. Thus far, there is no commitment from CDOT to participate in cleaning up chemical pollutants in Gore Creek, which is the latest addition to a growing list of environmental detriments that the Interstate has brought to the community. And, after years of complaints, CDOT has yet to make any mention that it will invest in long-term cures for the community's highway noise pollution. Neither CDOT nor the Town have undertaken any serious studies of whether effectively designed sound barriers would be a viable solution as they are in other locations throughout advanced western countries.

**Stop Gap Measures:** The Town of Vail may revisit whether the "quiet pavement" laid down on I-70 through Vail a few years ago still retains any of its benefits. The acoustic reduction gained from the special pavement was to diminish after being worn down from use. A Vail councilperson hopes to make some headway at reducing "jake brake" muffler backfiring from passing trucks by installing newly invented monitoring stations that can photo identify and issue traffic citations to violators who exceed the Town's noise standards. This [leading edge technology](#) may hold some promise to solve one aspect of the highway noise pollution issue, but it remains in the testing stage as monitoring standards have yet to be agreed upon.

**Eliminating the Interstate from Vail:** Governmental inaction on environmental issues continues to fuel ambitions to relocate I-70 by covering it over through the main part of Vail's Town Center. Others envision [eliminating the Interstate from Vail](#) entirely by re-routing it through a tunnel under Vail Mountain. Preliminary analysis indicates under the right circumstances, doing such a project is both technically and financially feasible.

## Town of Vail Wildfire Issues

Summer wildfire issues continue to be an area of vital concern as the wildfire season has expanded and the intensity of the fires have increased. It seems to some that it is only a matter of time before a serious wildfire gets loose in the valley.

**Town Shifting Responsibility for Wildfire Mitigation - Onus on Property Owners:** The Town of Vail has shifted the strategy of dealing with wildfire threat in a different direction. The direction leads away from creating a defensible perimeter around the community by removing dead trees from public lands and upgrading evacuation preparedness. The new direction, which places the onus for wildfire prevention on individual residential property owners, was raised in a [white paper prepared by the Vail Fire Department](#). The document was released earlier in the year.

**Public Oversight Minimal:** The white paper received little in the way of oversight or comment by Town officials or the general public. [Fire authorities put in motion](#) a set of very general recommendations that may prove to have unexpected, unintended and unknown consequences for many property owners. Public questioning was not allowed at the Town Council work session where the Fire Department was given direction on their activities related to their recommendations. The Town Council stipulated that a public hearing would be conducted at a later date.

#### **Wildfire Risk Evaluation Map proposed for adoption by Vail Fire Department**

**Important Pieces of the Puzzle Missing:** One concern is that the Fire Department, within these recommendations, [has evaluated, mapped and rated the wildfire vulnerability of all residential properties](#) according to their own self-adopted evaluation criteria. It is [reported that 42% of all Vail homes fall into a high risk designation](#); while few have "no risk" at all. Commercial properties were not evaluated, even though many share similar characteristics with residential structures. At VHA's request, the proposed [evaluation criteria](#) has been made public. There has not been a procedure established for property owners to protest the criteria or appeal to change the Fire Department's designation.

**Regulatory Conflicts Will Confuse Property Owners:** There are aspects of the evaluation criteria, like removing trees and landscape vegetation from around structures,

which may be in direct conflict with the Town's design review and development requirements. The Fire Department proposal could result in hundreds of healthy trees being removed from around homes to create defensible space from a wildfire threat. Such an action would change the character of many neighborhoods. More importantly, the Wildfire Triage Plan, as it has been dubbed by fire authorities may also become a rationale to prematurely abandon the protection and defense of entire neighborhoods that are under threat from a wildfire.

**Crossing Lines of Authority:** The Town and surrounding jurisdictions conduct extensive annual emergency response drills. Critically, any wildfire that erupts on land immediately outside of the Vail Town boundary becomes the responsibility of the Eagle County Sheriff who, by recent changes to State regulations, is the designated wildfire incident commander. The incident commander is responsible for the marshaling of resources as well as directing firefighting and first responder actions. It should not be presumed that the county sheriff would be as committed as the Town of Vail Fire Department to defending Vail's residential neighborhoods. Such a dispute is already occurring in Colorado between a sheriff and a fire department. Many of Vail's neighborhoods immediately abut Eagle County jurisdiction, much of which is land owned by the U.S. Forest Service and many areas are inaccessible except through the Town of Vail.

**Give Studied Consideration:** The Homeowners Association urges that, before the Town Council adopts the wildfire threat evaluation map and its associated policies, the matter be referred for public discussion and consideration by the Town's Planning and Environmental Commission and Design Review Board. The Town should continue to ensure that a defensible corridor be created on public lands for vulnerable neighborhoods and that evacuation warning systems like audible sirens are installed to augment its use of electronic notification. A clearly defined wildfire response agreement should be adopted between the Town of Vail, Eagle County and the U.S. Forest Service. It is the lack of these clearly defined agreements that has partially been the cause of inadequate responses resulting in instances of unnecessary loss of life and property in some of the recent major Colorado wildfires.

## Looking Around Vail

**Moose licking salt from the floor of Vail Medical Center Parking Structure.**

**Vail Homeowners Association - Become a Member**

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