



Planning Commission Regular Meeting

Tuesday, August 5, 2025, 5:30 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times. For further information, please contact the Planning Department at 970-547-3160.

I. CALL TO ORDER, ROLL CALL (5:30PM)

- A. LOCATION MAP
- B. APPROVAL OF MINUTES
- C. APPROVAL OF AGENDA

II. PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES (NON-AGENDA ITEMS ONLY; 3-MINUTE LIMIT PLEASE) (5:35PM)

III. OTHER MATTERS (5:40PM)

- A. DISCUSSION OF EX-PARTE CONTACTS AND OTHER MATTERS RELATED TO QUASI-JUDICIAL DECISIONS

IV. COMBINED HEARINGS (6:15PM)

- A. DEFRIES HOME CHILDCARE BUSINESS (CC) 91 MCGEE LANE; PL-2025-0201

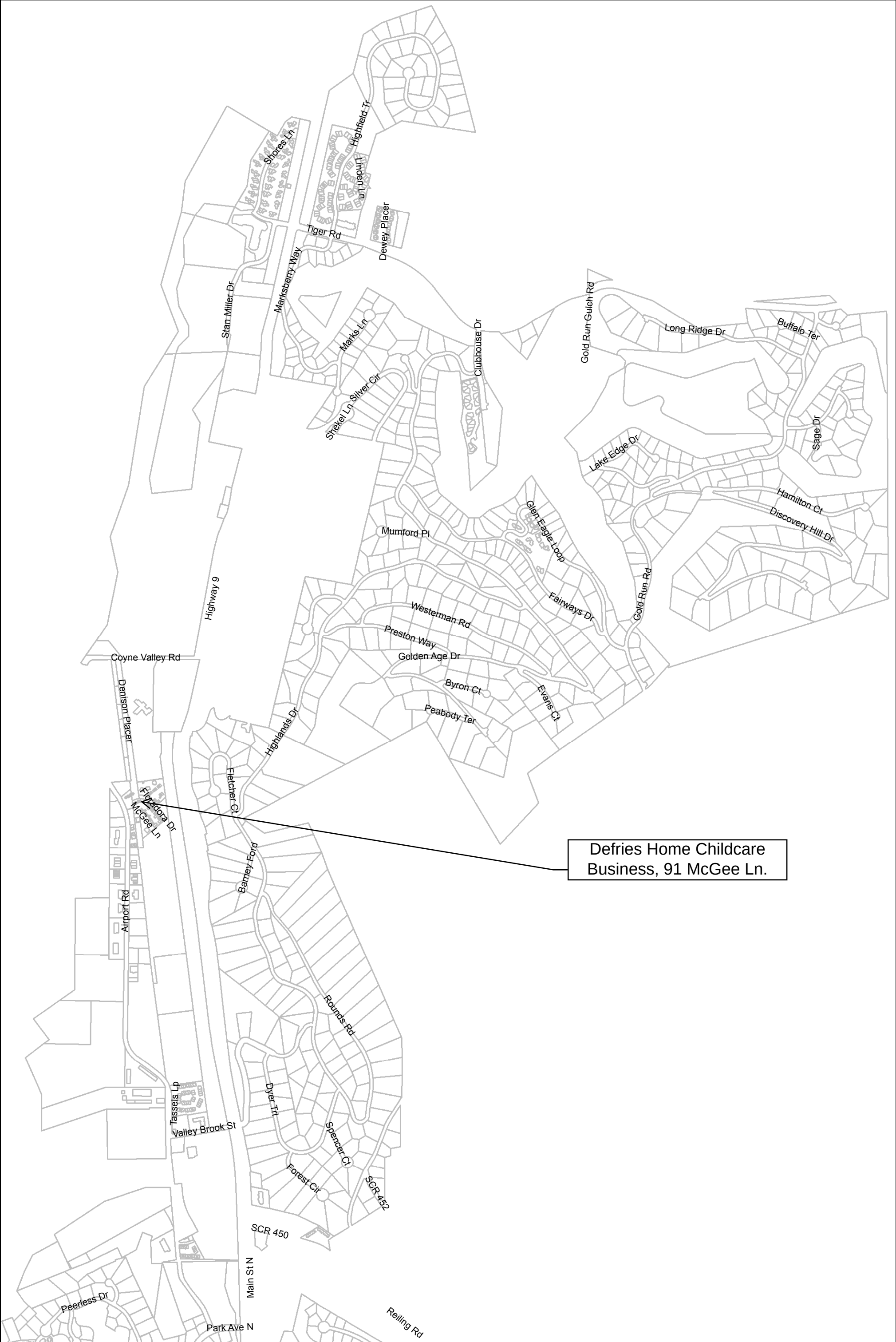
V. WORK SESSIONS (6:45PM)

- A. STRUCTURE HARDENING AND SITE REQUIREMENTS WORK SESSION

VI. OTHER MATTERS (7:15PM)

- A. TOWN COUNCIL SUMMARY
- B. CLASS D MAJORS Q2 2025 (MEMO ONLY)
- C. CLASS C SUBDIVISIONS Q2 2025 (MEMO ONLY)

VII. ADJOURNMENT (7:30PM)



PLANNING COMMISSION MEETING

The regular meeting was called to order at 5:30 pm by Vice Chair Propper.

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Matt Smith
Ethan Guerra – remote	Elaine Gort	Susan Propper	

APPROVAL OF MINUTES

With no changes, the June 17, 2025 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the July 15, 2025 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comments.

CONSENT CALENDAR:

1. 232 Morning Star Residence (EM), 232 Morning Star Drive, PL-2025-0167
2. Cirillo Cedars Townhome Addition (SVC), 505 Village Road Unit 8R, PL-2025-0171
3. Gastman Duplex Addition (EM), 18 Timber Hill Drive, PL-2025-0176

With no call-ups, the Consent Calendar was approved as presented.

FINAL HEARINGS:

1. BGV Parcel 7 Entrada Employee Housing (AB), 11030 State Hwy 9, PL-2024-0500

Ms. Brackett presented a proposal to construct 40 deed-restricted, one-bedroom, workforce housing units in one building at the northeast corner of CO Highway 9 and Huron Rd., with access off Highway 9.

Commissioner Questions / Comments:

Mr. Frechter: How do the emergency bollards work? Who controls them? (Ms. Brackett: The Applicant can speak to that.) Is there enough room for people who mistakenly try to turn into the project from Huron to do a U-turn and get back out at the drive access for the storage facility? (Amelia: Yes, there is room.)

Ms. Gort: There does not seem to be anywhere for residents to sit outside. With forty residential units, It'd be nice to have some kind of outdoor space. (Amelia: The site is very constrained. At the very least, we wanted to make access to nearby trails, safe crossings, and sufficient buffering at the corner of the intersection.) I would like to see a bench or something somewhere for future residents.

Mr. Giller: I think Elaine's question has a lot of merit. I look forward to hearing from the applicant.

Mr. Graham Frank, Breckenridge Grand Vacations: The fire department will control the keys in the future to the breakaway bollards. In the event of emergency, they'll just knock them down, and then you can re install the latch. But the keys are turned over at CO. In terms of Elaine's questions, the landscape plan shows the picnic table highlighted at the south end of the site. That area got reduced because we had to move the dumpster to that side, but we still did still keep that area outside. We believe that this is a huge community benefit and something that's needed. We're excited about it. We've been here to talk to you about a few big and glamorous projects over the last couple of months. But this is the one that maintains the heartbeat of the community with places for people to live and stepping stone living. These units are designed for the small family of 3 or the growing family to be in and step through and out of these units. A place where a person can move in, have ownership, and then move on but be comfortable for a number of years. This makes us really excited about the project. I think the feedback we have gotten and worked

through on a very constrained site has made a meaningful impact. I think it's a site that works really well now, working through with the Engineering team. We have created the best we can achieve on such a small site. I think that we've created something that's as good as we can achieve in a very small site, so we're excited about this. Again, as the other projects, we just thank you for the feedback in the process. It's been meaningful.

No public comments.

Mr. Frechter: I appreciate BGV constructing this project and having to deal with the economic constraints and limited constraints on the lot. I still think density like this should have been on the North Gold Rush Lot, but I sound like a broken record.

Mr. Leas: I think we've gotten as good a project as we can get. Given the circumstances, and I've said it before, and I'll say it again. I feel that the Town Council has hamstrung the Planning Commission with the exemptions and restrictions that they put on us to do the job that we otherwise would have done. But given those circumstances, I think we end up with a good project.

Mr. Giller: It's a good project. I think it was responsive to the preliminary design or preliminary hearing comments, plus the technical input from Town Engineering. I like it.

Mr. Giller made a motion to approve the BGV Parcel 7 Entrada Employee Housing project, seconded by Mr. Frechter. The motion passed 7 to 0.

PRELIMINARY HEARINGS:

1. BGV Parcel 6 Second Resubdivision Plat (AB), TBD Timber Trail Road, PL-2025-0148

Ms. Brackett presented a proposal to create 14 new single-family lots and associated easements off an extension of Timber Trail Road by replatting Parcel 6 of the remainder of Tract C, Peak 8 Subdivision. The approved April 9, 2024 Development Agreement between the Town and BGV, and Amended Peak 7&8 Master Plans, contemplated the eventual subdivision of this parcel into 14 single-family residential lots.

Commissioner Questions / Comments:

Ms. Gort: Which way are people/skiers coming from uphill? (Mr. Kulick: The right side is the uphill side. You have to orient the bridge to be downhill as you go from right to left. The ski back is relatively flat, so having the bridge should make the ski back a little easier at that point.) Is there a low spot that younger kids will get stuck in? (Mr. Kulick: There probably is a low spot in that journey, but the bridge is designed to take advantage over the current situation.)

Mr. Giller: Was this earlier concept called Victory instead of Valor Ridge? (Mr. Kulick: Yes, there are standards from the county to eliminate confusion. There was another Victory subdivision so there was direction to make it less similar). Victory Ridge is still on the title block for the bridge drawing.

Mr. Leas: It would be helpful to explain the bridge and trail for members that are not familiar with that area of the ski resort. Where is it giving access from and to? (Mr. Kulick: I can help. Where it comes off the main public part of the ski area, near Trygve's, it is a nondescript entrance. It is primarily servicing the Timber Trail neighborhood. The trail goes along the end of the street, near the proposed location of the bridge and further down to provide the ski back access to Timber Trail. A short walk on the trail. You could even continue from where it terminates on 4 o'clock Run Road further down. Take off your skis, cross the street, and get on to 4 o'clock Run. The intent of the access is for the existing Timber Trail neighborhood. The trail will be bifurcated by the road, people will take off their

skis, walk, and then get back on the snow. The easements were drawn for the Timber Trail Filing Two. It had both access easements, so if a road was continued, there was the right to put a road in there, but also the skier access. So that's what necessitates the grade separation of the trail and the road.) So that skier access does not connect with the skier access that runs on the other side of timber trail behind the houses, and also terminates at the top of 4 o'clock. Is that right? (Mr. Kulick: It is a separate one. The beachfront row of homes has direct ski-in ski-out access to Timber Trail. Then there's the lower trail that goes beyond the lower side of Timber Trail, and then the 4 o'clock subdivision. It's a much smaller kind of single-track trail through there that also ends up in switchbacks. If you took off your skis, you would essentially reconnect to 4 o'clock run. 99% of the people that are using this trail are Timber Trail guests or residents versus people that are trying to continue on further in the town.) Thank you.

Mr. Smith: The removal of the existing trees - Is there going to be efforts to maintain the current stand of trees? Or is it going to be nuked and replanted? (Ms. Brackett: Staff does not want to nuke and replant. They have a current approved tree removal permit to remove dead and dying trees. The access used to access the lots will align with the proposed ROW. As each lot gets developed, staff will review the individual lot tree removals and proposed landscaping.) Thank you.

Ms. Gort: Can you explain the setback issue? And your concerns? For example, Lot 9; share your concerns. (Ms. Brackett: There's certainly a variety of what disturbance envelopes look like out there in the town, and some, you know, some are more generous than others. We're not necessarily suggesting the applicants make them significantly smaller, but just to say, if you look at some of the plats that are out there they're pretty small relative to these lots. However, with respect to the applicant's concerns about the funky shapes and the flexibility of placing, we're trying to find a middle ground. Looking at Lot 9. The concern with this one, for instance, is if you can see these are all basically the setbacks. This setback goes all the way to where the private drive would end. And so what you've effectively got there is that somebody could put a house and then have a deck go all the way up to the private access easement. Whether or not it would functionally happen like that I can't say for sure, but the point is that the envelope itself is supposed to help make sure that nobody is able to do that. And so, pulling the envelope back away from an access point like that ensures that it's very clear this is not an area to be disturbed, and we want to bring it back away from some of the more public areas and the impacts on adjacent properties. There's also this general concern that the envelopes are meant to limit disturbance overall and protect a fair amount of open space on the lot. We don't have a percentage, but we know that that's the intent. For example, pulling back some edges that are too close to the adjacent lot and making sure the edge is protected to ensure there's not a deck, hot tub, or building built there. It's just going to be open space, which is the intent of the envelope. So again, it's somewhere in the middle of the setback, and then pulling it all the way. We're not asking for a literal footprint of a house, but you know again, it's like I said, a little nuanced.) (Mr. Kulick: The preliminary direction that we've shared with the applicants is, look at primarily the adjacent subdivision, Timber Trail. There's slightly smaller envelopes on some of those smaller lots and there's maybe a little more generous envelope on the larger lots. There's obviously a lot of areas set aside for protection due to disturbance envelope. But I think that the suggestion is that maybe mimic the adjacent subdivision, or maybe some other similar subdivisions like Shock Hill in terms of the scale of the envelope. That's the measure we're trying to achieve.

Mr. Truckey: Staff's recommendation on envelopes is partly to the question that came up earlier, preserving trees. You're generally not supposed to disturb the trees outside of the disturbance envelope. So, if the envelope shrunk more, we'll be able to preserve more of

that buffer. Given that there's going to be trees removed for defensible space that are closer to the home.

Mr. Leas: Are you suggesting that perhaps there's a precedent in Timber Trail and perhaps Shock Hill for a less generous building envelope? (Mr. Kulick: I think less being the optimal word. I think that they're still generous in those neighborhoods, but they are less generous than what's proposed. So, we're not saying that you have to restrict it so much that you don't have any flexibility of siting your home or anything. We're shooting for something that there is some precedent behind, and I think Timber Trail is really similar to this subdivision in terms of price, scale, and character. This subdivision will probably look like just an extension to the timber trail to a certain extent.)

Mr. Giller: Does it apply to the house footprint or the house footprint plus decks and garage apron? (Ms. Brackett: Yes, all improvements, including decks, garage apron, and hot tubs must be within the envelope. The driveway is not required to be in the envelope.) (Mr. Kulick: Any kind of structure. Usually the retaining walls, if they're supporting the driveway, are exempt as well. Probably half of the retaining walls are associated with the driveway, so there's usually an exemption. The intent, outside of the driveway circulation, is everything should be contained within the envelope.)

Mr. Smith: There are some fairly steep slopes and I am guessing for constructing the home, there should be consideration for retaining walls other than driveway related. (Mr. Kulick: Our general expectation is to work with the lot. We're not trying to artificially bench or provide artificial fill. But in limited areas where they have to cut out, they're trying to do a walkout lower level, you might see some retention.)

Ms. Propper: I was also thinking along the lines of Elaine as far as the disturbance envelopes are concerned. I was wondering whether the proposed landscaping along the Timber Trail Road would impact the disturbance envelopes? Like changing the shape or encroachment. (Ms. Brackett: The proposed landscaping is within the right of way. So they should not impact the envelopes.)

Graham Frank, Breckenridge Grand Vacations: Great questions. We have been meeting with the teams to discuss the building envelopes. We tried to mimic Timber Trail with the flexibility that comes with these lots. They're all very nuanced lots. If you're up there; contours, slopes, views. There isn't a one size fits all to these envelopes. Especially when you look at a lot like Lot Number 9. Orienting that house at the bottom of the page you could get 2 entirely different views. You could get a peaks view or you could get a Continental divide view, and you have plenty of space to move within that lot, and we're trying to provide that flexibility. What we tried to do was look at the limitation of our 7,500 sq. ft. and placing it in different orientation on the lot. Additionally, I want everybody to understand the health of this stand of trees that is up there. We worked with Planning and we removed what we thought were all dead or dangerous trees up there. When we met with the fire department on site, we stepped back from an area because a tree fell literally where we were meeting. There is beetle kill and root rot everywhere. When we finished our removal with what was acceptable to staff, the large wind event this past week blew down 26 additional trees. We need to understand that this is not a healthy, vibrant tree stand. We'd like to maintain some of the mature trees but also flexibility in putting in some spruces, some new lower trees. Right now, you're screening between lot lines. If you planted a series of toothpicks in the ground and 30 feet up, you have your first branches there's not a lot of screening. We want to make sure we're aligned with what we're trying to do. We are trying to maintain what is healthy up there, but we're also trying to maintain healthy lot sizes and setbacks between you and your neighbors. With that setback you can get the appropriate screening, but you also have the flexibility to build something special on some of the most special lots that will ever be done in Breckenridge, with the contours, with the views 360 degrees. So yes, we totally hear the desire to move back on some of these lot lines, but we are trying to do it while looking at the Timber Trail subdivision for continuity. We don't feel like Shock Hill is as applicable, because where those site disturbances are limited in Shock Hill there's huge slopes. That's where they pulled the

majority of those lot lines back to your comment for those huge slopes. Yes, we are working on it. We met with Chris and Amelia this week. Bill's team is looking at where we can physically pull back but we want to do that in a conscious fashion, to give people the best ability to develop these in a good fashion. Also, to understand we are not in a beautiful, healthy, vibrant stand of trees, I think that is critical for the conversation. The fire department said most of the trees have to be removed for defensible space with all of the standing dead and beetle kill, so we will work through that and we are open to the feedback. Additionally, I think it's important to describe the easement. The easement is for Timber Trail specifically. That's why it is a bit concealed. It is for those rows of houses, and we're still working with the neighborhood. They may have a desire not to have a bridge. We met with them as recently as today. We were up there asking what the best solution is. Is there a better solution to take your skis off, walk across the driveway, and go to the next 4 houses down the hill? They are looking at that, so they've come to us with that idea, because we are committed to maintaining that access over our driveway. But we're working with the neighborhood to say what is the best, and what is the least obtrusive to all of them. We obviously like the notion of not building and maintaining a bridge, and all of the liability that comes with that and all the footprint items that come with a bridge. If a bridge isn't necessary we would rather not use all the materials and the space to build a bridge up there if the neighborhood would rather have a walking path where you walk across the driveway and get back on. So, talking about kids, the use of the bridge, Elaine, to your comment, what are the slopes, little people, all of those things. So, we're still working with the neighborhood, and we will come back to the next meeting with that solution, and it's really driven by their desire. It's our commitment to maintain their access and that was our commitment from day one. We're still working through that with them, but as of today, that may be changing a bit. Our goal is continuity with the Timber Trail neighborhood. Our goal on the landscaping that we are putting in is what we believe is double what is required by code, because we think the new landscaping on both sides of the road will provide a better experience than what's there today, and keeping headlights from going into those lots as you go up that serpentine drive. We thought that that was very important. And so that is what we've done with that lower landscaping that we're doing on both sides of the road. All in all, we feel like this plan has provided access on all the sides of lots through the interior lots to the exterior lots and onto the snow. We feel like you can really ski home, even if you're walking across a street to get to your house. It's really a good experience to ski home. Put your skis on and leave in the morning with 2 different lifts that you can access, whether going down to the Snowflake, or whether going down to peak 8 so we are excited about this all in all. We think that the feedback has been very good. We will come back snipping the edges where we think we can to get those lot lines, the disturbance envelope smaller per the team's feedback. Overall, we think we're really moving to a great place here. And again, as the other projects appreciate, you guys support and feedback as we move through these.

Mr. Frechter: The main question is on the driveway locations. When you sell a lot, are you going to say, you know that your garage needs to be within so many feet of this proposed driveway? My concern is homes of this caliber that we've been approving, everyone wants their garage on the main level. But in some of these lots it's the driveway is at the bottom of the lot, not the upper part. So on a .6 acre lot, if they're going to want to put in a hundred foot driveway to go around the back that's using up a lot of their disturbance envelope and probably going to cost them a lot of points at 14% average grade.

Ms. Christie Matthew Leidal: We are not planning driveway access or restriction areas. We are, like Graham said, giving the future owners the flexibility on access and design of their homes.

Mr. Frechter: So, each property owner will have to come to us to deal with the points. If they want to design a house with a 100-foot driveway going behind the house, they will have to deal with the points and put in a lot of EV chargers. (Mr. Frank: Our desire is to provide that flexibility.)

Ms. Gort: You don't show any trees along Valor Drive, is there intention to match the trees there? (Mr. Frank: As you tier out over the maintenance facility, we were trying to maximize those views downhill and give them the ability to landscape that downhill side of their

lots versus us minimizing any views over the years down there, so that the intention was to stay focused on the main drive, and where headlights were potentially turning around the curves to prevent those into lots. Whereas Valor Drive there, on the lower side of the page, you're going directly in and into your lots.) Can you explain skier access to these lots? (Mr. Frank: Absolutely, for everything on the outside, you ski directly in and home. If talking about lot 7, come into the ski easement at lot 14 and into Lot 7. If you wanted to leave downhill, you could walk to the end of the cul-de-sac above lot 7, to come out the ski easement by the pond, or by lot 5. Either one of those. Going home at the end of the day, the interior lots would come into the upper side and walk downhill. You can see the easement to get in and out between lot 2 and 3. We were trying to provide easements throughout. There is also mountain access between 11 and 12. We've provided separate access there for Vail Resorts, and that is so if they ever have to replace the bull wheel on the top of Rip's Ride they would be able to get a mobile crane to replace the wheel. That was one of Vail Resort's requirements. So, Elaine, we've tried to be predictive getting people the legal ability in and out. What we have seen in these subdivisions, and especially lower where we looked at, parcel 4 and parcel 5, people find the path of least resistance and it's working really well. For example, when Michael Dudick and myself met with the head of the Timber Trail HOA today, he explained this neighbor is fine with us going through this yard, and this neighbor is fine with going through this yard, and it is pretty much a peaceful symbiotic existence. We expect that same thing, but we also wanted to give a few legal paths of travel trying to be as predictive as we as we could both uphill side and downhill through the development in case we didn't have that same symbiotic relationship among the neighbors.

Mr. Leas: So that 10' easement would be sufficient to get a crane from Timber Trail and onto Tygve's. (Mr. Frank: Correct, we worked with Vail Resorts to ensure equipment will fit. We will meet up to the re-grading that Vail completed last year. It was anticipated.)

Ms. Gort: So, the lot lines are supposed to be a right angles? (Mr. Frank: We were granted leniency on that through the development agreement, because of the geometry of the parcel and the access to the different lots. So we did what we believe is the best we could.) Why is it not going across between lot six and seven? You have made some weird angles there, is that for the access? (Mr. Frank: From Lot 7 to 6, we wanted to get to the appropriate grade. We see lot 6 accessing off of Heritage, and we see lot 7 off accessing off the upper side, probably from Timber Trail. So it was the delineation where those two driveways would be and trying to give those two lots the flexibility across those two sites, that's why you see that line jogging and heading up the hill across the cross slope. There was a method to the madness.)

Mr. Smith: Is there snow storage on the private drives? Or is it included in the private drive easement? (Frank: yes).

Mr. Giller: You spoke to the lodgepole pine trees and that some have root rot and beetle kill. Are there other trees in better condition? (Mr. Frank: When you are, when you're removing, you're trying to remove around bands because the lodgepoles work as basically an amoeba, and if you remove big areas of the interior, you start getting wind events that pull down whole sections. Christian from Beetle Kill Tree Guys was helpful in identifying the stands that could be preserved. We did chop the minimal amount of trees by hand to preserve the trees in good condition. The Planning staff has been up there to see what we have been doing.) I think we have a shared understanding of the symbiotic relationship of groups of lodgepole. Why wouldn't we identify a few of those, because we've all acknowledged they're important. Why wouldn't we identify some of those healthier groupings to protect them and not allow those to be in the building envelope? (Mr. Frank: We could look at that. I don't think if anything's in the middle of these lots that were, our intention would be to give the person the flexibility in the center of those

lots to build what they desire. If it was on the outside edges we could absolutely look and see if there are things that we could provide, you know, towards the outsides.) There are lots with not a lot of natural amenities, rock outcroppings, mixed forest. If the best natural amenity, besides the views, is healthy stands of lodgepoles, let's protect them. (Mr. Frank: We could look at where it's feasible to do that absolutely. I think it's good feedback Mike.)

No public comments.

- Mr. Frechter: Thank you for the presentation and discussion. 1) In terms of the question of reducing the building envelope and improving placement. I never knew Timber Trail existed until I think one of my first meetings. We reviewed a project, for of a home up there, and it's the only time I ever drove up there, and I was surprised to see the density and the close proximity of these large homes on the small lots. But that's what the market demands. I really believe that this is up to the developer because they have to sell this product. And I'd let the market drive this because most of the town and people aren't going to see this. I mean, even if you're skiing on Four O'clock Run. I really feel that I have no issue with the building envelopes, because they have to sell these lots, and we'll be able to review each home as we see it. I don't feel a driving need to change anything. 2) I think the bridge design is fine. 3) It's up to the developer, the homeowner, and the HOA, how much privacy they want! I think the general population is not going to be driving on these roads. So, it's up to them how much privacy they want. So, I don't think we should put any further restrictions on that.
- Ms. Gort: 1) I think I'd like to see some setbacks from the private road. 2) Just what I've kind of brought up before. Just ease for kids to get up and over and snowboarders. Look at the slope of it. 3) I think the landscaping is adequate. 4) no additional comments.
- Ms. Smith: 1) It would be nice to see the healthy tree stand taken into account and a little bit off of the private roads. Put in more thoughts in shrinking envelopes where it makes sense. Not infringing on rotating the house when developed by the owners. There are instances in each lot to make the lots more palatable for the neighbors. 2) The bridge is fine. 3) Landscaping is fine.
- Mr. Leas: 1) Regarding the disturbance envelopes, I was shocked to see what was drawn. This is what is typical of a standard subdivision and surprising to be in Breckenridge. I wish that I had a disturbance envelope that was like this in my neighborhood. I haven't done the percentage, but I probably have maybe 45% to 47% of the lot available for my home when I build it which made me have certain constraints. My neighbor, who came in and bought a spec house wanted a deck to be built along the disturbance line, which tapered from one end about 8 feet to 14 feet, and it wouldn't fit. It created an unusable lot. They had to go through a whole process with Planning to trade square footage. So the disturbance envelope was the same size but reconfigured in order to do that. I look at this and I see a certain lack of fairness in that. I think that that the marketability of these lots is not going to be impacted. They're going to sell these lots because they are premium lots, regardless of the building envelope. I respect what Graham is doing here, because it's prudent to make it easier for whoever buys it but for whatever reason, when my subdivision was done, that wasn't taken into consideration, and all of us who have built in that subdivision have had to configure their homes around the building envelopes which were restricted far more restrictive than these. Frankly, I'm surprised that that the Town doesn't have a formula for this. And frankly, it's probably too late to put that into the code, because this is the last subdivision that's going to be done. So that's a moot point. 2) The bridge appears to be fine. I have no comments on that. 3) The landscaping along the right of way seems adequate.

- Mr. Giller: It is a nice design, but I firmly believe the disturbance envelopes need to be designed. They are essentially setbacks as Mark said. One example would be healthy groves of lodgepole should be protected. Another thought would be, I would think you would want to protect the view sheds from various lots and design the building envelopes accordingly. That would also play into site impacts, driveway requirements and things like that. I really don't think Norris design has thought through the building envelopes. 2) The bridge design. I think it's compatible. Mark mentioned that we would have an opportunity to review a bridge design in the future. One question for me was lighting. I presume that would be included in any future design. 3) The landscaping along the roads, I believe, is adequate, as my fellow commissioners have said. 4) Under additional comments, I think that you are close but not quite there for a final hearing.
- Mr. Guerra: It seems obvious to me that the building envelopes are just following the setbacks, and that is not typical, having built houses in all the highest subdivisions in Breckenridge, including Timber Trail. This is not a typical building envelope. I understand the applicant wants to maximize as much as possible and give everybody the options. It breaks precedent in town, and so I would respectfully disagree with Alan and would ask the applicant to follow the guidelines of the staff and reduce the size of those building envelopes. 2) The bridge is fine, we'll be seeing it again, as everybody said. I'm good with that. 3) The landscaping is also fine, and I have no further comments.
- Ms. Propper: I agree with the other comments regarding the changes to the disturbance envelopes. I think that a number of important points have been raised, and I share that so I do think they should be revised. 2) I think the bridge design looks comparable to other ones in town. I think it's fine. I think Mike's comment about lighting is an interesting one. We'll look at that. 3) I think that the landscaping along the rights of way is adequate. 4) I don't have any further comments.
- Mr. Kulick: One final question. I think we're assuming that with some revisions, this would be ready for final. Would the Commission agree with that?
- Mr. Giller: Respectfully, I really think the building envelope question is requires a lot of thought. I wouldn't come back here with building envelopes at final. Is that what you're saying?
- Mr. Kulick: Yeah, we were asking if we thought it was ready for a final that there was something we didn't ask, but with the exception of the building envelopes, that they were close. They're meeting the intent of the development agreement but you're basically saying that you don't think they're ready for a final.
- Mr. Giller: It is a risk.
- Mr. Leas: I would agree with that. I think the building envelopes are a big enough issue that they should be addressed again in the preliminary stage before we go to the final.
- Ms. Gort: I concur.
- Mr. Truckey: I do think there is possibly another way to address it, and that's if Staff believes that they've addressed the envelopes issue sufficiently, we could bring it back as a final, and the Commission could continue the hearing if they felt the changes were not adequate. This would still give the opportunity to approve it at the next meeting if they've satisfied your desires. Would you be comfortable with that?
- Mr. Giller: Yes
- Ms. Gort: Yes
- Ms. Propper: Yes
- Mr. Guerra: Yes

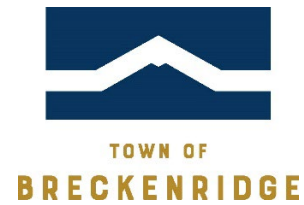
OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 6:54 pm.

Ethan Guerra, Chair



Memo

To: Breckenridge Planning Commission
From: Mark Truckey, Community Development Director
Date: July 29, 2025 (For August 5 Meeting)
Subject: Discussion of Ex-Parte Contacts and Other Matters Related to Quasi-Judicial Decisions

At Tuesday's meeting, Town Attorney Keely Ambrose will provide a short presentation to the Planning Commission regarding legal issues related to planning applications and our public hearing processes. Keely will be available to answer any questions the commission has regarding our quasi-judicial proceedings.

Planning Commission Staff Report

Subject: Defries Home Childcare Business, Class B Minor, Combined Hearing (PL-2025-0201)

Proposal: To use the townhome residence of 942 sq. ft., at 91 McGee Lane, for the operation of a home childcare business. This application is required pursuant to Ordinance 15, Series 2005, Policy 38.5 (Absolute) Home Childcare Business.

Date: July 31, 2025 (For meeting of August 5, 2025)

Applicant: Elizabeth Defries

Project Manager: Clif Cross, Planner II

Property Owner: Elizabeth Defries

Address: 91 McGee Lane

Legal Description: Lot 48, Blue 52 Townhomes #2 Resub Lot 5 Denison Placer Sub

Land Use District: 31 (Block 11)
The following uses are acceptable in the Block 11 portion of LUD 31: *public open space, public facilities (including, without limitation, public schools and public colleges), **child care facilities**, and employee housing.*
Emphasis added.

Adjacent Uses: North: Floradora Drive
South: Multi-family residential
East: Multi-family residential and River Park (public open space)
West: Multi-family residential

Item History

Policy 38.5 allows for the operation of a home childcare business to be subject to special review. It does not provide a mechanism for special approval criteria of any other home occupation(s) that may be provided in conjunction with a home childcare business. All other home occupations are considered separate businesses and must meet the criteria of Policy 38/A - Home Occupations.

The applicant currently runs the home childcare business within a residence of 942 sq. ft., located at 91 McGee Lane, and is seeking to come into compliance with Town of Breckenridge business license requirements and Policy 38.5 for the operation of a home childcare business. The business meets the Colorado State childcare licensing requirements and has previously obtained a State license for operation, license no. 1532869.

Staff Comments

Noting the lack of childcare facilities in the community, the Town Council has identified affordable childcare as a priority goal. The applicant hopes to support this goal by continuing to operate a home childcare business. The applicant is limited by State licensure to a maximum of six children ages 2 months to 13 years. The State license allows up to two additional school-age children allowed during non-school times, for a total of eight children but no more than two children under the age of 18 months may be in care at once. Additionally, the license has approved Mrs. Defries to care for two children for overnight care. Staff notes that those Development Code policies relevant to the scope of this application outlined in Policy 38.5 – Home Childcare Businesses, are the only criteria by which this request will be reviewed.

Approval Criteria: The applicant has obtained a Colorado State license to operate a childcare facility. A condition of approval has been attached that requires the applicant to provide the Town Planning Department with an updated copy of this license every time it is annually renewed. The applicant understands these conditions and has agreed to abide by them. Policy 38.5 allows the home childcare owner to have up to one employee that is not related by blood or marriage. Elizabeth Defries will be the only employee. Outside play areas for the children at the nearby River Park are indicated on the location map. Ms. Defries was granted a hardship waiver by the State to waive the requirement that the residence provide 75 sq. ft. of outdoor space per child because the property is in close proximity to the public River Park, which was deemed a more than adequate substitute for outdoor play areas not provided on the residence's parcel. Staff has added a condition of approval that a member of the Breckenridge Building Department shall complete a site visit to the property to ensure the residence meets current Building Code requirements.

Compatibility: Policy 38.5 indicates that proposed childcare businesses must be found to be compatible with adjacent property and land uses. All adjacent land uses are multi-family residential or public open space. The proposed hours of childcare operation, during weekdays and normal business hours, would have negligible impacts on adjacent residential uses. Staff finds no compatibility issues with adjacent land uses. The policy further defines adjacent properties as *“all those units, lots and parcels located within a radius of one hundred feet from the site of the proposed home childcare businesses, disregarding intervening public streets and alleys”*. Staff has notified all adjacent property owners both by mail and by posting the site. Staff has received no comments regarding the home childcare business.

Parking: Per Ordinance 15, Series 2005, there shall be no additional parking requirement imposed for a home childcare business in excess of the parking required for the existing residential use where the home childcare business is proposed to be operated. The residence has two required parking spaces; both are provided on the exterior surface lot adjacent to the residence. Public parallel parking along Floradora Drive, near the residence, and parking in the alleyway behind the residence facilitate drop-off and pick-up.

Point Analysis

At the time of adoption of Policy 38.5 – Home Childcare Businesses, the Town Council directed staff to use this policy as the only criteria to be used in the evaluation of future applications. As this is an Absolute Policy, no positive or negative points were assigned.

Staff Recommendation

Staff recommends that the Planning Commission approve the Defries Home Childcare Business, PL-2025-0201, located at 91 McGee Lane, with a passing score of zero (0) points and the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

**Defries Home Childcare Business
Lot 48, Blue 52 Townhomes #2
Resub Lot 5 Denison Placer Sub
91 McGee Lane
PL-2025-0201**

FINDINGS

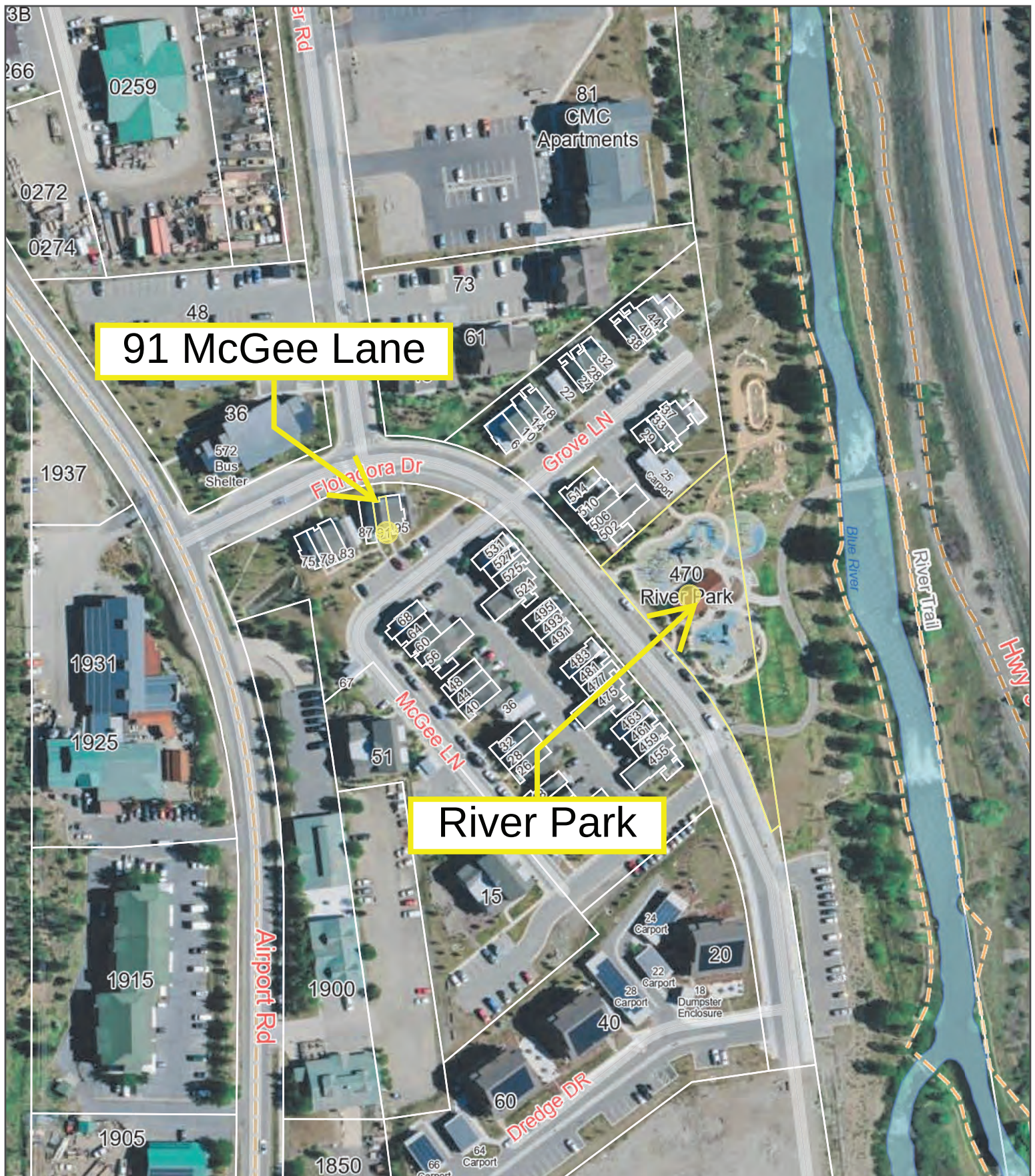
1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **July 31, 2025**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **August 5, 2025**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are recorded.
6. Public notice was given pursuant to Policy 38.5 prior to the public hearing through mailings to adjacent property owners within 300 feet and posting on site.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. A permit for the operation of a home childcare business remains valid as long as the same business owner runs the childcare business in the same location and provided all other sections of this code are complied with. If the childcare business changes ownership or location, then the permit must be renewed. The process for renewal of permit is found under subsection [H](#) of Policy 38.5 (Absolute) Home Childcare Businesses.
4. The holder of the development permit to operate the home childcare business shall continuously possess a current State home childcare license sufficient to authorize the operation of the home childcare business under applicable State law and regulations.

5. The home childcare business shall be operated at all times in accordance with the terms and conditions of the development permit, and the applicable State law and regulations which govern the applicant's State home childcare license.
6. The holder of a development permit to operate a home childcare business shall: a) obtain a license for such business as required by the town's Business and Occupational Tax ordinance (title [4](#), chapter [1](#) of this Code), and b) maintain such license in full force and effect throughout the duration of the development permit.
7. This permit is assigned to Elizabeth Defries. A development permit for the operation of a home childcare business is not transferable or assignable. A development permit for the operation of a home childcare business does not run with the land.
8. Applicant agrees to limit home childcare to a maximum of 12 children or the maximum allowed by the State of Colorado, whichever is less.
9. The parking and outdoor activities for the home childcare business shall be operated in accordance with the site approved site plan.
10. A member of the Town of Breckenridge Building Department shall complete a site visit to the residential property to ensure the residence meets current Building Code requirements.
11. There shall never be more than one employee working in the home childcare business who is not related by blood or marriage to the owner of the home childcare business. Additional employees not related by blood or marriage to the owner may be allowed if found to be compatible with adjacent properties and land uses as described in 9-1-19-38.5A(C)(5).
12. Any employee working in the home childcare business who is not related by blood or marriage to the owner of the childcare business shall work under the direct supervision of the owner of the home childcare business. However, substitute caregivers shall be permitted if they comply with applicable State regulations.
13. No condition of approval imposed on a development permit for the operation of a home childcare business shall conflict with a State licensing regulation which is applicable to the home childcare business.
14. No signage shall be permitted for a home childcare business.

(Initial Here)



NOTE: This map is for display purposes only.
Do not use for legal conveyance. It is not
accurate by surveying standards and does
not conform to national map accuracy standards.

Imagery copyright Vexcel Data

Printed on: 7/29/2025



1 inch equals 180 feet



91 McGee Lane

River Park

River Park
←
SPEED
LIMIT
15



River Park



STATE OF COLORADO
DEPARTMENT OF EARLY CHILDHOOD
DIVISION OF EARLY LEARNING LICENSING AND ADMINISTRATION
DENVER, CO 80246

PROBATIONARY CHILD CARE LICENSE

Provider ID: 1532869

Service Type: Family Child Care Home

Elizabeth Oliveros DeFries
91 McGee Lane Unit 48
Breckenridge, Colorado 80424

Who appears to be able to satisfy the requirements for a license, subject to compliance with the following conditions as determined by the Colorado Department of Early Childhood, the said licensee is **HEREBY GRANTED A PROBATIONARY LICENSE**, subject to the provisions hereto attached, to operate for a term of six (6) months.

Effective Date: July 24, 2024

Expiration Date: January 24, 2025

Upon said premises only, and is authorized to receive children for care under the supervision of the Department of Early Childhood, subject to the following terms and conditions and/or restrictions:

- A. Licensee acknowledges that the issuance of a probationary license is considered a negative licensing action.
- B. Licensee shall not exceed license capacity for any reason. The Licensee agrees that the license will be demoted to a regular family child care home license. The licensed capacity of the family child care home will be 6 children ages 2 months to 13 years. The following conditions will apply: two (2) additional school-age children allowed during non-school times (6+2); no more than two (2) children under the age of 18 months may be in care; approved for 2 children for overnight care; children must be under direct supervision during outside play; and license capacity and exhibits include provider's own children.
- C. Licensee or an equally-qualified substitute must supervise and know the location and activity of all children at all times.
- D. Licensee shall ensure that children are being signed in and signed out of care and that sign-in/sign-out procedures are posted for viewing by parents. Sign in/sign-out sheet must be available for review at all times.
- E. Licensee must complete any training that is required. This may include, but is not limited to: standard precautions, safe sleep, and medication administration training. Verification of completed training must be available for review at all times.

- F. Hazardous items, including items labeled “keep out of reach of children”, must be inaccessible to children at all times, both indoors and outdoors.
- G. Licensee shall ensure choking hazards must be inaccessible to children under three (3) years of age.
- H. Licensee shall ensure infants are placed in a safe sleep environment. Soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants or other approved sleep/rest equipment.
- I. Licensee shall ensure that indoor & outdoor equipment is sturdy/safe/free of hazards or debris that could cause harm to children.
- J. Licensee shall ensure at all times during the operating hours of the family child care home, the procedures for filing a complaint with the Department are posted in a prominent and conspicuous location and that the posting includes the phone number and mailing address.
- K. Licensee shall ensure that window wells accessible to children have covers that are in good condition and will protect children from falling into the window well.
- L. Licensee shall create a robust policy and procedure to ensure child files are complete, up-to-date and compliant. Child files must be available for review at all times.
- M. Licensee shall timely submit a fingerprint-based background check for any new staff member. Documentation of the background check must be maintained in the staff file at all times.
- N. Licensee shall timely submit a Trails background inquiry request for any new staff member. Documentation of the background check must be maintained in the staff file at all times.
- O. Licensee must review/watch the free online training webinar on Introduction to Active Supervision, found on the United States Department of Health and Human Services, Head Start ECLKC, website at <https://eclkc.ohs.acf.hhs.gov/video/introduction-active-supervision>. Verification all staff have completed this training must be available for review by the end of the six-month term.
- P. Licensee and any substitutes or aides must complete the Department’s free online training on Recognizing and Reporting Suspected Child Abuse/Neglect, found in the CO Shines PDIS at coloradoshinespdis.com/s/ or, at <http://coloradocwts.com/mandated-reporter-training>.
- Q. Licensee shall immediately report suspected child abuse or neglect to the appropriate county Early Childhood or local law enforcement agency.
- R. Licensee shall immediately report to the Department any county investigation or law enforcement investigation of child abuse/neglect.

- S. Within 24 hours of the occurrence of any accident or injury to a child or staff member that requires emergency medical attention, the Licensee shall report the accident/injury to the Department via the online reporting system at <https://coloradoshinesportal.force.com/providerhub/s/login/>.
- T. Licensee shall cooperate with regular, unannounced licensing visits made by any Department representative including but not limited to a Licensing Specialist.
- U. By state law, within ten (10) working days after the receipt of the probationary license, Licensee must provide the Department with the names and mailing addresses of the parents or legal guardians of each child cared for at the family child care home. These requirements mandate that the Department notify the parents or legal guardians of the probationary license. Licensee is responsible for paying a fine to the Department that is equal to the direct and indirect costs associated with the mailing of the notice.
- V. These terms and conditions are in addition to any standard terms that may be required following a licensing inspection.
- W. The probationary license will commence on the date this signed stipulation is received by the Department and, absent further findings of additional violations by Licensee, shall expire six (6) months from that date.

If the Department determines that this agreement will not adequately protect the children at this facility, the Department may unilaterally take such action as it deems necessary and as is provided by law.

Numbers and ages of children cared for at the licensed premises must not at any time exceed:

6 children ages 2 months to 13 years

Other conditions and restrictions: two (2) additional school-age children allowed during non-school times (6+2); no more than two (2) children under the age of 18 months may be in care; approved for 2 children for overnight care; children must be under direct supervision during outside play; and license capacity and exhibits include provider's own children.

Provisions of the Child Care Licensing Act, and the rules, regulations, and standards of the Department of Early Childhood shall be complied with by the licensee at all times.

This license shall be displayed in a conspicuous place upon the licensed premises and shall be surrendered by the licensee to the Department of Early Childhood or its authorized representative upon expiration, revocation or suspension. The license is not transferable. The licensed premises and the records thereof shall be open to inspection at all times to the Department of Early Childhood and its authorized representative.

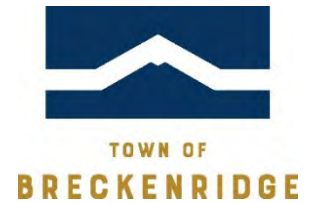
In TESTIMONY WHEREOF, at Denver, Colorado, this 5th day of August, 2024, by official act, the Department of Early Childhood, a part of the Executive Department of the State of Colorado, the authorized officer of said Department have here unto subscribed their hand.

ATTEST: Department of Early Childhood

A handwritten signature in blue ink, appearing to read "Mark Browne", is written over a light blue rectangular background.

Mark Browne
Licensing Compliance Program Manager
Division of Early Learning Licensing and Administration

Memo



To: Planning Commission
From: Clif Cross, Planner II
Date: 7/31/2025 (for 08/05/2025)
Subject: Structure Hardening and Site Requirements Work Session

Summary

In July the State recently adopted the Colorado Wildfire Resiliency Code (CWRC) which requires local governments to promulgate structure hardening and defensible space regulations on July 1, 2025. This code is designed to improve life safety, property protection, and community resilience in areas of the wildland-urban interface (WUI) by regulating construction materials, site design, and vegetation management. The Town of Breckenridge, and other affected jurisdictions, are expected to adopt the CWRC, or similar provisions by April 2026. At this work session, staff will provide an overview of the CWRC regulations for structure hardening, identify main considerations for the Commission's discussion, and provide staff recommendations for updating the Development Code.

Structure Hardening Work Session Goal

Considering the Town of Breckenridge has significant risks posed by wildfires in our forested alpine environment, the purpose of this work session is to strike the balance between meeting the intent of the CWRC while ensuring that our historic mountain town continues to preserve its historical resources and neighborhood character.

Background

In 2023, the State passed [Senate Bill 23-166](#) which established the Wildfire Resiliency Code Board (CWRC) to help improve community safety and resiliency from wildfires. Since 2023, the Code Board has met continuously with representatives to develop rules concerning the adoption of codes and standards for the hardening of structures and reducing fire risk in the defensible space surrounding structures in the WUI. Staff has observed board meetings, reviewed draft versions of the CWRC, and provided comments to address concerns specific to Breckenridge (e.g. a prominent National Register Historic District and many contributing historic structures).

Wildfire Mitigation is not a new topic within the Town's Development Code. Policy 48A: Voluntary Defensible Space was adopted by Ordinance 27, Series 2009 and the Required Wildfire Mitigation section of Policy 22A: Landscaping was adopted by Ordinance 1, Series 2011. More recently, the Town Council approved Ordinance 11, Series 2024 in April 2024 which amended [Policy 22R: Landscaping](#) and [Policy 48A: Voluntary Defensible Space](#) to provide updated guidance implementing defensible space on private property. Additionally, the code amendments were to align with our community partner, Red White and Blue Fire District, in distance determinations for defensible space zones and zone-specific regulations in accordance with Firewise standards.

Overview of CWRC

The Colorado Wildfire Resiliency Code (CWRC) incorporates structure hardening and site and area requirements to create defensible space with the ultimate goal of safeguarding life and property. The combination of regulations in this code are intended to mitigate the risk from intrusion of fire from the wildland fire exposures and mitigate structure fires from spreading to wildland fuels. In terms of applicability, the provisions of the CWRC shall apply to the construction, alteration, repair, or maintenance of any structure that contains habitable space within the WUI, although there are additional exemptions discussed later. A majority of the Town's jurisdiction was identified by the State to be within the WUI, as our community is mostly comprised of forested alpine terrain and surrounded by National Forest lands.

The CWRC takes an additional step to identify areas with greater risk through a Wildfire Hazard Identification and Classification. Utilizing a [map issued from the state](#), Breckenridge is primarily within the Moderate Intensity Classification due to the moderate to high slopes, moderate to heavy fuels, and consideration of necessary support if an event were to occur. Due to the Moderate Intensity classification, structures and parcels within the classified area are required to be in compliance with the provisions for Class 2 structure hardening and site and area requirements. While some areas of Town are not identified as Moderate Intensity, staff recommends that any adopted structure hardening policy apply equally to all properties within the Town jurisdiction, except where specific exemptions apply, i.e. minor repairs and historic structures. This would avoid creating a complicated and difficult to apply patchwork of policies regarding allowed building materials throughout town.

The CWRC outlines Structure Hardening in Chapter 4 of the resiliency code and begins to outline the requirement for specific building materials. Section 402.1 specifies that building materials must be one of the following (definitions added from Chapter 2, page 15 of the CWRC):

Noncombustible material	Fire-retardant-treated wood	Ignition-resistant building materials
<i>As applied to building construction material means a material that, in the form in which it is used, is either one of the following:</i> <i>1. Material of which no part will ignite and burn when subjected to fire.</i> <i>2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.</i> <i>3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.</i>	<i>Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed flame spread index of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.</i>	<i>A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.</i>

The complexity of the CWRC is extended to applicability for specific building types. As shown in the chart below, there are few specific exceptions for specific scopes of work and building types. Luckily, the CWRC allows for a Historic Preservation Exemption and variance to be issued for the repair and rehabilitation of a historic structure. This exemption is only provided for structures that are designated historic under the Town's local historic preservation program; the specific language for the Historic Structure exemption can be found on page 8 of the CWRC.

Work Regulated by CWRC (Summarized)	Work Exempt from CWRC
1) Construction of any building that contains occupiable and/or habitable space 2) Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to	1) <i>Interior alterations of existing structures.</i> 2) <i>Additions that do not increase the footprint of a structure by more than 500 square feet.</i> 3) <i>The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building,</i>

comply with all of the requirements of this code, provided that, when the work increases the footprint of the existing structure by 500 square feet or greater, the addition or alteration conforms to that required for a new building or structure. Emphasis added. 3) Roofing coverings in existence prior to adoption of this code that are replaced or have 25% of the surface area of the roof replaces, altered, or repaired, the entirety of the roof shall be replaced to comply. Emphasis added. 4) Exterior walls of buildings in existence prior to adoption of this code where 25% or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter, or repair the exterior walls effectively replaces the exterior wall material, the entirety of the exterior wall surface area shall be replaced to comply. Emphasis added.	<i>when less than 25 percent of the surface area of all exterior walls is affected.</i> 4) <i>The reconstruction, replacement, alteration, or repair of the exterior roof covering of an existing building, when less than 25 percent of the surface area of the exterior roof covering or an attachment thereto is affected.</i> 5) <i>Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.</i> 6) <i>Painting, staining and similar maintenance or restorative work.</i> 7) <i>One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.</i> 8) <i>Accessory structures and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing occupiable or habitable space.</i> 9) <i>Fences located more than 8 feet from a habitable structure.</i> 10) <i>Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.</i>
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Finally, the CWRC approved by [Senate Bill 23-166](#) requires a governing body with jurisdiction within the WUI to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the Board. The minimum standards outlined by the CWRC, or State approved similar code, must be adopted by April 2026.

More information about the CWRC Board is available at <https://dfpc.colorado.gov/WRCB>

Major Considerations

Staff has identified considerations for the Commission to contemplate during the work session.

1. Existing policies and point assignments for building materials under Policy 5R: Architectural Compatibility.
2. Consideration of natural materials that have been fire-retardant-treated vs. composite materials that are noncombustible or ignition-resistant.
3. Identify possible positive point options in the Development Code (recent suggestion from Town Council)
4. Consideration of structures within the Conservation District vs. structures located outside of the Conservation District.
5. Consideration of fencing types and materials allowed for each type, specifically fences within 8' of a structure.

Staff Recommendations

1. The creation of two new Development Code Policies; 1) a new absolute policy requiring the minimum provisions of the CWRC across all parcels within the town, and 2) a new relative policy for Fire-Resistance Rated Construction which, if chosen by the applicant, utilizes the most fire-resistant pathway for the assignment of positive points.
2. Perform a comprehensive review of Policy 5R: Architectural Compatibility to discuss modifying the assignment of points to further support the intent of the CWRC.
3. Update Development Code definitions to help clarify or add new definitions in relation to the adopted version of the Wildfire Resiliency Code.
4. Define the allowed historic preservation exemption within the adopted code and ensure alignment with historic properties within the Conservation District. While not identified as Moderate Intensity, staff recommends this policy apply to all areas of Town including the Conservation District, and that exemptions are granted to historic properties.
5. Review Policy 47R: Fences, Gates, and Gateway Entrance Monuments to allow more flexibility in fencing materials within 8' of any structure. Additionally, review standards outlined in Master Planned neighborhoods and the Handbook of Design Standards for the Historic and Conservation Districts regarding fencing.
6. Explore additional opportunities to award positive points for projects which exceed the minimum CWRC provisions.

Questions for the Commission

1. Does the Commission agree with the staff recommendation that the town adopt code amendments that meet the minimum requirements of the CWRC?
2. Does the Commission agree with staff's recommendation to create a new relative policy that will award positive points for designs featuring the most fire-resistant pathway for a structure under the CWRC provisions?
3. Does the Commission agree the building materials addressed under Policy 5R: Architectural Compatibility should be reviewed to potentially reduce or eliminate the assignment of negative points for some fire-resistant materials?
4. Does the Commission agree the adopted regulations must include an exemption for historic preservation and the protection of historic and contributing structures located within the Conservation District?
5. Does the Commission agree to the review of Policy 47R: Fences, Gates, and Gateway Entrance Monuments to allow more flexibility in fencing materials within 8' of any structure?
6. Does the Commission have any additional comments?

Staff looks forward to the discussion with the Planning Commission and receiving further direction on this complex topic. Staff will be available on Tuesday to answer any questions.

Structure Hardening

Worksession Slides

August 5th Planning Commission Meeting

Clif Cross, Planner II



Table of Contents

- Overview of Colorado Wildfire Resiliency Code Board
- Review of Colorado Wildfire Resiliency Code
 - Chapters 1 - 5
- Major Considerations
- Staff Recommendations
- Questions for the Commission



Senate Bill 23-166

- Established the Wildfire Resiliency Code Board (CWRC)
- Tasked to improve community safety and resiliency from wildfires through the adoption of codes.
- Board has been meeting for past two years to develop the Code.



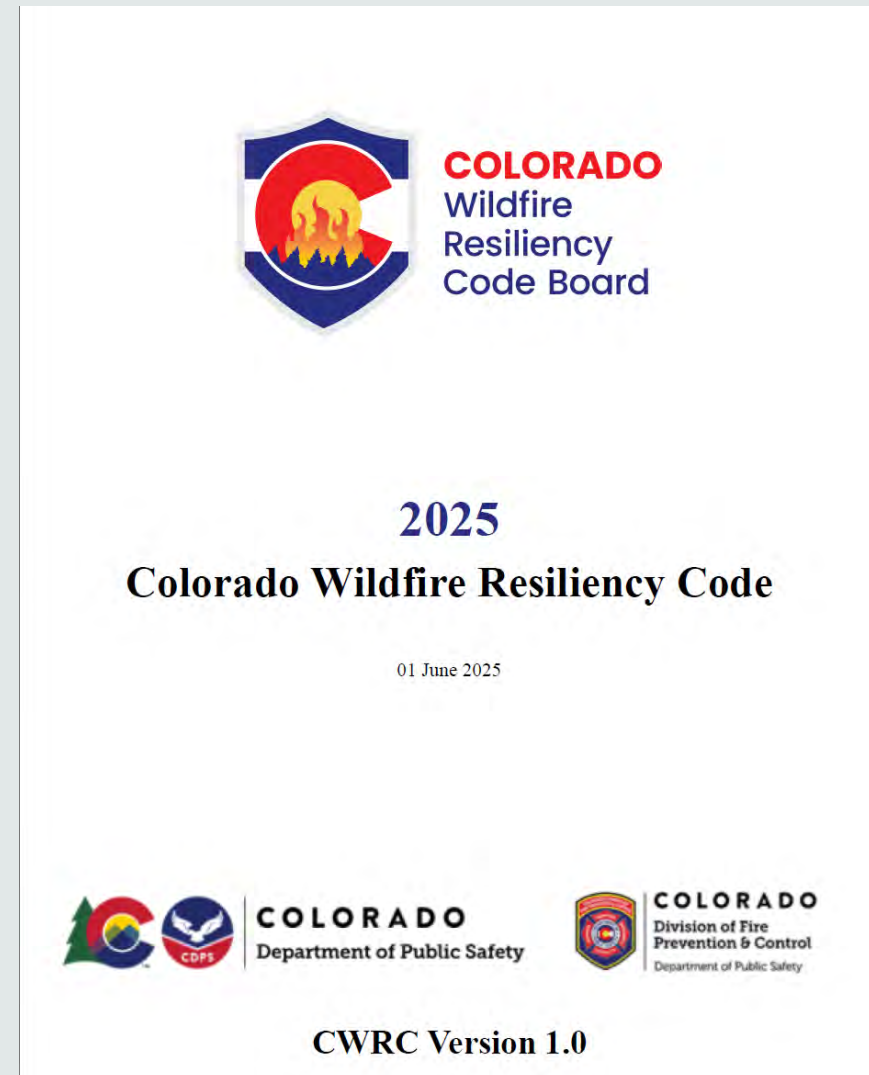
COLORADO
Wildfire
Resiliency
Code Board

<https://dfpc.colorado.gov/WRCB>



Adopted Wildfire Resiliency Code

- In July 2025, the 2025 Colorado Wildfire Resiliency Code (CWRC) was adopted.
- Governing Bodies are required to adopt the minimum codes and standards outlined in the CWRC.
- Per [Senate Bill 25-142](#), sets the deadline for local governments within the wildland-urban interface to adopt by April 2026.



Colorado Wildfire Resiliency Code

Chapter 1 – Scope and Administration

Chapter 2 – Definitions

Chapter 3 – Wildfire Hazard Identification

Chapter 4 – Structure Hardening

Chapter 5 – Site and Area Requirements



Chapter 1 – Scope and Administration

- The purpose of this code is to establish minimum regulations for the safeguarding of life and property from a potential wildfire event.
- This Code shall apply to the construction, alteration, movement, repair, maintenance, and use of any building that contains occupiable or habitable space.
- An addition or alteration that increases the footprint of the existing structure by 500 square feet or greater shall comply with all the requirements of this code.
- Where 25% or more of the total exterior wall surface or roof surface area is replaced or where work to reconstruct, alter, or repair, the entirety of the surface area shall be replaced with materials to be compliant with this Code.



Chapter 1 – Scope and Administration; cont'd

Historic Structures

- A variance may be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, within the spirit of the code.
 - Must meet one of the criteria: 1) Listing in National Register, 2) Contributing to Registered Historic District, or 3) Designated historic under a state or local historic preservation program.
- The Code allows local jurisdictions to establish a historic preservation exemption that consists of the spirit and intent of this Code.



Chapter 2 – Definitions

Staff Identified:

- **Defensible Space** – An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an are for fire suppression operations to occur.
- **Fire Intensity Classification** – The level of fire intensity identified for area where significant fuels hazards and associated dangerous fire behavior may exist based upon vegetative fuels, topography, weather conditions, and flame length value.
- **Fire-Resistance Rated Construction** – The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.



Chapter 2 – Definitions; cont'd

- **Fire-retardant-treated Wood** – Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed flame spread index of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.
- **Ignition-Resistant Building Materials** – a type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure or burning embers and small flames.
- **Noncombustible** – As applied to building construction material means a material that, in the form in which it is used, is either one of the following:
 1. Material of which no part will ignite and burn when subjected to fire.
 2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.
 3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.



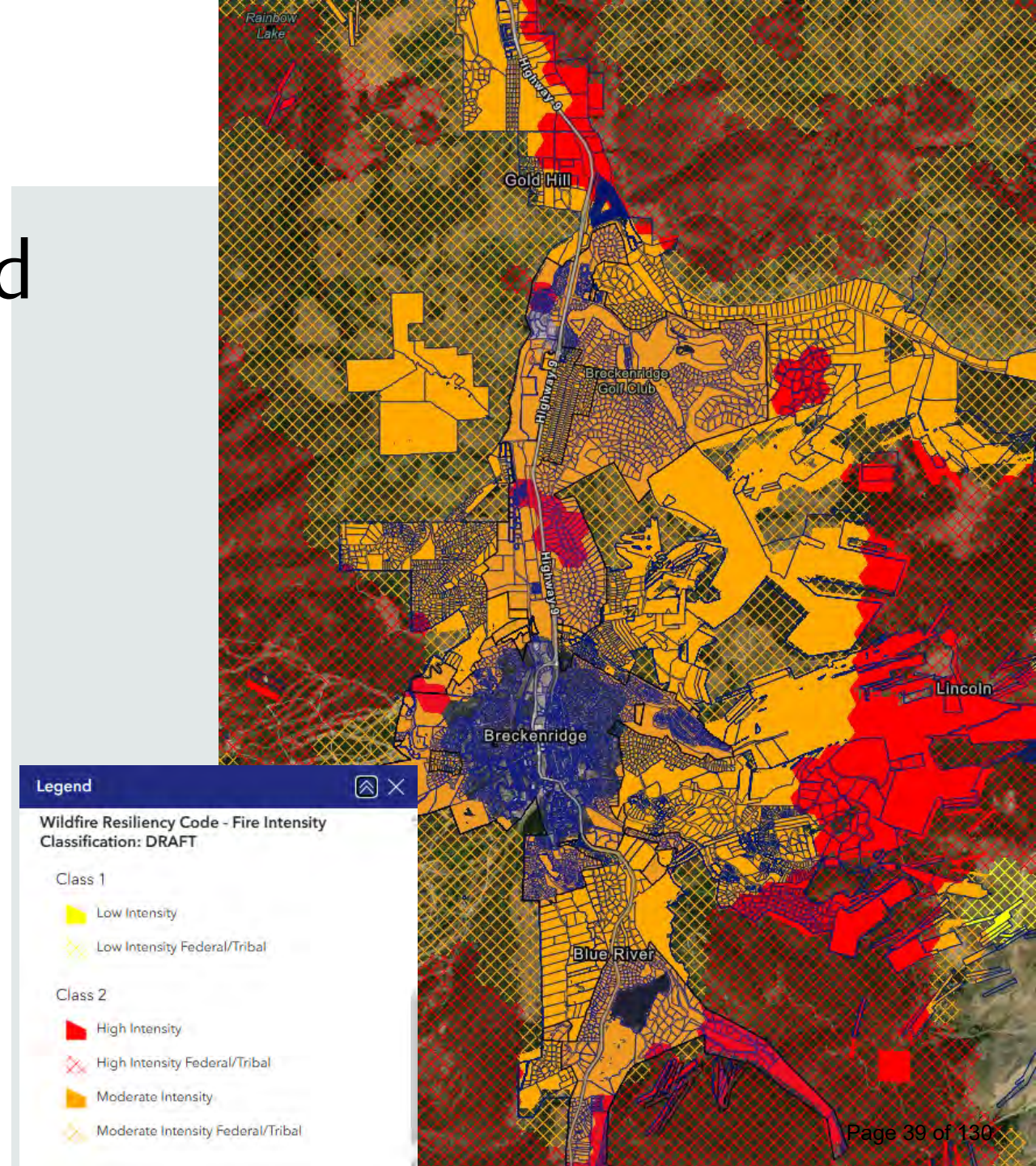
Chapter 2 – Definitions; cont'd

- **Ignition-Resistant Vegetation** – Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.
- **Habitable Space** – A space in a building for living, sleeping, eating or cooking.
- **Occupiable Space** – A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.



Chapter 3 – Wildfire Hazard Identification

- Each area of Colorado is identified on the [map to the right](#) by a Fire Intensity Classification.
- A majority of Breckenridge is within the Moderate Intensity Classification (orange to the right).
- The Downtown Core has no designation while other portions of Town are labeled High Intensity.
- TOB shall operate in accordance with the provision for Class 2 structure hardening and site and area requirements.



Chapter 4 – Structure Hardening

- Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.
 - *Exceptions for accessory buildings with no habitable space, less than 25% of roof or wall surface areas, and additions less than 500 sq. ft.*
- Sections within Chapter 4
 - Building Materials (applicable to both class of structures)
 - Class 1 Structures
 - Class 2 shall comply with Class 1 too
 - Class 2 Structures



Chapter 4 – Structure Hardening; cont'd

Building Materials

- Building materials shall comply with any of the requirements below:
 - Noncombustible Materials
 - Fire-retardant-treated wood
 - Ignition-resistant building materials
- Exceptions made for materials composed of a combustible core and a noncombustible exterior covering so long as it meets flame spread, flame front, and weathering tests outlined within the CWRC.



Chapter 4 – Structure Hardening; cont'd

Building Materials Definitions

Noncombustible material	Fire-retardant-treated wood	Ignition-resistant building materials
As applied to building construction material means a material that, in the form in which it is used, is either one of the following: 1. Material of which no part will ignite and burn when subjected to fire. 2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section. 3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.	Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed flame spread index of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.	A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.
Examples: concrete, glass, steel, and masonry	Examples: Any pressure treated wood product using FRTW chemicals	Examples: Fire-retardant-treated wood, Stucco, Gypsum, Brick, Stone, Fiber cement panels/Cement board, Concrete synthetic stone

Chapter 4 – Structure Hardening; cont'd

Class 1 Structure Hardening

- **Roofing** – Class A roof covering or roof assembly
 - Flame and ember protection of roofs
 - Roof valley flashing
- **Gutters and downspouts** – shall be constructed of noncombustible materials
- **Ventilation Openings** – regulations for performance and prescriptive requirements



Chapter 4 – Structure Hardening; cont'd

Class 2 Structure Hardening

- **Protective of eaves** – shall be protected by noncombustible material, ignition-resistant materials, or by materials approved for not less than 1-hour fire-resistance-rated construction.
- **Exterior Walls** – shall be constructed with one of six option outlined within the CWRC
 - Exceptions for: Embellishments/architectural trim, Roof or wall top cornice projections, and solid wood rafter tails
 - Exterior Wall Coverings – shall be limited to 1) Noncombustible materials, 2) Fire-retardant-treated wood, or 3) Ignition-resistant building materials.
 - Flashing – A minimum of 6 inches of metal flashing or noncombustible material applied vertically between the wall sheathing and the exterior cladding
- **Underfloor enclosure** – shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.
- **Decking** – Unenclosed decks shall have the deck walking surface constructed with one of the methods explained in 404.3



Chapter 4 – Structure Hardening; cont'd

Class 2 Structure Hardening

- **Appendages and projections** – shall be constructed in accordance with Section 404.3
- **Exterior Glazing** – shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.
- **Exterior Doors** – shall be approved noncombustible construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes.
- **Vehicle Access Door Perimeter Gap** – shall resist the intrusion of embers from entering by preventing gaps between doors and door openings
- **Detached Accessory Structures** – structures located less than 50 feet from a building containing habitable or occupiable space shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

Chapter 5 – Site and Area Requirements

- The provisions of this chapter shall apply to parcels subject to this code.
- Sections within Chapter 5
 - Class 1 Requirements
 - Class 2 shall comply with Class 1 too
 - Class 2 Requirements



Chapter 5 – Site and Area Requirements; cont'd

Class 1 Requirements

- Structure Ignition Zone 1 (0-5'): Immediate Zone
 - **Materials** – Use noncombustible, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.
 - Exception: Ignition-resistant plantings are allowed in the Immediate Zone.
 - **Plantings** – Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.
 - **Trees** – There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.
 - Tree crowns shall be pruned to maintain a minimum of 10' clearance from any structure.
 - Prune tree branches to a height of 6-10' from the ground, depending on tree size



Chapter 5 – Site and Area Requirements; cont'd

Class 1 Requirements

– Site Signage

- **Marking of Roads** - Notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.
- **Marking of fire protection equipment** - Fire protection equipment and fire hydrants shall be clearly identified to prevent obstruction.
- **Address markers** – Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road.



Chapter 5 – Site and Area Requirements; cont'd

Class 1 Requirements

- **Retaining Walls** – Retaining walls shall be constructed with either noncombustible or ignition-resistant materials when any of the following conditions exist:
 - 1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
 - 2. The retaining wall is integral to the support of a structure regulated by this code.
 - 3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.
- **Fencing** – Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with noncombustible or ignition-resistant materials.



Chapter 5 – Site and Area Requirements; cont'd

Class 2 Requirements

- Structure Ignition Zone 2 (5-30'): Intermediate Zone
 - **Dead Materials** – All hazardous dead plant material must be removed from live vegetation.
 - **Fuels Accumulation** – Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.
 - **Trees** – Tree crowns shall be pruned to maintain a minimum of 10' clearance from any structure.
 - Prune tree branches to a height of 6-10' from the ground, depending on tree size.
 - Tree Spacing – Tree crowns within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.



Chapter 5 – Site and Area Requirements; cont'd

Class 2 Requirements

- Structure Ignition Zone 2 (5-30'): Intermediate Zone; cont'd
 - **Shrubs** – Groups of shrubs shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.
- Structure Ignition Zone 3 (30-100'): Expanded Zone
 - **Tree spacing** – Tree crowns within this zone shall be spaced at a minimum of 6-10 feet.



Major Considerations

1. Existing policies and point assignments for building materials under Policy 5R: Architectural Compatibility.
2. Consideration of natural materials that have been fire-retardant-treated vs. composite materials that are noncombustible or ignition-resistant.
3. Identify possible positive point options in the Development Code (recent request from Town Council)
4. Consideration of structures within the Conservation District vs. structures located outside of the Conservation District.
5. Consideration of fencing types and materials allowed for each type, specifically fences within 8' of a structure.



Staff Recommendation

The creation of two (2) new Development Code Policies

- a new absolute policy requiring the minimum provisions of the CWRC across all parcels within the town
- A new relative policy for Fire-Resistance Rated Construction
 - if chosen by the applicant, utilizes the most fire-resistant pathway for the assignment of positive points.
- Staff recommends the ability to assign positive three (+3) points under this relative policy.
 - Example of multiplier: 3 x (0/+1)



Staff Recommendation; cont'd

Perform a comprehensive review of [Policy 5R: Architectural Compatibility](#)

- In 2022, the Planning Commission reviewed the exterior building materials allowed by the Development Code.
- This led to [Ordinance 1, Series 2023](#) which modified the assignment of points based on the percentage of specific materials per façade.
- Staff recommends modifying the assignment of points to further support the intent of the CWRC.
- For example, modifying the regulations for fiber cement siding would support the intent of the CWRC, but reduce the negative points associated with the use of the material.



Staff Recommendation; cont'd

- Update Development Code definitions to help clarify or add new definitions in relation to the adopted version of the Wildfire Resiliency Code.
- Define the allowed historic preservation exemption within the adopted code and ensure alignment with historic properties within the Conservation District. While not identified as Moderate Intensity, staff recommends this policy apply to all areas of Town including the Conservation District, and that exemptions are granted to historic properties.
- Review [Policy 47R: Fences, Gates, and Gateway Entrance Monuments](#) to allow more flexibility in fencing materials within 8' of any structure. Additionally, review standards outlined in Master Planned neighborhoods and the Handbook of Design Standards for the Historic and Conservation Districts regarding fencing.
- Explore additional opportunities to award positive points for projects which exceed the minimum CWRC provisions.



Questions for the Commission

1. Does the Commission agree with the staff recommendation that the town adopt code amendments that meet the minimum requirements of the CWRC?
2. Does the Commission agree with staff's recommendation that a new relative policy for Fire-Resistance Rated Construction for the assignment of positive points for the most fire-resistant pathway for a structure under the CWRC provisions should be created?
3. Does the Commission agree the building materials addressed under Policy 5R: Architectural Compatibility should be reviewed to potentially reduce or eliminate the assignment of negative points for some fire-resistant materials?



Questions for the Commission; cont'd

4. Does the Commission agree the adopted regulations must include an exemption for historic preservation and the protection of historic and contributing structures located within the Conservation District?
5. Does the Commission agree to the review of Policy 47R: Fences, Gates, and Gateway Entrance Monuments to allow more flexibility in fencing materials within 8' of any structure?
6. Does the Commission have any additional comments?





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Wildfire
Resiliency
Code Board

2025

Colorado Wildfire Resiliency Code

01 June 2025



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CWRC Version 1.0

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Attributions

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Chapter 1 - Scope and Administration

PART 1 GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises that contain *occupiable* and/or *habitable space*, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the *wildland-urban interface* areas of Colorado, as designated in this code.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.2 Factory-Built Structures (nonresidential, residential, and tiny homes). Structure hardening provisions of this code for factory-built structures as defined by sections 24-32-3302(9), (10), (11), and (35), C.R.S., are in accordance with Rules adopted by the Division of Housing in 8 CCR 1302-1, Rule 2 Codes and Standards.

101.2.3 HUD Code Homes. Homes built to the HUD Manufactured Home Construction and Safety Standards are exempt from structure hardening requirements on their first installation. Homes built to the HUD Manufactured Home Construction and Safety Standards which are moved into an applicable Wildfire Resiliency code area are subject to the provisions of this code as required by the authority having jurisdiction.

101.3 Purpose. The purpose of this code is to establish minimum regulations for the safeguarding of life and for property protection. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in *wildland-urban interface* areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to



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provide adequate fire protection facilities to control the spread of fire in *wildland-urban interface* areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface* areas.

101.4 Retroactivity. The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

101.5 Additions or alterations. Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that, when the work increases the footprint of the existing structure by 500 square feet or greater, the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.6 Roof coverings. The *roof covering* on buildings or structures in existence prior to adoption of this code that are replaced or have 25 percent or more of the surface area of the roof replaced, or where work to reconstruct, alter, or repair the *roof covering* effectively replaces such material, shall require the entirety of the *roof covering* to be replaced with a *roof covering* required for new construction specified in Sections 403.2 through 403.2.2.

Exception: Existing *roof coverings* that are compliant with Section 403.2.

101.7 Exterior walls. The exterior walls of building or structures in existence prior to adoption of this code where 25 percent or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter or repair the exterior walls effectively replaces the exterior wall material, shall require the entirety of the exterior wall surface area, including attachments, to be replaced with materials required for new construction specified in Section 404.3 through 404.3.2



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and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.

Exception: Existing exterior walls that are compliant with Section 404.3.

101.8 Maintenance. Buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102—APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code, or any other adopted code, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code are listed throughout this code. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and the referenced codes and standards, the provisions of this code shall govern.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

102.5 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the authority having jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.6 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof,



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which are not specifically provided for by this code, shall be determined by the *code official* consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

102.7 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing conditions. The legal occupancy or use of any structure or condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

102.9 Historic structures. A variance is authorized to be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, within the spirit of this code.

Exception: Within wildfire hazard areas, historic structures that do not meet one or more of the following designations:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
3. Designated as historic under a state or local historic preservation program.

102.9.1 Historic preservation exemption. The authority having jurisdiction may establish a historic preservation exemption or exemptions in their jurisdiction that consists of the spirit and intent of this code.

102.10 Work exempt from permit under this code. Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with this code shall not be required for the following:

1. Interior alterations of existing structures.
2. Additions that do not increase the footprint of a structure by more than 500 square feet.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.



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5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Painting, staining and similar maintenance or restorative work.
7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
8. *Accessory structures* and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing *occupiable* or *habitable space*.
9. Fences located more than 8 feet from a habitable structure.
10. Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103—CODE COMPLIANCE AGENCY

103.1 Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 Powers and duties of the code official. The *code official* is hereby authorized to enforce the provisions of this code.

104.2 Determination of compliance. The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.



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104.2.1 Technical assistance. To determine compliance with this code, the *code official* is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

104.2.1.1 Costs. A technical opinion and report shall be provided without charge to the jurisdiction.

104.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.1.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

104.2.1.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

104.2.2 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*.

104.2.2.1 Approval authority. An alternative material, design or method shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

104.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for approval. Where the alternative material, design or method of construction is not approved, the *code official* shall respond in writing, stating the reasons the alternative was not approved.

104.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.



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104.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

104.2.2.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

104.2.2.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved* agency and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official's* recognition of the *approved* agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

104.2.2.6.2 Other reports. Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.7 Peer review. The *code official* is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or



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method of construction, prepared by a peer reviewer that is *approved* by the *code official*.

104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, provided that the *code official* shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

104.3 Applications and permits. The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.4 Access to Property. For the purpose of inspecting and enforcing the provisions of this code and the terms and conditions of any permit issued under this code, the *code official* is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining compliance with this code and to evaluate conditions relative to the permit application.

104.4.1 Authorization. The owner or occupant of the property having a permit under this code shall allow the *code official* access to the property to perform the required inspections. If access is denied, the *code official* shall apply to the Court with jurisdiction to seek authority to access the property.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Official records. The *code official* shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

104.7.1 Approvals. A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

104.7.2 Inspections. The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.



104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

104.7.4 Tests. The *code official* shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

104.7.5 Fees. The *code official* shall keep a record of fees collected and refunded in accordance with Section 106.

104.8 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of any act or omission in the discharge of official duties.

104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the *code official* shall be constructed and installed in accordance with such approval.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

104.10 Other agencies. When requested to do so by the *code official*, other officials of this jurisdiction shall assist and cooperate with the *code official* in the discharge of the duties required by this code.

SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS

105.1 General. The *code official* is authorized to issue a permit for temporary uses, equipment and systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

105.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.



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105.3 Temporary service utilities. The *code official* is authorized to give permission to temporarily supply service utilities.

105.4 Termination of approval. The *code official* is authorized to terminate such permit for temporary uses, equipment and systems and to order the same to be discontinued.

SECTION 106—FEES

106.1 General. An AHJ has the authority to establish fees.

SECTION 107—STOP WORK ORDER

107.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

107.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

107.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

107.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.



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Chapter 2 - Definitions

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

APPROVED. Acceptable to the *code official*.

BUILDING. Any structure intended for supporting or sheltering any occupancy.

CLASS A TESTS. Class A Tests are applicable to *roof coverings* that are expected to be effective against severe fire exposure, afford a high degree of fire protection to the *roof deck*, do not slip from position, and are not expected to present a flying brand hazard.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the *code official's* authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.



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EMBELLISHMENTS. Elements incorporated in design and construction for ornamental or decorative purpose that are not integral to the structure or structural support.

FIRE INTENSITY CLASSIFICATION. The level of fire intensity identified for areas where significant fuel hazards and associated dangerous fire behavior may exist, based upon vegetative fuels, topography, weather conditions, and flame length value.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the *wildland-urban interface* area.

FIRE-RETARDANT-TREATED WOOD. Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed *flame spread index* of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.

FLAME SPREAD INDEX. A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

HABITABLE SPACE. A space in a building for living, sleeping, eating or cooking.

HEAVY TIMBER CONSTRUCTION. As described in Section 602.4 of the 2024 *International Building Code*.

HOME IGNITION ZONE. Home Ignition Zone is the home and the area around the home (or structure). The HIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.



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IGNITION-RESISTANT VEGETATION. Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is not less than 6 inches. Log wall construction shall follow requirements of ICC 400.

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire.
2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.
3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.

OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a *roof covering* and *roof deck* or a single component serving as both the *roof covering* and the *roof deck*. A *roof assembly* can include an underlayment, thermal barrier, ignition barrier, insulation or a vapor retarder.

ROOF COVERING. The covering applied to the *roof deck* for weather resistance, fire classification or appearance.

ROOF DECK. The flat or sloped surface not including its supporting members or vertical supports.



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SLOPE. The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed.

STRUCTURE IGNITION ZONE. Structure Ignition Zone is the structure and the area around the structure (or home). The SIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

WILDLAND-URBAN INTERFACE. That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.



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Chapter 3 - Wildfire Hazard Identification

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter provide methodology to establish and record wildfire hazard based on the findings of fact to be regulated by this code.

301.2 Objective. The objective of this chapter is to provide simple baseline criteria for determining *wildland-urban interface* areas based on the wildfire hazard.

SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

302.1 Declaration. The AHJ shall declare the *wildland-urban interface* areas within the jurisdiction as defined by this code. The *wildland-urban interface* areas shall be based on the findings of fact.

SECTION 303 MAPPING AND APPLICABILITY

303.1 Mapping of Wildfire Hazard Areas. Wildfire Hazard shall be recorded on official maps. These maps identify areas subject to the provisions of this code and shall be available for public inspection through an accessible online platform and at designated local government offices.

303.1.1 Map. This map shall be based on a combination of factors including, but not limited to, vegetative fuels, topography, local weather patterns, and fire behavior modeling data.

303.1.2 Locally Developed Mapping. The AHJ may develop and adopt local maps designating wildfire hazard and *fire intensity classifications* within its jurisdictional boundaries in accordance with Sections 303.1 through 303.3.

303.2 Fire Intensity Classification. *Fire Intensity Classification* shall be identified on the map in accordance with Section 303.1. *Fire Intensity Classification* is determined by expected wildfire behavior, including flame length and suppression difficulty and is separated into three levels: low, moderate, and high. The identified *fire intensity classification* establishes code requirements for construction and mitigation.

303.2.1 Low Fire Intensity Classification. *Low Fire Intensity Classification* is identified in areas with light to medium surface fuels, such as grasses, shrubs, and scattered low-density vegetation. These fuels are often discontinuous, which limits flame propagation but can sustain burning under moderate weather conditions. Fires in this class may occur on gentle to moderate *slopes*, where topography begins to influence the rate of spread. Although flame lengths remain relatively small—typically less than two feet—limited spotting may occur, especially with wind. Trained firefighters with protective equipment and standard hand tools can usually suppress these fires through



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direct attack, particularly on *slopes* under 30 percent. Mechanized equipment is typically unnecessary.

Key Characteristics Include:

1. **Fuels:** Light to medium surface fuels, including grasses, shrubs, and scattered vegetation (e.g., WNL, USL fuel types).
2. **Flame Length:** Less than 2 feet.
3. **Rate of Spread:** Low, increasing with *slopes* over 20 percent.
4. **Spotting:** Very short-range spotting is possible under windy conditions.
5. **Terrain Influence:** More active fire behavior on moderate *slopes* (20 to 30 percent).
6. **Suppression Difficulty:** Easily suppressed by trained firefighters using basic protective gear and hand tools. Direct attack is effective, and mechanized support is rarely needed.

303.2.2 Moderate Fire Intensity Classification. *Moderate Fire Intensity Classification* is identified in areas with moderate to heavy fuel loads, such as dense shrubs, small trees, and accumulated ground fuels. Fires in this class present continuous horizontal and vertical fuel arrangements, allowing flames to reach up to 8 feet in length. Fire behavior is notably influenced by moderate to steep *slopes*, often accelerating the spread. Short-range spotting becomes more common, complicating suppression efforts. Ground crews typically require mechanized support, such as engines and dozers, to establish control lines. Aircraft assistance may be necessary, particularly in inaccessible terrain. There is a significant increase in the potential for property damage and risk to life, especially in *wildland-urban interface* areas.

Key Characteristics Include:

1. **Fuels:** Moderate to heavy fuels, including dense shrublands, small trees, timber litter, and canopy fuels (e.g., USH, UIH fuel types).
2. **Flame Length:** Up to 8 feet.
3. **Rate of Spread:** Moderate to high, increasing significantly on *slopes* over 30 percent.
4. **Spotting:** Short-range spotting is common.
5. **Terrain Influence:** Steep *slopes* (30 percent or greater) increase fire spread and intensity.
6. **Suppression Difficulty:** Challenging for ground crews without support from engines, dozers, or aircraft. Dozers and plows are generally effective on moderate terrain.

303.2.3 High Fire Intensity Classification. *High Fire Intensity Classification* is identified in areas with heavy, continuous fuel loads, such as dense forest canopies, thick



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understory growth, and heavy dead/downed material. Fires in this class frequently occur on steep *slopes*, often exceeding 40 percent, where topography dramatically increases the rate of spread and severity. Flame lengths can exceed 30 feet, and both short- and medium-range spotting are common, particularly in windy conditions. Direct suppression by ground crews is typically ineffective, requiring indirect attack strategies, such as backburns and aerial retardant drops. Fires in this class pose extreme risk to life, property, and firefighter safety, especially in rugged or remote areas.

Key Characteristics Include:

1. **Fuels:** Heavy fuels, including dense forests, urban core areas with heavy fuel loads, and canopy-dominated regions (e.g., WNH, USH, UCH fuel types).
2. **Flame Length:** Up to 30 feet or more.
3. **Rate of Spread:** Rapid, especially on *slopes* greater than 40 percent.
4. **Spotting:** Short-range spotting is common; medium-range spotting is possible under windy conditions.
5. **Terrain Influence:** *Slopes* over 40 percent amplify intensity and spread, creating dangerous conditions for suppression.
6. **Suppression Difficulty:** Direct attack by ground forces and dozers is generally ineffective. Indirect strategies (backburning, aerial support) are often necessary.

These fires present significant danger to life, property, and responder safety.

303.3 Applicability of Code Provisions. The requirements of this code shall apply to all parcels located within designated Wildfire Hazard Areas and corresponding *fire intensity classifications* as identified on the official maps. The level of structure hardening, *defensible space*, and other mitigation measures required shall correspond to the applicable *fire intensity classification*—Low, Moderate, or High—as established by the board.

Structures and parcels identified with low *fire intensity classification* shall be constructed and maintained in accordance with the provisions for Class 1 structure hardening and site and area requirements.

Structures and parcels identified with moderate to high *fire intensity classifications* shall be constructed and maintained in accordance with the provisions for Class 2 structure hardening and site and area requirements.

SECTION 304 GROUND-TRUTHING

304.1 Purpose. This section establishes a process for owners or the owners authorized representative to request a ground-truthing review of their property's Wildfire Hazard or *fire intensity classification* as identified on state or locally adopted maps. The intent is to provide an opportunity to verify that mapping accurately reflects current, site-specific conditions.



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304.2 Determination of Fire Intensity Classification and Code Requirements. As determined by the *code official*, the *fire intensity classification* and associated requirements shall be based on a review of the vegetative fuels on the parcel and within 300' of the parcel boundary, topography, local weather patterns, and fire behavior modeling data and in accordance with the following *fire intensity classifications*:

304.2.1 Low *Fire Intensity Classification* in accordance with Section 303.2.1

304.2.2 Moderate *Fire Intensity Classification* in accordance with Section 303.2.2

304.2.3 High *Fire Intensity Classification* in accordance with Section 303.2.3

This determination shall be made based on existing conditions or conditions that have been established by a development plan approved by the local jurisdiction. Technical documentation shall be submitted in support of such request by a qualified wildfire professional and in accordance with Section 104.2.



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Chapter 4- Structure Hardening

SECTION 401 GENERAL

401.1 Scope. Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.

Exceptions:

1. Buildings of an accessory character classified as Group U occupancy (including *agricultural buildings*) of any size located at least 50 feet from a structure containing *occupiable* or *habitable space*.
2. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Additions that do not increase the footprint of a structure by more than 500 square feet.

SECTION 402 BUILDING MATERIAL

402.1 Building material. Building materials shall comply with any one of the requirements in Section 402.2 through 402.4.

402.2 Noncombustible material. *Noncombustible* material shall comply with the definition of *noncombustible* materials in Section 202.

402.3 Fire-retardant-treated wood. *Fire-retardant-treated wood* shall be identified for exterior use and shall meet the requirements of Section 2303.2 of the 2024 *International Building Code*.

402.4 Ignition-resistant building material. Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes, or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch. The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723



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for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 402.4.1 through 402.4.3.3. Materials or products which melt, drip or delaminate to the extent that the flame front is interrupted are not permitted.

Exception: Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch thickness or corrosion-resistant steel at a minimum 0.0149 inch thickness shall not be required to be tested with a ripped or cut longitudinal gap.

402.4.1 Flame spread. The material shall exhibit a *flame spread index* not exceeding 25.

402.4.2 Flame front. The material shall exhibit a flame front that does not progress more than 10 feet 6 inches beyond the centerline of the burner at any time during the test.

402.4.3 Weathering. *Ignition-resistant building materials* shall maintain their performance in accordance with this section under conditions of use. The materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in Sections 402.4.3.1 through 402.4.3.3, as applicable to the materials and conditions of use.

402.4.3.1 Evaluation requirements for weathering. Fire-retardant-treated wood, wood-plastic composite materials and plastic lumber materials shall be evaluated after weathering in accordance with Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D2898.

402.4.3.2 Wood-plastic composite materials. Wood-plastic composite materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation, then weathering in accordance with ASTM D7032 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

402.4.3.3 Plastic lumber materials. Plastic lumber materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation, then weathering in accordance with ASTM D6662 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.



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SECTION 403 CLASS 1 STRUCTURE HARDENING

403.1 General. Class 1 structure hardening shall be in accordance with Sections 403.2 through 403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a low fire hazard severity.

403.2 Roofing. Roofs shall have a *roof covering* or *roof assembly* classified as Class A when tested in accordance with ASTM E108 or UL 790.

403.2.1 Flame and ember protection of roofs. For roof assemblies where the roof covering profile creates a space between the roof covering and roof deck, the space shall resist the entry of flames and embers by one or more of the following methods:

1. Firestopping with noncombustible material of the space between the roof covering and the roof deck.
2. Installation of one layer of cap sheet complying with ASTM D3909 over the combustible roof deck.
3. Installation of a listed Class A classified roof assembly.

403.2.2 Roof valley flashings. Valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of cap sheet complying with ASTM D3909 running the full length of the valley.

403.3 Gutters and downspouts. Gutters and downspouts shall be constructed of *noncombustible* material.

403.4 Ventilation Openings. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be in accordance with Section 403.4.1 or Section 403.4.2 as applicable.

403.4.1 Performance Requirements. Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

403.4.2 Prescriptive Requirements. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be covered with *noncombustible* 404.3 corrosion-resistant mesh with openings not to exceed 1/8-inch.



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SECTION 404 CLASS 2 STRUCTURE HARDENING

404.1 General. Class 2 structure hardening shall be in accordance with Sections 404.2 through 404.10.1 as well as the provisions of Class 1 structure hardening in Sections 403.2-403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a moderate or high fire hazard severity. See also Sections 101.6-101.7.

404.2 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, 2-inch nominal dimension lumber, or 1 inch nominal *fire-retardant-treated wood* or 3/4 inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*. Fascias are required and shall be protected on the backside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, or 2- inch nominal dimension lumber.

404.3 Exterior Walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Exterior wall assemblies with a minimum of 1-hour fire-resistance rating, rated for exposure on the exterior side.
2. *Approved noncombustible materials.*
3. *Heavy timber or log wall construction.*
4. *Noncombustible materials* complying with Section 402.2 on the exterior side.
5. *Fire-retardant treated wood* complying with Section 402.3 on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.
6. Ignition-resistant materials complying with Section 402.4 on the exterior side.

Such material shall extend from the top of the foundation to the underside of the eave or the underside of the roof sheathing.

Exceptions:

1. Exterior wall *embellishments* and architectural trim (exclusive of trim on exterior windows and doors) not to exceed 5 percent of the square footage of the exterior wall.
2. Roof or wall top cornice projections and similar assemblies.
3. Solid wood rafter tails and solid wood blocking installed between rafters having minimum dimension 2 inch nominal.

404.3.1 Exterior Wall Coverings. Exterior wall coverings shall be limited to the following:

1. *Noncombustible materials.*
2. *Fire-retardant-treated wood.*
3. *Ignition-resistant building materials.*



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Exception: Where options 1 or 2 in section 404.3 are used, vinyl siding may be used as an exterior covering.

404.3.2 Flashing. A minimum of 6 inches of metal flashing or *noncombustible* material applied vertically between the wall sheathing and the exterior cladding shall be installed at the ground, decking, and roof intersections.

Combustible sheathing products exposed by the gap created at the base of the exterior walls, posts, or columns must be protected with *noncombustible material* or *ignition-resistant building materials* while still permitting drainage and moisture control from behind exterior cladding.

404.4 Underfloor enclosure. Buildings or structures shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.

404.5 Decking. Unenclosed decks shall have the deck walking surface constructed of one of the following:

1. *Approved noncombustible* materials
2. Class A rated material

Exception: Composite decking material with a minimum of Class B rating

3. *Fire-retardant-treated wood* identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*
4. *Ignition-resistant building materials* in accordance with Section 402.4.

404.6 Appendages and Projections. Appendages and projections shall be constructed in accordance with Section 404.3.

404.7 Exterior Glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

404.8 Exterior Doors. Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 404.7.

Exception: Vehicle access doors.

404.9 Vehicle Access Door Perimeter Gap. Exterior vehicle access doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the head, sill, and jamb of doors from exceeding ⅛ inch as approved by the AHJ.

Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that: (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, when the maximum allowable difference in tensile strength values between exposed and



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non-exposed samples does not exceed 10 percent; and (b) exhibit a V-2 or better flammability rating when tested to UL 94 (Standards for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances).

2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

404.10 Detached Accessory Structures. Detached *accessory structures* located less than 50 feet from a building containing *habitable* or *occupiable space* shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

404.10.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending *slope* surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 404.3 or underfloor protection in accordance with Section 404.4 or with 1/8-inch metal corrosion-resistant screen with a hardened zone within 5 feet.

Exception: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction*, *heavy timber construction*, *noncombustible* materials on the exterior side, or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.



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Chapter 5- Site and Area Requirements

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall apply to parcels subject to this code.

501.2 Reference. As needed, the *code official* shall refer to the Home Ignition Zone (HIZ) Guide as developed by the Colorado State Forest Service.

Where conflicts occur between provisions of this code and the HIZ Guide, the provisions of this code shall govern. The provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

SECTION 502 CLASS 1 REQUIREMENTS

502.1 Structure Ignition Zone 1 (0-5 feet): Immediate Zone

502.1.1 Objective. This zone is designed to reduce or eliminate ember ignition and direct flame contact with the structure, decks, stairs, and attachments.

502.1.2 Materials. Use *noncombustible*, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.

Exception: Ignition-resistant plantings, per an approved list by the AHJ that is not less than that created by the Colorado State Forest Service, are allowed in the Immediate Zone.

502.1.3 Plantings. Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.

502.1.4 Trees. There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.

502.2 Site Signage

502.2.1 Marking of roads. *Approved* signs or other *approved* notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.

502.2.2 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner *approved* by the *code official* to prevent obstruction.



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502.2.3 Address markers. Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located in a manner *approved* by the *code official*.

502.3 Retaining Walls

502.3.1 Retaining Walls. Retaining walls shall be constructed with either *noncombustible* or ignition-resistant materials when any of the following conditions exist:

1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
2. The retaining wall is integral to the support of a structure regulated by this code.
3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.

502.4 Fencing

502.4.1 Fencing. Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with *noncombustible* or ignition-resistant materials.

Exception: Vinyl fencing. Vinyl fencing may be allowed.

SECTION 503 CLASS 2 REQUIREMENTS

503.1 General. Class 2 site and area requirements shall be in accordance with Sections 503.2 through 503.3.2 and include all requirements of Class 1 in Sections 502.1 through 502.4.

503.2 Structure Ignition Zone 2 (5-30 feet) Intermediate Zone

503.2.1 Objective. This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to structures.

503.2.2 Dead Materials. Within the *fuel modification* area, hazardous dead plant material must be removed from live vegetation.

503.2.3 Fuels Accumulation. Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.

503.2.4 Trees. *Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.



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503.2.4.1 Tree Spacing. *Tree crowns* within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.

503.2.5 Shrubs. Shrub groups within this zone shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.

503.3 Structure Ignition Zone 3 (30-100 feet) Expanded Zone

503.3.1 Objective. This zone focuses on mitigation that keeps fire on the ground.

503.3.2 Tree Spacing. *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.



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Appendix A: PERMITS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

A101.1 General. Where not otherwise provided in the requirements of the *International Building Code* or *International Fire Code*, permits are required in accordance with Sections A101.2 through A101.9.

A101.2 Permits required. Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, converted, changed, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the *code official*.

For buildings or structures erected for temporary uses, see Section 105.

A101.3 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Appendix B.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

A101.3.1 Preliminary inspection. Before a permit is issued, the *code official* is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

A101.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that



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the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

A101.4 Permit approval. Before a permit is issued, the *code official*, or an authorized representative, shall review and approve permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from agencies or departments concerned.

A101.5 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the *code official*. If the *code official* finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the *code official* is allowed to issue a permit to the applicant.

When the *code official* issues the permit, the *code official* shall endorse in writing or stamp the plans and specifications APPROVED. Such *approved* plans and specifications shall not be changed, modified or altered without authorization from the *code official*, and work regulated by this code shall be done in accordance with the *approved* plans.

A101.5.1 Refusal to issue a permit. Where the application or construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor.

A101.6 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

A101.7 Expiration. Every permit issued by the *code official* under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit is allowed to apply for an extension of the time within which work is allowed to commence under that permit where the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* is authorized to extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.



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A101.8 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the *code official* or other authorized representative.

A101.9 Revocation of permits. Permits issued under this code can be suspended or revoked where it is determined by the *code official* that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him or her under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. The permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The *code official* is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.



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Appendix B: CONSTRUCTION DOCUMENTS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

B101.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in the format as required by the jurisdiction. The construction documents shall be prepared and submitted where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require additional documentation.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

B101.2 Information on plans and specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

B101.3 Site plan. In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, landscape and vegetation details and locations of structures or building envelopes. The *code official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted. Identify the *fire intensity classification*.

B101.3.1 Defensible Space Site Plans. Defensible space site plans shall be prepared and submitted to the *code official* for review and approval as part of the site plans required for a permit. The *code official* is authorized to waive or modify the requirement for a defensible space site plan where the application for permit is for alteration or repair or where otherwise warranted.

B101.5 Other data and substantiation. Where required by the *code official*, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

B101.6 Retention of plans. One set of *approved* plans, specifications and computations shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.

B101.7 Examination of documents. The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.



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B101.8 Amended construction documents. Work shall be installed in accordance with the *approved* construction documents, and changes made during construction that are not in compliance with the *approved* documents shall be resubmitted for approval as an amended set of construction documents.

B101.9 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

B101.10 Phased approval. The *code official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.



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Appendix C: INSPECTION AND ENFORCEMENT

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

C101.1 Inspection. Inspections shall be in accordance with Sections C101.1.1 through C101.1.4.3.

C101.1.1 General. Construction or work for which a permit is required by this code shall be subject to inspection by the *code official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved* by the *code official*.

It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Where required by the *code official*, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

C101.1.2 Authority to inspect. The *code official* shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the *code official* for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

C101.1.2.1 Approved inspection agencies. The *code official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

C101.1.2.2 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

C101.1.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall



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either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.

C101.1.3 Reinspections. To determine compliance with this code, the *code official* can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for which inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the *code official*.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

C101.1.4 Testing. Installations shall be tested as required in this code and in accordance with Sections C101.1.4.1 through C101.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the *code official*.

C101.1.4.1 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

C101.1.4.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

C101.1.4.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

C101.2 Enforcement. Enforcement shall be in accordance with Sections C101.2.1 and C101.2.2.

C101.2.1 Authorization to issue corrective orders and notices. Where the *code official* finds any building or premises that are in violation of this code, the *code official* is authorized to issue corrective orders and notices.

C101.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if such person is not found on the



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premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

C101.3 Compliance with orders and notices. Compliance with orders and notices shall be in accordance with Sections C101.3.1 through C101.3.8.

C101.3.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, then such corrective orders or notices shall be complied with by the owner or the owner's authorized agent.

C101.3.2 Compliance with tags. building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section C101.3.1.

C101.3.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the *code official* shall not be mutilated, destroyed or removed without authorization by the *code official*.

C101.3.4 Citations. Persons operating or maintaining an occupancy or premises subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the *code official* shall be guilty of a misdemeanor.

C101.3.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

C101.3.5.1 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

C101.3.5.2 Notice. Where an unsafe condition is found, the *code official* shall serve on the owner, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or



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requires the unsafe structure to be demolished. Such notice shall require the person thus notified, or their designee, to declare to the *code official* within a stipulated time, acceptance or rejection of the terms of the order.

C101.3.5.2.1 Method of service. Such notice shall be deemed properly served where a copy thereof is served by one of the following methods:

1. Delivered to the owner or the owner's authorized agent personally.
2. Sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with a return receipt requested.
3. Delivered in any other manner as prescribed by local law.

Where the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent or on the person responsible for the structure shall constitute service of notice on the owner.

C101.3.5.3 Placarding. Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

C101.3.5.3.1 Placard removal. The *code official* shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided by this code.

C101.3.5.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building, structure or premises deemed unsafe by the *code official* shall abate, correct or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

C101.3.5.5 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the *code official* is authorized to abate or correct summarily such hazardous conditions that are in violation of this code.

C101.3.5.6 Evacuation. The *code official* shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe where such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the *code official*.



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C101.3.6 Prosecution of violation. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

C101.3.7 Violation penalties. An AHJ has the authority to establish fees.

C101.3.8 Abatement of violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.



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DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

8 CCR 1507-39

THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR HARDENING
STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE
SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

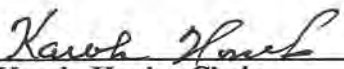
Pursuant to Section 24-33.5-1236, C.R.S., the Wildfire Resiliency Code Board ("Board") shall promulgate rules that accomplish the following, at a minimum:

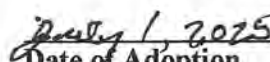
- I. Define the Wildland-Urban Interface and identify the areas of Colorado that are included within it.
- II. Adopt minimum Codes and Standards ("Codes") that apply to permitting and inspections for new construction of structures and the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
- III. Adopt minimum Codes and Standards ("Codes") that apply to new external additions, alterations, or repair to existing structures or the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
- IV. Identify the range of hazards and the types of buildings, entities, and defensible space around structures within the wildland-urban interface to which the codes apply.
- V. Establish the process by which a Governing Body may petition the Board for a modification to the Codes and establish the criteria and process for the Board to deny or grant an appeal from a decision by the Board on a petition for modification.
- VI. Establish criteria and parameters consistent with sections 24-65.1-105 AND 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Codes for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.

This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

Pursuant to Section 24-33.5-1237(2)(b), C.R.S., enforcement of the Codes adopted through the promulgation of these rules shall be in accordance with the rules and regulations for code enforcement by the Governing Body; therefore, enforcement of the Codes is not addressed in these rules.

Section 24-33.5-1237(2)(a), C.R.S., permits a Governing Body with jurisdiction in an area within the wildland-urban interface that has the authority to adopt building or fire codes to adopt a code that exceeds the minimum standards set forth in the Codes adopted through the promulgation of these rules. Section 24-33.5-1237(2)(c), C.R.S., establishes the Board's authority to review a Governing Body's alternative adopted code. These rules establish the Board's process and criteria for conducting and denying or approving these alternative adoptions.


Karola Hanks, Chair
Wildfire Resiliency Code Board
Division of Fire Prevention and Control
Colorado Department of Public Safety

 July 1, 2025 4:09 PM
Date of Adoption

DEPARTMENT OF PUBLIC SAFETY

Wildfire Resiliency Code Board, Division of Fire Prevention and Control

THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR HARDENING STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE

8 CCR 1507-39

APPLICABILITY

These rules and regulations apply to all newly constructed buildings and structures, and to significant additions, repairs, and remodels in the wildland-urban interface, as identified in these rules and as described in the code, with the exception of any thirty-five-acre parcel with only one residential structure on it that does not abut a residential or commercial area pursuant to the provisions of C.R.S. 24-33.5-1236 and C.R.S. 24-33.5-1237.

ARTICLE 1 - AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 The Wildfire Resiliency Code Board, established by the provisions of section 24-33.5-1236(2), C.R.S., has the authorization, pursuant to section 24-33.5-1236(4), C.R.S., to promulgate rules in order to carry out the duties of the Wildfire Resiliency Code Board within the Division of Fire Prevention and Control.
- 1.2 Section 24-33.5-1236(4)(b)(II), C.R.S. establishes the authority and duty of the Wildfire Resiliency Code Board to:
 - 1.2.1 Adopt minimum codes and standards that apply to permitting and inspections for new construction of structures and the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
 - 1.2.2 Adopt minimum codes and standards that apply to new external additions, alterations, or repair to existing structures or the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
 - 1.2.3 Identify the range of hazards and the types of buildings, entities, and defensible space around structures within the wildland-urban interface to which the codes apply.
 - 1.2.4 Establish the process by which a Governing Body may petition the Board for a modification to the Code and establish the criteria and process for the Board to deny or grant an appeal from a decision by the Board on a petition for modification.
 - 1.2.5 Establish criteria and parameters consistent with sections 24-65.1-105 AND 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Code for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.
- 1.3 Section 24-33.5-1237(2)(c), C.R.S., establishes the Board's authority to review a Governing Body's alternative adopted code, as allowed by section 24-33.5-1237(2)(a), C.R.S.

ARTICLE 2 - DEFINITIONS

- 2.1 The definitions provided in 24-33.5-1202, C.R.S., apply to these rules. The following additional definitions also apply:

"Board" means the Wildfire Resiliency Code Board created in section 24-33.5-1236(2).

“Codes” means the minimum codes and standards adopted by the Board pursuant to section 24-33.5-1236(4)(b)(II).

“Construction” means work that is not considered as maintenance or service and that requires a permit as prescribed in the adopted codes and standards of the Governing Body or the Division.

“C.R.S.” means Colorado Revised Statutes.

“Department” means the Department of Public Safety.

“Director” means the Director of the Division of Fire Prevention and Control.

“Division” means the Division of Fire Prevention and Control in the Department of Public Safety.

“Executive Director” means the Executive Director of the Colorado Department of Public Safety.

“Governing Body” means:

- I. The city council, town council, board of trustees, or other governing body of a city, town, or city and county;
- II. The board of directors of a fire protection district organized pursuant to part 1 of article 1 of title 32, C.R.S.;
- III. The governing body of an improvement district that provides fire protection services organized pursuant to part 5 of article 20 of title 30, C.R.S.; or
- IV. The board of county commissioners with respect to the area within a county that is outside the corporate limits of a city or town and outside the boundaries of a fire protection district.

“ICC” means the International Code Council.

“Maintenance” means to sustain in a condition of repair that will allow performance as originally designed or intended. Maintenance does not include replacement of elements of a system which alter the performance criteria of the system as approved by the Authority Having Jurisdiction.

“Wildland-Urban Interface” means that geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

ARTICLE 3 - CODES

3.1 The Colorado Wildfire Resiliency Code

The Board hereby adopts and incorporates by reference the Colorado Wildfire Resiliency Code, published by the Division of Fire Prevention and Control on June 01, 2025, and its referenced standards for the construction and maintenance of all property, buildings, and structures subject to the provisions of C.R.S. 24-33.5-1236 and these rules.

The Colorado Wildfire Resiliency Code is an adaptation of Chapters 1, 2, 3, and 5 of the 2024 International Wildland Urban Interface Code by the International Code Council (ICC), © 2023 by International Code Council, Inc. and based on other identified best practices for structure hardening and reducing fire risk in the defensible space surrounding structures.

3.2 Public Copies

The Colorado Wildfire Resiliency Code can be accessed through the Division of Fire Prevention and Control within the Department of Public Safety at dfpc.colorado.gov. For further information regarding how this material can be obtained or examined, contact the Administrator for the Wildfire Resiliency Code Board at 1697 Cole Blvd, Lakewood, CO 80401 and/or The State Depository Libraries.

The Division will maintain electronic copies of the complete texts of the adapted and attributed codes and standards, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or the adapted and attributed codes and standards by contacting the Administrator for the Wildfire Resiliency Code Board at 690 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the referenced incorporated materials and/or the adapted and attributed codes and standards are available directly from the organization originally issuing the codes and standards: the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at www.iccsafe.org.

3.3 Governing Body's Alternative Adoption

As allowed by section 24-33.5-1237(2)(a), C.R.S., a Governing Body may adopt an alternative code, so long as the alternative code meets or exceeds the minimum standards set forth in the code adopted in 3.1 of these rules. Pursuant to section 24-33.5-1237(2)(c), C.R.S., the Board shall review a Governing Body's alternative code adoption and make a ruling as to whether or not the alternative code meets these provisions.

ARTICLE 4 - CODE APPLICATION, FIRE INTENSITY CLASSIFICATION, AND MAPPING

4.1 Code Application

The Board hereby declares that, in accordance with the provisions of C.R.S. 24-33.5-1236, the Code adopted in 3.1 and its referenced standards shall apply to the construction and maintenance of property, buildings, and structures subject to these rules that are within the wildland-urban interface as defined by these rules and that are subject to a Fire Intensity Classification of Low or greater.

4.2 Fire Intensity Classification

The Board hereby adopts the Wildfire Resiliency Code - Fire Intensity Classification layer for the Colorado Wildfire Resiliency State Code Map, developed by the Division of Fire Prevention and Control (DFPC) and the Colorado State Forest Service (CSFS) at the direction of the Wildfire Resiliency Code Board (WRCB), for the purposes of determining the Fire Intensity Classification for a given location.

4.2.1 The Fire Intensity Classification layer encompasses both the current and potential Wildland Urban Interface (WUI), as defined by these rules.

4.2.2 The Fire Intensity Classification's starting point is the 2022 Colorado Wildfire Risk Assessment (CO-WRA) Fire Intensity Scale (FIS) layer, which primarily relies on vegetative fuel data, but also topography and weather conditions to generate a state-wide indication of how intense a wildfire may be in a given location and therefore can be used to forecast the potential harm or damage if a wildfire occurs.

Note: The layer does not consider probability or risk of wildfire ignition or structure-to-structure conflagration.

4.2.3 The intensity values are classified into standard fire intensity levels based on flame length values for easy interpretation, and the levels in the original 2022 CO-WRA FIS layer include lowest, low, moderate, and high intensity. The original layer was generated at a 20-meter resolution, and was deemed too detailed for state-wide planning, code implementation, and enforcement efforts by the WRCB. The layer was further refined through smoothing, filtering, and aggregation techniques to provide simple but consistent transitions across classification types based on WRCB input.

4.2.4 The final form illustrates only three levels of the original fire intensity (low, moderate, and high) for the purpose of code application, and appears as a hexagon layer, a GIS method that is useful for grouping geospatial data into hexagonal grids.

Note: This aggregation method supports the reality that wildfire hazards are experienced at scales beyond that of an individual parcel or home and is influenced in part by adjacent conditions.

4.2.5 Fire Intensity Classifications shall be applied to the code adopted in 3.1 in the following manner:

- A. Moderate and High Fire Intensity Classifications correspond to Class 2 construction and site hardening requirements.
- B. Low Fire Intensity Classification corresponds to Class 1 construction and site hardening requirements within the Colorado Wildfire Resiliency Code.

4.2.6 Public Access

The Colorado Wildfire Resiliency State Code Map can be accessed through the Wildfire Resiliency Code Board within the Division of Fire Prevention and Control at dfpc.colorado.gov/WRCB. For further information regarding how this material can be obtained or examined, contact the Administrator for the Wildfire Resiliency Code Board at 1697 Cole Blvd, Lakewood, CO, and/or The State Depository Libraries. Questions related to the Colorado Wildfire Resiliency State Code Map can be sent to cdps_dfpc_wrcb@state.co.us

4.3 Locally Developed Mapping

A Governing Body may develop and adopt a local map designating WUI areas and identified Fire Intensity Classifications within its jurisdictional boundaries. Local mapping shall be consistent with the methodologies and criteria established by the Board.

4.3.1 Local maps shall incorporate factors including, but not limited to:

- 1. Vegetative fuel types
- 2. Historical wildfire occurrence
- 3. Topography and slope
- 4. Local weather patterns
- 5. Fire behavior modeling and risk assessment.

4.3.2 Review and Approval. Local maps shall be subject to review for compliance verification and/or approval by the Board to ensure consistency with state standards and methodologies. Approved maps shall be recorded and made available for public inspection.

4.3.3 A local map shall be reviewed and updated by the Governing Body at intervals not to exceed three (3) years, or sooner if substantial changes in conditions, data, or methodology occur. Updates shall be submitted for review and approval in accordance with Section 4.3.2.

4.3.4 Where local mapping is adopted, it shall either supplement or supersede the state-provided Fire Intensity Classification map, as verified or approved by the Board. In cases where no local map has been adopted, the most current state mapping shall apply.

4.4 Local Ground-Truthing

4.4.1 A Governing Body may develop and adopt a process for site-specific ground-truthing that identifies or modifies the Fire Intensity Classification as described in the 2025 Colorado Wildfire Resiliency Code.

- A. Ground-truthing shall incorporate the factors identified in 4.3.1.

- 4.4.2 These ground-truthing amendments do not require the state-developed map to be updated.

ARTICLE 5 – PETITIONS FOR MODIFICATION

5.1 General

The Colorado Wildfire Resiliency Code Board (the board) shall appoint a Petition Committee (the committee) that will serve as the group to hear a Governing Body's petition to modify requirements of the code. If a petition for modification is denied by the committee, the Governing Body may appeal the decision to the full board.

- 5.1.1 Only Governing Bodies may make petitions and appeals to the code. Requests from non-governing bodies for individual code modifications must be made to the local Governing Body with jurisdiction.
- 5.1.2 Any Governing Body that is maintaining jurisdiction for the local enforcement of the code, shall have the right to petition and appeal for modifications within its jurisdictional boundaries. If a Governing Body has requested the Colorado Division of Fire Prevention and Control to assume local enforcement for the code, it is disqualified from petitioning or appealing for modifications.
- 5.1.3 The committee shall have the authority to hear evidence pertaining to the application and intent of the code for the purpose of issuing reasonable interpretations of the provisions of the code and determining the suitability of alternative materials, design, and methods of construction and equipment.
- 5.1.4 Neither the committee nor the board shall have authority to waive requirements of the code or interpret the administration of the code.
- 5.1.5 Petitions and appeals shall stay the enforcement of the code until the petition and appeal is heard by the committee and a decision is communicated in writing to the petitioner.

5.2 Membership of the Committee.

The petition committee shall consist of five voting members appointed by the board chairperson. Each member shall serve for two years or until a successor has been appointed. The board vice chairperson shall be an ex officio member of said committee, but shall not vote on any matter before the committee.

- 5.2.1 The committee shall consist of board members who are qualified by expertise and training to pass on matters pertaining to hazards of wildfire, construction, vegetation management and community planning.
- 5.2.2 The board chairperson is authorized to appoint two alternate members who shall be called by the committee chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for committee membership and shall be appointed for the same term or until a successor has been appointed.
- 5.2.3 Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.
- 5.2.4 The committee shall annually select one of its members to serve as chairperson.
- 5.2.5 The committee shall designate a qualified member to serve as secretary to the committee. The secretary shall file a detailed record of all proceedings, which shall set forth the reasons for the committee's decision, the vote of each member, the absence of a member and any failure of a member to vote.

- 5.2.6 A member with any personal, professional or financial interest in a matter before the committee shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.
- 5.2.7 Members shall not be compensated for their service other than for reimbursement of travel expenses, or as determined by law.
- 5.2.8 The committee shall establish policies and procedures necessary to carry out its duties consistent with the provisions of the code and applicable local, state and federal law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.
- 5.2.9 The committee shall meet at stated periodic intervals.
- 5.2.10 Three members of the committee shall constitute a quorum.
- 5.2.11 The State of Colorado shall provide legal counsel to the committee to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the State of Colorado's expense in all matters arising from service within the scope of their duties.
- 5.2.12 The committee shall only affirm the petition to modify the requirements of the code by a concurring vote of a majority of the members. In the instance of a tie, the petition is not affirmed.
- 5.2.13 The decision of the committee shall be by resolution. Every decision shall be promptly filled in writing to the office of the Administrator of the Colorado Division of Fire Prevention and Control within 30 days and shall be open to the public for inspection. A certified copy shall be furnished to the petitioner or the petitioner's representative and to the board chairperson.

5.3 Petition Process

An application for petition shall be based on a claim that the intent of the code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better material, design or form of construction is proposed.

- 5.3.1 An application to petition shall be filed on a form obtained from the committee within 30 days prior to the next regular committee meeting. If the appeal is submitted less than 30 days prior to the next committee meeting, the hearing will be delayed until the following committee meeting.
- 5.3.2 All petitions shall be heard at the next regularly scheduled meeting of the committee, unless for good cause shown otherwise. The administrator of the committee shall notify the petitioner of the time, date and place of the committee hearing.
- 5.3.3 Pursuant to the petition application, the petitioners shall provide the specific code section for which they are requesting a modification, the reason for the modification, and the alternative method of compliance being proposed. The petitioner shall provide supporting documents (manufacturers' specification sheets, research reports, results from a testing laboratory or other supporting documents) and a written narrative as to the reason for the petition.
- 5.3.4 The committee may modify, affirm or deny the petition for modification, stating the reasons for the decision. The decision shall be provided in writing to the petitioner no more than 30 business days after the hearing.
- 5.3.5 If the petition is upheld or modified, the petitioner shall be approved to implement the requested modifications to the code.

- 5.3.6 If the petition is denied, the stay of enforcement of the code is revoked, and the appealing Governing Body shall take immediate action in accordance with the decisions of the committee, unless the petitioner chooses to appeal the decision to the board.

5.4 Appeals Process

An appeal application shall be filed with the board within 10 business days of the petition decision of the committee, but no less than 30 days prior to the next regularly scheduled board meeting. If the appeal is submitted less than 30 days prior to the next board meeting, the hearing will be delayed until the following meeting.

- 5.4.1 A member with any personal, professional or financial interest in a matter before the committee shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.
- 5.4.2 All appeals shall be heard at the next regularly scheduled meeting of the WRCB, unless for good cause shown otherwise. The administrator of the WRCB shall notify the petitioner of the time, date and place of the hearing.
- 5.4.3 Pursuant to the appeals application, the appellants shall provide the specific code section for which they are requesting a modification, the reason for the modification, and the alternative method of compliance being proposed. The appellants shall provide supporting documents (manufacturers' specification sheets, research reports, results from a testing laboratory or other supporting documents) and a written narrative as to the reason for the petition.
- 5.4.4 The board may modify, uphold or deny the petition decision, stating the reasons for the decision. The decision shall be provided in writing to the appellant no more than 30 days after the hearing.
- 5.4.5 If the appeal is upheld or modified, the appellant shall be approved to implement the requested modifications to the code.
- 5.4.6 If the appeal is denied, the stay of enforcement of the code is revoked, and the appealing Governing Body shall take immediate action in accordance with the decisions of the board.

5.5 Further Legal Procedures

Any Governing Body that is aggrieved by the appeals process decision of the board may appeal to the courts of Colorado in accordance with the Colorado rules of civil procedure, pursuant to Title 24, Article 4, C.R.S.

ARTICLE 6 –RECORDS AND REPORTING

6.1 Governing Body Records Retention

- 6.1.1 The Governing Body shall keep a record of proposed and approved modifications as submitted to or received from the Board concerning:
 - a. Mapping
 - b. Site and area requirements
 - c. Building requirements
- 6.1.2 Upon the adoption of the code, the details of modifications granted by a Governing Body shall be recorded and entered in the files of the Governing Body.

6.2 Governing Body Reporting Requirements

- 6.2.1 A Governing Body shall provide a copy of the adopted ordinance or resolution with a statement attesting to meeting or exceeding the Colorado Wildfire Resiliency Code. Jurisdictions shall report to the Board by July 31 of each year beginning in 2026. Governing Bodies that have not made change to the adopted codes, ordinances, or resolutions shall submit a statement of attestation to that fact and resubmitting the adopted ordinance or resolution is not necessary.
- 6.2.2 A Governing Body is encouraged to provide recommendations to the Board so that appropriate and reasonable modifications to the Colorado Wildfire Resiliency Code may be determined.
- 6.2.3 The Governing Body shall be responsible for maintaining appropriate records for the enforcement and maintenance of those requirements as established by the Colorado Wildfire Resiliency Code to enable accurate reporting as required.

ARTICLE 7 – ENFORCEMENT

- 7.1 In accordance with 24-33.5-1237(2)(b), C.R.S., enforcement of the adopted code in 3.1 and/or 3.3 of these rules, shall be in accordance with the rules and regulations for code enforcement by the Governing Body. The period to comply with an adopted code shall be in accordance with the rules and regulations of the Governing Body or within three months of the date the code is adopted by the Governing Body, whichever is sooner.
- 7.2 As allowed in Section 24-33.5-1237(2)(d), C.R.S., if a Governing Body does not have rules and regulations in place for the enforcement of a code adopted in 3.1 and/or 3.3 of these rules, the Governing Body may request support from the Division in conducting inspections and enforcing the code pursuant to the Division's procedures set forth in 24-33.5-1213; except that, any civil penalty collected pursuant to Section 24-33.5-1213(4) shall be deposited in the code board cash fund.
 - 7.2.1 A Governing Body requesting such support is subject to the provisions of 5.1.2 of these rules.

ARTICLE 8 – CRITERIA AND PARAMETERS FOR EXISTING UTILITY INFRASTRUCTURE

- 8.1 The Board shall establish criteria and parameters consistent with sections 24-65.1-105 and 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Code for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.

ARTICLE 9 – INQUIRIES

- 9.1 Questions, clarification, or interpretation of these Rules should be addressed in writing to: Wildfire Resiliency Code Board Administrator, Colorado Division of Fire Prevention and Control, 1697 Cole Blvd, Lakewood, CO 80401. Telephone number: (303) 239-4600.
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**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0453.01 Megan McCall x4215

SENATE BILL 23-166

SENATE SPONSORSHIP

Cutter and Exum,

HOUSE SPONSORSHIP

Froelich and Velasco,

Senate Committees

Local Government & Housing

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A WILDFIRE RESILIENCY CODE**
102 **BOARD, AND, IN CONNECTION THEREWITH, REQUIRING THE**
103 **WILDFIRE RESILIENCY CODE BOARD TO ADOPT MODEL CODES**
104 **AND REQUIRING GOVERNING BODIES WITH JURISDICTION IN AN**
105 **AREA WITHIN THE WILDLAND-URBAN INTERFACE TO ADOPT**
106 **CODES THAT MEET OR EXCEED THE STANDARDS SET FORTH IN**
107 **THE MODEL CODES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption and administration of codes and standards for the hardening of structures and parcels in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;
- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The bill also creates the wildfire resiliency code board cash fund and continuously appropriates the money in the fund to the department to implement the provisions of the bill.

The bill requires a governing body with jurisdiction in an area within the wildland-urban interface to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board. Enforcement of the codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1236
3 and 24-33.5-1237 as follows:

4 **24-33.5-1236. Wildfire resiliency code board - powers and**
5 **duties - rules - cash fund - legislative declaration - definitions.**

1 **(1) Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS
2 AND DECLARES THAT:

3 (I) COLORADO'S WILDFIRE RISK HAS CONTINUED TO INCREASE
4 OVER THE YEARS AND MORE COMMUNITIES ARE AT RISK OF WILDFIRES;

5 (II) COLORADO WILDFIRES HAVE GROWN IN INTENSITY,
6 FREQUENCY, AND DEVASTATION SINCE THE YEAR 2000;

7 (III) A COMBINED APPROACH OF STRUCTURE HARDENING AND
8 MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO STRUCTURES IS
9 NECESSARY TO REDUCE THE RISK OF DAMAGE TO COLORADO
10 COMMUNITIES FROM THE EFFECTS OF WILDFIRES. THIS INCLUDES THE LOSS
11 OF LIFE, HOMES, BUSINESSES, AND OTHER STRUCTURES AND THE LOSS OF
12 JOBS AND ECONOMIC VITALITY.

13 (IV) THE DIVISION AND THE COLORADO FIRE COMMISSION HAVE
14 ENGAGED IN A STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO
15 EVALUATE THE BEST APPROACH TO ENSURE THAT COLORADO'S
16 COMMUNITIES, PROPERTIES, AND STRUCTURES ARE PROTECTED FROM THE
17 EFFECTS OF WILDFIRES AND HAVE RECOMMENDED THE CREATION OF A
18 WILDFIRE RESILIENCY CODE BOARD IN COLORADO; AND

19 (V) ESTABLISHING A CODE BOARD WILL ALLOW THE STATE TO
20 ADOPT AND ENFORCE BEST PRACTICE APPROACHES TO HARDENING
21 STRUCTURES AND MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO
22 STRUCTURES THROUGHOUT COLORADO WHILE CONTINUING TO INVOLVE
23 IMPACTED STAKEHOLDERS IN DECISION-MAKING CONCERNING WILDFIRE
24 RESILIENCY CODES.

25 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
26 ESTABLISHING A WILDFIRE RESILIENCY CODE BOARD SERVES THE
27 INTERESTS OF THE STATE AND LOCAL COMMUNITIES IN CONSTRUCTING

1 SAFER AND MORE RESILIENT COMMUNITIES AND REDUCING RISK TO PEOPLE
2 AND PROPERTY.

3 (2) **Board created.** THE WILDFIRE RESILIENCY CODE BOARD,
4 REFERRED TO IN THIS SECTION AS THE "BOARD", IS CREATED IN THE
5 DIVISION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. EXCEPT
6 AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, THE
7 BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS
8 UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR.

9 (3) **Membership.** (a) THE BOARD CONSISTS OF TWENTY-ONE
10 VOTING MEMBERS WHO MUST BE RESIDENTS OF COLORADO, APPOINTED AS
11 FOLLOWS:

12 (I) THREE MEMBERS REPRESENTING COLORADO BUILDING CODES
13 PROFESSIONALS, INCLUDING:

14 (A) ONE REPRESENTING RURAL COMMUNITIES, APPOINTED BY THE
15 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

16 (B) ONE REPRESENTING URBAN COMMUNITIES, APPOINTED BY THE
17 PRESIDENT OF THE SENATE; AND

18 (C) ONE REPRESENTING THE STATE AT LARGE, APPOINTED BY THE
19 EXECUTIVE DIRECTOR;

20 (II) THREE MEMBERS, EACH OF WHOM EITHER IS A FIRE MARSHAL,
21 FIRE CHIEF, OR FIRE ENGINEER, EACH APPOINTED BY THE EXECUTIVE
22 DIRECTOR;

23 (III) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
24 FOR HOME BUILDING PROFESSIONALS, APPOINTED BY THE MINORITY
25 LEADER OF THE SENATE;

26 (IV) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
27 FOR COMMERCIAL BUILDING PROFESSIONALS, APPOINTED BY THE SPEAKER

1 OF THE HOUSE OF REPRESENTATIVES;

2 (V) ONE MEMBER REPRESENTING COLORADO LAND USE OR

3 COMMUNITY PLANNING PROFESSIONALS, APPOINTED BY THE EXECUTIVE

4 DIRECTOR;

5 (VI) ONE MEMBER REPRESENTING HAZARD MITIGATION

6 PROFESSIONALS, APPOINTED BY THE EXECUTIVE DIRECTOR;

7 (VII) SIX MEMBERS REPRESENTING COLORADO LOCAL

8 GOVERNMENTS, INCLUDING:

9 (A) ONE MUNICIPAL REPRESENTATIVE REPRESENTING RURAL

10 COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE

11 OF REPRESENTATIVES, AND ONE COUNTY REPRESENTATIVE REPRESENTING

12 RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE

13 SENATE;

14 (B) ONE MUNICIPAL REPRESENTATIVE REPRESENTING URBAN

15 COMMUNITIES WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF

16 REPRESENTATIVES AND ONE COUNTY REPRESENTATIVE REPRESENTING

17 URBAN COMMUNITIES WHO IS APPOINTED BY THE PRESIDENT OF THE

18 SENATE; AND

19 (C) ONE MUNICIPAL AND ONE COUNTY REPRESENTATIVE

20 REPRESENTING THE STATE AT LARGE, EACH APPOINTED BY THE EXECUTIVE

21 DIRECTOR;

22 (VIII) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF

23 PROPERTY AND CASUALTY COMPANIES, APPOINTED BY THE MINORITY

24 LEADER OF THE HOUSE OF REPRESENTATIVES;

25 (IX) ONE MEMBER REPRESENTING THE BUILDING TRADES,

26 APPOINTED BY THE EXECUTIVE DIRECTOR;

27 (X) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF

1 NONPROFIT UTILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

2 (XI) ONE MEMBER REPRESENTING AN INVESTOR-OWNED UTILITY,
3 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

4 (XII) ONE MEMBER REPRESENTING A NONPROFIT HOME BUILDER
5 FOR AFFORDABLE HOME OWNERSHIP THAT SERVES POPULATIONS WITH
6 INCOMES UNDER EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME,
7 APPOINTED BY THE EXECUTIVE DIRECTOR.

8 (b) THE BOARD INCLUDES THE FOLLOWING NONVOTING EX OFFICIO
9 MEMBERS:

10 (I) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;

11 (II) THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE;
12 AND

13 (III) THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE
14 CREATED IN SECTION 24-32-121 OR THE DIRECTOR'S DESIGNEE.

15 (c) INITIAL APPOINTMENTS MUST BE MADE NO LATER THAN
16 SEPTEMBER 30, 2023. IN ADDITION TO THE REQUIREMENTS SET FORTH IN
17 SUBSECTION (3)(a) OF THIS SECTION, AND NOTWITHSTANDING THE
18 REQUIREMENTS SET FORTH IN SUBSECTION (3)(g) OF THIS SECTION,
19 INDIVIDUALS INITIALLY APPOINTED TO THE BOARD MUST RESIDE OR WORK
20 WITHIN AN AREA OF THE STATE THAT IS AT HIGH RISK FOR WILDFIRE AS
21 DETERMINED WITH INPUT FROM THE COLORADO STATE FOREST SERVICE,
22 AND SUBSEQUENTLY APPOINTED MEMBERS MUST RESIDE OR WORK IN
23 AREAS OF THE STATE WITHIN THE WILDLAND-URBAN INTERFACE AS
24 DEFINED BY THE BOARD PURSUANT TO SUBSECTION (4)(b)(I) OF THIS
25 SECTION.

26 (d) THE TERM OF APPOINTMENTS FOR APPOINTED MEMBERS IS
27 THREE YEARS; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO THAT NO

1 MORE THAN SIX MEMBERS' TERMS EXPIRE IN ONE YEAR. A MEMBER MAY
2 BE REAPPOINTED FOR ONE ADDITIONAL TERM. IN THE EVENT OF A
3 VACANCY, THE EXECUTIVE DIRECTOR SHALL APPOINT A NEW MEMBER FOR
4 THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER APPOINTED TO FILL
5 A VACANCY MUST MEET THE QUALIFICATIONS FOR THE VACANT POSITION.

6 (e) EACH MEMBER OF THE BOARD SERVES WITHOUT
7 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FROM THE WILDFIRE
8 RESILIENCY CODE BOARD CASH FUND CREATED IN SUBSECTION (8) OF THIS
9 SECTION FOR ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN
10 THE PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE
11 BOARD.

12 (f) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE
13 BOARD.

14 (g) IN ADDITION TO THE REQUIREMENTS OF THIS SUBSECTION (3),
15 WHEN MAKING APPOINTMENTS TO THE BOARD, REASONABLE EFFORTS
16 MUST BE MADE TO APPOINT MEMBERS WHO REFLECT THE GEOGRAPHIC AND
17 DEMOGRAPHIC DIVERSITY OF THE ENTIRE STATE.

18 (4) **Powers and duties.** (a) THE MISSION OF THE BOARD IS TO
19 ENSURE THAT COLORADO COMMUNITIES ARE SAFER FROM AND MORE
20 RESILIENT TO WILDFIRES BY REDUCING THE RISK TO PEOPLE AND PROPERTY
21 THROUGH THE ADOPTION OF STATEWIDE CODES AND STANDARDS BASED
22 ON BEST PRACTICE APPROACHES TO HARDENING STRUCTURES AND
23 MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO STRUCTURES IN
24 THE WILDLAND-URBAN INTERFACE IN COLORADO.

25 (b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL
26 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24
27 CONCERNING THE ADOPTION OF CODES AND STANDARDS FOR HARDENING

1 STRUCTURES AND MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO
2 STRUCTURES IN THE WILDLAND-URBAN INTERFACE IN COLORADO.
3 NOTWITHSTANDING SECTION 24-1-105 (1)(c) OR ANY OTHER LAW TO THE
4 CONTRARY, THE RULES PROMULGATED BY THE BOARD ARE NOT SUBJECT
5 TO APPROVAL OR MODIFICATION BY THE DIRECTOR OR THE EXECUTIVE
6 DIRECTOR. AT A MINIMUM, THE RULES MUST:

7 (I) DEFINE THE WILDLAND-URBAN INTERFACE AND IDENTIFY THE
8 AREAS OF COLORADO THAT ARE INCLUDED WITHIN IT; EXCEPT THAT,
9 NOTWITHSTANDING THE AREA THAT THE BOARD IDENTIFIES AS INCLUDED
10 WITHIN THE WILDLAND-URBAN INTERFACE, ANY THIRTY-FIVE ACRE
11 PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON IT THAT DOES NOT
12 ABUT A RESIDENTIAL OR COMMERCIAL AREA IS EXEMPT FROM ADHERENCE
13 TO THE CODES. IN DEFINING COLORADO'S WILDLAND-URBAN INTERFACE,
14 THE BOARD MAY CONSIDER BEST PRACTICES INCLUDING BUT NOT LIMITED
15 TO PRACTICES OF OTHER STATES AND THE FEDERAL GOVERNMENT;
16 REGIONAL DIFFERENCES AND RISKS WITHIN THE STATE; ENVIRONMENTAL,
17 HEALTH, AND SAFETY IMPACTS; EXISTING MODEL CODES; AND INDIVIDUAL
18 RISK PROFILES IDENTIFIED BY THE COLORADO STATE FOREST SERVICE. THE
19 DEFINITION OF THE WILDLAND-URBAN INTERFACE SHALL BE UPDATED
20 ONCE EVERY THREE YEARS.

21 (II) ADOPT MINIMUM CODES AND STANDARDS, REFERRED TO IN
22 THIS SECTION AS THE "CODES", THAT MUST:

23 (A) BE BASED ON BEST PRACTICES TO REDUCE THE RISK TO LIFE
24 AND PROPERTY FROM THE EFFECTS OF WILDFIRES;

25 (B) TAKE INTO CONSIDERATION THE FISCAL IMPACTS OF ADOPTING
26 SUCH CODES, INCLUDING BUT NOT LIMITED TO COST IMPACTS FOR CITIES,
27 COUNTIES, AND PROPERTY OWNERS RELATED TO CONSTRUCTION COSTS,

1 INSURANCE COVERAGE, AND REDUCTION OF RISK FOR DAMAGE OR LOSS OF
2 STRUCTURES FROM FIRES, AND TAKE INTO CONSIDERATION REGIONAL RISK
3 PROFILES WITHIN THE STATE, ENVIRONMENTAL IMPACTS, AND HEALTH AND
4 SAFETY IMPACTS;

5 (C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW
6 CONSTRUCTION OF STRUCTURES OR DEFENSIBLE SPACE AROUND
7 STRUCTURES AND FOR CONSTRUCTION THAT SUBSTANTIALLY REMODELS
8 A STRUCTURE OR THE DEFENSIBLE SPACE AROUND THE STRUCTURE. AS
9 USED IN THIS SUBSECTION (4)(b)(II)(C), "SUBSTANTIALLY REMODELS"
10 MUST BE DEFINED IN THE BOARD'S RULES AND MUST INCLUDE INCREASING
11 THE FOOTPRINT OF A STRUCTURE BY TWENTY-FIVE PERCENT, INCLUDING
12 ADDING ATTACHMENTS TO THE STRUCTURE, OR, FOR CONSTRUCTION
13 INVOLVING THE EXTERIOR OF A STRUCTURE, OR ATTACHMENTS TO IT, IF
14 TWENTY-FIVE PERCENT OF THE EXTERIOR OR THE ATTACHMENT IS
15 AFFECTED BY THE CONSTRUCTION. THE CODES SHALL NOT APPLY TO
16 INTERIOR ALTERATIONS OF EXISTING STRUCTURES.

17 (D) BE INITIALLY ADOPTED BY THE BOARD NO LATER THAN JULY
18 1, 2025, AND MAY BE UPDATED OR SUPPLEMENTED BY THE BOARD NOT
19 MORE THAN ONCE EVERY THREE YEARS;

20 (III) IDENTIFY THE RANGE OF HAZARDS AND THE TYPES OF
21 BUILDINGS, ENTITIES, AND DEFENSIBLE SPACE AROUND STRUCTURES
22 WITHIN THE WILDLAND-URBAN INTERFACE TO WHICH THE CODES APPLY;

23 (IV) ESTABLISH THE PROCESS BY WHICH A GOVERNING BODY MAY
24 PETITION THE BOARD FOR A MODIFICATION TO THE CODES IN ACCORDANCE
25 WITH SECTION 24-33.5-1237 (3);

26 (V) ESTABLISH THE CRITERIA AND PROCESS FOR THE BOARD TO
27 DENY OR GRANT AN APPEAL FROM A DECISION BY THE BOARD ON A

1 PETITION FOR MODIFICATION MADE PURSUANT TO THE RULES ADOPTED IN
2 ACCORDANCE WITH SUBSECTION (4)(b)(IV) OF THIS SECTION; AND

3 (VI) ESTABLISH CRITERIA AND PARAMETERS CONSISTENT WITH
4 SECTIONS 24-65.1-105 AND 29-20-108 FOR EXPEDITED CONSIDERATION OR
5 APPROVAL OF AN EXEMPTION BY A GOVERNING BODY FROM LOCAL
6 PERMITTING REQUIREMENTS AND THE CODE FOR ACTIVITIES OR
7 INVESTMENTS RELATED TO REPAIR, REPLACEMENT, OR HARDENING OF
8 EXISTING UTILITY INFRASTRUCTURE PRIMARILY WITHIN EXISTING
9 TRANSMISSION ROUTES THAT MITIGATE WILDFIRE RISK.

10 (c) IN ADDITION TO PROMULGATING THE RULES REQUIRED BY
11 SUBSECTION (4)(b) OF THIS SECTION, THE BOARD SHALL:

12 (I) WHEN PROMULGATING RULES PURSUANT TO SUBSECTION (4)(b)
13 OF THIS SECTION, COLLABORATE WITH:

14 (A) THE DIVISION OF INSURANCE CREATED IN SECTION 10-1-103
15 (1);

16 (B) THE DEPARTMENT OF LOCAL AFFAIRS; AND

17 (C) THE ENERGY CODE BOARD ESTABLISHED IN SECTION
18 24-38.5-401 (2).

19 (II) CONSIDER OPPORTUNITIES TO INCENTIVIZE AND SUPPORT
20 GOVERNING BODIES IN ADOPTING MORE STRINGENT CODES THAN THE
21 CODES ADOPTED IN ACCORDANCE WITH SUBSECTION (4)(b)(II) OF THIS
22 SECTION;

23 (III) RECEIVE PETITIONS FOR MODIFICATION OF THE CODES AND
24 STANDARDS SUBMITTED BY GOVERNING BODIES IN ACCORDANCE WITH
25 SECTION 24-33.5-1237 (3) AND RULES ADOPTED BY THE BOARD PURSUANT
26 TO SUBSECTION (4)(b) OF THIS SECTION; AND

27 (IV) REVIEW APPEALS, CONDUCT HEARINGS, AND ISSUE DECISIONS

1 IN ACCORDANCE WITH SECTION 24-33.5-1237 AND RULES ADOPTED BY THE
2 BOARD PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

3 (d) PROPERTIES WITH A CERTIFICATE OF OCCUPANCY ARE NOT
4 REQUIRED TO BE IN COMPLIANCE WITH THE CODES PRIOR TO THE SALE OR
5 TRANSFER OF A PROPERTY.

6 (e) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND IN
7 SECTION 24-33.5-1237, THE BOARD IS NOT AUTHORIZED TO MAKE OR
8 ADOPT LAND USE POLICIES.

9 (f) THE BOARD SHALL HOLD HEARINGS TO ALLOW FOR STATEWIDE
10 PUBLIC INPUT AND SHALL PROACTIVELY SOLICIT PUBLIC FEEDBACK WHEN
11 PROMULGATING RULES PURSUANT TO THIS SECTION.

12 (5) **Staff support.** THE DIVISION AND THE COLORADO FIRE
13 COMMISSION SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF
14 SERVICES AS NECESSARY TO IMPLEMENT THIS SECTION. THE DIVISION
15 SHALL PROVIDE ASSISTANCE TO THE BOARD IN MAINTAINING A PUBLICLY
16 ACCESSIBLE WEBSITE THAT MUST CONTAIN CURRENT INFORMATION ON
17 ACTIONS TAKEN BY THE BOARD AND CURRENT INFORMATION ABOUT THE
18 CODES.

19 (6) **Reports.** (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),
20 ON OR BEFORE SEPTEMBER 30, 2024, AND ON OR BEFORE SEPTEMBER 30
21 EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A WRITTEN REPORT
22 TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION
23 2-3-1602 AND THE DIRECTOR ON ITS ACTIVITIES, ACTIONS, AND
24 RECOMMENDATIONS FOR IMPROVEMENT.

25 (b) THE REPORT REQUIRED BY SUBSECTION (6)(a) OF THIS SECTION
26 MUST INCLUDE INFORMATION CONCERNING:

27 (I) DEFINITIONS ADOPTED BY THE BOARD;

1 (II) PERFORMANCE METRICS ADOPTED AND USED BY THE BOARD;
2 AND

3 (III) COMPLIANCE WITH THE CODES ADOPTED BY THE BOARD,
4 INCLUDING:

5 (A) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE
6 THAT MEETS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

7 (B) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE
8 THAT EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

9 (C) A LIST OF ANY GOVERNING BODIES THAT THE BOARD BELIEVES
10 TO NOT BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
11 SECTION 24-33.5-1237 (2)(a);

12 (D) A LIST OF ANY GOVERNING BODIES THAT HAVE APPROVED
13 MODIFICATIONS TO THE GOVERNING BODY'S CODE BY THE BOARD AND A
14 DESCRIPTION OF THE APPROVED MODIFICATIONS; AND

15 (E) A LIST OF ANY GOVERNING BODIES THAT HAVE APPLIED TO THE
16 BOARD FOR A MODIFICATION TO THE GOVERNING BODY'S CODE, A
17 DESCRIPTION OF EACH PROPOSED MODIFICATION, AND THE STATUS OF THE
18 APPEAL.

19 (7) **Gifts, grants, and donations.** THE BOARD MAY SEEK, ACCEPT,
20 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
21 SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-33.5-1237.
22 THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,
23 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
24 THE MONEY TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND
25 CREATED IN SUBSECTION (8) OF THIS SECTION.

26 (8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE
27 RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SUBSECTION

1 (8) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
2 CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO
3 SUBSECTION (8)(d) OF THIS SECTION, MONEY CREDITED TO THE FUND
4 PURSUANT TO THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO
5 SECTION 24-33.5-1237 (2)(d), AND ANY OTHER MONEY THAT THE
6 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

7 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
8 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
9 FUND TO THE FUND.

10 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
11 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION AND OF SECTION
12 24-33.5-1237.

13 (d) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER TWO
14 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
15 FUND.

16 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES, "GOVERNING BODY" HAS THE SAME MEANING AS SET FORTH IN
18 SECTION 24-33.5-1237 (1)(d).

19 **24-33.5-1237. Application of wildfire resiliency codes -**
20 **enforcement - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (a) "BOARD" MEANS THE WILDFIRE RESILIENCY CODE BOARD
23 CREATED IN SECTION 24-33.5-1236 (2).

24 (b) "CODES" MEANS THE MINIMUM CODES AND STANDARDS
25 ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(II).

26 (c) "CODE BOARD CASH FUND" MEANS THE WILDFIRE RESILIENCY
27 CODE BOARD CASH FUND CREATED IN SECTION 24-33.5-1236 (8).

1 (d) "GOVERNING BODY" MEANS:
2 (I) THE CITY COUNCIL, TOWN COUNCIL, BOARD OF TRUSTEES, OR
3 OTHER GOVERNING BODY OF A CITY, TOWN, OR CITY AND COUNTY;
4 (II) THE BOARD OF DIRECTORS OF A FIRE PROTECTION DISTRICT
5 ORGANIZED PURSUANT TO PART 1 OF ARTICLE 1 OF TITLE 32;
6 (III) THE GOVERNING BODY OF AN IMPROVEMENT DISTRICT THAT
7 PROVIDES FIRE PROTECTION SERVICES ORGANIZED PURSUANT TO PART 5 OF
8 ARTICLE 20 OF TITLE 30; OR
9 (IV) THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO
10 THE AREA WITHIN A COUNTY THAT IS OUTSIDE THE CORPORATE LIMITS OF
11 A CITY OR TOWN AND OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION
12 DISTRICT.
13 (e) "WILDLAND-URBAN INTERFACE" HAS THE SAME MEANING AS
14 SET FORTH BY THE BOARD IN ITS RULES PURSUANT TO SECTION
15 24-33.5-1236 (4)(b)(I).
16 (2)(a) A GOVERNING BODY WITH JURISDICTION IN AN AREA WITHIN
17 THE WILDLAND-URBAN INTERFACE SHALL ADOPT A CODE THAT MEETS OR
18 EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES.
19 (b) ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION
20 (2)(a) OF THIS SECTION SHALL BE IN ACCORDANCE WITH THE RULES AND
21 REGULATIONS FOR CODE ENFORCEMENT BY THE GOVERNING BODY. THE
22 PERIOD TO COMPLY WITH AN ADOPTED CODE SHALL BE IN ACCORDANCE
23 WITH THE RULES AND REGULATIONS OF THE GOVERNING BODY OR WITHIN
24 SIX MONTHS OF THE DATE THE CODE IS ADOPTED BY THE GOVERNING
25 BODY, WHICHEVER IS SOONER.
26 (c) THE BOARD MAY REVIEW A GOVERNING BODY'S CODES
27 ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND A

1 GOVERNING BODY'S APPLICATION OF THE ADOPTED CODES TO DETERMINE
2 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. GOVERNING
3 BODIES SHALL COOPERATE WITH THE BOARD AND BE RESPONSIVE TO ANY
4 REQUESTS FOR INFORMATION FROM THE BOARD MADE PURSUANT TO THE
5 BOARD'S REVIEW SET FORTH IN THIS SUBSECTION (2)(c).

6 (d) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF A
7 GOVERNING BODY DOES NOT HAVE RULES AND REGULATIONS IN PLACE FOR
8 THE ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a)
9 OF THIS SECTION, THE GOVERNING BODY MAY REQUEST SUPPORT FROM THE
10 DIVISION IN CONDUCTING INSPECTIONS AND ENFORCING THE CODE
11 PURSUANT TO THE DIVISION'S PROCEDURES SET FORTH IN SECTION
12 24-33.5-1213; EXCEPT THAT ANY CIVIL PENALTY COLLECTED PURSUANT
13 TO SECTION 24-33.5-1213 (4) SHALL BE DEPOSITED IN THE CODE BOARD
14 CASH FUND. THE DIVISION MAY CHARGE A REASONABLE FEE FOR
15 CONDUCTING INSPECTIONS AND ENFORCING THE CODE, AND MONEY FROM
16 THE FEE SHALL BE DEPOSITED IN THE CODE BOARD CASH FUND.

17 (3) A GOVERNING BODY MAY PETITION THE BOARD FOR A
18 MODIFICATION OF THE CODES WITHIN ITS JURISDICTION IN ACCORDANCE
19 WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION
20 24-33.5-1236 (4)(b)(IV). IF THE BOARD GRANTS THE PETITION FOR
21 MODIFICATION, THE MODIFICATION APPLIES ONLY WITHIN THE
22 JURISDICTION THAT IS GRANTED THE MODIFICATION. THE ORDER
23 GRANTING THE PETITION FOR MODIFICATION MUST SPECIFY A DATE ON
24 WHICH THE MODIFICATION EXPIRES, AND THE GOVERNING BODY MUST
25 PETITION THE BOARD BEFORE THE EXPIRATION DATE TO KEEP THE
26 MODIFICATION IN EFFECT. A GOVERNING BODY MAY APPEAL A DENIAL OF
27 A PETITION TO THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED

1 BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(V).

2 (4) THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION
3 40-2-101 SHALL CONSIDER APPLICATION OF THE CODES WHEN CARRYING
4 OUT THE PUBLIC UTILITIES LAW; CARRYING OUT AND IMPLEMENTING ITS
5 POLICIES, PROCEDURES, AND DECISIONS; AND MEETING ANY
6 REQUIREMENTS UNDER ITS JURISDICTION.

7 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **amend**
8 (5)(yy) and (5)(zz); and **add** (5)(aaa) as follows:

9 **24-75-402. Cash funds - limit on uncommitted reserves -**
10 **reduction in the amount of fees - exclusions - definitions.**

11 (5) Notwithstanding any provision of this section to the contrary, the
12 following cash funds are excluded from the limitations specified in this
13 section:

14 (yy) The disability support fund created in section 24-30-2205.5
15 (1); and

16 (zz) The responsible gaming grant program cash fund created in
17 section 44-30-1702 (8); AND

18 (aaa) THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED
19 IN SECTION 24-33.5-1236 (8).

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.



Memo

To: Breckenridge Planning Commission
From: Chris Kulick, Assistant Director of Community Development
Date: July 22, 2025 (For the August 5, 2025 Meeting)
Subject: Approved Class D Majors Quarterly Report (Q2 2025)

BACKGROUND

Effective January 1, 2014, Section 9-1-18-4-1 of the Breckenridge Development Code authorized the Director to review and approve Class D Major applications for single family or duplex structures outside of the Conservation District administratively without Planning Commission review. For an application to be classified as a Class D Major development permit, the property must have a platted building or disturbance envelope and warrant no negative points under Section 9-1-19 Development Policies. Staff regularly reports recently approved Class D Major development permits to the Planning Commission.

We have included a list of the Class D Major development permits that have been approved for the **second quarter of 2025**.

If you have any questions about these applications, the reporting, or the review process, we would be happy to answer. Otherwise, no discussion on this matter is required.

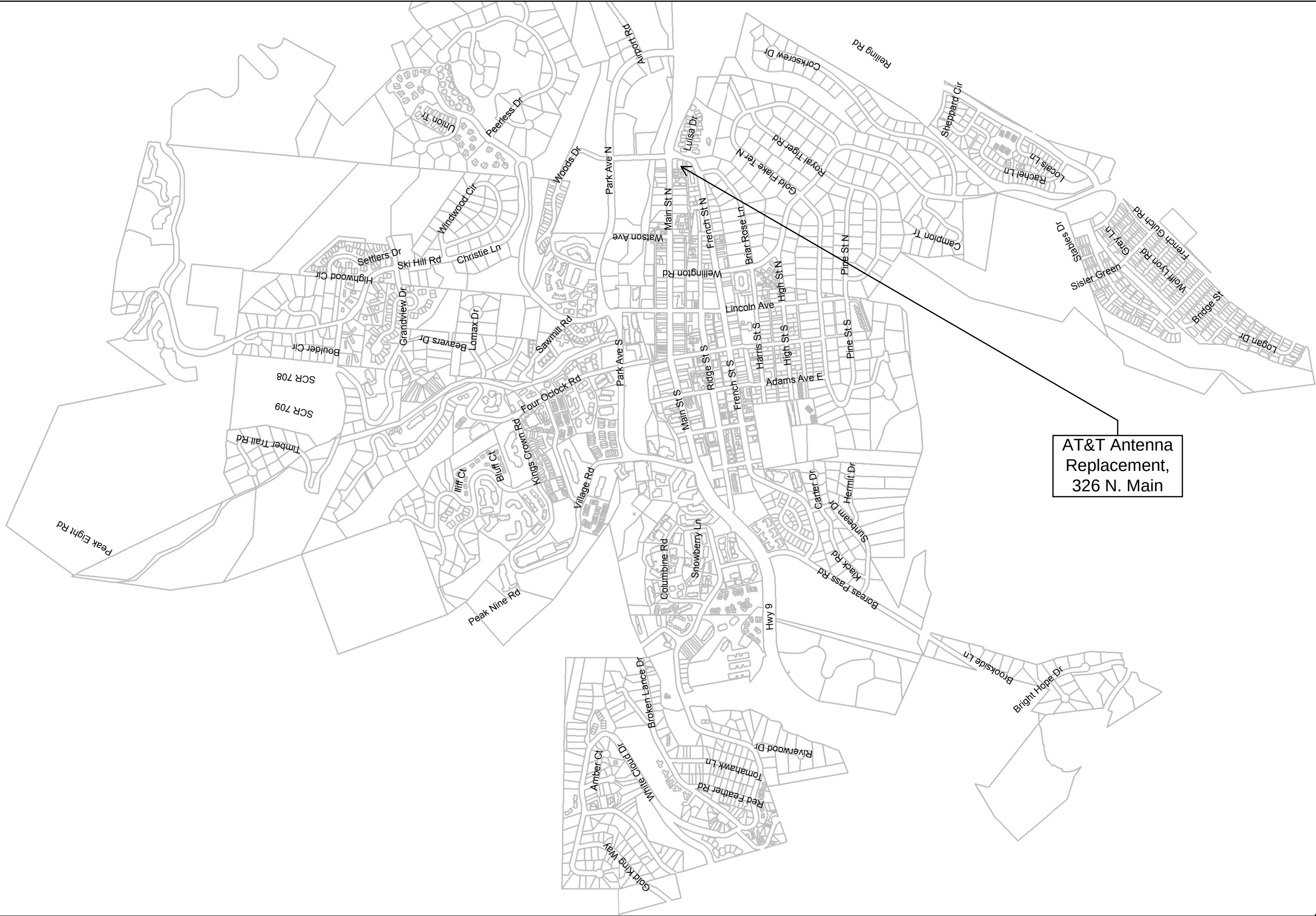
Plan Number	Address	Project Name	Description	Approval Date	Planner
PL-2025-0048	278, 280 Monitor Drive	Highlands Riverfront Lot 27 Duplex	Build a new 7,336 sq. ft. duplex, Unit A with 5 bedrooms and 4.5 bathrooms, Unit B with 5 bedrooms and 4.5 bathrooms.	April 10, 2025	Ellie Muncy
PL-2025-0086	432 Preston Way	Steger Residence Additions & Alterations	A new two-story, 938 sq. ft. addition to existing single family residence.	May 16, 2025	Amelia Brackett
PL-2025-0094	326 N Main Street	AT&T Antenna Replacement Eligible Facilities Request	Swap antennas and associated equipment on existing rooftop WCF. No change in height or lease area.	June 11, 2025	Ellie Muncy
PL-2025-0149	15 & 17 Monitor Drive	Highlands Riverfront Lot 26 Deed Restricted Duplex	Build a new 3,992 sq. ft. deed-restricted duplex, Unit A with 3 bedrooms and 2 bathrooms, and Unit B with 3 bedrooms and 2 bathrooms.	June 24, 2025	Ellie Muncy



Highlands Riverfront
Lot 26 Duplex,
278 & 280 Monitor
Drive

Highlands Riverfront
Lot 27 Duplex, 15 &
17 Monitor Drive

Steger
Residence
Additions &
Alterations, 432
Preston Way



Breckenridge South





Memo

To: Breckenridge Planning Commission
From: Chris Kulick, Assistant Director of Community Development
Date: July 22, 2025 (For August 5, 2025 Meeting)
Subject: Approved Class C Subdivision Quarterly Report (Q2 2025)

Section 9-2-3-3 of the Breckenridge Subdivision Code authorizes the Director to review and approve Class C subdivisions administratively without Planning Commission review. "Administrative Review: The processing of a class C subdivision application shall be an administrative review conducted by the director. No public hearing shall be required". (Section 9-2-3-3 B)

Class C Subdivisions are defined as follows:

"CLASS C SUBDIVISION: A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, footprint lots in conjunction with an approved master plan, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application".

The Subdivision Code indicates that the decision of the Director on Class C Subdivisions shall be forwarded to the Planning Commission. As a result, we have included a list of the Class C Subdivisions that have been approved in the **second quarter of 2025**. If you have any questions about these applications, or the review process, we would be happy to answer. Otherwise, no discussion on this matter is required.

Plan Number	Address	Project Name	Description	Approval Date	Planner
PL-2025-0107	Lots 13, 14, 22, 23, 24, 25	Highlands Riverfront Subdivision Amendment	Amend the Highlands Riverfront Subdivision to resubdivide Highlands Riverfront Lots 13, 14, and 22-25 into duplex lots 13A (228 Monitor Drive), 13B (230), 14A (250), 14B (252), 22A (69), 22B (71), 23A (55), 23B (57), 24A (41), 24B (43), 25A (29), and 25B (31) for the conveyance of each residential duplex unit.	June 16, 2025	Sarah Crump



Highlands Riverfront
Subdivision Amendment,
Lots 13, 14, 22, 23, 24, 25