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Date: September 26, 2023
To: Industry Partners and Planning and Community Development Staff (PCD)
From: Meggan Herington, AICP, Executive Director
Re: Fire Letter of Commitment/Fire Protection Report Interpretation of the Land Development Code

The general purpose and intent of Section 6.3.3, Fire Protection and Wildfire Mitigation, of the Land Development Code is *to ensure that proposed development is reviewed in consideration of the wildfire risks and need to provide adequate fire protection.*

In the implementation of this purpose and intent, Section 6.3.3 references and defines the “Fire Authority” and includes language that, through the entitlement process, county staff should coordinate with the Fire Authority and that the Fire Authority provide a recommendation that Section 6.3.3 of the Land Development Code is met, and that any new development can be accessed for emergency services.

Four (4) administrative interpretations/clarifications are being made related to coordination with the Fire Authority and preparation of the Fire Protection Report, Fire Commitment Letter, and Wildland Fire and Hazard Mitigation Plan.

1. How will staff conduct fire protection review per the Land Development Code and coordinate fire protection review with the individual fire authorities?

Section 6.3.3(A)(3), Relationship to Other Standards, states that *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. The Fire Authority should provide a recommendation regarding whether the alternative design accomplishes the intent of this section and whether it provides an equivalent benefit to the development.*

PCD staff will be coordinating with the applicant and applicable Fire Authority to review plans. When plan design varies from the specific design criteria outlined in Section 6.3.3, county staff, the Fire Authority, and the applicant should work together to determine if the proposal accomplishes the intent of the Code.

Section 6.3.3(A)(4), Responsibility of Fire Authority, states that *it is the responsibility of the Fire Authority to provide recommendations as to whether new development meets the applicable fire code standards for the respective area (as outlined in the Land Development Code and Engineering Criteria Manual). 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.*

PCD staff will also review the plans for conformance with the Land Development Code, including Section 6.3.3 and the design standards related to fire protection. PCD staff will be coordinating with the applicant and applicable Fire Authority to review plans. When plan design varies from the specific design criteria outlined in Section 6.3.3, county staff and the Fire Authority should work together to determine if the proposal is adequate.

Section 6.3.3(A)(5), Basis of Standards, specifies that the standards in this section *are the most current standards adopted by the National Fire Protection Agency (NFPA) and the Colorado State Forest Service (CSFS)*.

What does PCD do if the Fire Authority does not provide comments or a recommendation, and how does staff ensure that Fire Authority comments are addressed while reviewing for Land Development Code compliance?

- Staff should not assume that no response from the Fire Authority means no comments.
- As part of project management, the planner should email and/or call the Fire Authority if no comments are received.
- Staff should review the plans and the Fire Protection Report for conformance with the Land Development Code. If alternate designs are proposed by the applicant, those should be described in the Fire Protection Report, describing how the alternative will provide an equivalent benefit to the development. The planner can discuss with the applicant and the Fire Authority when alternatives to the Land Development Code are proposed.
- When alternatives to the Land Development Code are proposed, those alternatives should be justified by utilizing current International Fire Code requirements and/or the most recent NFPA standards.
- There may be a need, project dependent, to state in the staff report that the Fire Authority did not comment on the fire safety aspects, along with the description of the alternative proposed.
- If the Fire Authority provides comments that mitigation is required, staff should ask how to best document that on the plans; is there a need for an inspection; and does the mitigation need to be included in future financial assurances? This should be discussed with the Fire Authority, and specific notes and information relayed to the applicant. Within the plan, as a note on the plan or final plat, is the best place to document requirements.
- Notes may also be added to the Final Plat to ensure requirements are met at the building permit or certificate of occupancy for new construction (if applicable).

2. What is required in a Fire Protection Report (6.3.3(B))

Section 6.3.3(B)(1), Fire Protection Report, states:

A Fire Protection Report is required for any subdivision application and shall include the Fire Authority's capabilities, including existing and proposed equipment, facilities, services, 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.

Moving forward, the fire protection report should focus on compliance with Section 6.3.3 and any waivers or variances to the Land Development, Fire Code, and/or deviation from the Engineering Criteria Manual. The report DOES NOT need to include *existing and proposed equipment, facilities, services, response time to provide fire protection for the proposed subdivision.* **It should be an analysis of compliance with the Fire Protection and Wildfire Mitigation Section of the Land Development Code and an analysis of compliance with the applicable fire code or other national standard for fire protection and mitigation.**

PCD planners and engineers should read the report:

- Has the report been sent to the Fire Authority, and has the Fire Authority provided comments?
- Does PCD agree with the language in the report that the Code has been met?
- Does the report designate any areas of the Code where a waiver is requested?
- Are requested waivers substantiated with support from the most recent International Fire Code and/or NFPA standards?
- Does PCD agree with the information presented in the report?
- Does the report state that the project meets Code? And what sections are not being met?
- Do any notes need to be added to the plans to implement the report?
- Should notes be added to the Final Plat to capture lot or build specific requirements?

The report may not be lengthy. If the Land Development Code is being met, the report is a letter, with the heading “Fire Protection Report” and simply states that Section 6.3.3 of the Land Development Code is being met. Staff then utilizes the report as part of the Code review. The report may be more detailed if there are design elements that vary from those described in Section 6.3.3. When an alternative design is being proposed, supported requirements from the International Fire Code and/or NFPA standards should be quoted in support of the modifications.

3. When is a Fire Protection Commitment required (6.3.3(B))

Section 6.3.3(B)(2), Fire Protection Commitment, states:

*A written commitment to provide structural fire protection **may** be required for any proposed subdivision and the PCD Director may be requested for other development applications.*

The commitment letter will **not** be required when PCD staff have determined, via county assessor's records, that the project is within a fire protection district. When the County Assessor records don't show a district, the property owner must provide proof of district service and supply the commitment to serve letter.

- At time of EA, project manager shall search County Assessor records for a fire district. If one exists, then no commitment letter is required.
- If there is no fire protection district listed, a fire commitment letter will be required.

4. Construction in Wildland Fire Areas, Wildland Fire and Hazard Mitigation Plan Required (6.3.3(D))

6.3.3(D)(2) Wildland Fire and Hazard Mitigation Plan Required states that *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...*

The project manager should:

- At the EA, the PCD team should use the available mapping to determine if this study is required.
- Staff should send this study to the Fire Authority.

- If a district does not comment, email and/or call for comments.
- If the district comments require mitigation call the district and ask about fire mitigation measures.
- Notes on the Final Plat may require future mitigation or notice of certain requirements prior to building permit or certificate of occupancy. These will be used by PCD permit reviewers to ensure conditions are met.
- Staff should work with the fire protection district and the applicant to determine if mitigation needs are wrapped into the financial assurance. The Planner/Project Manager should verify if this is required and how it is being captured. The intent is that PCD puts triggers in place to verify conditions of approval or requirements have been met with future development.
- If the fire protection district does not comment on the study, staff should ensure that the requirements of the study, as provided by the applicant, are implemented.
- Colorado State Forest Service data is one source of data that can be utilized.
<https://coloradoforestatlas.org/>
- Staff and the applicant can discuss and determine what, if anything, is needed. It will be project dependent and location dependent.