



7 Firehouse Road  
Post Office Box 100  
Taos Ski Valley  
New Mexico 87525

(575) 776-8220

E-mail: [vtsv@vtsv.org](mailto:vtsv@vtsv.org)  
Web Site: [www.vtsv.org](http://www.vtsv.org)

**PLANNING & ZONING  
COMMISSION:**

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
Susan Nichols  
J. Christopher Stagg  
Jim Woodard

**VILLAGE ADMINISTRATOR:**  
John Avila

**DIRECTOR OF PLANNING &  
COMMUNITY DEVELOPMENT:**  
Patrick Nicholson

**VILLAGE CLERK:**  
Ann Marie Wooldridge

## **PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA**

Monday, September 14, 2020 1:00 P.M.

Via Zoom TeleConference

Email [vtsv@vtsv.org](mailto:vtsv@vtsv.org) for information to attend the meeting  
TAOS SKI VALLEY, NEW MEXICO

### **AGENDA**

- I. CALL TO ORDER & ROLL CALL**
- II. APPROVAL OF THE AGENDA**
- III. APPROVAL OF THE MINUTES OF THE AUGUST 3, 2020 P&Z COMMISSION MEETING**
- IV. NEW BUSINESS**
  - A. PUBLIC HEARING: CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT** at 7 Firehouse Road for the Village of TSV Fire & Rescue Department.
  - B. DISCUSSION: CONSIDERATION TO RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2021-30** - An Update to the Village of TSV Official Zoning Map Incorporating Previously Approved Changes.
  - C. DISCUSSION: CONSIDERATION TO RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2020-44** - Adoption of the Village Wildland Interface Ordinance.
- V. OLD BUSINESS**
- VI. MISCELLANEOUS**
- VII. ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT MEETING**
- VIII. ADJOURNMENT**



**PLANNING & ZONING COMMISSION  
DRAFT MEETING MINUTES  
MEETING HELD VIA ZOOM  
TAOS SKI VALLEY, NEW MEXICO  
MONDAY, AUGUST 3, 2020 1:00 P.M.**

**I. CALL TO ORDER & ROLL CALL**

Commission Chair Tom Wittman called the meeting to order at 1:00 p.m. Roll call was taken, and a quorum was established. All Commission members were present: Henry Caldwell, Richard Duffy, Yvette Klinkmann, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. Staff members present: Planning Director Patrick Nicholson, Village Administrator John Avila, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, and Attorney Susan Baker.

**II. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda as presented

**Motion:** Commissioner Duffy      **Second:** Commissioner Nichols      **Passed:** 7-0

**III. APPROVAL OF THE MINUTES OF THE JULY 13, 2020 P&Z COMMISSION MEETING**

**MOTION:** To approve the minutes as presented

**Motion:** Commissioner Stagg      **Second:** Commissioner Woodard      **Passed:** 7-0

**IV. NEW BUSINESS**

**A. PUBLIC HEARING:** Consideration to Approve a Variance Request to the Perennial Stream Setback for a New Residence at 121 Twining Road.

Planning Director Nicholson explained that the applicant had submitted revised residential construction plans, which require approval of a Perennial Stream Setback Variance to proceed. The principle change is the repositioning of the entire structure an additional two feet away from Gunsite Stream and east toward Twining Road.

On July 13, 2020, the Planning Commission denied the applicant's request for a Perennial Stream Setback Variance. In the submittal packet, the applicant shows that this current request generally complies with the intentions of all variance criteria in the Village's Zoning Ordinance. Furthermore, the applicant has adequately addressed the NM State Statue variance criteria in their submittal.

Site disturbance from the structural foundation is within the minimum fifteen-foot perennial stream setback requirement, necessitating consideration and approval of a Variance. The project team is again proposing to cantilever the western end of the residence over Gunsite Stream.

Director Nicholson said that to properly calculate the setback, the diagram shown for General Setback Requirements and Building Pad in Zoning Ordinance 17-30 is very useful. As indicated in the diagram, there is to be no site disturbance of any kind within the first fifteen feet of the Perennial Stream Setback area for this proposed house. The intent is to protect the stream from any site disturbance, which could reasonably impact or affect the ecological health of a

natural stream. The proposed design submittals indicate a small area, 61 square feet, of site disturbance for the structural foundation within the stream setback. The closest linear impact is 7'5" to the building corner.

At the last Hearing, there was some confusion as to whether the proposed cantilevered section of the building should be considered as part of the footprint. This was due in part to the Village Ordinance definition of a Building Footprint, which includes the cantilevered building elements. The term best applies to the Ordinance design guidelines found in Section 9.1.1. It could also be utilized in assessing and calculating a Variance encroachment, explained Director Nicholson.

The applicant has stated that they now wish to include the more restrictive interpretation in their request, thus including the cantilevered building section. This would greatly expand the encroachment area within the Perennial Stream Setback, as the building would extend and cross the stream at a height of approximately 4'5". The area of encroachment was not calculated by the applicant but could be estimated at a few hundred square feet.

Construction Manager Jed Magee noted that this was the best approach overall for placing the house on this property. He also noted that this water body goes through many culverts upstream of this property and has been moved in the past for other houses over many, many years. Architect Jonah Sanford explained that they were trying to not bring in or export dirt fill, and that they were being mindful of the steepness of the driveway. If the house were to be moved further away from the stream, it would compromise the snow storage area fronting Twining Road. Many people spoke in favor of the project, including Attorney Chris Graser, and Peter and Wendy Trevisani. The proposed house is in line with other new houses in the neighborhood, they noted.

Mr. Magee related that the Army Corps of Engineer representative Daniel Delgado said that cantilevering a house over a water body was the desirable method to address building a house on a property, he said. The Statutory requirements and the Village's Comprehensive Plan have also been addressed, said Mr. Graser.

Staff recommends a motion to Approve the Variance with the following Conditions:

- A. Take all necessary measures to protect Gunsite Stream from on-site construction activity, debris, and erosion.
- B. Provide stamped structural engineered plans for the revised building design.

**PUBLIC HEARING:** Speaking in favor were Jed Magee, neighbor Kate Ferlic, and neighbor Jenna Scanlan. Speaking against was neighbor David Margarone's representative Don Schieber, and David Margarone.

The Public Hearing was closed.

**MOTION:** To approve a Variance Request to the Perennial Stream Setback to install supporting posts for a new residential home at 121 Twining Road

**Motion: Commissioner Duffy      Second: Commissioner Stagg**

Mr. Graser and Attorney Baker addressed Mr. Margarone's comments, saying that granting one variance would not create a legal precedent. Discussion followed.

Commissioner Chair Wittman called for a vote. Passed: 5-2 (Commissioners Klinkmann and Woodard dissenting)

**B. DISCUSSION:** Consideration to Recommend Approval to the Village Council of the 2022-2026 Village of Taos Ski Valley Infrastructure & Capital Improvement Plan (ICIP)

Director Nicholson presented this year's proposed ICIP. He said that although the projects listed are similar to those in previous plans, the costs have been updated, adding approximately \$10 million in total project valuations. Most of the changes involved Public Safety infrastructure projects. This list, when final, will get submitted to the State so that projects would be eligible for Capital Outlays funds.

**MOTION:** To Recommend Approval to the Village Council of the 2022-2026 Village of Taos Ski Valley Infrastructure & Capital Improvement Plan (ICIP)

**Motion:** Commissioner Stagg      **Second:** Commissioner Caldwell      **Passed:** 6-1 (Caldwell dissenting)

**V. OLD BUSINESS**

**VI. MISCELLANEOUS**

**A.** Director Nicholson said that the Shopoff (Resort at TSV) project still requires additional documents be submitted to the Village prior to scheduling a Hearing. Timing for presenting to the P&Z Commission is unknown at this time. There had been a hope of having an in-person meeting for the Shopoff presentation, he said, although the Shopoff group said that they were comfortable with presenting via Zoom.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:**

The next meeting of the Planning & Zoning Commission is scheduled for September 14, 2020 at 1:00 p.m. via Zoom.

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion:** Commissioner Caldwell      **Second:** Commissioner Woodard      **Passed:** 7-0

The meeting adjourned at 2:45 p.m.

\_\_\_\_\_  
Tom Wittman, Chairperson

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk



## Planning & Zoning Commission

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
Susan Nichols  
J. Christopher Stagg  
Jim Woodard

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### **Staff Report**

#### **Conditional Use Permit: Temporary Building 7 Firehouse Road**

##### **1. Case Summary**

Date of Hearing: September 14, 2020  
Application Received: August 27, 2020  
Date of Posting: August 31, 2020  
Plan Review Fees: No fee, VTSV applicant

**Project Description:** The Taos Ski Valley Fire & Rescue Department would like to construct a new temporary building to house its medical rescue ambulance next to the Village Fire Station #1. The approximately 800 sq. ft. structure is expected to remain until a more permanent and expanded Fire Station(s) can be constructed to house its growing inventory of vehicles and apparatuses.

Village adopted planning regulations, primarily contained in Ordinance 17-30, stipulate that a Conditional Use Permit (CUP) is required for any temporary building in the Commercial Business Zone.

The applicant has provided a packet of submission materials including a letter to the landowner requesting permission to construct the building, proposed building specifications, and an old property plat and drawing. Please refer to Exhibit A.

**Prior Actions/Approvals:** None on record for this application.

##### **2. Zoning Analysis:**

**A.** The subject property is located at 7 Firehouse Road and is zoned Commercial Business (CB).

The application as presented, complies with all pertinent zoning regulations and conditions.

**B. In Planning & Zoning Ordinance 17-30 Section 26: Conditional Use Permit Guidelines - Village zoning regulations require that the Commission shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:**

1. Access to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, avalanche or catastrophe.
2. The economic, noise, glare, or odor effects of the Conditional Use on adjoining properties.
3. General compatibility with adjacent properties and other properties in the Village with regard to height, landscaping, setbacks, lighting, signs, parking, and design standards when adopted by the Village Council.
4. Compliance with supplementary regulations as delineated in zone in which the property will be located.
5. All improvements required by the Village Planning Department and/or Village Engineer in the Public Works Plan have been completed or completion plans, designs and costs are approved by an agreement approved by the Village Council.

**3. Recommendation:** Staff recommends a motion to **Approve** the Conditional Use Permit with the following **Conditions:**

- A. Submission of a letter by the property owner, Mickey Blake, granting permission for the construction of the proposed temporary building.

**4. Public Notice & Public Comments**

The notice of public hearing was mailed to all abutting property owners on August 31, 2020. A public notice sign was placed on the property on August 31, 2020.

The application and Staff Report were made available at the Villages Office for public review. The following written comments were received by the public:

- A. None

**5. Staff Endorsements**

Submitted By:

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Patrick Nicholson  
Director, Planning & Community Development Department

**6. Attachments**

A. Application documents

Village of Taos Ski Valley  
 Planning & Community Development Department  
**LAND USE & DEVELOPMENT APPLICATION**



<u>Applicant/Developer:</u> <i>Taos Ski Valley Fire Department</i>	<u>Property Address:</u> <i>7 Fire House Road Taos Ski Valley NM 87525</i>
<u>Current Owner Address:</u>	<u>Lot/Block:</u>
	<u>Subdivision:</u> <i>TBD</i>
<u>Architect/Engineer:</u> <i>TBD</i>	<u>Contractor:</u> <i>TBD</i>

**Authorization and Acknowledgment**

I, the undersigned, am the owner of the above described property, or am authorized to represent the owners (proof of such authorization is attached). I recognize the fees paid with the application may not constitute the total cost to process this request and that I will be responsible for the additional costs incurred by the Village of Taos Ski Valley to review and process this request. I agree to pay these costs upon receipt of a statement from the Village.

*[Signature]*  
 Owner or Representative

*27 Aug 2020*  
 Date

**APPLICATION INFORMATION**

SUBDIVISION	FEE	ZONING	FEE
Sketch Plat:	\$1,000	Conditional Use	\$1,500
Parcel Conceptual Plan (CVZ)	\$500	Zone Change	\$1,500
Preliminary Plat:		Variance	\$800
Category I - less than 3 lots	\$3,000	Variance (minimum)	\$250
Category II - less than 10 lots	\$5,000	Special Use	\$500
Category III- 10 - 20 lots	\$7,500	<b>CERTIFICATE of COMPATIBILITY</b>	\$1,000
Each lot > 20	\$500	<b>PUBLIC NOTICE SIGNS</b>	\$50
Final Plat (1/2 cost of preliminary plat)		<b>APPEALS</b>	\$250
Summary Subdivision	\$500	<b>PERMITS</b>	
Lot Line Adjustment	\$250	Fence Tree Sign Lighting	\$25
Variance	\$500	Accessory Structure	\$25
		Excavation / Grading	\$250

Application Received: Date: \_\_\_\_\_ Total Fees Paid: \$ \_\_\_\_\_

Received by: \_\_\_\_\_ (VTSV staff)



**Taos Ski Valley Fire Department**  
PO Box 100, 7 Firehouse Road. Taos Ski Valley, NM 87525  
(575) 776-8220 Ext. 511 (575) 776-1145 Fax  
E-mail: [fire@vtsv.org](mailto:fire@vtsv.org) Website: [www.vtsv.org](http://www.vtsv.org)

**Chief: Roberto Molina Jr**  
**Assistant Chief: Leland Thompson**

August 27, 2020

Mickey Blake,

I am reaching out to you for permission to construct a temporary building for our medical rescue Ambulance on your property next to Fire Station 1. The building that I am looking at constructing will be up for about 18 months. If the building that we choose to construct needs a foundation for it, we will remove the foundation when the building is taken down and removed. We estimate at using no more than 800 square feet. This building will house apparatus that have been parked outside in the weather. Your assistance in helping the Fire Department, in allowing the construction of this temporary building, will benefit this community and the Taos Ski Valley Fire Department.

Thank You



Roberto Molina Jr  
Chief Taos Ski Valley Fire Department  
PO Box 100  
Taos Ski Valley, NM 87525  
575-770-7435 (Cell)  
575-776-8220 Ext. 511 (Office)

C/F Mc Coy-Dove  
Condominium Development  
(Ric Honda Condominiums)

(U6) (U9) (P5)

181.22' N53°18'20"E 53.98'

POB

S02°07'00"W

54.52'

Admin Tract  
0.069 acre±  
3005 sq ft  
administration building

C/F VTSV & CFPD

(C) (P1) (P4)

88.35'

S02°07'00"W

C/F Strawberry Hill Development, LLC

(N5) (P2) (P4)

S87°53'00"E 42.06'

POB

103.54'

103.54'

158.06'

191.89'

Tract A  
0.100 acre±  
to be conveyed to VTSV

C/F Blake

(D2) (D3) (D7) (P4)

Tract B  
0.333 acre±  
to be conveyed to VTSV

C/F Blake

(D2) (D3) (D7) (P4)

125.54'

42.06'

N87°53'00"W

Fire House Road (grove)

C/F Blake

(D2) (D3) (D7) (P4)





VersaTube Building Systems  
50 Eastley Street  
Collierville, TN 38017

800-810-2993  
sales@versatube.com  
support@versatube.com

## Custom Structure Technical ☐ Specification

Tuesday, August 18th 2020, 10:47 AM

PRICE  
**\$7,725**

Design ID: 620300

### STRUCTURE TYPE

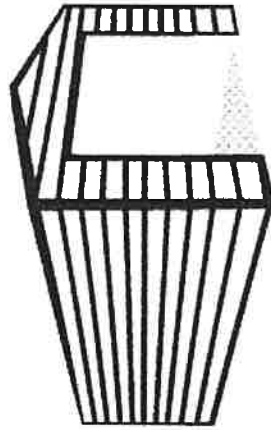
## Frontier - Fully Enclosed



With Roof Hat ☐ Channel  
(Purlins)

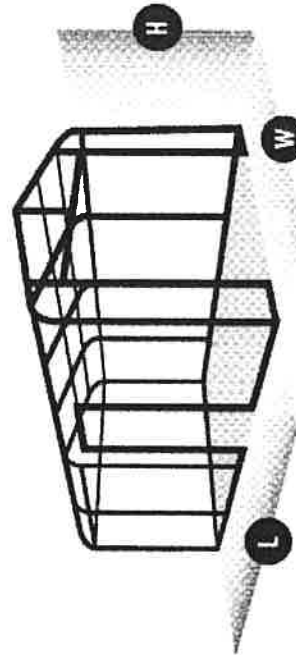
### Description:

14'x30'x12' Frontier Fully Enclosed, 5' on center, (1) 10'x10' garage door opening, (1) walk door opening



### FRAME SPECS

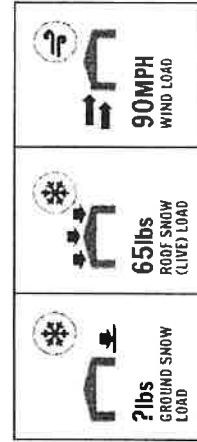
This structure is engineered to meet or exceed your local building code requirements of:



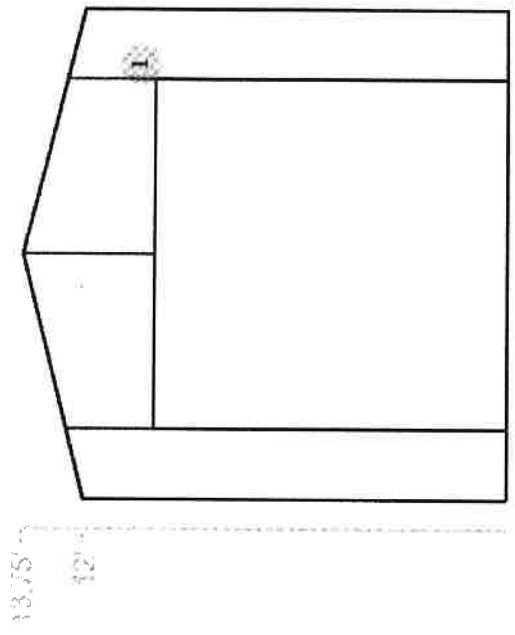
WIDTH  
**14'**

LENGTH  
**30'**

HEIGHT  
(SIDEWALL)  
**12'**



Structure will be anchored to:  
Ground



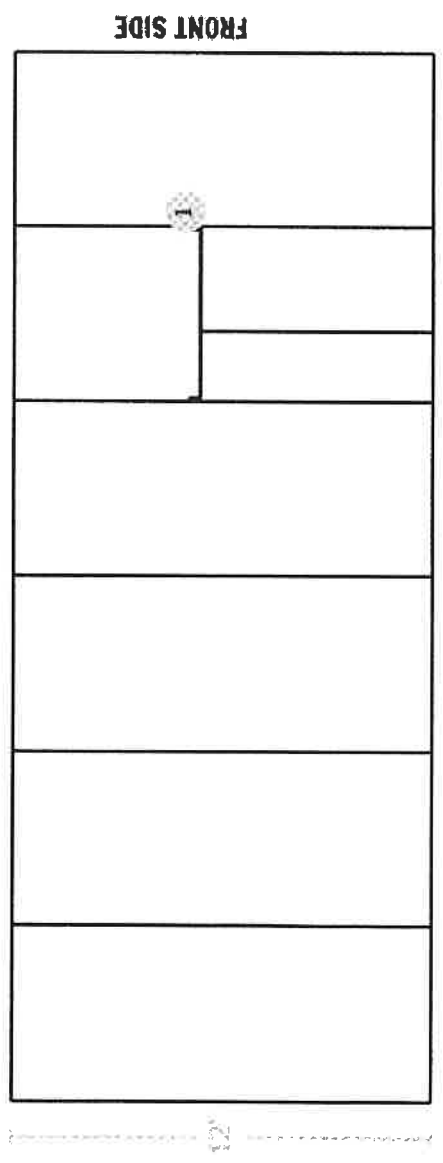
Main Building

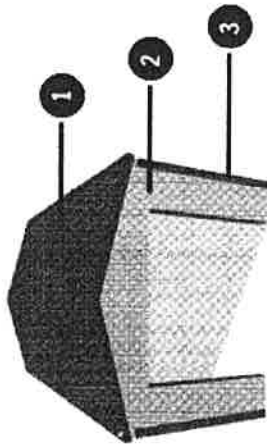
① Garage Door Frame  
10' x 10'  
DIMS

2'  
FROM  
RIGHT

2'  
FROM  
LEFT

Left





1 ROOF COLOR



Red

2 WALL COLOR



Red

3 TRIM COLOR



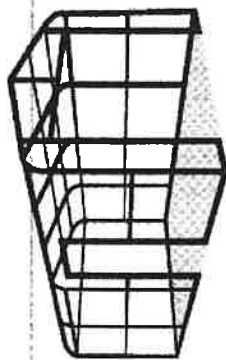
Red

#### WARRANTY DETAILS



### The VersaTube Product Pledge

Pledge is our way of showing that we're proud of our products and the level of quality that they represent. Your structure will go through an extensive inspection process prior to leaving our plant, but if any component should not meet your expectations, we'll be glad to replace the part at no charge within 30 days of purchase.



The only criteria that must be met is that you bought the structure from VersaTube, the damage wasn't caused by customer modifications or mishandling, and that the structure was erected within 30 days of purchase.

The second part of the VersaTube Product Pledge provides a 20 year structural warranty on all framing components of our structures from the date of purchase. Of course, the defect can't be caused by customer modifications or negligence; an unanticipated Act of God or nature, an accident, or any type of internal or external impact. Improper assembly or installation may also void the warranty.

The customer is responsible for performing standard structure maintenance and inspections on a regular basis. We reserve the right to repair or replace any part that might not meet expectations.

VersaTube is proud to put our name on the structures we manufacture for our customers and stand behind their quality with our industry leading Product Pledge.

#### DELIVERY OPTIONS



**Standard Delivery**  
(Customer Unloads)

**\$0**  
(Included in total price)



#### DELIVERY ESTIMATE

**Engineered plans will be ready for your review in 30 days.**  
You selected engineering plans. Once you review and approve the plans then your structure will be assigned a shipment date.

### Custom Structure Technical Specification

Tuesday, August 18th 2020, 10:47 AM

Design ID: 620300

PRICE  
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## Custom Structure Technical Specification

Tuesday, August 18th 2020, 10:45 AM

PRICE  
**\$10,816**

Design ID: 620298

### STRUCTURE TYPE

#### Frontier - Fully Enclosed



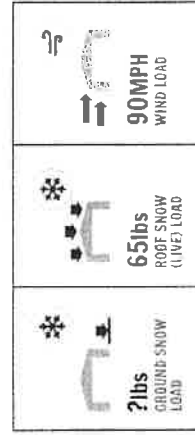
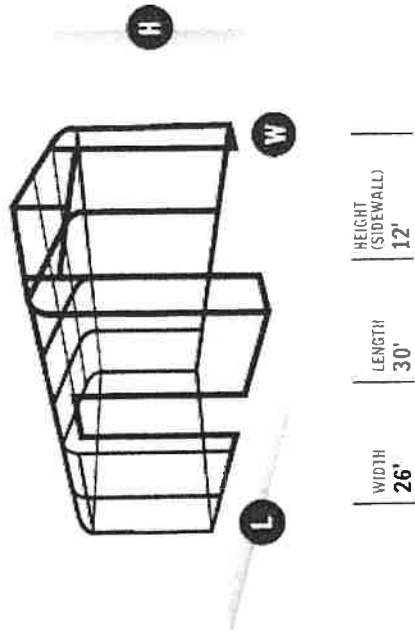
With Roof Hat ☐ Channel  
(Purlins)

#### Description:

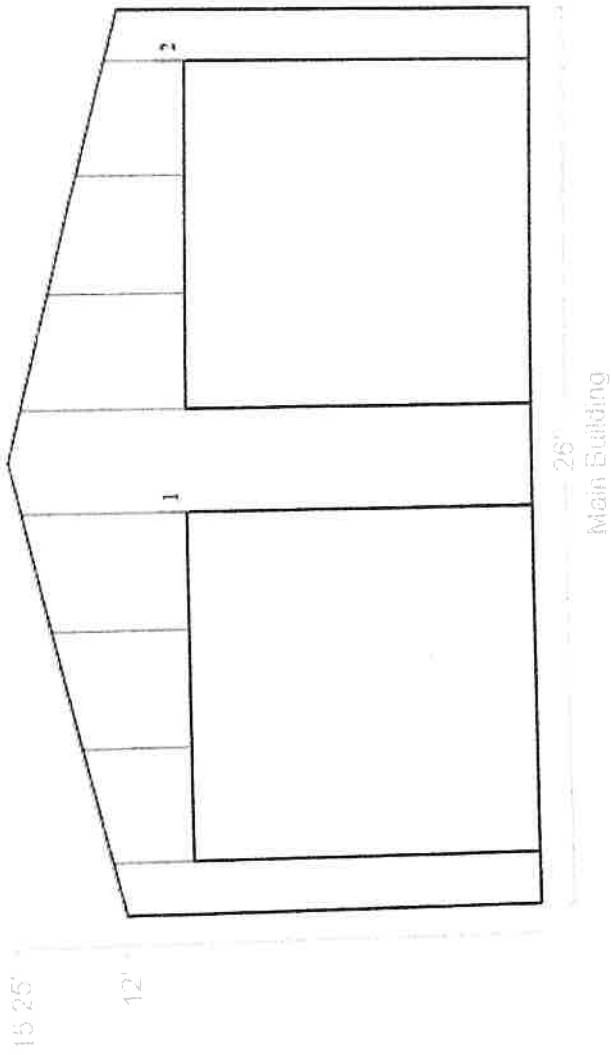
26'x30'x12' Frontier Fully Enclosed, 4' on center, (2) 10'x10' garage door opening, (1) walk door opening

### FRAME SPECS

This structure is engineered to meet or exceed your local building code requirements of:



Structure will be anchored to:  
Ground



- ① Garage Door Frame  
10' x 10' DIMS  
1 1/2" FROM LEFT
- ② Garage Door Frame  
10' x 10' DIMS  
1 1/2" FROM LEFT
- 1 1/2" FROM RIGHT
- 14 1/2" FROM RIGHT

Left





# The VersaTube Product Pledge

Pledge is our way of showing that we're proud of our products and the level of quality that they represent. Your structure will go through an extensive inspection process prior to leaving our plant, but if any component should not meet your expectations, we'll be glad to replace the part at no charge within 30 days of purchase.

The only criteria that must be met is that you bought the structure from VersaTube, the damage wasn't caused by customer modifications or mishandling, and that the structure was erected within 30 days of purchase.

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## DELIVERY OPTIONS



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(Customer Unloads)

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VersaTube Building Systems  
50 Eastley Street  
Collierville, TN 38017

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**VILLAGE OF TAOS SKI VALLEY  
ORDINANCE NO. 2021-30**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY AMENDING ORDINANCE NO. 17-30 TO ADOPT AN UPDATED VILLAGE ZONING MAP**

**WHEREAS**, as an integral and necessary part of its land use planning process, the Village of Taos Ski Valley has adopted zoning regulations in Ordinance No. 17-30;

**WHEREAS**, to accompany these zoning regulations, the Village adopted a Zoning Map outlining the designated zone districts described in Ordinance No. 17-30; and

**WHEREAS**, it is necessary to update the Zoning Map from time to time to incorporate and reflect approved changes to the Zoning Map.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO AS FOLLOWS:**

**Section 1. ADOPTION OF OFFICIAL ZONING MAP**

The Village hereby adopts its official Zoning Map, attached hereto as Exhibit A.

**Section 2. GOVERNING MAPS**

This Zoning Map supersedes any previously adopted Zoning Maps and governs the zoning districts and regulations established by Ordinance No. 17-30.

**PASSED, ADOPTED, AND APPROVED BY THE COUNCIL FOR THE VILLAGE OF TAOS SKI VALLEY UPON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_.**

\_\_\_\_\_  
**CHRISTOF BROWNELL, Mayor**

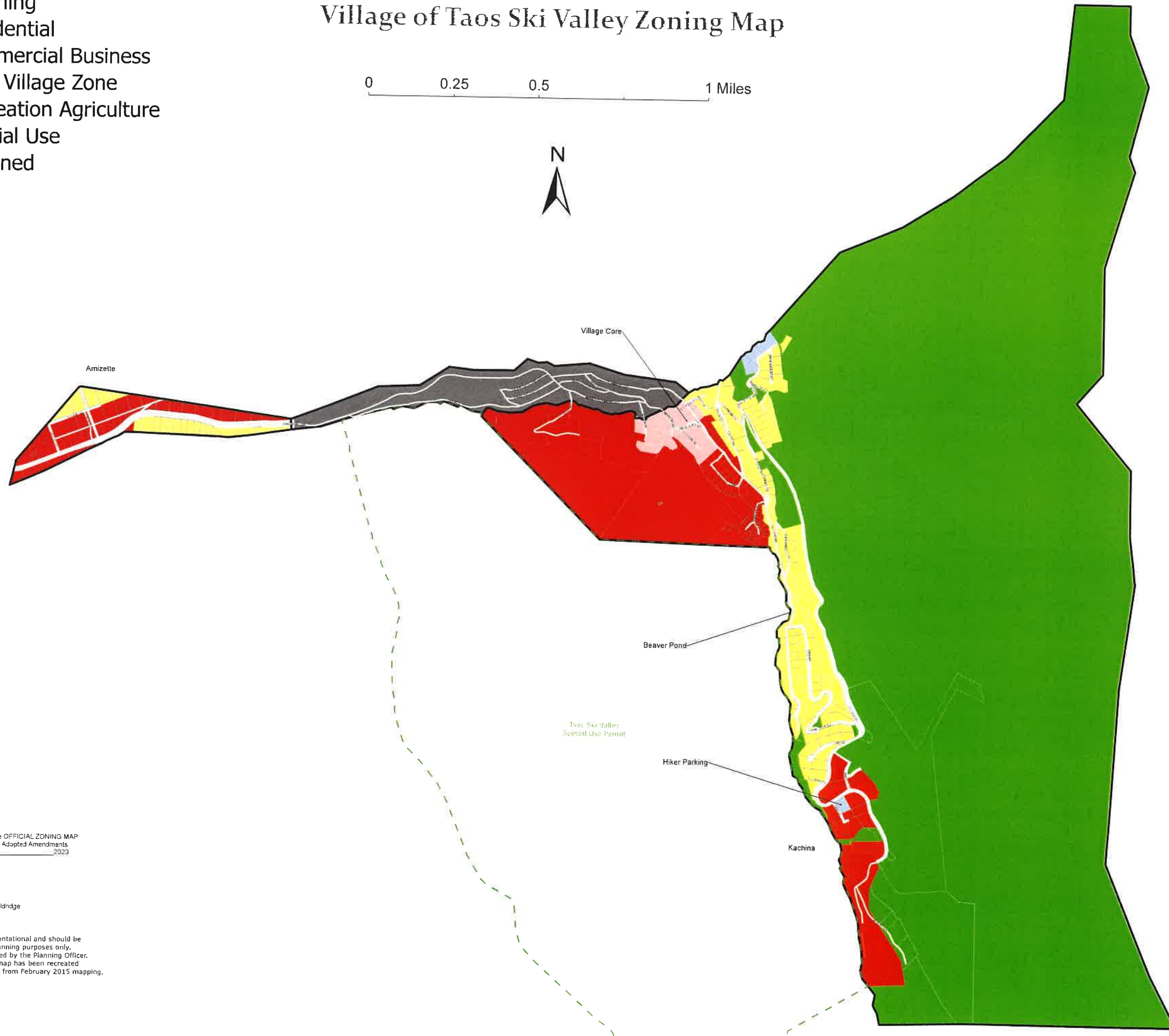
**Attest:** \_\_\_\_\_  
**ANN M. WOOLDRIDGE, Village Clerk**

# VTSV Zoning

- Residential
- Commercial Business
- Core Village Zone
- Recreation Agriculture
- Special Use
- Unzoned

## Village of Taos Ski Valley Zoning Map

0 0.25 0.5 1 Miles



This is to certify that this is the OFFICIAL ZONING MAP  
updated and revised to reflect Adopted Amendments  
on 01/11/2019

Mayor: Christoff Brownell

Attest: Village Clerk: Ann Wooldridge

This zone is purely representational and should be  
used as a reference for planning purposes only.  
Each zone should be verified by the Planning Officer.  
Data represented by this map has been recreated  
01/11/2019 by SageGISllc from February 2015 mapping,  
data and documents.



# Building Official Planning and Zoning Report 09-14-20

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Commissioners,

Monday May 4, 2020 a presentation was made to this body meant to elicit recommendations for a village wildland interface update to our outdated ordinance 2007-44. A collaborative approach was requested, since that time I have appealed to community for input.

Input received has most often been request for services of a forester, which is outside the parameters of the proposed ordinance, but could be pursued by community members for assistance in satisfying intent of the code. Individual property owners may secure a forester's services when creating a vegetation management plan or a community organization such as the Firewise Board might apply for a grant in participation with the Village to make those services available Village-wide. Success of such an endeavor may be difficult without an updated Village ordinance as documented later in this presentation.

In composing this I find that 11 months ago I brought before this commission for recommendation to Council an update to our Village Building Codes that were 22 years past their publication date. Thank you for your endorsement at that time the new Village Building and Construction Code was adopted in February of 2020.

Today I am asking you for a similar endorsement, update our ordinance 2007-44 which references a published code that is 17 years past its publication date. If all goes well with the Council as before we can expect a modern Wildland Interface Ordinance in force for our next construction season.

What we can not expect is for everyone to understand the importance of this action. I will try to communicate this importance for public record in this document. None of the following is my composition. These are both selected from the weekly feed of my International Code Council subscription.

The International Codes (I-Codes), are reviewed and updated every three years to ensure that we have the most modern, energy-efficient, cost-effective safety measures in place. Technology today is changing rapidly, and the building community is not exempt from this trend. Because of the regular update cycle, our codes can benefit from new science, lessons learned from disasters, and new technologies and products.

Unfortunately, states and jurisdictions do not always stay current with the most recent model codes. Neglecting timely code adoption puts residents at a higher risk, encourages inefficient regulation and increases costs to businesses and homeowners. Outdated codes can contribute to unnecessary injuries and costs when tragedy strikes. From fires to tornados, earthquakes and floods, buildings built to updated codes are the safest, most resilient structures available. In addition, building innovation increases energy efficiency and building performance, which means more cost-efficient buildings and faster recovery after a disaster.

## **The Disaster Recovery Reform Act and the I-Codes October 17, 2018**

On October 5, 2018, the President signed into law the Disaster Recovery Reform Act (DRRA) as a section

## Building Official Planning and Zoning Report 09-14-20

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within a broader package of legislation reauthorizing the Federal Aviation Administration's activities (H.R. 302). The International Code Council worked closely with its members, partners, the Federal Emergency Management Agency (FEMA) and the U.S. Congress on this important legislation to support U.S. communities before and after a disaster. This groundbreaking legislation will benefit communities across America and provide additional incentives for jurisdictions to adopt and enforce the latest International Codes (I-Codes). In short, the DRRRA:

1. Provides additional resources for the implementation of building codes post disaster;
2. Roughly quadruples funding for competitive pre-disaster mitigation (PDM) grants for state, local, tribal and territorial governments;
3. Allows PDM funding to be used for I-Codes adoption and enforcement;
4. Increases jurisdictions' chances of receiving PDM awards based on their adoption and enforcement of the latest edition of the I-Codes;
5. And, codifies FEMA's requirement that federally assisted facility repair and rebuilding efforts post-disaster be done to the Code Council's latest building codes.

As relates to the I-Codes and building safety, the main areas of the DRRRA are:

### Eligibility for Code Implementation and Enforcement (Sec. 1206)

For 180 days after a major disaster is declared, states may use public facility repair and replacement Stafford Act funds for base and overtime wages for extra hires to facilitate the implementation and enforcement of adopted building codes.

In a major disaster, the President may provide assistance to state and local governments for building codes and floodplain management ordinance administration and enforcement.

### National Public Infrastructure Pre-Disaster Hazard Mitigation (Sec. 1234)

The legislation permits the President to put 6% of annual disaster spending into a new national PDM grant account. By some estimates, this provision could increase annual PDM spending from approximately \$250 million currently to between \$800 million and \$1 billion, based on the level of disaster spending each year.

Lack of resources is an often-cited reason that jurisdictions do not update their codes to more recent editions. The Code Council spearheaded a successful effort to ensure that under the final DRRRA, communities can use PDM grants to facilitate the adoption of the latest published editions of the I-Codes.

**The legislation encourages jurisdictions to adopt and enforce the latest published editions of the I-Codes by making their PDM applications more competitive if they do so.**

## Building Official Planning and Zoning Report 09-14-20

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As applied to the I-Codes, the term “latest published editions” in this bill section is defined as the two most recently published editions – currently, this means the 2015 and 2018 I-Codes. This definition sunsets after five years. After October 2023 when this definition sunsets, FEMA will have the discretion to determine which code edition or code editions constitute the “latest published editions.”

The bill limits **future** PDM grants to jurisdictions that were partially or entirely subject to a major disaster declaration in the last seven years.

### Additional Mitigation Activities (Sec. 1235)

Eligible costs for federally assisted public facility repair and replacement post-disaster are to be determined based on conformity with the Code Council’s latest building codes or their equivalents.

Prior to the DRRRA, the Stafford Act had tied the eligible cost determination to adopted codes, not the latest published code editions. As a matter of administrative policy, FEMA currently requires federally assisted public facility repairs and replacements be done to the latest published editions of the Code Council’s building codes or their equivalents regardless of the codes the underlying jurisdiction has adopted.



*Village of Taos Ski Valley*

*Building Official*

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## Building Official Planning and Zoning Report 09-14-20

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Commissioners,

Monday May 4, 2020 a presentation was made to this body meant to elicit recommendations for a village wildland interface update to our outdated ordinance 2007-44. A collaborative approach was requested, since that time I have appealed to community for input.

Input received has most often been request for services of a forester, which is outside the parameters of the proposed ordinance, but could be pursued by community members for assistance in satisfying intent of the code. Individual property owners may secure a forester's services when creating a vegetation management plan or a community organization such as the Firewise Board might apply for a grant in participation with the Village to make those services available Village-wide. Success of such an endeavor may be difficult without an updated Village ordinance as documented later in this presentation.

In composing this I find that 11 months ago I brought before this commission for recommendation to Council an update to our Village Building Codes that were 22 years past their publication date. Thank you for your endorsement at that time the new Village Building and Construction Code was adopted in February of 2020.

Today I am asking you for a similar endorsement, update our ordinance 2007-44 which references a published code that is 17 years past its publication date. If all goes well with the Council as before we can expect a modern Wildland Interface Ordinance in force for our next construction season.

What we can not expect is for everyone to understand the importance of this action. I will try to communicate this importance for public record in this document. None of the following is my composition. These are both selected from the weekly feed of my International Code Council subscription.

The International Codes (I-Codes), are reviewed and updated every three years to ensure that we have the most modern, energy-efficient, cost-effective safety measures in place. Technology today is changing rapidly, and the building community is not exempt from this trend. Because of the regular update cycle, our codes can benefit from new science, lessons learned from disasters, and new technologies and products.

Unfortunately, states and jurisdictions do not always stay current with the most recent model codes. Neglecting timely code adoption puts residents at a higher risk, encourages inefficient regulation and increases costs to businesses and homeowners. Outdated codes can contribute to unnecessary injuries and costs when tragedy strikes. From fires to tornados, earthquakes and floods, buildings built to updated codes are the safest, most resilient structures available. In addition, building innovation increases energy efficiency and building performance, which means more cost-efficient buildings and faster recovery after a disaster.

### **The Disaster Recovery Reform Act and the I-Codes October 17, 2018**

On October 5, 2018, the President signed into law the Disaster Recovery Reform Act (DRRA) as a section

## Building Official Planning and Zoning Report 09-14-20

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within a broader package of legislation reauthorizing the Federal Aviation Administration's activities (H.R. 302). The International Code Council worked closely with its members, partners, the Federal Emergency Management Agency (FEMA) and the U.S. Congress on this important legislation to support U.S. communities before and after a disaster. This groundbreaking legislation will benefit communities across America and provide additional incentives for jurisdictions to adopt and enforce the latest International Codes (I-Codes). In short, the DRRA:

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## Building Official Planning and Zoning Report 09-14-20

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**THE VILLAGE OF TAOS SKI VALLEY  
ORDINANCE NO. 2020-44**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY KNOWN AS  
VILLAGE WILDLAND INTERFACE ORDINANCE,  
ADOPTING THE ICC'S  
INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2015 EDITION, AND  
ESTABLISHING AMENDMENTS THERETO**

**WHEREAS**, the Village of Taos Ski Valley (the Village) is surrounded by alpine forests and wildlands that can be prone to wildfires, especially in times of drought; and

**WHEREAS**, the Village Council wishes to support the mitigation of wildfire hazards within the Village and surrounding wildland areas through appropriate mitigation techniques and management; and

**WHEREAS**, the International Code Council (ICC) has created a model Code known as the *International Wildland-Urban Interface Code*, which regulates and governs the mitigation of hazard to life and property from the intrusion of wildfire from adjacent wildlands, as well as the prevention of structure fires from unmitigated wildland fuels; and

**WHEREAS**, the Village believes that adoption of the *International Wildland-Urban Interface Code*, is in the best interest of Village citizens in order to protect the health, safety, and welfare of the public from devastating wildfires; and

**WHEREAS**, this Ordinance, in adopting the *International Wildland-Urban Interface Code*, provides a system of guidelines and regulations aimed at preventing wildfires from spreading and threatening the Village, and contains supporting provisions for the issuance of permits and collection of fees; and

**WHEREAS**, in adopting the *International Wildland-Urban Interface Code*, the Village repeals all previous ordinances specifically regulating wildfire hazards, including Ordinance No. 2007-44 of the Village of Taos Ski Valley and all other ordinances and parts of laws in conflict therewith.

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF TAOS SKI VALLEY  
AS FOLLOWS:**

**Section 1. Adoption.**

The Village of Taos Ski Valley hereby adopts the *International Wildland-Urban Interface Code*, 2015 Edition, as established by the International Code Council (ICC), and repeals all previous Village Ordinances and laws in conflict therewith, including Village Ordinance No. 2007-44.

The adoption of the *VILLAGE WILDLAND INTERFACE ORDINANCE* includes only the following provisions:

- Appendix A, General Requirements.
- Appendix B, Vegetation Management Plan;

The *International Wildland-Urban Interface Code*, 2015 Edition, is hereby made a part of this Ordinance as though fully set forth herein, but with the additions, insertions, deletions and changes, specifically prescribed in *Section 3* below.

## **Section 2. Enforcement by Village of Taos Ski Valley Building Code Official.**

This Ordinance shall be implemented and enforced by the Village's Building Code Official.

## **Section 3. Revised Provisions.**

For Village purposes, the following sections of the *International Wildland-Urban Interface Code*, are hereby revised and adopted as set forth herein:

**Section 101.1 Title.** These regulations shall be known as the *Wildland-Urban Interface Code* of the Village of Taos Ski Valley, hereinafter referred to as "this Code".

**Section 102.6. Grandfathering.** The pre-existing legal occupancy or use of any structure or condition existing on the date of the formal passage of this Code shall be permitted to continue without change, except as is specifically covered in this Code's legally adopted predecessor, Village Ordinance No. 2007-44, or as is deemed necessary by the Village Building Code official for the general safety and welfare of the occupants or general public.

**Section 103.1 Establishment of Enforcement Agency.** The Building Department and the Village's Building Code Official shall bear responsibility for enforcement of this Code.

**Section 106.1 Appeal of Building Code Official's Final Decision.** If the Building Code Official's interpretation or implementation of this Ordinance is subject to dispute, a formal appeal of the Building Code Official's final decision may be brought before the Village Planning and Zoning Commission within thirty (30) days of such decision. Any appeal must be presented to the Village in writing and shall be placed immediately on the Commission's next available public meeting agenda for a full public hearing to address the appeal.

**Section 109.4.7 Violation/Penalties.** Persons who violate this Code or fail to comply with any of the requirements thereof, or who erect, install, alter, repair or do work in violation of the approved construction documents or directives of the Building Code Official, or of a permit or certificate used under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred (\$300) dollars or by imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 114.4 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 liable for a fine of up to three hundred (\$300) dollars.

**Section 4. Administrative Findings of Fact.**

In enacting this Ordinance, the Village adopts requirements for certain findings of fact to be implemented by the Village Building Official pursuant to requirements established by the ICC. These findings of fact are set forth in Exhibit A, attached hereto, and shall be implemented upon adoption of this Ordinance through the Village's administrative process.

**Section 5. Mapping of Wildland Urban Interface Areas.**

Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the Village of Taos Ski Valley's "Wildland-Urban Interface Area Map", as previously adopted by the Village. The legal description of such areas is as described as follows: Village of Taos Ski Valley.

**Section 6. Copies Available to General Public.**

The public may access an official copy of the fully published *International Wildland-Urban Interface Code*, 2015 Edition, at the Village Clerk's Office, Village of Taos Ski Valley. The Village shall keep three (3) copies on file for review by members of the public upon request.

**Section 7. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 8. Adoption and Implementation.**

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established herein shall be in full force and effect from the date of this Ordinance's final passage, adoption, and publication.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF JUNE, 2020.**

Vote: For \_\_\_\_\_, Against \_\_\_\_\_

\_\_\_\_\_  
**Christof Brownell, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Ann Wooldridge, Village Clerk**

## **EXHIBIT A / ADMINISTRATIVE FINDINGS OF FACT.**

### **Introduction.**

The Village of Taos Ski Valley Building Official, (insert here name of public bodies), makes the following findings of fact that certain climatic, topographic or geological features exist in the Village of Taos Ski Valley, and that those features can, under certain circumstances, affect emergency services. Those features are enumerated in the Village of Taos Ski Valley Community "Wildfire Protection Plan" adopted June 14, 2016. Further, certain Code amendments are made to the New Mexico Administrative Code, International Residential Code, International Building Code and International Fire Code that are aimed at mitigating, to the extent possible, the impact of those features in order to mitigate the dangers of wildfire.

### **Finding 1:**

That the Village of Taos Ski Valley is situated within the slopes of and at the base of Wheeler Peak and Columbine Hondo Wilderness Areas, and the Upper Rio Hondo Watershed.

State Road 150 is the single evacuation route for residents and visitors to Taos Ski Valley in the event of a catastrophic wildfire, and this highway is the single access route for assistance from neighboring fire-fighting agencies. This Highway passes through a narrow canyon of difficult geographic features, one side a river and the other steep, rocky and forested slopes. Landslide, vehicle accident or fire-fighting activities could make evacuation or access to the Village difficult or impossible. Any of these events coupled with a wildfire threatening Village homes or businesses would likely cause the firefighting capabilities of the Village to be overwhelmed.

### **Finding 2:**

Seasonal climatic conditions in surrounding forest and Village private properties during late summer and fall create higher risk of fires in those forests and Village properties and homes. Forested areas within the Village could spread canopy fire to surrounding forest canopy, creating a potential for degradation of the Watershed and Wilderness Areas. Village canopy cover could be ignited by structure or property fire. Although some code requirements, such as fire-resistive roof classifications and siding materials have a direct bearing on building survival in wildland fire situations, others, such as residential automatic sprinklers, may also have a positive effect.

In dry climate on low humidity days, many materials are much more easily ignited. Fires are more likely to occur and any fire once started can expand rapidly. Residential automatic sprinklers can arrest a fire within or on a structure before the fire is able to spread to adjacent vegetation and structures.

Seasonal winds also have the potential for interfering with emergency vehicle access, delaying or making impossible emergency access. Spruce and Fir trees, which are common in the Village's surrounding Conifer forests, as well as in the Village, are subject to uprooting in strong winds, due to the relatively small root bases compared to the tree itself.

### **Finding 3:**

The Village is located in a mountainous region and derives its water supply from Phoenix Spring pumped to water storage and fed to the Village by gravity. These tanks are designed to supply water to satisfy Village needs. Seasonal fluctuations of the spring determine the rate of refill of the tanks. A catastrophic wildfire could consume water in the tanks beyond reserve and leave the Village without water pressure for fire-fighting.

Fires starting in sprinkled buildings are typically controlled by one or two sprinkler heads, flowing as little as 13 gallons per minute each.

Hose streams used by engine companies on well-established structure fires typically use about 250 gallons per minute each, and the estimated water usage for a typical residential fire is 1,250 to 1,500 gallons per minute, according to the Insurance Services Office.

Under circumstances such as a wildfire advancing into the community when multiple fires are starting within the community, the limited water demands of residential sprinklers could protect structures from loss preserving much of the water demands for conflagration fire-fighting.

#### **Finding 4;**

The Village of Taos Ski Valley's topography presents problems in the delivery of emergency services, including fire protection. Mountainous terrain with narrow winding roads lacking circulation, that prevents rapid access especially in times requiring evacuation. There is also non-fire-resistive vegetation on this difficult terrain. In addition to these access and evacuation problems delivery of water for fire-fighting is extremely difficult. The most remote of these areas are served by residential wells lacking capacity for fire-fighting.

#### **Finding 5:**

The Upper Rio Hondo watershed contributes to Village water supply and surface water irrigation for downstream neighborhoods of Valdez and other communities. It is a contributor to the Rio Grande Watershed. Structure or private property fires could spread to this valuable resource, especially from the Kachina Village neighborhood, which borders this identified watershed but also potentially other areas of the Village. Forest fire in this watershed could affect the quality of water at the Phoenix Infiltration Gallery, the sole source of Village water supply. Ash and debris could also affect quality of water in the Rio Hondo for downstream irrigation.

#### **Summary**

The aforementioned problems support the imposition of fire protection requirements greater than those set forth in the New Mexico Administrative Code, International Residential Code, International Building Code and International Fire Code.

Further, these findings support the Village's adoption and immediate implementation of the ICC *International Wildland-Urban Interface Code*, 2015 Edition.

## APPENDIX A

# GENERAL REQUIREMENTS

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION A101 GENERAL

**A101.1 Scope.** The provisions of this appendix establish general requirements applicable to new and existing properties located within *wildland-urban interface areas*.

**A101.2 Objective.** The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a *wildland-urban interface area* and improve the capability of controlling such fires.

### SECTION A102 VEGETATION CONTROL

**A102.1 General.** Vegetation control shall comply with Sections A102.2 through A102.4.

**A102.2 Clearance of brush or vegetative growth from roadways.** The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

**A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Sections A102.3.1 through A102.3.2.3.

**Exception:** Sections A102.3.1 through A102.3.2.3 do not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

**A102.3.1 Support clearance.** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an *approved* program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

**A102.3.2 Electrical distribution and transmission line clearances.** Clearances between vegetation and electrical

lines shall be in accordance with Sections A102.3.2.1 through A102.3.2.3.

**A102.3.2.1 Trimming clearance.** At the time of trimming, clearances not less than those established by Table A102.3.2.1 shall be provided. The radial clearances shown are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

**Exception:** The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.1 when evidence substantiating such other clearances is submitted to and *approved* by the code official.

TABLE A102.3.2.1  
MINIMUM CLEARANCES BETWEEN VEGETATION AND  
ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400 - 72,000	4
72,001 - 110,000	6
110,001 - 300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

**A102.3.2.2 Minimum clearance to be maintained.** Clearances not less than those established by Table A102.3.2.2 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

**Exception:** The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.2 when evidence substantiating such other clearances is submitted to and *approved* by the code official.

TABLE A102.3.2.2  
MINIMUM CLEARANCES BETWEEN VEGETATION AND  
ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750 - 35,000	6
35,001 - 60,000	12
60,001 - 115,000	19
115,001 - 230,000	30.5
230,001 - 500,000	115

For SI: 1 inch = 25.4 mm.

**A102.3.2.3 Electrical power line emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table A102.3.2.2.

**A102.4 Correction of condition.** The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

### SECTION A103 ACCESS RESTRICTIONS

**A103.1 Restricted entry to public lands.** The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of *wildland-urban interface areas*, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the *wildland-urban interface area* is closed to entry, is prohibited.

#### Exceptions:

1. Residents and owners of private property within *wildland-urban interface areas* and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

**A103.2 Trespassing on posted private property.** Where the code official determines that a specific area within a *wildland-urban interface area* presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.1.

**A103.2.1 Signs.** *Approved* signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

**A103.2.2 Trespassing.** Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

**A103.3 Use of fire roads and defensible space.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or

*defensible space* beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or *defensible space*.

**Exception:** Public officers acting within their scope of duty.

**A103.3.1 Obstructions.** Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or *defensible spaces*, unless located 16 feet (4877 mm) or more above such fire road or *defensible space*.

**A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles.** Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within *wildland-urban interface areas*, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

**A103.5 Tampering with locks, barricades, signs and address markers.** Locks, barricades, seals, cables, signs and address markers installed within *wildland-urban interface areas*, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

**A103.5.1 Gates, doors, barriers and locks.** Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

### SECTION A104 IGNITION SOURCE CONTROL

**A104.1 General.** Ignition sources shall be controlled in accordance with Sections A104.2 through A104.10.

**A104.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

**A104.3 Clearance from ignition sources.** Clearance between ignition sources and grass, brush or other combustible materials shall be maintained at not less than 30 feet (9144 mm).

**A104.4 Smoking.** Where required by the code official, signs shall be posted stating NO SMOKING. Persons shall not smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistive vegetation.

**Exception:** Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

**A104.5 Equipment and devices generating heat, sparks or open flames.** Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in *wildland-urban interface areas* without a permit from the code official.

**Exception:** Use of *approved* equipment within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.



**A104.6 Fireworks.** Fireworks shall not be used or possessed in *wildland-urban interface areas*.

**Exception:** Fireworks allowed by the code official under permit in accordance with the *International Fire Code* where not prohibited by applicable local or state laws, ordinances and regulations.

**A104.6.1 Authority to seize.** The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

**A104.7 Outdoor fires.** Outdoor fires in wildland-urban interface areas shall comply with Sections A104.7.1 through A104.7.3.

**A104.7.1 General.** Persons shall not build, ignite or maintain any outdoor fire of any kind for any purpose in or on any *wildland-urban interface area*, except by the authority of a written permit from the code official.

**Exception:** Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are not less than 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

**A104.7.2 Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing;
2. When a person 17 years old or over is not present at all times to watch and tend such fire; or
3. When a public announcement is made that open burning is prohibited.

**A104.7.3 Restrictions.** Persons shall not use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

**A104.8 Incinerators, outdoor fireplaces, permanent barbecues and grills.** Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in *wildland-urban interface areas* without approval of the code official.

**A104.8.1 Maintenance.** Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an *approved* spark arrestor, screen or door.

**Exception:** Where *approved* by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

**A104.9 Reckless behavior.** The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

**A104.10 Planting vegetation under or adjacent to energized electrical lines.** Vegetation that, at maturity, would

grow to within 10 feet (3048 mm) of the energized conductors shall not be planted under or adjacent to energized power lines.

## SECTION A105 CONTROL OF STORAGE

**A105.1 General.** In addition to the requirements of the *International Fire Code*, storage and use of the materials shall be in accordance with Sections A105.2 through A105.4.2.

**A105.2 Hazardous materials.** Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m<sup>3</sup>) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

**A105.3 Explosives.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within *wildland-urban interface areas*, except by permit from the code official.

**A105.4 Combustible materials.** Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

**A105.4.1 Individual piles.** Individual piles shall not exceed 5,000 square feet (465 m<sup>2</sup>) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m<sup>3</sup>) in volume or 10 feet (3048 mm) in height.

**A105.4.2 Separation.** A clear space of not less than 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

## SECTION A106 DUMPING

**A106.1 Waste material.** Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in *wildland-urban interface areas*.

**Exception:** *Approved* public and *approved* private dumping areas.

**A106.2 Ashes and coals.** Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

### Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

## APPENDIX A

### SECTION A107 PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

**A107.1 General.** The reliability of the water supply shall be in accordance with Sections A107.2 through A107.5.

**A107.2 Objective.** The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

**A107.3 Fuel modification area.** Water storage and pumping facilities shall be provided with a *defensible space* of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this *defensible space* are responsible for clearing and removing nonfire-resistive vegetation and maintaining the *defensible space* on the property owned, leased or controlled by said person.

**A107.4 Trees.** Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

**A107.5 Protection of electrical power supplies.** Where electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for not less than 2 hours in accordance with Chapter 27 of the *International Building Code*, Section 604 of the *International Fire Code* and NFPA 70.

**Exception:** A standby power source is not required where the primary power service to pumps is underground as *approved* by the code official.

### SECTION A108 LAND USE LIMITATIONS

**A108.1 General.** Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

**A108.2 Objective.** The increased public use of land or structures in wildland-urban interface areas also increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

**A108.3 Permits.** Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated *wildland-urban interface area*, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

**A108.4 Access roadways.** In addition to the requirements in Section 403, access roadways shall be not less than 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

Where required by the code official to facilitate emergency operations, *approved* emergency vehicle operating areas shall be provided.

### SECTION A109 REFERENCED STANDARDS

IBC—15	International Building Code <sup>®</sup>	A107.5
IFC—15	International Fire Code <sup>®</sup>	A104.6, A105.1, A107.5
NFPA 70—14	National Electrical Code	A107.5

## APPENDIX B

# VEGETATION MANAGEMENT PLAN

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION B101 GENERAL

**B101.1 Scope.** Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

**B101.2 Plan content.** Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
3. A plan for maintaining the proposed fuel-reduction measures.

**B101.3 Fuel modification.** To be considered a *fuel modification* for purposes of this code, continuous maintenance of the clearance is required.