

### 5.3.3.13 Wildfire Hazard Mitigation in Wildland Urban Interface Areas

The Central Pine Barrens area is dominated by the presence of fire-dependent ecological communities such as the pitch pine-oak forest community that has a scrub oak and heath understory and the globally rare dwarf pine plains community. These ecological communities depend on fire for regeneration and add to the potential wildfire risk to built communities in these areas due to their flammable (e.g. resinous) vegetative characteristics.

The standards contained in Section 5.3.3.13 are based on the International Code Council's (ICC's) model Wildland Urban Interface Code which was developed to provide minimum regulations for land use and the built environment located within Wildland Urban Interface (WUI) areas which are at a greater risk for wildfire. The WUI area is defined in the ICC WUI Code Section 202 Definitions as *"that geographical area where structures and other human development meets or intermingles with wildland or vegetative fuel."* The ICC Code uses prescriptive and performance related provisions for the purpose of mitigating the hazard of wildfires in order to safeguard the public health and safety of communities and the emergency service personnel involved in fighting wildfires. The ICC WUI code works in concert with all other ICC codes which includes those ICC codes that have been adopted by New York State as part of its Uniform Fire Prevention and Building Code (Uniform Code). The ICC codes are amended every three years and therefore the sections of the ICC WUI code which are included as standards under this section are incorporated by reference.

These standards shall apply to development projects in the CGA which:

1. involve new construction or structures rebuilt or relocated into a Wildland Urban Interface area after insert date (date of adoption of this CLUP amendment), and
2. are located within 500 feet of the Core Preservation Area boundary

or

are greater than 10 acres in size and are located in a WUI area greater than 500 feet from the Core Preservation Area boundary, and contain parcels specifically identified on a map prepared by the Commission, which shall be updated every 5 years, as needed.

These standards do not apply to protected open space areas, agricultural areas and development projects within areas that are greater than 80% developed which are not directly adjacent to a WUI area or within 500 feet of the CPA.

The standards focus on five key physical property requirements specified in the ICC WUI code:

- access
- identification of properties
- water supply
- fire protection plan
- defensible space

and further support and enhance the New York State Uniform Code requirements related to structures. Defensible space is defined in the ICC WUI code (Section 202 Definitions) as

*“An area either natural or manmade 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.”*

The standards contained in this section will ensure the uniform application of these requirements to all applicable structures located in the Wildland Urban Interface, whether they are business, commercial, industrial or residential. Requirements included in the ICC WUI Code, such as defensible space and fire protection plans, which are not in the New York State Uniform Code but which are complementary, will promote additional mechanisms (based on international technical research and data) to mitigate the potential hazard of wildfire.

The standards identified in Section 5.3.3.13 incorporate by reference specific ICC WUI Code sections which include: Chapter 4 Wildland-Urban Interface Area Requirements, Chapter 6 Fire Protection Requirements, and Appendix B Vegetation Management Plan. It is the responsibility of the municipality implementing the standards to determine the compliance of a development project with these code sections during the course of their review. To determine compliance with these standards, the reviewer must obtain the most recent copy of the International Wildland Urban Interface Code that is available in hardcopy or electronic form from the International Code Council’s website at [www.ICCSAFE.org](http://www.ICCSAFE.org) or by calling 888-ICC-SAFE.

**5.3.3.13.1 ICC WUI Code Chapter 4 Wildland Urban Interface Area Requirements, Section 401 General**

This section contains general provisions.

**Standard**

ICC WUI Code, Chapter 4, Section 401 General, is incorporated by reference and includes the entire section and subsections, except for Section 401.3 General safety precautions.

**5.3.3.13.2 ICC WUI Code, Chapter 4, Wildland Urban Interface Area Requirements, Section 402 Applicability**

This section relates to new subdivisions and structures rebuilt or relocated into the wildland urban interface.

**Standard**

ICC WUI Code, Chapter 4, Section 402 Applicability, is incorporated by reference and includes the entire section with all subsections except for Subsection 402.3 Existing conditions.

**5.3.3.13.3 ICC WUI Code, Chapter 4 Wildland Urban Interface Area Requirements, Section 403 Access**

This section relates to emergency vehicle access to structures which includes driveways, fire apparatus access roads, the proper identification and marking of roads and fire protection equipment, and address markers for buildings.

**Standard**

ICC WUI Code Chapter 4, Section 403 Access, is incorporated by reference and includes the entire section with subsections.

**5.3.3.13.4 ICC WUI Code, Chapter 4, Wildland Urban Interface Area Requirements, Section 404 Water Supply**

This section requires that there is adequate water supply available for use by the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland urban interface area.

**Standard**

ICC WUI Code Chapter 4, Section 404 Water Supply, is incorporated by reference and includes the entire section with subsections.

**5.3.13.5 ICC WUI Code, Chapter 6, Fire Protection Requirements Section 601 General**

This relates to the Scope and Objectives of this Section.

**Standard**

ICC WUI Code Chapter 6, Section 601 is incorporated by reference and includes the entire section with subsections: however, under Section 601.1 Scope, this Subsection shall only apply to new structures, and structures that are rebuilt or relocated into wildland urban interface areas in the CGA.

**5.3.13.6 ICC WUI Code, Chapter 6, Fire Protection Requirements Section 603 Defensible Space**

This section relates to the amount of vegetation in an area around a structure or within a project site that is required to be managed and maintained to reduce the fire hazard level and enable fire suppression activities to occur in a wildfire situation in order to safe guard life and property.

**Standard**

ICC WUI Code, Chapter 6, Section 603 is incorporated by reference and includes the entire section and subsections with the following exceptions:

- Under Subsection 603.2 Fuel Modification, the reference to Table 503.1 is not included as part of this standard. The Fire Hazard Severity Form in Appendix C of the ICC WUI code shall be used instead of Table 503.1 of Chapter 5 of the ICC WUI code to determine the fire hazard severity level of a project site and the requisite amount of defensible space according to Table 603.2 Required Defensible Space in Chapter 6 of the ICC WUI code, and the Fire Hazard Severity Form shall be completed for the project site by a qualified fire protection professional or individual acceptable to the Commission or Code Enforcement Official.
- The fuel modification distance required per Table 603.2 may be modified with approval by the Commission through a waiver request as specified in Section 5.3.3.13.
- Modifications to fuel loads shall only occur within the area allowed to be cleared for the project site and must conform to Standard 5.3.3.6.1 Vegetation Clearing Limits and Standard 5.3.3.6.2 Unfragmented Open Space.

#### **5.3.13.7 ICC WUI Code, Chapter 6, Fire Protection Requirements Section 604 Maintenance of Defensible Space**

This section identifies the entity responsible for the maintenance of the defensible space and what is required to be maintained.

##### **Standard**

ICC WUI Code, Chapter 6, Section 604 is incorporated by reference and includes the entire section and subsections.

#### **5.3.13.8 ICC WUI Code, Appendix F Characteristics of Fire-Resistive Vegetation**

Appendix F Characteristics of Fire-Resistive Vegetation is provided for reference purposes only. ICC WUI Code Appendix F is incorporated by reference and is provided for informational purposes only.

#### **5.3.13.9 Waiver Requirements**

If an applicant cannot meet one or of the standards in this section, the applicant must prepare and submit to the Commission a hardship waiver request as outlined below.

This standard does not include the building construction requirements that are specified in the International WUI Code Chapter 5 Special Building Construction Regulations. However, the inclusion

of fire resistive construction materials that meet the requirements of Chapter 5 of the ICC WUI Code that are above and beyond what is required under New York State Uniform code requirements, shall be considered by the Commission when evaluating an applicant's requests for a waiver from this standard. This requirement is to ensure the project as proposed would not increase the risk of fire to property or life safety.

#### **5.3.3.9.1 General Waiver Request Requirements**

The following section refers to the general requirements to which all Wildfire Hazard Mitigation waiver requests must adhere.

##### **Standard**

Applicants seeking a waiver from the standards contained in Section 5.3.3.13 must submit a Fire Protection Plan that is prepared according to Section 405, along with a survey, site plan or subdivision plan and vegetation management plan that is prepared as specified in Appendix B of the ICC WUI code. The Fire Protection Plan must be prepared by a qualified fire protection professional or individual acceptable to the Commission or Code Enforcement Official. The qualified professional or individual must submit a copy of applicable professional licenses, credentials and experience related to preparing fire protection plans to the Commission and the local Code Enforcement Official reviewing the project. The cost of preparing the fire protection plan and its review by a qualified licensed fire protection professional or individual acceptable to the Commission or Code Enforcement Official shall be the responsibility of the applicant.

The Fire Hazard Severity Form that is located in Appendix C of the ICC WUI Code shall be used to evaluate the potential fire hazard level of a site in order to determine the defensible space required to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading into wildlands. The use of ignition resistant construction and materials and the fire hazard severity level of the building site shall be used to determine the amount of defensible space required. The implementation of a vegetation management plan prepared according to Appendix B of the ICC WUI code shall allow the fire hazard severity level for a project site to be reduced.

In addition to the requirements under Section 405, the plan shall include mitigating measures and certification by the preparer that the granting of a waiver from specifically identified standards in Section 5.3.3.13 will not increase the risk of fire to property or life safety.

#### **5.3.13.9.2 ICC WUI Code, Chapter 4, Wildland Urban Interface Area Requirements, Section 405 Fire Protection Plan**

This section relates to the preparation of a fire protection plan that is based on a site specific wildfire assessment. The preparation of a fire protection plan under this standard is required only for applicants seeking a waiver under Section 5.3.3.13.9 from the

Commission because they cannot meet the requirements of the applicable sections of the ICC WUI code contained in Section 5.3.3.13.

~~Additional requirements for applicants seeking a waiver from this standard are provided in Section 5.3.3.13.11~~

### **Standard**

ICC WUI Code Chapter 4, Section 405 Fire Protection Plan, is incorporated by reference and includes the entire section with subsections, with the exception under Subsection 405.4 Plan, that the entity to retain the plan shall include the Commission in addition to the Code Enforcement Official and the plan will be retained for the life of the development project.

### **5.3.13.9.3 ICC WUI Code, Appendix B Vegetation Management Plan**

This appendix relates to the preparation of a vegetation management plan that is required to be prepared by an applicant seeking a waiver under Section 5.3.3.13.9 from any standard under Section 5.3.3.13. The purpose of the plan is to ensure mechanisms are in place to properly maintain on a continuous basis the vegetation in the required defensible space area only, in order to prevent a fire from being carried toward or away from a building. The implementation of a vegetation management plan shall allow the fire hazard severity level, as determined by the Fire Hazard Severity Form, for a project site to be reduced. A copy of this plan shall be filed with the Commission, the applicable Town and the Suffolk County Clerk's Office as a covenant on the project site.

### **Standard**

ICC WUI Code Appendix B is incorporated by reference and includes the entire section and subsections.