



Colorado State Fire Chiefs' Association

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Wildland Urban Interface Code Committee

Conference Call Minutes

October 18, 2006

A meeting of the Wildland Urban Interface (WUI) Code Committee was held by conference call on Wednesday, October 18, 2006, at 4:00 PM.

Participants

Chief Mike Dunaway, Durango Fire and Rescue, representing CSFCA
Chief Dave Ury, Black Forest FPD, CSFCA representative to EFF Committee
Batt. Chief Rob Geislinger, Parker FPD, representing Fire Marshals Association of Colorado
Bob Baker, Jefferson County Building Dept., representing the Colorado Chapter of ICC
Rick Homann, Fire Director, Colorado State Forest Service
Kevin Klein, Director, Colorado Division of Fire Safety
Jason vonWeller, Regional Manager, International Code Council (ICC)
Paul Cooke, Colorado State Fire Chiefs' Association (CSFCA)

Purpose

The purpose of the conference call was to discuss ICC's proposal that Colorado seek legislation or regulations that would link the Emergency Fire Fund (EFF) program or other financial assistance to the adoption of a WUI code, modeled upon that which was enacted in Utah.

Background

In 2005, Utah enacted a bill which ties state financial assistance for fire protection to performance criteria for a county's wildfire preparedness. It requires counties wishing to enter into cooperative agreements with the state to adopt a wildland fire ordinance and meet several other minimum standards. The bill: HB146, County Cooperative Agreements with State for Fire Protection, requires a county, in order to be eligible to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands relating to fire protection, to: 1) adopt a wildland fire ordinance; 2) require the county fire department or private provider to meet certain minimum standards; and 3), file a budget for fire suppression costs. The new law prevents counties that do not enter into a cooperative agreement with the division from being eligible for financial assistance from

the division. The text of the bill can be read at this website:
<http://www.le.state.ut.us/~2004/htmdoc/hbillhtm/HB0146.htm>.

The Utah Division of Forestry, Fire, and State Lands adopted the 2003 International Urban Wildland Interface Code (International Code Council), with amendments, as the minimum standards for the state. The rules for implementing HB146 can be found at:
<http://rules.utah.gov/publicat/code/r652/r652.htm>.

Summary of Key Discussion Points

Jason vonWeller indicated that it was ICC's desire to identify an innovative way to get counties and local authorities to adopt a WUI code. He noted that Colorado's system is similar to that of Utah, and linking EFF participation to WUI adoption holds the potential of decreasing premium costs to participants in the fund, as well as mitigating/minimizing fire suppression costs.

Significant discussion ensued on the concept of linking the EFF program or other financial assistance to the adoption of a WUI code.

Rich Homann expressed concern over this becoming a legislative issue and suggested that the goal might be achieved through the EFF committee (which has representation from counties, county sheriffs, and fire chiefs. Rich provided an overview of EFF in Colorado, noting that it is a voluntary county fund, administered by the CSFS. Currently 43 counties participate and it is unknown how many of these have a WUI code in place. Each year a target amount for the fund is set and a formula is used to determine the contribution rate for each participating county. The formula takes into consideration the amount of forest acreage in the county as well as the real property value. Rich expressed concern over the concept of lowering a participant's contribution level based on adoption of a WUI code, noting that someone would have to make up the difference and smaller counties would not be able to do this.

On the concept of tying other funding sources to the adoption of a WUI code, Rich indicated that they have several programs to assist counties and fire departments and expressed concern about doing anything that adversely affects these programs. Rich indicated that the trend in Colorado is an increase in the number of serious fires, an increase in acreage involved, and an increase in the cost of fire suppression. He said that large and catastrophic fires will still occur and funding must be available.

Rob Geislinger made the point that the purpose of the WUI code was to mitigate the wildland urban interface fire hazard up front in order to reduce losses and the cost of fire suppression.

Mike Dunaway, making note of his experience with La Plata County, agreed that something needs to be done to encourage the adoption of WUI codes and mitigation plans, but not at the expense of smaller jurisdictions. He also did not want to adversely impact the EFF or other funding available to train and equip fire departments or local preparedness and mitigation efforts.

Dave Ury agreed that we need to encourage counties to adopt WUI standards, but also does not want to do anything that adversely affects local jurisdictions. He inquired as to what other funding sources we could examine as a potential incentive.

Kevin Klein indicated there were a number of other funding sources, such as the Energy/Mineral Impact Funds, Rural Fire Assistance (RFA), Volunteer Fire Assistance (VFA), but indicated that we might want to look at new money, such as the potential funding to address the issue of beetle kill. Kevin suggested that if the state is providing the money there should be an expectation that the policy goals of the state are attached. Thus, we should ensure that the discussions on forest health include consideration of attaching the requirement for WUI code adoption to any new money.

Paul Cooke suggested that, as a starting point, a background paper should be put together and a presentation made to the EFF committee.

Rich Homann advised that he would provide the opportunity to carry this issue forward [through the EFF Committee] but, he didn't want to move forward without approaching other stake-holders and having broad based support.

Jason vonWeller advised that ICC would not move forward [on a legislative solution] without substantial agreement from the affected parties.

Consensus/Approach

Following discussion, it was the consensus of the participants that:

1. Counties and local authorities should be encouraged to adopt a WUI code and wildfire mitigation plans.
2. Any plan to encourage adoption of a WUI code by counties and local authorities should be based on incentives to adopt instead of negative consequences for not adopting. Additionally, it should not have adverse effect on funding for wildland fire suppression, training and equipping of local fire departments, or local preparedness and mitigation efforts.
3. Others should be involved in this effort, including county commissioners, county sheriffs, affected state agencies (those that have public safety responsibilities and/or access to funding streams), and federal land management agencies.
4. The first step should be to make a presentation to the EFF Committee.

Action Items

1. Rich Homann advised that he would schedule a meeting of the EFF Committee for late November/early December and would put this issue on the agenda. But, he would need the white paper by the end of the first week in November.
2. Jason vonWeller advised that he would put the white paper together by the end of the first week in November, and would distribute it to the participants in the

conference call. However, he indicated that he would need information on other available funding sources, particularly those administered by the CSFS.

- a. Rich Homann indicated that he would provide information on the other funds administered by the CSFS with the understanding that it is for informational purposes only – that placing additional conditions on these funding sources could have an adverse impact on fire protection.
 - b. Paul Cooke indicated that he would pull together a list of other grant programs and funding sources. Note: A list of grant programs and funding sources can be found at:
<http://www.coloradofirechiefs.org/data/grants/grants.htm>.
3. Paul Cooke indicated that he would compile notes from the meeting and would distribute them, as soon as possible.

The conference call was ended at 5:15 P.M.

**COUNTY COOPERATIVE AGREEMENTS WITH
STATE FOR FIRE PROTECTION**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Butters

LONG TITLE

General Description:

This bill modifies a provision relating to cooperative agreements between a county and the Division of Forestry, Fire, and State Lands relating to fire protection.

Highlighted Provisions:

This bill:

► requires a county, in order to be eligible to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands relating to fire protection, to:

- adopt a wildland fire ordinance;
- require the county fire department or private provider to meet certain minimum standards; and

- file a budget for fire suppression costs; and

► prevents counties that do not enter into a cooperative agreement with the division from being eligible for financial assistance from the division.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-8-6, as last amended by Chapter 319, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **65A-8-6** is amended to read:

65A-8-6. Cooperative fire protection agreements with counties.

(1) The county legislative body of any county may enter into a cooperative agreement with the division to receive financial and supervisory cooperation and assistance from the division.

(2) A county may not receive cooperation or assistance under Subsection (1) until a cooperative agreement is executed by the county legislative body and the division.

(3) In order to be eligible to enter into a cooperative agreement with the division, the county shall:

(a) adopt a wildland fire ordinance based upon minimum standards established by the division;

(b) require that the county fire department or equivalent private provider under contract with the county meet minimum standards for wildland fire training, certification, and wildland fire suppression equipment based upon nationally accepted standards as specified by the division; and

(c) file with the division a budget for fire suppression costs.

(4) A county that chooses not to enter into a cooperative agreement with the division may not be eligible to receive financial assistance from the division.

~~[(3)]~~ (5) The state forester may execute the agreements and may divide the state into fire protection districts.

~~[(4)]~~ (6) These districts shall provide efficient and economical fire protection within the area defined.

~~[(5)]~~ (7) The districts may comprise one or more counties, or portions of counties to be specified in the cooperative agreements.

~~[(6)]~~ (8) Under the terms of the cooperative agreements, the state forester shall file annual budgets for operation of the cooperative districts with each participating county.

~~[(7)]~~ (9) If the county approves a budget mutually acceptable to the county and the state forester, and budgets an amount for actual fire suppression costs determined to be normal by the state forester, the agreement shall commit the state to pay 1/2 the actual suppression costs that exceed the stated normal costs.

R652. Natural Resources, Forestry, Fire and State Lands.

R652-122. County Cooperative Agreements with State for Fire Protection.

R652-122-100. Authority.

This rule implements subsection 65A-8-6(3)(a) and subsection 65A-8-6(3)(b) which require the division to establish minimum standards for a wildland fire ordinance and specify minimum standards for wildland fire training, certification and wildland fire suppression equipment. This rule is promulgated under general rulemaking authority of subsection 65A-1-4(2).

R652-122-200. Minimum Standards for Wildland Fire Ordinance.

(1) The division uses the International Urban Wildland Interface Code as a basis for establishing the minimum standards discussed in this document. A county ordinance that at least meets the minimum standards should be in place by September 2006.

(2) The Division incorporates by reference the 2003 International Code Council Urban-Wildland Interface Code as the minimum standard for wildland fire ordinance with these exceptions:

(a) Section 101.1 Delete

(b) Section 101.3 Delete "The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present."

(c) Section 101.3 Second paragraph, substitute "development and" for "unrestricted"

(d) Section 101.4 Delete Exception

(e) Section 101.5 In the Exception, delete "section 402.3"

(f) Section 105.2 Delete "For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code"

(g) Section 105.2 Add a number 15 to the list of activities that need a permit to read "Or other activities as determined by the code official"

(h) Section 202 Delete "Critical Fire Weather, Ignition-Resistant Construction Class 1,2 and 3, Urban-Wildland Interface area"

(i) Section 202 "See Critical Fire Weather" from Fire Weather definition

(j) Section 202 Replace Fuel, Heavy definition with "Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater."

(k) Section 202 Replace Fuel, Light definition with "Vegetation consisting of herbaceous and round wood less than 1/4 inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be 1/2 ton to 2 tons per acre."

(l) Section 202 Replace Fuel, Medium definition with "Vegetation consisting of round wood 1/4 to 3 inches (6.4mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre."

(m) Section 202 Add the term Legislative Body with the following definition: "The governing body of the political jurisdiction administering this code"

(n) Section 202 Add the term Brush, Tall with the following definition: "Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry and mahogany, but may also include other species."

(o) Section 202 Add the term Brush, Short with the following definition: "Low-growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbitbrush are some varieties"

(p) Section 202 Add the term Wildland Urban Interface with the following definition "The line, area or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel."

(q) Section 301 Delete

(r) Section 302.1 Replace with " The legislative body shall declare the urban-wildland interface areas within the jurisdiction. The urban wildland interface areas shall be based on the maps created through Section 302."

(s) Section 302.2 Replace with " In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative (per participating agreement between county and FFSL) will create or review Wildland Urban Interface area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter."

(t) Section 302.3 Add "and the FFSL wildfire representative" between "official" and "shall".

(u) Section 402.3 Delete

(v) Section 403.2 Delete Exception

(w) Section 403.3 Replace "typically used to respond to that location" to "to protect structures and wildlands"

(x) Section 403.7 Add "It will be up to the code official to ascertain the standard based on local fire equipment, grade not to exceed 12%"

(y) Section 404.1 Delete "or as required . . . with Section 402.1.2"

(z) Section 404.1 Delete Exception

(aa) Section 404.3 Delete "The draft site shall have emergency . . . with Section 402."

(bb) Section 404.5 Replace "as follows: determined" with "by the local jurisdiction. NFPA 1142 may be used as a reference."

(cc) Section 404.5.1 Delete entire section including Exception

(dd) Section 404.5.2 Delete entire section including Exception

(ee) Section 404.6 Replace with "The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction (see Table 503.1)."

(ff) Section 404.8 Delete the words "and hydrants"

(gg) Section 404.9 After " . . . periodic tests as required by the code official." add the sentences "Code official shall establish a periodic testing schedule. Costs are to be covered by

the water provider."

(hh) Section 404.9 After the last sentence, add "Mains and appurtenances shall be installed in accordance with NFPA 24. Water tanks for private fire protection shall be installed in accordance with NFPA 22. Costs are to be covered by the water provider."

(ii) Section 404.10.3 After "...dependent on electrical power" add "supplied by power grid" and after ". . . demands shall provide . . ." add "functional"

(jj) Section 404.10.3 Replace "Exceptions" in its entirety with "When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or on-site generator."

(kk) Section 405 Before Section 405.1 Add "The purpose of the plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative materials and methods."

(ll) Section 405.1 After "When required by a code official, a fire protection plan shall be prepared" add the words "and approved prior to the first building permit issuance or subdivision approval."

(mm) Chapter 5, Delete Table 502

(nn) Section 505.2 Replace "Class B roof covering" with "Class A roof covering"

(oo) Section 506.2 replace "Class C roof covering" with "Class A roof covering"

(pp) Section 602 Delete

(qq) Section 603.2 Replace "for the purpose of Table 503.1" with "for individual buildings or structures on a property"

(rr) Section 603.2 Replace "10 feet or to the property line" with "30 feet or to the property line"

(ss) Section 603.2 replace "along the grade" with "on a horizontal plane"

(tt) Section 603.2 replace "may be increased" with "may be modified"

(uu) Section 603.2 Delete "crowns of trees and structures"

(vv) Add new Section 603.3 titled "Community fuel modification zones" with the following text: Fuel modification zones to protect new communities shall be provided when required by the code official in accordance with Section 603 in order to reduce fuel loads adjacent to communities and structures.

(ww) Add new Section 603.3.1 titled "Land ownership" with the following text: Fuel modification zone land used to protect a community shall be under the control of an association or other common ownership instrument for the life of the community to be protected.

(xx) Add new Section 603.3.2 titled "Fuel modification zone plans" with the following text: Fuel modification zone plans shall be approved prior to fuel modification work and shall be placed on a site grading plan shown in plan view. An elevation plan shall also be provided to indicate the length of the fuel modification zone on the slope. Fuel modification zone plans shall include, but not be limited to the following:

(i) Plan showing existing vegetation

(ii) Photographs showing natural conditions prior to work being performed

(iii) Grading plan showing location of proposed buildings and structures, and set backs from top of slope to all buildings or structures

(yy) Section 604.1 Add "annually, or as necessary" after "maintained"

(zz) Section 604.4 First sentence should read "Individual trees and/or small clumps of trees or brush crowns extending to within"

(aaa) Section 607 change "20 feet" to "30 feet"

(bbb) Chapter 7 Delete

(ccc) Appendix A is included as optional recommendations rather than mandatory

(ddd) Appendix B Last sentence changed to "Continuous maintenance of the clearance is required."

(eee) Appendix C Below title, add "This appendix is to be used to determine the fire hazard severity."

(fff) Appendix C-A1. Change to "One-lane road in, one-lane road out" and points change to 1, 10 and 15.

(ggg) Appendix C-A2. Points change to 1 and 5

(hhh) Appendix C-A3 Change to 3 entries: Road grade 5% or less, road grade 5-10% and road grade greater than 10%, with points at 1, 5 and 10, respectively.

(iii) Appendix C-A4. Points are now 1, 5, 8 and 10

(jjj) Appendix C-A5 Change to "Present but unapproved" for 3 points, and "not present" for 5 points

(kkk) Appendix C-B1. Fuel Types change to "Surface" and "Overstory". Surface has 4 categories -- Lawn/noncombustible, Grass/short brush, Scattered dead/down woody material, Abundant dead/down woody material; and the points are 1, 5, 10 and 15, respectively. Overstory has 4 categories -- Deciduous trees (except tall brush), Mixed deciduous trees and tall brush, Clumped/scattered conifers and/or tall brush, Contiguous conifer and/or tall brush; and the points are 3, 10, 15 and 20, respectively.

(lll) Appendix C-B2. The 3 categories are changed to "70% or more of lots completed", "30% to 70% of lots completed" and "Less than 30% of lots completed" and the points would be 1, 10 and 20, respectively.

(mmm) Appendix C-C Replace first category with "Located on flat, base of hill, or setback at crest of hill"; Replace second category with "On slope with 0-20%grade"; Replace third category with "On slope with 21-30% grade"; Replace fourth category with "On slope with 31%grade or greater"; Add fifth category that reads "At crest of hill with unmitigated vegetation below"; replace the points with 1, 5, 10, 15 and 20 for the five categories.

(nnn) Appendix C-E. Change the points to 1, 5, 10, 15 and 20.

(ooo) Appendix C-F. Drop down the second and third categories to third and fourth and insert new second category to read "Combustible siding/no deck"; The points for the four categories are 1, 5, 10 and 15.

(ppp) The new totals for "Moderate Hazard" are 50-75; "High

Hazard" are 76-100; "Extreme Hazard" are 101+.

(qqq) Appendices D-H Delete

R652-122-300. Minimum Standards for Wildland Fire Training.

(1) These standards apply to fire departments representing those counties who have cooperative wildland fire protection agreements with the State of Utah or other fire departments which are contracted with the counties to provide fire protection on private wildland.

(2) All members of the fire department responding to private and state wildland fires within the county's jurisdiction will be certified by the Utah Fire Certification Council as Wildland Firefighter I. The standard must be obtained by June 1, 2007.

(3) Fire Department personnel who supervise other firefighters on private and state wildland fires within the county's jurisdiction will be certified by the Utah Fire Certification Council as Wildland Firefighter II. This standard must be obtained June 1, 2010.

R652-122-400. Minimum Standards for Wildland Firefighting Equipment.

(1) The following standards are applicable to equipment used by fire departments representing those counties who have cooperative wildland fire protection agreements with the State of Utah. This includes county fire departments and other fire departments which are contracted with the counties to provide fire protection on private wildland. The Utah Division of Forestry, Fire and State Lands has determined that this standard be met by June 1, 2006.

(2) Engines and water tenders used on private wildland fires within the county's jurisdiction will meet the standard for the type of equipment plus appropriate hand tools and water handling equipment as determined by the National Wildfire Coordinating Group.

TABLE 1
Engines

Component	Type 1	Type 2	Type 3
Pump Rating (gpm)	1,000+ @ 150 psi	250+ @ 150 psi	150+ @ 250 psi
Tank Capacity (gal)	400+	400+	500+
Hose 2.5 inch	1,200 ft	1,000 ft	--
Hose 1.5 inch	400 ft	500 ft	500 ft
Hose 1 inch	--	--	500 ft
Ladders	48 ft	48 ft	--
Master Stream (gpm)	500	--	--
Personnel (minimum)	4	3	2

Component	Type 4	Type 5	Type 6
Pump Rating (gpm)	50 @	50 @	30 @

Tank Capacity (gal)	100 psi 750+	100 psi 400 - 750	100 psi 150 - 400
Hose 2.5 inch	--	--	--
Hose 1.5 inch	300 ft	300 ft	300 ft
Hose 1 inch	300 ft	300 ft	300 ft
Ladders	--	--	--
Master Stream (gpm)	--	--	--
Personnel (minimum)	2	2	2

TABLE 2
Water Tenders

Component	Type 1	Type 2	Type 3
Tank Capacity (gal)	5,000+	2,500+	1,000+
Pump Capacity (gpm)	300+	200+	200+
Off Load Capacity (gpm)	300+	200+	200+
Max Refill Time (min)	30	20	15
Personnel			
tactical/nontactical	2/1	2/1	2/1

KEY: minimum standards, wildland urban interface, cooperative agreement

Date of Enactment or Last Substantive Amendment: December 16, 2005

Authorizing, and Implemented or Interpreted Law: 65A-8-6