

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
9.29.21

BILL 7

LLS NO. 22-0190.01 Bob Lackner x4350

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Local Gov Wildfire Evacuation & Mitigation Plans"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT LOCAL GOVERNMENTS WHOSE**
102 **LAND AREA INCLUDES THE WILDLAND-URBAN INTERFACE PLAN**
103 **FOR WILDFIRES, AND, IN CONNECTION THEREWITH, REQUIRING**
104 **COUNTIES AND MUNICIPALITIES WITH LAND AREAS WITHIN THE**
105 **WILDLAND-URBAN INTERFACE TO ADOPT WILDFIRE EVACUATION**
106 **AND WILDFIRE MITIGATION PLANS COVERING NEW**
107 **DEVELOPMENT WITHIN SUCH AREA AND TO REGULARLY UPDATE**
108 **SUCH PLANS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

[http://leg.colorado.gov/.](http://leg.colorado.gov/))

Not later than January 1, 2023, the bill requires any county or municipality that includes within its territorial boundaries any land area located within the wildland-urban interface (WUI) to adopt a plan covering all new development that addresses:

- Necessary procedures for the effective evacuation of natural persons, pets, and large animals such as horses, cattle, and other livestock in the case of a wildfire affecting such development; and
- Procedures to mitigate a wildfire in such land area. <{*Any details on required components of these plans?*}>

Not later than 5 years after the enactment of a plan required by the bill, the county or municipality is required to amend its wildfire evacuation and mitigation plan to include within its scope and effect all structures located within the WUI.

The bill requires counties and municipalities that have adopted a wildfire evacuation and mitigation plan to update the plan not less than once every 5 years to address changes in conditions in the WUI since the adoption of the most recent plan.

A county or municipality that has already adopted a community wildfire protection plan or similar plan addressing wildfire evacuation and wildfire mitigation in the WUI, or whose land use regulations address wildfire evacuation and mitigation in the WUI, is not required to prepare a new plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-15-401.8 as
3 follows:

4 **30-15-401.8. Evacuation and wildfire mitigation plan -**
5 **wildland-urban interface - definition.** (1) AS USED IN THIS SECTION,
6 "WILDLAND-URBAN INTERFACE" OR "WUI" HAS THE SAME MEANING AS
7 SPECIFIED IN SECTION 23-31-310 (2)(f).

8 (2) NOT LATER THAN JANUARY 1, 2023, ANY COUNTY THAT
9 INCLUDES WITHIN ITS TERRITORIAL BOUNDARIES ANY LAND AREA
10 LOCATED WITHIN THE WUI SHALL ADOPT A PLAN COVERING ALL
11 STRUCTURES LOCATED WITHIN THE LAND AREA BUILT ON OR AFTER THE

1 EFFECTIVE DATE OF THIS SECTION THAT ADDRESSES:

2 (a) NECESSARY PROCEDURES FOR THE EFFECTIVE EVACUATION OF
3 NATURAL PERSONS, PETS, AND LARGE ANIMALS SUCH AS HORSES, CATTLE,
4 AND OTHER LIVESTOCK IN THE CASE OF A WILDFIRE AFFECTING SUCH
5 DEVELOPMENT; AND

6 (b) PROCEDURES TO MITIGATE A WILDFIRE IN SUCH LAND AREA.

7 <{Any details on required components of these plans?}>

8 (3) NOT LATER THAN FIVE YEARS AFTER THE ADOPTION OF A PLAN
9 THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE
10 COUNTY SHALL AMEND ITS WILDFIRE EVACUATION AND MITIGATION PLAN
11 TO INCLUDE WITHIN ITS SCOPE AND EFFECT ALL STRUCTURES LOCATED
12 WITHIN THE WUI.

13 (4) ANY COUNTY THAT ADOPTS A PLAN PURSUANT TO SUBSECTION
14 (2) OF THIS SECTION SHALL UPDATE THE PLAN NOT LESS THAN ONCE EVERY
15 FIVE YEARS TO ADDRESS CHANGES IN CONDITIONS IN THE WUI SINCE THE
16 ADOPTION OF THE MOST RECENT PLAN.

17 (5) NOTHING IN THIS SECTION IS INTENDED TO AFFECT
18 PROCEDURES GOVERNING THE RESPONSE TO OR SUPPRESSION OF
19 WILDFIRES, OR THE COORDINATION AMONG FEDERAL, STATE, OR LOCAL
20 PERSONNEL IN RESPONDING TO OR SUPPRESSING WILDFIRES AS PROVIDED
21 BY LAW.

22 (6) ANY COUNTY THAT HAS, AS OF THE EFFECTIVE DATE OF THIS
23 SECTION, ADOPTED A COMMUNITY WILDFIRE PROTECTION PLAN IN
24 ACCORDANCE WITH SECTION 23-31-312 OR OTHER SIMILAR PLAN
25 ADDRESSING WILDFIRE EVACUATION AND WILDFIRE MITIGATION IN THE
26 WUI, OR WHOSE LAND USE REGULATIONS ADDRESS WILDFIRE EVACUATION
27 AND MITIGATION IN THE WUI, IS NOT REQUIRED TO ADOPT A NEW PLAN

1 SATISFYING THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION. ANY
2 SUCH COUNTY SHALL STILL COMPLY WITH SUBSECTION (4) OF THIS SECTION
3 UNLESS THE MUNICIPALITY IS ALREADY REQUIRED TO UPDATE ITS
4 COMMUNITY WILDFIRE PROTECTION PLAN OR SIMILAR PLAN OR LAND USE
5 REGULATIONS IN CONFORMITY WITH THE SCHEDULE SPECIFIED IN
6 SUBSECTION (4) OF THIS SECTION.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 31-15-603 as
8 follows:

9 **31-15-603. Evacuation and mitigation plan - wildland-urban**
10 **interface - definition.** (1) AS USED IN THIS SECTION, "WILDLAND-URBAN
11 INTERFACE" OR "WUI" HAS THE SAME MEANING AS SPECIFIED IN SECTION
12 23-31-310 (2)(f).

13 (2) NOT LATER THAN JANUARY 1, 2023, ANY MUNICIPALITY THAT
14 INCLUDES WITHIN ITS TERRITORIAL BOUNDARIES ANY LAND AREA
15 LOCATED WITHIN THE WUI SHALL ADOPT A PLAN COVERING ALL
16 STRUCTURES LOCATED WITHIN THE LAND AREA BUILT ON OR AFTER THE
17 EFFECTIVE DATE OF THIS SECTION THAT ADDRESSES:

18 (a) NECESSARY PROCEDURES FOR THE EFFECTIVE EVACUATION OF
19 NATURAL PERSONS, PETS, AND LARGE ANIMALS SUCH AS HORSES, CATTLE,
20 AND OTHER LIVESTOCK IN THE CASE OF A WILDFIRE AFFECTING SUCH
21 DEVELOPMENT; AND

22 (b) PROCEDURES TO MITIGATE A WILDFIRE IN SUCH LAND AREA.
23 *<{Same question as above.}>*

24 (3) NOT LATER THAN FIVE YEARS AFTER THE ADOPTION OF A PLAN
25 THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE
26 MUNICIPALITY SHALL AMEND ITS WILDFIRE EVACUATION AND MITIGATION
27 PLAN TO INCLUDE WITHIN ITS SCOPE AND EFFECT ALL STRUCTURES

1 LOCATED WITHIN THE LAND AREA.

2 (4) ANY MUNICIPALITY THAT ADOPTS A PLAN PURSUANT TO
3 SUBSECTION (2) OF THIS SECTION SHALL UPDATE THE PLAN NOT LESS THAN
4 ONCE EVERY FIVE YEARS TO ADDRESS CHANGES IN CONDITIONS IN THE
5 WUI SINCE THE ADOPTION OF THE MOST RECENT PLAN.

6 (5) NOTHING IN THIS SECTION IS INTENDED TO AFFECT
7 PROCEDURES GOVERNING THE RESPONSE TO OR SUPPRESSION OF
8 WILDFIRES, OR THE COORDINATION AMONG FEDERAL, STATE, OR LOCAL
9 PERSONNEL IN RESPONDING TO OR SUPPRESSING WILDFIRES.

10 (6) ANY MUNICIPALITY THAT HAS, AS OF THE EFFECTIVE DATE OF
11 THIS SECTION, ADOPTED A COMMUNITY WILDFIRE PROTECTION PLAN IN
12 ACCORDANCE WITH SECTION 23-31-312 OR OTHER SIMILAR PLAN
13 ADDRESSING WILDFIRE EVACUATION AND WILDFIRE MITIGATION IN THE
14 WUI, OR WHOSE LAND USE REGULATIONS ADDRESS WILDFIRE EVACUATION
15 AND MITIGATION IN THE WUI, IS NOT REQUIRED TO ADOPT A NEW PLAN
16 SATISFYING THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION. ANY
17 SUCH MUNICIPALITY SHALL STILL COMPLY WITH SUBSECTION (4) OF THIS
18 SECTION UNLESS THE MUNICIPALITY IS ALREADY REQUIRED TO UPDATE ITS
19 COMMUNITY WILDFIRE PROTECTION PLAN OR SIMILAR PLAN OR LAND USE
20 REGULATIONS IN CONFORMITY WITH THE SCHEDULE SPECIFIED IN
21 SUBSECTION (4) OF THIS SECTION.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.