

FOURMILE CANYON FIRE CLEAN-UP & REBUILDING FAQs



*The scale of the Fourmile Canyon fire is unprecedented in Boulder County. We have attempted to answer the most frequently asked questions to help you as you begin coordinating the clean-up and rebuilding on your property. If you have a question that is not listed in this publication or if you want additional explanation of an answer provided here, please let us know. Note that the information contained herein this publication is subject to change and for the most current information please contact Land Use staff at:
FourMileRebuilding@bouldercounty.org or 303.441.3930.*

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Who do I contact for info about... ?

Building Permits, Zoning, & Land Use Reviews:

Boulder County Land Use: 303.441.3930

Erosion Control:

Natural Resource Conservation Service: 303.766.4034 ext 3;

State Forest Service: 303.823.5774, or visit

<http://csfs.colostate.edu/pages/boulderdist.html>

Debris Management

(Including Burnt Vehicles, Appliances, Etc.):

Boulder County Resource Conservation Division: Contact Hilary Collins at 720.564.2224 or email hcollins@bouldercounty.org.

Septic Systems, Wells, Drinking Water:

Boulder County Public Health: Free test kits for well water testing are being provided by Boulder County Public Health 303.413.7426.

There are many health and safety issues to consider when returning to an area that has been affected by a wildfire. Visit

www.bouldercounty.org/health/fireresources.htm or call 303.441.1100

for more information on asbestos, respiratory protection during the clean-up, food safety, and septic systems.

Asbestos:

State of Colorado Department of Public Health and Environment - Asbestos Unit: 303.692.3100

Access, Driveway/Road Improvements, Floodplain:

Boulder County Road Maintenance: 303.441.3962

Utilities:

As of Sept. 23, 2010 Xcel Energy crews restored power to all customers in the Fourmile Canyon burn area.

Xcel Energy will continue to work in the burn area, removing trees and debris around power lines that could affect service.

■ If electric service is restored to the area surrounding your home, but you are still without power, and for other service and fire-outage related information, call 800-895-4999.

■ If you are calling for information about beginning construction for rebuilding a home or other facility in the burn area, please call the Builder's Call Line at 800-628-2121.

Demolition and Deconstruction

It is **strongly advised** that you do not clean up your property until after you have talked to your insurance agent and have documented what was lost!

Is a demolition permit required for a structure that was damaged or destroyed by the Fourmile Canyon fire?

County permits may be required depending on the extent of the damage:

- For structures entirely destroyed by the fire (no walls other than the foundation):

No County demolition permit is necessary for clean-up of structures entirely destroyed by fire. However, property owners or their agents are encouraged to call the Land Use Dept Building Division at 303.441.3926 in order to register this information with the County. Contact Hilary Collins at Boulder County Resource Conservation for information on recycling, debris management, and hauling at 720.564.2224 or email hcollins@bouldercounty.org.

- For buildings partially damaged by the fire (where one or more 6-foot non-foundation wall remains):

A County demolition permit is required if one or more 6-foot wall will be removed as part of the clean-up process.

- The deconstruction provisions of Boulder County's BuildSmart regulations will not apply to burned structures; however, the County recommends that any materials in some salvageable or recyclable condition be made available for recycling or reuse. Contact Doug Parker at 720.564.2643 or email dgparker@bouldercounty.org for further information on deconstruction; also, see Land Use publication *Deconstruction and Recycling* at: www.bouldercounty.org/lu/ask_fourmile_rebuild.htm.

Do I need any State permits?

The State of Colorado, Department of Public Health and Environment has issued guidance that pertains to ash, debris, metals, and concrete generated by the Fourmile Canyon Fire. Boulder County has contacted all licensed waste haulers to inform them of these new requirements. If you have questions, please contact the State Asbestos Unit directly at 303.692.3100 and/or contact Hilary Collins at 720.564.2224 or email hcollins@bouldercounty.org.

Is a grading permit or other review necessary to fill in a foundation?

Foundation work is exempt earthwork so no grading permit will be required.

Debris Clean-up

How should I handle ash/debris removal?

If your property is totally destroyed (no building materials remaining) the ash/debris removal should minimize potential exposure to asbestos fibers and other hazardous materials in the debris. Once ash and debris has been removed, soil under/surrounding the building should be scraped to a depth of at least two inches to ensure that all ash and building debris has been removed from the site. Materials must be wetted to minimize dust; packaged inside a double, 6-mil plastic sheeting liner in an end-dump roll-off with the sheeting completely closed over the material once the roll-off is loaded. The roll-off can only be taken to approved landfills.

The landfill should be informed that the material has come from the fire area and may contain suspect asbestos-containing materials or other hazardous materials. Contractors should consult with the Occupational Safety and Health Administration (OSHA) to determine required training and personal protective equipment that will be required for those handling this material.

See County Debris Management Plan Available October 7 or contact Hilary Collins at 720.564.2224 or email hcollins@bouldercounty.org.

Do I have to remove debris from my property even if I don't plan to rebuild?

Certain materials, asbestos or other hazardous materials or structures deemed imminent risks to health and safety must be removed.

Erosion Control

What do I need to do mitigate erosion on my property?

An interagency team will assess wildfire damage and make recommendations for on-the-ground rehabilitation and stabilization treatments. The Fourmile Emergency Stabilization Team is made up of natural resource specialists and experts from Boulder County Departments, the Bureau of Land Management, United States Forest Services, Natural Resources Conservation Service (NRCS), CSU Extension Services and Colorado State Forest Service. Over the next few weeks, the team will complete an assessment of the wildfire's burn severities and potential or expected impacts, including threats to human life and property. Risks will establish priorities for stabilization treatments. After the assessment, much more information will be available to landowners about erosion control, seeding, and tree planting. Given the complexities of land ownerships in the burn area, it will be important for all landowners to work collaboratively and across property boundaries. The Natural Resources Conservation Service (NRCS) will be providing information to private landowners about rehabilitation, and is exploring potential funding sources that could be used for protection measures on private lands. If you have immediate questions, please contact NRCS at 303.776.4034 ext 3.

How do I remove dead trees from our burned property?

Tree Removal: Fire-killed or partially burned trees are at high risk for falling unexpectedly; stay out of the forest when there are strong winds. Residents are encouraged not to cut larger-sized burned trees themselves. Such trees are significantly more dangerous to cut due to their compromised stability and the potential for limbs higher up in the tree to fall unexpectedly. It would be much safer to hire an insured contractor who has extensive experience cutting burned trees. The Colorado State Forest Service (CSFS) maintains a list of contractors on their website:

<http://csfs.colostate.edu/pages/documents/Contractorslist08212009.pdf>.

Please contact the CSFS at 303.823.5774 with specific questions about contour tree felling, reforestation, whether a partially burned tree might survive the fire and general questions about forest stewardship. In addition, you may want to visit the CSFS main webpage <http://csfs.colostate.edu> for additional information about fire rehab and forest stewardship.

Burned Tree Disposal: Boulder County is working with the CSFS to explore options to dispose of burned trees. We will keep landowners updated as opportunities arise. Right now landowners can haul burned trees to the Nederland Area Community Forestry Sort Yard. Please visit www.bouldercounty.org/foresthealth for more information. If you live in the Sugarloaf Community please visit www.slfpd.org/fourmile.htm#slash or contact David Lasky, Sugarloaf Fire Department, at 303.588.3440 or email davidlasky@sugarloaf.net, for information about a temporary wood disposal location in that community.

Floodplain/Floodway

Will County Floodplain Overlay Zoning District regulations (LUC Article 4-400) compliance be required with reconstruction efforts?

Yes, however we believe there are few if any destroyed structures in the floodplain.

Rebuilding Process

Can I rebuild structures that were damaged or destroyed by the Fourmile Canyon fire?

Yes, you can rebuild structures that were legally existing prior to the fire. The County Commissioners have authorized specific regulations for rebuilding legal structures in the fire area. These regulations may allow a slightly larger structure with the same number of bedrooms and an alternate location without Site Plan Review. A building permit will still be required. Staff is currently considering options and will take draft regulations to Planning Commission on October 20, 2010 and to the County Commissioners on October 21, 2010. Please contact Abby Janusz at 303.441.3930 or email at www.bouldercounty.org/lu/ask_fourmile_rebuild.htm for information and updates on the proposed regulations.

Who do I contact or work with to rebuild/navigate the process?

The County is developing a customer service team where a Land Use staff member will be assigned to specific property owner. These customer representatives will be a single point of contact for you and will work with you and your agents (architects, builders, engineers, etc.) and help them navigate the process.

How much time do I have to begin rebuilding the legal structures on my property?

Staff is proposing that the Commissioners adopt a two-year window for rebuilding under the modified process. After the two-year period property owners wishing to rebuild can do so with Site Plan Review approval.

How long will it take to get a building permit?

The County is reviewing its internal processes and will find a way to review permits and plans as expeditiously as possible. At this point, the County estimates the time-frames will be as follows:

- Two (2) weeks for a straight rebuild: same size/bulk/height; same location
On-site wastewater system (OWS), whether approved or not approved, will not be reviewed as long as it is the same owner.
- Three to four (3-4) weeks for review of minor modifications to the original structure: up to 10% increase in size/bulk/height; increased # of bedrooms; altered location; expanded footprint
On-site wastewater system (OWS) will be reviewed.
- Six to seven (6-7) weeks for review of more substantial modifications to the original structure: more than 10% increase in size/bulk/height; altered location not meeting criteria for expedited planning/building review.

Do I have to pay fees for County permits?

In most circumstances, yes. Building permits and other fees associated with the rebuilding process are generally covered by insurance. In certain instances a property owner might be faced with circumstances where he/she does not have the full financial resources necessary to rebuild what existed. In these cases, the County will review the owner's hardship and may approve a waiver of part or all of the fees for someone rebuilding what previously existed.

Can I use existing foundations?

Yes, but you will need a structural engineer to inspect and approve the condition of the foundation in order to verify it can be used.

How will the County determine what size I can rebuild?

The County will use County Assessor data as our base source of size data to determine what was legally existing on a parcel. If this information is not accurate, the County can also consider information from building permits, Public Health on-site wastewater system permits, aerial photography, site plans, owner information, and other relevant information on a case-by-case basis.

How long do I have to rebuild a nonconforming structure or use (does not meet setbacks, height, or has a use not presently allowed in the zoning district)?

Land Use staff is proposing a two-year window for people to rebuild non-conforming structures or structures containing non-conforming uses.

What if I don't rebuild in the two years?

Conforming structures and uses can still be rebuilt after the two years but would require the current land use processes prior to rebuilding, which includes Site Plan Review. If a nonconforming use or a structure containing a nonconforming use is not rebuilt within the two years the use and/or structure would not be permitted to rebuild.

Do I have to rebuild to the current building codes?

Yes. Building codes provide for public and personal safety for current and future residents. It is important property owner's work with their insurance companies as they rebuild.

Will Boulder County BuildSmart requirements apply to my new structure when I rebuild?

Yes, in most circumstances. Generally it is a small incremental cost to comply with these provisions and the result is a more comfortable home that will have cost savings over the long run. For individuals who have site constraints or financial constraints in associated with rebuilding what previously existed, the County will offer technical assistance. In some instance rebuilding to the higher standards might be a hardship for individuals. The County will develop some technical assistance programs and offer support as necessary. There still may be cases where the property owner encounters a hardship when rebuilding what they had previously and the regulations are proposing to extend the opportunity for hardship relief to include new construction in these instances.

Is there assistance available from the County or others in designing/building "green"?

The County is developing a technical assistance program for people to learn and use green design and construction techniques.

Are there any incentives if I want to rebuild smaller?

The County has a program where owners can market and sell development credits from their site. Under the program owners who decide to restrict their square footage (starting at 2,000 square feet and below) are eligible to sell off development credits. This allows the property owner to get some monetary incentive for building smaller structures. For more information contact a Land Use staff member at 303.441.3930 or visit www.BoulderCountyTDCclearinghouse.org.

Will I be required to purchase Development Credits (TDCs) when I rebuild?

The County requires development over 6,000 square feet of residential floor area to offset some impacts by purchasing development credits. This requirement applies only to new residential floor area so it would not apply unless your original structure was over 6,000 square feet and you plan to build a house larger than what existed prior to the fire.

How will Public Health handle on-site wastewater systems?

Boulder County Public Health will strongly encourage assuring an approved on-site waste water system (OWS). However, OWS systems will not need to meet current codes if the house, with the same number of bedrooms, is just being replaced. Property owners should visit to www.bouldercounty.org/health/environ/water/septicsmart so they are aware of the SepticSmart conditions that will apply to their system after they rebuild. This also applies to previously permitted or unpermitted vaults.

- If a property owner is moving the location of the house, Public Health will need to review to make sure they can meet minimum setback requirements.
- If the system is located in the floodway, the only way they can re-hook to the existing system is if they build a house with the same number of bedrooms. CDPHE prohibits expansion of any system within the floodway.

What about the County's neighborhood compatibility size presumptions?

Typically when building in the County people's residential square footage is presumed limited to 125% of the neighborhood median. Fire destroyed and damage properties may rebuild what previously existed without regard for the neighborhood size presumption. For people wanting to build larger (more than the 10% we might allow through the reg amendment?) would require Site Plan Review and thus trigger the size presumption.

How will the County determine the Site Plan Review presumptive size limitation for the neighborhood now that many of the houses are gone?

We will still rely on Assessor records and will base the presumptive size limitation (125% median) on the neighborhood, as it existed prior to the fire on September 6, 2010. This only applies to those rebuild projects that require Site Plan Review. Many projects will be eligible for simply a building permit or an expedited zoning/planning review.

The mountains contain unique communities that have special design opportunities and constraints.

What resources are available to help me design a home that fits within this setting?

The County plans on holding design workshops with the community. We plan on providing examples of “compatible” development, and want to discuss the ideas related to energy efficient designs, community character, etc.

Can I live in temporary housing on my parcel (trailer, mobile home, etc.)?

Yes, people whose homes have been damaged or destroyed by the fire so that they are no longer habitable may apply for a temporary emergency housing permit. These permits are available for a minimum fee, generally under \$40.00. The emergency housing unit is to be connected to an OWS/septic system unless County Public Health approves an alternative. Units are also to have tie-downs and adequate stair access and are to be located on the site so as to avoid natural hazards, septic systems and public rights-of-way and meet minimum zoning setbacks. Staff will require a site plan at the time of application and will do a site inspection to verify the placement of the temporary housing is not in harms way. Permits will be issued for up to 2 years from the date of the fire (September 16) and can be extended through the time period that a permanent replacement residence is being actively constructed on the property. Temporary emergency housing permits issued under these provisions are available only to property owners and their families whose homes were lost or damaged in the fire.

What records are available from the County?

The County will compile rebuilding packets for each parcel where a structure was destroyed containing information for that parcel. Unfortunately, not all information will be available for every parcel and will dependant on year built, reviews, and our past document retention policies. In many cases the County will not have a record of your house plans. These packets will be available only to the homeowner or an agent authorized by the homeowner. There will be a fee associated with these packets. Each property owner will be able to receive one packet of material without a fee.

If you rebuild a smaller home, can you maintain the development rights for the original residential floor area of the destroyed home?

The right to rebuild all the square footage that existed will expire when the time-frame is over (proposed two years).

Driveway and Access Related Issues

Will an existing driveway that doesn't meet current County standards have to be upgraded?

If an existing driveway does not have acceptable emergency vehicle pullouts and/or turnarounds, then the driveway must be improved to the extent practicable. Where the driveway is modified, extended, or relocated, the changes in the driveway need to comply with the standards to the degree practicable.

Do I need to establish legal access?

If you are using the same driveway, then the County will not review legal access. If you are modifying, extending, or relocating the portions of the driveway, then the County will not review legal access. If you wish to modify or create a new driveway that is not located on your property, then a legal access review is required. Granting reuse/use of the existing driveway for the reconstructed residence does not affirm that the property has legal access. If additional Land Use reviews of the property occur, then the County will review legal access.

Will the County maintain/grade roads that currently are not maintained by the county due to the increased heavy vehicle traffic?

The County will not maintain/grade private roads. The county may provide minor maintenance/grading necessary to ensure emergency access or for control of erosion on unmaintained county roads upon request of the residents using the road. The residents will be asked to sign an Access Improvement and Maintenance Agreement (AIMA), which makes clear that the county will only do minimal maintenance for a set amount of time (most likely two years). After the timeframe, the maintenance responsibility would fall back to the residents residing off of the road.

How will County road right-of-way (ROW) encroachment issues be handled with reconstructed properties?

Where the destroyed structure was built within County road ROWs, the County will require structures to be built out of the county road ROWs if possible. When the residence cannot be built out of the County road ROW due to the parcel dimensions/topography, the County will look into a County road ROW vacation process to make the reconstructed resident location legal.

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