

WILDFIRE REGULATIONS
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SECTION 2-110. DEFINITIONS

LOCAL FIRE AUTHORITY HAVING JURISDICTION means the agency, special district or municipality responsible for responding to fire related emergencies. For land located outside of the boundaries of a municipality or special district established for fire protection, the County Sheriff or his assigns is responsible for responding to fire related emergencies.

WILDFIRE HAZARD MAP means a current, scaled, graphic compilation of predetermined wildfire hazard ratings for each and all privately owned lands and adjacent public lands located within unincorporated Eagle County. The resulting map reflects the most accurate, currently available site specific data. Wildfire hazard ratings will change over time due to site-specific modifications of fuels and water supply. As such, the Wildfire Hazard Map will be continually modified in order to accurately reflect current conditions.

WILDFIRE HAZARD RATING means the relative degree of site-specific hazard associated with wildfire potential. All privately owned land and adjacent public lands, having wildfire influence on the subject property, located within unincorporated Eagle County will be assigned a hazard rating. The hazard rating will be determined based upon three criteria: 1) Topography; 2) Fuel, and; 3) Water availability. Each of these three criteria is assigned a numerical value reflective of actual site conditions. The three resulting numerical values, when tallied, represent the hazard rating of low, moderate, high or extreme. The hazard rating will be incorporated into the Wildfire Hazard Map.

WILDLAND/URBAN INTERFACE means any area where man-made structures are built close to, or within, terrain and fuel or other conditions where the potential for wildfires exist.

SECTION 4-430. DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS

- A. Purpose.** There are certain regions of Eagle County that have the potential to pose hazards to human life and safety and to property because they can be threatened by wildfire. These regulations are intended to provide standards to reduce or minimize the potential impacts of wildfire hazards on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to manmade structures by firefighters in the event of a wildfire. Development should attempt to avoid high and extreme wildfire hazard areas whenever possible.
- B. Applicability.** The provisions of this Section shall apply to any application for a Special Use Permit, Subdivision or Planned Unit Development (PUD).
- C. Vegetation Management Plan.** All applications identified in Section 4-430.B, Applicability, shall include a Vegetation Management Plan. The Vegetation Management Plan shall be prepared by a natural resource professional with expertise in the field of vegetation management and wildfire mitigation.

 - 1. Special Use Applications.** For development requiring a Special Use Permit, the application shall include those materials described under Subsection 4-430.C.2.b, Preliminary Plan.
 - 2. Development Involving Subdivision or PUD Review.**

 - a. Sketch Plan.** The Vegetation Management Plan submitted with the sketch plan shall provide an initial site-specific evaluation. Following is the minimum information to be included in the plan:

 - (1)** A statement of objectives for the Vegetation Management Plan;

- (2) A site-specific wildfire analysis addressing topographic and vegetation features;
- (3) A vegetation inventory, analysis and map which identifies and assesses the major timber stands and vegetation according to National Fire Protection Association (NFPA) Bulletin Number 299, *Standard for Protection of Life and Property from Wildfire, 1997 Edition* or, the version of the referenced publication currently in effect.

b. Preliminary Plan. The Vegetation Management Plan submitted with the preliminary plan shall provide a detailed site specific analysis which includes the following minimum information;

- (1) A schedule delineating how the wildfire mitigation actions identified in the plan will be implemented including, but not limited to, overlot vegetation thinning, creation of fuelbreaks and the installation of working fire hydrants, fire cisterns and or/dry hydrants prior to the introduction of combustible construction materials on the site;
- (2) Communication capabilities during construction with the Local Fire Authority Having Jurisdiction and the type of communication system. A physical address is required for E-911 purposes;
- (3) Detailed specification of fire protection equipment and emergency preparedness actions to be installed or implemented and maintained within the subdivision during construction;
- (4) Detailed mitigation actions including, but not limited to, thinning and removal of trees and vegetation designed to mitigate wildfire hazard areas. The use of building envelopes may be required to locate structures outside of severe hazard areas, off of steep slopes and outside of draws and canyons;
- (5) Identification of the entities responsible for implementing the plan, constructing required improvements, and maintenance in perpetuity of the improvements and appropriate easements, if any;
- (6) A map identifying major timber stands and vegetation, locations of fire hydrants, water tanks, cisterns and/or dry hydrants, as well as locations and flows or capacity of fire hydrants, water tanks, cisterns and/or dry hydrants.

D. Procedure.

- 1. **Referral to Colorado State Forest Service.** As part of the review of the application, the Community Development Director shall refer to the Colorado State Forest Service (CSFS) all applications as identified in Section 4-430.B., Applicability. Referral of Final Plat applications will be at the discretion of the Community Development Director.
- 2. **Review and Classification of Degree of Hazard By CSFS.** CSFS reviews the application and determines whether there is a low, moderate, high, or extreme degree of severity of wildfire hazard posed to persons and property pursuant to the National Fire Protection Association (NFPA) Bulletin Number 299, *Standard for Protection of Life and Property from Wildfire, 1997 Edition* or, the version of the referenced publication currently in effect. CSFS considers the Vegetation Management Plan, **Defensible Space** and proposed design of the subdivision or PUD (including the planned roads and water supply facilities and the configuration and location of lots), the topography of the site, the types and density of vegetation present, the fire protection measures proposed by the applicant and other related factors in making its determination.
- 3. **CSFS Response.** Considering the degree of severity of wildfire hazard that is posed to persons and property, the CSFS shall also comment on the potential effectiveness of the Vegetation Management Plan and the mitigation techniques proposed. These recommendations shall be based on guidelines promulgated by CSFS (see, for example, "Creating Wildfire-Defensible Zones, No. 6.302 or currently accepted standards.) and may include, but are not limited to the following wildfire hazard mitigation techniques:

- a. **Locations.** Recommendations to locate structures outside of severe hazard areas, off of steep slopes and outside of draws and canyons.
 - b. **Manipulate Vegetation.** Recommendations to manipulate the density and form of vegetation, so as to create defensible space buffers around locations where structures are proposed including: Removal of tree limbs hanging near chimneys, establishing fuelbreaks, reduction of on-site vegetative fuel hazards through strategic thinning and clearing to promote overall health of on-site vegetation by reducing the severity of the hazard. The form and the extent of the recommendations to manipulate vegetation shall relate directly to the severity of the hazard that is present.
 - c. **Building Design.** Recommendations to use fire rated or non-combustible roof materials, to require pitched roofs, and to sheath, enclose or screen projections and openings above and below the roofline, as applicable. Compliance with these recommendations shall occur prior to building permit issuance pursuant to Chapter 3.10, Building Resolution of the Eagle County Land Use Regulation.
 - d. **Water Supply.** Where access to a pressurized water system with fire hydrants is not provided, recommendations may be made to ensure the availability of a water supply for individual structures, in the form of access to a pond, installation of an underground water storage tank, provision for dry hydrants, or similar methods.
 - e. **Access.** Recommendations to provide separate routes of entrance and exit into the subdivision or PUD, to lay out roads so as to create fuel breaks and to ensure the adequacy of access by emergency vehicles, including the provision of regularly spaced turnouts along roadways, the establishment of adequate grades and sight distances and the prohibition of dead end streets (but not cul de sacs) in the development. Depending upon the length of the road, fire hazard rating, number of units proposed, topography and the recommendation of the Local Fire Authority Having Jurisdiction, the Board of County Commissioners may, at their discretion, grant a variance from the required improvement standard.
 - f. **Maintenance.** Recommendations to keep roofs cleared of debris and to store flammable materials and firewood away from structures. Firebreaks, turnaround areas and emergency access routes shall be maintained.
4. **Compliance** The County shall consider the recommendations of the CSFS and apply the appropriate recommendations as conditions of approval of the sketch and preliminary plan. The applicant shall demonstrate how the development complies with all of the CSFS recommendations made conditions of approval by the County.

E. Standards.

- 1. **Water Supply and Access.** The following standards for water supply and access shall apply to all applications as identified in Section 4-430.B., Applicability.
 - a. **Water Supply.**
 - (1) **Fire Hydrants.**
 - (a) Fire hydrants shall be provided when a water distribution system will serve the proposed development and shall meet the required fire flow as defined in the fire code in effect at the time of application or as otherwise determined by the Local Fire Authority Having Jurisdiction.

- (b) The water distribution system shall be capable of delivering the required fire flow for each hydrant connected to the distribution system within the proposed subdivision as delineated in the fire code in effect at the time of application, or as otherwise required by the Local Fire Authority Having Jurisdiction.
 - (c) Fire hydrants shall be located at the intervals defined in the fire code in effect at the time of application, and shall be located so that all structures are within a maximum five hundred (500) feet as defined in the fire code in effect at the time of application or as otherwise determined by the Local Fire Authority Having Jurisdiction.
 - (d) Fire hydrants shall be located in the public right-of-way or at other locations as required and approved by the Local Fire Authority Having Jurisdiction.
 - (e) Fire hydrants shall be accessible to fire fighting apparatus from County maintained roads, privately maintained roads or unobstructed emergency vehicle lanes as determined by the Local Fire Authority Having Jurisdiction.
- (2) **Water tanks, cisterns and/or dry hydrants.** Water tanks, cisterns and/or dry hydrants shall be provided in developments that are not served by hydrants unless the Local Fire Authority Having Jurisdiction has approved an alternative fire protection water supply system.
- (a) Water tanks and cisterns shall meet the requirements of the *1997 Uniform Fire Code* as adopted by Eagle County, or as defined in the fire code in effect at the time of application. Depending upon the recommendation of the Local Fire Authority Having Jurisdiction, the Board of County Commissioners may, at their discretion, grant a variance from the required improvement standard.
 - (b) A dedicated turn-around shall be placed no more than fifty (50) feet from a water tank or dry hydrant cistern and the discharge from the water tank or dry hydrant cistern shall be within eight (8) feet of the nearest usable portion of the dedicated right-of-way, unless otherwise approved by the Local Fire Authority Having Jurisdiction.
 - (c) Dry hydrants may be provided in combination with or in lieu of cisterns, water tanks or other approved fire protection water supply systems. Dry hydrants shall be installed in accordance with the standards of *NFPA Bulletin Number 1142, Suburban and Rural Fire Fighting 2001 Edition* or, the version of the referenced publication currently in effect. The Local Fire Authority Having Jurisdiction may approve an alternative standard. An average home size of 5000 square feet shall be assumed unless further modified within the development.
- b. **Access.** Separate routes of entrance and exit into the development shall be provided. Roads shall be laid out with consideration for creating fuel breaks and to ensure the adequacy of access by emergency vehicles, including the provision of regularly spaced turnouts along roadways, the establishment of adequate grades and sight distances and the prohibition of dead end streets (but not cul de sacs) in the development. Reference ROADWAY STANDARDS Section 4-620.D.9.a and Section 4-620.J.1.h. Depending upon the length of the road, fire hazard rating, number of units proposed, topography and

the recommendation of the Local Fire Authority Having Jurisdiction, the Board of County Commissioners may, at their discretion, grant a variance from the required improvement standard.

SECTION 4-620. ROADWAY STANDARDS

Note: Due to the length of the ROADWAY STANDARDS section of the LUR, only those portions proposed for amendment have been included in this draft.

(Section 4-620.D.9.a)

D. **Functional Classifications By County.** In addition to the road classifications under ISTEA, Eagle County classifies other roads in the county as Major and Minor Collector Roads, both Rural and Urban, due to their functional characteristics as defined by AASHTO. The user of these Improvement Standards may, therefore, find a dual classification for some Eagle County roads. For administrative and design purposes, roads shall be classified as shown in Classification of Roads in Eagle County. The current classification is attached hereto as Appendix C and will be replaced as the County Engineer amends the classification from time-to-time. Roads within the jurisdiction of unincorporated Eagle County are classified as follows:

9. **Cul-De-Sacs and Turnarounds.** Cul-de-sacs and turnarounds serve dead end residential roads or streets that do not exceed one-thousand (1,000) feet in length.
 - a. **Maximum Number of Dwelling Units Served.** Due to mountainous terrain, it may be necessary to have dead end roads which exceed 1,000 feet in length. In such instances, emergency vehicle turnaround areas shall be provided at the initial 1000 foot mark and at 1000 foot intervals for the remaining length of the road. The Local Fire Authority Having Jurisdiction may approve an alternative spacing plan for turnaround areas. The turnaround shall be constructed in accordance with Section 4-620.D.9.c, Cul-de-sacs and Turnarounds, Preferred Design, or as otherwise approved by the Local Fire Authority Having Jurisdiction.

(Section 4-620.D.9.c)

9. **Cul-De-Sacs and Turnarounds.** Cul-de-sacs and turnarounds serve dead end residential roads or streets that do not exceed one thousand (1,000) feet in length.
 - c. **Preferred Design.** Circular offset cul-de-sacs are preferred, as illustrated in Exhibit 5-8 of *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, 2001, published by AASHTO. Cul-de-sacs may also terminate in a "T" or "L" as illustrated in the above-referenced Exhibit 5-8.

(Section 4-620.J.1.h)

- J. **Geometric Standards.** All roads within unincorporated Eagle County, whether publicly or privately maintained, shall conform to the design standards and requirements shown in Table 4-620.J., Summary Of Environmental, Geometric And Design Standards.
 1. **Horizontal Alignment.** The following special considerations for horizontal alignment shall apply to the design and construction or reconstruction of roadways in Eagle County:

- h. Dual Access.** The applicant shall provide two (2) points of access from the proposed development to the public roadway system, unless prevented by topography or other physical conditions. In any event there shall be a usable and unobstructed (with the exception of breakaway barriers) secondary emergency point of ingress/egress for all new development or redevelopment capable of accommodating emergency response vehicles commonly operated by the Local Fire Authority Having Jurisdiction. All dwellings and other structures shall be accessible by emergency and service vehicles. Depending upon the length of the road, fire hazard rating, number of units proposed, topography and the recommendation of the Local Fire Authority Having Jurisdiction, the Board of County Commissioners may, at their discretion, grant a variance from the required improvement standard.

(4-620.J.9.c.(1))

- c. Additional County Standards.** In addition to the foregoing, public and private access approaches and driveways shall be subject to the following standards:

- (1) Access By Emergency and Service Vehicle.** All dwellings and other structures shall be accessible by emergency and service vehicles. A maximum grade of eight (8) percent and a minimum centerline radius of forty-five (45) feet is recommended for driveways on north-facing slopes. On south-facing slopes, a maximum grade of ten (10) percent and a minimum centerline radius of forty-five (45) feet is recommended. Curves should be widened generously in both circumstances.

Public and private access approaches and driveways in excess of 150 feet in length shall be provided with adequate area for emergency vehicle turnaround. The turnaround shall be constructed in accordance with Section 4-620.D.9.c, Cul-de-sacs and Turnarounds, Preferred Design or, as otherwise approved by the Local Fire Authority Having Jurisdiction.

SECTION 4-680. WATER SUPPLY STANDARDS

(4-680.B)

- B. Fire Fighting Facilities.** The developer shall provide fire hydrants, water tanks, cisterns and/or dry hydrants within the development capable of providing a fire fighting water supply. Such hydrants, water tanks, cisterns and/or dry hydrants shall be of the type, size and number, and shall be installed in locations as specified in Section 4.430.E.1.a, Water Supply of these Land Use Regulations, or as may be alternatively approved by the Local Fire Authority Having Jurisdiction.

SECTION 5-240. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Note: Due to the length of the PLANNED UNIT DEVELOPMENT section of the LUR, only those portions proposed for amendment have been included in this draft.

(5-240.F.2.a)

- F. Procedure.**

- 2. Sketch Plan for PUD.**

a. Initiation. Applications for development permits for a Sketch Plan for PUD may be submitted at any time to the Community Development Director by the owner, or any other person having a recognizable interest in the land for which the Sketch Plan for PUD is proposed, or their authorized agent. The application shall contain the materials specified in Section 5-210.D.2, Minimum Contents of Application, and the following information:

- (1) Reasons PUD procedure is more desirable than conventional plan.
- (2) Proposed land uses, commercial, industrial and multi-family building locations, residential densities, and commercial square footage.
- (3) Proposed vehicle circulation pattern indicating the status of street ownership.
- (4) Proposed pedestrian circulation, and links to other external path systems.
- (5) Proposed open space.
- (6) Proposed grading and drainage pattern.
- (7) Proposed method of water supply and sewage disposal.
- (8). Proposed PUD Guide setting forth the proposed land use restrictions.
- (9) Wildlife Analysis pursuant to Section 4-410.
- (10) Geologic Hazards Analysis pursuant to Section 4-420.
- (11) Ridgeline Visual Analysis pursuant to Section 4-450.
- (12) Conceptual Landscape Plan pursuant to Section 4-220.
- (13) Environmental Impact Report pursuant to Section 4-460.
- (14) Vegetation Management Plan pursuant to Section 4-430.
- (15) Any or all of the following requirements, as determined by the Community Development Director, based on the complexity of the proposal:
 - (a) supporting data to justify any proposed commercial and industrial elements in an area not so zoned;
 - (b) proposed schedule of development phasing;
 - (c) statement as to the impact of the proposed PUD upon the County school system;
 - (d) statement of estimated demands for County services;
 - (e) statement of projected County tax revenue based upon the

previous year's County tax levy and a schedule of projected receipts of that revenue;

- (f) conceptual site plans, and conceptual architectural plans;
- (g) proposed method of fire protection;
- (h) Employee housing plan.

(5-240.F.3.a)

F. Procedure.

3. Preliminary Plan for PUD.

a. Application Contents. An application for a Preliminary Plan for PUD shall contain the materials specified in Section 5-210.D.2, Minimum Contents of Application, and the following information:

- (1) Overall development plan.
- (2) Application for zone amendment.
- (3) PUD guide setting forth the proposed land use restrictions and standards of development.
- (4) Wildlife Analysis pursuant to Section 4-410.
- (5) Geologic Hazards Analysis pursuant to Section 4-420.
- (6) Ridgeline Visual Analysis pursuant to Section 4-450.
- (7) Detailed Landscape Plan pursuant to Section 4-220.
- (8) Environmental Impact Report pursuant to Section 4-460.
- (9) Vegetation Management Plan pursuant to Section 4-430.
- (10) Any other information required with Sketch Plan approval.

SECTION 5-280. SUBDIVISION

Note: Due to the length of the SUBDIVISION section of the LUR, only those portions proposed for amendment have been included in this draft.

(5-280.B.4.a.(2).(v).dd.)

B. Procedures.

4. Preliminary Plan for Subdivision.

a. Application Contents. An application for a Preliminary Plan for Subdivision shall

contain the materials specified in Section 5-210.D.2, Minimum Contents of Application, and the following information:

- (2) The following maps and information shall be required and shall conform to the format and inclusions which follow:
 - (v) Preliminary Utility Plan, pursuant to Section 4-670, 4-680 and 4-690, on a plan supplemental to and at the same scale as the Preliminary Plan, to include the following:
 - dd. Fire Protection The developer shall provide fire hydrants, water tanks, cisterns and/or dry hydrants within the development capable of providing a fire fighting water supply. Such hydrants and/or cisterns shall be of the type, size and number and shall be installed in locations as specified in Section 4.430.E.1.a, Water Supply of these Land Use Regulations, or as may be alternatively approved by the Local Fire Authority Having Jurisdiction.
 - (x) Vegetation Management Plan pursuant to Section 4-430.

Chapter III - Eagle County Building Resolution

3.13.1 - GENERAL

3.13.1.1 Purpose. The purpose of this regulation is to establish minimum design and construction standards for the protection of life and property from fire within the Wildland/Urban Interface. These provisions are meant to aid in the prevention and suppression of fires, lessen the hazards to structures from wildland fires and lessen the hazards to wildlands from structure fires.

3.13.1.2 Applicability. These wildfire regulations are applicable to all new construction in the unincorporated territories of Eagle County and shall supercede the provisions of any previously approved Planned Unit Development, which may contain language contradictory in nature to the intent of these regulations. In the event that a previously approved Planned Unit Development contains language, which is more restrictive than the language found in these regulations then, the more restrictive language shall apply.

3.13.1.2.a All new building construction, exterior modification to existing buildings, and/or additions that increase an existing building's footprint or number of stories in moderate, high and extreme hazard zones shall cause the entire building to comply with the provisions of this regulation with regard to the creation of **Defensible Space**. Pursuant to Section 3.13.4.5 Roofing or Siding of Existing Buildings of this Resolution, re-roofing permits will not require **Defensible Space**. Only exterior modifications to existing buildings shall comply with the provisions of this regulation with regard to fire resistive construction. Buildings or structures that do not require a building permit are exempt from this regulation, although their proximity to a permitted structure may modify the requirement for defensible space on the property.

3.13.1.2.b All Communities and/or Subdivisions in existence prior to the effective date of these wildfire regulations may opt to prepare a Comprehensive Wildfire Mitigation Plan, which includes all lands and buildings within a definitive boundary delineated by said Plan. The Comprehensive Wildfire Mitigation Plan will be evaluated and may be approved at the sole discretion of the Board of County Commissioners through application for a Special Use Permit pursuant to Chapter 2,

Article 5 of the Eagle County Land Use Regulations. The Board will render their decision based upon recommendations from the Planning Commission, the Colorado State Forest Service, the Local Fire Authority Having Jurisdiction and any other applicable federal, state or local authority or agency.

If the Special Use Permit for the Comprehensive Wildfire Mitigation Plan is approved and adopted by the Board of County Commissioners, then the land area defined within the Plan will not be required to conform to this Chapter III with regard to wildfire mitigation. Rather, the land area defined within the Plan will be bound via Board of County Commissioner Resolution for the Special Use Permit to fully implement the elements of the Comprehensive Wildfire Mitigation Plan within a time frame established by the Board of County Commissioners through the Special Use Permit. The Comprehensive Wildfire Mitigation Plan shall remain in full force and effect and all wildfire mitigation measures established within the Plan shall be maintained in perpetuity, unless otherwise amended by the Board of County Commissioners.

The County shall be authorized to set limits on the length of any Special Use Permit that it issues and to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, including, but not limited to, requiring an annual compliance review. All conditions imposed in any Special Use Permit shall be expressly set forth in the resolution approving the Special Use Permit.

Revocation or suspension of a Special Use Permit issued pursuant to these Land Use Regulations shall be made under the procedures and standards of Article 7 of these Land Use Regulations, upon a finding that the Special Use Permit was issued on the basis of erroneous or misleading information or representation, the development violates the terms or conditions of any permit issued pursuant to these Land Use Regulations, the terms or conditions of the Special Use Permit or these Land Use Regulations.

3.13.1.2.c

All Communities and/or Subdivisions in existence prior to the effective date of these wildfire regulations opting to submit a **Comprehensive Wildfire Mitigation Plan** must have the plan prepared by a natural resource professional with expertise in the field of vegetation management and wildfire mitigation. Variable topography, diverse natural vegetative cover, as well as, unique access and water supply characteristics typify each existing development in Eagle County. It is therefore imperative that a plan be designed specifically for the community or subdivision seeking special consideration. The plan shall contain strategies to implement wildfire mitigation measures that will provide equal, if not superior, protection from the hazards inherent to wildfire. The plan may include but not be limited to: Strategic vegetation management incorporating the creation of strategic fire breaks in common areas, along access routes and subdivision perimeter and on each privately owned property; Creation of Defensible Space around all existing structures within the boundaries of the Comprehensive Wildfire Mitigation Plan; Removal of dead and diseased trees, clean-up and maintenance of under-story growth and ground debris within common areas and on each privately owned property; Provision of or improvement of an existing fire fighting water supply; Community/subdivision ingress/egress and individual driveway improvements designed to accommodate adequate emergency vehicle access and turnaround areas; Create at least two usable points of ingress/egress to the community/subdivision; Provision of adequate road and address signage; Inclusion of new technology designed to mitigate wildfire hazards such as fire retardant foam or gel applications, and; Retrofit existing structures with fire resistive construction materials, particularly, fire resistive deck and roofing materials. The Board may also consider pre-existing wildfire mitigation measures.

3.13.2 - DEFINITIONS For the purpose of this regulation, certain terms are defined as follows:

COMPREHENSIVE WILDFIRE MITIGATION PLAN means an exhaustive, substantive compilation of

commonly accepted practices designed to substantially decrease the hazards to life, property and the natural environment caused by wildfire.

DEFENSIBLE SPACE is a designated area surrounding a building or buildings that will be subject to fuel modification measures intended to reduce fire-spread potential between the structure and adjacent vegetation.

FIRE HYDRANT means a valved connection on a piped water supply system having one or more outlets that is used to supply hose and fire pumps with water as approved by the Local Fire Authority Having Jurisdiction.

FIRE-RESISTIVE CONSTRUCTION means a fire-resistive shell- exterior walls shall be a listed, one-hour fire-resistive assembly or log (6" min. dia.), and the roof shall be protected by a layer of 5/8" type X gypsum board interior ceiling or nominal 2"x T&G wood interior ceiling. A non-combustible exterior wall surface (cement stucco, brick, stone, cement fiber siding) may be used in lieu of the exterior membrane of a listed wall assembly. Decks shall be one-hour fire resistive construction as defined in the building code in effect at the time of building permit application.

TREE CROWN is the needle or leaf bearing part of a tree. The crown edge is the tree's drip edge.

3.13.3 - PROCEDURE

3.13.3.1 Hazard Rating Assignment Prior to the approval of a building permit applicable to these regulations, a Wildfire Hazard Rating must be determined for the subject property. The rating will determine the level of mitigation required for construction.

3.13.3.1.a Wildfire Hazard Rating, CSFS. Pursuant to Section 4-430.D.1 of the Eagle County Land Use Regulations, plans for subdivisions, Planned Unit Developments or Special Use Permits in Eagle County are referred to the Colorado State Forest Service. The CSFS reviews the application and determines a wildfire hazard rating of low, moderate, high or extreme for the project.

3.13.3.1.b Wildfire Hazard Rating, Not Assigned. A wildfire hazard rating must be obtained on properties for which the Colorado State Forest Service has not assigned a wildfire hazard rating. Eagle County Community Development Staff, the Local Fire Authority Having Jurisdiction or the Colorado State Forest Service, using identical criteria, will determine site- specific wildfire hazard ratings.

3.13.3.2 Inspection The level and type of Wildfire Hazard mitigation shall be determined by Eagle County Community Development Staff at the time of building permit plan check. During construction, the following site inspections shall be required.

3.13.3.2.a Initial site inspections. Two (2) inspections shall be required prior to the issuance of a building permit. A wildfire hazard rating for the property must be available. Prior to the initial inspection being scheduled, the footprint of the proposed structure must be staked out on the ground. The first inspection shall establish the defensible space, identify trees and shrubs to be removed or pruned and list other mitigation measures to be performed within the defensible space. The second inspection shall be made to verify that defensible space mitigations identified during the first inspection have been completed.

3.13.3.2.b Final Site Inspection. A final inspection to verify that all required mitigations have been completed or properly utilized shall be conducted prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the structure.

3.13.4 - REQUIRED MITIGATION

3.13.4.1 Defensible Space Vegetation Management Zones. Defensible Space shall extend the distances specified

in Table A (a minimum 70 feet for flat lots), or to the property lines, whichever is less. Defensible space measurements shall commence from the building plane, and follow all projections and recessions on each side of the building. A defensible space required under these provisions shall also encompass, and extend from, all buildings on the property located within a 50-foot radius of the affected building. Within the **Defensible Space** identified through application of Table A, the following mitigation shall be provided (Reference Figure 1):

3.13.4.1.a **Zone 1:** Is the area of maximum modification and treatment. The intent of Zone 1 is to reduce fuels that are immediately adjacent to flammable elements of the structure and to provide a clear access area for fire fighting operations. Zone 1 is an area measured 15 feet from the edges of the structure. Ideally, all trees within Zone 1 should be removed to reduce the fire hazard. If a tree or cluster of trees must remain, it will be considered as an integral part of the structure and **Defensible Space** pursuant to Table A will be measured from the drip line of the tree or tree cluster. This is particularly important if the building is sided with wood or other flammable materials. Decorative rock or irrigated, mowed grass creates an attractive, easily maintained nonflammable ground cover. If the house has noncombustible siding, widely spaced foundation plantings of low growing shrubs or other fire resistant plants are acceptable (**Reference CSFS Publication 6.305, Firewise Plant Materials or, the version of this publication currently in effect.**). Frequent pruning and maintenance of plants in this zone is necessary. All dead branches, stems and leaves must be regularly removed. All trees within Zone 1 must be pruned to at least 10 feet above the ground, but no more than 1/3 the overall height of the tree (Aspen trees, individual spruce, fir and pine specimens are exempt). All branches that interfere with the structure's roof or chimney must be removed. All ladder fuels (small shrubs, trees, tree limbs and other materials that allow fire to climb into the tree crown) must be removed from beneath the tree or tree cluster.

3.13.4.1.b **Zone 2:** Is an area of fuel reduction. It is a transitional area between Zones 1 and 3. The size of Zone 2 depends on the slope of the ground where the structure is built (Reference Table A). Within this zone, the continuity and arrangement of vegetation is modified to reduce the intensity of any fire approaching the structure. Trees and shrubs must be thinned so that there is a minimum of 10 feet between crowns. Crown separation is measured from the furthest branch of one tree to the nearest branch on the next tree. All ladder fuels from under these trees must be removed. All trees must be pruned to at least 10 feet above the ground, but no more than 1/3 the overall height of the tree (Aspen trees, individual spruce, fir and pine specimens are exempt).

Zone 2 forms an aesthetic buffer and provides a transition between zones; therefore, it is necessary to blend the requirements for Zones 1 and 3. The inner portions of Zone 2 must be more heavily thinned than the outer portions. Tree density may increase as Zone 2 approaches Zone 3. Isolated shrubs may remain provided they are not under tree crowns. These shrubs must be pruned and maintained for vigorous growth. Dead stems and shrubs must be removed. No more than 2 dead trees per acre should remain for wildlife habitat. Dead trees, which can fall onto a structure or block an access, must be removed.

3.13.4.1.c **Zone 3:** Is an area of traditional forest management and is of no particular size. Zone 3 extends from the edge of Zone 2 to the property boundaries. Typical management objectives for Zone 3 are: To provide optimum recreational opportunities; enhance aesthetics; maintain tree health and vigor; provide barriers for wind, noise, dust and visual intrusions. Specific thinning requirements are dictated by the property owner's objectives, however, most thinning will be done leaving the biggest and best trees and on an individual tree basis. Thinning sanitizes and improves the forest stand by removing trees that are damaged, attacked by insects, infected by disease or are of poor form or low vigor.

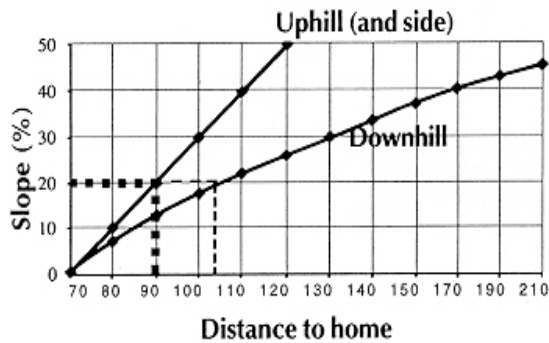


Table A: This chart indicates the minimum dimensions for defensible space from the home to the outer edge of Zone 2.

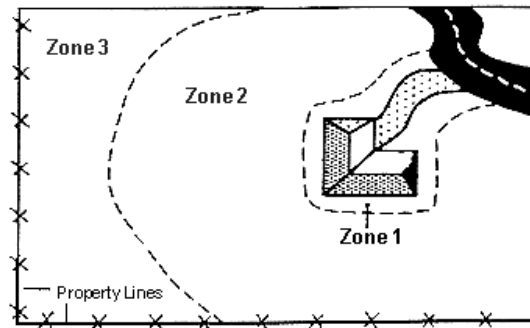


Figure 1: Property showing the three fire defensible zones around a home or other structure.

3.13.4.2 Construction. The following construction specific requirements shall be enforced based on a site’s assigned Hazard Rating. The establishment of a **Defensible Space** shall be required in moderate, high and extreme hazard areas in accordance with the requirements of this regulation and Table A.

3.13.4.2.a Low Hazard Construction. No additional construction mitigation measures required.

3.13.4.2.b Moderate Hazard Construction. Structures located within a Moderate Wildfire Hazard area shall be required to implement **Defensible Space** pursuant to Table A. All roofs shall be class A or class B as defined in the building code in effect at the time of building permit application. Decks shall be of fire resistive construction. Vents for roof ventilation shall not be in the horizontal soffit.

3.13.4.2.c High Hazard Construction. Structures located within High Wildfire Hazard areas shall be required to implement **Defensible Space** pursuant to Table A and shall incorporate fire-resistive construction as defined in this regulation. All roofs shall be class A as defined in the building code in effect at the time of building permit application. Decks, eaves and soffits shall be of fire resistive construction. Vents for roof ventilation shall not be in the horizontal soffit.

3.13.4.2.d Extreme Hazard Construction. Site and construction-specific requirements for structures proposed in areas that have been assigned an Extreme Wildfire Hazard rating shall be determined by the department of Community Development and the Local Fire Authority Having Jurisdiction on a case by case basis. The extreme rating may be downgraded through implementation of various vegetation management techniques designed to mitigate the overall wildfire hazard present on the site and/or by providing a reliable year-round source of water for fire fighting purposes. Fire hydrant(s) must conform with the requirements of the fire code in effect at the time of application or, as otherwise determined by the Local Fire Authority Having Jurisdiction. Water tanks, cisterns and/or dry hydrants shall meet the requirements of the *National Fire Protection Association (NFPA) Bulletin Number 1142, Suburban and Rural Fire Fighting, 2001 Edition* or, the edition of the referenced publication currently in effect. The Local Fire Authority Having Jurisdiction may approve an alternative standard.

3.13.4.3 Additions. Additions requiring a building permit in moderate, high or extreme hazard areas will require that **Defensible Space** be developed around the addition as well as the existing structure in accordance with the requirements of this regulation and Table A. Construction of the addition shall be in accordance with the requirements of Section 3.13.4.2 of this regulation.

3.13.4.4 Exterior Decks. Exterior decks requiring a building permit will require that **Defensible Space** be developed around the deck as well as the existing structure in accordance with the requirements of this regulation

and Table A and shall also be constructed in a manner consistent with this regulation per the fire hazard rating assigned to the property.

3.13.4.5 Roofing or Siding of Existing Buildings. When re-siding or re-roofing an existing building requires a building permit, materials and construction shall comply with this regulation based on the fire hazard rating assigned to the property. **Defensible Space will not** be required for re-siding or re-roofing an existing building.

**TABLE 3
Amendment of Permit Fees**

UBC Table 1-A-Building Permit Fees

Additional permit fees shall be charged as follows:

1. Reinspection fees assessed under provisions of Section 108.8
.....\$100.00 (per violation).
2. For moving or demolishing any building or structure
.....\$47.00 (per inspection).
3. For Factory Built, Manufactured Housing/Mobile Home Base Fee Cost:
 - Single Wide Unit
2 field inspections and 1 hour plan review time.....\$127.50
 - Double Wide Unit
3 field inspections and 2 hour plan review time.....\$212.50

Note: The above includes Plumbing and Mechanical inspections without separate permitting.

Note: All additional inspections will be \$47.00 each.

Examples: Footing, Foundation (other than Block/Pads), reinspection and any and all inspections performed on a basement.

4. For site inspection and review of a plot to evaluate potential locations for an individual subsurface or private sewage disposal system, per lot or test site (does not include percolation test).....\$85.00

** See Resolution No. 80-11, 1980 - Local Board of Health Eagle county Individual Sewage Disposal Regulations.

5. For site inspection including percolation test and soil profile observation (per visit).....\$200.00
6. For review and completion of a Federal Housing Administration questionnaire with respect to a dwelling to be sold, including site inspection of a water supply and sewage disposal system and water supply evaluation including water well construction comments.
..... \$200.00
7. For reinspection of improperly installed septic systems.....\$47.00
8. Additional inspections for which collected fees are not adequate \$47.00 per hour.
9. Requests for specialized reports will be charged \$47.00 hourly with a ½ hour minimum.
10. Per Eagle County Building Resolution Section 3.05, if the building card becomes lost or unreadable, there will be a \$20.00 fee to update or replace the card.

11. Fire Sprinkler systems and Fire Alarm Systems. Permit fees shall be based on the valuation of the systems equipment and installation or the cost per square foot taken from the Building Valuation Data sheet, Building Standards Magazine, published by the International Conference of Building Officials. Plus an additional 65% for plan review.
12. Elevator Permit fees shall be paid to the Northwest Colorado Council of Governments.

For permit applications and to schedule inspections, contact Elevator Inspection Program at (970)468-0295 Ext. 108.
13. Replacement of roof for single-family structure is \$47.00.
14. Grading permit fees and plan review fees, per tables A-33-A and A-33-B of the 1997 UBC.
15. For Wildland Hazard Mitigation inspections: Three (3) field inspections and One (1) hour plan review time \$200.00

Note: All additional inspections will be \$47.00 each. Inspections are not necessary for properties with a low hazard rating.