

Wildfire Regulation Amendment Phase 2 – Draft 2 Comment-Response Log

Commenter	Comment	Staff Response
Jefferson County Emergency Management	<p>Please see my comment and recommendations below.</p> <p>Reference Section 39 - Wildland Urban Interface Overlay District, Section D. Building Permits,1.</p> <p>Comment: Residents should be able to work with their Fire Protection District not only a Wildfire Interface Fire Specialist.</p> <p>Recommend language: “...until written evidence has been submitted by a County qualified forester Wildfire Interface Fire Specialist or Wildfire Mitigation staff from the Fire Protection District having jurisdiction of the structure.”</p> <p>Rationale: This promotes the homeowner to establish a more tangible pre-disaster relationship with the fire district. It Allow the FPD more understanding and awareness of property within their jurisdictions, and would allow the FPD to better implement their own defensible space program in conjunction with the County.</p>	<p>Thank you for this comment. The inclusion of an alternative to the Wildfire Interface Fire Specialist through Fire District programs has been discussed. At this time, there was concern that until this is more thoroughly vetted, it could cause an undue burden on the local Fire Protection Districts. We do have the possible inclusion of a Wildfire Prepared Certification on our radar, but need to have additional discussions prior to including language in our regulations.</p> <p>We are planning another round of updates in the near future with the help of a consultant.</p>
Elk Creek Fire Protection District	<p>Below are my comments: regarding the updates.</p> <p>Section 39: Section G. The Colorado State University Cooperative Extension Fact Sheet 6.302 is 23 years old. I would recommend that an outside expert consultant evaluate this standard and other more current standards and make recommendations for updating the standard to be used in Jefferson County based on current conditions and data.</p>	<p>We agree that this item needs to be updated. However, we were unable to come to consensus on which document to reference. This is an item that we hope is addressed through future updates with the help of a consultant.</p>

	<p>JEFFERSON COUNTY TRANSPORTATION DESIGN & CONSTRUCTION MANUAL</p> <p>3.7.8.1.6. If the length exceeds 150 feet, a turnaround shall be provided in accordance with Template 20. The location of the turnaround(s) shall be approved by the appropriate fire protection district. The maximum grade of the turnaround shall be 4%. The location of turnarounds shall be a minimum 30 feet away from the building exterior, or as approved by the fire protection district.</p> <p>3.7.8.3 The offsite driveway or private road shall meet the requirements as described in this section. The project engineer needs to certify that the existing offsite driveways and/or private streets/roads conforms to the current TDCM. If the existing offsite driveways and/or private streets/roads are located within county right-of-way, public right-of-way or on land under the control of the property owner and do not conform, provide a summary of improvements that need to be done to bring the existing offsite driveways and/or private streets/roads into compliance. When design and construction compliance would involve construction on land that is not under the control of the property owner, and is not located within county or public right-of-way, the property owner shall meet the alternative fire protection standards required by the fire protection district.</p>	<p>A Note 3 is proposed to Template 20 for a Hammerhead Turnaround for Driveway/Private Road to state that the Maximum Cross Slope is 4%.</p> <p>3.7.8.3 has been modified based on discussions at the Fire Marshal meeting. It is proposed to read, "The offsite driveway or private road shall meet the requirements as described in this section. If the applicant does not have the ability to make Improvements to the offsite property, they shall submit a certified statement by a qualified Colorado-registered professional engineer justifying why off-site requirements cannot be met and indicating that allowing the alternative design will not diminish the overall quality, effectiveness, durability and safety. Such statement shall bear the professional engineer's seal, signature and date."</p>
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	<p>ADD Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% as established by the fire protection district based on the fire district's apparatus.</p> <p>Seek feedback from engineers on the spacing between 15% grades.</p>	<p>TDCM discusses angles of approach between public roads and their connections with private streets and driveways in Standard 8. This limits the grade to 4%.</p> <p>This was discussed with the Fire Marshal's and determined that more than one area of 15% grades could be permitted if they were separated by a distance of 1000 ft. This has been added to the proposed regulations.</p>
Colorado State Forest Service	<p>Thank you very much for the opportunity to comment on the Jefferson County Zoning Resolution Section 39 – Wildland Urban Interface Overlay District: D.4: Building Permits – Design Standards. The following comments represent the position of Allen Gallamore (Colorado State Forest Service Northeast Area Manager) and Matt Piscopo (Colorado State Forest Service Golden Field Office Supervisory Forester):</p> <p>Section D.4.a of the Jefferson County Zoning Resolution Section 39 - Wildland Urban Interface Overlay District Amendment states, "the design of defensible space and associated fuel break thinnings shall be contained in the Colorado State University's Cooperative Extension Fact Sheet 6.302 and will be administered, with flexibility." Jefferson County is part of the Northeast Area and Golden Field Office service area, and we do not support planning & zoning resolutions that adhere to our outdated 6.302 "Creating Wildfire-Defensible Zones" document.</p> <p>The 6.302 document was published in May 2003. Since its publication, this document has been revised twice: in 2012 with the FIRE 2012-1 Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones; and again in 2021 with the Home Ignition Zone: A guide to preparing your</p>	<p>Thank you for these detailed comments regarding the current defensible space standards referenced in our regulations. We agree that this needs to be updated, however, at this point in time, we have been unable to come to consensus with subject matter experts. This is an item that we hope is addressed through future updates with the help of a consultant.</p>

	<p>home for wildfire and creating defensible space” document. The 6.302 document contains guidelines that are not supported by the robust body of fire science that informs the most recent 2021 Home Ignition Zone document, thus the Colorado State Forest recommends the adoption of 2021 Home Ignition Zone standards over the outdated 6.302 publication.</p> <p>The 2021 Home Ignition Zone standards are utilized across the State of Colorado, whereas these standards are shared by other agencies and institutions, whereas 6.302 is no longer in use by any governmental agencies other than by Jefferson County Planning and Zoning. Four fire protection districts within Jefferson County—Elk Creek, Evergreen, Genesee, and Inter-Canyon—have adopted the 2021 Home Ignition Zone standards in their wildfire prepared program (wildfireprepared.com). Additionally, the National Fire Protection Association (NFPA) standards for defensible space were created from a large body of relevant peer-reviewed fire science, and the 2021 Home Ignition Zone publication is in alignment with these national standards. Lastly, future Forest Restoration and Wildfire Mitigation grants that pertain to creating defensible spaces must adhere to the 2021 Home Ignition Zone standards.</p> <p>Due to the wide-spread use of 2021 Home Ignition Zone standards throughout Jefferson County, the relevance with up-to-date fire science, and orientation to providing landowners and communities with the greatest chance of reducing their risk to wildfire, the Colorado State Forest Service could support the full integration of 2021 Home Ignition Zone standards in Section D.4.a of the Zoning Resolution Section 39. Section D.4.a allows for “flexibility” in incorporating defensible space standards. We recommend the integration of 2021 Home Ignition Zone standards into the Jefferson County Land Use Zoning Resolution as the baseline minimum. The 2021 Home Ignition Zone publications outlines the following zones and thinning requirements:</p> <ul style="list-style-type: none">• Zone 1, extends a minimum of 5’ from the home: Remove all flammable vegetation, including shrubs, slash, mulch and other	
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	<p>woody debris; Prune tree branches hanging over the roof and remove all fuels within 10 feet of the chimney.</p> <ul style="list-style-type: none"> • Zone 2, extends from Zone 1 to a minimum of 30' from the home: Avoid large accumulations of surface fuels such as logs, branches, slash, and mulch; Remove enough trees to create at least 10 feet of space between crowns. Measure from the outermost branch of one tree to the nearest branch of the next tree; Small groups of two or three trees may be left in some areas of Zone 2 with the crown spacing increased to a minimum of 30 feet between remaining tree groups; Remove ladder fuels under remaining trees; 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; Space clumps of shrubs at least 2 ½ times their mature height. The diameter of each clump will be no more than twice the mature height of the vegetation. • Zone 3, extends from Zone 2 to a minimum of 100' from the home: A minimum tree crown spacing of 6-10' between individual trees and increasing the distance between groups of trees. <p>Section D.4.b of the Zoning Resolution Section 39 states, "For the purposes of defensible space, driveways shall be considered a structure and Zone 1 shall extend 10-feet on each side of the driveway." The Colorado State Forest Service will not support this standard which is related to older wildfire mitigation guidance. Instead, we recommend a standard for mitigation along driveways set forth in the 2021 Home Ignition Zone document. This includes treating a minimum of 30 feet from both sides of the driveway in accordance with Zone 2 standards of the 2021 Home Ignition Zone document.</p>	<p>Staff took this standard of 10 feet from the IWUI code. Since there is not currently agreement about the use of the 2021 Home Ignition Zone document and it is not entirely clear that driveways need to be cleared 30 feet from the 2021 Home Ignition Zone Guide, we are going to be moving forward with the standards as proposed for now. We will re-evaluate this with a future phase when the CWPP is also updated.</p>
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	<p>If Jefferson County Planning and Zoning does not intend to incorporate 2021 Home Ignition Zone standards into Section D.4.a of the Zoning Resolution Section 39, CSFS recommends Jefferson County create their own standards and treatment guidelines based on fire science in relation to the effect of ember wash, surface fire, and radiant heat from the combustion of surrounding vegetation on structure ignitability. CSFS also recommends that Jefferson County refrain from referring in its Zoning Resolution from using the outdated 6.302 publication, which is no longer available through or utilized by Colorado State University and Colorado State Forest Service for our technical support and outreach education to the citizens of Colorado.</p>	<p>At a future phase, we will need to determine whether the 2021 Home Ignition Zone document can be used or if new standards will need to be created.</p>
<p>Arapahoe County Public Works</p>	<p>Our staff had the following comments:</p> <p>Diane Kocis, Energy Specialist, stated: “This is a very thoughtfully and well-written update. And, it’s well timed with the frequency of wildfires increasing.”</p> <p>Molly Orkild-Larson, Principal Planner, had the following comments regarding Section 15 – Landscaping:</p> <ul style="list-style-type: none"> • Section C.2. Add Boxelder, Acer negundo and Siberian Elm, Ulmus pumila to your list. • Section E.4. Plant Size – 2” caliper trees is sufficient for along arterials. ¼” doesn’t get you much more and increase size may limit availability of trees in the nurseries. • Section F.5.b.(2)(d) Parking Lot Areas- minimum of 80 SF and 4’ width for parking landscape islands is not sufficient to grow a tree. Two parking space width should be the minimum width. 	<p>Thank you for these comments. The comments regarding landscaping are outside of the scope of updating Landscaping Section for the purpose of addressing wildfire risk. We will save these comments to address with future, more comprehensive updates to our Landscaping regulations.</p>

Arapahoe County Engineering	No comments	Thank you for reviewing.
<i>Green</i>	<p>"Defensible space and fuel break thinning work must be completed and maintained to the standards described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. The responsibility for maintaining defensible space and associated fuel break thinning lies with the landowner. <u>Noncompliance with defensible space maintenance standards will be enforced as a Zoning Violation, as specified in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. (orig. 6-18-02; am. 7-11-06)"</u></p> <p>Do I understand correctly - DPZ is proposing unequal enforcement of Defensible Space for new construction only? (Please let me know if I am reading this wrong.)</p> <p>If I read it correctly this will make for a lot of bad feelings in the community.</p> <p>It is possible if I understand correctly that two adjacent homes one new and one existing would have different requirements. The older existing home could have tall grass, bushes and trees within less than 10 feet while the new home will be required under threat of zoning violation and penalty to maintain in perpetuity Defensible Space standards. This creates a very unfair situation and bad feelings. I do not believe this is a well thought out or fair policy.</p>	<p>Correct, the Defensible Space standards only apply if a building permit is applied for. We understand that this may cause differing treatments between adjacent lots. However, Planning & Zoning does not have a mechanism to require or enforce defensible space requirements on lots that are not in a county permit or process.</p> <p>We will be revisiting our Wildfire Regulations in the near future. The County has received grant money to update several of our Planning documents and Regulations, including the County's Community Wildfire Protection Plan (CWPP), Comprehensive Master Plan (CMP) and Transportation</p>

	<p>I realize Defensible Space is one of the most important things we can do to protect our structures in the WUI but this unequal enforcement is either 1) not going to be enforced or 2) an inequitable requirement unfairly imposed only on a minority of homeowners.</p>	<p>Master Plan (TMP), along with regulations updates related to those plans. An RFP has been released to solicit proposal from consultants.</p>
<p>Ford</p>	<p>Comments and questions regarding proposed language changes to the Proposed Wildfire Regulation Updates including those proposed in the County Transportation Design and Construction Manual.</p> <p>Some questions and comments submitted during the community meeting remain unacknowledged and unaddressed in the log of comments posted. During the meeting P&Z's Heather Gutherless said that an engineer made the changes but she was unable to answer submitted questions. They are repeated below.</p> <p>I have no comments regarding Engineering Standards as applied to private driveways serving one property.</p> <p>If these proposed changes apply to private roads and/or driveways serving multiple property owners, it is inappropriate for the County to prioritize the interests of the "unable landowner/developer" over the interests of the other property owners without a legal basis.</p> <p>It is proposed that the County Transportation Design and Construction Manual be revised as follows, apparently as related to the Wildfire Regulations:</p> <ol style="list-style-type: none"> 1. It is unclear why Jeffco Engineers displace the burden of road Engineering Standards to the Fire Protection Districts (FPD). 2. The proposed changes will reduce road safety, including in wildfire prone areas by: <ol style="list-style-type: none"> a. Eliminating the need for private roads intended to carry increased traffic from development to meet County Engineering Standards; 	<p>Thank you for your comments.</p> <p>1. The Fire Districts are referred to in the current regulations because there may be situations where an exception to the road standards can be granted if additional fire mitigation systems are in place. The Fire Districts wished to standardize what standards could be acceptable with additional fire mitigation systems. However, they do not wish to be the final decision-maker regarding off-site standards. Therefore, the language regarding off-site roads has been modified to discuss what is required to be submitted where an off-site driveway or private road does not meet the standards. This includes a written description of the conditions, a plan showing the conditions a statement from a Colorado-registered professional engineer regarding the effectiveness and safety of the road and a statement from</p>

	<p>b. eliminating the requirement that plans be submitted by the Fire Protection District;</p> <p>c. instead allowing the FPD to submit a “design” that will not be approved by a Colorado-licensed Professional Transportation Engineer; and</p> <p>d. allow development with increased traffic on private roads that do not meet County Engineering Standards and were not designed for such traffic load.</p> <p>e. Please provide examples of how a FPD might offer alternate designs when</p> <ul style="list-style-type: none"> i. The road is steeper than the maximum grade; ii. The road is narrower than the required widths; iii. The road is not paved; iv. The road is lined with significant tree canopy; v. There are inadequate fire truck turnarounds – size, locat, frequency; and vi. There are inadequate fire truck pull offs/outs are inadequate – size location, frequency, etc. vii. and how the proposed alternate design, that is inferior to Engineering Standards, may be considered acceptable anyway, and to whom is should be acceptable. <p>f. Please identify the threshold conditions/characteristics under which an alternate design will be considered unacceptable? ie X Width, X grade, X pullouts, etc.</p> <p>3. What is meant by the language “when the property owner does not have the ability to make improvements to the offsite property”?</p> <ul style="list-style-type: none"> a. What allowances are considered for such “unable” landowner/developers? <p>4. The language regarding “written approval” is unclear.</p> <ul style="list-style-type: none"> a. Who must provide written approval? b. What must their qualifications be? c. Who at the County will accept this written approval? 	<p>the property owner stating that sprinklers will be installed.</p> <p>2. a. Private roads onsite will need to meet County standards. Private roads off-site that cannot meet County standards will still need justification and analysis from an engineer as noted above.</p> <p>2.b.The Fire Protection Districts do not submit plans.</p> <p>2.c. The Fire District does not submit alternative road designs.</p> <p>2d. Yes, this regulation would allow alternative standards. All of the standards in the Land Development Regulation and Transportation Design and Construction Manual can be subject to a request for an alternative standard. This regulation designates criteria for what should be submitted for the County to review such a request.</p> <p>2.e. The Fire District does not offer alternative road designs. However, when a road does not meet the County standards, the</p>
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	<p>d. Please provide sufficient detail.</p> <p>Additional proposed changes include the following: Why is an increase in maximum road grade from 10 to 15 percent being considered when the County Engineering Standards formerly required a maximum of 10 percent on straight sections, and 12 percent where the dip of the terrain bears South 60 degrees East and South 45 degrees West?</p>	<p>Fire Districts have been willing to consider alternative road designs when the homes have installed a fire sprinkler system. This has been clarified in the regulations, rather than stating generally that “fire mitigation systems are in place”. Sprinklering can address a variety of deficiencies in road standards, from grade to widths to number of turnarounds.</p> <p>2.f. An applicant can propose a variety of alternative standards. There is not a cut-off for when the County will not accept an application for standards. Each alternative standard request needs to be evaluated on a case-by-case basis.</p> <p>3.a. An applicant can provide a variety of reasons for why they are unable to make improvements off-site. We are unable to predict all such reasons. We will need to evaluate the reasons on a case by case basis.</p> <p>4. a.-d. The language regarding written approval has been removed.</p>
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Evergreen Metro District	No objections.	Thank you for reviewing these regulations.
Conifer & South Evergreen Community Committee	<p>Unfortunately, we were unable to attend the Community Meeting for these Proposed Wildfire Regulation Updates, Case No. 22-104558AM, so please excuse us if some of the following questions have been answered elsewhere:</p> <ol style="list-style-type: none"> 1. Under Permit & Active Case Search, the current case status says, "1st Referral & Comments (AM) Status = Open" yet, at the Case No. 22-104558AM 2nd Referral folder, the documents "TDCM - Road Street Driveway", "ZR Section 15 - Landscaping", and "ZR 	<p>The regulation updates within the Table of Contents and Sections 9, 11, and 42 have all been added to the updates list because of the Section 39 title change. There has been no substantive change to these sections. The regulation updates are scheduled to be heard at the</p>

	<p>Section 39 - Wildfire Overlay" are in 2nd draft form while documents entitled "Table of Contents", "ZR Section 11 - Board of Adjustment", "ZR Section 42 - Drilling and Production of Oil and Gas", and "ZR Section 9 - Submittal Requirements" have been added to the 2nd Referral "Referral Documents" folder. Can you please provide details regarding the current status of these proposed regulation updates, the timeline for the process going forward, as well as any other pertinent process information?</p> <p>2. Within the "2nd Referral" folder, within the document entitled "TDCM - Road Street Driveway Draft 2.pdf" in the proposed section 3.7.8.3, which begins "The offsite driveway or private road shall...", the associated track changes balloon contains the comment, "Commented [HG12]: This language was modified for clarity between Draft 1 and Draft 2. The bulk of the language was added with Draft 1 after discussions with the Jeffco Fire Marshals. They wanted some guidance on what standards might be acceptable to be located in the regulations.".</p> <p>Can you please provide details regarding the following:</p> <ul style="list-style-type: none"> o Which specific "Jeffco Fire Marshals" is the commenter referring and how may we be in touch with them - as a group - so that they can answer questions that we may have? o When the commenter says, "They wanted some guidance on what standards might be acceptable to be located in the regulations.", can you please provide the background regarding the motivation for such a request for regulatory guidance from the "Jeffco Fire Marshals" referenced? o In the document entitled "TDCM - Road Street Driveway Draft 2.pdf", the proposed language for section 3.7.8.3 states, "The offsite driveway or private road shall meet the requirements as described in this section or the appropriate fire protection district may approve an <i>alternative design</i> allowing <i>deviation from the standard</i> when the property owner does not have the 	<p>September 14th Planning Commission and the September 27th Board of County Commissioners hearing.</p> <p>This language will be changing – we want to change this language to remove responsibility from the fire districts, as to not overwhelm them. At this time, we’re still working on the language to ensure that the fire districts are still involved in the review, but not solely responsible for the decision.</p> <p>All Fire Marshals in Jefferson County. We will reach out to see who an appropriate contact would be.</p> <p>Fire Marshals wanted guidance in our regulations about which standards are acceptable beyond the 10-12% grade. They wanted it within the regulations to ensure consistency throughout the fire districts within the County.</p> <p>The standard that the language is referring to is the driveway and private road standards.</p>
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	<p>ability to make Improvements to the offsite property. Plans shall be submitted that bear the written approval of all alternative standards is required of the appropriate fire protection district." [emphasis added]. Which specific "alternative design" and which specific "standard" is the language in this section referring? Also, under what criteria and by whom is it envisioned that the fire districts falling under the jurisdiction of the proposed regulation language will these "offsite driveways or private roads" be evaluated under the direction of the subject fire district? Is it envisioned that the fire district will hire a qualified civil engineering firm expert in roadway design which will make such an evaluation, determination, and recommendation for approval/denial of the proposed "alternative design"? Is it envisioned that this evaluation will be performed at the property owner's expense?</p> <ol style="list-style-type: none"> 3. What is the scope envisioned for the current phase of Proposed Wildfire Regulation Updates? In an earlier wildfire regulation update phase, the Committee submitted the comments regarding wildfire hazard regulation updates attached below but our comments were summarily rejected as being "out-of-scope". Are these attached comments now deemed to be within the scope of the current regulation update process or will there be yet a later update phase where they will be deemed to be in-scope? 4. Where can we find the information that was presented at the regulation update Community Meeting as well as a summary of the inputs from the community that were provided to the County? <p>In addition, at the County Regulation Updates page, you may want to fix the following broken links relating to this case: online case folder (updated link) and Comment-Response Log for Draft 1 (updated link) –</p>	<p>These questions that you have brought up about the evaluation are a great point and something that brought us to talking with our engineers and the Fire Marshals about changing this language. We want to remove the responsibility from the fire districts and moved to an engineering professional. We are working to craft language that would allow a review by the fire districts, but not force sole responsibility onto them in this type of review.</p> <p>Planning staff will be initiating another round of wildfire regulation updates after this phase concludes. We are currently working on receiving bids for a Request for Proposal (RFP) for a consultant to complete numerous regulation updates, including a County-wide CWPP. Once we know the scope of this RFP, we will begin working on future updates to our County regulations that are not included in the scope of work. Your comments have been saved in our notes for future updates. Planning staff is keenly aware that there is more</p>
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		<p>work that needs to be done in regard to wildfire mitigation.</p> <p>You can review the information pertaining to the Community Meeting here (I just updated this folder so if the documents do not show up right away, check again in a few hours).</p> <p>Thank you for bringing this up! We have fixed the links on the website, and I have relinked them next to your original message for you.</p>
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