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**TOWN OF VAIL  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
1309 Elkhorn Drive  
Vail, CO 81657**

**REQUEST FOR PROPOSALS  
FOR  
FIRE FREE FIVE LANDSCAPE EVALUATION**

**April 28, 2022**

The Town of Vail Department of Public Works is seeking a qualified landscape designer or landscape architect (the “consultant”) to assist with Landscape Design and Planning on Town of Vail facility buildings. The town is seeking to develop a landscape alteration plan for each town-owned structure that ensures compliance with the Fire Free Five concept, described in more detail below. The selected consultant will assist town staff to evaluate each town-owned facility, develop landscape removal or alteration plans, and create bidding documents as needed to facilitate landscape alterations.

**BACKGROUND**

The Vail Town Council is considering legislation, known as the Fire Free Five, that would create a five-foot non-combustible zone around every structure in Vail, both public and private. Prior to requiring it for private structures, the Council has requested that all town-owned structures undergo the work required to be compliant with the proposal. The components of compliance are as follows:

- Remove trees where the tree trunk is within 5’ of the structure
- Prune branches from trees where the branches are within 2’ of the roof structure
- Trees planted outside the 5’ zone that hang over into the zone must be limbed up to a height of 6’ or 1/3 the total height whichever is less and must be trimmed to leave at least a 2’ gap between the nearest branch and the building
- Remove shrubs where any branches/vegetation are within 5’ of the structure
- Remove combustible wood mulch within 5’ of the structure
- Remove non-irrigated “native” grass within 5’ of the structure
- Within the 5’ non-combustible zone, the following are allowed:
  - Hardscaping such as on-grade patios, walkways, driveways, etc.
  - Non-combustible mulches such as cobble, gravel, pea gravel, etc
  - Well-maintained and irrigated lawn
  - Perennial flower beds and groundcovers

## **REQUIRED WORK**

### **Phase I - Evaluation**

The selected consultant will:

1. Work with Town of Vail staff including the town landscape architects and the wildland program manager during the project
2. Create a site plan for each of the town-owned structure to be considered during this work. A list of town-owned structures is included as Appendix A. Site plan can be an aerial image of each site. There is no requirement for survey work or to measure each building structure.
3. Evaluate each town-owned structure for compliance with the Guidelines.
4. Create a list of required work for each site. Include the required work on each site plan.
5. At the completion of Phase I, submit a proposal for the required design work at each facility. It is difficult to anticipate the scope of the design phase until Phase I is completed.

### **Phase II – Design and Construction Document**

In general, the selected consultant will:

1. Provide detailed design work for each facility as determined through Phase I. This work may include but is not limited to planting design, site design, grading work, material specifications, etc.
2. Work with town staff to develop drawings and/or other displays as needed to proceed through the Town of Vail design review process which may include Design Review Board, Planning and Environmental Commission and/or Town Council. More detail on these requirements will be forthcoming prior to a Phase II proposal.
3. Create drawings as needed for a bidding package
4. Work with town staff as needed to create bid item descriptions and specifications for Contract Documents
5. Additional services as determined through the Phase I process

## **SCHEDULE**

Town staff plans to have a landscape contractor install the majority of the recommendations during the fall of 2022. If, in the consultant's opinion, that goal is not achievable, please include an alternate schedule in the Proposal.

April 28, 2022	Request for Proposals advertised
May 16	Last Day for Questions
May 18	Proposals Due, 1:00 pm via email
May 30 (week of)	Project kickoff, begin Phase I
June 20 (week of)	Provide list of work and site plan for each facility
June 27 (week of)	Submit Proposal for Phase II
August 1 (week of)	Conceptual/DRB-level plans complete
August 15 (week of)	Bid Package complete

## **PROPOSAL REQUIREMENTS**

**Proposals are due by Wednesday, May 18, 2022 by 1:00 p.m**

1. All Proposals shall be submitted in PDF format by email to Gregg Barrie at [gbarrie@vailgov.com](mailto:gbarrie@vailgov.com). An email confirming receipt will be sent prior to reviewing proposals. Proposals will be opened and reviewed at the date and time they are due.
2. Consultant information including name, primary contact, address and phone
3. A list of team members, if appropriate
4. Provide a list of experience with similar types of work, including references

**TOWN OF VAIL CONTACT INFORMATION**

Town of Vail  
Attn: Gregg Barrie  
1309 Elkhorn Drive  
Vail, CO 81657

Office: (970) 479-2337  
Email: [gbarrie@vailgov.com](mailto:gbarrie@vailgov.com)

**End of Section**

**Attachments:**

1. Appendix A – a list of town-owned facilities to be included in the Work
2. Appendix B – proposed Five Free Five ordinance

Appendix A

**Town of Vail-owned Structures**

This list shows town-owned structures that are to be included in this project. Each requires a site evaluation, creation of a base plan and a plan showing required work.

<b>Facility</b>	<b>Address</b>	<b>Add'l Description</b>
<u>Municipal Facilities</u>		
Vail Municipal Complex	75 South Frontage Road West	Administration, Police and Community Development
Fire Station 1 (East Vail)	4116 Columbine Drive	
Fire Station 2 (Vail Village)	42 West Meadow Drive	
Fire Station 3 (West Vail)	2399 Arosa Drive	
Vail Library	292 West Meadow Drive	
Dobson Ice Arena	321 East Lionshead Cir	
East Lionshead Bus Stop	East Lionshead Cir bus stop	
Village Parking Structure	241 South Frontage Rd East	
Lionshead Parking Structure	395 South Frontage Rd West	Includes Information Center, Lionshead Transit Center and Entry Booths/Structure
Red Sandstone Parking Structure	559 North Frontage Rd West	
Public Works Facility	1309 Elkhorn Drive	Buzzard Park Housing, Administration
Vail Golf Club	1775 Sunburst Drive	
<u>Park Facilities</u>		
Bighorn Park	4825 Meadow Drive (East Vail)	Restroom, picnic shelter
Booth Creek Park	2900 Manns Ranch Rd	Restroom, picnic shelter
Ford Park - TOV Facilities	580 South Frontage Rd East	Restroom, picnic shelter
Ford Park - VRD Facilities	580 South Frontage Rd East	Tennis Center, Maintenance building, Sports Central
Ford Park – BF Alpine Gardens	580 South Frontage Rd East	Alpine Garden Education Center, Schoolhouse
Chalet Road Pickleball Courts	461 Vail Valley Drive	Restroom
Donovan Park	1600 South Frontage Rd West	Pavillion, picnic shelter, restroom
Stephens Park	2470 South Frontage Rd West	Restroom, picnic shelter
Red Sandstone Park	725 North Frontage Rd West	Restroom
Buffehr Creek Park	1953 North Frontage Rd West	Restroom
Ellefson Park	2485 Garmisch Drive	Picnic shelter

**ORDINANCE NO. 2  
SERIES 2022**

**AN ORDINANCE AMENDING CHAPTER 11 OF TITLE 5 OF THE VAIL  
TOWN CODE TO REDUCE THE RISK OF WILDFIRES IN THE TOWN**

WHEREAS, each year wildfires continue to grow more destructive and impactful to communities across Colorado; and

WHEREAS, the Town wishes to reduce the risk of wildfire in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Chapter 11 Title 5 of the Vail Town Code is hereby repealed in its entirety and reenacted as follows:

**CHAPTER 11: REDUCTION OF WILDFIRE RISKS**

**5-11-1: PURPOSE:**

The purpose of this Chapter is to reduce the risk of wildfires in the Town by requiring the removal of wildfire fuels and diseased trees from properties in the Town and requiring the creation of non-combustible zones around structures in the Town.

**5-11-2: APPLICABILITY:**

This Chapter shall apply to all property in the Town.

**5-11-3: DEFINITIONS:**

For purpose of this Chapter, the following terms shall have the following meanings:

**CHIEF:** The Town's Fire Chief or designee.

**DISEASED TREE:** A tree, alive or dead, which is or has been infested or infected with any insect or disease identified in the most recent version of the "Field Guide To Diseases And Insects Of The Rocky Mountain Region".

**HERITAGE TREE:** An evergreen tree of at least twelve (12) inches in diameter breast height ("DBH") and at least forty (40) feet in height or an aspen tree of at least eight (8) inches in DBH.

**LADDER FUELS:** Vegetation, live or dead, that allows a fire to climb up from the landscape or forest floor into the tree canopy, including without limitation tall grasses, shrubs, and tree branches.

PROPERTY: A lot, tract or parcel of real property located within the corporate limits of the Town.

WILDFIRE FUELS: Vegetation such as trees, shrubs, forbs or grasses and other materials such as firewood, construction material or debris surrounding a structure, which represent a threat to life or property during a fire as determined by the Chief.

**5-11-4: DISEASED TREES AND WILDFIRE FUELS:**

It is unlawful for an owner to maintain on any property in the Town diseased trees or wildfire fuels which represent an imminent threat.

**5-11-5: FIRE FREE FIVE ZONE:**

A. Every structure in the Town shall be surrounded by an area where there shall be no combustible materials or wildfire fuels, and there shall only be materials that are designed to prevent ignition from wildfire (the "Fire Free Five Zone"). The Fire Free Five Zone shall extend from the foundation wall of the structure or any attachment (such as a deck or stairway), whichever is further, out a distance of five (5) feet.

B. Notwithstanding the foregoing, a heritage tree may be exempted from the Fire Free Five Zone if the Town determines that the heritage tree is not a significant wildfire risk. To obtain such an exemption, the property owner shall contact the Fire Department to request an evaluation based on site-specific conditions. Each heritage tree that remains in the Fire Free Five Zone shall be continuously maintained as follows: the tree shall be limbed vertically to six (6) feet or one-third of the total height of the tree, whichever is greater; the tree shall have no ladder fuels under its dripline; the tree shall have no limb within two (2) feet from any structure; and the tree shall have no limbs within ten (10) feet of a chimney on any structure.

**5-11-6: PERMIT FOR REMOVAL:**

An owner desiring to remove any diseased trees from any property in the Town shall file an application for a permit with the Community Development 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 Chief may perform a site visit prior to the Town taking any action on the permit application. To protect nesting birds, when possible, tree removal shall not occur between May 1 and August 1.

**5-11-7: INSPECTION:**

A. The Chief may enter a property for the purpose of inspection for compliance with this Chapter, with permission from the owner, when at least one of the following events has occurred:

1. The owner has requested the inspection;
2. A neighboring landowner has reported a diseased tree or wildfire fuels and requested an inspection; or
3. The Chief has made a visual observation from a public right of way or adjacent property and has reason to believe that diseased trees or wildfire fuels exist on the property.

B. If the owner does not grant permission to inspect the property, the Chief may seek an inspection warrant from the Municipal Court.

**5-11-8: EMERGENCIES:**

In the case of an emergency involving imminent danger to the public health, safety or welfare, the Chief may enter upon any property to conduct an emergency inspection or abatement without permission from the owner or a warrant.

**5-11-9: NOTICE OF VIOLATION:**

A. If the Chief determines that a property is in violation of this Chapter, the Chief shall provide a written notice to the owner. The notice shall be sent by first-class United States mail to the owner at the owner's last known address, or personally served.

B. The notice shall:

1. Advise the owner of the violation of this Chapter;
2. Describe approved methods for abatement of the violation;  
and
3. Require that the abatement be completed within the timeframe stated in the notice, which shall be no less than thirty (30) days of the date of the notice, or that an acceptable plan and schedule for abatement be submitted to the Chief within such time.

C. If the owner fails to dispute the notice, and fails to timely abate the violation, the Town may seek an abatement order pursuant to this Chapter.

D. If the owner disputes the notice, the owner shall notify the Chief within seven (7) days of the date of the notice. If a timely notice of dispute is given, the Chief shall meet with the owner in an effort to resolve the dispute. If the Chief meets with the owner and is unable to resolve the dispute, the Town may seek an abatement order pursuant to this Chapter.

**5-11-10: ABATEMENT ORDER:**

A. An application for an abatement order shall be accompanied by an affidavit, signed by the Chief, stating that:

1. The Chief has determined that the property is in violation of this Chapter;

2. The Chief has complied with the notice requirements of this Chapter; and

3. Within the required time, the owner has failed to remedy the violation or has failed to submit an acceptable plan and schedule for such abatement; and

4. The Municipal Court will consider the application for an abatement order at the date and time set forth in the notice, which date shall be at least fourteen (14) days after the notice.

B. The Town shall provide notice to the owner of the application, either by first class United States Mail to the owner's last known address, or by personal service. The notice shall include a copy of the Town's application and affidavit.

C. At the stated time, date and place, the Municipal Court shall review the Town's application, as well as any statement or evidence presented by the owner. If the Municipal Court finds that the property is in violation of this Chapter, the Municipal Court may enter an order authorizing the Town to enter upon the property, remove the violation and recover its costs,

**5-11-12: COSTS:**

If the Town abates a violation of this Chapter, the owner shall be assessed the Town's actual costs, plus a 10% administrative fee.

**5-11-13: VIOLATION AND PENALTY:**

A. It is unlawful to violate any provision of this Chapter.

B. Any person convicted of violating any provision of this Chapter shall be punished as provided in Section 1-4-1 of this Code; provided that each separate act in violation of this Chapter, and each and every day or portion



thereof during which any act in violation of this Chapter is committed, continued, or permitted, shall be deemed a separate offense. This penalty shall cumulative, and any penalty under Section 1-4-1 shall be in addition to any assessment of costs under this Chapter or other available remedies.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Vail Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 6. Effective Date. This ordinance shall take effect on January 1, 2025.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 5<sup>th</sup> day of April, 2022 and a public hearing for second reading of this Ordinance set for the \_\_\_ day of \_\_\_\_\_, 2022, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

\_\_\_\_\_  
Kim Langmaid, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED  
this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kim Langmaid, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, Town Clerk

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