



Town Hall 551 Hot Springs Blvd  
Pagosa Spring, CO 81147

**AGENDA**  
Planning Commission Meeting  
February 24, 2026 @ 5:30 PM

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### REMOTE PARTICIPATION

Join Zoom Meeting By Computer - <https://us06web.zoom.us/j/82738710091>  
Dial by Phone - 1-719-359-4580 US - Meeting ID: 827 3871 0091

A Zoom link is made available. The Town cannot guarantee internet service or online broadcasting. Remote participation is at the risk of attendees. The meeting will continue in person regardless of the broadcast capability.

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#### I. CALL MEETING TO ORDER

#### II. ANNOUNCEMENTS

#### III. APPROVAL OF MINUTES

1. Approval of the October 25, 2025, meeting minutes.

#### IV. PUBLIC COMMENT

An opportunity for the public to provide comments and to address the Planning Commission on items not on the agenda.

#### V. BOARD OF ADJUSTMENTS

#### VI. DESIGN REVIEW BOARD

1. Build Pagosa Regional Workforce Center

#### VII. PLANNING COMMISSION

1. Selection of 2026 Planning Commission meeting days of month and time
2. Election of Chair and Vice-Chair for 2026
3. Planning Commission member terms

#### VIII. REPORTS AND COMMENTS

Public comment and agenda comment item sign-up sheets are available at the meeting  
Copies of proposed Ordinances and Resolutions are available to the public from the Town Clerk

1. **Development Department Report - February 2026**
2. **Colorado Wildfire Resiliency Code**

**IX. PUBLIC COMMENT**

**X. ADJOURNMENT**

Public comment and agenda comment item sign-up sheets are available at the meeting  
Copies of proposed Ordinances and Resolutions are available to the public from the Town Clerk



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Katelyn Tunnell

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**PROJECT:** Approval of the October 25, 2025, meeting minutes.

**ACTION:** Discussion and Action

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**PURPOSE/BACKGROUND:**

Approval of the October 25, 2025, meeting minutes.

**RECOMMENDATIONS:**

1. Move to approve the October 25, 2025, Planning Commission meeting minutes.
2. Move to approve the October 25, 2025, Planning Commission meeting minutes with the following changes:
3. Move to deny the October 25, 2025, Planning Commission meeting minutes.

**ATTACHMENTS:**

1. October 28, 2025 Planning Commission Minutes



Town Hall 551 Hot Springs Blvd.  
Pagosa Springs, CO 81147

## MINUTES

Planning Commission Meeting  
October 28, 2025 @ 5:30 PM

A regular meeting of the Planning Commission was called to order on October 28, 2025, at 5:30 PM in the Town Hall 551 Hot Springs Blvd. .

**COMMISSION PRESENT:** Commissioner Pitcher, Commissioner Gurule, Commissioner Hodges, and Commissioner Reid

**COMMISSION ABSENT:** Commissioner Weiler and Commissioner Pribble

**1 CALL MEETING TO ORDER**

a) at 5:41 p.m.

**2 ANNOUNCEMENTS**

a) Member Weiler recused himself from the meeting. Chair Pitcher promoted Member Reid to a voting member.

**3 APPROVAL OF MINUTES**

a) **Approval of the October 20, 2025 Meeting Minutes**

Commissioner Gurule moved to approve the October 20, 2025 meeting minutes. Commissioner Reid seconded.

**Carried.**

**4 PUBLIC COMMENT**

a) Bill Hudson noted his concerns regarding Article 13 and his thoughts on potential conflicts. Jane Weitzel commented on the lack of parks west of Put Hill. Racheal Suh commented on her lack of trust in local government and the Land Use and Development Code.

**5 PLANNING COMMISSION**

a) **Major Subdivision Sketch Application, 3800 West US Hwy 160, 80 South Pagosa Blvd, and 100 S Pagosa Blvd**

Manager O'Dell presented the staff report. Brad Ash, applicant representative, presented the project. Chair Pitcher opened for public comment. Terri Pritchard stated opposition to the project and raised concerns about the lack of infrastructure to support it. Joanne Furko requested clarification in the staff report regarding metro districts. Director Dickhoff clarified that there is no metro district proposed for this development. Bill Hudson noted that the letter from Colorado Parks and Wildlife was not included in the Planning Commission packet, but was available on MyPagosa.org. He also questioned the approval criteria and LUDC requirements for Sketch Plans. He noted that lots, utilities, open space, trees, and wildlife impacts are to be included in Sketch Plan approval. Barbara Tillman asked where to access the applicant's presentation and the staff report. Manager O'Dell responded that the staff report is available on the Town of Pagosa Springs website and the applicant's full plans are available on MyPagosa.org. Sydney Latin Trudeau agreed with Terri Pritchard's remarks and added that she moved to Pagosa Springs for the town's charm and believes that both that character and wildlife corridors are being lost.

Racheal Suh stated that the staff report indicated some items are optional at the Sketch Plan stage, but she believes those requirements are not optional. She stated that the DOLA grant for this property was approved improperly. She noted that there is a Change.org petition with approximately 250 signatures seeking to revoke the DOLA funds. She questioned the Town's partnership with a private developer for DOLA funding. She proposed that the land be used for a public park and recreation center. She stated that the land is not currently owned by the applicant and questioned the legality of that. Evie Austin asked for clarification regarding the tree sanctuary. She asked whether the tree sanctuary applies only to mature trees or to all trees. Brad Ash, applicant representative, responded that he believes the standard is 12 inches in diameter and greater; however, he stated that trees benefit the development and the applicant would like to preserve as many trees as possible. He also noted that further definitions of "tree sanctuary" would be more clearly defined in the HOA documents and the developer agreement. Patricia Cooney noted how dangerous the intersection of Highway 160 and South Pagosa Boulevard is. She also noted that there are already two gas stations at this intersection and questioned the need for a third. She expressed concerns about traffic increases resulting from the development. Sharon Carter asked that the developer listen to public input on the development and stated that she believes this has not yet occurred. She suggested lower density, additional open space, height restrictions, preservation of trees, and mitigation of noise and light pollution. She questioned ownership of the property and noted that the LUDC requires a notarized statement of authority in order to apply for a permit. She questioned the completeness of the tree survey that was provided. Sharon Carter also read a letter from Scott Taunjis, in which he commented on the gas station and questioned whether it has met all regulatory requirements. He also stated that he believes the Town should assess whether the existing LIHTC apartments near Walmart are fully occupied before approving additional low-income apartments. Jane Weitzel questioned the legality of the meeting. She also noted that the developer stated at the neighborhood meeting that there would be a gradual transition from low density behind Pagosa Lakes Ranch to higher density in the center of the development, which she does not see reflected on the plan. She quoted LUDC Section 6.10.4 and noted that special consideration shall be given to adjacent land uses of different intensities. Neira Isley spoke about herd animals, wildlife corridors, and native species. She noted that these animals will not have a place to go. Ronnie Vennetta asked how the roads will be constructed and whether the developer will have access to the \$1.9 million grant to develop those roads. He also asked if, if the developer does not obtain financing for the apartments, the grant funding could be transferred to another workforce housing project in the area. Joe Rovig asked whether the applicant is the owner of the property. Director Dickhoff answered that the owner is not the applicant. He noted that Town staff does have a notarized statement of authority on file. Laurie Davenport asked for additional information and clarification regarding road connections and private property. Jennifer Ahrens stated that she believes not enough information has been provided regarding the Sketch Plan. She stated that she does not believe the Commission has sufficient information to make an informed decision. She also expressed concerns regarding infrastructure, dark sky compliance, buffers, wildlife, and trees. Allison Qualls stated that she believes more time and planning should be invested in this project. She noted that the community should be forward-thinking regarding this development. Lauren Motallo asked whether hotels are proposed as part of the development. Brad Ash, applicant representative, answered that hotels were included as an allowable use in the original development proposal and stated that this would ultimately be determined by the developer. Racheal Suh stated that the statement of authority was dated the day of the meeting and expressed that she believes it is not valid. Pamela Kostin questioned the need for another gas station. Chair Pitcher closed public comment. Member Gurule asked about the potential 120-foot setback mentioned during public comment. Director Dickhoff answered that he does not believe the map that was provided was a platted map and stated that it may have been provided by a real estate agent. Member Gurule asked what the current setback is from the proposed building. Mr. Ash answered that the setback is 63 feet. Member Gurule then asked where the current osprey nest is located. Manager O'Dell answered that it is located on Tract 4. Member Gurule asked whether the DIA will require the applicant to install sidewalks from the highway

to the apartments. Director Dickhoff answered that it is not currently included in the DIA, but it is a requirement based on staff contingencies. Member Hodges requested clarification that the Board was only deciding on subdivision and infrastructure matters, and not conducting a design review of businesses, housing, or other site elements. Manager O'Dell confirmed that this is correct. Member Reid asked the applicant about view corridors and whether views would be impeded. Mr. Ash answered that setbacks will be established, but some views will be compromised. Member Reid then asked whether the Town has any responsibility to consider whether the proposed businesses are needed or feasible. Director Dickhoff answered that determinations of business need are up to the developer. Chair Pitcher explained the role of the Planning Commission to the public and thanked attendees for their participation. The Commission discussed conditions of approval and which items would be required now versus in future applications. Member Reid recommended legal counsel review as a condition of approval, and the Board agreed.

Commissioner Gurule moved to approve the Arena Labs LLC, Major Subdivision, Sketch Plan at 3800 W. US Hwy 160, 80 S. Pagosa Blvd, and 100 S. Pagosa Blvd, as presented with the following conditions:

1. Applicant must, on the Preliminary Plan Review submission, provide a preliminary subdivision plat meeting the Town's criteria for such. (Planning Staff Review).
2. Applicant must include the anticipated phasing of the development in their submission for the Preliminary Plan (LUDC 2.4.3 C. 3b. (ii) (1) (g)).
3. Applicant shall include the road section roadway, pedestrian sidewalk and trail to be within the Right-of-Way (ROW) (LUDC 7.3.5), which shall be dedicated public ROW.
4. Applicant must provide a full utility build-out analysis including a lighting plan for roadways and pedestrian networks, water and sewer, natural gas, fiber, and electric in their submission for their Preliminary Plan Review (LUDC 7.3.6).
5. Applicant must submit a Drainage Study, prepared by a Licensed Colorado Professional Engineer, with runoff rates determined using the NRCS TR-20 method, to include detention for all roads, sidewalks, and trails. This study must also identify the current condition of the drainage culverts that would divert water under Hwy 160 (LUDC 6.3.2).
6. Applicant should provide written justification from a wetland professional for appropriate buffers distances between development activities and riparian areas to avoid conflict with delineated wetlands as well as protection measures during construction activities.
7. Applicant must provide native, drought tolerant, landscaping treatments along the 5- foot buffer between the sidewalk and curb and gutter, at subdivision entrances, and in public open spaces.
8. Applicant must, for the individual site developments, contact the Town of Pagosa Springs Planning Division for respective development application permitting (Planning Staff Review).
9. Applicant must enter into a Development Improvement Agreement with the Town of Pagosa Springs to set specific timelines on the phases of this proposal, at Final Subdivision application (Planning Staff Review).
10. The applicant should, on the submission of the Preliminary Plan, provide a closer mix of uses (Planning Staff Review of Smart Growth America (SGA)).
11. The applicant must submit a conceptual pedestrian plan at the Preliminary Plan submission to ensure safe, convenient connections between uses and adjacent pedestrian facilities (Planning Staff Review of SGA).
12. The applicant must depict a central plaza or park to serve as a visual aid and a social anchor (Planning Staff Review of SGA).
13. The applicant must provide transit stop and add crosswalks, bike lanes, and safe pedestrian access (Planning Staff Review of SGA). This includes a cross to the Hospital and sidewalk/trail connection to the SE corner of Hwy 160/S. Pagosa Blvd.
14. Applicant should contact U.S. Fish and Wildlife Service pertaining the active osprey nest located

adjacent to the proposed development for preservation and protection. Colorado Parks and Wildlife recommends a ¼ mile buffer of No Surface Occupancy around active osprey nests, with no permitted, authorized or human encroachment activities within ¼ mile between the dates of March 15th to August 15th (Colorado Parks and Wildlife Review).

15. Colorado Parks and Wildlife recommends the use of wildlife-resistant trash containers at both residential and commercial developments to reduce the potential for conflicts with black bears (Colorado Parks and Wildlife Review).

16. Colorado Parks and Wildlife recommends keeping any fencing around the property to a minimum. If boundary fencing is use, “wildlife friendly” fencing is recommended, allowing the safe passage of deer, elk, and other wildlife (Colorado Parks and Wildlife Review).

17. Pagosa Area Water and Sanitation requirements are as follows:

- 1. Water and wastewater modeling are required and conditions of services will be predicated on the results of the modeling. All modeling fees to be paid for by applicant.
- 2. Any and all other conditions required by the District’s Rules and Regulations in place at the time and/or District Board of Director requirements apply.

18. Have staff’s legal council review the Statement of Authority from the applicant. Commissioner Hodges seconded.

**All yay. Carried.**

**6 REPORTS AND COMMENTS**

**a) Planning Commission - Comments, Ideas and Discussion**

**7 PUBLIC COMMENT**

**a)** Bill Hudson stated that he was upset that the application was not tabled. Pamela Kostin stated that approximately 700 people signed a Change.org petition opposing the project. John Stewart asked why Member Weiler recused himself. Chair Pitcher answered that he had a conflict. Terri Pritchard expressed concern regarding the approval. Chair Pitcher closed public comment.

**8 ADJOURNMENT**

**a)** at 8:29 p.m.



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Owen O'Dell

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**PROJECT:** Build Pagosa Regional Workforce Center

**ACTION:** Discussion and Action

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### **PURPOSE/BACKGROUND:**

Build Pagosa has partnered with Archuleta School District, Pagosa Springs Community Development Corporation, and the Town of Pagosa Springs to develop a Regional Workforce Center. The facility will support hands-on, career-oriented training, with an emphasis on skilled trades. The development is being proposed on a roughly 1-acre parcel on the High School property, highlighted in red below. The project anticipates the possibility of two phases at roughly 10,000 square feet per phase, with funding dependent on grant funding. The parcel is zoned Public/ Quasi Public (PS).

### **RECOMMENDATIONS:**

Move to **APPROVE** of Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street with findings A and B, and with conditions 1-12, as presented.

### **ALTERNATE MOTIONS**

Move to **DENY** Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street

Move to **TABLE** Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street and give direction to staff.

**Town of Pagosa Springs  
Development Services  
551 Hot Springs Blvd / P. O. Box 1859  
Pagosa Springs, Colorado 81147  
970-264-4151**



## STAFF REPORT

**TO:** Town of Pagosa Springs Planning Commission

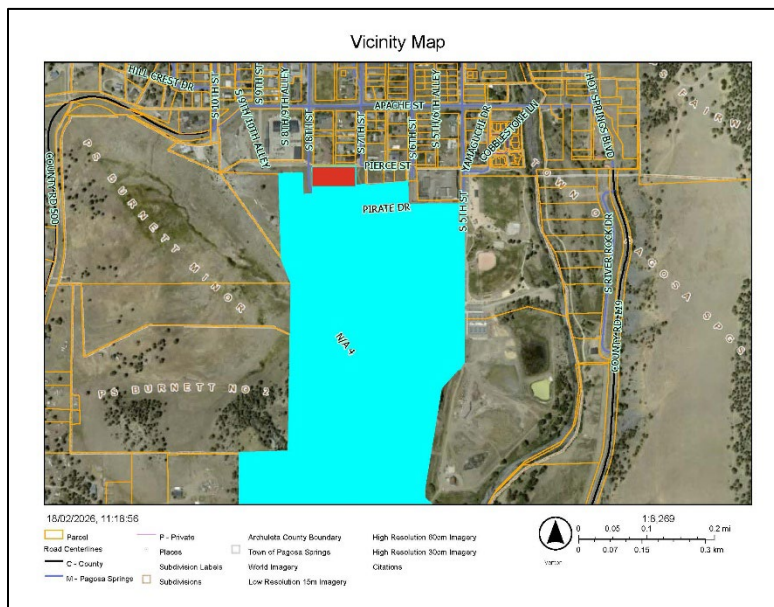
**FROM:** Owen O’Dell, Planning Manager

**DATE:** February 24, 2026

**STAFF REPORT:** Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review, 800A S. 8<sup>th</sup> Street

### EXECUTIVE SUMMARY

Build Pagosa has partnered with Archuleta School District, Pagosa Springs Community Development Corporation, and the Town of Pagosa Springs to develop a Regional Workforce Center. The facility will support hands-on, career-oriented training, with an emphasis on skilled trades. The development is being proposed on a roughly 1-acre parcel on the High School property, highlighted in red below. The project anticipates the possibility of two phases at roughly 10,000 square feet per phase, with funding dependent on grant funding. The parcel is zoned Public/ Quasi Public (PS).



## REVIEW PROCEDURE

Article 2.4.6 of the *Town of Pagosa Springs' Land Use Development Code* ("the Code") requires any development, with the exception of single-family detached or duplex dwellings, that exceeds the size threshold for Administrative Design Review approval (2,500 sq ft) be heard by the Design Review Board as a Major Design Review application. Additionally, Article 2.4.6 F requires that a Major Design review application has a sketch plan review prior to the submission of a Major Design review Final application.

The intent of a sketch plan review is to allow the applicant to understand the scope of requirements and feasibility of the proposed development before substantial expenses have been incurred. It also allows the Design Review Board to make suggestions and recommendations for the developer to consider in their Final Design Review Application.

All public notice requirements in Article 2.3.6 and Table 2.3-1 have been complied with for this project.

## DISCUSSION

The applicant, Build Pagosa, is proposing two phase development of a Regional Workforce Center to better prepare the region's student body for a transition into the workforce post-graduation. The curriculum is planning to include construction, technology, healthcare, and skilled trades.

The proposal aims to share access and parking with the high school and does not anticipate the need for infrastructure improvements. All utility connections will come from existing connections available from the high school. Due to specific funding sources, the developer aims to be 'shovel-ready' in late summer of 2026. Because this is a state education facility, building permitting is handled through the Colorado Division of Fire Prevention and Control (CDFPC).

### **LUDC Article 3, Zoning:**

The proposed project is located within the Public/ Quasi Public (PS) zoning district.

*"The PS district is intended for uses related to community services, such as fire stations, schools, libraries, community centers, hospitals, Town buildings, utilities, cemeteries, and places of worship."* This proposal complies with the intent of this zoning district.

### **LUDC Article 4, Allowable Uses:**

The proposed development on the high school property is for a workforce center, which staff has identified as a Trade School per the definition provided in Article 12:

*A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.*

This is an allowable use per Table 4.1-1 with an approved Conditional Use Permit.

### **LUDC Article 5, Dimensional Requirements:**

The development proposal included conceptual plans for building orientation and façade design. However the site plan was not prepared by a licensed Colorado Professional Survey, so setbacks cannot be determined at this time. Building height was not noted in the concept plans. Landscaping is depicted, but does not include a percentage breakdown. Staff has devised conditions of approval to guide the applicant into a comprehensive application for their Final Design Review.

## **LUDC Article 6, Design Standards**

Staff has created a review matrix for the design standards found in Article 6, that matrix is attached.

### *Public Comment*

As of the date of this report, no written public comment has been received regarding this petition.

## RECOMMENDATION AND FINDINGS

### **Based on the evidence provided, staff recommends that if the Design Review Board finds that:**

- a. The application does meet the allowable uses for development in the Public/ Quasi Public (PS) district, in Article 4.1-1 of the *Code*, and
- b. The application does meet the review criteria for a Sketch Plan in Article 2.4.6 F. 1. B. of the *Code*, then

That the **Design Review Board APPROVES of the Build Pagosa, Regional Workforce Center, Trade School, Sketch Plan at 800A S. 8<sup>th</sup> Street**, as presented with the following conditions:

1. Applicant must submit an erosion control plan as part of the Final Major Design Review Application (LUDC 6.3 B).
2. Applicant must submit a Grading and Drainage plan prepared by a licensed Colorado Professional Engineer for the addition of impervious surfaces associated with the Regional Workforce Center and its driveway (LUDC 6.3.2).
3. Applicant must provide a 'Will Serve Letter' from the Town's GID (LUDC 6.3.4 B).
4. Applicant must provide a 'Will Serve Letter' from Pagosa Area Water and Sanitation district ensuring this proposal has adequate quantities of potable water (LUDC 6.3.5 A).
5. Applicant must submit a wetlands delineation depicting any wetlands and appropriate setbacks (LUDC 6.4.8).
6. Applicant must include the materials to be used for the south facing sidewalk and patio in the Final Major Design Review application (LUDC 6.6.5 B5).
7. Applicant must include an accessibility ramp to access the entrance of the building in the Final Major Design Review application (LUDC 6.6.5 B7).
8. Applicant must demonstrate how the noise created from this use will be mitigate so that it does not disturb the residential properties to the north (LUDC 6.10.4 B).
9. Applicant must depict the location and screening of a dumpster for this use (6.4.10 E).
10. An exterior lighting plan was not provided in the application and shall be submitted with the Final MDR application. The Exterior lighting plan shall demonstrate that all exterior lighting sources (bulb, LED board, reflective surface) will be completely shielded from visibility while standing at the property line.

All exterior lighting will be inspected after installation for compliance determination prior to issuance of CO. All exterior lighting shall ensure the light source (bulb, LED board, reflective surface) is completely

shielded from visibility at the property line. Provide an illumination plan demonstrating zero additional footcandles at any point off-site, and exterior lighting specifications that demonstrate that all light sources will be shielded from visibility at a 5-foot height at the property line.

11. No additional signs are proposed at this time. A Sign Permit Application is required if additional signage is proposed in the future, which is reviewed administratively (LUDC 6.12.1 A).
12. Applicant must submit a site plan, prepared by a licensed Colorado Professional Surveyor, depicting building location, setbacks, and property lines. Applicant shall also submit drawing by a licensed Colorado Professional Architect depicting building façade, materials to be used, building height, building orientation, and square footage (Planning Division Review).

#### PROPOSED MOTION

**Move to APPROVE of Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street with findings A and B, and with conditions 1-12, as presented.**

#### ALTERNATE MOTIONS

**Move to DENY Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street**

**Move to TABLE Build Pagosa, Regional Workforce Center, Trade School, Sketch Major Design Review at 800A S. 8<sup>th</sup> Street and give direction to staff.**

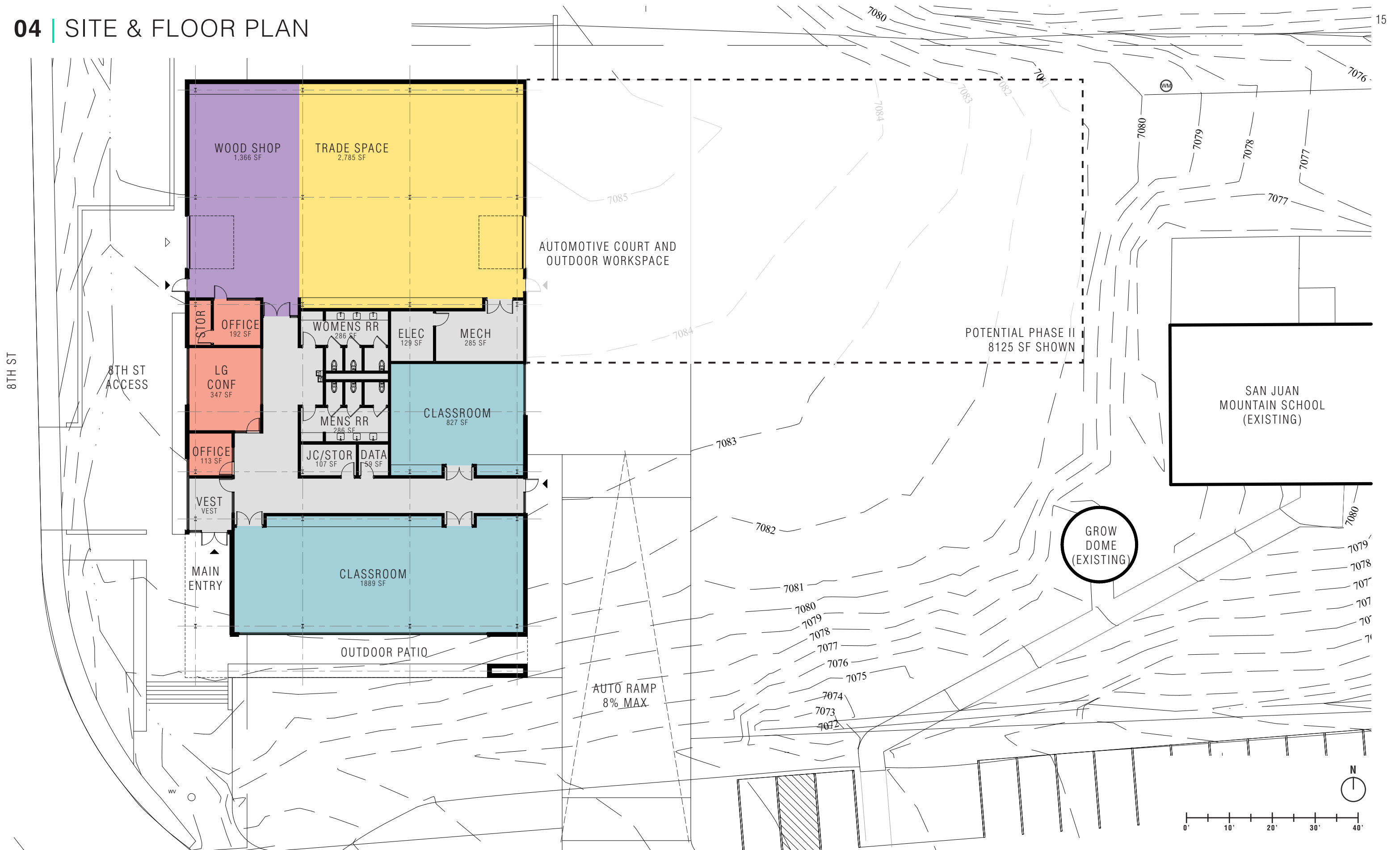
#### ATTACHMENTS

Attachment 1: Conceptual Plans

Attachment 2: Matrix Review

Attachment 3: Development Information

# 04 | SITE & FLOOR PLAN













## STANDARDS AND CRITERIA REVIEW

### Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

Item #	Reference	Standard/Criteria	Comparison	Meet / Not Meet	Condition #
<b>ARTICLE 6</b>					
1	6.2.3	<p><b>Lands to which Section 6.2 applies.</b> Section 6.2 shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town of Pagosa Springs, Colorado.</p>	This proposal is not within a mapped flood hazard area.	MEETS	
2	6.3 B	<p><b>Erosion control.</b> The prevention of soil erosion and transport of sediments during construction is of paramount importance. Therefore, the developer will be responsible for creating an erosion control plan consistent with the State of Colorado's requirements for Stormwater Management Plans (SWMP), and providing to the Director a copy of the stormwater discharge permit obtained from the State of Colorado.</p>	Applicant must submit an erosion control plan as part of the Final Major Design Review Application.	NOT	1
3	6.3.2	<p><b>General.</b> The standards of this Section are intended to protect properties, both private and public, against flooding, erosion, sedimentation, and other encroachment due to storm waters.</p> <p>1. Peak discharge control is required when post-development runoff rates exceed historic one hundred-year base storm runoff rates due to the change in site conditions as a result of the development. Post-development peak discharge for the minor storm event shall not exceed the historic or pre-development conditions for the minor storm event.</p> <p>2. The major drainage system that conveys off-site drainage through the development and/or serves as the primary drainage channel for the development and all drainage structures therein must safely convey the base storm peak discharge and maintain them within the confines of public rights-of-way and easements. There is no requirement to provide peak discharge control for the base storm peak discharge.</p> <p>3. The minor drainage system that collects on-site drainage and conveys it through the development to primary drainage channels and consists of curb, gutter, inlets, storm drains, culverts, swells, ditches and detention</p>	Applicant must submit a Grading and Drainage plan prepared by a licensed Colorado Professional Engineer for the addition of impervious surfaces associated with the Regional Workforce Center and its driveway.	NOT	2

## STANDARDS AND CRITERIA REVIEW

### Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

		<p>facilities shall be designed to convey flows from the minor storm event and maintain their integrity if overtopped by flows from a base storm event.</p> <p>4. Determination of storm runoff shall be made by the methods defined in the following table:</p>			
<b>4</b>	6.3.3	<p>Adequate space for snow storage shall be provided. For planning purposes, one (1) square foot of snow storage space is generally necessary for each two (2) square feet of area to be cleared. This ratio may be somewhat greater or lesser depending on individual circumstances. On-site snow storage space shall be encouraged, but removal of snow may be allowed if planning considerations so dictate.</p>	<p>This proposal is adding a minimal amount of driveway to serve the possible phase 2 of this project. The snow removal will not require additional snow storage on the high school property.</p>	MEETS	3
<b>5</b>	6.3.4 A	<p>All residential, commercial, and industrial uses shall have sanitary sewer facilities designed by a registered professional engineer in accordance with the regulations and standards of the Colorado Department of Public Health and Environment and any sanitation district having jurisdiction over the property.</p>		NA	
<b>6</b>	6.3.4 B	<p>The Town will require the sewage collection system to be conveyed to Pagosa Area Water and Sanitation District or the Pagosa Springs Sanitation General Improvement District.</p>	<p>Applicant must provide a 'Will Serve Letter' from the Town's GID.</p>	NOT	4
<b>7</b>	6.3.4 C	<p>The sanitary sewer system shall be connected to an existing public sanitary sewer system and consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built.</p>		MEETS	
<b>8</b>	6.3.4 D	<p>Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development.</p>			
<b>9</b>	6.3.4 E	<p>On a case-by-case basis, the Town Council may approve on-site wastewater systems that comply with the San Juan Basin Health Department standards. However, no new addition, upgrade or major repair to an individual sewage disposal system will be permitted if the property is located within four hundred (400) feet of an established municipal or sanitation district collection line, measured through existing sewer easements or utility rights-of-way, unless</p>		NA	

STANDARDS AND CRITERIA REVIEW

Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

		connection is infeasible or has been denied by the Town or a sanitation district with jurisdiction over the property.			
10	6.3.4 F	Where on-site wastewater systems are proposed for any property, the use of the system must be approved by the San Juan Basin Health Department, who shall provide a written opinion concerning the suitability of the proposed subdivision or development for individual systems, before the Town Council approves the on-site wastewater system.		NA	
11	6.3.5 A	All development shall have a potable water system provided by the Pagosa Area Water and Sanitation District or another approved water district. The design of the water system shall have been prepared by a registered professional engineer, in accordance with the regulations of the Colorado Department of Health or any water district having jurisdiction over the property. The water system shall be of sufficient size and design to supply potable water to each structure or lot in the development.	Applicant must provide a 'Will Serve Letter' from Pagosa Area Water and Sanitation district ensuring this proposal has adequate quantities of potable water.	NOT	5
12	6.3.5 B	Pursuant to C.R.S. 29-20-303, the Town shall not approve an application for development unless it determines in its sole discretion, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. For purposes of this requirement, "adequate" means a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.		NA	
13	6.3.6	The subdivision or development shall be required to install fire hydrants at points per the requirements of any fire district having jurisdiction over the property and in compliance with the adopted fire code.	This proposal was fast tracked to instill community partnership and has not yet received agency comments. The Fire District will weigh in on this proposal at the Final Design Review.  <b>Per Article 2.3.3 F: Waivers.</b> The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such	IN PROCESS	

STANDARDS AND CRITERIA REVIEW

Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

			requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.		
14	6.4.2	Steep land (thirty (30) percent or greater slopes), unstable ground, and land subject to hazards such as landslides, rockfall, ground subsidence, wildfire, or flooding shall not be platted or developed for residential or other uses that may endanger life and limb or improvements, unless appropriate provisions, as deemed necessary by the building department, are made to eliminate or control the hazard.	This site is predominantly flat with less than a 10% grade at its steepest.	NA	
15	6.4.3	Subdivisions and any development shall make every effort to preserve existing waterways (lakes, rivers, and streams), primary vegetation (trees), rock formations, and other natural vistas.		NA	
16	6.4.4	The Director shall keep on file and available to the public, a set of maps clearly showing all known and identified areas of special flood hazard in the Town, as such become available. The Town shall not approve any proposed subdivision or development in either an identified area of special flood hazard or in an area suspected of being in an area of special flood hazard, unless the subdivider or developer can submit adequate evidence, prepared by a registered professional engineer, that the proposed subdivision or development is not in an area of special flood hazard or meets the conditions set forth in <a href="#">Section 6.2</a> .	This is not within the floodplain.	NA	
17	6.4.5	The Town Clerk shall keep on file and available to the public, a set of maps clearly showing all known and identified geologic hazard areas in the Town, as such become available. The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is either in one (1) of these identified geologic hazard areas or is in an area suspected of being in a geologic hazard area, unless the applicant can submit adequate evidence, prepared by a registered professional geotechnical engineer, that the proposed subdivision or development meets the following conditions:	This is not within an identified Geological Hazard Area	MEETS	

STANDARDS AND CRITERIA REVIEW

Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

		<p>A. Provisions have been made for the long term health, welfare, and safety of the public from geologic hazards to life, property, and improvements.</p> <p>B. The proposed development will not create an undue financial burden on the existing or future residents of the area or community as a result of damage due to geologic hazards.</p> <p>C. Structures designed for human occupancy or use shall be constructed to prevent danger to human life or property.</p> <p>D. Permitted land uses, including public facilities serving such use, shall avoid or mitigate geologic hazards at the time of initial construction.</p> <p>E. Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.</p>			
18	6.4.6	<p>The Town Clerk shall keep on file and available to the public, a set of maps clearly showing all known and identified wildfire hazard areas in the Town, as such become available. The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is in an area identified as a wildfire hazard area or is in an area suspected of being in a wildfire hazard area, unless the applicant can submit adequate evidence, prepared by a qualified professional forester, that the proposed subdivision or development meets the following conditions:</p> <p>A. Any development in which residential activity is to take place shall be designed to minimize significant wildfire hazards to public health, safety, and property.</p> <p>B. Any development shall have adequate roads for emergency service by fire trucks, fire fighting personnel, and fire breaks or other means of alleviating conditions conducive to wildfire hazard.</p>	<p>The entirety of Pagosa Springs in within an identified wildfire hazard area as depicted in the Colorado Wildfire Resiliency Code Map. Depending on when the applicant submits for a building permit, this development may have to comply with the Colorado Wildfire Resiliency Code, which is to be adopted no later than April 1, 2026 and implemented no later than July 1, 2026.</p>	IN PROCESS	

STANDARDS AND CRITERIA REVIEW

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		<p>C. Precautions required to reduce or eliminate wildfire hazards shall be provided at the time of initial development.</p> <p>D. All subdivision and development shall adhere to the Guidelines and Criteria for Wildfire Hazard Areas published by the Colorado State Forest Service.</p> <p>E. Consideration shall be given to recommendations of the State Forest Service resulting from review of a proposed subdivision or development in a wildfire hazard area.</p>			
19	6.4.7	If implemented, perimeter fencing shall be no higher than forty-two (42) inches, so as not to impede the movement of deer and elk. Recorded covenants or restrictions shall require individual owners to maintain said fence.	The proposal does not include fencing.	MEETS	
20	6.4.8	The following standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, associated riparian areas, and wetlands provide.	Applicant must submit a wetlands delineation depicting any wetlands and appropriate setbacks. Per the National Wetlands Inventory, there is a Riverine Habitat that feeds into a Freshwater Emergent Wetland which feeds into the San Juan River.	NOT	6
21	6.6.2 A	<b>Purpose.</b> Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system and a grid of street blocks should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, transit users, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping.		MEETS	
22	6.6.2 B	<b>Vehicular access to public streets.</b> Any residential development of more than one hundred (100) units or commercial or mixed-use development with one hundred thousand (100,000) square feet or more of gross floor area, or additions to existing developments such that the total number of units or size exceeds these thresholds, shall be required to provide vehicular access to any	This additional development on the Archuleta School District property is utilizing the same access point from 8 <sup>th</sup> St. and will not disrupt vehicular circulation.	MEETS	

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		adjacent public streets, and a minimum of two (2) street access points, unless such provision is deemed impractical by the Director due to topography, natural features, or the configuration of adjacent developments.			
23	6.6.2 C	<b>Connections to vacant land.</b> Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area, as determined by the Director, to provide for the orderly subdivision and development of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.		NA	
24	6.6.2 D	<b>Vehicular interconnections to similar or compatible adjacent uses.</b> Every proposed public or private street system shall be designed to provide vehicular interconnections to all similar or compatible adjacent uses (existing and future) when such interconnections would facilitate internal and external traffic movements in the area. Such connections shall be provided during the initial phase of the project approximately every one thousand two hundred fifty (1,250) to one thousand five hundred (1,500) linear feet for each direction (north, south, east, west) in which the subject property abuts similar or compatible uses. If the common property boundary in any direction is less than one thousand two hundred fifty (1,250) linear feet, the subject property will be required to provide an interconnection if it is determined by the Director that the interconnection in that direction can best be accomplished through the subject property. When the Director deems a vehicular connection impractical, he or she can increase the length requirement and/or require pedestrian connections. The Director may delay the interconnection if such interconnection requires state approval or will result in significant hardship to the property owner.		MEETS	
25	6.6.2 E	<b>Cul-de-sacs and dead-end streets discouraged.</b> The design of street systems shall use through-streets. Permanent cul-		NA	

STANDARDS AND CRITERIA REVIEW

Town of Pagosa Springs Major Design Review Sketch

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		de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Where cul-de-sacs or dead-end streets are unavoidable, site and/or subdivision plans shall incorporate provisions for future vehicular connections to adjacent, undeveloped properties, and to existing adjacent development where existing connections are poor.		
26	6.6.2 F	<b>Neighborhood protection from cut-through traffic.</b> Street connections shall connect neighborhoods to each other and to local destinations such as schools, parks, greenbelt trail systems and shopping centers, while minimizing neighborhood cut-through vehicle traffic movements that are non-local in nature. Configuration of local and internal streets and traffic calming measures shall be used to discourage use of the local street system for cut-through collector or arterial vehicle traffic.		NA
	6.6.3 ROADWAYS			NA
27	6.6.5 B1	<b>Interconnected network.</b> A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible and may be required to be separated by a vegetated median and/or curb and gutter. The pedestrian circulation sys		NA
28	6.6.5 B2	<b>Sidewalks required.</b> In all zone districts, excluding Agricultural/Residential (RA), sidewalks are required along both sides of a street unless otherwise waived through the issuance of a variance as described in Section 2.4.11 or the project meets the alternative compliance requirements as set forth in <a href="#">Section 6.1.2</a> .		MEETS
29	6.6.5B3	<b>Sidewalk width.</b> Sidewalks shall be a minimum of five (5) feet wide along local streets; a minimum of five (5) feet wide along one (1) side and eight (8) feet wide along the other side of collector streets; and a minimum of eight (8) feet wide along both sides of arterial streets. A detached sidewalk is an acceptable sidewalk alternative if it is approved through the alternative equivalent compliance process. Sidewalks adjacent to storefronts in the downtown commercial areas shall be ten (10) to fifteen		MEETS

## STANDARDS AND CRITERIA REVIEW

### Town of Pagosa Springs Major Design Review Sketch

Build Pagosa, Regional Workforce Center, Trade School, 800A S. 8<sup>th</sup> St.

		(15) feet in width, or consistent with the average sidewalk width on the block if sidewalks already exist.			
30	6.6.5 B4	<b>Sidewalk location.</b> Sidewalks shall be located within the right-of-way unless otherwise authorized by the Town Council.		NA	
31	6.6.5 B5	<b>Sidewalk materials.</b> The visual and tactile properties of sidewalk paving materials shall be consistent with the proposed functions of pedestrian circulation. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings or sidewalks. Asphalt shall not be used for sidewalks. Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles.	Applicant must include the materials to be used for the south facing sidewalk and patio in the Final Major Design Review application.	NOT	7
32	6.6.5 B6	<b>Sidewalk installation.</b> Sidewalks and related improvements shall be installed in accordance with plans and specifications approved by the Town; and after installation or construction, they shall be subject to inspection and approval by the Town Engineer.		UNKNOWN	
33	6.6.5 B7	<b>Accessibility.</b> Sidewalks, walkways, and multi-use trails shall be universally accessible. Refer to the Americans with Disabilities Act (ADA) requirements.	Applicant must include an accessibility ramp to access the entrance of the building in the Final Major Design Review application.	NOT	8
34	6.6.5 B8	<b>Lighting.</b> All sidewalks and other pedestrian walkways shall have lighting that complies with the standards in Section <a href="#">6.11</a> , Exterior Lighting, using poles and fixtures consistent with the overall design theme for the development.	Applicant must submit a light management plan in the Final Major Design Review Application.	NOT	9
35	6.6.5 B9	<b>Walkways.</b> Walkways through a subdivision block shall be not less than eight (8) feet in width, shall be within a dedicated right-of-way not less than twenty (20) feet in width, and shall be flanked with appropriate landscaping and lighting. Walkways along buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection from public sidewalks to building entries, public space and parking areas shall be provided. Walkways shall be constructed of the same materials as sidewalks; except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be		NA	

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		clearly delineated by a change in pavement color or texture or paint striping.			
36	6.6.5 B10	<b>Multi-use trails.</b> Multi-use trails shall be provided in the form of a pedestrian easement and construction of a trail to link internal open space areas with peripheral open space areas, and shall connect to multi-use trail routes throughout the community. The trail location, width, and materials shall be consistent with the adopted Regional Parks, Recreation, Open Space, and Trails Master Plan adopted by resolution of the Town Council, or as otherwise required or waived.	This space is on the already developed school grounds.	NA	
37	6.6.6 B	<b>Vehicle access.</b> <ol style="list-style-type: none"> <li>1. The number of driveways and curb cuts should be minimized and/or shared.</li> <li>2. Driveways should be accessed via alleyways, if available, and should be located so that they are less visually dominant.</li> </ol>	This development is utilizing the parking lot for the high school.	NA	
38	6.6.7 A	<b>Streets in general.</b> Street, block, and alley networks reflecting existing Town patterns shall be observed, to the extent reasonably feasible, providing opportunities for safe and efficient vehicular and/or pedestrian movement within the Hot Springs Boulevard Neighborhood, to the downtown core, and to adjacent natural features. For a network to provide a desirable pedestrian environment, it must be designed to discourage excessive speeding and cut-through traffic. Street widths and corner curb radii shall be as narrow as possible, while still providing safe access for emergency and service vehicles. Frequent, controlled intersections, raised and textured crosswalks, and various other specialized measures may be used to slow and channel traffic without restricting convenient, direct access and mobility.		NA	
39	6.6.7 B	<b>Streets - Dimensional standards.</b> Hot Springs Boulevard shall consist of an eighty-foot right-of-way (R.O.W.), with one (1) twelve-foot drive lane in each direction, a center bi-directional left-turn lane fifteen (15) feet wide, and a ten-foot parallel parking lane in selected locations, used as a right-turn lane within fifty (50) feet of an intersection. The total paved width will be fifty-nine (59) feet. From the curb to the build-to line will be: a six-foot planting,		NA	

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		<p>lighting, and snow loading zone, an eight-foot sidewalk, and a second six and one-half-foot planting zone.</p> <p>1. Collector streets shall consist of a sixty-foot R.O.W. with two (2) drive lanes twelve (12) feet each (which includes one and one-half-foot curbs and gutters on both sides). Outside the curbline shall be a six-foot snow loading, lighting, and planting area, six-foot sidewalks, and another six-foot wide planting area.</p> <p>2. Minor and residential streets shall consist of a fifty-foot R.O.W. with two (2) drive lanes nine (9) feet each, on-street parking lane eight (8) feet on each side (including one and one-half-foot curbs and gutters on each side), a three-foot snow loading and planting area, and a five-foot sidewalk.</p>			
40	6.6.7 C	<p><b>Pedestrian network.</b></p> <p>1. Pedestrian use will be encouraged by the establishment of clear and direct walking routes throughout the Master Plan area and linking this area to the existing downtown core, recreational amenities, and educational facilities. A greenbelt with a walkway within the landscaped area shall be located between the commercial parking blocks and the residential area. Public sidewalks shall be constructed by the developer and shall be constructed of poured-in-place concrete, masonry paving units, or the equivalent. Sidewalks will be maintained by the property owner.</p> <p>2. Pedestrian amenities shall be located along walkways and at areas of concentrated pedestrian use, and may include benches, gazebos, bollards, kiosks, trash receptacles, path lighting, drinking fountains, public art, bicycle racks, and interpretive displays.</p>		MEETS	
41	6.6.7 D	<p><b>Crossings.</b> To ensure safety and minimize conflicts, pedestrian crossings on collector streets shall be located at traffic stop points, and/or announced by signage, landscape features, and changes in pavement type or</p>	There are no appropriate street crossings.	NA	

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		elevation. Rolled curbs shall be constructed at all crossings.			
42	6.9.2 A	<p><b>Generally.</b></p> <p>1. The off-street parking and loading standards of this Section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district.</p> <p>2. The requirements of this Section shall apply to all temporary parking lots and parking lots that are the principal use on a site.</p>		MEETS	
43	6.9.2 B	<p><b>Expansions and enlargements and changes in use.</b> The off-street parking and loading standards of this Section shall apply when an existing structure or use is expanded or enlarged, or when there is a change in use. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area or the new use, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal one hundred (100) percent of the minimum ratio established in this Section.</p>		NA	
44	6.9.3 A	<p>Unless otherwise expressly stated in this Land Use Code, off-street parking spaces shall be provided in accordance with Table 6.9-1, Off-Street Parking Schedule A.</p> <p>Trade School Requires 1 per 300 sf of enclosed space</p>	This development requires 33 spaces	MEETS	
45	6.10.1	<p>This Section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development and that it contributes added high quality to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this Section to provide flexible requirements that encourage and allow for creativity in landscape design.</p>		UNKNOWN	
46	6.10.2	<p>All landscaping, buffering, and screening provided pursuant to this Land Use Code shall comply with the standards in this Section. A minimum landscaped area is required for development in certain zoning districts, as identified in the tables of dimensional requirements in Article 5.</p>		MEETS	

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47	6.10.3 A	<p><b>General.</b> Developments shall incorporate a variety of landscape elements to enhance the building or site, add privacy or shade, screen obtrusive or objectionable features, and take advantage of special site conditions. Landscape elements may include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Living plant material;</li> <li>2. Decorative pavement;</li> <li>3. Screening walls;</li> <li>4. Planters; or</li> <li>5. Site furniture or similar details to enhance the project.</li> </ol> <p>All unimproved earth areas shall be planted, restored, or otherwise protected from erosion. No more than thirty (30) percent of any landscaping provided to meet the requirements of this Land Use Code shall consist of inorganic materials.</p>		NOT	
48	6.10.3 B	<p><b>Protection of existing vegetation.</b> The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing vegetation and trees whenever possible.</p> <ol style="list-style-type: none"> <li>1. <b>Incentive.</b> The owner shall receive credit against the percentage of landscaped area otherwise required by this Land Use Code for each healthy mature tree over two and one-half (2.5) inches diameter at breast height (DBH) preserved on the site. The credit for preserved trees is determined based on the size of the preserved tree, as shown in Table 6.10-1 below. Credit for preserved trees must not result in any reduction of trees planted in street frontage landscaping unless the preserved trees are located within twenty (20) feet of the front lot line.</li> <li>2. <b>Designation, protection, and replacement.</b> The owner must indicate trees intended to be preserved with a special symbol on the landscaping plan and must protect the designated</li> </ol>		NA	

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		<p>trees during construction through use of a fence around the drip line. If any preserved trees for which credit has been given are lost to damage or disease within two (2) years after the credit is awarded, the owner must replace with the number of trees that would otherwise have been required if credit had not been given.</p>		
49	6.10.3 C	<p><b>Maintenance.</b> Landscaping shall be watered and maintained by the property owner/leaseholder as necessary to preserve the intent of any approved landscape plan. Ongoing maintenance shall include the replacement of dead or unhealthy plants. Violations of this Section shall be subject to penalties pursuant to Section <a href="#">1.6</a> of this Land Use Code.</p>		IN PROCESS
50	6.10.3 D	<p><b>Plant materials.</b> Plant materials shall be adaptable to local conditions. Naturalized planting schemes using native or drought-tolerant plant materials with a mountain character theme are encouraged. Lawn areas shall be kept to a minimum.</p>		NOT
51	6.10.3 E	<p><b>Street trees.</b> Street trees shall be organized in a formal architectural fashion to reinforce, define, and connect the spaces and corridors created by buildings and other features along a street.</p> <p>1. <b>Location.</b> Street trees shall be planted in the area between the curb and sidewalk or a location most appropriate for street tree planting.</p> <p>2. <b>Spacing.</b> Spacing of street trees shall not exceed two (2) times the tree's mature crown diameter.</p> <p>3. <b>Type.</b> Street trees shall consist of a mixture of canopy shade trees.</p> <p>4. <b>Additional landscaping.</b> Additional landscaping within the area between the curb and sidewalk may consist of shrubs, annuals, perennials, ground cover and turf, and shall be planted and maintained by the adjacent property owners at the approval of the appropriate jurisdiction.</p>		NA

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52	6.10.3 F	<p><b>Visibility and security.</b></p> <p>1. Intersections shall be landscaped with plant materials of a shape and size that will not impede visibility of motorists, cyclists, or pedestrians.</p> <p>2. At no time may the security of a building, specifically the entryway and parking area, be compromised by creating visual barriers or hiding places.</p>		NA	
53	6.10.3 G	<p><b>Landscape plan required.</b> A landscape plan shall be submitted for developments as required in the user's manual. Plant materials shall be installed prior to issuance of a Certificate of Occupancy.</p>			
54	6.10.4 B	<p><b>General provisions.</b></p> <p>1. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the more intensive use to ensure that the transition from one use to another is attractive, functional, and minimizes conflicts between the current and planned uses.</p> <p>2. It is the responsibility of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting, and traffic.</p> <p>3. Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case-by-case basis.</p> <p>4. Under no circumstances shall a fence be the only screening material used as a buffer between land uses.</p>	<p>Applicant must demonstrate how the noise created from this use will be mitigate so that it does not disturb the residential properties to the north.</p>	NOT	10
55	6.4.10 C	<p>Loading and service areas.</p> <p>1. Location. Loading docks, solid waste facilities, recycling facilities and other service and utility areas shall be placed to the rear or side of buildings in visually unobtrusive locations.</p>		NA	

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		<p>2. Screening and landscaping. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public rights-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping, and shall be visually impervious. Recesses in the building or depressed access ramps may be used.</p>			
56	6.4.10 D	<p>Mechanical equipment. Mechanical equipment antennas, rooftop appurtenances, and outdoor storage areas should be screened. Rooftop appurtenances, such as mechanical equipment and antennas shall be screened from view.</p>		UNKNOWN	
57	6.4.10 E	<p><b>Dumpsters and trash storage areas.</b> Every development that is required to provide one (1) or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:</p> <ol style="list-style-type: none"> <li>1. Trash storage areas shall be screened from view and secure from animals.</li> <li>2. Adjacent properties shall combine trash areas when feasible.</li> <li>3. Located to facilitate collection and minimize any negative impact on persons occupying the site, neighboring properties, or public rights-of-way; and</li> <li>4. Constructed to allow for collection without damage to the site or the collection vehicle; and</li> <li>5. Screened to prevent them from being visible to:             <ol style="list-style-type: none"> <li>a. Any dwelling unit on residential property, other than the property on which the dumpster is located;</li> <li>b. Occupants, customers, or other invitees to any building on nonresidential property, other than the property on which the dumpster is located; and</li> <li>c. Persons traveling on any public street, sidewalk, or other public way.</li> </ol> </li> </ol>	<p>Applicant must depict the location and screening of a dumpster for this use.</p>	NOT	11

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58	6.11.1	<p>The general purpose of this Section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant night environment</p>	<p>An exterior lighting plan was not provided in the application and shall be submitted with the Final MDR application. The Exterior lighting plan shall demonstrate that all exterior lighting sources (bulb, LED board, reflective surface) will be completely shielded from visibility while standing at the property line.          All exterior lighting will be inspected after installation for compliance determination prior to issuance of CO. All exterior lighting shall ensure the light source (bulb, LED board, reflective surface) is completely shielded from visibility at the property line. Provide an illumination plan demonstrating zero additional footcandles at any point off-site, and exterior lighting specifications that demonstrate that all light sources will be shielded from visibility at a 5-foot height at the property line.</p>	NOT	12
59	6.12.1 A	<p><b>General purpose.</b> The purpose of the Pagosa Springs Sign Code is to regulate noncommercial, commercial and event signage with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and requirements. The Sign Code will identify sign regulations that detail specifics for signs identifying non-commercial and commercial establishments and events, while maintaining public safety and overall community welfare.</p>	<p>No additional signs are proposed at this time. A Sign Permit Application is required if additional signage is proposed in the future, which is reviewed administratively.</p>	NOT	12



February 16, 2026

Owen O'Dell  
Planning Manager  
Town of Pagosa Springs  
551 Hot Springs Blvd.  
PO Box 1859  
Pagosa Springs, CO 81147  
[oodell@pagosasprings.co.gov](mailto:oodell@pagosasprings.co.gov)

**RE: Pagosa Springs Regional Workforce Center – General Development Information**

### Project Summary

#### **Program**

This facility will support hands-on, career-oriented training for high school students and adult learners, with an emphasis on skilled trades like construction technology, healthcare, and so on. The project is a partnership between Build Pagosa, the Archuleta School District, and a coalition of workforce development stakeholders, and is to fill a gap in the community for hands-on career education.

The project anticipates the possibility of up to two phases, with phase 1 being approximately 10,000 sf, and phase 2 at or slightly above the same size. It is unknown when or if phase 2 will be progressed, as it is dependent on grant funding and fundraising.

The site is .99 acres, adjacent to the Pagosa Springs High School and within the boundaries of the High School property and will share access and parking with the school. Utilities are anticipated to be connected to the existing school utilities, and that no new underground utility infrastructure is required.

#### **Schedule**

Due to specific funding sources, being shovel-ready and breaking ground in late summer of 2026 is the goal and specific schedule driver.

Because this is a State education facility project, permitting (building code/life safety) is through the Colorado Division of Fire Prevention and Control (DFPC).



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Katelyn Tunnell

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**PROJECT:** Selection of 2026 Planning Commission meeting days of month and time

**ACTION:** Discussion and Action

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### **PURPOSE/BACKGROUND:**

Land Use and Development Code (LUDC) section 2.5.6.A.2 states "each board and commission shall establish a meeting schedule that meets frequently and regularly. All meetings shall be open to the public..." While the LUDC does not prescribe when the schedule should be set, the Planning Commission may select a time and date/day of month they choose. Consistency is advisable and the current PC meeting schedule is 2nd and 4th Tuesdays of each month, at 5:30 in the Council Chambers, as available to the Commission. Work Sessions have been set for 4:30 on the same evenings, as needed. All Planning Commission meetings are conducted in person at Town Hall and are available via Zoom, as indicated in the agenda headings, and are subject to internet and technology availability. The Town Council has changed the monthly meeting schedule in 2026 for the first and third Tuesday's of the month.

### **RECOMMENDATIONS:**

1. Move to recommend the Planning Commission set their regular meeting schedule for 2026 as the 2nd and 4th Tuesdays of each month, at 5:30 p.m. to be held in Town Hall Council Chambers with optional Zoom participation.

2. Move to recommend the Planning Commission set their regular meeting schedule for 2026 as the [first, last...] [day of the week] at [time] to be held at Town Hall Council Chambers with optional Zoom participation.



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Katelyn Tunnell

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**PROJECT:** Election of Chair and Vice-Chair for 2026

**ACTION:** Discussion and Action

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**PURPOSE/BACKGROUND:**

Land Use Development Code Section 2.5.6.A.1 states, "Annually, at the first regular meeting of the year, each board and commission shall elect, by majority vote, from its membership a Chair and vice-Chair, with each being eligible for reelection, and each serving a one-year term..."

**RECOMMENDATIONS:**

1. Move to elect [PC member name] as the Planning Commission Chair and [PC member name] as the Planning Commission Vice-Chair for 2025.



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Katelyn Tunnell

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**PROJECT:** Planning Commission member terms

**ACTION:** Discussion and Action

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### **PURPOSE/BACKGROUND:**

The purpose of this agenda item is to bring forward, by resolution, a review of current Planning Commission membership terms and provide Town Council the opportunity to take action on any members whose terms have expired, as well as address any vacancies.

Staff has recently completed a review of board and commission appointment records and term expirations in order to ensure membership remains current and properly documented in accordance with the Pagosa Springs Land Use and Development Code (LUDC).

Staff would also like to recognize that David Pribble submitted his resignation from the Planning Commission effective February 16, 2026. The Town appreciates Mr. Pribble's time and service on the Planning Commission.

As established in LUDC Section 2.5.2.B, the Planning Commission consists of five (5) regular members and two (2) alternate members appointed by Town Council for four (4) year terms. The LUDC also outlines eligibility requirements for Planning Commission membership, stating that all members must be either: (a) a Town resident; (b) an owner of a business located within the Town which business or owner also owns real property within the Town, and which owner is a resident of Archuleta County; or (c) the Chair or Co-Chair of the Archuleta County Planning Commission. The Code further limits non-Town residents to no more than two (2) members serving at any one time.

Additionally, pursuant to Sections 2.5.2.B.3, 2.5.3.B.3, and 2.5.4.B.3, Town Council may, by resolution, fill vacancies, designate alternate members, and remove members without cause. The Code also states that the office of any regular member shall be deemed vacant if that member misses three (3) consecutive regular meetings, unless absences are excused by the Chairman. A summary of current member terms and expiration dates is provided in the attached documentation for Council review.

At this time, Brian Reid is currently serving as an alternate member and is eligible for consideration as a regular member, should the Planning Commission choose to make such a recommendation. Any changes to member status or appointments would be brought forward to Town Council by resolution.

A summary of current member terms and expiration dates is provided in the attached documentation

for the Planning Commission's review.

Staff requests that Planning Commission members keep in mind potential candidates who meet the eligibility requirements outlined in the LUDC and may be interested in serving on the Planning Commission as future vacancies arise. Please encourage those to contact Town Planning staff or visit MyPagosa.org for more information.

**ATTACHMENTS:**

1. Planning Commission Term Summary - Feb 2026

**RECOMMENDATION:**

Move to recommend that Town Council appoint Brian Reid as a regular member of the Planning Commission, by resolution, for a four (4) year term.

## Planning Commission Term Summary

The table below provides a summary of current Planning Commission member appointments as approved by Town Council resolution, including the resolution number and each member's term start and expiration date.

Member	Appointment Type	Resolution No.	Term Start	Term Expiration	Status
Mark Weiler	Regular Member	2021-19	November 19, 2021	November 19, 2025	Expired
Julie Gurule	Regular Member	2022-08	July 5, 2022	July 5, 2026	Active
Brian Reid	Alternate Member (eligible to request Regular Member appointment)	2025-09	April 15, 2025	April 15, 2029	Active
Chris Pitcher	Regular Member	2023-09	May 18, 2023	May 18, 2027	Active
Chad Hodges	Regular Member	2024-03	January 17, 2024	January 17, 2028	Active



## AGENDA BRIEF

**MEETING:** Planning Commission - 2/24/2026

**FROM:** Katelyn Tunnell

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**PROJECT:** Development Department Report - February 2026

**ACTION:** Information Only

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**PURPOSE/BACKGROUND:**

Development Department staff report-February 2026

**ATTACHMENTS:**

1. Development Department Reports February 2026



## DEVELOPMENT DEPARTMENT MONTHLY REPORT

FEBRUARY 2026

JAMES DICKHOFF, DEVELOPMENT DEPARTMENT DIRECTOR  
PLANNING DIVISION / BUILDING DIVISION / PROJECTS DIVISION / HOUSING DIVISION

### **Main Street Reconstruction Project**

The CDOT contractor is now focusing on connecting stormwater culverts along the south side of main street with a small utility crew. The contractor expects to fully mobilize crews in early March to start their fully staffed summer construction season.

The contractor will be working along the west side of South 2<sup>nd</sup> Street between Hermosa and the Hwy to extend a larger and deeper stormwater culvert in the coming weeks.

### **FEMA and Colorado Water Conservation Board (CWCB) Phase Two – Floodplain Mapping Updates**

The Colorado Water Conservation Board (CWCB) is still progressing with phase two of a flood hazard remapping process for waterways within Town boundaries. The full phase two mapping process is expected to be completed mid-2026. The remapping project will likely result in changes to the current flood hazard maps along the San Juan River and McCabe Creek. Project completion is contingent on federal funding being available through project completion.

### **Colorado Wildfire Resiliency Code (CWRC)**

Currently working with Building and Planning division staff to ensure the Town will comply with the April 1, 2026 State deadline for adopting the CWRC.

### **Flood Recovery Efforts**

The Development Director continues to work with the Projects Manager in seeking funding opportunities, working with consultants for pricing & designs and prioritizing river corridor restoration projects based on importance and available funding.

### **New Online Town Zoning Map**

A new Town Zoning map onto our ESRI ARG GIS Online Mapping program which can be accessed at this link: [Zoning Map-Pagosa Springs](#)

Some of the improvements include:

- Links to the zoning district allowable uses and Town website permitting pages .
- Street and Road names clearly visible when zoomed in.
- FEMA Flood Hazard layer can be turned on under layer icon.

**PLANNING DIVISION, BUILDING DIVISION, PROJECTS DIVISION AND HOUSING DIVISION REPORTS FOLLOW**



## PLANNING DIVISION MONTHLY REPORT

FEBRUARY 2026

KATELYN TUNNELL / OWEN O'DELL

### PLANNING DIVISION AND PLANNING COMMISSION:

**The International Dark Sky** Initiative was approved by Town Council and the advisory committee will begin meeting in the near future.

**The Planning Commission** held its most recent regular meeting on October 28, 2025. During that meeting, the Commission reviewed the Major Subdivision Sketch Application for the proposed Pagosa West development. After hearing staff's presentation and input from the applicant and the public, the Commission approved the sketch plan and identified several items for the applicant to address in future submittals. Since that meeting, the applicant has formally rescinded the Sketch Major Subdivision application but has indicated their intention to resubmit at a later date. Staff have also advertised the current vacancies on the Planning Commission for both regular and alternate seats; however, no applications have been received to date.

**The Planning Division staff** issued 10 Outdoor Commercial Establishment (OCE) permits in 2025. In addition, 24 sign permits were approved in 2025, including five temporary sign permits and 19 permanent sign permits. Staff have already begun receiving inquiries from businesses regarding both permit types for the 2026 season.

**Town Development Staff** are actively preparing for the adoption of the Colorado Wildfire Resiliency Code (CWRC). The adoption process is scheduled to begin April 1, 2026, with full implementation planned for July 1, 2026. As part of this effort, staff have been meeting one-on-one with technical assistance providers to help ensure a smooth and well-supported transition to the new standards. Staff is also developing public-facing handouts and educational materials to prepare the community for the upcoming code adoption.

**Town Planning Staff** are working to revive the Historic Preservation Board in the coming months in coordination with the Main Street Cultural and Preservation Committee. Staff is currently advertising for board members, with applications to be reviewed in the coming weeks and appointments anticipated in the first quarter of 2026. In addition, staff attended a Southwest Certified Local Government (CLG) Regional Forum, which provided valuable and thought-provoking discussion. Reestablishing the Historic Preservation Board will help ensure the Town remains in compliance with CLG requirements.

**Town Planning Staff** conducted multiple pre-application meetings over the past month and is anticipating an active and productive first quarter of 2026.

### CURRENT DEVELOPMENT PROPOSAL UPDATES:

**Pagosa West Sketch Major Subdivision Application:** The vacant land is comprised of 3 total parcels via the Pagosa Lakes Plaza Minor Impact Subdivision. The applicant is proposing commercial development and residential housing. The application was originally considered at the Planning Commission meeting on March 25, 2025. The application has since been redesigned and was be reheard on the October 28, 2025, meeting. Following the October meeting the applicant withdrew their application and resubmitted it in November of 2025. Staff received an incomplete Sketch Major Subdivision application for the 100-acre vacant land located on the SE corner of S. Pagosa Blvd and Hwy 160. After staff determined the application to be incomplete, an official Application Incomplete Letter was provided to the applicant to better guide them forward, highlighting the required documents that are missing.

**209 Harman Park Drive, Pagosa Bible Church:** Staff received a complete Final Major Design Review application for an addition to the existing Pagosa Bible Church at 209 Harman Park Drive. The proposed multi-story addition will include a 5,800 SF main level and a 4,200 SF upper level, to be constructed adjacent to the southern boundary of the current building. This application was approved by the Design Review Board at their September 9, 2025, meeting.

**140 Hot Springs Blvd., The Healing Waters Spa Resort and Spa:** The applicant submitted a Sketch Major Design Review application for the phased redevelopment of the entire property. The Design Review Board approved the sketch concept plan on July 23, 2024. Subsequently, the applicant requested and was granted a one-year extension at the June 24, 2025, Planning Commission meeting.

**232 Pagosa Street, Eagle Mountain Mixed Use Project:** The applicant has submitted a request for extension of their Final Design Review approval by July 2026 due to the potential conflict with the Main Street reconstruction project. The Planning Commission approved the requested extension on December 10, 2024. There are no changes to the previously approved development proposed.

**2911 Cornerstone Drive, Circle K Stores:** Town staff have not heard back from the design and construction team in 9 months and are currently uncertain if this project is moving forward.

**600 W. Highway 160, Pagosa Views PUD:** The applicant is now expected to move forward with their subdivision application process in the 1st Q of 2026, for consideration by the Planning Commission and subsequently by the Town Council. The recorded PUD agreement for the 80 acres just west of the Elementary School includes a mix of up to 675 housing units, to include 78 deed-restricted workforce units, along with 144 lodging units and recreational and commercial level amenities. Subsequent applications would include Major Design Review for each phase.



# BUILDING DIVISION MONTHLY REPORT

FEBRUARY 2026

From: Tim Hatch, Building Official

## Building Division Permitting and Activity

The Building Department has prepared to present the adoption of the Colorado Wildfire Code as well as the State of Colorado energy code.

Our deadline for adopting the CWRC is April 1, 2026, with full implementation required by July 1, 2026. State law also requires local jurisdictions to adopt and enforce the 2021 or 2024 International Energy Conservation Code (IECC) and the Colorado Model Electric Ready and Solar Ready Code upon updating any other building code as required by HB 2022-1362.

It is important to note that failure to meet the deadline will mandate the adoption of the Colorado Model Green Code. The Model Green Code would eliminate all fossil fuel use in new construction, requiring all new homes to rely on electricity (generated by either solar power or LPEA electricity) for heating.

We plan to present the adoption of the States CWRC and energy code by the second week of February. In conjunction with presenting the state's wildfire resiliency codes we will also present the Colorado Electric and Solar Ready Code and 2024 IECC code for adoption.

We will also be updating our existing building codes to the 2024 ICC codes. We had originally hoped to update our building codes to the 2024 ICC codes in conjunction with adopting the CWRC and energy codes, but we think it may be beneficial to stagger the adoption of the codes by three months. While educating ourselves with the CWRC code and the adoption of the code, we have not had time to familiarize ourselves with the new ICC codes. We propose adopting the ICC codes by July 1, 2026, and fully implementing them January 1, 2027. I feel we need extra time to inform and educate the community about the changes to the code. To facilitate this process, we are forming a code adoption committee. This committee will include representatives from the Development Departments, the Pagosa Springs Fire Department, and local development professionals. These community members will provide valuable input, expertise, and assistance with amending all the codes.

The Development Department as well as the International Code Council believe that code amendments and adoptions should be a community decision, made in concert with the other governing jurisdictions in the area. Community involvement is essential as it helps contractors and builders accept and comply with the adopted codes. These local experts possess crucial historical knowledge and can identify construction challenges in the area, helping to alleviate some of the burden on the development departments. Ultimately, the Town Council and Board of County Commissioners (BOCC) will make the final decision on which codes and amendments are adopted.

**Building Department Activity**

		Oct	Nov	Dec	Year to Date
Building - Plan Review/Permits		5	4	4	60
Building – Inspections		26	10	11	217
Building Permits - Commercial		3	2	1	33
Building Permits - Residential		2	2	3	31
Business License inspection		7	1		
Vacation Rental Inspection		5	5		

**Building Permits by Type**

Type of permit	Current Month	Year to Date	Same period by year		
			2024	2023	2022
	Dec	2025			
Commercial New and Additions	0	9	8	11	11
Commercial Other (Demo/Mech/Solar)	0	11	5	12	20
Commercial Repair/Remodel	1	12	6	17	17
Residential Addition/Deck	0	6	18	7	5
Residential New home/garage/deck	3	12	10	11	21
Residential Other (Demo/Mech/Solar)	0	9	17	16	21
Residential Repair/Remodel	0	5	7	7	6
<b>Total Building Permits</b>	<b>4</b>	<b>64</b>	<b>72</b>	<b>79</b>	<b>101</b>
<b>Total Project Valuations</b>		<b>*11,988,828</b>	<b>22,731,900</b>	<b>55,459,731</b> Springs Resort	<b>13,822,049</b>

\*\$3,500,000 of the valuation is the library project

**Notable New Commercial Building Permits Issued During November and December**

- Nothing to report

**Commercial/Multifamily Active Building Permits**

- Timberline Apartments, 135 Legacy\_ (Contractor-Watermark Commercial Contractors), 135 Legacy, 50 dwellings. Building A is nearing completion and they should be looking for final inspection any day. Building B is not far behind. TCO for Bldg. A has been issued.
- Growing Spaces Storage Building, 1868B Majestic Dr (Contractor-Owner) 1,000 sf material storage building. Framed out and dried in.

- 802 Rosita St., (Contractor-Custom Comforts) The structure has received and passed final inspection. A TCO will be issued until the site issues can be addressed. Site work on the retaining walls has not begun. Project was permitted as a Residential (IRC) remodel; however, the correct occupancy is commercial R-2, proposed use is *congregate living*, not single family residential. Revised stamped plans and change of use with a code analysis were submitted.
- Springs Resort Temp Retail, Prefabricated Sheds, 331 Hot Springs Blvd. Two of three temporary units planned have been issued with TCO. TCO will be good through March of 2027. An unpermitted covered deck was added but the issue has been resolved.
- Tesla Charging Station, 100 Country Center Dr. (NextGen Electric) Installation of 8 new charging stations in the Country Center Plaza shopping center. Asphalt demo and removal have begun. They are going to put the project on hold until next spring.
- Nylund Dental, 2363 Eagle Dr. (Contractor-Owner, R&A) 2363 Eagle Dr. Change of use and remodel of 1,770 sf. building. Hanging drywall.
- Coffee Roasting Kitchen, 2362 Eagle Dr. (Contractor-Owner) Certificate of Occupancy issued. Converted the Quonset building into a coffee roasting kitchen.
- Ruby Sission Library/Upper San Juan Library, 811 San Juan St. (Contractor FCI Construction) Foundation work is completed. Framing of the exterior walls completed. Mechanical work ongoing.
- Pagosa Peak Family Dentistry, 2737 Cornerstone Dr. (Contractor-Trinity Construction) Mechanical work ongoing. Framing inspection passed. Insulated and the drywall is completed.
- Walmart remodel, NO CHANGE (Contractor-Tristate General Contracting) 2011 Aspen Village Dr. Permit has been issued.
- Casa at Two Doves, 320 Hot Springs Blvd. (Contractor -Owner) Phase 2 which includes 5 new structures at 448 sf. each for a total of 2,240 sf. Not much has changed. We have issued a Foundation only permit. Property owner is reluctant to provide required plan submittals. We are waiting on structural drawings for the structure and a plan for returning the geo-thermal water back to the river. There are other planning and design issues as well.
- Quality Inn, NO CHANGE , 174 Hot Springs Blvd. (Contractor-Whispering Pines) We have met with the owner to discuss progress. The fastening of the drywall to the ceilings in the existing building has been completed. The addition project in the south building is nearly complete. Working towards getting their final electrical inspection. They will have a little drywall work in a mechanical room and an HVAC unit to trim out and make operational. The owner was informed of potential fees to extend permit.
- Colorado Garden Company, NO CHANGE, 23 Pike Dr. (Contractor-Owners) No change. Many building violations have been corrected or removed. The violations were mostly unpermitted work. Some conditions were high hazard. 750 sf. Deck demo to start soon. TCO was issued. Deck will be closed until it is reconstructed.
- Parish Hall NO CHANGE, (Contractor-Dutton Creek), 451 Lewis Street



## PROJECT DIVISION MONTHLY REPORT

FEBRUARY 2026

### October 2025 Flooding Update

Multiple funding sources are being pursued to help with the repairs and debris removal that are underway from the October 2025 flooding. The Projects Division presented this information and updates at the January 7<sup>th</sup>, 2026 Town Council meeting. Below are the current funding sources we are looking into:

- *FEMA*: Initial request denied.
- *USGS-National Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) funding*: The request for \$3.7 million was approved by NRCS at the beginning of December. The Town's portion of the match for the projects that were included in this funding request will be up to \$293,777.25. The EWP funding is providing funding for the following projects:
  - *San Juan Historic Museum embankment stabilization*
  - *Centennial Park Bridge abutment stabilization*
  - *6<sup>th</sup> Street embankment stabilization*
  - *Overlook riverbank & river structures*
  - *Brad Seidel/Day property pond (Pagosa Gateway Project)*
  - *Thames property (Pagosa Gateway Project)*
  - *Fireside property (Pagosa Gateway Project)*
  - *Dredging River Center Ponds and Wetland Ponds*
  - *Log jams behind Town Hall, Apache Street Bridge, upstream of 1<sup>st</sup> Street Hwy 160 bridge*
- *CO Department of Public Safety, Division of Homeland Security and Emergency Management (DHSEM) Disaster Emergency Fund (DEF)*: The Colorado DHSEM has approved to fund a 12.5% match for all projects that were approved for funding by the NRCS EWP funding. The DHSEM DEF program will provide up to a \$463,504.75 match for these projects.
- *CPW Fishing is Fun Grant*: This grant application was submitted January 9, 2026 requesting \$103,791.00 for dredging the ponds behind the River Center, replacing the diversion gate, repairing the ditch, and repairing the outfall back to the river.
- *CWCB WSRF Grant*: Staff was approved by the SW Roundtable on Jan. 22<sup>nd</sup> for the request of \$100,000.00 to help towards the match for the 6<sup>th</sup> Street embankment stabilization and the sediment removal at the Donut Hole river feature on the San Juan River.
- *History CO*: History CO was a great ally in the Town's flooding response, providing an emergency grant for \$15,000 to help with the San Juan Historic Museum embankment emergency stabilization. These funds will be combined with EWP and DHSEM funding to complete phase one of this project. This will secure the corner of the museum that is currently threatened and provide initial armoring along the embankment to protect against high waters.

- *Southwest Community Foundation:* A quick response was provided by SW Community Foundation, providing a \$21,000 donation that facilitated the Southwest Conservation Core to help Parks Staff with debris and park clean-up. Two crews came to town the week of Nov. 3<sup>rd</sup> and focused on clean-up at Cotton's Hole and the west side of the river above Apache St. bridge. SW Community Fund also approved a campaign to provide up to a \$15,000 match for donations received towards the flood relief program. This campaign closed at the end of 2025 and raised \$21,300 to help with the Parks Department flood clean-up.

### **Middle School Sidewalk Improvement**

The Middle School Sidewalk replacement is complete. WW Clyde finished this section in November as part of the Main Street Reconstruction Project. The bus stop has been installed, new trees have been planted in the tree boxes, the new light posts are installed, the new trash receptacles and the bike repair station have been installed. Staff is working on closing out the Revitalizing Main Street (RMS) grant with CDOT. This grant allocated \$250,000, requiring a 10% contribution from the applicant.

### **400 Block Sidewalk Reconstruction**

Engineers recently had to make adjustments to the plans for this project due to elevation discrepancies. WW Clyde will reconvene full construction operations in early March 2026. Tree planting in the new tree boxes will occur in late Spring 2026.

### **1st Street Pedestrian Bridge**

The Field Investigation Review (FIR) will be scheduled with CDOT after April 2026 to review the 30% plans from Davis Engineering for the bridge abutments and river trail connection. Staff is working with CDOT on their hydraulic mapping requirements that will come from CWCB/FEMA after their remapping due in April 2026.

After the recent flooding, staff is working to expedite the installation of the Pedestrian Bridge to accommodate for the installation of the sanitary sewer pipe that will be moved over from the vehicular bridge after it is installed. After all issues are addressed in the plans and finalized, we will be submitting a 25% down payment to BCS Fabrication to initiate the Pratt Truss style bridge fabrication. This expenditure is anticipated to occur in 2026.

### **Pagosa Gateway River Project**

Construction for the project has been completed with contractor Flywater, in partnership with the Town and the Upper San Juan Watershed Enhancement Partnership (WEP), for the two-mile stretch of the San Juan River. Additional funding through the NRCS - Emergency Watershed Protection (EWP) and The CO Office of Emergency Management helped complete the revisions of the project that were reevaluated after the October 2025 flooding. There will be additional vegetation work that will be completed in the Spring of 2026.

The Pagosa Gateway Project, aimed at enhancing the river ecosystem and improving water quality, started at the beginning of September, under the oversight of (WEP). FlyWater, has obtained permitting, a riparian health assessment, river surveys, endangered species surveys, cultural resource survey, identified and pre-ordered a portion of the required containerized plantings, organized meetings with all property owners along the project reach, and concluded three public comment periods.

This project's design was based on the inclusion of improvements received during three public comment and engagement opportunities. In an effort to include all improvements without reducing the scope of the project due to the limited budget, staff applied for and was awarded an additional \$292,222.00 from

the Colorado Water Conservation Board, utilizing existing grant awards for required matching funds to cover the expected additional estimated cost. The project has already utilized the Town's obligated \$54,000 match for this project.

As part of the requirements for the Colorado Water Plan (CWCB) Grant, WEP, in partnership with the Town, has selected a bid for Barr Engineering to design and implement an environmental monitoring plan for a five-year period. This portion of the project will commence before the beginning of the construction slated to start in September 2025. Barr Engineering's proposal for the monitoring was \$87,800 and will be covered by the Colorado Water Plan (CWCB) Grant. Fish monitoring will also take place every other year by Colorado Parks and Wildlife as part of the monitoring requirements.

### **1<sup>st</sup> Street Lift Station**

Projects Staff is working closely with Sanitation and Roaring Fork Engineering to apply for loan and grant funding through the Department of Public Health & Environment for the 1<sup>st</sup> Street Lift Station design-build. CDPHE has approved a \$10,000 planning grant and will be applying for a \$300,000 Design & Engineering Principal Forgiveness Loan as well. The loan will cover the construction of the lift station.

### **River Park Project**

The Town awarded the RFP for phase one of the River Park project to Southwest River Engineering in August 2025. The 30% Design Plan Meeting was held December 11th at the Community Center and had a great attendance by the local river community. The initial boat ramp and final conceptual design for the park were discussed and many comments and questions were made. It was decided that the initial boat ramp would be in place by the Spring 2026 runoff and the next 60% design meeting would be held after the river season in early Summer.

The primary purpose of the first phase of the project is to develop a multi-phase conceptual design for the park and phase one portion of the construction. Phase one will include removing existing structures, cleaning the site, design improvements, constructing boat access, minor parking improvements, and potential landscaping. This phase is anticipated to start before spring 2026 runoff. Phase two is anticipated to include the construction of restrooms, changing rooms, shade structures, and paved parking. Phase three is anticipated to include construction of the riverwalk trailhead with additional educational signage and riverwalk connectivity to the existing ADA-compliant paved trails upstream and downstream, a handicap accessible fishing pier, and final landscaping treatments. Initial funding for the 4.315 acres land purchase and phase one of the project was provided by the Land & Water Conservation Fund (LWCF), GOCO, the Town, and Archuleta County.

### **Yamaguchi South River Improvements Project**

The Yamaguchi South River Improvement Project aims to enhance stream and river access for recreational and ecological purposes. It will also improve the water irrigation system for Yamaguchi Park, including a new in-stream rock diversion structure with headgate and an open water delivery ditch to an adjacent wetland pond that will be used for irrigation water storage and wetland pond habitat. The Town has secured funding for this project through grants from the Colorado Water Conservation Board (CWCB), Southwest Water Conservation District, Archuleta County, and Town matching funds.

Surveys, biological assessments, 100% designs plans, and final project budget estimates have been completed to date. Two public meetings have taken place and comments received have been used to inform the final design. The project has been re-scheduled to begin in Summer/Fall 2026.

### **Town-to-Lakes: 10<sup>th</sup> St to Great West Ave**

The Town was awarded Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds for the design and construction of the Town to Pagosa Lakes Trail segment, spanning from 10th St to Great West Ave. These funds were granted as part of the last available funding through the CMAQ program in late 2019, as the CMAQ program no longer exists. The Town was awarded \$662,320 in funding with a local match obligation of \$137,680. This project involves the design and construction of a twelve-foot-wide concrete non-motorized shared-use path between 10th Street and Great West Ave.

The Town has also applied for a Colorado Parks and Wildlife Non-Motorized Trails Grant that could award up to \$250,000 with a 25% match for construction of the trail. This could help fill in the gap of construction expenses and expedite starting the project while Pagosa Views coordinates their plans to develop their property. The award notice for this grant will be in March 2026.

Pagosa Views bears the responsibility of completing the construction for this section of trail currently, but revisions to their contract would be made to have them responsible for a fee in lieu if timely coordination with the project is not made.

Site surveys are completed, and trail design and engineering is currently on schedule to be at 100% in 2026. A Field Inspection Review (FIR) meeting has occurred with CDOT to review the 30% design plans and seek direction from CDOT for plan revisions. Staff and our consultant will use CDOT's feedback to inform the subsequent design considerations. Construction may commence during the 2026 construction season. This project is funded with federal funding, thus progress will be determined on the continued availability of the awarded federal funds.

### **San Juan Historic Museum**

The Town recently was notified that it was not awarded for their application for the History Colorado Grant in October 2025 to potentially be awarded up to \$250,000 with a 25% match. The proposed work would've replaced the roof on the historic Water Treatment Plant and completed structural reinforcement of the rafters and metal beams inside the building. It would've included completing the stonework on the existing retaining wall on the south side of the Rumbaugh Stone Arch Bridge and creating a wing wall on the north side of the bridge as well. Staff plans on reapplying for this grant in April 2026 and will incorporate feedback given in the debrief from History CO staff.

### **Regional Workforce Center**

The Town of Pagosa Springs has been awarded \$600,000 in Community Development Block Grant funds through the Department of Local Affairs to support the construction of a Regional Workforce and Technical Training Center being managed by Build Pagosa. This new facility will be located on property owned by the Archuleta School District and will serve as a resource for the school district and regional partners. It will be equipped to provide technical training in a variety of trades, contributing to the development of the future workforce. The design phase of the project is underway, with construction to start later that year. Build Pagosa has selected firm OZ Architecture for the RFP for design & engineering.

### **Skyrocket Trailhead**

The grant award results for the Conservation Service Corps Grant, which would provide the labor from the CO Youth Corps Association in partnership with GOCO were announced in December and despite high scores, the Town was not awarded for this round. The application proposed that the Town owned parcel at 229 US HWY 84 #A (Goodman's property) be transformed into a park and the Skyrocket Trailhead. The Park would include a Trailhead marking connection trail that accesses the Reservoir Hill

trail system. A way-finding kiosk, interpretive signage, ADA-accessible picnic areas, fencing, and parking lot improvements would be the starting point for the first access to Reservoir Hill from the US HWY 84 corridor. The grant application also included 8-acres of fire mitigation on the north-east side of Reservoir Hill as part of the project. Parks Staff is continuing plans to put in a basic trailhead with parking at the Goodman property that will be worked on in the Spring/Summer 2026.



## HOUSING DIVISION MONTHLY REPORT

February 2026  
FROM: JEFF SAMS, HOUSING COORDINATOR

### **Housing Action Plan (HAP)**

The Housing Needs Assessment was completed and adopted by both the Town and County. It showed a need for 362 Units to catch up with current demand and a total of 1316 units needed by 2035. The Housing Action Plan, in compliance with SB24-174. The county was approved for a grant to hire a consultant to complete the Housing Action Plan. That contract has been signed by the County, and we have started with biweekly meetings with consultant team and housing committee (James Dickhoff and Emily Lashbrooke). Invitations for the Work Group were sent out to those in housing that we hope to participate. Responses were good and we expect a good turn out. We have scheduled the first Open House for the community for January 21<sup>st</sup> and the first Workgroup meeting will be on the 22<sup>nd</sup>. One of the consultants will also be in town for the meetings.

### **Workforce Housing Guidelines**

The Workforce Housing Guidelines drafted by Jennifer Kermode of Kermode Consulting, LLC continue to progress. We completed our stakeholder work sessions on March 17<sup>th</sup> and 19<sup>th</sup>. Key stakeholders attended those with representation from the Town and County. There was great progress made towards identifying key goals around workforce housing to guide the completion of this document. The purpose of the Guidelines is to provide direction for deed restricting units based on the totality of public incentives provided to individual housing projects, ensuring long term affordability of workforce housing units. The Guidelines will be referenced by Town and County officials, Other Government Agencies (including state agencies and those working on Prop 123), Developers, those looking for housing, etc. The consultant has completed the final draft, and it has been sent to the Town Council and the Board of County Commissioners for review. Planning to bring to both for Adoption as soon as possible.

### **Projects Underway**

- Timberline Apartment LITCH project located at 135 Legacy Drive next to Walmart with 50 units. Following the completion of this project, the developer is planning on submitting a LIHTC application for a second project of 50 units as well. The projected rental range is broad, which helps us hit multiple income ratios in the lower income brackets, with units serving 30%-80% of AMI (averaging below 60% of AMI). They have started pre-leasing, and initial feedback has been very good on the apartments and looks of the building. The contractor is still finishing up punch list items, but they are expected to have a Temporary Certificate of Occupancy by the end of January.
- **Phase 1 CDC Chris Mountain Work Force Ownership Housing.**  
The first two houses closed on February 20<sup>th</sup>. We have sold an additional 2-bedroom home in May, and one 3-bedroom home was also sold in May. The last 3-bedroom home closed on July 24<sup>th</sup>, and another 2-bedroom home is under contract and on track to close October 9th. House #7,8 and 9 have sold. Homes are now listed in the MLS to get more exposure and reach more potential buyers. There is still one home left, the interested buyer was not quite ready to purchase so she will work towards phase 2. Notifications and marketing is going out in January to promote this last house. Phase 2 is underway, foundations are in and framing has started.

## Potential Developments

- Pagosa Views is still working towards submitting subdivision applications to get their project approved. No new updates to report.
- Town's Enclave property with a development agreement with Servitas has been working on a model for this property. I have connected them with a Modular Construction Company, [Vederra](#). They have been working on pricing for the project and reviewing financial options to build. Servitas presented it to the Town Council on May 20<sup>th</sup> to review the proposed build and financial structure. Town Council planned to review and gather questions to be presented to Servitas. Servitas continues to work on finding a financial model that works. Recently, Servitas has re-engaged to review other Grant options and review other financial models that could fit that do not require a financial commitment from the town. Engaged the town's financial advisor as well to help with the financial model.
- Colorado Outdoors, LLC is moving forward with their proposed middle income (60- 140% of AMI) apartment rental project east of the Pagosa Springs Medical Center. The developer is revising their subdivision sketch application for future Planning Commission review. The Commission voted for a continuance on their first submittal, allowing the Developer to make some changes. The second presentation still has not been scheduled, it was expected in September, but nothing has been submitted. The Town received a \$2 million DOLA More Housing Now grant that will be used towards the costs of the public infrastructure needed to serve the housing project. Co Outdoors did receive Sketch Approval from the Planning Commission on October 27<sup>th</sup>. After that, they withdrew their application but have already resubmitted it with a complete application. They still need to go before the planning commission again for Sketch Plan Approval which should be scheduled soon.
- Looking at other construction options for Single Family homes in Chris Mountain for future Phases. Meetings with Vederra Modular to review options and pricing to see how that would fit for a housing project. Working towards some final pricing to give a full review of the project and compare it to traditional construction. Other alternative building methods are continuing to be reviewed to reduce construction costs and increase eligibility for Grants and other funding options.
- Met with a new developer that owns property in Archuleta County, and they would like to build approximately 70 units. They have some preliminary drawings of a 10-building apartment complex with a mix of unit sizes. They are still in the initial design phase but working towards a final plan and identifying what grants to pursue. I have continued to meet with them to review options. The HDG grant they were reviewing did not bring enough funding for the project, so we are looking for other options to create the capital to complete the project. They are focused on Private funding at the moment, and they would still like to break ground next year. I received an update prior to Thanksgiving stating they were still working on financing which makes it unclear if they can break ground next year.

## Other Work in Progress

Continued attendance at meetings with Region 9, DOLA and other Prop 123 groups to stay abreast of current programs, funding opportunities and successful housing project examples It helps to keep up with

changes and what is going on in the industry. There are frequent meetings and presentations to review grant opportunities and requirements for current state initiatives that involve housing.

Continued attending C.A.S.T. (Colorado Area Ski Towns) Housing Task Force Meetings. This group has had a big focus on Workforce Housing. They have been working on housing initiatives such as the Empty House Tax, STR Fees, Use of Sales tax, etc. to address Affordable Housing. They have a few bills being written now, one is the Vacancy tax. They hope to have some traction getting that one through, but it is a bit of an uphill battle.

Continue to review alternative construction methods, mostly focused on modular construction. This includes some regional builders and local General Contractors. Another company with a similar product out of Delta has also reached out. We have also had additional inquiries from other “innovative” Construction companies. A modular builder out of Oklahoma has discussed options to provide affordable housing. They have a local general contractor that they work with. There is also a local general contractor that has approached us to use SIP Panels for construction. They work with an out-of-state supplier to ship them here.

Reviewing Childcare needs in our community to potentially incorporate into future developments. There is a push from the state to incorporate childcare into new developments, and it increases your “scoring” when evaluated from grants. Discussed need with Laura Mijares at the Early Childhood Council of Archuleta County. She asked me to present to their board, and I attended and asked for their assistance to help identify an owner for a new facility as well as helping to address how we staff that new facility. We also discussed the need for ongoing funding.

Working on completing requirements to have the town certified as an ADU Supportive Jurisdiction with the state. All information on codes, waivers and other requirements has been reviewed and discussed with representatives at the state to confirm compliance. The goal is to be eligible for additional funding and add additional rental units that would fit our workforce. The application has been submitted and initial review by the state has been good, so I can now complete final report to have the Certification. There are a couple of recommended code changes to review and implement if approved. Once completed, I can start the process for the county. This will be further reviewed as there will be some code changes required regarding the size of ADUs.

Continue to attend the HOUSED meetings that focus on Homelessness initiatives. This organization was initiated by the state to address homelessness across the state as a regional approach. We are part of the Southwest which includes Durango, Ignacio, Bayfield, Cortez and Silverton. The goal of the organization is to review programs and identify the needs of the homeless populations in the region. The contacts for each municipality will also be participating in the PIT Count (Point in Time Count of those that are homeless) in January. I completed this last January and have plans to do the same this coming January. I have been attending this meeting with Kristen Bair with Rise and we have also added the following to participate in these meetings: Annissa Griego with Archuleta County Housing Authority, Carol Riley with the Archuleta County Housing Corporation and Caitlin Carlisle with the Department of Human Services. The Point in Time Count is scheduled for January 27<sup>th</sup>. I will be enlisting some help with this count which requires a survey to be completed by each unhoused person we can find on that day.

One of the Prop 123 initiatives is to establish a Fast Track program for Permit Applications specifically for Affordable Housing. In review of the criteria, both the Town and County have a turnaround time that is less than 30 days, which meets the requirements. The state also initiated a “bonus” program of \$50,000 to all municipalities that meet the requirements by December 31, 2025. The Town and County have both respectively approved Resolutions supporting a Fast Track process, and were both awarded the \$50,000 award in December! Meetings will be set up in January to coordinate the reception of those funds and identify projects that could use the funding.



## **Colorado Wildfire Resiliency Code**

Development Services Staff Briefing  
February 24, 2026

### Introduction

This item comes before the Planning Commission to provide information about the Colorado Wildfire Resiliency Code (CWRC) mandated by the State of Colorado. The State of Colorado, pursuant to Senate Bill 23-166, requires adopting governing bodies with jurisdiction in wildland-urban interface areas, as depicted on the 2025 Colorado Wildfire Resiliency Code Map, to adopt wildfire resiliency codes meeting state minimum standards. The CWRC is the binding document for the Town of Pagosa Springs, which will be adopted by reference no later than April 1, 2026. The Town of Pagosa Springs must implement the code no later than July 1, 2026. This code comes with requirements for both the Building and Planning Division within the Town. Town staff has been working with Headwaters Economics, a consultant provided by the state, to assist with interpretation and adoption of the code. Staff has attended numerous webinars, workshops, and peer reviews to become proficient in the CWRC.

### Planning Division

The Planning Division will be responsible for the implementation of the CWRC as it pertains to site development outside of the construction of a structure. Staff process and responsibility can be found in the attached Colorado Wildfire Resiliency Code Planning Division Policy. The structure of this policy was formed by Staff's interpretation of the CWRC, Chapter 5. The Planning Division's focus will be on defensible space review, landscaping materials, exterior structure placement (fencing, decks, etc.) and variances from the CWRC.

### Building Division

The Building Division will be responsible for implementing the CWRC as it relates to administration, enforcement, permitting, structure hardening, and inspection. Staff processes and responsibilities are outlined in the attached Colorado Wildfire Resiliency Code Building Division Policy. This policy was developed based on staff's interpretation of CWRC Chapters 1 and 4. The Building Division's Colorado Wildfire Resiliency Code primary focus will be on building permit application review, plan

review to ensure compliance with approved building materials, and ensuring that required inspections are completed.

Summary

The CWRC, established through Senate Bill 23-166, is intended to protect structures and properties within the Wildland-Urban Interface. Its implications have the potential to be burdensome to builders, developers, homeowners, and the community at large. It is staff's intention to facilitate a smooth transition as the Town of Pagosa Springs navigates this mandate.

Attachments:

- 2025 Colorado Wildfire Resiliency Code
- Senate Bill 23-166
- Town of Pagosa Springs Planning Division Policy



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Code Board

**2025**

# Colorado Wildfire Resiliency Code

01 June 2025



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**CWRC Version 1.0**

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# Attributions

## 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.



**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.



**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.

**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



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/m<sup>2</sup> 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/m<sup>2</sup> 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.



## 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.



## 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.*



**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



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.



**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.



**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.



**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



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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# An Act

SENATE BILL 23-166

BY SENATOR(S) Cutter and Exum, Buckner, Coleman, Fields, Gonzales, Hansen, Jaquez Lewis, Marchman, Moreno, Priola, Sullivan, Winter F., Fenberg;

also REPRESENTATIVE(S) Froelich and Velasco, Amabile, Bacon, Bird, Boesenecker, Brown, Dickson, English, Epps, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lindsay, McCormick, Michaelson Jenet, Ricks, Sirota, Snyder, Story, Titone, Valdez, Willford, Woodrow, McCluskie.

CONCERNING THE ESTABLISHMENT OF A WILDFIRE RESILIENCY CODE BOARD, AND, IN CONNECTION THEREWITH, REQUIRING THE WILDFIRE RESILIENCY CODE BOARD TO ADOPT MODEL CODES, REQUIRING GOVERNING BODIES WITH JURISDICTION IN AN AREA WITHIN THE WILDLAND-URBAN INTERFACE TO ADOPT CODES THAT MEET OR EXCEED THE STANDARDS SET FORTH IN THE MODEL CODES, AND MAKING AN APPROPRIATION.

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**24-33.5-1236. Wildfire resiliency code board - powers and duties - rules - cash fund - legislative declaration - definitions. (1) Legislative declaration. (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:**

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

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

(III) A COMBINED APPROACH OF STRUCTURE HARDENING AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES IS NECESSARY TO REDUCE THE RISK OF DAMAGE TO COLORADO COMMUNITIES FROM THE EFFECTS OF WILDFIRES. THIS RISK INCLUDES THE LOSS OF LIFE, HOMES, BUSINESSES, AND OTHER STRUCTURES AND THE LOSS OF JOBS AND ECONOMIC VITALITY. RISK EVALUATION IS BASED ON MANY FACTORS, INCLUDING PROXIMITY TO STRUCTURES. HARDENING STRUCTURES IS THE PROCESS OF MAKING STRUCTURES MORE RESILIENT TO IGNITION AND INVOLVES BEST PRACTICES TO PROTECT A STRUCTURE FROM THE RISK OF WILDFIRE AND TO PREVENT A STRUCTURE FIRE FROM STARTING A WILDFIRE.

(IV) BUILDING STRUCTURES, INCLUDING HOUSES, THAT ARE RESILIENT TO WILDFIRE RISK IS AS AFFORDABLE OR MORE AFFORDABLE THAN BUILDING NONRESILIENT STRUCTURES AND REDUCES STRUCTURE LOSS, THE FINANCIAL INVESTMENT REQUIRED TO REBUILD STRUCTURES, COST OF INSURANCE, AND PROBLEMS RELATED TO UNDERINSURANCE. IN LIGHT OF THESE FINANCIAL IMPLICATIONS, INCREASING HOUSING STOCK WITH WILDFIRE RESILIENT STRUCTURES INCREASES AND PROTECTS THE AFFORDABLE HOUSING STOCK.

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

(VI) ESTABLISHING A CODE BOARD WILL ALLOW THE STATE TO ADOPT AND ENFORCE BEST PRACTICE APPROACHES TO HARDENING

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STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES THROUGHOUT COLORADO WHILE CONTINUING TO INVOLVE IMPACTED STAKEHOLDERS IN DECISION-MAKING CONCERNING WILDFIRE RESILIENCY CODES. AS ONE OF ITS FUNCTIONS, THE CODE BOARD WILL ENDEAVOR TO ESTABLISH A CONSISTENT STATE-LEVEL DEFINITION FOR THE WILDLAND-URBAN INTERFACE THAT CAN BE USED BY ALL APPLICABLE STATE AGENCIES.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT ESTABLISHING A WILDFIRE RESILIENCY CODE BOARD SERVES THE INTERESTS OF THE STATE AND LOCAL COMMUNITIES IN CONSTRUCTING SAFER AND MORE RESILIENT COMMUNITIES AND REDUCING RISK TO PEOPLE AND PROPERTY.

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

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

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

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

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

(C) ONE ARCHITECT WITH EXPERIENCE USING WILDFIRE RESILIENCY CODES IN THE STATE WHO REPRESENTS A STATEWIDE ORGANIZATION FOR ARCHITECTS, APPOINTED BY THE EXECUTIVE DIRECTOR;

(II) THREE MEMBERS, TWO OF WHICH ARE EITHER A FIRE MARSHAL, FIRE CHIEF, OR FIRE ENGINEER AND ONE OF WHICH HAS SPECIALIZED EXPERTISE IN WILDLAND FIRE BEHAVIOR OR WILDFIRE MITIGATION SCIENCE AND STRATEGIES, EACH APPOINTED BY THE EXECUTIVE DIRECTOR;

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

(IV) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION FOR COMMERCIAL BUILDING PROFESSIONALS, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(V) ONE MEMBER REPRESENTING COLORADO LAND USE OR COMMUNITY PLANNING PROFESSIONALS, APPOINTED BY THE EXECUTIVE DIRECTOR;

(VI) ONE MEMBER REPRESENTING HAZARD MITIGATION PROFESSIONALS, APPOINTED BY THE EXECUTIVE DIRECTOR;

(VII) SIX MEMBERS REPRESENTING COLORADO LOCAL GOVERNMENTS, INCLUDING:

(A) ONE MUNICIPAL REPRESENTATIVE REPRESENTING RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AND ONE COUNTY REPRESENTATIVE REPRESENTING RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(B) ONE MUNICIPAL REPRESENTATIVE REPRESENTING URBAN COMMUNITIES WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE COUNTY REPRESENTATIVE REPRESENTING URBAN COMMUNITIES WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(C) ONE MUNICIPAL AND ONE COUNTY REPRESENTATIVE REPRESENTING A MUNICIPALITY AND A COUNTY THAT, PRIOR TO SEPTEMBER 30, 2023, HAS ADOPTED A CODE THAT PROVIDES, MINIMALLY, FOR WILDFIRE RESILIENT STRUCTURES AND BEST PRACTICES, EACH APPOINTED BY THE EXECUTIVE DIRECTOR;

(VIII) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF PROPERTY AND CASUALTY COMPANIES, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(IX) ONE MEMBER REPRESENTING THE BUILDING TRADES, APPOINTED BY THE EXECUTIVE DIRECTOR;

(X) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF NONPROFIT UTILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

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

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

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

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

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

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

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

(d) THE TERM OF APPOINTMENTS FOR APPOINTED MEMBERS IS THREE YEARS; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO THAT NO MORE THAN SEVEN MEMBERS' TERMS EXPIRE IN ONE YEAR. A MEMBER MAY BE REAPPOINTED FOR ONE ADDITIONAL TERM. IN THE EVENT OF A VACANCY, THE APPLICABLE PERSON AUTHORIZED TO APPOINT A MEMBER OR MEMBERS

AS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION FOR THE APPLICABLE POSITION THAT IS VACANT SHALL APPOINT A NEW MEMBER TO THE VACANT POSITION FOR THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER APPOINTED TO FILL A VACANCY MUST MEET THE QUALIFICATIONS FOR THE VACANT POSITION.

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

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

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

**(4) Powers and duties.** (a) THE MISSION OF THE BOARD IS TO ENSURE THAT COLORADO COMMUNITIES ARE SAFER FROM AND MORE RESILIENT TO WILDFIRES BY REDUCING THE RISK TO PEOPLE AND PROPERTY THROUGH THE ADOPTION OF STATEWIDE CODES AND STANDARDS BASED ON BEST PRACTICE APPROACHES TO HARDENING STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE IN COLORADO.

(b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24 CONCERNING 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 IN COLORADO. NOTWITHSTANDING SECTION 24-1-105 (1)(c) OR ANY OTHER LAW TO THE CONTRARY, THE RULES PROMULGATED BY THE BOARD ARE NOT SUBJECT TO APPROVAL OR MODIFICATION BY THE DIRECTOR OR THE EXECUTIVE DIRECTOR. AT A MINIMUM, THE RULES MUST:

(I) DEFINE THE WILDLAND-URBAN INTERFACE AND IDENTIFY THE AREAS OF COLORADO THAT ARE INCLUDED WITHIN IT; EXCEPT THAT,

NOTWITHSTANDING THE AREA THAT THE BOARD IDENTIFIES AS INCLUDED WITHIN THE WILDLAND-URBAN INTERFACE, ANY THIRTY-FIVE ACRE PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON IT THAT DOES NOT ABUT A RESIDENTIAL OR COMMERCIAL AREA IS EXEMPT FROM ADHERENCE TO THE CODES. IN DEFINING COLORADO'S WILDLAND-URBAN INTERFACE, THE BOARD MAY CONSIDER BEST PRACTICES INCLUDING BUT NOT LIMITED TO PRACTICES OF OTHER STATES AND THE FEDERAL GOVERNMENT; REGIONAL DIFFERENCES AND RISKS WITHIN THE STATE; ENVIRONMENTAL, HEALTH, AND SAFETY IMPACTS; ANY EXISTING DEFINITIONS OF THE TERM WILDLAND-URBAN INTERFACE; AND INDIVIDUAL RISK PROFILES IDENTIFIED BY THE COLORADO STATE FOREST SERVICE. THE DEFINITION OF THE WILDLAND-URBAN INTERFACE SHALL BE UPDATED ONCE EVERY THREE YEARS, AS THE BOARD DETERMINES MAY BE NECESSARY.

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

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

(B) TAKE INTO CONSIDERATION THE FISCAL IMPACTS OF ADOPTING SUCH CODES, INCLUDING BUT NOT LIMITED TO COST IMPACTS FOR CITIES, COUNTIES, AND PROPERTY OWNERS RELATED TO CONSTRUCTION COSTS, INSURANCE COVERAGE, AND REDUCTION OF RISK FOR DAMAGE OR LOSS OF STRUCTURES FROM FIRES, AND TAKE INTO CONSIDERATION REGIONAL RISK PROFILES WITHIN THE STATE, ENVIRONMENTAL IMPACTS, EXISTING MODEL CODES, REGIONAL DIFFERENCES IN AFFORDABILITY, DENSITY, AND EXISTING BUILDING AND PROPERTY MAINTENANCE CODES, AND HEALTH AND SAFETY IMPACTS;

(C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW CONSTRUCTION OF STRUCTURES OR DEFENSIBLE SPACE AROUND STRUCTURES AND FOR NEW CONSTRUCTION FOR AN EXTERNAL ADDITION, ALTERATION, OR REPAIR TO A STRUCTURE OR THE DEFENSIBLE SPACE AROUND THE STRUCTURE IN ACCORDANCE WITH THIS SUBSECTION (4)(b)(II)(C). COMPLIANCE WITH THE CODES IS REQUIRED FOR PERMITS AND INSPECTIONS IN CONNECTION WITH INCREASING THE FOOTPRINT OF A STRUCTURE BY FIVE HUNDRED SQUARE FEET, INCLUDING ADDING ATTACHMENTS TO THE STRUCTURE. COMPLIANCE WITH THE CODES IS REQUIRED FOR PERMITS AND INSPECTIONS IN CONNECTION WITH AN ALTERATION OR REPAIR TO THE

EXTERIOR OF AN EXISTING STRUCTURE, OR AN ATTACHMENT TO IT, IF TWENTY-FIVE PERCENT OR MORE OF THE EXTERIOR OF THE STRUCTURE OR THE ATTACHMENT TO IT IS AFFECTED BY THE ALTERATION OR REPAIR. COMPLIANCE WITH THE CODES IS REQUIRED FOR THE ADDITION OF A WOODEN DECK TO A STRUCTURE. THE CODES SHALL NOT APPLY TO INTERIOR ALTERATIONS OF EXISTING STRUCTURES.

(D) BE INITIALLY ADOPTED BY THE BOARD NO LATER THAN JULY 1, 2025, AND REVIEWED BY THE BOARD EVERY THREE YEARS AND UPDATED OR SUPPLEMENTED AS THE BOARD DETERMINES MAY BE NECESSARY;

(III) 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;

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

(V) 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 MADE PURSUANT TO THE RULES ADOPTED IN ACCORDANCE WITH SUBSECTION (4)(b)(IV) OF THIS SECTION; AND

(VI) ESTABLISH CRITERIA AND PARAMETERS CONSISTENT WITH SECTIONS 24-65.1-105 AND 29-20-108 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.

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

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

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

(B) THE DEPARTMENT OF LOCAL AFFAIRS; AND

(C) THE ENERGY CODE BOARD ESTABLISHED IN SECTION 24-38.5-401 (2);

(II) PURSUANT TO THE BOARD'S COLLABORATION WITH THE ENERGY CODE BOARD AS REQUIRED BY SUBSECTION (4)(c)(I)(C) OF THIS SECTION, THE BOARD SHALL WORK WITH THE ENERGY CODE BOARD TO IDENTIFY ANY CONFLICTS BETWEEN CODES DEVELOPED BY THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AND (6) AND RULES PROMULGATED BY THE BOARD AND MAKE BEST EFFORTS TO RESOLVE ANY CONFLICTS;

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

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

(V) REVIEW APPEALS, CONDUCT HEARINGS, AND ISSUE DECISIONS IN ACCORDANCE WITH SECTION 24-33.5-1237 AND RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

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

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

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

(g) THE BOARD SHALL NOT APPROVE FINAL ADOPTION OF THE CODES, OR ANY UPDATES OR SUPPLEMENTS TO THE CODES PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, UNTIL AT LEAST THREE STATEWIDE PUBLIC HEARINGS HAVE BEEN HELD, INCLUDING AT LEAST ONE HEARING HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING

HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY. MEMBERS OF THE BOARD MAY PARTICIPATE ELECTRONICALLY AND THE BOARD SHALL ESTABLISH RULES TO PROVIDE FOR THE NECESSARY ELEMENTS FOR ELECTRONIC ATTENDANCE AT HEARINGS.

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

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

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

(I) DEFINITIONS ADOPTED BY THE BOARD;

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

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

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

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

(C) A LIST OF ANY GOVERNING BODIES THAT THE BOARD BELIEVES TO NOT BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN SECTION

24-33.5-1237 (2)(a);

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

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

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

(8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SUBSECTION (8) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO SECTION 24-33.5-1237 (2)(d), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

(c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE IMPLEMENTATION OF THIS SECTION AND OF SECTION 24-33.5-1237.

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

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

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

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

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

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

(d) "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;

(III) THE GOVERNING BODY OF AN IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES ORGANIZED PURSUANT TO PART 5 OF ARTICLE 20 OF TITLE 30; 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.

(e) "WILDLAND-URBAN INTERFACE" HAS THE SAME MEANING AS SET FORTH BY THE BOARD IN ITS RULES PURSUANT TO SECTION 24-33.5-1236 (4)(b)(I).

(2) (a) A GOVERNING BODY WITH JURISDICTION IN AN AREA WITHIN THE WILDLAND-URBAN INTERFACE THAT HAS THE AUTHORITY TO ADOPT BUILDING CODES OR FIRE CODES SHALL ADOPT A CODE THAT MEETS OR

EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES WITHIN THREE MONTHS OF THE BOARD ADOPTING THE CODES IN ACCORDANCE WITH SECTION 24-33.5-1236 (4)(b)(II)(D).

(b) ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION 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.

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

(d) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF A GOVERNING BODY DOES NOT HAVE RULES AND REGULATIONS IN PLACE FOR THE ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, 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 SECTION 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. THE DIVISION MAY CHARGE A REASONABLE FEE TO THE PROPERTY OWNER FOR CONDUCTING INSPECTIONS AND ENFORCING THE CODE, AND MONEY FROM THE FEE SHALL BE DEPOSITED IN THE CODE BOARD CASH FUND.

(3) A GOVERNING BODY MAY PETITION THE BOARD FOR A MODIFICATION OF THE CODES WITHIN ITS JURISDICTION IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(IV). IF THE BOARD GRANTS THE PETITION FOR MODIFICATION, THE MODIFICATION APPLIES ONLY WITHIN THE JURISDICTION THAT IS GRANTED THE MODIFICATION. THE ORDER GRANTING THE PETITION FOR MODIFICATION MUST SPECIFY A DATE ON WHICH THE MODIFICATION EXPIRES, AND THE GOVERNING BODY MUST PETITION THE BOARD BEFORE THE

EXPIRATION DATE TO KEEP THE MODIFICATION IN EFFECT, OR THE BOARD AT ITS DISCRETION AND THROUGH ITS OWN ACTION MAY EXTEND THE MODIFICATION AND SPECIFY A NEW EXPIRATION DATE. A GOVERNING BODY MAY APPEAL A DENIAL OF A PETITION TO THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(V).

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

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

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - definitions.**  
(5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

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

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

(ccc) **THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED IN SECTION 24-33.5-1236 (8).**

**SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal year, \$9,302 is appropriated to the wildfire resiliency code board cash fund created in section 24-33.5-1236 (8)(a), C.R.S. This appropriation is from the general fund. The department of public safety is responsible for the accounting related to this appropriation.

(2) For the 2023-24 state fiscal year, \$9,302 is appropriated to the department of public safety. This appropriation is from reappropriated funds in the wildfire resiliency code board cash fund under subsection (1) of this

section. To implement this act, the department may use this appropriation as follows:

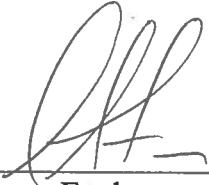
(a) \$1,589 for use by the division of fire prevention and control for the wildfire resiliency code board; and

(b) \$7,713 for use by the executive director's office for vehicle lease payments.

(3) For the 2023-24 state fiscal year, \$250,000 is appropriated to the department of public safety for use by the division of fire prevention and control. This appropriation is from the wildfire resiliency code board cash fund created in section 24-33.5-1236 (8)(a), C.R.S., and is based on an assumption that the division will require an additional 2.0 FTE. To implement this act, the division may use this appropriation for the wildfire resiliency code board.

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



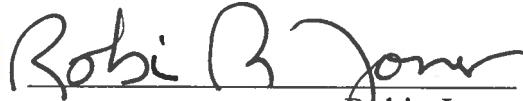
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

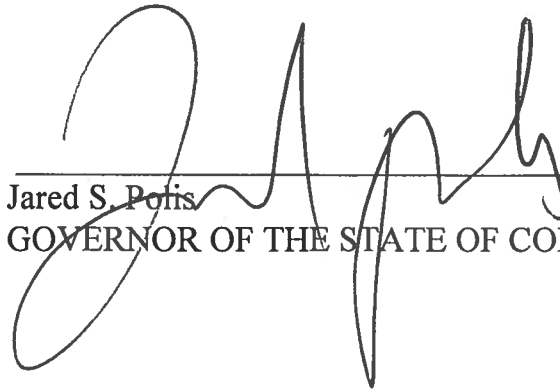


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robi Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Friday, May 12<sup>th</sup>, 2023 at 9:45 am  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO



## Colorado Wildfire Resiliency Code Planning Division Policy

### Introduction

The State of Colorado, pursuant to Senate Bill 23-166, requires adopting governing bodies with jurisdiction in wildland-urban interface areas to adopt wildfire resiliency codes meeting state minimum standards. The Colorado Wildfire Resiliency Code (CWRC) is the binding document for the Town of Pagosa Springs, which will be adopted by reference. All section notations are references from the CWRC. As of July 1, 2026, the Planning Division will be responsible for the implementation of the CWRC as it pertains to site development.

### Policy Framework

Residential. The Town of Pagosa Springs Planning Division will review all residential building permit site plans to ensure compliance with the CWRC. This policy applies to Single Family Attached/Detached Residential units, Accessory Dwelling Units, and non-habitable structures over 120 sq. feet that are placed within 10 feet of any dwelling unit.

Commercial. The Town of Pagosa Springs Planning Division will review all commercial building permit site plans and planning proposals to ensure compliance with the CWRC. Most cases of commercial review will be addressed through Conditional Use Permits and Design Review Applications.

- Additions and remodels are typically not triggering events that would require a structure to come into compliance with the CWRC. However, additions that increase the footprint by 500 sq feet or more are required to conform with the standards of a new building as identified in the CWRC (101.5).
- When a roof covering is replaced at 25% or more of the total area, it shall be required that the entire roof is brought into compliance with Sections 403.2 and 403.2.2 of the CWRC (101.6).
- When the exterior wall of a building or structure is replaced at 25% or more, the entirety of the exterior wall surface area, including attachments, shall be replaced with materials required for new construction specified in Section 404.3 through 404.3.2 of the CWRC (101.7).
- Buildings, structures, landscaping materials, vegetation, defensible space or other devices or safeguards required by the CWRC shall be maintained in conformance to the code edition under which it was installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials, and vegetation (101.8).
- Retaining walls shall be constructed with either noncombustible or ignition-resistant materials when any of the following conditions exist (502.3.1):
  - The retaining wall is within 8 feet of a structure regulated by the CWRC or up to the property line if less than 8 feet away from the structure.

- The retaining wall is integral to the support of a structure regulated by the CWRC.
- The retaining wall is integral to the egress from the structure regulated by the CWRC to a public way, easement, or private road.
- Fencing within 8 feet of a structure regulated by the CWRC 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.
- Variances are 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 the CWRC (102.9).
  - It shall be the responsibility of the Historical Preservation Committee to either grant or deny the variance request.

### Staff Process

- Site Plan Review. A Site Plan prepared by a licensed Colorado Surveyor or Architect. Site plans shall include topography, landscape and vegetation details, and locations of structures or building envelopes (B101.3). The site plan shall also include the defensible space perimeter as part of the permit review process (B101.3.1). It is the responsibility of the Planning Division to identify/ review the following:
  - Identify whether the structure is Class 1 or Class 2 fire severity.
  - Review of Immediate Zone (Zone 1) (502.1)
  - Review of Intermediate Zone (Zone 2) (503.2)
  - Review of Expanded Zone (Zone 3) (503.3)
- Site Visit. Staff will conduct a site visit to verify the site was developed according to the plans that were approved. The code official, or designated staff, is authorized to enter upon private property at reasonable times and with reasonable notice for the purpose of determining compliance with the CWRC and to evaluate conditions relative to the permit application (104.4). If access is denied, the code official shall apply to the Court with jurisdiction to seek authority to access the property (104.4.1). It is the responsibility of the Planning Division to identify/ review the following:
  - Review of Immediate Zone (Zone 1) and the materials used for landscaping. This zone is intended to only allow the use of noncombustible, hard surface materials.
    - Exception: Ignition-resistant plantings (502.1.2) are allowed in the Immediate Zone
  - Review of Intermediate Zone and the materials used for landscaping. This zone is designed to give an approaching fire less fuel.
    - Hazardous dead plant material must be removed.
    - Avoid large accumulations of surface fuels such as logs, branches, slash, and combustible mulch.
    - Tree crowns must be pruned to maintain a minimum clearance of 10 feet from any structure (503.2.4)
  - Review of Expanded Zone and the materials used for landscaping.
    - Tree crowns within this zone shall be spaced at a minimum of 6-10 feet.

## Definitions

**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.

**Home Ignition Zone (HIZ).** 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 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.

**Structure Ignition Zone (SIZ).** 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.