

Winter 2010

# Colorado **Builder** FORUM

Journal of the Colorado Association of Home Builders

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# Power shift!

**BUILDERS MAY HOLD GROUND WITH MORE BUSINESS-FRIENDLY LEGISLATORS NEXT YEAR**

## **Four Mile Canyon wild fire**

**Boulder County adapts its code to help owners rebuild homes**

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## Boulder County adjusts code to speed rebuilding process in Four Mile Canyon — and for future homes hit by wild fires

/// BY KIM JACKSON

With 169 structures destroyed and estimated insured losses at \$217 million, the Four Mile Canyon fire in Boulder County is the costliest in Colorado's history. As county officials watched the fire quickly burn out of control on Labor Day — and throughout the week — they knew something would need to be done to help people rebuild their lives.

How Boulder County is addressing the mitigation and rebuilding process may be helpful to Colorado communities that face wildfire threats as the Pine Beetle continues to gorge its way through the state, as well as the thousands of lightning strikes we see each year or an unfortunate mishap, as in the case of the Four Mile Canyon fire.

Home owners anxiously waited at the bottom of the canyon for word on their homes as fire fighters came off

their shift. Estimates on homes destroyed continued to climb, while the fire and week progressed. As word spread across the country about the wildfire that was voraciously consuming the dried timber and homes in its path, another group of people began to gather — a group that Scott Rodwin, president of Boulder's Skycastle Homes and principal for Rodwin Architecture, refers to as carpet baggers, or "fire reconstruction ambulance chasers."

"I don't think the fires had even stopped before folks from out of town started coming in," he said. "And they literally parked their trucks at the bottom of the canyon and started handing out flyers to everyone. The local builders and architects thought that was brazenly obnoxious and really insensitive. We were caught in this uncertain position where we didn't want to sit on the sidelines too long, but at the same time, we wanted to be sensitive to the people who lost homes."

Be that as it may, people need to decide what they'll do now that their homes have been destroyed. Three months after the blaze, some are still dazed. Others have sifted through their personal belongings and are deciding whether to rebuild or to buy a home elsewhere. Others still began the rebuilding process right away.



Photography by Paul Mouraille

▲ The Ellsworth residence in Allenspark is a 2,000 sq ft contemporary mountain home with a detached garage/studio. Rodwin Architecture designed and Pendelton Homes built the green home to include passive and active solar, high-efficiency windows, an ultra-efficient boiler with radiant heating and timber and stone that are harvested on site. The great room and large deck are sited to capture the sweeping mountain views beyond (see page 26, too). The owner is a noted wood-turner and asked for a design that expressed his appreciation for the beauty of wood.

### How much will insurance pay out?

Yet rebuilding is not as easy as it may seem. The biggest question in everyone's mind is how much the insurance company will pay to rebuild their homes. And that, of course, depends on the kind of coverage owners had. If they had an actual cash value policy, that's what they'll get, end of story. If they had replacement coverage, there's a 20 percent buffer above and beyond the replacement cost. They'll get even more if their policy had an endorsement for building codes and ordinances changes.

According to Carole Walker, executive director for the Rocky Mountain Insurance Information Association, home owners often want to get the assessed value, while insurance companies are concerned with today's costs to repair or rebuild the home.

"In the rebuilding process, the first checks owners often receive is for the actual cash value of the house. When they've finished the rebuilding process or buy somewhere else—and they have replacement coverage—the final check will be cut when they're actually in that home."

### Will insurance cover Boulder County's strict building code?

While the insurance discussion seems relatively straightforward, we're talking about people rebuilding their homes in Boulder County, which has one of the strictest building programs in the country, BuildSmart. On October 21, Boulder County Commissioners decided that the rebuilt homes need to comply with its BuildSmart program.

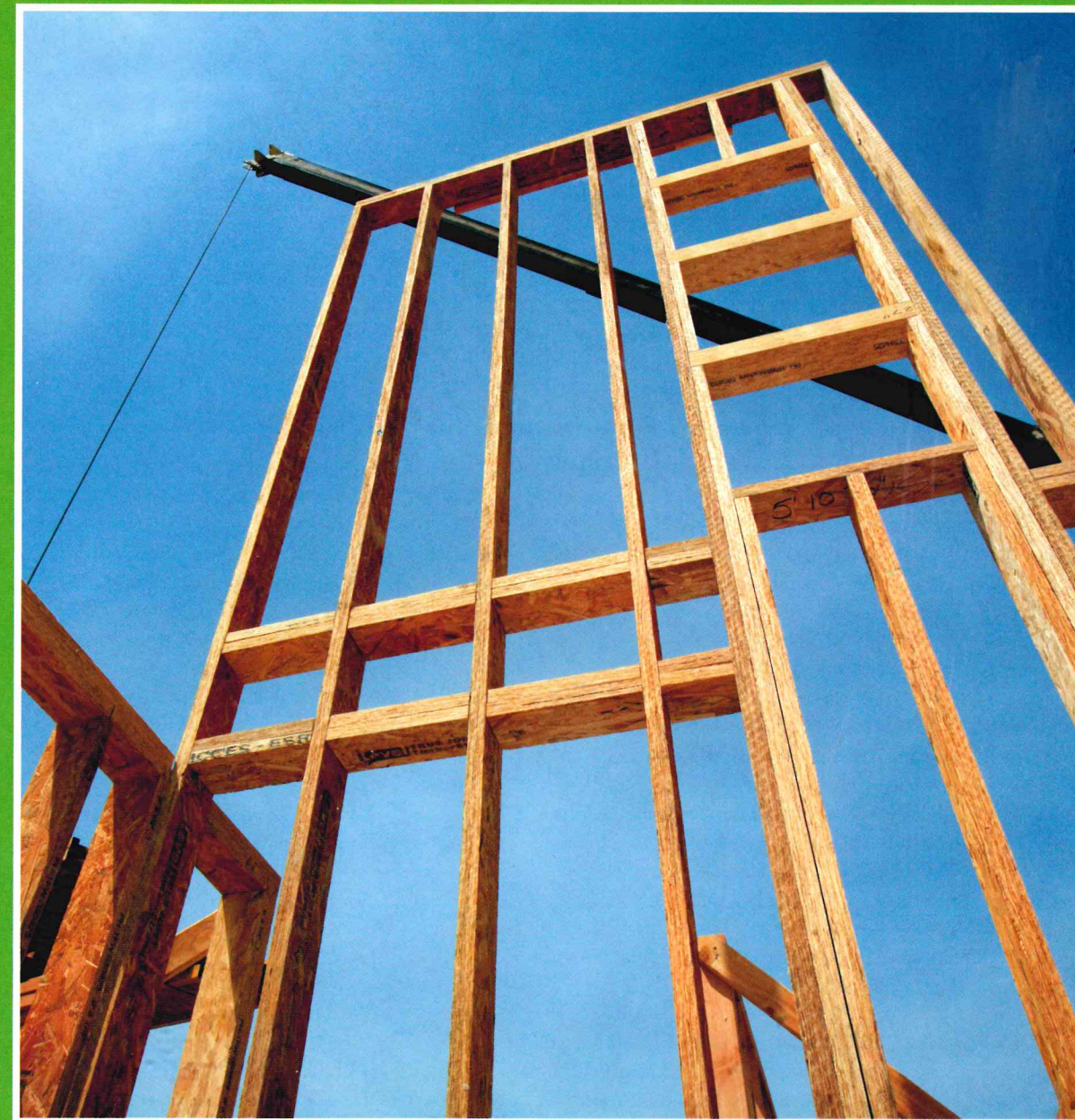
Kim Sanchez, planning division manager for the Boulder County Land Use Department, said, "Where we want people to rebuild an energy efficient home, we do plan to have a lot of technical assistance to help them with that. For example, we're going to be working with them to take advantage of passive solar; we have people who can help them figure out what components will really help them with insulation and such to build a better structure up there. But BuildSmart did not get waived."

In particular, BuildSmart regulates a home's energy consumption; a new home that complies with Boulder County's BuildSmart regulations would have a HERS 50 rating or better. And building a HERS 50 house isn't easy, observed architect and builder Rodwin, who said, "It takes some real solid green building know how."

That could complicate the amount of money a home owner gets from the insurance company. For example, let's say a 4,000 sq ft home was destroyed in the fire and the insurance company's replacement value for that home is \$150/sq ft., or \$600,000.

"You can't build a HERS 50 house for \$150/ sq ft.," Rodwin said. "There's a premium for that level of sustainable building, such as superior insulation, a premium mechanical system, very good windows and possibly some renewable energy, like solar panels. And that costs a little more, about \$20-\$30/sq ft."

That's where owners' policies with an endorsement pays off; their payment is upgraded to comply with Boulder County's current building codes. Without the endorsement, owners will need to pay those costs out of their own pockets.



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▲ Unit #101 at Hudson Home's condo project at One Penn Place in Boulder features an Energy Star® rated 2,084 sq ft condo with two bedrooms plus study, 2.5 baths, a chef's kitchen, along with a secured entrance and garage. The \$739,000 unit enjoys superb Flatiron views from every window.

### Commissioners approve three rebuilding scenarios

At the October 21 meeting, the Boulder County Commissioners approved several changes to its Land Use code to help facilitate and expedite rebuilding and recovery from the Four Mile Canyon fire. The first extended the timeline to rebuild a home. If someone loses a home to a wildfire, the code has been extended from six months to two years to rebuild the exact home — without any review processes. Owners can request a one-year extension if they don't apply for a permit within that two-year timeline.

The commissioners also approved three rebuilding processes. According to Sanchez, if an owner wants to rebuild what was on the property before the fires — same size structure in the same location — only a building permit is required. "We're expediting the timeline to issuing those permits, as well," she said. "If you only need a building permit, we're hoping that can be issued within two to three weeks."

### Building permit plus lets owners boost house size

If owners want to change the size of their footprint, they can add 530 sq ft to what the destroyed house's size through the expedited Building Permit Plus (BPP). That number was calculated based on the average two-car garage 22' x 24' (528 sq ft)— something that many owners want, but didn't have in the canyon. "They can add up to 530 sq ft, so long as they don't exceed 6,000 sq ft (the house size limit in Boulder County) on the parcel," she said. "The intent of that number is to accommodate a standard two-car garage, but people can reconfigure it for whatever they want."

Sanchez said that the BPP is designed to help people build better than what they had before. "We'd like to work with them to take advantage of passive solar design, to see if there are opportunities to locate their home in a safer place on the site out of the hazard area. We want to see if there are ways to improve the access, maybe make it shorter or add some pullouts for emergency vehicle access. The BPP process really just looks at a limited number of things."

### Usual site plan review process for bigger homes

If someone wants to add more than the 530 sq ft allowed in the BPP, the third option is the usual site plan review process — the most rigorous in the country, according to Rodwin. The standard process looks at 16 different environmental, aesthetic, visibility and safety criteria, "really," Rodwin said, "everything having to do with the overall picture of what you're planning to build there. In particular, it limits size and placement on the site. It is so strict here that if you don't understand it, you're going to get into trouble. There is a cost premium to building at this level of sustainability — and people could get into contractual disputes if a builder doesn't realize the difference between energy efficiency and green."

Another new regulation allows temporary emergency housing for those who want to live on the property. "Where the county prefers to see property owners living in permanent housing, we recognize that some people will want or need to live on their property as they rebuild," Sanchez said. "Many people have temporary emergency housing provisions in town, but that will depend on how long their insurance is going to allow them to live elsewhere. So the chief building official will now have the authority to allow some sort of emergency temporary housing to occur on the property."

Building permit fees are going to be required, although, Sanchez said, "the board acknowledged that they would consider waivers and true hardship situations. It was a pretty hefty set of regulations to deal specifically with this fire. But our hope is if something else happens, we'll have a good base on how to deal with these kinds of natural disasters. Also, they could be a template for other jurisdictions if they were to have something like this occur."

### Site cleanup is treated as hazardous material

Before anyone can build, though, debris from the sites needs to be removed. "And that's huge," said Dennis Hudson, president and manager of Hudson Homes and owner of Hudson Construction. "Mitigation companies are up there washing the sides of the homes [that weren't completely



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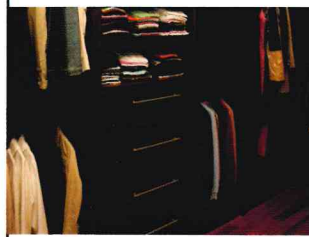


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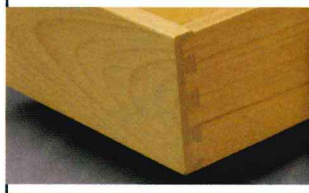
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Photography by Paul Mouraille

destroyed], hauling off personal items from the house, getting them cleaned and somehow getting the inside of the home so it doesn't smell like smoke."

Yet many homes were completely destroyed — and the sites need to be cleaned before anything can be built again. Hudson said the county is assuming that asbestos is in the ash, so it needs to be treated as hazardous waste. "You can't just load it in containers and haul it off," he explained. "It has to be a lined container, so it doesn't blow out all over the place when they're hauling it. So the trash companies are trying to get up to speed on that."

He added that some home owners would like to let the elements take care of it, however, if asbestos is in the debris, the county doesn't want the ash washing into the creek. "That's a huge issue and I think once that gets solved, the rest of it will flow a little better. The cleanup needs to be done quickly and soon. I don't think the county is just going to let them sit around on their thumbs and do that in the spring."

**Affordable high-risk insurance will require item mitigation**

Encourage your buyers to find out whether their home owners' insurance policies are insured for actual cash value or to replacement coverage. Meanwhile, Walker said that insurance companies have become more strict about all high-risk properties — wildfires being one of the highest risks.

"Insurance companies expect owners to take scientifically proven mitigation steps to protect owners' property," Walker said. "They'll actually get a notice that the insurance company has performed an on-site inspection and items they'll need to mitigate, such as thinning trees or a road where emergency vehicles can get up and turn around."

She added that Boulder County has been very proactive by requiring Class A fire resistant roofing products. "There's already a pretty strong code in Boulder County," Walker said, "probably the strongest in the state. And insurance companies very much support that. As this area is rebuilding, and they make it more fire resistant and safer, obviously, that's what insurance companies' number one goal is: How do we save and protect these homes?"

The RMIA has partnered with the Colorado State Forest Service to produce an educational brochure, Wildfire and Insurance. You can download it from RMIA.org, under the "Catastrophes" tab.

**Building community influenced new code**

Boulder County reached out to its local architectural and building community for recommendations for a new code in wildfire-prone areas. "Luckily, we

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have a really great construction and design community," Sanchez said. "We've been meeting with them and plan on continuing to hold workshops."

And while the county can't promote or recommend local builders, it has added a database on its web site that shows the people who have licenses and the number of projects they've done in Boulder County. An owner could then determine if somebody was new or had a lot of experience in the county. It shows the date they got licensed and how many projects they've done, according to county records. It's factual and provides that information to folks, without the county saying, 'local only.'"

Boulder County also has put together packets for each property owner in the burn area with a damaged or destroyed structure. The packet includes parcel history, size of structure on record, aerial photos and available site plans. "We're going to with each property owner," Sanchez said, "so they'll have one point of contact."

#### People begin rebuilding their dreams

Meanwhile, people are moving on and rebuilding their lives — and their dreams. "I feel for them," Hudson said.

"It's a tough deal to be homeless and not have had anything to do with that."

Sanchez added, "We understand it's just a devastating event, and the community has really been grateful. That's somewhat unusual for a county government office to get that kind of sentiment. We cranked out these [new codes] very quickly, because we wanted to be responsive and have something adopted in place, so people could start rebuilding and getting their lives back together as soon as possible. It's a very intense process: Dealing with the home owners, listening to their stories and trying to figure out the best ways to help them. It's really been nice to have that kind of community reception to our efforts."

Within days of the fire, an owner contracted Rodwin to design and rebuild his home. A month later, another owner contacted him. "A lot of builders come in and they're get-it-done kind of guys. And for some clients, that will be a good approach," he said. "For others, there's an element of compassion that is not normally as prominent in the building process. These people are not necessarily mentally ready for that. A lot of them are going to be dealing with a grieving process for a while and that's not necessarily something we deal with in the construction trade on a regular basis. I think we need to be sensitive to that." ■

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