



Town Council
Monday, February 2, 2026
4:00 PM
Regular Meeting
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

You can watch the meeting live online on our website at tosv.com.

Agenda

1. Call to Order

2. Roll Call

3. Proclamations and Presentations

4. Public Comment

This section is set aside for the Town Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the Town Council will not discuss the issue and will not take an official action under this section of the agenda. (Five Minute Time Limit)

5. Consent Agenda

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. 2025 Draft Agendas

5.B. Minutes for Approval

6. Public Hearings - Quasi-Judicial Hearings

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7. Policy/Legislative Public Hearings

8. Administrative Reports

8.A. Sky Cab (Skittles) Gondola Resolution & Agreement

8.B. Fire Mitigation Ordinance Discussion

8.C. Thrive, Not Just Survive discussion

9. Town Council Reports and Actions

Reports and Updates

10. Adjournment

2026 DRAFT Agenda Overview

- Regular Meetings begin at 4:00 p.m. unless otherwise noted
- Work Sessions begin at 4:00 p.m. and aim to end at 6:00 p.m.
- The dates on which agenda items are listed are only a best approximation. Agenda items are added to this list as they arise. Agenda items may well be moved to different meeting dates. Agendas are generally not finalized until the Thursday prior to the meeting.
- In addition to agenda items, this document also lists expected absences of Town Council members. In compliance with section 2-49 of the municipal code, once the consent agenda is approved, the absences noted will be considered to have received the prior approval necessary of the majority of the Council for members to be absent from meetings.

Topic to incorporate:

- Add spring clean up/annual trash pickup to a future workshop agenda.
- Discussion RE gas vs electric mowers and leaf blowers
- E-Bikes safety issues
-

Tuesday Jan 20 Regular Meeting

- Draw Site Preliminary Plan Review
- Ord- Second reading --Employee mitigation rate to 100%
- Wildfire resiliency code introduction of key point; phasing plan
- Transit Title VI Program

Monday Feb 2 – Regular Meeting (Fridstein out)

- Thrive not just survive discussion
- Skittles Discussion
- Fire Mitigation Ordinance discussion

Monday February 9 – Work Session

- Review Employee Survey Presentation
- Mall Transit Station Roundtable
- Zero Emission Transition Plan
- Recap of we-cycle and micro transit

Tuesday Feb 17 – Regular Meeting

- Reso designating High Impact Events & Construction restrictions (before March 1st each year)
-

Monday March 2 – Regular Meeting

- Snowmass Village Community Foundation's Pre-Sketch review of the Daly Lane parcel
- 2nd reading - - an Ordinance approving an amended and restated consolidated comprehensive sign plan for the Snowmass Village Mall and Gateway buildings.
- 2nd reading - - an Ordinance approving an amended and restated consolidated comprehensive sign plan for the Timbermill and Aspen SkiCO tenant.
-

2026 DRAFT Agenda Overview

Monday March 9 – Work Session

- CC4CA update Presentation
-

Monday March 16 – Regular Meeting

- Reso for CGRB recommendations and distribution of funds
- Adopt Grant Criteria for 2026-27 grant Cycle
- Ritz Carlton (Viewline) Hotel Pre Sketch Meeting
- SWSD Update Presentation

Monday April 6 – Regular Meeting

- Summer event overview April?
- Town Attorney Update
- Ord—1st reading – building code AND Wildfire Resiliency code
-

Monday April 13 – Work Session

Monday April 20 – Regular Meeting

- Ord—2nd reading – building code AND Wildfire Resiliency code
- 2026 to 2030 Pitkin County Age-Friendly Initiative Presentation– Dr. Chad Federwitz
-

Monday May 4 – Regular Meeting

Monday May 11 – Work Session

Monday May 18– Regular Meeting

Monday June 1 – Regular Meeting

- Senator & Rep Visit?
- Exec Session – personnel – performance reviews
- November Election discussion

Monday June 8 – Work Session

-

Monday June 15 – Regular Meeting

- Exec Session – personnel – Performance reviews

Monday July 6 – Regular Meeting

- Election Reso Auth to participate & IGA with Pitkin -or July 20 (has to be 100 days before election)
-

Monday July 13 – Work Session

Monday July 20 – Regular Meeting

Monday Aug 3 – Regular Meeting

2026 DRAFT Agenda Overview

- Town Attorney Update
- Election Resolution – Ballot Language or Aug 17th

Monday Aug 10 – Work Session

Monday Aug 17 – Regular Meeting

- EOTC Budget/work plan – Linda DuPriest

Tuesday Sept 8 – Regular Meeting

- Reso in support of – ballot
-

Monday Sept 14 – Work Session

Monday Sept 21 – Regular Meeting (Yom Kipper) Move

Tues Sept 22 – Regular Meeting

-

Monday Oct 5 – Regular Meeting

- Budget
- Town Attorney Update
- B & C application & appointment procedure update
-

Monday Oct 12 – Work Session

- Budget

Monday Oct 19 – Regular Meeting

- Budget – Comments from FAB

Wednesday Nov 4 – Regular Meeting – due to election day

- GID Meeting - Adopting the GID Budget
- Budget Adoption
-

Tuesday Nov 9 – Work Session

Monday Nov 16 – Regular Meeting

- Swear in New TC members and Mayor
- B & C Applications

Monday Dec 7– Regular Meeting

- Reso RE 2025 Meeting Dates
- Reso on Delinquent Solid Waste / Trash
- B & C Interviews

Monday Dec 14 – Special Meeting

- GID Meeting – set Mill Levy

2026 DRAFT Agenda Overview

- B & C Interviews/Discussion

Monday Dec 21 – Regular Meeting

- B & C Resolution appointing new Members

Topics for Work Sessions or Other Meetings Requested by Town Council Members

- Schedule Updates will all of the Town Boards to review priorities and current initiatives.
 - EAB
 - FAB
 - PTRAB
 - POSTR
 - Tourism – quarterly updates
 - Grants – Recent Awards; Review of Criteria; Purpose, etc.
 - SAAB
 - Planning



Town Council
Monday, December 15, 2025
4:00 PM

Regular Meeting
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

You can watch the meeting live online on our website at [tosv.com](https://www.tosv.com).

Minutes

1. Call to Order

Mayor Shenk called to order the Regular Meeting of the Snowmass Village Town Council on Monday, December 15, 2025, at 4:02 PM.

A complete live recording of this meeting can be found at www.tosv.com under Town Council Meetings. This meeting will be archived indefinitely, allowing you to view it at any time.

2. Roll Call

Council Members Present: Tom Fridstein, Britta Gustafson, Susan Marold and Alyssa Shenk. Council Member Cecily DeAngelo arrived at 4:41 PM.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Dave Shinneman, Community Development Director; Jim Wahlstrom & Brian McNellis, Senior Planners; Sara Nester, Compliance Manager; Sam Guarino, Transportation Director; Anne Martens, Public Works director, Theresa Cook, Office Manager.

Public Present: Bill Boineau, Deidre Boineau, Tim Malloy, Jenny Beltman, Bill Kyriagis, Jim Moriatti, Paul Taddune, Susan Cross, Randy Henrie, John Howard, Elise Wolf, Heather Henry, Phillip Jeffries, Joan Nolan, John Nolan, Geoff Buckheister, EW Smith, Michael Miracle, Rob Wilberger, David Tanner, Meg Murray, Thomas Duckworth, Bob Dutch, David Gray.

3. Proclamations and Presentations

4. Public Comment

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4.A. Public Comment letter submitted in meeting

Jenny Beltman, Snowmass resident and Aspen Elementary teacher, commented as a community member on the tiered priority for Aspen School District employees in deed restricted housing through the TOSV affordable housing system. A copy of the signed letter read aloud to the council is attached to these minutes and added to the packet.

5. Consent Agenda

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. Draft Agendas

Mayor Shenk would like to ensure that the discussion at the Work Session on January 12 of the Thrive, Not Just Survive initiative includes the possibility of a new board or commission for housing.

5.B. Minutes for approval

No changes.

5.C. Resolution approving new appointments to Town Boards & Commissions

Council Member Marolt motioned to approve the Consent Agenda including the Resolution appointing the new members of the Town Boards & Commissions. Council Member Gustafson seconded. All in favor. Council Member DeAngelo absent.

6. Policy/Legislative Public Hearings

6.A. Ordinance No. 19, 2025 RE Code language with STRs - 2nd Reading

Sara Nester, TOSV Compliance Manager, appeared to field any questions about the ordinance. Upon code approval, all STR holders, HOA's and Property Management companies will receive notice of the changes in code and a preliminary press release has been sent out by TOSV.

Council Member Fridstein motioned to approve Ordinance 19, 2025. Council Member Marolt seconded. Roll call vote taken. All in favor, 4-0. Council Member DeAngelo absent.

6.B. Ordinance No. 18, 2025 RE 5yr review and reenactment - 2nd reading

No public comment. Council Member Marolt motioned to approve Ordinance 18, 2025. Council Member Gustafson seconded. Roll call vote taken. All in favor, 4-0. Council Member DeAngelo absent.

7. Public Hearings - Quasi-Judicial Hearings

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7.A. Ordinance No. 17, 2025 RE Deerbrook Townhomes Final PUD amendment - 2nd reading

Dave Shinneman, Director of Community Development acknowledged the 25 years of service of Senior Planner Jim Wahlstrom on his retirement from the town. The second reading of the ordinance did not include any new issues or concerns from the council or the public. Council Member Fridstein motioned to pass Ordinance No. 17, 2025. Council Member Marolt seconded. Roll call vote taken. All in favor, 4-0. Council Member DeAngelo absent.

7.B. Divide 'SHOP' Workforce Housing – Major PUD Amendment (Preliminary Review) - Resolution No. 38, 2025

Brian McNellis, Senior Planner, presented this amended application from Aspen Ski Company (now Aspen One) for workforce housing. He explained that final approval would require a super majority vote due to the amendment to the buildout chart in the 2018 comprehensive plan and encroachment into slopes of 30% or greater. Attached to the meeting minutes (and agenda) is a letter from Kumar & Associates, Inc. stating that the 30% grade slopes in the development footprint are not prone to instability or failure.

After extensive discussion regarding transportation, parking, occupancy limits, road safety, density concerns, and community benefit, the Council negotiated modifications to the resolution, including:

- Limiting occupancy to 36 people in 30 units
- Requiring a parking space for each resident
- Adding a \$50,000 annual contribution from the applicant for demand response transit service
- Requiring additional vegetation screening from the ditch trail

The Council discussed balancing housing needs with comprehensive plan objectives regarding development locations and density. Some Council members expressed concerns about the project's density and location away from existing centers of activity. Motion to approve Resolution No. 38 of 2025 with the discussed amendments was

made by Council Member Fridstein and seconded by Mayor Shenk. Roll call vote taken. The resolution passed 3-2, with Mayor Shenk and Council Member DeAngelo voting against.

8. Administrative Reports

None.

9. Town Council Reports and Actions

Council Member Gustafson reported on Sister Cities activities.

Council Member Fridstein mentioned the ongoing RWAPA director interviews.

Council Member Marolt noted upcoming Board of Health and Nordic Council Meetings.

Council Member DeAngelo will be at the Nordic Council Meeting.

Mayor Shenk reported on RAFTA budget approval and discussed upcoming community events.

10. Executive Session

10.A. Executive Session RE Little Red Schoolhouse Lease

Mayor Shenk read the legal language for the Executive Session.

At 8:02 pm Council Member Fridstein motioned to go into Executive Session. Council Member Marolt seconded. All in favor.

11. Adjournment

Council Member Fridstein moved to reconvene the regular meeting. Mayor Shenk seconded. All in favor. Reconvened at 8:43 PM.

Mayor Shenk motioned to adjourn. Council member Fridstein seconded. All in favor.

Adjourned at 8:43 PM.

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, February 2, 2025.

Submitted By,

Megan Harris Boucher, Town Clerk

Dear Mayor of Snowmass Village and Members of the Town Council,

We are writing to respectfully request a re-evaluation of the priority tier assigned to Aspen School District (ASD) staff within the Town of Snowmass Village affordable housing system. Our community's educators, administrators, and support staff provide essential services that directly support the families of Snowmass Village, yet our current housing priority does not reflect the critical role we play.

We recognize and respect that the Town of Snowmass Village housing system prioritizes individuals employed within municipal boundaries. However, ASD staff—though based outside those boundaries—are fundamentally responsible for the safety, education, and well-being of Snowmass Village's children. Our service to the community is both direct and indispensable. This includes:

- **Education and Childcare:** Teachers, counselors, administrators, and support staff guide the development, learning, and future readiness of Snowmass Village's children.
- **Daily Student Transportation:** ASD bus drivers interact with students twice daily, operating routes throughout Snowmass Village, navigating local roads, and ensuring the safe, reliable transportation of resident students.

ASD staff are woven into the fabric of the Snowmass Village community, both during school hours and beyond. The ability to purchase a home is a vital factor in an individual's willingness—and capacity—to remain an engaged, long-term member of this community. Currently, ASD employees are placed in Tier 7, the lowest category in the deed-restricted housing lottery, making the prospect of purchasing a home through this system exceedingly unlikely. We believe the services we provide to Snowmass Village warrant a higher priority tier—one that accurately reflects our commitment, contributions, and long-standing dedication to the families we serve.

For these reasons, we respectfully request that the Town Council consider elevating ASD staff who directly serve Snowmass Village students to a higher housing priority. If a school district existed within Snowmass Village, we would gladly work there, which would in turn meet the current residency and employment criteria. However, because the community relies entirely on the Aspen School District for educational services, our functional role as community-critical personnel should be reflected in the housing tier system—regardless of the technical jurisdiction of our workplace.

Thank you for your time, consideration, and continued leadership on this important issue. We welcome the opportunity to discuss this proposal further and to work collaboratively toward solutions that support the long-term vitality of the Snowmass Village school community.

Sincerely,

FIRST Jenny	MI E	LAST Beltman	SIGN Jenny Beltman
1 RESIDENCE ADDRESS 5131 Owl Creek #C4	CITY/TOWN SMV	COUNTY CO	DATE 11/30/25

FIRST MI LAST SIGN
1 Adrianna Tippit-Martelli
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 Owl Creek Rd C1 Snowmass Village Pitkin 11/30/25

FIRST MI LAST SIGN
1 Alexander C Buell
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 Owl Creek Rd C1 Snowmass Village Pitkin 11/30/25

FIRST MI LAST SIGN
1 Florence R Porter
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 Owl Creek Rd C1 Snowmass Village Pitkin 11/30/25

FIRST MI LAST SIGN
1 Reghan Mahaffey
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 Owl Creek Rd B1 Snowmass Village Pitkin 11/30/25

FIRST MI LAST SIGN
1 Shea Robinson
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
11 Assay Hill Ct 209 Snowmass Village Pitkin 12/4/25

FIRST MI LAST SIGN
1 Steven Crooke
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
44 iv Ridge Ln B Snowmass Village Pitkin 12/1/25

FIRST MI LAST SIGN
1 Heather Dallas
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
11 Assay Hill Ct. 103 Snowmass Village Pitkin 12/1/25

FIRST MI LAST SIGN
1 Lisa Overbeak
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 Owl Creek Road C5 Snowmass Village Pitkin 12/1/25

FIRST MI LAST SIGN
1 BEN OVERBEAK
RESIDENCE ADDRESS CITY/TOWN COUNTY DATE
5131 OWL-CRK RD CB SNOWMASS VILLAGE PITKIN 12-1-25



**Town Council
Monday, January 5, 2026
4:00 PM**

Regular Meeting
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

You can watch the meeting live online on our website at [tosv.com](https://www.tosv.com).

Minutes

1. Call to Order

Mayor Shenk called to order the Regular Meeting of the Snowmass Village Town Council on Monday, January 5, 2026 at 4:01 PM.

A complete live recording of this meeting can be found at www.tosv.com under Town Council Meetings. This meeting will be archived indefinitely, allowing you to view it at anytime.

2. Roll Call

Council Members Present: Tom Fridstein, Britta Gustafson, Susan Marolt, Cecily De Angelo and Alyssa Shenk.

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Dave Shinneman, Community Development Director; Rick Carroll, Communications Specialist; and Megan Harris Boucher, Town Clerk.

Public Present: Gyles Thornley, Dawyne Romero, Chris Kiley, Chris Miller, John Rogger, Eddie Zane, Petar Milinovic, Ken Burkhardt, Jake Burkhardt and Jeff Moerke.

3. Proclamations and Presentations

Before proceeding with public comments, Mayor Shenk took a moment to acknowledge the recent passing of Charla Belinski, the senior pastor at the Snowmass Chapel. Mayor Shenk noted that Charla meant a lot to many people in the community through various roles, including parenting classes and her leadership at the chapel. She expressed sympathy to Charla's family and the Snowmass Chapel community, and mentioned that a memorial service would be held on the 11th at Elk Camp, with the gondola starting to

upload at 4:00 PM and the service beginning at 5:00 PM. The gondola would be free for this event, courtesy of the ski company.

4. Public Comment

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John Rogger, resident of Snowmass Village, addressed the Council regarding difficulties living with a roommate with mental illness. He explained he has worked in Snowmass since 2013 but is currently employed in Aspen. Mr. Rogger detailed unsafe living conditions and sought assistance as he has been unable to find a resolution through the housing department and police department. Mayor Shenk advised that Kevin Reyes has been attempting to contact him and offered to set up a meeting.

5. Consent Agenda

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5.A. Draft Agendas

5.B. Resolution No. 01, 2026 RE Public Notice Board Location

Council Member Gustafson inquired about public notice postings. Town Clerk Boucher confirmed that notices would continue to be posted on the town website and at town hall, with additional courtesy postings at other locations.

Council Member Fridstein motioned to approve the draft agendas and Resolution No. 1 regarding the official notice board location. Council Member Marolt seconded the motion. All in favor.

6. Policy/Legislative Public Hearings

6.A. Ordinance No. 1, 2026 - AN ORDINANCE AMENDING SECTIONS 16A-4-400 AND 16A-4-410 OF THE TOWN OF SNOWMASS VILLAGE MUNICIPAL CODE TO UPDATE THE EMPLOYEE HOUSING MITIGATION RATE BASED ON EMPLOYMENT GENERATION BY DEVELOPMENT AND REDEVELOPMENT WITHIN THE TOWN - First Reading

Dave Shinneman, Community Development Director, presented the ordinance to update the housing mitigation rate from 60% to 100% for both development and redevelopment projects. He confirmed all required notices had been given and recommended approval. The Council discussed the redevelopment benefit provision

that allows 115% credit for existing units. Concern was expressed that this provision might be counterproductive to the mitigation goals, but Council agreed to address this issue after an updated housing study is completed in approximately six months.

Representatives from Aspen Skiing Company, Chris Kylie and Chris Miller, expressed support for the mitigation rate increase while noting their concerns about implementation and recommending that current flexibility provisions remain.

Council Member Gustafson moved to approve Ordinance No. 1, 2026, on first reading. Council Member Marolt seconded the motion. All in favor

The second reading is schedule for Jan 20, 2026.

7. Public Hearings - Quasi-Judicial Hearings

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7.A. Ordinance No. 02, 2026 - AN ORDINANCE APPROVING AN AMENDED AND RESTATED CONSOLIDATED COMPREHENSIVE SIGN PLAN FOR THE SNOWMASS VILLAGE MALL AND GATEWAY BUILDINGS - First Reading

Dave Shinneman presented the proposal to update comprehensive sign plans dating back to 1984. The plan would consolidate existing sign regulations for the mall area and address inconsistencies with current signage practices. Giles Thornley from Connect One Design presented the proposal, emphasizing the importance of preserving the "funky" character of the mall while providing clear guidelines. Dwayne Romero of the Romero Group spoke about the economic importance of allowing businesses to express themselves through signage to compete with Base Village.

Council discussed the need for aesthetic guidelines to help create distinct character while still allowing for individual business' expression.

Several Mall business owners provided public comment:

- Ken Burkhardt of Rock Island described his marquee sign as an important marketing tool, noting that similar marquee signs exist on historic venues in Boulder.
- Jeff Moerke of El Poggio and The Tavern emphasized that businesses on the Mall depend on effective signage.
- Eddie Zane of Zane's Tavern, a business owner on the mall since 1997, expressed concerns about the complaint process and noted the challenge of having objective standards for signs when preferences vary widely.

After discussion, Council members requested several revisions to the plan for second reading:

- Enhanced purpose and intent statements
- Better definition of the "wild card" sign categories with examples
- A clearer complaint procedure process
- Address window signage regarding back-of-house versus front-of-house locations
- Limit commercialization of window signage
- Guidance for second and third-story businesses that are harder to find
- Provision for removal of outdated tenant signs
- Synchronization of non-conforming sign provisions

Council Member Marolt motioned to approve on first reading with amendments. Council Member Gustafson seconded. All in favor.

The second reading is scheduled for March 2, 2026.

After a 5 min break, Town Council continued with next agenda item.

7.B. Ordinance No. 03, 2026 - AN ORDINANCE APPROVING THE AMENDED AND RESTATED COMPREHENSIVE SIGN PLAN FOR THE TIMBERMILL BUILDING AND THE ASPEN SNOWMASS SKIING COMPANY TENANT - First Reading

Dave Shinneman presented this related comprehensive sign plan for the Timbermill Building and Aspen Snowmass Skiing Company tenant spaces. Gyles Thornley explained this plan was largely identical to the mall plan, with differences regarding the freestanding operational signage in front of Venga Venga and the painted Venga Venga signs on the slopeside of the building. The Planning Commission had requested reducing the height of these signs to 3 feet.

The Council identified specific concerns about the Venga Venga directory sign, which had been converted from a mall directory to a restaurant sign, as well as excessive ski company window displays that were felt to be too corporate and not in character.

Council requested eight modifications to the plan, including limiting Venga Venga signage height to 3 feet, restoring the directory sign function, addressing window coverings, and removing outdated business signage.

The Council requested the same revisions as for the mall sign plan, with additional specific requests:

- Address the Ski Company window signage to limit "billboard" style commercial graphics
- Return the Venga Venga directory sign to its original purpose of listing mall businesses
- Create provisions to support visibility for hard-to-find amenities like the bowling alley

Council Member Fridstein motioned to approve on first reading with amendments.

Council Member Marolt seconded. All in favor.

The second reading was scheduled for March 2, 2026.

8. Administrative Reports

8.A. Employee Handbook Update

Talita Garcia, HR Director, presented proposed changes to the employee handbook based on input from the employee committee and a benefit survey conducted by consultants. Key changes included:

- Removing the health day benefit that awarded 8 hours of time off to employees who used less than 20 hours of sick time in a year, as this encouraged employees to come to work when sick.
- Updating recreational benefit policies to allow hunting equipment while explicitly prohibiting home improvements, RVs, and items like 3D printers and video games.
- Various other adjustments to time-off policies based on competitiveness findings.

Council Member Fridstein motioned to approve Resolution No. 2 updating the employee handbook. Seconded by Council Member Marolt. All in favor.

9. Town Council Reports and Actions

Reports and Updates

Council Member Gustafson reported on the Tourism Board meeting, noting that new messaging was drawing from the destination management plan, including new field guides and Snowmass heritage messaging. Despite lower occupancy, the overall outlook appeared healthy, with small businesses reporting higher numbers as visitors spent more time shopping and dining when not skiing due to snow conditions.

Council Member Fridstein mentioned an upcoming EAB meeting and expressed concern about the impact of snow conditions and future airport construction on revenues.

Council Member Marolt reported on a Nordic Council meeting where they discussed acquiring kids' rental equipment for Snowmass and concerns about people crossing Nordic trails to access the sledding hill.

Mayor Shenk mentioned she would be attending the CAST conference and had invited the Sister Cities Board to join the next meeting regarding roundabout art.

10. Executive Session

Mayor Shenk read the legal language for the Executive Session.

At 7:21 pm Council Member Fridstein motioned to go into Executive Session. Council Member Marolt seconded. All in favor.

10.A. Little Red Schoolhouse Lease negotiations & Town Attorney Quarterly Update

11. Adjournment

Mayor Shenk moved to reconvene the regular meeting. Council Member Gustafson seconded. All in favor. Reconvened at 8:21 PM.

Mayor Shenk motioned to adjourn. Council member Fridstein seconded. All in favor.

Adjourned at 8:21 PM.

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, February 2, 2026.

Submitted By,

Megan Harris Boucher, Town Clerk



**Town Council
Tuesday, January 20, 2026
4:00 PM**

Regular Meeting
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

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Minutes

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2. Roll Call

Council Members Present: Tom Fridstein, Britta Gustafson, Susan Marolt, Cecily De Angelo and Alyssa Shenk.

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Dave Shinneman, Community Development Director; Brian McNellis, Senior Planner; Betsy Crum, Special Projects Manager; Kevin Rayes, Housing Director; Anne Martens, Public Works Director; Lauren Litchet, Plans Examiner/Inspector; Rick Carroll, Communications Specialist; and Megan Harris Boucher, Town Clerk.

Public Present: Kyles Jones, Patrick Rawley, Oscar Carlson, Erica Golden, Josh Huff, Molly Somes, Paige Parrottino, Sanskruti Kakadiya, Tristan Francis, John Mele, Sarah Tie, and Brigit Shinneman.

3. Proclamations and Presentations

4. Public Comment

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that do not otherwise appear on this agenda. Generally, the Town Council will not discuss the issue and will not take an official action under this section of the agenda. (Five Minute Time Limit)

No public comments.

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These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. 2025 Draft Agendas

Mayor Shenk mentioned she would like to add two items to future agendas: the e-bike management plan in February, and a discussion about housing lottery priorities for teachers and essential service workers who serve the community but aren't town employees.

5.B. Transit Title VI Program - Resolution No. 03, 2026

Council Member Fridstein motioned to approve the Consent Agenda including Resolution No. 03, 2026. Council member Marolt seconded. All in favor.

6. Public Hearings - Quasi-Judicial Hearings

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

6.A. Draw Site Preliminary Plan Review

Senior Planner Brian McNellis presented the Draw Site Workforce housing preliminary PUD application for 66 affordable housing units. The project has evolved significantly over two years, reducing from 80 to 66 units and consolidating into a single building with underground parking. The Planning Commission recommended approval by a vote of 5 to 1.

Patrick Rawley of Raleigh Design Planning presented the project details, including the site plan, architectural renderings, and a video simulation showing the building in context. The project includes 98 beds in 66 units, 83 underground parking spaces, and 19 surface parking spaces.

Key Council concerns included:

- Pedestrian safety and accessibility
- Traffic congestion at the Kerns Road intersection
- Whether the project should maintain the proposed number of parking spaces or reduce them
- Visual impact of the building's mass and scale
- The integration of composting facilities

After extended discussion, additional conditions were added addressing pedestrian and bicycle safety, snow management, traffic improvements at Kerns Road intersection, auto disincentivizing measures, and common area amenities.

Motion to approve Resolution No. 4 of 2026 with the stated conditions was made by Council Member Marolt and seconded by Council Member Fridstein. The motion passed 3-2, with Council Members Gustafson and DeAngelo opposed. Council Members opposing cited concerns about mass, scale, cost efficiency, need for community buy-in, and insufficient pedestrian-centric design.

7. Policy/Legislative Public Hearings

7.A. Ord No. 01, 2026 — second reading --Employee mitigation rate to 100%

Community Development Director Dave Shinneman presented the second reading of Ordinance No. 01, 2026, which would update the housing mitigation rate from 60% to 100% for employees generated by new development and redevelopment.

Council Member Fridstein asked about the formula for single-family/duplex mitigation requirements, which uses a complex mathematical calculation. Staff explained the formula determines the number of employees generated by a single-family home or duplex based on square footage. Council discussed the comparison with Pitkin County's approach and how the new study might address construction workers and other factors not included in the current code.

No public comment.

Council Member Fridstein motioned to approve Ordinance No. 01 of 2026. Seconded by Council Member Marolt. Roll call, all in favor.

8. Administrative Reports

8.A. Discussion RE Updates to Building Code Series

Building Official Mike Metheny and Plans Examiner Lauren Litchet presented information on proposed updates to the building code. The town is considering adopting the 2021 International Building Code series, which includes higher energy efficiency requirements and new standards for fire safety. Council discussed the pros and cons of

adopting the 2021 code versus the newer 2024 code, with the consensus supporting the 2021 code with potential enhancements from the 2024 code where beneficial.

8.B. Update on Wildfire Resiliency Code

Town Attorney Jeff Conklin presented an update on the Wildfire Resiliency Code, explaining that in 2023, the state formed a wildfire resiliency board that developed a model code which local governments must adopt. All of Snowmass Village falls into either moderate or high fire intensity zones under the state's mapping.

The code has two main sections: structure hardening (using non-combustible materials) and site/area requirements (creating defensible space in zones around structures). The model code would apply to new construction and major renovations, with certain triggers for existing buildings based on the scope of work.

A significant discussion point was whether making voluntary improvements to harden a structure (like replacing combustible siding) would trigger requirements to also make site improvements, potentially disincentivizing homeowners from making any improvements. Council members expressed concern about this approach and requested staff to look into options that would encourage rather than discourage structure hardening. Staff will make revisions based on the discussion.

9. Town Council Reports and Actions

Reports and Updates

Council members Marolt and Fridstein had no updates.

Council Member Gustafson had a Sister Cities meeting recently where they discussed celebrating the 60th anniversary of the relationship with Garmisch. They are looking at options, including a joint event with TOSV's Oktoberfest.

Council Member DeAngelo reported that the Board of Health unanimously voted to recommend a ban on all flavored tobacco products in Pitkin County.

Mayor Shenk shared that she participated in a discussion organized by Senator Bennett's office with the Postmaster General and mountain town municipalities regarding rural postal service issues. Primary concerns were staffing and availability of post office boxes.

Mayor Shenk also attended the POSTR meeting where they discussed the e-bike management plan and reported on RAFTA's findings from their zero-fare trial. She noted that while the zero-fare program did attract new riders, the conclusion was that frequency and reliability of service were more important factors than free fares for increasing ridership.

10. Adjournment

Council Member Fridstein motioned to adjourn. Council Member Gustafson seconded. All in favor.

Adjourned at 7:28pm.

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday February 2, 2026.

Submitted By,

Megan Harris Boucher, Town Clerk

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

February 2, 2026

AGENDA ITEM:

Discussion and Consideration of Resolution No. 05, 2026
Approving the Sky Cab Pulse Gondola Replacement Agreement

PRESENTED BY:

Clint Kinney, Town Manager
Jeff Conklin, Town Attorney

BACKGROUND:

The Sky Cab (aka “Skittles”) was constructed in 2005 and is owned by the Snowmass Village General Improvement District No. 1 (the “GID”). TOSV Town Council acts as the ex-officio Board of Directors for the GID. A predominant portion of the GID property tax revenue is for Skittles operation expenses. While legally different entities, in this summary, TOSV and GID are used interchangeably.

The Sky Cab is operated by Aspen Ski Company (“ASC”) pursuant to the Ski Resort Operator Agreement dated November 4, 2004 and is subject to a number of other operating agreements between TOSV and ASC. For a number of years, the Town Council has prioritized the replacement of the Skittle in order to improve the connectivity between Base Village and the Snowmass Mall. Specifically, the 2025 Town Council Goal Statement states (in part):

Investing in Community Infrastructure

7. Continue forward with the efforts to better “Connect the three Commercial Nodes” including the Benedict Trail.
8. Complete the replacement of the Skittles.

As part of Ordinance No. 7, Series of 2024, that approved an amendment to the Snowmass Mountain Master Development Plan, TOSV and ASC were required to work together to develop a replacement plan for the Skittles. Specifically, Condition #1 of that approval stated:

1. The Applicant (ASC) and the Town understand the importance of the Sky Cab (Skittles) gondola as a vital transit connection and shall make it a priority to initiate meaningful discussions with affected parties and bring to the Town Council a plan for improvement / replacement options for the Skittles gondola system by the end of 2024.

On December 16, 2024 ASC submitted a detailed memo outlining the specifics of an offer to satisfy Condition #1 of Ordinance 07, 2024. On December 18, 2024 the TOSV responded that the memo would satisfy condition #1 of Ordinance #7, 2024 and the Contract that is before the Council tonight follows the construct of the December 16, 2024 offer.

The purpose of the Skittles Replacement Agreement is to set forth the process for replacement of the Sky Cab and each Party's responsibilities and obligations to ensure the Skittles can be replaced in a timely manner, with a goal of improving transportation between the Snowmass Village Mall and the Base Village.

Key components of the agreement are:

- Design of the replacement Skittles will be led by ASC and will begin immediately so that design can be completed in the summer of 2026 and necessary deposits can be made in anticipation of construction in 2027.
- TOSV will be responsible for any necessary easement acquisitions.
- The actual construction costs (initially estimated at approximately \$10 million) will be split between ASC and TOSV.
- A new cost share formula for operational costs will be implemented. ASC will begin to pay for summer operations of the Skittles while the Elk Camp Gondola is operating and will continue to pay for winter operations of the Skittles while the Elk Camp Gondola operates. TOSV will pay for operations when ASC lifts are not in operation.
- The formula for the Transportation Mitigation Fee paid by ASC will be changed. Currently the fee grows annually at a rate of 2% plus CPI. If this agreement is approved, the fee will increase at CPI only.

FINANCIAL IMPACT:

There are several significant fiscal impacts to consider.

First is the growth rate of the Transportation Mitigation fee. In 2024 the fee was set at \$3.064 per skier visit. In 2025, the fee was set at \$3.206 per skier visit which was budgeted to generate approximately \$2.4 million that year. This agreement will have this fee amount (and hence total revenue) grow at a slower rate.

In return, ASC will begin to pay for summer operations of the Skittle while the Elk Camp Gondola operates. This will reduce operating hours paid by the GID by over 1,100 hours annually (approximately \$160k+). In addition, ASC will pay for 50% of the replacement cost of the Skittles. This will be a one-time capital contribution of approximately \$5 million.

TOSV's capital portion of this project is scheduled and approved to be paid through the Tourism Fund. Operation costs are still expected to be paid primarily by the GID.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

Investing in Community Infrastructure

9. Continue forward with the efforts to better “Connect the three Commercial Nodes” including the Benedict Trail.
10. Complete the replacement of the Skittles.

COUNCIL OPTIONS:

- 1) Approve the Resolution and agreement as presented
- 2) Modify, then approve the Resolution and agreement

STAFF RECOMMENDATION:

It is the recommendation of Town Staff, that the Council, by motion:

Approve Resolution No. 05, 2026 approving the Sky Cab Pulse Gondola Replacement Agreement

ATTACHMENTS:

- Sky Cab Pulse Gondola Replacement Agreement

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 5
SERIES OF 2026**

**A RESOLUTION APPROVING THE SKY CAB PULSE GONDOLA
REPLACEMENT AGREEMENT**

RECITALS

- A. The Town of Snowmass Village, Colorado (“TOSV” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Snowmass Village Home Rule Charter (the “Charter”).
- B. The Sky Cab Pulse Gondola (“Sky Cab” or “Skittles”) operates from and between Lot 1 of the Base Village PUD and property located at 105 Daly Lane known as the Timbermill Property. The Sky Cab was constructed in 2005 pursuant to the Subdivision Improvements Agreement for the Base Village Planned Unit Development and is owned by the Snowmass Village General Improvement District No. 1 (the “GID”). TOSV Town Council acts as the ex-officio Board of Directors for the GID. The Sky Cab is operated by Aspen Skiing Company (“ASC”) pursuant to the Ski Resort Operator Agreement dated November 4, 2004 and a number of other historical agreements.
- C. By Ordinance No. 7, Series of 2024, the TOSV Town Council approved a Minor Amendment to the Snowmass Mountain PUD Guide as it pertains to items in the 2022 Snowmass Mountain Master Development Plan (MDP). Condition 1 of the Ordinance, which was accepted by ASC, provided that ASC and TOSV recognize the Sky Cab (Skittles) gondola as a vital transit connection and shall make it a priority to agree upon a plan for improvement/replacement options for the Sky Cab.
- D. Accordingly, TOSV and ASC wish to enter the Sky Cab Pulse Gondola Replacement Agreement (the “Agreement”), attached as **Exhibit A**, which sets forth the process for replacement of the Sky Cab and each Party’s responsibilities and obligations to ensure the Sky Cab can be replaced in a timely manner, with a goal of improving transportation between the Snowmass Village Mall and the Base Village.
- E. The Town Council wishes to approve the Agreement and believes it is in the best interests of the Town to do so.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, that:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.
2. Sky Cab Pulse Gondola Replacement Agreement. The Town Council hereby approves the Agreement in substantially the same form as enclosed as **Exhibit A**, as determined to be satisfactory to the Town attorney, and authorizes the Mayor or Town Manager to execute the same. The Town Council further authorizes and directs the Town Manager to take such steps as are necessary to implement this Resolution and the Agreement.
3. Ratification of Actions. All actions heretofore taken, not inconsistent with the provisions of this Resolution, by the Town Council and the officers, agents, and employees of the Town relating to the subject matter of this Resolution, are hereby ratified, approved, and confirmed.
4. Severability. If any provision of this Resolution is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on the ____ day of _____, 2026, by a motion made by Council Member _____ seconded by Council Member _____, and by a vote of ____ in favor and ____ opposed.

TOWN OF SNOWMASS VILLAGE

Alyssa Shenk, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Jeff Conklin, Town Attorney

SKY CAB PULSE GONDOLA REPLACEMENT AGREEMENT

This Sky Cab Pulse Gondola Replacement Agreement (“the AGREEMENT”) is entered as of the date of the last signature hereto (“Effective Date”) by and between the ASPEN SKIING COMPANY (“ASC”) and the TOWN OF SNOWMASS VILLAGE, COLORADO (“TOSV”) (individually a “Party”, collectively the “Parties”).

RECITALS

- A. The Sky Cab Pulse Gondola (“Sky Cab” or “Skittles”) operates from and between Lot 1 of the Base Village PUD and property located at 105 Daly Lane known as the Timbermill Property.
- B. The Sky Cab was constructed in 2005 pursuant to the Subdivision Improvements Agreement for the Base Village Planned Unit Development, recorded in the public records of Pitkin County, Colorado at Reception No. 520485.
- C. The Sky Cab is owned by the Snowmass Village General Improvement District No. 1 (the “GID”). TOSV Town Council acts as the ex-officio Board of Directors for the GID. A predominant portion of the GID property tax revenue is for Sky Cab operation expenses.
- D. The Sky Cab is operated by ASC pursuant to the Ski Resort Operator Agreement dated November 4, 2004.
- E. Operation of the Sky Cab is also subject to the following:
 - a. TOSV Ordinance No. 9, Series of 1994;
 - b. Memorandum of Understanding dated August 28, 1998 by and between ASC and TOSV (the “1998 MOU”);
 - c. TOSV Ordinance No. 21, Series of 2004;
 - d. License Agreement recorded in the public records of Pitkin County, Colorado at Reception No. 579468.
- F. By Ordinance No. 7, Series of 2024, the TOSV Town Council approved a Minor Amendment to the Snowmass Mountain PUD Guide as it pertains to items in the 2022 Snowmass Mountain Master Development Plan (MDP). Condition 1 of the Ordinance, which was accepted by ASC, states that “[ASC] and the TOSV understand the importance of the Sky Cab (Skittles) gondola as a vital transit connection and shall make it a priority to initiate meaningful discussion with affected parties and bring to the TOSV Council a plan for improvement/replacement options for the Skittles gondola system by the end of 2024.
- G. The Parties have been working on a joint plan for the Sky Cab replacement. The purpose of this AGREEMENT is to set forth the process for replacement of the Sky Cab and each Party’s responsibilities and obligations to ensure the Sky Cab can be replaced in a timely

manner, with a goal of improving transportation between the Snowmass Village Mall and the Base Village.

- H. This AGREEMENT shall be followed by all necessary approvals and agreements to implement the AGREEMENT, complete the Sky Cab replacement, and provide for its operation.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The foregoing recitals are incorporated by reference herein.
2. Replacement Gondola – General Goal Statement. The Parties agree to jointly and cooperatively work to replace the existing Sky Cab with a new, detachable gondola in approximately the same location and alignment as the Sky Cab and with a capacity of no less than 1,000 people per hour, cabins that hold at least 6 people each, and a travel speed of no less than 600 feet per minute (the “Replacement Gondola”). Construction will require the replacement of gondola terminals, drives, towers and rope; however, tower foundations will be attempted to be re-used. The Parties intend to begin construction of the Replacement Gondola as early as the Summer of 2027. Once completed, the GID shall own the Replacement Gondola, which will be operated by ASC, with the Parties sharing in proportional costs thereof, as contemplated by this AGREEMENT. To the extent required, ASC shall convey the Replacement Gondola to the GID via bill of sale or other agreed upon instrument.
3. Replacement Gondola – Design, Planning, and Construction.
 - a. Project Lead. ASC and TOSV will jointly design, plan, and construct the Replacement Gondola; however, ASC shall be the Party primarily responsible for the design, planning, and construction of the Replacement Gondola, including hiring, supervising, and managing any consultants and contractors. Prior to hiring any consultant or contractor, ASC shall obtain the approval of TOSV, which shall not be unreasonably withheld.
 - b. Costs. Subject to annual appropriation, ASC and TOSV shall equally share the costs for design, planning, and construction of Replacement Gondola. Such costs shall not include the Parties’ staff time or internal costs, but only direct costs pursuant to subsequent contracts approved by the Parties. ASC shall be responsible for timely payment to all consultants and contractors. ASC shall maintain a detailed accounting for all costs and expenditures related to the Replacement Gondola Project, which shall be produced to TOSV upon request. ASC shall invoice the TOSV monthly for reimbursement of its share of the Replacement Gondola Project expenses and the terms of payment shall be a net 30 days from receipt of the invoice.

- c. Design and Planning Process. TOSV and ASC acknowledge there are many steps required between now and the opening of the Replacement Gondola, including but not limited to gaining entitlements, evaluating easements, adjacent property owner communication, GID approval, CPTSB acceptance, lift engineering/design/procurement, and ultimately construction. ASC and TOSV are prepared to commence planning efforts immediately upon approval of this AGREEMENT. Because installation of the Replacement Gondola is expected to begin in the summer of 2027, the Parties shall make commercial reasonable efforts to complete engineering, design, and planning work by June 2026. Further, the Parties acknowledge that the deposit for the Replacement Gondola manufacturer needs to be made by June 2026 to ensure timely project completion. To facilitate the design and planning process, Staff for the Parties shall meet at least quarterly, or more often as needed, to review the status of design, planning, and construction efforts and to make such decisions as necessary for the Replacement Gondola project.
 - d. Initial Scope of Work. ASC shall procure consultants to provide the Parties with a general design and budget for the Replacement Gondola project. ASC shall manage such consultants and upon completion of this initial scope of work, the Parties shall meet to review next steps for design, planning and construction.
 - e. Construction. Upon completion of the initial scope of work and proceeding with construction, the Parties shall solicit and approve an acceptable contract with a contractor for completion of the Replacement Gondola project.
 - f. Easements. Portions of the Sky Cab terminals and lift facilities are located in easements or licensed areas on property adjacent to ASC's Fanny Hill property. TOSV and ASC acknowledge that due to the expected increased size of the Replacement Gondola terminals and the lift facilities, the existing easements are inadequate and additional easements or other property interests will need to be acquired to accommodate the Replacement Gondola. TOSV will be responsible for acquiring any necessary easements or property interests for the Replacement Gondola at its expense.
 - g. GID. TOSV will be primarily responsible for obtaining all necessary approvals from the GID for the Replacement Gondola project. The Parties shall cooperate to convey the Replacement Gondola to the GID upon completion of the Project.
4. Replacement Gondola – Operations and Maintenance.
- a. Operations and Maintenance; Costs.
 - i. ASC shall operate and maintain the Replacement Gondola using its staff and contractors in a good and safe condition and in accordance with all applicable laws. In addition to ASC's hours of operations, ASC shall operate the Replacement Gondola at times requested by TOSV.

- a) On an annual basis, TOSV shall provide to ASC a schedule identifying the desired dates and times for operation of the Replacement Gondola..
 - b) ASC will make every good faith effort to meet the dates and times of the schedule requested in (a); however, there is no guarantee that ASC will be able to accommodate changes to the annual schedule in the event there are staffing constraints resulting from seasonal employment dates. If ASC is unable to operate the Replacement Gondola at the times requested by TOSV as a result of staffing constraints resulting from seasonal employment dates, it shall notify TOSV as soon as practical and shall identify the available schedule. If the Parties cannot agree on a schedule for operation, the schedule from the prior year shall apply.
 - ii. The costs for operation and maintenance of the Replacement Gondola shall be all direct, actual costs incurred by the Parties for such operation and maintenance, which shall be determined on an annual basis upon agreement of the Parties.
 - iii. The Parties shall meet no less frequently than on an annual basis to finalize operation schedule and costs of operation and maintenance, including in January of each year.
- b. Cost Sharing Formula. ASC and TOSV shall share in costs of operating and maintaining the Replacement Gondola based on the following:
- i. ASC. ASC proportionate share of costs of operating and maintaining the Replacement Gondola shall be based on all ASC Operating Hours through the year (i.e. not just Winter) as a fraction of the Total Operating Hours. “ASC Operating Hours” shall mean any time when at least one other lift or gondola on Snowmass Mountain is operating (e.g. Elk Camp Gondola). ASC may determine its daily hours of operation to the extent allowed by law (e.g. limited by off-season closure for elk calving).
 - ii. TOSV. TOSV’s proportionate share of the costs of operating and maintaining the Replacement Gondola shall be based on all TOSV Operating Hours through the year as a fraction of Total Operating Hours. “TOSV Operating Hours” shall mean all times that the TOSV has requested ASC to operate the Replacement Gondola outside of ASC Operating House (e.g. in Summer, before or after Elk Camp Gondola is operating).
 - iii. “Total Operating Hours” shall mean ASC Operating Hours plus TOSV Operating Hours.

- c. Reconciliation and Payment of Costs. The Parties shall meet on annual basis to reconcile the Operating Hours and costs of operating and maintaining the Replacement Gondola.
- 5. Transportation Mitigation Fee. The Parties agree to replace and supersede item #3 from the Memorandum of Understanding dated August 28, 1998 with the following language, “Beginning with the 2025/2026 ski season, the Aspen Skiing Company agrees to pay a transportation mitigation fee to the Town of Snowmass Village that will be based on the previous year’s mitigation fee, increased by the Denver-Aurora-Lakewood Consumer Price Index.”
- 6. Insurance; Liability.
 - a. ASC’s Insurance. ASC shall, at its sole cost, procure and maintain in full force and effect during the term of this AGREEMENT and during any construction or operation of the Replacement Gondola, insurance of the following types and limits:
 - i. Commercial General Liability Insurance with limits of not less than Two Million Dollars (\$2,000,000) per occurrence and Four Million Dollars (\$4,000,000) aggregate, covering bodily injury (including death), property damage, personal injury, and contractual liability arising out of or in connection with the activities contemplated under this AGREEMENT.
 - ii. Automobile Liability Insurance covering all owned, non-owned, and hired vehicles used in the performance of this AGREEMENT, with a combined single limit of not less than One Million Dollars (\$1,000,000) per accident for bodily injury and property damage.
 - iii. Workers’ Compensation Insurance as required by the laws of the State of Colorado and Employer’s Liability Insurance with limits not less than One Million Dollars (\$1,000,000) each accident, each employee for disease, and policy limit for disease.
 - iv. Builder’s Risk Insurance during any period of construction of the Replacement Gondola, covering all materials, equipment, and supplies to be incorporated into the project, on an “all risk” basis, for full replacement cost.
 - b. TOSV’s Insurance. The TOSV shall maintain in full force and effect during the term of this AGREEMENT insurance or self-insurance coverage consistent with its obligations and risks under this AGREEMENT, including Commercial General Liability, Automobile Liability, and Workers’ Compensation, in amounts equal to or exceeding the amounts provided by ASC.
 - c. Additional Requirements.

- i. All insurance required of ASC shall be issued by insurance companies licensed to do business in the State of Colorado and rated A- VII or better by A.M. Best.
 - ii. The Parties shall cause their insurance carriers to name the other Party's officials, officers, employees, and agents as **additional insureds** under their respective Commercial General Liability and Builder's Risk policies for claims arising out of or in connection with this AGREEMENT, using ISO endorsement forms CG 20 10 and CG 20 37 (or equivalent).
 - iii. All policies shall be **primary and non-contributory** to the other Party's insurance for any claims based upon or arising out of the performance of a Party's obligations under this Agreement.
 - iv. Each Party shall provide the other with certificates of insurance and policy endorsements evidencing the required coverage prior to commencement of any work and upon renewal thereafter.
 - v. Each Party shall provide the other with thirty (30) days' written notice prior to cancellation, nonrenewal, or material modification of coverage.
- d. ASC Indemnification. To the fullest extent permitted by law, ASC shall indemnify, defend, and hold harmless the TOSV, the GID, and their respective elected and appointed officials, officers, employees, agents, and volunteers from and against any and all claims, demands, damages, liabilities, losses, costs, and expenses (including reasonable attorneys' fees) arising out of or in connection with:
 - i. the operation, maintenance, or repair of the Replacement Gondola;
 - ii. any negligent act, error, or omission, or willful misconduct of ASC or its contractors, subcontractors, consultants, or anyone for whom ASC is legally responsible; and
 - iii. any breach of this AGREEMENT by ASC.
- e. TOSV Indemnification. To the fullest extent permitted by law, the TOSV shall indemnify, defend, and hold harmless ASC, its affiliates, and their respective officers, employees, agents, and volunteers from and against any and all claims, demands, damages, liabilities, losses, costs, and expenses (including reasonable attorneys' fees) arising out of or in connection with:
 - i. the acts or omissions of the TOSV or its contractors, subcontractors, consultants, or anyone for whom the TOSV is legally responsible in connection with the Replacement Gondola; and
 - ii. any breach of this AGREEMENT by the TOSV.

- f. Limitations. Nothing in this Section shall be construed as a waiver of, nor shall it be deemed to waive, any provision of the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., (the “Act”) as the same may be amended from time to time, or any other law limiting the liability of TOSV. The provision of the Act shall apply to ASC as if it were a governmental entity and its liability to TOSV shall be limited accordingly.

7. Additional Terms.

- a. Update Agreements. The Parties shall work cooperatively to identify and make necessary updates to all Ordinances, Resolutions, Agreements, Memorandums of Understanding, etc. that are affected by this agreement.
- b. Not Future Obligation. This AGREEMENT or agreements implementing this AGREEMENT shall not obligate ASC to complete or participate in other lift replacements.
- c. WARRANTIES. Upon completion and acceptance, ASC shall assign all warranties for the Replacement Gondola to the GID. It shall be the GID’s sole responsibility that any warranty work required for the Replacement Gondola be completed in a timely manner. Acceptance of the work and the warranties shall not be unreasonably withheld.

8. Miscellaneous.

- a. Reassessment. This AGREEMENT and implementing agreements may be reassessed every 5 years if initiated by either Party.
- b. Entire Agreement; Amendments. This AGREEMENT is the entire agreement of the parties, and neither party has relied on any promises or representations except as expressly described herein. Except as expressly provided herein, this AGREEMENT may only be modified by a writing signed by all Parties.
- c. Correction Documents. In the event any clerical or other errors are found in this AGREEMENT or any legal descriptions or other exhibits hereto, or in the event any exhibit shall be missing, the parties agree to promptly execute, acknowledge, initial and/or deliver as necessary any documentation in order to correct the erroneous document, description, exhibit or to provide any missing exhibit.
- d. Severability. Should any portion of this AGREEMENT be declared invalid or unenforceable by a court of competent jurisdiction, then the remainder of this AGREEMENT shall be deemed severable, shall not be affected, and shall remain in force and effect.
- e. No Third-Party Beneficiaries. Nothing in this AGREEMENT shall be construed to give any rights or benefits to anyone other than the Grantor and the Grantee and their successors and assigns.

- f. No Waiver. No failure or delay of either party in the exercise of any right or remedy given to such party hereunder or the waiver by any party of any condition hereunder for its benefit shall constitute a waiver of any other or further right or remedy. No waiver by either party of any breach hereunder or failure or refusal by the other party to comply with its obligation shall be deemed a waiver of any other or subsequent breach, failure or refusal to so comply.
- g. Remedies. Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this AGREEMENT.
- h. Colorado Law. The interpretation, enforcement, or any other matters relative to this AGREEMENT shall be construed and determined in accordance with the laws of the State of Colorado. Any litigation involving this AGREEMENT or its subject matter shall be brought and maintained in the District Court in Pitkin County, Colorado. Each party hereby waives all rights to trial by jury.
- i. Attorneys' Fees; Survival. In the event of any litigation or arbitration (if the parties subsequently agree to arbitrate) between the Parties regarding an alleged breach of this AGREEMENT, the prevailing Party shall be entitled to reasonable attorneys' fees. All rights concerning remedies and/or attorneys' fees shall survive any termination of this AGREEMENT.
- j. Notices. All notices or other communications under this AGREEMENT shall be in writing and shall be deemed to have been given upon personal service; or three (3) days after deposit in the U.S. mail, via registered or certified mail, postage prepaid and return receipt requested; or one day after deposit with an overnight courier service (which obtains a receipt evidencing delivery) and shall be addressed as follows:

To ASC:

Geoff Buchheister
CEO
Aspen Skiing Company, LLC
PO Box 1248
Aspen, CO 81612

To TOSV:

TOSV Manager
TOSV of Snowmass Village
130 Kearns Road
P.O. Box 5010
Snowmass Village, CO 81615

Either party or their successors or assigns may designate a change of name or address by written notice given in the same manner as provided above.

- k. Authority. The Parties represent and warrant that they have full right and lawful authority to enter into this AGREEMENT.
- l. Counterparts. This AGREEMENT may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one instrument.
- m. TABOR Savings Clause. Any fiscal or monetary obligations of the TOSV arising under this AGREEMENT shall always be subject to annual appropriation pursuant to the TOSV of Snowmass Village Municipal Code and Article X, Section 20 of the Colorado Constitution.
- n. Police Powers Reserved. Nothing in this AGREEMENT waives or is intended to waive the TOSV's authority to exercise its police powers.

WHEREFORE, the parties have executed this AGREEMENT effective as of the Effective Date.

~ Signature Pages Follow ~

ASPEN SKIING COMPANY

By: _____
 Geoff Buchheister, CEO

Date: _____

TOSV OF SNOWMASS VILLAGE:

By: _____
 Alyssa Shenk, Mayor

Date: _____

DRAFT

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

February 2, 2026

AGENDA ITEM:

Continued Update on Wildfire Resiliency Code

PRESENTED BY:

Jeff Conklin, Town Attorney

BACKGROUND:

At the Town Council meeting on January 20, Staff presented an update on the State Wildfire Resiliency Code and the adoption process by the Town. The background on the Wildfire Resiliency Code is repeated below in this memo. Staff's initial draft of the adoption of the Code included local amendments that would require compliance with the Site and Area Requirements of Chapter 5 upon most building and development permit approvals, including those that only involved work on a structure. Town Council was somewhat hesitant on taking that approach, as it may have the opposite effect by disincentivizing property improvement and wildfire safety. These are valid concerns.

The main question from the January 20 meeting was what does/does not trigger compliance with *Chapter 5 – Site and Area Requirements* under the model Code? Although the Code is not perfectly clear, my understanding is as follows:

- Triggers for compliance: new site development, new landscaping installations, replacement of landscaping, and, with respect to replacement of more than 25% of exterior walls, compliance the 0-5 foot zone (Immediate Zone) requirements of Chapter 5.
- Not triggers for compliance: structure hardening work or building alterations (other than the wall replacement mentioned above).

We confirmed this interpretation with Carrie Larsen, the Code Board Administrator.

Consequently, this leaves a wide area for regulation between what was proposed at the January 20 meeting (any work requiring a permit/development approval requires compliance with Chapter 5) and the minimum standard under the Code.

Prior to moving this forward to Planning Commission, Staff wanted to provide this update

to Council and get further direction from Council on this issue.

I also wish to note that many communities are struggling with the questions regarding the implementation of the Wildfire Resiliency Code. CML may press the State to delay deadlines for compliance to allow these implementation concerns to be addressed and the Board to make clarifying changes to the Code. We'll keep you updated on that issue.

Scope Provisions from the Wildfire Resiliency Code

For reference, below are some of the scope provisions in the Code.

The Code states the scope as follows:

“101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises that contain occupiable and/or habitable space, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the wildland-urban interface areas of Colorado, as designated in this code.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.”

New development would clearly have to comply with the Code; however, with respect to site conditions, it appears the intent to only require compliance with the Code (Chapter 5) if the site conditions are altered (even if structure is being altered) or for new site development.

The Code is more clear on what work is exempt from the Code. Section 102.10 identifies work that is exempt from (presumably) both Chapter 4 (Structure Hardening) and Chapter 5 (Site and Area Requirements).

“102.10 Work exempt from permit under this code. Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with this code shall not be required for the following:

- 1. Interior alterations of existing structures.***
- 2. Additions that do not increase the footprint of a structure by more than 500 square feet.***
- 3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.***
- 4. The reconstruction, replacement, alteration, or repair of the exterior roof covering of an***

existing building, when less than 25 percent of the surface area of the exterior roof covering or an attachment thereto is affected.

5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.

6. Painting, staining and similar maintenance or restorative work.

7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.

8. Accessory structures and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing occupiable or habitable space.

9. Fences located more than 8 feet from a habitable structure.

10. Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.”

More nuance comes from Sections 101.5 (Additions or Alterations), 101.6 (Roof Coverings), and 101.7 (Exterior Walls), which also define the exempt work, requiring compliance with Chapter 4 if the exception thresholds are met only for the structural element being worked on. For example, under 101.6 (Roof Coverings), if more than 25% of the roof is replaced it “shall require the entirety of the roof covering to be replaced.” Sections 101.6 and 101.7 do not expressly mention compliance with Chapter 5 if the work exceeds the threshold. Section 101.7 Exterior Walls provides that when more than 25% of the walls are replaced “the entirety of the exterior wall surface area, including attachments” must be replaced “*and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.*” Again, it appears the intent is that Chapter 5 is only triggered by structure hardening work where expressly stated.

Under Chapter 4, the exceptions are again identified (a subset of those under Section 102.10), as follows:

“401.1 Scope. *Exterior design and construction of new buildings and structures within the wildland-urban interface areas of Colorado shall be constructed in accordance with this chapter.*

Exceptions:

1. Buildings of an accessory character classified as Group U occupancy (including agricultural buildings) of any size located at least 50 feet from a structure containing occupiable or habitable space.

2. One-story detached accessory, nonhabitable structures, such as tool and storage

sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.

3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.

4. The reconstruction, replacement, alteration, or repair of the exterior roof covering of an existing building, when less than 25 percent of the surface area of the exterior roof covering or an attachment thereto is affected.

5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.

6. Additions that do not increase the footprint of a structure by more than 500 square feet.”

And Chapter 5 simply states the scope as follows:

“501.1 Scope. The provisions of this chapter shall apply to parcels subject to this code.”

Background Information from January 20, 2026 Meeting:

Senate Bill 23-166 established a Wildfire Resiliency Code Board (the “Board”) tasked with promulgating regulations and developing minimum codes and standards to reduce fire risk around structures in the wildland-urban interface (“WUI”) of Colorado. The Board ultimately published the Colorado Wildfire Resiliency Code (the “CWRC” or “Wildfire Resiliency Code”) that went into effect on July 1, 2025 and establishes minimum standards for the construction and maintenance of habitable structures, while also setting criteria for assessing risk within WUI areas and mapping wildfire hazard areas. Senate Bill 25-142 requires local governments to adopt a code that meets or exceeds the standards of the CWRC.

Town Staff has been working with Roaring Fork Fire Rescue Authority and neighboring jurisdictions to analyze adoption of the Wildfire Resiliency Code and to determine what are appropriate local amendments. Town Staff has also been working on adopting an updated Building Code, which will work in conjunction with the Wildfire Resiliency Code.

The existing Town Code contains provisions in Chapter 16A (Land Use and Development Code) and Chapter 18 (Building Regulations) regarding wildfire hazards. Adoption of the Wildfire Resiliency Code would largely replace those existing provisions.

Overview of Wildfire Resiliency Code

The Board has developed WUI Maps, which identify fire intensity classifications for areas within the WUI that are either low intensity, moderate intensity, or high fire intensity. All

property within the WUI must apply with the applicable provisions of the Wildfire Resiliency Code. All of the Town is either moderate intensity or high fire intensity.

The Wildfire Resiliency Code contains two general areas of regulation: (1) Structure Hardening (Chapter 4); and (2) Site and Area Requirements (Chapter 5). With specific exceptions, the Code requires the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises that contains occupiable or habitable space to comply with these provisions of the Code.

The main requirements for Structure Hardening include:

- Use of noncombustible materials, fire-retardant-treated wood, and ignition resistant building materials.
- Class A roof materials.
- Covered ventilation openings.
- Fire-rated glass
- Eaves and soffits must be enclosed.

The Code distinguishes between Class 1 and Class 2 structure hardening; however, because all property in the Town is identified as either moderate or high intensity, Class 2 applies. Further, as noted below, the Town is proposing a local amendment to require Class 2 hardening regardless of fire intensity classification.

The main Site and Area Requirements include:

- Structure Ignition Zone 1 (0-5 feet): Immediate Zone.
 - o Use of noncombustible hard surface materials.
 - o Remove plantings.
 - o No new trees.
 - o Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.
- Structure Ignition Zone 2 (5-30 feet): Intermediate Zone
 - o Removal of dead plant material.
 - o Prune tree branches to a height of 6-10 feet from the ground.
 - o Tree crowns maintain 10 foot clearance from structure.
 - o Tree spacing.
- Structure Ignition Zone 3 (30-100 feet): Expanded Zone
 - o Spacing of tree crowns a minimum of 6-10 feet.
- Retaining Walls
 - o Use of noncombustible or ignition resistant materials if meeting certain conditions.
- Fencing.
 - o Use of noncombustible or ignition resistant materials within 8 feet of a structure.

The Code contains a number of exceptions from compliance with the Code for minor

additions (up to 500 square feet), roof replacement (25%), and exterior walls (25%).

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

Provide direction on the draft of the Wildfire Resiliency Code.

STAFF RECOMMENDATION:

Town Staff recommends that Town Council identify any amendments for Town Staff to consider.

ATTACHMENTS:

Wildfire Resiliency Code with draft Local Amendments



COLORADO
Wildfire
Resiliency
Code Board

2025

Colorado Wildfire Resiliency Code

01 June 2025



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CWRC Version 1.0

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Attributions

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Table of Contents

Chapter 1 - Scope and Administration	5
PART 1 GENERAL PROVISIONS	5
SECTION 101 SCOPE AND GENERAL REQUIREMENTS	5
SECTION 102—APPLICABILITY	7
PART 2—ADMINISTRATION AND ENFORCEMENT	9
SECTION 103—CODE COMPLIANCE AGENCY	9
SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL	9
SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS	13
SECTION 106—FEES	14
SECTION 107—STOP WORK ORDER	14
Chapter 2 - Definitions	15
SECTION 201 GENERAL	15
SECTION 202 DEFINITIONS	15
Chapter 3 - Wildfire Hazard Identification	19
SECTION 301 GENERAL	19
SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS	19
SECTION 303 MAPPING AND APPLICABILITY	19
SECTION 304 GROUND-TRUTHING	21
Chapter 4- Structure Hardening	23
SECTION 401 GENERAL	23
SECTION 402 BUILDING MATERIAL	23
SECTION 403 CLASS 1 STRUCTURE HARDENING	25
SECTION 404 CLASS 2 STRUCTURE HARDENING	26
Chapter 5- Site and Area Requirements	29
SECTION 501 GENERAL	29
SECTION 502 CLASS 1 REQUIREMENTS	29
SECTION 503 CLASS 2 REQUIREMENTS	30
Appendix A: PERMITS	33
Appendix B: CONSTRUCTION DOCUMENTS	36
Appendix C: INSPECTION AND ENFORCEMENT	38



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Chapter 1 - Scope and Administration

PART 1 GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by the Town of Snowmass Village, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises that contain *occupiable* and/or *habitable space*, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the *wildland-urban interface* areas of Colorado, as designated in this code. Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.2.1 Appendices. ~~Provisions in the appendices shall not apply unless specifically adopted.~~ The appendices hereto are specifically adopted with this code.

101.2.2 Factory-Built Structures (nonresidential, residential, and tiny homes). Structure hardening provisions of this code for factory-built structures as defined by sections 24-32-3302(9), (10), (11), and (35), C.R.S., are in accordance with Rules adopted by the Division of Housing in 8 CCR 1302-1, Rule 2 Codes and Standards.

101.2.3 HUD Code Homes. Homes built to the HUD Manufactured Home Construction and Safety Standards are exempt from structure hardening requirements on their first installation. Homes built to the HUD Manufactured Home Construction and Safety Standards which are moved into an applicable Wildfire Resiliency code area are subject to the provisions of this code as required by the authority having jurisdiction.

101.3 Purpose. The purpose of this code is to establish minimum regulations for the safeguarding of life and for property protection. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in *wildland-urban interface* areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to



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provide adequate fire protection facilities to control the spread of fire in *wildland-urban interface* areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface* areas.

101.4 Retroactivity. The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

101.5 Additions or alterations. ~~Minor A~~additions or alterations, as determined by the code official, shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that, when the work (a) increases the footprint of the existing structure by 500 square feet or greater, (b) constitutes a distinct hazard or danger to life or property, or (c) causes the building, structure, or premises to become unsafe, the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become *unsafe*. ~~An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.~~

101.6 Roof coverings. The *roof covering* on buildings or structures in existence prior to adoption of this code that are replaced or have 25 percent (or more) **or 100 square feet** of the surface area of the roof replaced, whichever is less, or where work to reconstruct, alter, or repair the *roof covering* (a) effectively replaces such material, (b) constitutes a distinct hazard or danger to life or property, or (c) causes the building, structure, or premises to become unsafe, shall require the entirety of the *roof covering* to be replaced with a *roof covering* required for new construction specified in Sections 403.2 through 403.2.2.

Exception: Existing *roof coverings* that are compliant with Section 403.2.



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101.7 Exterior walls. The exterior walls of building or structures in existence prior to adoption of this code where 25 percent or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter or repair the exterior walls (a) effectively replaces the exterior wall material, (b) constitutes a distinct hazard or danger to life or property, or (c) causes the building, structure, or premises to become unsafe, shall require the entirety of the exterior wall surface area, including attachments, to be replaced with materials required for new construction specified in Section 404.3 through 404.3.2 and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.

Exception: Existing exterior walls that are compliant with Section 404.3.

101.8 Maintenance. Buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102—APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code, or any other adopted code, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code are listed throughout this code. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and the referenced codes and standards, the provisions of this code shall govern.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

102.5 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the authority having jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the



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code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.6 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the *code official* consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

102.7 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing conditions. The legal occupancy or use of any structure or condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

102.9 Historic structures. A variance is authorized to be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, within the spirit of this code.

Exception: Within wildfire hazard areas, historic structures that do not meet one or more of the following designations:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
3. Designated as historic under a state or local historic preservation program.

102.9.1 Historic preservation exemption. The authority having jurisdiction may establish a historic preservation exemption or exemptions in their jurisdiction that consists of the spirit and intent of this code.

102.10 Work exempt from permit under this code. Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with **Chapter 4 – Structure Hardening of** this code shall not be required for the following:

1. Interior alterations of existing structures **that do not constitute a substantially complete renovation of the interior, as determined by the code official.**
2. Additions that do not increase the footprint of a structure by more than 500 square feet **and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe.**
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected



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Department of Public Safety

and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe.

4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent **or 100 square feet** of the surface area of the exterior *roof covering* or an attachment thereto is affected, **whichever is less, and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe.**
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair **and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe.**
6. Painting, staining and similar maintenance or restorative work.
7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
8. *Accessory structures* and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing *occupiable* or *habitable space*.
9. Fences located more than 8 feet from a habitable structure **that comply with this code.**
10. ~~Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.~~

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103—CODE COMPLIANCE AGENCY

103.1 Creation Designation of agency. The Town of Snowmass Village ~~[INSERT NAME OF DEPARTMENT]~~ **Building Department** is hereby created **designated as the code compliance agency** and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 Powers and duties of the code official. The *code official* is hereby authorized to enforce the provisions of this code.

104.2 Determination of compliance. The *code official* shall have the authority to determine



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compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Technical assistance. To determine compliance with this code, the *code official* is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

104.2.1.1 Costs. A technical opinion and report shall be provided at the owner or applicant's sole expense, without charge to the jurisdiction.

104.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.1.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

104.2.1.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

104.2.2 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*.

104.2.2.1 Approval authority. An alternative material, design or method shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

104.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for approval. Where the alternative material, design or method of construction is not approved, the *code official* shall respond in writing, stating the reasons the alternative was not approved.

104.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.2.4 Equivalency criteria. An alternative material, design or method of



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construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

104.2.2.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

104.2.2.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved* agency and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official*'s recognition of the *approved* agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

104.2.2.6.2 Other reports. Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.7 Peer review. The *code official* is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or



method of construction, prepared by a peer reviewer that is *approved* by the *code official*.

104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, provided that the *code official* shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

104.3 Applications and permits. The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.4 Access to Property. For the purpose of inspecting and enforcing the provisions of this code and the terms and conditions of any permit issued under this code, the *code official* is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining compliance with this code and to evaluate conditions relative to the permit application.

104.4.1 Authorization. The owner or occupant of the property having a permit under this code shall allow the *code official* access to the property to perform the required inspections. If access is denied, the *code official* shall apply to the Court with jurisdiction to seek authority to access the property.

104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Official records. The *code official* shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

104.7.1 Approvals. A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

104.7.2 Inspections. The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

104.7.4 Tests. The *code official* shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

104.7.5 Fees. The *code official* shall keep a record of fees collected and refunded in accordance with Section 106.

104.8 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of any act or omission in the discharge of official duties.

104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the *code official* shall be constructed and installed in accordance with such approval.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

104.10 Other agencies. When requested to do so by the *code official*, other officials of this jurisdiction shall assist and cooperate with the *code official* in the discharge of the duties required by this code.

SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS

105.1 General. The *code official* is authorized to issue a permit for temporary uses, equipment and systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

105.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

105.3 Temporary service utilities. The *code official* is authorized to give permission to temporarily supply service utilities.

105.4 Termination of approval. The *code official* is authorized to terminate such permit for temporary uses, equipment and systems and to order the same to be discontinued.

SECTION 106—FEES

106.1 General. ~~An AHJ~~ The Town has the authority to establish fees related to permitting under this code.

SECTION 107—STOP WORK ORDER

107.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

107.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

107.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

107.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

Chapter 2 - Definitions

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

APPROVED. Acceptable to the *code official*.

BUILDING. Any structure intended for supporting or sheltering any occupancy.

CLASS A TESTS. Class A Tests are applicable to *roof coverings* that are expected to be effective against severe fire exposure, afford a high degree of fire protection to the *roof deck*, do not slip from position, and are not expected to present a flying brand hazard.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the *code official's* authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

EMBELLISHMENTS. Elements incorporated in design and construction for ornamental or decorative purpose that are not integral to the structure or structural support.

FIRE INTENSITY CLASSIFICATION. The level of fire intensity identified for areas where significant fuel hazards and associated dangerous fire behavior may exist, based upon vegetative fuels, topography, weather conditions, and flame length value.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the *wildland-urban interface* area.

FIRE-RETARDANT-TREATED WOOD. Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed *flame spread index* of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.

FLAME SPREAD INDEX. A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

HABITABLE SPACE. A space in a building for living, sleeping, eating or cooking.

HEAVY TIMBER CONSTRUCTION. As described in Section 602.4 of the 2024 *International Building Code*.

HOME IGNITION ZONE. Home Ignition Zone is the home and the area around the home (or structure). The HIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

IGNITION-RESISTANT VEGETATION. Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is not less than 6 inches. Log wall construction shall follow requirements of ICC 400.

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire.
2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.
3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.

OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a *roof covering* and *roof deck* or a single component serving as both the *roof covering* and the *roof deck*. A *roof assembly* can include an underlayment, thermal barrier, ignition barrier, insulation or a vapor retarder.

ROOF COVERING. The covering applied to the *roof deck* for weather resistance, fire classification or appearance.

ROOF DECK. The flat or sloped surface not including its supporting members or vertical supports.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

SLOPE. The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed.

STRUCTURE IGNITION ZONE. Structure Ignition Zone is the structure and the area around the structure (or home). The SIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

UNSAFE. An unsafe condition shall be deemed to have been created if the action will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will unreasonably increase the risk of fire ignition; will reduce required fire resistance; or will otherwise create conditions dangerous to human life.

WILDLAND-URBAN INTERFACE. That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels. **All property in the corporate limits of the Town shall be considered within the wildland-urban interface.**



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

Chapter 3 - Wildfire Hazard Identification

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter provide methodology to establish and record wildfire hazard based on the findings of fact to be regulated by this code.

301.2 Objective. The objective of this chapter is to provide simple baseline criteria for determining *wildland-urban interface* areas based on the wildfire hazard.

SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

302.1 Declaration. The ~~AHJ~~Town shall declare the *wildland-urban interface* areas within the jurisdiction as defined by this code. The *wildland-urban interface* areas shall be based on the findings of fact.

SECTION 303 MAPPING AND APPLICABILITY

303.1 Mapping of Wildfire Hazard Areas. Wildfire Hazard shall be recorded on official maps. These maps identify areas subject to the provisions of this code and shall be available for public inspection through an accessible online platform and at designated local government offices.

303.1.1 Map. This map shall be based on a combination of factors including, but not limited to, vegetative fuels, topography, local weather patterns, and fire behavior modeling data.

303.1.2 Locally Developed Mapping. The ~~AHJ~~Town may develop and adopt local maps designating wildfire hazard and *fire intensity classifications* within its jurisdictional boundaries in accordance with Sections 303.1 through 303.3.

303.2 Fire Intensity Classification. *Fire Intensity Classification* shall be identified on the map in accordance with Section 303.1. *Fire Intensity Classification* is determined by expected wildfire behavior, including flame length and suppression difficulty and is separated into three levels: low, moderate, and high. The identified *fire intensity classification* establishes code requirements for construction and mitigation.

303.2.1 Low Fire Intensity Classification. *Low Fire Intensity Classification* is identified in areas with light to medium surface fuels, such as grasses, shrubs, and scattered low-density vegetation. These fuels are often discontinuous, which limits flame propagation but can sustain burning under moderate weather conditions. Fires in this class may occur on gentle to moderate *slopes*, where topography begins to influence the rate of spread. Although flame lengths remain relatively small—typically less than two feet—limited spotting may occur, especially with wind. Trained firefighters with protective equipment and standard hand tools can usually suppress these fires through



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

direct attack, particularly on *slopes* under 30 percent. Mechanized equipment is typically unnecessary.

Key Characteristics Include:

1. **Fuels:** Light to medium surface fuels, including grasses, shrubs, and scattered vegetation (e.g., WNL, USL fuel types).
2. **Flame Length:** Less than 2 feet.
3. **Rate of Spread:** Low, increasing with *slopes* over 20 percent.
4. **Spotting:** Very short-range spotting is possible under windy conditions.
5. **Terrain Influence:** More active fire behavior on moderate *slopes* (20 to 30 percent).
6. **Suppression Difficulty:** Easily suppressed by trained firefighters using basic protective gear and hand tools. Direct attack is effective, and mechanized support is rarely needed.

303.2.2 Moderate Fire Intensity Classification. *Moderate Fire Intensity Classification* is identified in areas with moderate to heavy fuel loads, such as dense shrubs, small trees, and accumulated ground fuels. Fires in this class present continuous horizontal and vertical fuel arrangements, allowing flames to reach up to 8 feet in length. Fire behavior is notably influenced by moderate to steep *slopes*, often accelerating the spread.

Short-range spotting becomes more common, complicating suppression efforts. Ground crews typically require mechanized support, such as engines and dozers, to establish control lines. Aircraft assistance may be necessary, particularly in inaccessible terrain. There is a significant increase in the potential for property damage and risk to life, especially in *wildland-urban interface* areas.

Key Characteristics Include:

1. **Fuels:** Moderate to heavy fuels, including dense shrublands, small trees, timber litter, and canopy fuels (e.g., USH, UIH fuel types).
2. **Flame Length:** Up to 8 feet.
3. **Rate of Spread:** Moderate to high, increasing significantly on *slopes* over 30 percent.
4. **Spotting:** Short-range spotting is common.
5. **Terrain Influence:** Steep *slopes* (30 percent or greater) increase fire spread and intensity.
6. **Suppression Difficulty:** Challenging for ground crews without support from engines, dozers, or aircraft. Dozers and plows are generally effective on moderate terrain.

303.2.3 High Fire Intensity Classification. *High Fire Intensity Classification* is identified in areas with heavy, continuous fuel loads, such as dense forest canopies, thick



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

understory growth, and heavy dead/downed material. Fires in this class frequently occur on steep *slopes*, often exceeding 40 percent, where topography dramatically increases the rate of spread and severity. Flame lengths can exceed 30 feet, and both short- and medium-range spotting are common, particularly in windy conditions. Direct suppression by ground crews is typically ineffective, requiring indirect attack strategies, such as backburns and aerial retardant drops. Fires in this class pose extreme risk to life, property, and firefighter safety, especially in rugged or remote areas.

Key Characteristics Include:

1. **Fuels:** Heavy fuels, including dense forests, urban core areas with heavy fuel loads, and canopy-dominated regions (e.g., WNH, USH, UCH fuel types).
2. **Flame Length:** Up to 30 feet or more.
3. **Rate of Spread:** Rapid, especially on *slopes* greater than 40 percent.
4. **Spotting:** Short-range spotting is common; medium-range spotting is possible under windy conditions.
5. **Terrain Influence:** *Slopes* over 40 percent amplify intensity and spread, creating dangerous conditions for suppression.
6. **Suppression Difficulty:** Direct attack by ground forces and dozers is generally ineffective. Indirect strategies (backburning, aerial support) are often necessary.

These fires present significant danger to life, property, and responder safety.

303.3 Applicability of Code Provisions. ~~The requirements of this code shall apply to all parcels located within designated Wildfire Hazard Areas and corresponding *fire intensity classifications* as identified on the official maps. The level of structure hardening, *defensible space*, and other mitigation measures required shall correspond to the applicable *fire intensity classification*—Low, Moderate, or High—as established by the board.~~

~~Structures and parcels identified with low *fire intensity classification* shall be constructed and maintained in accordance with the provisions for Class 1 structure hardening and site and area requirements.~~

All buildings, structures, and premises ~~and parcels identified with moderate to high *fire intensity classifications*~~ **within the Town, regardless of the fire intensity classification,** shall be constructed and maintained in accordance with the provisions for Class 2 structure hardening and site and area requirements.

SECTION 304 GROUND-TRUTHING

304.1 Purpose. This section establishes a process for owners or the owners authorized representative to request a ground-truthing review of their property's Wildfire Hazard or *fire intensity classification* as identified on state or locally adopted maps. The intent is to provide an opportunity to verify that mapping accurately reflects current, site-specific conditions.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

304.2 Determination of Fire Intensity Classification and Code Requirements. As determined by the *code official*, the *fire intensity classification* and associated requirements shall be based on a review of the vegetative fuels on the parcel and within 300' of the parcel boundary, topography, local weather patterns, and fire behavior modeling data and in accordance with the following *fire intensity classifications*:

304.2.1 Low *Fire Intensity Classification* in accordance with Section 303.2.1

304.2.2 Moderate *Fire Intensity Classification* in accordance with Section 303.2.2

304.2.3 High *Fire Intensity Classification* in accordance with Section 303.2.3

This determination shall be made based on existing conditions or conditions that have been established by a development plan approved by the local jurisdiction. Technical documentation shall be submitted in support of such request by a qualified wildfire professional and in accordance with Section 104.2.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

Chapter 4- Structure Hardening

SECTION 401 GENERAL

401.1 Scope. Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.

Exceptions:

1. Buildings of an accessory character classified as Group U occupancy (including *agricultural buildings*) of any size located at least 50 feet from a structure containing *occupiable* or *habitable space*.
2. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected **and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe..**
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent **or 100 square feet** of the surface area of the exterior *roof covering* or an attachment thereto is affected, **whichever is less, and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe..**
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair, **and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe..**
6. Additions that do not increase the footprint of a structure by more than 500 square feet **and such work does not (a) constitute a distinct hazard or danger to life or property or (b) cause the building, structure, or premises to become unsafe.**

SECTION 402 BUILDING MATERIAL

402.1 Building material. Building materials shall comply with any one of the requirements in Section 402.2 through 402.4.

402.2 Noncombustible material. *Noncombustible* material shall comply with the definition of *noncombustible* materials in Section 202.

402.3 Fire-retardant-treated wood. *Fire-retardant-treated wood* shall be identified for exterior use and shall meet the requirements of Section 2303.2 of the 2024 *International Building Code*.

402.4 Ignition-resistant building material. Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes,



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch. The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723 for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 402.4.1 through 402.4.3.3. Materials or products which melt, drip or delaminate to the extent that the flame front is interrupted are not permitted.

Exception: Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch thickness or corrosion-resistant steel at a minimum 0.0149 inch thickness shall not be required to be tested with a ripped or cut longitudinal gap.

402.4.1 Flame spread. The material shall exhibit a *flame spread index* not exceeding 25.

402.4.2 Flame front. The material shall exhibit a flame front that does not progress more than 10 feet 6 inches beyond the centerline of the burner at any time during the test.

402.4.3 Weathering. *Ignition-resistant building materials* shall maintain their performance in accordance with this section under conditions of use. The materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in Sections 402.4.3.1 through 402.4.3.3, as applicable to the materials and conditions of use.

402.4.3.1 Evaluation requirements for weathering. Fire-retardant-treated wood, wood-plastic composite materials and plastic lumber materials shall be evaluated after weathering in accordance with Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D2898.

402.4.3.2 Wood-plastic composite materials. Wood-plastic composite materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation, then weathering in accordance with ASTM D7032 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

402.4.3.3 Plastic lumber materials. Plastic lumber materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation, then weathering in accordance with ASTM D6662 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.



SECTION 403 CLASS 1 STRUCTURE HARDENING

403.1 General. Class 1 structure hardening shall be in accordance with Sections 403.2 through 403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a low fire hazard severity.

403.2 Roofing. Roofs shall have a *roof covering* or *roof assembly* classified as Class A when tested in accordance with ASTM E108 or UL 790.

403.2.1 Flame and ember protection of roofs. For roof assemblies where the roof covering profile creates a space between the roof covering and roof deck, the space shall resist the entry of flames and embers by one or more of the following methods:

1. Firestopping with noncombustible material of the space between the roof covering and the roof deck.
2. Installation of one layer of cap sheet complying with ASTM D3909 over the combustible roof deck.
3. Installation of a listed Class A classified roof assembly.

403.2.2 Roof valley flashings. Valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of cap sheet complying with ASTM D3909 running the full length of the valley.

403.3 Gutters and downspouts. Gutters and downspouts shall be constructed of *noncombustible* material.

403.4 Ventilation Openings. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be in accordance with Section 403.4.1 or Section 403.4.2 as applicable.

403.4.1 Performance Requirements. Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

403.4.2 Prescriptive Requirements. Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be covered with *noncombustible* 404.3 corrosion-resistant mesh with openings not to exceed 1/8-inch.



COLORADO
Department of Public Safety



COLORADO
Division of Fire
Prevention & Control
Department of Public Safety

SECTION 404 CLASS 2 STRUCTURE HARDENING

404.1 General. Class 2 structure hardening shall be in accordance with Sections 404.2 through 404.10.1 as well as the provisions of Class 1 structure hardening in Sections 403.2-403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a moderate or high fire hazard severity. See also Sections 101.6-101.7.

404.2 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, 2-inch nominal dimension lumber, or 1 inch nominal *fire-retardant-treated wood* or 3/4 inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*. Fascias are required and shall be protected on the backside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, or 2-inch nominal dimension lumber.

404.3 Exterior Walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Exterior wall assemblies with a minimum of 1-hour fire-resistance rating, rated for exposure on the exterior side.
2. *Approved noncombustible materials.*
3. *Heavy timber or log wall construction.*
4. *Noncombustible materials* complying with Section 402.2 on the exterior side.
5. *Fire-retardant treated wood* complying with Section 402.3 on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.
6. Ignition-resistant materials complying with Section 402.4 on the exterior side.

Such material shall extend from the top of the foundation to the underside of the eave or the underside of the roof sheathing.

Exceptions:

1. Exterior wall *embellishments* and architectural trim (exclusive of trim on exterior windows and doors) not to exceed 5 percent of the square footage of the exterior wall.
2. Roof or wall top cornice projections and similar assemblies.
3. Solid wood rafter tails and solid wood blocking installed between rafters having minimum dimension 2 inch nominal.

404.3.1 Exterior Wall Coverings. Exterior wall coverings shall be limited to the following:

1. *Noncombustible materials.*
2. *Fire-retardant-treated wood.*
3. *Ignition-resistant building materials.*



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Exception: Where options 1 or 2 in section 404.3 are used, vinyl siding may be used as an exterior covering.

404.3.2 Flashing. A minimum of 6 inches of metal flashing or *noncombustible* material applied vertically between the wall sheathing and the exterior cladding shall be installed at the ground, decking, and roof intersections.

Combustible sheathing products exposed by the gap created at the base of the exterior walls, posts, or columns must be protected with *noncombustible material* or *ignition-resistant building materials* while still permitting drainage and moisture control from behind exterior cladding.

404.4 Underfloor enclosure. Buildings or structures shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.

404.5 Decking. Unenclosed decks shall have the deck walking surface constructed of one of the following:

1. *Approved noncombustible* materials
2. Class A rated material

Exception: Composite decking material with a minimum of Class B rating

3. *Fire-retardant-treated wood* identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*
4. *Ignition-resistant building materials* in accordance with Section 402.4.

404.6 Appendages and Projections. Appendages and projections shall be constructed in accordance with Section 404.3.

404.7 Exterior Glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

404.8 Exterior Doors. Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 404.7.

Exception: Vehicle access doors.

404.9 Vehicle Access Door Perimeter Gap. Exterior vehicle access doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the head, sill, and jamb of doors from exceeding ⅛ inch as approved by the AHJ Town.

Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that: (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, when the maximum allowable difference in tensile strength values between exposed and



non-exposed samples does not exceed 10 percent; and (b) exhibit a V-2 or better flammability rating when tested to UL 94 (Standards for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances).

2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

404.10 Detached Accessory Structures. Detached *accessory structures* located less than 50 feet from a building containing *habitable* or *occupiable space* shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

404.10.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending *slope* surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 404.3 or underfloor protection in accordance with Section 404.4 or with 1/8-inch metal corrosion-resistant screen with a hardened zone within 5 feet.

Exception: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction*, *heavy timber construction*, *noncombustible* materials on the exterior side, or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.



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Chapter 5- Site and Area Requirements

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall apply to parcels subject to this code.

501.2 Reference. As needed, the *code official* shall refer to the Home Ignition Zone (HIZ) Guide as developed by the Colorado State Forest Service.

Where conflicts occur between provisions of this code and the HIZ Guide, the provisions of this code shall govern. The provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

SECTION 502 CLASS 1 REQUIREMENTS

502.1 Structure Ignition Zone 1 (0-5 feet): Immediate Zone

502.1.1 Objective. This zone is designed to reduce or eliminate ember ignition and direct flame contact with the structure, decks, stairs, and attachments.

502.1.2 Materials. Use *noncombustible*, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.

Exception: Ignition-resistant plantings, per an approved list by the ~~AHJ~~Town that is not less than that created by the Colorado State Forest Service, are allowed in the Immediate Zone.

502.1.3 Plantings. Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.

502.1.4 Trees. There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.

502.2 Site Signage

502.2.1 Marking of roads. *Approved* signs or other *approved* notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.

502.2.2 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner *approved* by the *code official* to prevent obstruction.



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502.2.3 Address markers. Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. **Each lot or parcel shall be clearly marked with three- (3) inch minimum non-combustible numbers and installed on a non-combustible post or monument.** In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the **primary point of access from the public or common access** road on which the address is located in a manner *approved* by the *code official*.

502.3 Retaining Walls

502.3.1 Retaining Walls. Retaining walls shall be constructed with either *noncombustible* or ignition-resistant materials when any of the following conditions exist:

1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
2. The retaining wall is integral to the support of a structure regulated by this code.
3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.

502.4 Fencing

502.4.1 Fencing. Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with *noncombustible* or ignition-resistant materials.

Exception: Vinyl fencing. Vinyl fencing may be allowed.

SECTION 503 CLASS 2 REQUIREMENTS

503.1 General. Class 2 site and area requirements shall be in accordance with Sections 503.2 through 503.3.2 and include all requirements of Class 1 in Sections 502.1 through 502.4.

503.2 Structure Ignition Zone 2 (5-30 feet) Intermediate Zone

503.2.1 Objective. This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to structures.

503.2.2 Dead Materials. Within the *fuel modification* area, hazardous dead plant material must be removed from live vegetation.

503.2.3 Fuels Accumulation. Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.

503.2.4 Trees. *Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.



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503.2.4.1 Tree Spacing. *Tree crowns* within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.

503.2.5 Shrubs. Shrub groups within this zone shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.

503.3 Structure Ignition Zone 3 (30-100 feet) Expanded Zone

503.3.1 Objective. This zone focuses on mitigation that keeps fire on the ground.

503.3.2 Tree Spacing. *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.



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Appendix A: PERMITS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

A101.1 General. Where not otherwise provided in the requirements of the *International Building Code* or *International Fire Code*, permits are required in accordance with Sections A101.2 through A101.9.

A101.2 Permits required. Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, converted, changed, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the *code official*.

For buildings or structures erected for temporary uses, see Section 105.

A101.3 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Appendix B.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

A101.3.1 Preliminary inspection. Before a permit is issued, the *code official* is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

A101.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that



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the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

A101.4 Permit approval. Before a permit is issued, the *code official*, or an authorized representative, shall review and approve permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from agencies or departments concerned.

A101.5 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the *code official*. If the *code official* finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the *code official* is allowed to issue a permit to the applicant.

When the *code official* issues the permit, the *code official* shall endorse in writing or stamp the plans and specifications APPROVED. Such *approved* plans and specifications shall not be changed, modified or altered without authorization from the *code official*, and work regulated by this code shall be done in accordance with the *approved* plans.

A101.5.1 Refusal to issue a permit. Where the application or construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor.

A101.6 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

A101.7 Expiration. Every permit issued by the *code official* under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit is allowed to apply for an extension of the time within which work is allowed to commence under that permit where the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* is authorized to extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.



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A101.8 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the *code official* or other authorized representative.

A101.9 Revocation of permits. Permits issued under this code can be suspended or revoked where it is determined by the *code official* that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him or her under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. The permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The *code official* is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.



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Appendix B: CONSTRUCTION DOCUMENTS

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

B101.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in the format as required by the jurisdiction. The construction documents shall be prepared and submitted where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require additional documentation.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

B101.2 Information on plans and specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

B101.3 Site plan. In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, landscape and vegetation details and locations of structures or building envelopes. The *code official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted. Identify the *fire intensity classification*.

B101.3.1 Defensible Space Site Plans. Defensible space site plans shall be prepared and submitted to the *code official* for review and approval as part of the site plans required for a permit. The *code official* is authorized to waive or modify the requirement for a defensible space site plan where the application for permit is for alteration or repair or where otherwise warranted.

B101.5 Other data and substantiation. Where required by the *code official*, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

B101.6 Retention of plans. One set of *approved* plans, specifications and computations shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.

B101.7 Examination of documents. The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.



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B101.8 Amended construction documents. Work shall be installed in accordance with the *approved* construction documents, and changes made during construction that are not in compliance with the *approved* documents shall be resubmitted for approval as an amended set of construction documents.

B101.9 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

B101.10 Phased approval. The *code official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.



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Appendix C: INSPECTION AND ENFORCEMENT

The provisions of this appendix apply only when adopted by the governing body in the final ordinance.

C101.1 Inspection. Inspections shall be in accordance with Sections C101.1.1 through C101.1.4.3.

C101.1.1 General. Construction or work for which a permit is required by this code shall be subject to inspection by the *code official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved* by the *code official*. It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Where required by the *code official*, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

C101.1.2 Authority to inspect. The *code official* shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the *code official* for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

C101.1.2.1 Approved inspection agencies. The *code official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

C101.1.2.2 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

C101.1.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall



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either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.

C101.1.3 Reinspections. To determine compliance with this code, the *code official* can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for which inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the *code official*.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

C101.1.4 Testing. Installations shall be tested as required in this code and in accordance with Sections C101.1.4.1 through C101.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the *code official*.

C101.1.4.1 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

C101.1.4.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

C101.1.4.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

C101.2 Enforcement. Enforcement shall be in accordance with Sections C101.2.1 and C101.2.2.

C101.2.1 Authorization to issue corrective orders and notices. Where the *code official* finds any building or premises that are in violation of this code, the *code official* is authorized to issue corrective orders and notices.

C101.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if such person is not found on the



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premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

C101.3 Compliance with orders and notices. Compliance with orders and notices shall be in accordance with Sections C101.3.1 through C101.3.8.

C101.3.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, then such corrective orders or notices shall be complied with by the owner or the owner's authorized agent.

C101.3.2 Compliance with tags. building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section C101.3.1.

C101.3.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the *code official* shall not be mutilated, destroyed or removed without authorization by the *code official*.

C101.3.4 Citations. Persons operating or maintaining an occupancy or premises subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the *code official* shall be guilty of a misdemeanor.

C101.3.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard, **will unreasonably increase the risk of fire ignition**, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings, **structures, and premises** are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

C101.3.5.1 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

C101.3.5.2 Notice. Where an unsafe condition is found, the *code official* shall serve on the owner, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or



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requires the unsafe structure to be demolished. Such notice shall require the person thus notified, or their designee, to declare to the *code official* within a stipulated time, acceptance or rejection of the terms of the order.

C101.3.5.2.1 Method of service. Such notice shall be deemed properly served where a copy thereof is served by one of the following methods:

1. Delivered to the owner or the owner's authorized agent personally.
2. Sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with a return receipt requested.
3. Delivered in any other manner as prescribed by local law.

Where the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent or on the person responsible for the structure shall constitute service of notice on the owner.

C101.3.5.3 Placarding. Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

C101.3.5.3.1 Placard removal. The *code official* shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided by this code.

C101.3.5.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building, structure or premises deemed unsafe by the *code official* shall abate, correct or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

C101.3.5.5 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the *code official* is authorized to abate or correct summarily such hazardous conditions that are in violation of this code.

C101.3.5.6 Evacuation. The *code official* shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe where such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the *code official*.



C101.3.6 Prosecution of violation. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

C101.3.7 Violation penalties. An ~~AH~~**Town** has the authority to establish fees.

C101.3.8 Abatement of violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.



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Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

February 2, 2025

AGENDA ITEM:

A Discussion Regarding the Council Goal to Help Year-Round Residents Thrive, Not Just Survive.

PRESENTED BY:

Clint Kinney, Town Manager

BACKGROUND:

In April of 2025, the Town Council adopted the following goal as part of an overall Council Goal Statement:

Help Year-round Residents Thrive, Not Just Survive

The Council recognizes the clear threat of losing our core year-round residents to more affordable locations. This Council desires to address fundamental affordability, capacity, and accessibility issues for year-round residents. Childcare, housing, groceries, homeowner insurance, tax rates and affordable eats need to be addressed. To have the maximum impact possible, the Town will partner with others to reduce the squeeze year-round residents are feeling to ensure we can continue to provide the highest quality of life possible.

This will be an opportunity for the Council to discuss how best to meet this Council goal.