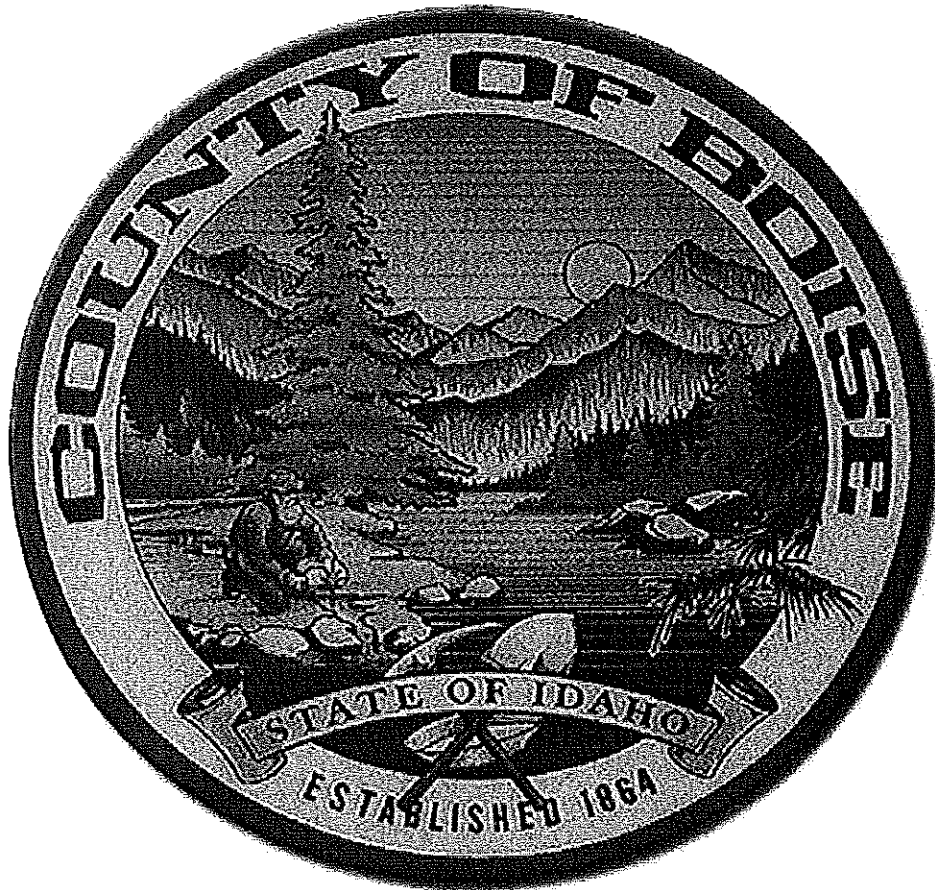


BOISE COUNTY
WILDLAND-URBAN INTERFACE
ORDINANCE 2011-03

REPEALS ORDINANCE 2010-03



April 25th, 2011

CHAPTER 1

GENERAL PROVISIONS

SECTION I, Short Title. This ordinance shall be known as the Boise County Wildland-Urban Interface Ordinance.

SECTION II, Enactment. Be it ordained by the Board of Commissioner's of the County of Boise, Idaho as follows:

SECTION III, Authority. The Legislature of the State of Idaho has in Idaho Code § 31-714 delegated the responsibility to counties to adopt ordinances designed to promote the public health, safety and general welfare of its citizenry.

SECTION IV, Repeal of Ordinance 2010-03. This ordinance repeals Ordinance 2010-03 and the "Fire Protection Guidelines for Residential Development in the Wildland-Urban Interface for Boise County".

SECTION V, Purpose. This ordinance is intended to mitigate the risk to life and structures from spreading of wild land fire into developed land, fire spreading between adjacent structures, and structure fires from spreading to wildland fuels. This ordinance provides safeguards to prevent the spread of fires and to provide for fire-protection facilities to control the spread of fire in Wildland-Urban Interface areas.

This ordinance shall supplement other Boise County subdivision, road building and fire ordinances, if such ordinances have been adopted, to provide for special regulations to mitigate the fire and life-safety hazards of the Wildland-Urban Interface areas.

SECTION VI, Scope. This ordinance shall apply to all land within the legal boundaries of the un-incorporated areas of Boise County which are subject to the jurisdiction of Boise County.

SECTION VII, Application. This ordinance shall apply to all Subdivisions, Conditional Use Permit applications, Planned Communities, Planned Unit Developments and structures 200 square feet or greater, submitted or constructed after the date this ordinance takes effect.

- 1) The provisions of the ordinance shall apply only to conditions arising after adoption of this ordinance.
- 2) This ordinance will apply to additions or alterations made to any building or structure if the footprint of the structure is expanded by 50% or more.
- 3) All Subdivision, Planned Communities, Planned Unit Developments and Conditional Use Permit applications shall include mitigation plans as provided in this ordinance. This ordinance shall supplement all other ordinances, and where at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

SECTION VIII, Appeals. All decisions of the Planning and Zoning Commission may be appealed to the Boise County Board of Commissioners.

SECTION IX, Severability. This ordinance is hereby declared to be severable. Should any Section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Ordinance.

CHAPTER 2

FIRE PROTECTION REQUIREMENTS

SECTION I, Scope. The provisions of this chapter establish general requirements for new buildings, structures and premises located within the un-incorporated areas which are subject to the jurisdiction of Boise County. These requirements are recommended for existing structures and developments.

SECTION II, Objective. The objective of this chapter is to establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to adjacent wildland fuels.

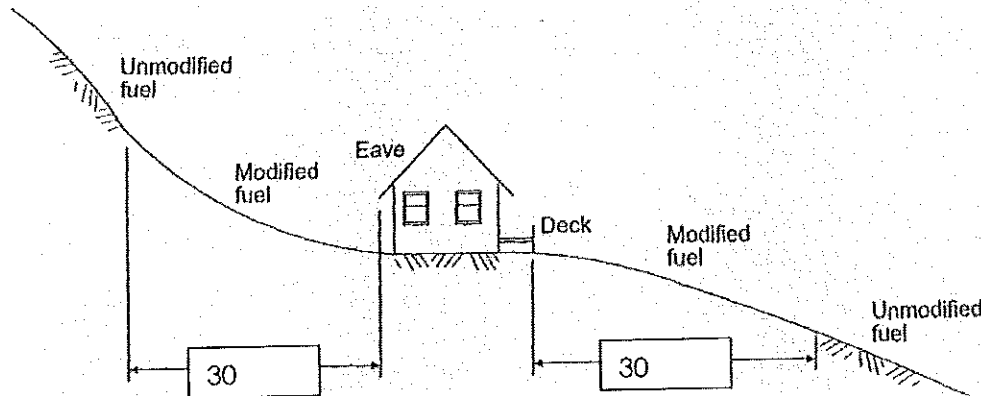
SECTION III, Applicability. All new buildings, structures and premises located within the un-incorporated areas which are subject to the jurisdiction of Boise County.

SECTION IV, Defensible Space.

- 1) **Objective.** Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space around those structures. Distances may be increased due to site-specific analysis based on local conditions and the fire protection plan.
- 2) **Building Permits.** Upon issuance of a building permit for home or out-building construction, the Planning and Zoning Administrator will advise the applicant on any requirements to mitigate fuels in accordance with this ordinance. At the completion of the backfilling of the foundation, the applicant must inform the Planning and Zoning Administrator and request a WUI inspection. Failure to do so shall authorize the Planning and Zoning Administrator to declare the permit revoked and shall not issue another permit until said violation is corrected. Violations shall follow procedures set forth in the current Building Permit Ordinance and this Ordinance.
- 3) **Fuel modification.** In order to qualify as a conforming defensible space for the purpose of structures on a property, fuel modification shall be not be less than 30 feet or to the property line if less than 30 feet. Figure 4-1 demonstrates the application of this subsection.

- 4) Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non-fire-resistant vegetation on the property owned, leased or controlled by said person.
- 5) Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees, and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet. Dead wood and litter shall be regularly removed from trees.
- 6) Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

FIGURE 4-1



SECTION V, Maintenance of Defensible Space.

- 1) **General.** Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for maintaining non-fire-resistant vegetation on the property owned, leased or controlled by said person.
- 2) **Modified Area.** Non-fire-resistant vegetation or growth shall be kept clear of buildings or structures, in accordance with Section IV, in such a manner as to provide a clear area for fire suppression operations.
- 3) **Responsibility.** Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces to the standards set forth in Chapter 2, Section 3 of this ordinance.

- 4) **Trees.** Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet above the ground surface adjacent to the trees.
- 5) Portions of tree crowns that extend within 10 feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet.

CHAPTER 3

ALL STRUCTURES

SECTION I, Declaration. All unincorporated areas of Boise County, which are subject the jurisdiction of the county, are considered to be part of the Wildland-Urban Interface area.

SECTION II, General. In order to provide protection from wildfire in the WUI areas, appropriate access for emergency vehicles will greatly enhance the ability of local agencies to protect life and property. The objective of this chapter is to establish minimum standards for emergency vehicle access for buildings and accessory structures located in the WUI area. This chapter should be used in conjunction with local fire authorities to safeguard homes and developments in Boise County.

SECTION III, Applicability. All new structures of 200 square feet or greater or alterations made to any building or structure which would increase the footprint of the structure by more than 50% shall comply with Subsections 1 & 2 below except as provided in Chapter 4 of this ordinance.

- 1) **Access.** Newly constructed individual structures shall construct their driveways to a minimum width of twelve (12) foot.

Exceptions: Where a width of 12 foot is not possible due to terrain, the Building Official, Fire Chief or Sheriff has the authority to waive the 12-foot requirement for the applicable portion of the driveway. In doing so, the Building Official or Fire Chief will furnish written approval of such to the Planning & Zoning Department listing the applicants name, address, the reason for the waiver and the GPS coordinates of the start and end points of all waived sections.

- a) A driveway shall not serve more than four building lots. **Exception:** When such driveways are constructed to and meet the requirements as defined for a "Fire Apparatus Access Road" below (paragraph 3, Section III of Chapter 4).
- 2) **County Right-of-Way Access.** Approval to utilize the right-of-way approaches in Boise County will be requested through the Boise County Road and Bridge Department. Applicants will complete the "Application to Use Right-of-Way Approaches" form and submit it to the Road and Bridge Department along with applicable fees.

CHAPTER 4

SUBDIVISIONS, PLANNED COMMUNITIES, PLANNED UNIT DEVELOPMENTS AND CONDITIONAL USE PERMITS

SECTION I, General. Providing protection from wildfire in the WUI areas, appropriate access for emergency vehicles and adequate water supply will greatly enhance the ability of local agencies to protect life and property. The objective of this ordinance is to establish minimum standards for emergency vehicle access and water supply for buildings and structures located in the WUI area. This ordinance should be used in cooperation with local fire authorities to safeguard homes and developments in Boise County.

SECTION II, Applicability. All lands within the legal boundaries of the un-incorporated areas of Boise County which are subject to the jurisdiction of Boise County for the following:

- 1) **All new Subdivisions, Planned Communities, Planned Unit Developments and Conditional Use Permits (CUP's).** Chapters 1-6 of this ordinance apply to all Subdivisions, Planned Communities, Planned Unit Developments and CUP's.

SECTION III, Access.

- 1) **Access.** Access to a development or subdivision shall meet the following requirements:

- a) **Safety.** All road systems shall provide for unobstructed traffic circulation for residents, firefighters and fire equipment in case of an emergency. This requires wide, well-constructed roads with sufficient turn-arounds to prevent getting stuck off the road, and to allow simultaneous access by emergency vehicles and escape by local residents. Turns must be designed and hill grades established allowing for truck traffic. Fire departments must be able to drive close to residences.
- b) **Key Box.** Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Chief or Sheriff may require a key box to be installed in an accessible location. The key box shall be of a type approved by the Sheriff or Fire Chief and shall contain keys to gain necessary access as required. Combination locks are acceptable when appropriate codes are furnished to the local fire department and Boise County Dispatch. Should a key box not be installed the fire department or Sheriff may take such actions as necessary to access the property. The requirements of this subsection shall not apply if the access road is equipped with a knock-down gate.

- 2) **Driveways.** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. Approval to utilize the right-of-way approaches in Boise County will be requested through the Boise County Road

and Bridge Department. Applicants will complete the "Application to Use Right-of-Way Approaches" form and submit it to the Road and Bridge Department along with applicable fees.

- b) A driveway shall not serve more than four building lots. **Exception:** When such driveways are constructed to and meet the requirements as defined for a "Fire Apparatus Access Road" below (paragraph 3, Section III of this Chapter).
 - c) Driveway turnarounds shall have inside turning radii of not less than 30 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.
 - d) Driveway turnouts shall be built to the standards of the Boise County Road Ordinance, and be at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the Building official, Fire Chief or Sheriff.
- 3) **Fire Apparatus Access Road.** New subdivisions, Planned Communities and Planned Unit Developments and Conditional Use Permits shall be provided with fire apparatus access roads and shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction; and constructed in accordance with the Boise County Road Standards Ordinance. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the Building Official, Fire Chief or Sheriff. An all-weather road surface shall be any surface material specified in the Boise County Road Standards Ordinance, and that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.
 - 4) **Marking of roads.** Approved signs in accordance with the Boise County Street Naming and Address Numbering Ordinance shall be provided and maintained for access roads and driveways to identify such roads.
 - 5) **Marking of fire protection equipment.** Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the Building Official, Fire Chief or Sheriff.
 - 6) **Address markers.** All 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. 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 road on which the address is located. All address markers and signs will comply with the Boise County Street Naming and Address Numbering Ordinance.

SECTION IV, Water.

- 1) **Water Supply, General.** A water supply must be capable of providing an adequate water supply for the use of the fire protection service to protect buildings and structures from

exterior fire sources or to suppress structure fires within the WUI area of the jurisdiction in accordance with this section.

- 2) **Water Supply.** New subdivisions, Planned Communities and Planned Unit Developments as determined by this jurisdiction shall be provided with water supply for fire-fighting purposes in accordance with the jurisdiction having authority's fire mitigation plan and this ordinance.

SECTION V, Fire Mitigation Plan.

- 1) **Fire Plan.** When required by the Building official, Fire Chief, Fire Chief-VFD, Emergency Manager or Sheriff, a fire protection plan shall be prepared.
 - a) The Fire Plan shall be based on a site-specific wildfire risk assessment that includes considerations of the following:
 - i) location,
 - ii) topography,
 - iii) slope,
 - iv) flammable vegetation,
 - v) climatic conditions,
 - vi) fire history, and
 - vii) response time from the nearest fire department, water sources and water source storage capacity.
 - b) The plan shall address access, building ignition and fire resistance factors, fire protection systems, fire protection equipment, defensible space, evacuation routes and vegetation management.
 - c) The cost of preparing the Fire Plan and review shall be the responsibility of the applicant.

CHAPTER 5

GENERAL REQUIREMENTS

SECTION I, Scope. The provisions of this Chapter establish general requirements for all applicable structures and lands within the legal boundaries of the un-incorporated areas of Boise County which are subject to the jurisdiction of Boise County.

SECTION III, Vegetation Control.

- 1) **Clearance of brush or vegetative growth from roadways.** The Building official, Fire Chief, Sheriff or authority having jurisdiction is authorized to require areas within 10 feet on each side of portions of fire apparatus access roads and to be cleared of non-fire-resistive vegetation growth.

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

SECTION IV, Outdoor fires.

- 1) **General.** Burning on private or public land will comply with fire permit requirements of the specific fire district or the County, State or Federal entity that has ownership/jurisdiction of the land. Proper burn permits are required during specific times of the year and are issued by fire jurisdiction agency providing response in each area of the County. Burn permits, obtained from the individual Fire Department are required from May 10 to June 30 of each year. A "No Burn" policy is in effect from July 01 to Oct 20 in all of Boise County on all property. The Boise County Firefighters Association may vote to cancel the Burn Ban on private ground at an earlier date if conditions permit.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, fire-pit, outdoor fireplace, or incinerator and are a minimum of 10 feet from any combustible material or non-fire-resistive vegetation.

- 2) **Permits.** Even when burning is approved by permit of the local Fire Department, outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:
 - a) When high winds are blowing.
 - b) When a person 18 years old or over is not present at all times to watch and tend such fire.
 - c) When a public notice has been made extending the "No Burn" season.
- 3) **Reckless behavior.** The Building official, Fire Chief, Sheriff or authority having jurisdiction is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire. Such actions will be reported to Boise County Dispatch and given to the Boise County Sheriff or applicable Law Enforcement Agency if not already on scene.

SECTION V, Protection of Pumps and Water Storage Facilities.

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

SECTION V, Protection of Pumps and Water Storage Facilities.

- 1) **Objective.** The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.
- 2) **Fuel modification area.** Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet clear of non-fire-resistive vegetation or growth around and adjacent to such facilities.
 - a) Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing non-fire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.
 - b) Portions of trees that extend to within 30 feet of combustible portions of water storage and pumping facilities shall be removed.

CHAPTER 6

PENALTIES


SECTION I, Penalties for construction projects. Alterations or construction of structures done after the adoption of this ordinance shall comply with the provisions of this ordinance. Failure to comply with this ordinance shall constitute a misdemeanor as set forth in Idaho Code § 31-714. Nothing herein contained shall prevent Boise County from taking such other lawful action as is necessary to prevent or remedy any violation.

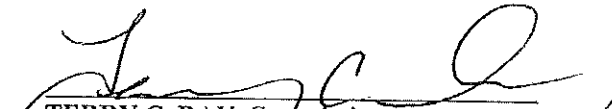
SECTION II, Penalties for subdivisions. Proposed subdivisions may not be approved unless the design of roads and water supplies for fire suppression are included as a condition of approval. Exceptions may be granted if approved by the Planning and Zoning Commission and the Board of County Commissioners.


SECTION III, Penalties for Noncompliance. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor as set forth in Idaho Code § 31-714. Nothing herein contained shall prevent Boise County from taking such other lawful action as is necessary to prevent or remedy any violation.

APPROVED and **ADOPTED** in Open Session this 25th day of April, 2011.

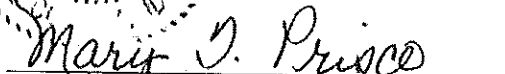
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