

## **Section 32: W-H Wildfire Hazard Overlay District**

(orig. 1-27-76; am. 2-6-84; am. 7-5-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

### **A. Intent and Purpose Of District**

This District is intended to promote the public health, safety and welfare of the citizens of Jefferson County, minimize the risk of loss of life and property in Wildfire Hazard Overlay Zone District; encourage and regulate prudent land use in the Wildfire Hazard Overlay Zone District so as not to increase the danger to the public health, safety and property; reduce the demands for public expenditures for relief and protection of structures and facilities permitted in the Wildfire Hazard Overlay Zone District; regulate buildings and structures so as to minimize the hazard to public health, safety, welfare, and to public or private property. (orig. 1-27-76; am. 12-17-02)

### **B. General Provisions**

#### **1. Boundaries**

The boundaries of the Wildfire Hazard Overlay Zone District shall be as they appear on the official recorded Wildfire Hazard Overlay Zone District Maps as adopted by the Board of County Commissioners and kept on file with the Planning and Zoning Department. The boundary lines on the map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and the actual field conditions, the conflict shall be settled according to the "Mapping Conflicts" portion of this Section. (orig. 1-27-76; am. 12-5-95)

#### **2. Wildfire Hazard District Overlays Other Zone Districts**

The Wildfire Hazard Overlay District shall overlay that portion of any other underlying zone district, including Planned Development Zone Districts, which is applicable to the Wildfire Hazard Overlay Zone District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district. When the regulations of this district conflict with any provision of the underlying zone district, the provisions of this overlay district shall control. Any underlying zone district shall remain in full force and effect to the extent that its provisions do not conflict with the provisions of this District. (orig. 1-27-76)

#### **3. Warning and Disclaimer of Liability**

The degree of protection from potential wildfire hazards intended to be provided by this regulation is considered reasonable for regulatory purposes, and is based on current forestry and wildfire mitigation research. This regulation is intended to reduce the risks, costs, and impacts from wildfire. Nonetheless, wildfire is capricious and unpredictable. Thus damage may occur to persons and property although structures and land uses may be properly permitted within the provisions of the Wildfire Hazard Overlay District. (orig. 1-27-76; am. 12-5-95)

### **C. Use Regulation**

All land uses shall be permitted within the Wildfire Hazard Overlay District to the same extent that they are permitted by an underlying zone district, so long as the same are not in conflict with any of the provisions as set forth herein. (orig. 1-27-76; am. 12-5-95)

### **D. Building Permits**

#### **1. No Building Permit may be issued for a new dwelling, the replacement of an existing dwelling, or for additional space of 400 square feet or more (cumulatively measured), from May 21, 2002, the date of this regulation's adoption, until written evidence has been submitted and approved by the Director of Planning and Zoning stating that the following have been satisfied: (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 3-3-15)**

- a. Defensible space and associated fuel break thinnings have been created around the dwelling, or a wildfire mitigation site plan has been reviewed and a special exception granted by the

- Board of Adjustment for the property for which a Building Permit has been requested. (orig. 12-5-95)
- b. Access standards as specified in the General Provisions and Regulations Section of this Zoning Resolution have been satisfied. (orig. 12-5-95; am. 7-11-06)
2. Where the property owner chooses to submit a wildfire mitigation site plan for review by the Board of Adjustment, a Building Permit shall not be issued until such time as the wildfire mitigation site plan has been reviewed and a Special Exception granted by the Board of Adjustment. (orig. 12-5-95)
  3. Design Standards
    - a. The standards and criteria governing the design of defensible space and associated fuel break thinnings shall be contained in the Colorado State University's Cooperative Extension Fact Sheet 6.302 and will be administered, with flexibility, by a qualified wildfire interface fire specialist from a current list provided by Jefferson County Planning and Zoning. (orig. 12-5-95; am. 6-18-02)
    - b. The standards and criteria contained in the Transportation Design and Construction Manual shall govern the design and construction of all roadways in this overlay district, including private roads and driveways. (orig. 12-5-95; am. 12-17-02; am. 11-24-15; am. 11-24-15)
  4. Defensible Space Certification Procedures
    - a. An applicant who has obtained a Defensible Space permit shall be deemed to be in compliance with the initial defensible space review when an initial inspection has been completed by entities deemed qualified by the Director of Planning and Zoning to conduct such inspections. Upon receipt of the initial inspection, the Planning and Zoning Department may issue the Building Permit. A final inspection shall be completed by entities deemed qualified before a Certificate of Occupancy can be issued for the newly created structure or addition. The cost of inspection and certification shall be borne entirely by the Building Permit applicant. (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 3-3-15)
    - b. A denial of a certificate of completion may be appealed to the Board of Adjustment. The written appeal must be received by the secretary of the Board of Adjustment within 30 calendar days of the date of denial. (orig. 12-5-95; am. 12-17-02)

#### **E. Mapping Conflicts**

In all cases, a person contesting the location of the Wildfire Hazard Overlay District boundary or the severity of conditions at a specific location within the Wildfire Hazard Overlay District shall be given a reasonable opportunity to present their case to the Director of Planning and Zoning, and shall submit forestry and topographic evidence to support such contests. The Director of Planning and Zoning shall not allow deviations from the boundary line as mapped or change the mitigation requirements recommended by the Colorado State Forest Service and Jefferson County Emergency Management unless the forestry and other related technical evidence clearly and conclusively establish that the mapped location of the boundary line is incorrect or that the hazard conditions as determined by the Colorado State Forest Service or Jefferson County Emergency Management are in error. The Director of Planning and Zoning must make a finding that any deviations approved as a result of this subsection do not present a significant hazard to public health, safety or to property at the specific contested location within the Wildfire Hazard Overlay Zone District. (orig. 12-5-95; am. 12-17-02; am. 3-3-15)

#### **F. Qualifications**

The following criteria have been established as meeting the alternative qualifications for the defensible space program. A person with these qualifications shall be termed a wildfire interface fire specialist. A certification letter must be submitted by the applicant prior to the issuance of a Building Permit in order to be in compliance with the provisions of this Section. (orig. 6-18-02)

1. Minimum Qualifications (orig. 6-18-02)

Bachelor's degree in Forestry or a closely related field and two years wildland/urban interface firefighting experience, or successful completion of the following National Wildfire Coordinating Group Classes: (orig. 6-18-02)

S-130 Basic Wildland Firefighting

S-190 Basic Fire Behavior

S-215 Fire Operations in the Wildland/Urban Interface

S-290 Intermediate Wildland Fire Behavior

S-390 Introduction to Wildfire Behavior Calculations

National Fire Protection Association (NFPA) workshop "assessing wildfire hazards in the home ignition zone" (or equivalent) and five years wildland/urban interface firefighting. (orig. 6-18-02)

2. The applicant must submit a letter from a qualified Wildfire Interface Fire Specialist, certifying that the defensible space work undertaken on the property meets the standards and criteria governing the design of defensible space and associated fuel break thinning as described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. (orig. 6-18-02)

**G. Maintenance Of Defensible Space and Associated Fuel Break Thinning**

Defensible space and fuel break thinning work must be completed and maintained to the standards described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. The responsibility for maintaining defensible space and associated fuel break thinning lies with the landowner. Noncompliance with defensible space maintenance standards will be enforced as a Zoning Violation, as specified in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. (orig. 6-18-02; am. 7-11-06)