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RESOLUTION NO. 21-36

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE (LDC-20-001) Fire Protection and Wildfire Mitigation

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) to Chapter(s) 1, 5, and 6 of the Land Development Code as herein described, including other conforming amendments throughout the Code;

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 7, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the proposed amendments, and

WHEREAS, a public hearing was held by this Board on January 26, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code Choose an item. properly submitted for consideration by the Planning Commission.

2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.

3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.

4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were received into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendment(s) to Chapter(s) 1, 5, and 6 of the El Paso County Land Development Code, including other conforming amendments throughout the Code, as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

AND BE IT FURTHER RESOLVED that the Executive Director of Planning and Community Development is hereby authorized and directed to develop procedures for the provision of public notice of and opportunity to submit comments on applications for administrative plat approval and for the appeal of administrative plat approval or denial to the Board of County Commissioners.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 26th day of January, 2021 at Colorado Springs, Colorado.

ATTEST:

By: _____
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____
Chair

EXHIBIT A

See attached redline revisions.

EL PASO COUNTY
COLORADO

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: **El Paso County Board of County Commissioners**
Chair

FROM: **Nina Ruiz, Planning Manager**
Mark Gebhart, Deputy Director
Craig Dossey, Executive Director

RE: **LDC-20-001 -- Land Development Code Amendment --**
Fire Protection and Wildfire Mitigation Amendment to Chapters 1, 5, and 6 of the El Paso County Land Development Code (2019) to remove discrepancies, and add and modify language to eliminate the term "Fire Marshal"

Commissioner District: All

Planning Commission Hearing Date	1/7/2020
Board of County Commissioners Hearing Date	1/26/2020

EXECUTIVE SUMMARY
A request by the El Paso County Planning and Community Development Department to amend Chapters 1, 5, and 6 of the El Paso County Land Development Code (2019) to remove discrepancies and add and modify language to eliminate the term "Fire Marshal".

The proposed amendments include:

- Amend throughout to replace the term "Fire Marshal" with "Fire Authority"
- Amend Chapter 1 to amend the definition of what will be termed "Fire Authority", to include a Fire District, Fire Department, or Third-Party Fire Reviewer;
- Amend Chapter 1 to add the term "Third Party Fire Reviewer" to apply to those areas of the County outside of a fire district or fire department;
- Amend Chapter 5, Fireworks Sales, to add language specifying that firework sales are not permitted if the Sherriff has implemented a fire ban;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, throughout to revise all occurrences where authority currently lies with the "Fire Marshall" to instead

place such authority with the Board of County Commissioners or PCD Director, where applicable.

- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to specifically state that PCD will request a recommendation from the "Fire Authority" in regard to alternatives as well as compliance with the applicable regulations;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to amend the required content of the Fire Protection Report to add that the report must include an analysis of how the request complies with the Code and any applicable fire code;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to add an additional subsection regarding Development Outside Fire District or Fire Department Boundaries which requires that the property either annex into a fire district or fire department or receive approval of a waiver from the Board of County Commissioner based upon specific criteria;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to remove specific requirements regarding automatic fire protection and instead to require development to meet the requirements of the adopted building code;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to specify that the Fire Authority may determine the most appropriate location for fire hydrants; and
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to require that dry hydrants meet the NFPA standards in place of the hydrants being approved by the "Fire Marshall" without specific standards being referenced.

Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the BoCC.

A. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the January 7, 2021 hearing.
Recommendation: Approval
Waiver Recommendation: N/A
Vote: 8-0
Vote Rationale: N/A
Summary of Hearing: Ms. Ruiz presented the LDC revisions.
Legal Notice: Advertised in Shopper's Press on January 6, 2021.

B. APPLICABLE RESOLUTIONS:

See attached Resolution.

C. REQUEST

A request by the El Paso County Planning and Community Development Department to amend the El Paso County Land Development Code (2019) to include:

- Amend throughout to replace the term "Fire Marshal" with "Fire Authority"
- Amend Chapter 1 to amend the definition of what will be termed "Fire Authority", to include a Fire District, Fire Department, or Third-Party Fire Reviewer;

- Amend Chapter 1 to add the term "Third Party Fire Reviewer" to apply to those areas of the County outside of a fire district or fire department;
- Amend Chapter 5, Fireworks Sales, to add language specifying that firework sales are not permitted if the Sherriff has implemented a fire ban;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, throughout to revise all occurrences where authority currently lies with the "Fire Marshall" to instead place such authority with the Board of County Commissioners or PCD Director, where applicable.
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to specifically state that PCD will request a recommendation from the "Fire Authority" in regard to alternatives as well as compliance with the applicable regulations;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to amend the required content of the Fire Protection Report to add that the report must include an analysis of how the request complies with the Code and any applicable fire code;
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- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to require that dry hydrants meet the NFPA standards in place of the hydrants being approved by the "Fire Marshall" without specific standards being referenced.

Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the BoCC.

D. BACKGROUND

Staff has worked with stakeholders as well as governmental agencies to draft proposed amendments to the Fire Protection and Wildfire Mitigation section of Code. Those stakeholders that provided input include the Colorado Springs Housing and Building Association, fire districts, Fire Chief, El Paso County Sheriff's Office, the Pikes Peak Regional Office of Emergency Management, as well as homeowners' association groups. All previous comments received have been addressed.

The El Paso County Land Development Code is routinely amended to respond to current land use trends, recurring issues, changes in legislation, and errors/oversights. The Planning and Community Development Department staff maintains a running list of necessary and recommended revisions to the Code as issues arise. Section 6.3.3 of the Land Development Code was written in 2006 when coordination with the Fire Marshal was in place. The amendments proposed with this specific request are in response to El Paso County no longer having a Fire Marshal position. The internal procedures have been amended over time to reflect the loss of the Fire Marshal position, but the regulations have not been updated. The proposed amendments include revisions to Chapters 1, 5, and 6. The topical items included within the proposed revisions include amendments pertaining to the elimination of the term "Fire Marshal" and the addition of the term "Third Party Fire Reviewer". Staff anticipates additional future amendments to the Wildfire Protection section to remove inconsistencies with other rules and regulations but chose to keep the proposed amendments limited to the "Fire Marshal" concern only.

Replace "Fire Marshal" with "Fire Authority"

El Paso County has not recently employed a Fire Marshal but utilizes a Fire Warden who had different powers and authorities than a Fire Marshal. Chapter 6 of the Land Development Code (2019) refers to a Fire Marshal multiple times. Planning and Community Development has relied upon the recommendations of the fire districts and departments, who are the subject matter experts, in place of the Fire Marshal. Each one of the Fire Districts or Fire Departments has their own Fire Marshal. Planning and Community Development is proposing to amend the Code to mirror our current practices to remove the term "Fire Marshal" and replace it with "Fire Authority" in order to avoid confusion.

If approved, the Fire Authority will include fire departments, fire districts, and a third-party fire authority. The current regulations rely heavily on the Fire Marshal approving many fire protection elements. Staff is not proposing to defer all approval authority to the Fire Authority, but instead to rely upon their recommendations. The Fire Authorities are not governed by El Paso County and, therefore, need not report to El Paso County. Staff believes for this reason it is appropriate that the ultimate authority remain with El Paso County.

Third Party Fire Reviewer

The majority of properties in El Paso County are within a Fire District or Fire Department, however, there are still some areas without fire protection. The unserved areas are primarily in the mountainous portions of the County, the numerous enclaves within the City of Colorado Springs, and the land generally between the eastern limits of Colorado Springs and the Ellicott Fire Protection District (see attached map).

Without a Fire Marshal, the proposed Land Development Code amendments rely on the expertise of the fire departments and fire districts to provide comment

when proposed development will not meet the standards. Staff is proposing the addition of the term Third Party Fire Reviewer which will apply to those parcels without fire protection. The proposed definition includes language as to who may be qualified to serve as the Third Party Fire Reviewer.

In addition to the additional definition, staff is proposing to add language to require all parcels undergoing a development application to annex into a fire district or fire department. If they cannot, they must request a waiver from this requirement before the Board of County Commissioners. The Board of County Commissioners then must review the request based upon specific criteria including evidence that it is not feasible to annex into a fire district or fire department and that the request meet all other Sections included in the Fire Protection and Wildfire Mitigation section of the Code.

E. RECOMMENDED AMENDMENTS

A request by the El Paso County Planning and Community Development Department to amend the El Paso County Land Development Code (2019) to include:

- Amend throughout to replace the term "Fire Marshal" with "Fire Authority"
- Amend Chapter 1 to amend the definition of what will be termed "Fire Authority", to include a Fire District, Fire Department, or Third-Party Fire Reviewer;
- Amend Chapter 1 to add the term "Third Party Fire Reviewer" to apply to those areas of the County outside of a fire district or fire department;
- Amend Chapter 5, Fireworks Sales, to add language specifying that firework sales are not permitted if the Sherriff has implemented a fire ban;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, throughout to revise all occurrences where authority currently lies with the "Fire Marshall" to instead place such authority with the Board of County Commissioners or PCD Director, where applicable.
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to specifically state that PCD will request a recommendation from the "Fire Authority" in regard to alternatives as well as compliance with the applicable regulations;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to amend the required content of the Fire Protection Report to add that the report must include an analysis of how the request complies with the Code and any applicable fire code;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to add an additional subsection regarding Development Outside Fire District or Fire Department Boundaries which requires that the property either annex into a fire district or fire department or receive approval of a waiver from the Board of County Commissioner based upon specific criteria;
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to remove specific requirements regarding automatic fire protection and instead to

require development to meet the requirements of the adopted building code;

- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to specify that the Fire Authority may determine the most appropriate location for fire hydrants; and
- Amend Chapter 6, Fire Protection and Wildfire Mitigation, to require that dry hydrants meet the NFPA standards in place of the hydrants being approved by the "Fire Marshall" without specific standards being referenced.

Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the BoCC.

F. APPROVAL CRITERIA

The statutory role of the Planning Commission and Board of County Commissioners is identified below:

> ***30-28-116. Regulations may be amended.***
> *From time to time the board of county commissioners may amend the number, shape, boundaries, or area of any district, or any regulation of or within such district, or any other provisions of the zoning resolution. Any such amendment shall not be made or become effective unless the same has been proposed by or is first submitted for the approval, disapproval, or suggestions of the county planning commission. If disapproved by such commission within thirty days after such submission, such amendment to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. Before finally adopting any such amendment, the board of county commissioners shall hold a public hearing thereon, and at least fourteen days' notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the county.*

G. PUBLIC COMMENT AND NOTICE

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in The Fountain Valley News pursuant to Colorado Revised Statute 30-28-116. A copy of this publication will be included in the backup materials for the Board of County Commissioners hearing. All the stakeholders were noticed by EDARP of the hearing date.

H. ATTACHMENTS

Proposed Amendments to the Land Development Code (2019) (redline version)
Proposed Amendments to the Land Development Code (2019) (clean version)
All Comments Received
Letter of Support from the Housing and Building Association
Planning Commission Resolution
Board of County Commissioners' Resolution

Replace "Fire Marshal" with "Fire Authority" throughout.

Chapter 1 Revisions

Fire ~~Marshal~~ Authority — **For purposes of this Code, ~~El Paso County Fire Marshal~~ ~~A~~ the person designated by the Fire District or, Fire Department within whose ~~their~~ boundaries the property lies. This term shall also include a Third-Party Fire Reviewer for properties not located within the boundaries of a Fire District or Fire Department., ~~"Fire Authority" may include the Sheriff's Office for certain fire events~~**

Third Party Fire Reviewer- a person with a minimum of an State of Colorado Inspector II, ICC or NFPA Certification who has provided El Paso County with a copy of such certification and who has self-certified that they are qualified to provide comment and recommendations.

Chapter 5 Revisions

Fireworks Sales

(A) **Sales Period Limited.** Fireworks sales are limited to the period from May 31 ~~st~~ to July 6th each year. Firework sales is prohibited if the Sherriff has implemented a fire ban.

(B) **Fire ~~Department~~ Authority Approval Required.** ~~The fireworks sales area shall be located within an area provided with fire protection by a fire department. Fire department~~Fire Authority approval is required prior to the approval of a temporary use permit.

(C) **Driveway Permit Required.** A driveway permit shall be issued to allow access to the fireworks sales area prior to the approval of a temporary use permit.

(D) **Required Signage.** A fireworks sales area shall post signage noting it is illegal to shoot fireworks within all towns and cities in El Paso County and violators will be prosecuted. Each fireworks sales area shall provide either one sign, with minimum 3 inch letter size, or 4 signs of 8½ by 11 inches, placed in a conspicuous location easily readable by the public, noting the language as stated or similar language approved by the PCD Director.

6.3.3. Fire Protection and Wildfire Mitigation

(A) General.

(1) **Purpose and Intent.** To ensure that proposed development is reviewed in consideration of the wildfire risks and need to provide adequate fire protection in order to:

- Regulate development, buildings, and structures so as to minimize the hazard to public health, safety, and welfare;
- Ensure that adequate fire protection is available for new development;
- Implement wildfire hazard reduction in new development;

- Encourage voluntary efforts to reduce wildfire hazards; and

- Reduce the demands from the public for relief and protection of structures and facilities.

(2) **Applicability.** This Section shall apply to all development applications and permits within the unincorporated areas of El Paso County. The standards and requirements related to construction in wildland areas are applicable on land that is shown as forested on the Vegetation Map or to areas identified in ~~the~~ a wildland fire risk and hazard mitigation plan, if required by the approval of that plan.

(3) **Relationship to Other Standards.** Where a conflict exists between adopted fire district or fire department standards and this Code, the Board of County Commissioners may choose to approve an alternative design which accomplishes the purpose of this section and provides an equivalent benefit to the development. ~~Where a fire department has adopted standards, the more restrictive shall apply. In the case of a conflict between adopted fire district standards and this code, t~~The ~~Fire Marshal~~Fire Authority should ~~approve~~ provide a recommendation regarding whether the ~~an~~ alternative design ~~which~~ accomplishes the intent of this section and whether it provides an equivalent ~~or similar~~ benefit to ~~the~~ the ~~development~~property or the community.

(4) **Responsibility of Fire Authority.** ~~The Fire Marshal shall have authority to enforce the provisions of this Section. The Fire Marshal shall be authorized to develop and utilize forms and checklists to implement the requirements of this Section.~~ It is the responsibility of the Fire Authority to provide recommendations as to whether a new development meets the applicable fire code standards for the respective area. If a new development does not meet the applicable standards, then the fire authority should provide comments regarding areas of non-compliance and recommendations for achieving compliance.

(5) **Basis of Standards.** The basis of the standards in this Section is the most current standards adopted by the National Fire Protection Agency (NFPA) and the Colorado State Forest Service (CSFS).

(6) **Wildfire Hazard Maps/Vegetation Map.** El Paso County shall maintain a Vegetation Map depicting wildfire hazard areas of the County either based on vegetation type or wildfire hazard analysis, which shall be the official map for the purposes of applying this Section.

(B) **Reports and Commitments ~~Required~~ for Subdivisions.**

(1) **Fire Protection Report.** A Fire Protection Report is required for any subdivision application and shall include the ~~fire district's or fire department's~~Fire Authority's capabilities, including existing and proposed equipment, facilities, services, ~~and~~ response time to provide fire protection for the proposed subdivision, an analysis of compliance with the Fire Protection and Wildfire Mitigation Section of this Code, and an analysis of compliance with the applicable fire code.

(2) **Fire Protection Commitment ~~Required~~.** A written commitment to provide structural fire protection may be required for any proposed subdivision, and the PCD Director may be requested ~~by the Fire Marshal~~ for other development applications.

(3) **Mitigation Costs Included in Construction Financial Assurance.** If the Board of County Commissioners determines that wildfire mitigation issues are significant enough ~~in the determination of the Fire Marshal~~ to require mitigation associated with development construction activities, the cost of the mitigation shall be included in the construction financial assurance. The Fire aAuthority may, at its discretion, choose to provide a recommendation to the Board of County Commissioners regarding whether the cost

associated with performing wildfire mitigation is appropriate and should be secured and accounted for within the financial assurance estimate and associated collateral for the overall development.

(4) Development Outside Fire District or Fire Department Boundaries. Proposed subdivisions outside the boundaries of a fire district or fire department shall annex into a department or provide evidence of a contract for service from a Fire District or Fire Department. Waivers of this requirement may only be approved by the Board of County Commissioners. An applicant's waiver request shall, at a minimum, include the following:

- A letter from the nearest fire district or fire department demonstrating that annexation is not economically feasible.
- A letter or report from a Third Party Fire Reviewer providing a recommendation to the Board of County Commissioners that the proposed development complies with the Fire Protection and Wildfire Mitigation Section of this Code. In the case of a conflict between adopted standards and this Code, the Third Party Fire Reviewer may recommend an alternative design which accomplishes the purposes of this section and provides an equivalent benefit to the development.

(4) **Plat Notes Required.** Notice of any wildfire mitigation issues or obligations may be required by the County through conditions of approval or notes placed on the face of the plat.

(C) **Design Standards.**

(1) **Water Supply.**

(a) **General.** Water supply systems used for fire protection purposes shall be installed and maintained in accordance with NFPA standards. The required fire flow for one or more buildings of a planned building area (also referred to as the planned building group by the NFPA) shall be determined by the ~~Fire Marshal~~Fire Authority using locally adopted codes, or as specified per the following conditions:

- For areas without municipal-type water systems, NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, shall be applied.
- For those areas with municipal-type water systems, nationally recognized criteria shall be applied.

(b) **Automatic Fire Protection.**

(i) ~~Commercial and Industrial Structures. All commercial or industrial structures of more than 3 stories or over 40 feet in height above adjacent ground elevation shall be fully protected with an automatic sprinkler system.~~

(ii) ~~Multifamily Residential Structures. Any multifamily residential building containing more than 2 dwelling units shall have an automatic sprinkler system installed.~~ Automatic fire protection shall be in compliance with the applicable adopted fire code. If a property is not within an area of the County having an adopted fire code, then the design for automatic fire protection shall be in compliance with the adopted Pikes Peak Regional Building Code.

(c) **Areas with Central Water Systems.**

(i) Water Distribution System Pressure. The water distribution system shall be capable of delivering fire flow at a minimum rating of 20 pounds per square inch for each hydrant connected to the distribution system within the proposed subdivision.

(ii) Dead-End Mains. Dead-end mains shall not exceed 600 feet in length for main sizes less than 10 inches in diameter.

(iii) Fire Hydrant Spacing. Fire hydrants shall be located so that all residential structures are within 500 feet and all nonresidential structures are within 150 feet of a hydrant. Fire hydrants shall be installed adjacent to a road or emergency vehicle lane at a spacing not to exceed 660 feet of vehicle travel distance. Where the proposed buildings warrant, the ~~Fire Marshal~~Fire Authority may ~~require additional hydrants and closer spacing~~ recommend a greater spacing distance or require additional hydrants and closer spacing based upon the applicable Fire Code or NFPA standards.

(iv) Fire Hydrant Accessibility. Fire hydrants shall be accessible to fire district or fire department apparatus from a road (i.e., maintained public roads, privately-maintained roads, or emergency vehicle access roads) or unobstructed emergency vehicle lanes (i.e., driveway, parking drive aisle, or emergency vehicle lane).

(v) Fire Hydrant Supply Lines. Fire hydrants shall be supplied by not less than a 6 inch diameter main installed on a looped system, or by not less than an 8 inch diameter main if the system is not looped or the fire hydrant is installed on a dead-end main exceeding 300 feet in length.

(vi) Fire Hydrants in Parking Areas. Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles without obstructing hydrant operation.

(vii) Fire Hydrant Relationship to Roads. Fire hydrants shall be located within 6 feet of the edge of the pavement unless there is a conflict with the ECM or the ~~Fire Marshal~~Fire Authority ~~determines~~ recommends another location is more acceptable for fire district or fire department use. All roads and emergency vehicle lanes shall be designed to maintain a minimum unobstructed clearance of 3 feet around fire hydrants.

(viii) Fire Hydrant Easements. Easements for fire hydrants shall be provided and dedicated to the appropriate fire or water authority when the hydrants are not within a public road right-of-way. The easement shall afford accessibility to the hydrant from the right-of-way.

(ix) Release of Financial Assurance for Water Supply Systems. The contractor, installer, or owner of water supply systems shall demonstrate by testing that the capacity of the water supply system will meet fire protection design requirements prior to release of construction financial assurance for the system. The testing shall be certified by a qualified professional. The tests ~~shall~~may be provided to the ~~Fire Marshal~~Fire Authority if requested.

(d) **Areas without Central Water Systems.**

(i) Fire Cisterns.

• Fire Cisterns Required: Fire cisterns shall be provided in planned building areas which are not served by hydrants, unless the ~~Fire Marshal~~Fire Authority has recommended and the approval authority has approved an alternative fire protection water supply system.

• Construction Standards: Construction of fire cisterns shall be in accordance with the approved plans and conform to the requirements of the NFPA standard on water supplies for suburban and rural fire fighting.

• Design Standards for Subdivisions with More than One Cistern: For subdivisions where more than one fire cistern is required, fire cisterns shall meet the requirements of the NFPA standards for water supplies for suburban and rural fire fighting. For this type of subdivision, fire cisterns shall be designed for the largest building allowed by zoning in the worst case hazard and construction class.

• Design Standards for Subdivisions with One Cistern: For subdivisions where only one fire cistern is required, the minimum capacity of the fire cistern shall meet the requirements of the NFPA standards on water supplies for suburban and rural fire fighting, or shall have a total capacity equal to 300 gallons for each acre within the subdivision plus 3,000 gallons per dwelling unit, whichever is greater.

• Cistern Turnaround: A dedicated turnaround shall be placed no more than 50 feet from a fire cistern, and the standpipe shall be within 8 feet of the nearest usable portion of the dedicated right-of-way or approved easement, unless otherwise recommended ~~approved~~ by the applicable ~~Fire Marshal~~Fire Authority and approved by the approval authority.

• Easements Required: Fire cistern easements shall be provided and dedicated to the appropriate fire department to afford accessibility of the cistern from a public road. Easements shall be of sufficient size to facilitate maintenance.

(ii) Dry Hydrants.

• Use of Dry Hydrants: Dry hydrants may be provided in combination with fire cisterns or other approved fire protection water supply systems. Plans for dry hydrants shall be submitted to ~~and approved by the Fire Marshal~~the Fire Authority for recommendation and approved by the approval authority.

• Construction Standards: Construction and installation of dry hydrants shall be in accordance with the approved plans and conform to the requirements of the NFPA standards on water supplies for suburban and rural fire fighting.

• Accessible: Dry hydrants shall be located to be accessible under all weather conditions.

• Clearance: Dry hydrants shall have a minimum clearance of 20 feet on each side and be located a minimum of 100 feet from any structure. Highway or road traffic shall not be impaired during the use of the dry hydrant.

• Protected: Dry hydrants shall be protected from damage by vehicular and other perils, including freezing and damage from ice and other objects.

• Visible: Dry hydrant locations shall be made visible from the main roadway during emergencies by reflective marking and signage ~~approved by the Fire Marshal~~and shall be in conformance with the NFPA requirements. All identification signs shall be approved by the highway authority prior to installation if they are to be located on the right-of-way or are subject to State laws.

• Access to Hydrant: Vehicle access shall be designed and constructed to support the heaviest vehicle.

• Maintenance of Dry Hydrant: Dry hydrants shall be checked and maintained at least quarterly. Thorough surveys shall be conducted, to reveal any deterioration in the water supply situation in ponds, streams, or cisterns. Grass, brush, and other vegetation shall be kept trimmed and neat. Vegetation shall be cleared for a minimum 3 foot radius from around hydrants. The hydrant shall be painted as needed, with reflective material to maintain visibility during emergencies. The Fire Authority may make a recommendation regarding the ownership and maintenance responsibilities for the facilities per the NFPA 1142 Standards. The approval authority will approve the ownership and maintenance responsibilities for the facilities ~~shall be approved by the Fire Marshal~~.

• Maps and Location/Detail Drawings: The ~~fire department (Fire Marshal~~Fire Authority and El Paso County Sherriff's Office ~~where there is no fire department)~~ shall maintain in a safe location, the maps and records of dry hydrant system locations, installation, tests, inspections, maintenance and repairs. When the property is not within a Fire Protection District it is the responsibility of the property owner and El Paso County Sherriff's Office to maintain in a safe location, the maps and records of dry hydrant system locations, installation, tests, inspections, maintenance and repairs.

• Easements Required: Dry hydrant easements shall be provided and dedicated to the appropriate fire department (or County where there is no fire department) to afford accessibility of the dry hydrant from a public road. Easements shall be of sufficient size to facilitate maintenance.

(iii) Water Supply Requirements. The owner of the cistern or dry hydrant is responsible for planning, developing, permitting, and continual provision of a sufficient water supply necessary to maintain the fire protection requirements of a cistern system, to the satisfaction of the ~~Fire approval authority~~Marshal with recommendation by the Fire Authority.

(2) **Roads.** This Section shall apply to all roads providing access to a planned building area whether or not they are dedicated as public roads.

(a) **Roads Constructed to County Standards.** All roads, including private roads and emergency vehicle access roads, shall be designed and constructed according to this Code and the ECM. Emergency vehicle access roads shall, at a minimum, be constructed to the County's gravel road standard if open to the public. Emergency

vehicle access roads which are not open to public travel shall meet the non-road access standards

(b) **Roads within 150 Feet of Development.** Roads or emergency vehicle lanes shall be provided within 150 feet of all development except single family residential development.

(c) **Two Access Routes Required.** Access to a planned building area shall be provided by a minimum of 2 separate routes in accordance with the requirements of this Code and the ECM if the cul-de-sac exceeds the length allowed by the ECM.

(d) **Turnaround Required on Dead-End Roads.** Every dead-end road more than 300 feet in length shall be provided with a roadway termination meeting ECM standards.

(e) **Road Grades in Wildland Fire Areas.** Within wildland fire areas, road grades steeper than 10 percent may be permitted where the Fire Authority and ECM Administrator recommend that the mitigation measures ~~can be agreed on by the~~are adequate and the approval authority approves the mitigation measurements~~ Fire Marshal and the ECM Administrator~~.

(3) **Non-Road Access.** The following minimum standards shall apply to emergency vehicle lanes, driveways, and parking lot drive lanes serving as emergency vehicle lanes.

(a) **Emergency Access Provided.** Access for emergency responders, ingress, egress, and evacuation shall be provided for all buildings.

(b) **Driveways Required.** Where any point of a building is greater than 150 feet from a road, a driveway meeting these standards shall be provided to within 150 feet of the furthest point on the building.

(c) **Emergency Vehicle Lanes Required.** The Fire Authority may recommend emergency vehicle lanes be provided. Emergency vehicle lanes shall be provided as required by the ~~Fire~~ approval authority~~Marshal~~.

(d) **Emergency Access Lane Design.** An emergency vehicle lane shall be designed and constructed to enable fire-fighting apparatus to maneuver broadside or directly forward within a minimum of 5 feet and a maximum of 25 feet of structures.

(e) **Width of Driveway and Emergency Vehicle Lanes.** Where the driveway is greater than 150 feet in length, it shall be not less than 10 feet in unobstructed width. Emergency vehicle lanes providing one-way travel shall be a minimum of 16 feet in width, and fire lanes with two-way travel shall be a minimum of 24 feet in width.

(f) **Vertical Clearance.** At least 13 feet 6 inches of vertical clearance shall be provided and maintained over the full width of an emergency vehicle lane or driveway.

(g) **Turns.** Required driveways shall be designed, constructed, and maintained to accommodate the turning radius of the largest apparatus typically used to respond to that location. A turn in an emergency vehicle lane shall be constructed with a minimum radius of 25 feet at the inside curb line and a minimum radius of 50 feet at the outside curb line.

(h) **Grades.** Road grades steeper than 10 percent may be permitted where the Fire Authority and ECM Administrator recommend that the mitigation measures are adequate and the approval authority approves the mitigation measurements. ~~Emergency vehicle lanes and required driveways shall not exceed 10 percent in grade unless steeper grades are allowed where mitigation measures can be agreed on by the Fire Marshal and the property owner.~~

(i) **Emergency Vehicle Lanes Connecting to Roads.** Emergency vehicle lanes connecting to roads shall be provided with curb cuts extending at least 2 feet beyond each edge of the fire lane.

(j) **Turnouts and Turnarounds Required.**

(i) Driveways. Where the required driveway is greater than 300 feet, it shall be provided with turnouts or turnarounds at locations approved by the ~~Fire Marshal~~approval authority with recommendation from the Fire Authority.

(ii) Turnarounds Required. The fire authority may provide a recommendation regarding turnarounds. Dead-end emergency vehicle lanes in excess of 300 feet in length shall be provided with turnouts and turnarounds as approved by the ~~Fire Marshal~~approval authority. The turnaround at the terminus shall have a minimum radius of 50 feet. The ~~Fire Marshal~~approval authority shall be authorized to approve, as an alternative, a "hammerhead" turnaround to provide emergency vehicles with a three-point turnaround.

(k) **Load Design.** Emergency vehicle lanes and required driveways shall be designed, constructed, and maintained to accommodate the load of the largest apparatus typically used to respond to that location.

(l) **Bridges or Drainage Crossings.** A bridge or drainage crossing on an emergency vehicle lane or required driveway shall be designed to accommodate the load of the largest apparatus typically used to respond to that location. The load limit shall be clearly posted at the approaches to the bridge.

(m) **Landscaping Maintained.** Landscaping or other obstructions shall be maintained in a manner that provides unobstructed access for fire department operations.

(4) **Gates.**

(a) **Gate Location and Dimensions.** Gates shall be located a minimum of 30 feet from the public right-of-way and shall not open outward. The opening provided through a gate shall be 2 feet wider than the traveled way.

(b) **Locks.** Fire department personnel shall have ready access to locking mechanisms on a gate restricting access to a fire line. Proposed changes to access shall be approved by the ~~Fire Marshal~~Fire Authority.

(D) **Construction in Wildland Fire Areas.**

(1) **General.**

(a) **Applicability.** All structures potentially threatened by wildland fire shall be designed, located, and constructed to comply with this Section.

(b) **Risk Assessment Required.** A wildland fire risk and hazard severity assessment shall be performed for all structures and groups of structures adjacent to wildland fuels.

(c) **Maintenance of Property.** After construction, continued maintenance of the grounds and storage of combustible materials shall be performed to maintain these requirements~~, as acceptable to the Fire Marshal~~.

(d) **Location of Buildings and Building Envelopes.** Buildings located closer than 30 feet to a vegetated slope shall require special mitigation measures in accordance with NFPA 1144, Standard for Protection of Life and Property from Wildfire ~~as determined by the Fire Marshal~~. Building envelopes shall not include gullies, fire chimneys, saddles, or other terrain conducive to wildfire spread.

(e) **Roof Design and Materials.** Only roof covering assemblies rated Class A shall be used in a wildland area. The specific class shall be consistent with the wildland fire risk and hazard severity assessment~~ as determined by the Fire Marshal~~.

(f) **Accessory Structures.** Outbuildings, patio covers, gazebos, and other accessory structures shall be separated from the main structure by a minimum of 30 feet.

(g) **Access to Structures.** At least one approved means of vehicular access shall be provided to each structure or other nonstructural fire hazard in accordance with the following:

(i) For structures or nonstructural fire hazards exceeding two stories or 30 feet in height above average adjacent ground level, or 12,000 square feet of gross floor area, no less than 2 separate approved means of access shall be provided.

(ii) Approved vehicular access shall be provided to within 150 ft of any point of the exterior wall of each structure.

(h) **Access to Structures Not Protected by Automatic Sprinklers.** An approved means of vehicular access shall be provided to within 30 feet of all points of at least 2 exterior walls for any structure not protected by automatic sprinklers that exceeds 2 stories or 30 feet in height above average adjacent ground elevation. Single and two-family dwellings are exempt from this requirement.

(i) Access to Structures Protected by Automatic Sprinklers. For any structure protected by an automatic sprinkler system, an approved means of vehicular access shall be provided to within 400 feet of any point of the exterior wall. For any structure exceeding 3 stories or 35 feet in height above average adjacent ground elevation and protected by an automatic sprinkler system, an approved means of vehicular access shall be provided to within 30 feet of all points of at least 2 exterior walls.

(j) **Separation Between Structures.** A structure in a planned building area shall be separated from another structure by at least 30 feet and shall be located at least 25 feet from a lot, parcel, or tract line. A structure in a planned building area that exceeds 2 stories or 30 feet in height above average adjacent ground elevation and is not protected by an automatic sprinkler system shall be separated from other structures by at least 50 feet and shall be located at least 25 feet from a lot, parcel, or tract line.

(2) **Wildland Fire and Hazard Mitigation Plan Required.**

(a) **General Plan Standards and Requirements.**

When a subject lot, parcel, or tract falls within a wildland fire area, a wildland fire risk and hazard mitigation plan shall be prepared by a qualified professional and shall be tailored to the stage of development application and the stage of subdivision-related construction. A higher level of plan may be submitted at any stage of the process so long as it is implemented at the final stage of development. Plans shall utilize the Colorado State University (CSU) Guidelines and NFPA standards, as applicable. Additional fire precaution measures may be required because of fire hazard in the following areas:

(i) Areas depicted as forested on the Vegetation Map;

(ii) Areas rated as fire hazards by the CSFS;

(iii) Where slopes in or adjacent to proposed development are in excess of 20%; or

(iv) Where the local fire protection agency identifies a specific fire danger.

(b) **Development of Plan.**

(i) General Mitigation Plan Requirements. This plan shall include, but not be limited to, the following:

- Access, ingress, egress, and evacuation;
- Fuel modification;

- Water supply;
- Construction, location, and design of structures; and
- Ignition potential.

(ii) Approval of ~~Fire Marshal~~Wildland Fire and Hazard Mitigation Plan. The ~~Fire Marshal~~Approval Authority shall approve the mitigating measures relative to access, defensible space, water supply, and construction based on the relative risk and hazard rating.

(3) **Wildland Fire Risk and Hazard Severity Analysis Required.**

(a) **Risk Assessment to be Performed.** A risk and hazard rating analysis shall be performed to determine the level of the wildland fire threat to life and values at risk prior to building permit authorization in high hazard areas unless completed as part of the wildland fire and hazard mitigation plan.

(b) **Basis for Mitigation Measures.** The risk and hazard ratings shall be the basis for the implementation of mitigation measures relative to vegetation, other combustibles, and construction criteria.

(c) **Analysis Rating Factors.** The following shall be considered in analyzing the risk factors:

- The history of local wind, relative humidity, temperature, and fine fuel moisture content shall be considered in determining defensible space.
- All vegetative fuels and other combustible materials shall be evaluated for their potential to contribute to the intensity and spread of wildland fire.
- Slope and aspect shall be evaluated as to their potential to increase the threat of wildland fire to life or improved lot, parcel, or tract.
- The factors determining required defensible space shall include the history of wildland fire for the area.
- Fire-safe routes for emergency service apparatus and for egress shall be evaluated.
- Other factors that can affect the risk of ignition or the spread of wildland fire on improved lot, parcel, or tract, including the risk of structure fires spreading to vegetation, shall be part of the analysis.

(d) **Recommendation~~view~~ of Wildland Fire Risk and Hazard Rating.** The rating assignments developed to meet the requirements of this Code ~~shall~~ may be reviewed by the ~~Fire Marshal~~Fire Authority who may provide a recommendation regarding the rating.

(4) **No Permit or Approval Granted without Compliance.** No permit or approval associated with development, construction or occupancy shall be approved or issued until the provisions of this standard are satisfied. Notwithstanding the foregoing, the ~~Fire Marshal~~Planning and Community Development Director shall have the authority to grant

administrative variances to the design standards of this Section upon the finding of two or more of the following criteria:

• The fire ~~district or fire protection district~~authority responsible for providing fire protection services, as applicable, to the project has adopted a fire code with a more stringent design standard from that contained herein;

• The application of a design standard will cause undue hardship or practical exceptional difficulties; or

• An alternate design standard will satisfy the intent and meet the goals of these Fire Protection and Wildfire Mitigation Regulations.

(5) **Defensible Space Requirements.**

(a) **General.** The Defensible Space Requirements in Table 6.8 shall be implemented as minimum requirements in association with development in any Wildland Fire Area.

Table 6-8. Defensible Space Clearing and Structural Summary (Recommendations from NFPA by Wildland Fire Hazard Severity Analysis)

Low Hazard	High Hazard
	9.14 m (30 ft) irrigated. Class A roof. 30.48 m (100 ft) fuel treatment.
9.14 m (30 ft) clearance. Class A roof. No portion of trees or other vegetation within 3.048 m (10 ft) of chimney outlets. Trees within defensible space shall be pruned to minimize ladder fuels.	Noncombustible siding/decks, and boxed eaves. Selected fire-resistant trees within 9.1 m (30 ft) of structures. Selected thinning of trees and shrubs. Trees within defensible space shall be pruned to minimize ladder fuels. All trees and shrubs pruned of dead material. No portion of trees or other vegetation within 3.48 m (10 ft) of chimney outlets.

(b) **Maintenance of Defensible Space and Associated Fuel Break Thinning.** Defensible space and fuel break thinning work shall be completed and maintained to the standards described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. The responsibility for maintaining defensible space and associated fuel break thinning lies with the landowner. Noncompliance with defensible space maintenance standards will be enforced as a zoning violation.

(6) **Fuels Modification During Development and After Construction.**

(a) **Identification of Modification Required.** Identification of fuel modification measures may be required in order to reduce the threat of wildfire. If fuel modification is determined to be necessary, the plan shall be prepared by a qualified professional. A fuel modification plan shall comply with NFPA requirements. Required elements shall include but are not limited to the following:

• Identification of fuel type, volume and loading, in conjunction with an assessment of slope and aspect, to determine the ability for a wildfire to spread;

• Reduction of fuel loading and modification of fuel types to reduce the risk to structures or adjacent vegetation, including the creation of fuel breaks; and

• Creation of defensible space to protect structures from approaching wildfire and reduce the potential for turning a structure fire into a wildfire.

(b) **Fuel Modification Standards.** When the Wildland Fire Risk and Hazard Mitigation Plan requires establishment of a fuel modification area:

• The modifications shall extend at least 30 feet from structures;

• Ground fuels within the defined defensible space shall be treated or removed;

• Live vegetation within the defensible space shall have dead material removed and shall be thinned and pruned;

• Dead or downed fuels within the defensible space of buildings shall be removed or treated to maintain the fuel modification area;

• Vegetation under trees within the fuel modification area shall be maintained at a height that will preclude ground fire from spreading in the tree crown;

• The fuel modification plan shall include a maintenance element with the responsibility for maintenance defined;

• In these areas all slash (fallen trees, shrubs, pulled stumps, and other combustible materials) may be required to be disposed of from an area extending to at least 150 feet from the road centerline prior to the acceptance of any roads;

• All slash shall also be removed from the vicinity of the home sites prior to final building inspection; and

• Continuous proper forest management to maintain a low wildfire danger shall be guaranteed.

(7) **Combustible Materials.** Propane tanks and other combustible liquids storage shall conform to NFPA 30, Flammable and Combustible Liquids Code, NFPA 58, Liquefied Petroleum Gas Code, and the Wildland Fire Risk and Hazard Mitigation Plan. Other

combustible materials shall be removed from the defensible space or stored in conformance with the fire protection plan ~~as approved by the Fire Marshal~~.