

Firewise Community

Bear Creek is located in an extremely high-risk Wildfire Zone and as such, all residents must undertake ongoing risk mitigation strategies to ensure personal safety, and to protect the value, assets and beauty of our homes, lots and common areas.

The Board has set a goal of obtaining NFPA Firewise USA recognition (see <https://www.nfpa.org/-/media/Files/Firewise/Get-started/FirewiseCommAssess.ashx>). The Firewise program will provide an ongoing plan and structure to maximize preparation for wildfire threats to Bear Creek.

Bear Creek POA Board shall commission and maintain a written wildfire risk assessment in cooperation with South Fork Fire Department (SFFD) and liaisons from the United States Forest Service (USFS) and Colorado State Forest Service (CSFS) wildfire protection resources. The assessment shall be a community-wide view that identifies areas of successful wildfire risk reduction and areas where improvements could be made. Emphasis should be on the general conditions of homes and related home ignition zones, and similarly the condition of vacant lots related to fire ignition and spread within the community. The assessment is a living document and needs to be updated at a minimum of every 5 years.

Bear Creek POA Board Responsibilities:

As a part of its responsibilities under the Firewise Plan, the Board shall:

1. Create a permanent committee of homeowner volunteers to represent the community, including residents who work with partners such as local forestry agencies or the fire department. The POA will identify a Fire Protection Resident Leader (FPRL) who will be the program point of contact. New resident leaders and volunteers may rotate annually or as needed to maintain success of the program.
2. Devise and communicate Emergency Evacuation Routes so that homeowners' families understand evacuation options in the event of an emergency evacuation order.
3. Maintain community map overlooking for SFFD the roads and emergency ingress/egress via driveways, access lanes and old road across private lots to access the community boundaries and strategic fire defense zones as identified by SFFD.
4. Maintain any community wells and cisterns designated by SFFD as critical water sources for wildfire defense.
5. Oversee the reduction of grasses, weeds, and low branches which may serve as fuels for wildfire spread or ignition along roadways, common areas and along POA boundaries as recommended by SFFD, CSFS and USFS.
6. Maintain and enforce Covenants and Rules and Regulations that outline specific fire prevention and mitigation strategies. This includes a prohibition of camping of any type on unimproved lots which do not have occupied structures or driveways.
7. The Bear Creek Architectural Committee will consider fire risk mitigation in the review of plans, materials and approval of elements such as fire pits.
8. Work with USFS to promote and maintain the condition of USFS land and land uses in the adjacent forest to minimize fire risk to Bear Creek.

9. Maintain records to document compliance by all Bear Creek lots and homeowners with Firewise periodic inspections by SFFD and ensure that corrective actions identified by SFFD are carried out by homeowners in a timely manner and re-inspected by SFFD as necessary. In the event a home or lot owner either fails to comply with SFFD inspection requirement by initial deadline or in accordance with periodic re-inspection requirements set by Bear Creek POA, the Board shall be permitted to order the inspection and will communicate the results of the inspection with an invoice to property owner. If there are mitigations required as a result of the inspection by SFFD, it will be the responsibility of the property owner to complete the mitigations and request reinspection. The time allotted to conduct mitigations and reinspection shall be set by the FPRL and SFFD and communicated with the report and will be dependent on the severity of risks, scope of work, and the season. Should the property owner fail to complete mitigation within the time allotment a second notice will be sent to the property owner. If the property owner does not complete work and reinspection within 30 days of second notice, the Board may undertake the work by contracting with SFFD or other resources to complete work and invoice the property owner upon completion. Failure to pay for inspection or mitigation by the property owner may result in collection activities such as filing of a lien on the property.

Property Owners Responsibilities:

Per the NFPA Firewise documents:

“Research around home destruction vs. home survival in wildfires point to embers and small flames as the main way that the majority of homes ignite in wildfires. Embers are burning pieces of airborne wood and/or vegetation that can be carried more than a mile through the wind can cause spot fires and ignite homes, debris and other objects. There are methods for homeowners to prepare their homes to withstand ember attacks and minimize the likelihood of flames or surface fire touching the home or any attachments. Experiments, models and post-fire studies have shown homes ignite due to the condition of the home and everything around it, up to 200’ from the foundation. This is called the Home Ignition Zone (HIZ).”

As part of its responsibilities under the Firewise plan, Bear Creek property owners (including improved **and unimproved lot owners**) shall:

1. Be responsible for the maintenance, repair and replacement of the property, structures and improvements located within their Lot boundaries, except for Maintenance Areas, which shall be the Association's obligation. The Association, and its agents, shall have the authority, after giving the Owner 30 days written notice, to enter, replace, maintain, repair and clean up Lots which do not conform to the provisions of this Section, and to charge and collect from the Owner thereof all reasonable costs related thereto as an Assessment hereunder.
2. Be responsible for obtaining a lot or home risk assessment by SFFD. These inspections are made for a nominal fee which is the responsibility of the property owner to pay. The property owner is not required to be present for the inspection provided the property can be adequately described and accessed by SFFD inspectors. It is not required, but the property owner can request, the Bear Creek FRPL attend the inspection, if available.

- a. An initial inspection of each lot or home site must be obtained by August 31, 2022. A copy of the report shall be sent to the Bear Creek POA either by the property owner within 7 days of the inspection, via email.
 - b. Ongoing periodic inspections shall be requested and performed at a frequency of no greater than 24 months. In the event of significant alterations to the landscaping or structures that might affect fire risk, the property owner shall obtain a reinspection.
3. Be responsible for making all corrective actions required by the SFFD within the time allocated in the report. The report will designate required and recommended actions.
4. Be responsible that construction and maintenance crews utilized at your property follow safe fire prevention including not burning construction trash or using open fires for heat, smoking in safe areas, properly disposing of butt and ashes, safe use of welding and cutting equipment and storing fuel in a safe manner.
5. Chipping or hauling of limbs and cuttings is recommended over burning particularly if inexperienced. SFFD will rent a chipper for a nominal fee and have a larger chipper they will bring in with a crew to chip larger cuttings. In the event burning is to be utilized, burning should only be performed when there is snow and when winds are low and forecast to stay low. Burning shall not take place during red flag conditions or when burning is prohibited by local authorities. Before burning, the SFFD and Rio Grande County Emergency Management, (719) 480-5273, who manage 911 service, shall be notified by the property owner. The property owner will not leave the immediate vicinity of the fire until the fire is completely out.
6. Fire pits – All existing fire pits (gas or wood burning) shall be inspected as part of initial and ongoing SFFD property risk assessments. No fire pits or open fires of any type (including grills) will be allowed on lots that do not have a dwelling that is completed and met final inspection by Rio Grande County. New portable or permanent fire pits or outdoor fireplaces shall not be constructed or used before design approval of the Bear Creek Architectural Committee. Once completed, the property owner shall request an inspection by the community FRPL before use.
7. Fireworks of any type are expressly forbidden within Bear Creek.
8. Permit lot access by community FRPL, SFFD and any work crews maintaining fire breaks along Bear Creek boundary or accesses to fire defense zones.
9. Operate no all-terrain vehicles, chainsaws or other small engine power equipment that is not equipped with a USFS approved spark arrester.

Questions:

1. Beyond making inspections and doing mitigations and sending invoices, what are enforcement options for the Board against property owners that violate the above?

As a general statement, the association's options are generally limited to fines, Self Help (doing the mitigation and sending bills) or obtaining a court order requiring the owner to do it by a certain date. However, if they don't do it, the Association is still limited to doing yourself.