

**TOWN OF SUPERIOR
ORDINANCE NO. O-13
SERIES 2022**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR APPROVING AMENDMENTS TO THE PLANNED UNIT
DEVELOPMENT FOR SAGAMORE TO MODIFY REGULATIONS FOR
BUILDING AND LANDSCAPE DESIGN IN THE WILDLAND-URBAN
INTERFACE TO REDUCE THE RISK OF WILDFIRE**

WHEREAS, Sagamore is a single-family residential neighborhood in the area more particularly described in **Exhibit A** (the "Property"), which neighborhood is subject to the Sagamore Planned Unit Development (the "PUD");

WHEREAS, the PUD was approved in 1997 and was amended on April 14, 2022, following the significant damage to Sagamore due the 2021 Marshall Fire to allow for additional flexibility to account for various construction trends as Sagamore residents rebuild their homes as expeditiously as possible;

WHEREAS, each year wildfires continue to grow more destructive and impactful to communities across Colorado;

WHEREAS, Sagamore is at high risk of encountering wildfires at any given time;

WHEREAS, the Town proposes to modify the PUD to require wildland-urban interface ("WUI") regulations specifically designed to mitigate the risks from wildfire to life and property in Sagamore through regulation of construction materials and methods in such a way to resist ignition from wildfires for a safer and more resilient development; and

WHEREAS, on July 21, 2022, the Planning Commission held a properly-noticed public hearing on the proposed amendments to the PUD, and recommended approval of the PUD amendments;

WHEREAS, on July 25, 2022, the Board of Trustees held a properly-noticed public hearing on the proposed PUD amendments; and

WHEREAS, the Board of Trustees, upon reviewing the recommendation of the Planning Commission, hearing the statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

7/26/2022

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby finds and determines that the PUD amendments meet all applicable criteria in the Superior Municipal Code.

Section 2. The Board of Trustees approves the following additions to the PUD for Sagamore:

NOTES:

11. Ignition-resistant building materials. *Ignition-resistant exterior building materials shall comply with the following requirements, except on accessory buildings located at least thirty (30) feet from structures containing habitable spaces.*

(1) *Testing. Material shall be tested on all sides with the extended ASTM E 84 (UL 723) test or ASTM E 2768, except panel products shall be permitted to test only the front and back faces. Panel products shall be tested with a ripped or cut longitudinal gap of one-eighth (1/8) of an inch (3.2 mm). Materials that, when tested in accordance with the test procedures set forth in ASTM E 84 or UL 723 for a test period of thirty (30) minutes, or with ASTM E 2768, comply with the following:*

A. *Flame spread. Material shall exhibit a flame spread index not exceeding twenty-five (25) and shall not show evidence of progressive combustion following the test.*

B. *Flame front. Material shall exhibit a flame front that does not progress more than ten and one half (10½) feet (3200 mm) beyond the centerline of the burner at any time during the test.*

(2) *Weathering. Exterior building materials shall maintain their performance in accordance with this Section under conditions of use. Materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in the following standards, as applicable to the materials and the conditions of use:*

A. *Method A "Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing" in ASTM D 2898, for fire-retardant-treated wood, wood-plastic composite and plastic lumber materials.*

B. *ASTM D 7032 for wood-plastic composite materials.*

C. *ASTM D 6662 for plastic lumber materials.*

12. Non-combustible building materials. *Non-combustible exterior building materials shall comply with either of the following, unless material-specific standards are issued by the material's manufacturer:*

(1) *Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E 136 shall be considered non-combustible.*

(2) *Material having a structural base of non-combustible material as defined in Item 1 above, with a surfacing material not over one-eighth (1/8) of an inch (3.2 mm) thick, which has a flame spread index of fifty (50) or less. Flame spread index as used herein refers to a flame spread index obtained according to tests conducted as specified in ASTM E 84 or UL 723.*

13. Alternative building materials. *The following alternative building materials certified by the California Office of the State Fire Marshal may be used as an alternative to ignition and non-combustible requirements of this Article:*

(1) *Decking (OSFM Category 8110).*

(2) *Exterior windows (OSFM Category 8120).*

(3) *Exterior wall siding and sheathing (OSFM Category 8140).*

(4) *Exterior doors (OSFM Category 8150).*

(5) *Under eave protection (OSFM Category 8160).*

(6) *Vents (OSFM Category 8165).*

(7) *Non-wood roof covering/assemblies (OSFM Category 8180).*

14. Materials identification. *All building materials shall bear identification showing the fire test results; provided that materials composed of a combustible core and a non-combustible exterior covering, comprised of either aluminum at a minimum thickness of 0.019 inches or corrosion-resistant steel at a minimum thickness of .0149 inches, shall not be required to be tested with a ripped or cut longitudinal gap.*

15. Roofs.

(a) *Assemblies. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E 108 or UL 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers or have one layer of seventy-two (72) pound mineral-surfaced, nonperforated cap sheet complying with ASTM D 3909 installed over the combustible decking.*

(b) *Valleys. Where provided, valley flashings shall be a thickness of not less than 0.019 inches (No. 26 galvanized sheet gage) of corrosion-resistant metal installed over a minimum underlayment of thirty-six (36) inches in width consisting of one layer of seventy-two (72) pound mineral-surfaced, nonperforated cap sheet complying with ASTM D 3909 running the full length of the valley.*

(c) *Eaves. The leading edge of the roof at the fascia must be finished with a metal drip edge so that no wood sheathing is exposed. Eaves, fascia and soffits, covered decks, or covered porch ceilings shall be protected on the enclosed underside by one of the following materials or methods:*

- (1) *Non-combustible materials.*
- (2) *Ignition-resistant materials.*
- (3) *Materials approved for a minimum of one-hour fire-resistance-rated construction.*
- (4) *Two (2) inch-thick nominal dimension lumber.*
- (5) *One (1) inch-thick nominal fire-retardant-treated wood.*
- (6) *Three-quarter (¾) inch-thick nominal fire retardant-treated plywood labeled for exterior use.*

(d) *Gutters and downspouts. Gutters and downspouts shall be constructed of non-combustible material.*

(e) *Exceptions.*

- (1) *Vinyl or plastic soffits, fascia, or trim are not permitted.*
- (2) *Rafter tails or roof beam ends may be exposed if they are heavy timber having minimum dimensions not less than 6-inch nominal in width and not less than eight (8) inches nominal in depth.*

16. Exterior walls.

(a) *There shall be a minimum of six (6) inches of vertical clearance between the ground, decks, roof, or similar horizontal surface and the base of any exterior vertical wall surface. This vertical distance can be achieved by:*

- (1) *The exposed non-combustible foundation wall; and*
- (2) *Installation of non-combustible material, such as Type X exterior gypsum sheathing, cement board, or metal cladding.*

(b) *Where site conditions will not allow for the full measure of defensible space requirements to be met, exterior walls of buildings or structures shall be constructed with one of the following methods and such material shall extend from the top of the foundation to the underside of the roof sheathing, provided that trim is not required to meet the materials requirements for exterior walls.:*

- (1) *Heavy timber or log wall construction.*
- (2) *Fire-retardant-treated wood labeled for exterior use on the exterior side.*
- (3) *Ignition-resistant materials on the exterior side.*
- (4) *Approved non-combustible materials.*

(5) *Non-combustible materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.*

(c) *Underfloor enclosure. Buildings or structures shall have underfloor areas enclosed to the ground with exterior walls; provided that complete 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 one-hour fire-resistance-rated construction or heavy timber construction or fire-retardant-treated wood, labeled for exterior use.*

17. Decks, windows and vents.

(a) *Decks shall be constructed of the following materials:*

(1) *Deck surface: Non-combustible material, approved wood thermoplastic composite lumber with an ASTM E84 flame-spread index no greater than two hundred (200), ignition-resistant building materials or any approved Class A roof assembly.*

(2) *Deck framing: One of the following:*

A. *One-hour fire resistance-rated materials.*

B. *Heavy timbers.*

C. *Approved non-combustible materials.*

D. *Fire-retardant-treated wood labeled for exterior use.*

(b) *Exterior windows and glazing. Each structure with a wall that is within fifteen (15) feet of an adjacent structure's wall shall be required to install exterior windows, window walls, glazed doors, windows within exterior doors, and skylights shall be tempered glass, or have a fire protection rating of not less than twenty (20) minutes. Unless they are part of a fire-rated assembly, window frames and sashes may be of any material, provided that windows are constructed with reinforced frames or sashes.*

(c) *Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed one-hundred forty-four (144) square inches (0.0929 m²) each. Such vents shall be covered with non-combustible corrosion-resistant mesh with openings not to exceed one-eighth (1/8) of an inch, or shall meet ASTM E2886 testing requirements to prevent flame and ember penetration into the structure.*

18. Defensible space.

In the zone that extends outward in all directions five (5) feet from the furthest projection of any structure, the following shall apply:

(1) *Only non-combustible, hard surface materials, such as bare earth, gravel, brick, rock, sand, cement, or stone/concrete pavers shall be used.*

(2) *The storage of combustible materials, including without limitation firewood, lumber, or other materials, is prohibited.*

(3) Combustible landscape ties and retaining walls are prohibited.

19. Fencing.

No fencing shall be required. All fencing shall be constructed using non-combustible materials

20. Exception: Owners of residential properties located within the PUD for Sagamore impacted by the 2021 Marshall Fire, as indicated on the address list maintained by the Town Clerk's office (each an "Impacted Property") may determine if Notes 11 through 19 should apply. The intent of this exception is to allow the owner of an Impacted Property to "opt out" of Notes 11 through 19, as long as the Impacted Property is still owned by the record owner(s) of the Impacted Property on December 31, 2021, or when the Impacted Property is transferred to a new owner and such new owner was the record owner of a different Impacted Property on December 30, 2021.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25th day of July, 2022.



DocuSigned by:
Clint Folsom
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Clint Folsom, Mayor

ATTEST:

Patricia Leyva
Patricia Leyva, Town Clerk