

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission**  
**Brian Risley, 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**

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| 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 Marshal” 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 Marshal” 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:**
- Recommendation:**
- Waiver Recommendation:**
- Vote:**
- Vote Rationale:**
- Summary of Hearing:**
- Legal Notice:**

**B. APPLICABLE RESOLUTIONS:**

- Approval Page 7
- Disapproval Page 8

**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;
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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;
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- 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;
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- 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

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 ~~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, 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 thate 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 MarshalFire 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 recommend additional hydrants and closer spacing 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 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) **Recommendationview 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  |
|--|--|
| <p>9.14 m (30 ft) clearance.<br/>           Class A roof.<br/>           No portion of trees or other vegetation within 3.048 m (10 ft) of chimney outlets.<br/>           Trees within defensible space shall be pruned to minimize ladder fuels.</p> | <p>9.14 m (30 ft) irrigated.<br/>           Class A roof.<br/>           30.48 m (100 ft) fuel treatment.<br/>           Noncombustible siding/decks, and boxed eaves.<br/>           Selected fire-resistant trees within 9.1 m (30 ft) of structures.<br/>           Selected thinning of trees and shrubs.<br/>           Trees within defensible space shall be pruned to minimize ladder fuels.<br/>           All trees and shrubs pruned of dead material.<br/>           No portion of trees or other vegetation within 3.48 m (10 ft) of chimney outlets.</p> |

- (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.

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

**Fire Authority** — **For purposes of this Code, the person designated by the Fire District or Fire Department within whose 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.**

**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.

### **Fireworks Sales**

(A)

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

(B)

**Fire Authority Approval Required.** 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 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. 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.
  - (4) **Responsibility of Fire Authority.** 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 for Subdivisions.**
- (1) **Fire Protection Report.** 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.
  - (2) **Fire Protection Commitment.** 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.
  - (3) **Mitigation Costs Included in Construction Financial Assurance.** If the Board of County Commissioners determines that wildfire mitigation issues are significant enough to require mitigation associated with development construction activities, the cost of the mitigation shall be included in the construction financial assurance. The Fire Authority 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 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) 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 Authority may 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 Authority 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 may be provided to the 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 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 by the applicable 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 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 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.
- Maps and Location/Detail Drawings: The Fire Authority and El Paso County Sheriff's Office 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 approval authority 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 are adequate and the approval authority approves the mitigation measures.
- (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 approval authority.
  - (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 measures. (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 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 approval authority. The turnaround at the terminus shall have a minimum radius of 50 feet. The 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 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.
  - (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 . 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.
  - (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 Wildland Fire and Hazard Mitigation Plan. The 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 of Wildland Fire Risk and Hazard Rating.** The rating assignments developed to meet the requirements of this Code may be reviewed by the 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 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 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) clearance.<br>Class A roof.<br>No portion of trees or other vegetation within 3.048 m (10 ft) of chimney outlets.<br>Trees within defensible space shall be pruned to minimize ladder fuels. | 9.14 m (30 ft) irrigated.<br>Class A roof.<br>30.48 m (100 ft) fuel treatment.<br>Noncombustible siding/decks, and boxed eaves.<br>Selected fire-resistant trees within 9.1 m (30 ft) of structures.<br>Selected thinning of trees and shrubs.<br>Trees within defensible space shall be pruned to minimize ladder fuels.<br>All trees and shrubs pruned of dead material.<br>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.

# Agency Review Comments

## Project

**Project Name**

Land Development Code Revisions to 6.3.3, Fire Protection and Wildfire Mitigation

**Applicant**

El Paso County

Mark Gebhart

(719) 520-6323

**File Number**

LDC201

**Project Manager**

Nina Ruiz ( NinaRuiz@elpasoco.com )

(719) 520-6313

**Status**

Active

**Created**

7/21/2020 6:44:58 AM

## Review Comments (47)

| Agency                                      | Comment  | Date                  |
|---|--|-----------------------|
| Tri-Lakes-Monument Fire Protection District | No additional comments. JCB  | 11/3/2020 9:22:14 AM  |
| Falcon Fire Protection District             | no additional comments   | 11/2/2020 2:38:40 PM  |
| Black Forest Land Use Committee             | The Black Forest Land Use Committee has no inputs for this revision. | 10/29/2020 5:44:48 AM |
| Pikes Peak Regional Building Department     | no comment   | 10/27/2020 1:14:35 PM |



|  |  |                                       |
|--|--|---------------------------------------|
| <p>Academy SD<br/>20 Building<br/>Fund</p>   | <p>Academy District 20 is in receipt of file LDC201 and has no comment.<br/><br/>If you need additional information, please contact me.<br/><br/>Don Smith<br/>Planning Consultant<br/>719-234-1222</p>  | <p>10/26/2020<br/>7:46:48<br/>AM</p>  |
| <p>El Paso<br/>County<br/>Conservation<br/>Dist</p>                                    |  | <p>10/21/2020<br/>2:02:23<br/>PM</p>  |
| <p>County<br/>Attorney -<br/>Development<br/>Review</p>                                | <p>County Attorney comments are attached.</p>  | <p>10/20/2020<br/>2:38:06<br/>PM</p>  |
| <p>Northern EPC<br/>Coalition of<br/>Community<br/>Organizations,<br/>Inc. (NEPCO)</p> | <p>NEPCO reiterates the following 3 items that were not specifically dealt with during the latest re-write of this Code section. We also add one new comment below.<br/><br/>1. Section 6.3.3. uses the term "approval authority" 12 times in its revision, yet it does not define who the approval authority is.<br/><br/>2. Under the Land Development Code, Section 1.15 Definitions: Approval Authority -- The PCD Director, the BoCC, Planning Commission, Board of Adjustment, El Paso County Engineering Criteria Manual (ECM) Administrator, Building Official, or other person or agency, depending on the type of development permit or decision specified by State Statute or this Code, sanctioned to make a final decision approving, denying or conditionally approving the development permit or other requested action.<br/><br/>3. Therefore, what person/position is specified by State Statute or this Code and sanctioned to make a final decision approving, denying, or conditionally approving the 12 decisions in Section 6.3.3.?<br/><br/>Although the Town of Monument employees/staffers may assume that they know who the approval authority is for various actions, the members of the public for which the Code is written, certainly do not. Therefore, please address in this Code section, either generally or specifically, who the Approval Authority is under State Statute or Code, and/or how one tells who the Approval Authority is when there is no State Statute or Code that appears to delegate such authority. Thank you.</p> | <p>10/20/2020<br/>12:09:27<br/>PM</p> |

Ellicott Fire  
Protection  
District

I have reviewed the revised Chapter 6 of the El Paso County Land Development Code and discussed my previous comments with Nina Ruiz. At this time I do not have any objections with the revised land development code changes. I do have some comments and notes from our discussion.

10/20/2020  
9:31:14  
AM

Definition-

The definition of Fire Authority: The way it is revised does not change the way the code is used or interpreted. We did discuss that the Fire Authority Having Jurisdiction (AHJ) is a commonly used term and definition. It is suggested that this term and definition be considered for future revisions. However, whether or not this was used as the definition would not change the intent of the land development code.

### 6.3.3 Fire Protection and Wildfire Mitigation A(3) Relationship to Other Standards.

This section seemed to put the codes at odds. However, after review this section seeks alternatives from the Fire Authority and recommendations if such alternatives meet the intent of Chapter 6 of the Land Development Code and the Fire Code. Per our conversation this section does not diminish the authority of the Fire District or Fire Chief under C.R.S. 32-1-1002.

### 6.3.3 Fire Protection and Wildfire Mitigation A(4) Responsibility of Fire Authority.

"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."

I agree with this section. The next section is also correct however, it may not be how we practice the implementation of the code.

"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."

I believe that the developer should also be given the option of how to meet the intent of the code through alternative design. If unable or unwilling to do so then the Fire Authority would make recommendations on how to meet the intent of the code. There should be some agreement prior to approval by the Board of County Commissioners. This is simply a difference in how we use the code to ensure compliance. This meets the

general intent of both codes however we may look at revising this in the future.

### 6.3.3 Fire Protection and Wildfire Mitigation

#### C Design Standard

##### (1) Water Supply

##### (b) Automatic Fire Protection

This is the only section we discussed that requires a change. It should read:

Automatic Fire Protection shall be in compliance with the adopted PPRBD Regional Building Code and/or applicable adopted Fire Code. I believe the above section for Automatic Fire protection is the only one that needs to be change. Otherwise I support the other changed to Chapter 6 of the Land Development Code.

Thank you for letting me be a part of the review process.

Mark A Stanwood  
Fire Marshal  
Ellicott Fire Protection District  
Stratmoor Hills Fire Protection District  
Tri-County Fire Protection District  
719-360-0578

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Stratmoor Hills  
Fire  
Department

I have reviewed the revised Chapter 6 of the El Paso County Land Development Code and discussed my previous comments with Nina Ruiz. At this time I do not have any objections with the revised land development code changes. I do have some comments and notes from our discussion.

10/20/2020  
9:29:12  
AM

Definition-

The definition of Fire Authority: The way it is revised does not change the way the code is used or interpreted. We did discuss that the Fire Authority Having Jurisdiction (AHJ) is a commonly used term and definition. It is suggested that this term and definition be considered for future revisions. However, whether or not this was used as the definition would not change the intent of the land development code.

### 6.3.3 Fire Protection and Wildfire Mitigation A(3) Relationship to Other Standards.

This section seemed to put the codes at odds. However, after review this section seeks alternatives from the Fire Authority and recommendations if such alternatives meet the intent of Chapter 6 of the Land Development Code and the Fire Code. Per our conversation this section does not diminish the authority of the Fire District or Fire Chief under C.R.S. 32-1-1002.

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I believe that the developer should also be given the option of how to meet the intent of the code through alternative design. If unable or unwilling to do so then the Fire Authority would make recommendations on how to meet the intent of the code. There should be some agreement prior to approval by the Board of County Commissioners. This is simply a difference in how we use the code to ensure compliance. This meets the

general intent of both codes however we may look at revising this in the future.

6.3.3 Fire Protection and Wildfire Mitigation

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Thank you for letting me be a part of the review process.

Mark A Stanwood  
 Fire Marshal  
 Ellicott Fire Protection District  
 Stratmoor Hills Fire Protection District  
 Tri-County Fire Protection District  
 719-360-0578

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|                               |  |                              |
|-------------------------------|--|------------------------------|
| Colorado Springs Public Works | EDRD has no comments on this item.<br><br>Patrick V. Morris<br>Civil Engineer II<br>Public Works/Engineering Development Review<br>City of Colorado Springs<br>30 S. Nevada Ave., Suite 401<br>Colorado Springs, CO 80903<br>tel: 719-385-5075<br>Main: 719-385-5979<br>patrick.morris@coloradosprings.gov | 10/19/2020<br>2:17:39<br>PM  |
| Fountain                      | No additional comments per the Fountain Fire Department.   | 10/12/2020<br>11:28:52<br>AM |
| USAFA Base Planner            | Thank you for the opportunity to review. USAFA does not have any additional comments or concerns.  | 10/8/2020<br>11:53:42<br>AM  |

|   |   |                             |
|---|---|-----------------------------|
| Cimarron Hills Fire                                   | Land Development Code, Fire Protection Revision looks good and I have no further comments at this time. I would like to attend further meetings and show support for this Code Revision. JT McLeod Division Chief Fire and Life Safety, CHFD. | 10/8/2020<br>8:28:57<br>AM  |
| Schriever AFB   | Schriever AFB has no issues or concerns.  | 10/8/2020<br>7:58:34<br>AM  |
| Colorado Department of Transportation - Pueblo Office |   | 10/7/2020<br>5:22:37<br>PM  |
| Pikes Peak Regional Building Department               | No comment  | 8/17/2020<br>8:06:30<br>AM  |
| Tri-Lakes-Monument Fire Protection District           | No additional comments to the ones previously submitted about seeking clarification as to who the actual Authority having jurisdiction will be. JCB   | 8/13/2020<br>11:28:46<br>AM |
| County Attorney - Development Review                  | County Attorney's Office will work with staff outside the eDARP process to review and finalize drafts.  | 8/13/2020<br>9:32:55<br>AM  |
| Woodmen Hills Metro                                   | Woodmen Hills Metropolitan District objects to (C) Design Standards (1) Water Supply (c) Areas with Central Water Systems (ii) Dead end mains shall not exceed 600 feet in length for main sizes less than 10 inches in diameter.             | 8/12/2020<br>4:41:23<br>PM  |
| Falcon Fire Protection District                       |   | 8/11/2020<br>2:31:47<br>PM  |

|  |   |                                      |
|--|---|--------------------------------------|
| <p>Colorado<br/>Springs Public<br/>Works</p> | <p>City SWENT has no comments.</p><br><p>Anna Bergmark<br/>Stormwater Enterprise<br/>City of Colorado Springs<br/>30 S. Nevada Ave., Suite 401<br/>Colorado Springs, CO 80901<br/>(719) 385-5613 office<br/>(719) 619-9427 Cell<br/>Anna.Bergmark@coloradosprings.gov</p>   | <p>8/11/2020<br/>9:10:52<br/>AM</p>  |
| <p>Colorado<br/>Springs Public<br/>Works</p> | <p>Engineering Development Review Division has no comments</p><br><p>Patrick V. Morris<br/>Civil Engineer II<br/>Public Works/Engineering Development Review<br/>City of Colorado Springs<br/>30 S. Nevada Ave., Suite 401<br/>Colorado Springs, CO 80903<br/>tel: 719-385-5075<br/>Main: 719-385-5979<br/>patrick.morris@coloradosprings.gov</p> | <p>8/10/2020<br/>10:37:08<br/>AM</p> |



|                                       |  |                           |
|---------------------------------------|--|---------------------------|
| Stratmoor Hills<br>Fire<br>Department | The Stratmoor Hills Fire Protection District Objects to the revisions to the Land Development Code Section 6.3.3 Fire Protection and Wildfire Mitigation. The Stratmoor Hills Fire Protection District firmly believes that Section 6.3.3 Fire Protection and Wildfire Mitigation does not apply to a Fire District with an adopted Fire Code approved by the El Paso County Commissioners. The Stratmoor Hills Fire District has adopted the 2009 Intentional Fire Code with local amendments, which has been approved by the El Paso County Board of County Commissioners. This adoption and approval makes the code a law equal to the Land development code. However the state statute CRS 32-1-1002 makes the authority, responsibility and enforcement of the code a state law once approved by the Board of County Commissioners. The International Fire Code is more stringent and detailed than the Section 6.3.3 Fire Protection and wildfire Mitigation. The Stratmoor Hills Fire Protection District Intends on continuing to use the International Fire Code as an enforceable law. This being said we do believe that Section 6.3.3 Fire Protection and Wildfire Mitigation is an important section for Fire Protection Districts without an adopted Fire Code. Please keep us informed of any future meetings or hearings related to this matter. See attached. | 8/8/2020<br>9:43:54<br>AM |
|---------------------------------------|--|---------------------------|

Mark Stanwood  
 Fire Marshal  
 Stratmoor hills Fire Protection District  
 719-360-0578  
 markstanwood32@gmail.com

|                                       |                           |
|---------------------------------------|---------------------------|
| Stratmoor Hills<br>Fire<br>Department | 8/8/2020<br>9:18:04<br>AM |
|---------------------------------------|---------------------------|

|                                       |                           |
|---------------------------------------|---------------------------|
| Stratmoor Hills<br>Fire<br>Department | 8/8/2020<br>9:17:37<br>AM |
|---------------------------------------|---------------------------|

Ellicott Fire Protection District

The Ellicott Fire Protection District objects to the proposed changes to the Land development Code Section 6.3.3, Fire Protection and Wildfire Mitigation as submitted. The basis of the changes were to remove the term Fire Marshal and replace with Fire Authority. However, the changes went far beyond simply changing the titles. First of all we believe the section Fire Protection does not apply to a Fire Protection District with an adopted Fire Code approved by the El Paso County Board of County Commissioners. However, this code is extremely important to Fire Districts without an adopted Fire Code. Per State law Fire Districts can enforce local laws pertaining to Fire Protection. The Ellicott Fire Protection District currently does not have an adopted fire code. Even with this code in-place here have been developments approved that did not conform to this code. Example a large commercial dog rescue and kennel complex without fire protection water supply. A urban/suburban development change to a PUC with residential (6,000 SQ FT) lots with 3.5 FT side set backs. This is in an area surrounded by large lots with the smallest nearby being 5 acres. The proposed hundreds of lots are in a rural volunteer fire district locate 15 miles outside of Colorado Springs. This development extremely exceeds the capabilities of the Fire Department and should never have been approved. However, we are working with the developer to make it work. Another Residential development we required a single 30,000 gallon Cistern. we have heard the developer is proceeding with the project without a Cistern and no fire protection water supply. These are just examples of how this code has not worked very well for us so far. So we have decided to adopt the 2015 International Fire code and are currently going through the approval process. I have attached a red-line version of our proposed changes to the Land Development Code Section 6.3.3 and a second document with comments. Please see attachments. We believe there needs to be more discussion on this topic. However, we request to be informed of any public hearings related to these changes. Thank you.

Mark Stanwood  
 Fire Marshal  
 Division Chief of Fire  
 Ellicott Fire Department  
 markstanwood32@gmail.com  
 719-360-0578

Ellicott Fire Protection District

8/6/2020  
 8:24:10  
 PM

|   |   |                            |
|---|---|----------------------------|
| Ellicott Fire<br>Protection<br>District                                     |   | 8/6/2020<br>8:23:43<br>PM  |
| Academy SD<br>20 Building<br>Fund   | Academy District 20 is in receipt of file number LDC201.<br><br>The District has no comment regarding the proposed changes.<br><br>Don Smith<br>Planning Consultant   | 8/5/2020<br>7:45:06<br>AM  |
| Woodmoor<br>Water and<br>Sanitation<br>District                             | 6.3.3.C.c: Item (ii) seems to conflict with item (v). For clarification on dead-end mains, is it that a 6" dead-end pipe cannot exceed 300 ft, an 8" dead-end pipe cannot exceed 600 ft, and no pipe less than 10" in diameter can exceed 600 ft on a dead-end main?<br><br>For reference:<br><br>ii. Dead-End Mains. Dead-end mains shall not exceed 600 feet in length for main sizes less than 10 inches in diameter.<br><br>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.   | 8/3/2020<br>5:37:04<br>PM  |
| Northern EPC<br>Coalition of<br>Community<br>Organizations,<br>Inc. (NEPCO) | Section 6.3.3. uses the term "approval authority" 12 times in its revision, yet it does not define who the approval authority is.<br><br>Under the Land Development Code, Section 1.15 Definitions: Approval Authority -- The PCD Director, the BoCC, Planning Commission, Board of Adjustment, El Paso County Engineering Criteria Manual (ECM) Administrator, Building Official, or other person or agency, depending on the type of development permit or decision specified by State Statute or this Code, sanctioned to make a final decision approving, denying or conditionally approving the development permit or other requested action.<br><br>Therefore, what person/position is specified by State Statute or this Code and sanctioned to make a final decision approving, denying or conditionally approving the 12 decisions in Section 6.3.3.? Thank you. | 8/3/2020<br>11:51:44<br>AM |
| Black Forest<br>Land Use<br>Committee                                       | I believe this is a duplicate in EDARP. The Black Forest Land Use Committee has no comments.  | 7/30/2020<br>6:38:00<br>AM |

|   |  |                             |
|---|--|-----------------------------|
| Black Forest<br>Land Use<br>Committee     | The Black Forest Land Use Committee has no comments or recommended changes.  | 7/30/2020<br>6:36:48<br>AM  |
| Schriever AFB                             | Schriever AFB has no issues or comments.   | 7/28/2020<br>1:45:46<br>PM  |
| Fountain                                  | No comments. The Fountain Fire Inspector had previously reviewed the documents and those comments have been incorporated into this document.   | 7/28/2020<br>1:27:33<br>PM  |
| Fountain                                  | No comments. The Fountain Fire Inspector had previously reviewed the documents and those comments have been incorporated into this document.   | 7/28/2020<br>1:25:29<br>PM  |
| The Glen<br>Metro Districts<br>(1 - 3)    | No comment   | 7/27/2020<br>2:58:47<br>PM  |
| Colorado<br>Springs Public<br>Works       | Traffic Engineering has no comments on this item.<br><br>Zaker Alazzeah, P.E.<br>Traffic Engineering Manager<br>City of Colorado Springs<br>(719) 385-5468<br>Zaker.Alazzeah@coloradosprings.gov | 7/27/2020<br>1:36:25<br>PM  |
| El Paso<br>County<br>Conservation<br>Dist | The El Paso County Conservation District board of supervisors have no comments at this time.<br><br>Thank you,<br>Ken Barker<br>Board President  | 7/27/2020<br>11:06:33<br>AM |
| El Paso<br>County<br>Conservation<br>Dist | The El Paso County Conservation District board of supervisors have no comment at this time.<br><br>Thank you,<br>Ken Barker<br>Board President   | 7/27/2020<br>10:53:26<br>AM |
| Colorado<br>Springs Fire<br>Department    | See attached document for comments.  | 7/23/2020<br>1:08:18<br>PM  |

|  |   |                                     |
|--|---|-------------------------------------|
| <p>Colorado Springs Fire Department</p>                                | <p>See attached document for comments.</p>  | <p>7/23/2020<br/>1:05:54<br/>PM</p> |
| <p>Cimarron Hills Fire</p>   | <p>Document and changes look good. I would maybe consider using "Authority Having Jurisdiction" rather than Fire Authority. "Fire Authority" could be considered a different version of a "Fire District." Otherwise everything looks good and we are already following this as a Fire Protection District.</p> <p>J.T. McLeod<br/>Division Chief of Fire Prevention, CHFD<br/>Fire Inspector III-Plan Examiner</p> | <p>7/22/2020<br/>1:08:20<br/>PM</p> |
| <p>Academy SD 20 Building Fund</p>                                     | <p>Academy School district is in receipt of file number LDC201. The district has no comment regarding the proposed revisions.</p> <p>Don Smith<br/>Planning Consultant</p>  | <p>7/22/2020<br/>7:27:44<br/>AM</p> |
| <p>Colorado Springs Utilities, Dev, Svc.(includes water resources)</p> | <p>Colorado Springs Utilities has no comment on the attached documents. Review request should be sent to Colorado Springs Fire Department for any objections or comments.<br/>-Kyle Schelhaas, 719-668-8126, kschelhaas@csu.org</p>   | <p>7/21/2020<br/>1:39:57<br/>PM</p> |
| <p>Colorado Springs Utilities, Dev, Svc.(includes water resources)</p> | <p>Colorado Springs Utilities has no comment on the attached documents. Review request should be sent to Colorado Springs Fire Department for any objections or comments.<br/>-Kyle Schelhaas, 719-668-8126, kschelhaas@csu.org</p>   | <p>7/21/2020<br/>1:39:37<br/>PM</p> |



## El Paso County Conservation District

5610 Industrial Place, Ste 100, Colorado Springs, CO 80916, Phone (719)600-4706

[EPCCDistrict@yahoo.com](mailto:EPCCDistrict@yahoo.com)

<http://www.EPCCD.org>

### Board of Supervisors

Kenneth Barker, President

John Eastlake, Vice President  
Katie Miller, Secretary/Treasurer

Roger Rasner, Supervisor  
Pamela Davison, District Manager

To Whom it May Concern:

The El Paso County Conservation District Board of Supervisors have no comments on this review at this time.

*Kenneth Barker*

EPCCD Board President  
Kenneth Barker

## County Attorney Comments

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

~~Fire Marshal Authority~~ — For purposes of this Code, El Paso County Fire Marshal, a person designated by the Fire District or Fire Department within whose boundaries the property lies. For purposes of conducting reviews and making recommendations pursuant to Section 6.6.3, 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.

**Commented [LS1]:** Including this "part-time" definition creates confusion, as it is not always clear in the text of the regulations when the Sheriff's Office may be included. I recommend you delete this from the definition of Fire Authority, and specifically add the Sheriff's Office to those substantive provisions where it is needed.

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.

### Fireworks Sales

(A)

**Sales Period Limited.** Fireworks sales are limited to the period from May 31 to July 6th each year.

(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 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.** ~~The purpose of this section is to~~ ensure that proposed development is reviewed in consideration of the wildfire risks and need to provide adequate fire protection ~~by in order to:~~

- ~~Regulating~~ development, buildings, and structures so as to minimize the hazard to public health, safety, and welfare;

- Ensuring that adequate fire protection is available for new development;
- Implementing wildfire hazard reduction in new development;
- Encouraging voluntary efforts to reduce wildfire hazards; and
- Reducing 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, 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 a written commitment 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 Authority 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 or shall provide evidence of a contract for service from 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:

**Commented [LS2]:** This phrase is used several times in this section. Is it defined anywhere?

- 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.~~

(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-Marshall~~Fire Authority may ~~require~~ recommend additional hydrants and closer spacing 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-Marshall~~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-Marshall~~Fire Authority has recommended and the approval authority has approved an alternative fire protection water supply system.

**Commented [LS3]:** This phrase is used throughout this section. Who is the approval authority? If it's the BoCC, please just change all instances of use to BoCC.

- **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~~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~~right-of-way or approved easement, unless otherwise recommended approved by the applicable Fire Authority and approved by the approval authority.
- **Easements Required:** Fire cistern easements shall be provided and dedicated to the appropriate fire department or fire district 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 entity having jurisdiction over the roadway 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-~~4~~ 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.~~

**Commented [LS4]:** Is the County going to enforce this? If not, is there another way to address?

- **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.

**Commented [LS5]:** The County does not have the authority to require the Fire Authority and the SO to do this. Is there another way to address?

- **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 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 ~~Fire 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. Any 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 long, 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 ~~S~~section.
- (b) **Risk Assessment Required.** A wildland fire risk 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.

**Commented [LS6]:** Seems like a lot of duplicative, unnecessary words. Can it just be "risk" or "hazard"?

**Commented [LS7]:** Is County code enforcement going to enforce this? If not, is there another way to address?

- (ii) Approved vehicular access shall be provided to within 150 feet 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 Fire Authority local fire protection agency identifies a specific fire danger.
  - (b) **Development of Plan.**
    - (i) General Mitigation Plan Requirements. This plan shall address include, but not be limited to, the following issues:
      - 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) clearance.<br>Class A roof.<br>No portion of trees or other vegetation within 3.048 m (10 ft) of chimney outlets.<br>Trees within defensible space shall be pruned to minimize ladder fuels. | 9.14 m (30 ft) irrigated.<br>Class A roof.<br>30.48 m (100 ft) fuel treatment.<br>Noncombustible siding/decks, and boxed eaves.<br>Selected fire-resistant trees within 9.1 m (30 ft) of structures.<br>Selected thinning of trees and shrubs.<br>Trees within defensible space shall be pruned to minimize ladder fuels.<br>All trees and shrubs pruned of dead material.<br>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.



**COLORADO**  
**Department of Transportation**  
Region 2 Permits  
5615 Wills Blvd.  
Pueblo, CO 81008-2349

September 23, 2020

Nina Ruiz, Project Manager  
El Paso Planning & Community  
Development  
2880 International Circle  
Colorado Springs, CO 80910

RE: Fire Protection & Wildfire Mitigation | Revisions to remove Fire Marshal  
LDC201 Land Development Code Revisions to 6.3.3

Dear Nina,

I am in receipt of a referral request for comment on a Land Development Code Revision to 6.3.3, Fire Protection and Wildfire Mitigation. I have the following comments;

- Revisions will not affect CDOT infrastructure. No Comment.

However,

- On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Todd Ausbun at (719) 696-1403 for any questions regarding advertising devices.
- Any utility work within the state highway right of way will require a utility permit from the CDOT. Information for obtaining a utility permit can also be obtained by contacting Mr. Ausbun.

Please contact me in Pueblo at (719) 562.5537 with any questions.

Sincerely,

Michelle Regalado  
CDOT R2 Access Management Trainee

Xc: Ferguson  
Bauer/Patrol 9  
Ausbun  
Vigil/Gonzales/file



# FALCON FIRE PROTECTION DISTRICT

7030 Old Meridian Road Falcon Colorado 80831

Business Number: 719-495-4050

Business Fax: 719-495-3112

[www.falconfirepd.org](http://www.falconfirepd.org)



August 11, 2020

RE: Land Development Code Revisions to 6.3.3, Fire Protection and Wildfire Mitigation

Nina,

Thank you for the opportunity to reply to the proposed revisions to section 6.3.3 pertaining to fire in the land development code. For the most part, Falcon Fire has worked with and supports the comments that were provided by Mark Stanwood with the Ellicott Fire District.

Falcon Fire would like to expand on a few areas that have never been clear to us or the Developers we have worked with over the year.

## 6.3.3. (B) (1)

### Fire Protection Report

This section actually has more in it now that it has been rewritten that seems to be better. Fire has never understood what this reports purpose is. What is done with the report by the county planners? For years now, most development companies have just used standard reports that contain the same information from the appropriate Districts that they have used for years. Most information is not accurate. In addition, Fire has no idea what the County is looking for or doing with this information. IF this information has no impact o the approval of any new development then I don't see the reason to require it. If a Fire District does not think they have the needed infrastructure, capabilities or equipment to support a proposed new development they have the opportunity to respond at the time of review and before giving a commit to serve letter.

(C)

(b) (i) and (ii) should just follow current code as written or adopted.

(C) (d) (i)

### Fire Cisterns

This section has a lot of requirements that do not follow any known codes or standards.

Bullet point 1- Fire cistern should be required if there is no other fire water supply available. We strongly agree with this requirement.

Bullet point 2- Fire Cisterns should comply with standards and follow NFPA and ISO requirements. Insurance Services Office only recognizes a cistern of 30,000 gallon or more.

Bullet point 3 & 4- this is where the LDC gets confusing and no one in the development area or Fire knows where this comes form or how to determine it. There is really no difference in the standard on the number of cisterns required other than the Districts ability to haul water from

## **FALCON FIRE PROTECTION DISTRICT**

7030 Old Meridian Road Falcon Colorado 80831

Business Number: 719-495-4050

Business Fax: 719-495-3112

*[www.falconfirepd.org](http://www.falconfirepd.org)*

them and the travel distance they can haul that water. Cisterns should be required. The number should be determined using the standards and the Fire Districts based on their ability.

Bullet point 5 & 6 are good.

Apply to Stratmoor as well

**Ellicott Fire Protection District Response with comments to Land Development Code Revisions to 6.3.3, Fire Protection and Wildfire Mitigation**

**First line:**

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

**First Line and First Paragraph:**

Where is this found in the code?

*The term "Fire Authority" is more correctly "Fire Authority Having Jurisdiction". I suggest using the Pikes Peak Regional Building Department definition:*

*The PPRBD Regional Building Code Section 101 General provisions RBC 101.5 Definitions:  
The Fire Authority – The applicable Fire Protection District or municipal Fire Department having Jurisdiction to adopt and enforce the Fire Code.*

**Recommend changing the First Line and First Paragraph to:**

Fire ~~Marshal~~ Authority — For purposes of this Code, ~~El Paso County Fire Marshal~~ A the applicable Fire District or, Fire Department having Jurisdiction to adopt and enforce the Fire Code, within whose ~~their~~ boundaries the property lies, or 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.

*See above justification.*

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 are qualified to provide comment, recommendations and approvals.

*State of Colorado Inspector II meets or exceeds these other requirements.*

**Fireworks Sales**

Fire Department 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.

*I do not oppose this change however you may want to ensure there is fire protection coverage where there is no fire department to respond.*

**Recommend changing-**

**6.3.3 Fire Protection and Wildfire Mitigation**

**A(2) Applicability.**

This Section shall apply to all development applications and permits within the unincorporated areas of El Paso County without a fire code adopted and approved by the El Paso County Board of County Commissioners. The standards and requirements related to construction in wildland areas are applicable on all land within unincorporated El Paso County 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.

*Section 6.3.3 Fire Protection and Wildfire Mitigation does not apply to areas of unincorporated El Paso County within the boundaries of a Fire Protection District with a Fire Code adopted and approved by the El Paso County Board of County Commissioners. The adopted Fire Code is a law with equal to, if not with more, authority than this code. The authority of the Fire Code and its enforcement is based upon state law. However this code as intended covers those Fire Protection Districts without an adopted fire code and those areas within the unincorporated El Paso County that are not in Fire Protection District. EXCEPTION: construction in wildland areas applies whether or not a fire code has been adopted. Therefore this section of the code "construction in wildland areas" must be reviewed and enforced by the Planning and Community Development Director.*

*C.R.S. 32-1-1002. Fire protection districts - additional powers and duties.*

*32-1-1002 (1) (d) To adopt and enforce fire codes, as the board deems necessary, but no such code shall Apply within any municipality or the unincorporated portion of any county unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries; except that nothing in this paragraph (d) shall be construed to affect any fire codes existing on June 30, 1981, which have been adopted by the governing body of a municipality or county. Notwithstanding any other provision of this section, no fire protection district shall prohibit the sale of permissible fireworks, as defined in section 12-28-101 (8), C.R.S., within its jurisdiction.*

*32-1-1002 (3) (b) The chief of the fire department in each fire protection district shall:*

*32-1-1002 (3) (b) (II) (A) Inspect, or cause to be inspected by members or officers of his department, as often as he shall deem necessary, all buildings, premises, and public places, except the interior of any private dwelling, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or for the purpose of obtaining information relative to the violation of the various provisions of this subsection (3). Any individual conducting such inspection shall carry on his person properly authorized fire department identification which shall be shown, on request, to the owner, lessee, agent, or occupant of any structure prior to the inspection of the same.*

*32-1-1002 (3) (b) (II) (B) The chief of any such fire department or fire department members designated by the chief have the authority to enter into all structures and upon all premises within their respective jurisdictions at reasonable times during business hours or such times as such structures or premises are open for the purpose of examination in conformity with the duties imposed by this subsection (3), and it is unlawful for any person to interfere with the chief of any such fire department, or any member of such fire department designated by the chief to conduct an inspection, in the discharge of his duties or to hinder or prevent him from entering into or upon or from inspecting any buildings, establishments, enclosures, or premises in the discharge of his duties.*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **A (3) Relationship to Other Standards.**

Where a Fire ~~department-Authority~~ has adopted a Fire Code standard approved by the El Paso County Board of Commisioners, the more restrictive shall apply. In the case of a conflict between the Fire ~~district-Authority~~ standards (without an adopted Fire Code) and this code, the Fire ~~Marshal-Authority~~ may approve an alternative design which accomplishes the purposes of this section and provides an equivalent or similar benefit to the property or the community. The El Paso County Planning and Community Development could make recommendations on alternative design on behalf of the



developer or contractor. If a developer or contractor disagrees with any disapproval by the Fire Authority they may appeal the decision to the El Paso County Board of County Commissioners and or seek remedies under Colorado State Law C.R.S. 32-1-1002.

*The adopted and approved Fire code of a Fire Protection District is more stringent and supersedes this code. However, Fire Protection Districts without an adopted fire code do have authority to enforce this code and to apply the state law and other laws in regards to fire protection.*

*C.R.S. 32-1-1002. Fire protection districts - additional powers and duties.*

*32-1-1002 (1) (f) In areas of the special district where the county or municipality has rejected the adoption of a fire code submitted by the fire protection district, to compel the owners of premises, whenever necessary for the protection of public safety, to install fire escapes, fire installations, fireproofing, automatic or other fire alarm apparatus, fire extinguishing equipment, and other safety devices. This paragraph (f) shall not apply when a valid ordinance providing for fire safety standards, pursuant to section 30-15-401.5, C.R.S., is in effect.*

*32-1-1002 (3) (b) The chief of the fire department in each fire protection district shall:*

*32-1-1002 (3) (b) (I) Enforce all laws of this state and ordinances and resolutions of the appropriate political subdivisions relating to the prevention of fires and the suppression of arson;*

*Remedies under Colorado State Law C.R.S. 32-1-1002.*

*32-1-1002 (3) (c) Any such owner, lessee, agent, or occupant who feels himself aggrieved by any such order may file, within five days after the making of any such order, a petition with the district court of the county in which such premises or building is located, requesting a review of such order, and it is the duty of such court to hear the same at the first convenient day and to make such order in the premises as justice may require, and such decision shall be final*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **A(4) Responsibility of Fire Authority.**

The Fire ~~Marshal~~ Authority shall have authority to enforce the provisions of this Section. It is the responsibility of the Fire Authority to provide recommendations as to whether a new development meets the applicable fire 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 The compliance. The Fire ~~Marshal~~ Authority shall be authorized to develop and utilize forms and checklists to implement the requirements of this Section. In areas where a fire code has not been adopted and the Fire Authority has not commented in the allotted time frame it shall be the responsibility of the El Paso County Planning and Community Development to insure that the intent of this section is being complied with by the developer or contractor.

*The Fire Authority does have the authority to enforce this code. However they also have the responsibility to make recommendations. Small rural all volunteer fire departments may not have the time, manpower and or expertise to review and make recommendations in the 2 week time frame given. Therefore the El Paso County Planning and Community Development should make an effort to ensure the intent of this section is being complied with when there is no review completed by the fire districts. FYI – some fire districts did not know this section of the code existed until recently.*

*32-1-1002 (3) (b) The chief of the fire department in each fire protection district shall:*

*32-1-1002 (3) (b) (I) Enforce all laws of this state and ordinances and resolutions of the appropriate political subdivisions relating to the prevention of fires and the suppression of arson;*

**Recommend changing-**

### 6.3.3 Fire Protection and Wildfire Mitigation

#### B Reports and Commitments ~~Required~~ for Subdivisions.

##### B (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 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 standards.

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

~~B (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 Authority 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.

~~B (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.~~

*I am not opposed to the changes purposed for this section.*

#### Recommend changing-

### 6.3.3 Fire Protection and Wildfire Mitigation

#### 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

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

#### Recommend changing-

### 6.3.3 Fire Protection and Wildfire Mitigation

## C Design Standards

### **(1) Water Supply**

#### **(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. Automatic fire Protection shall be in compliance with the current adopted PPRBD Regional Building Code. This includes the sprinkler requirements for residential 1 & 2 family dwellings and townhomes under the IRC as well as all other commercial and multi-family residential dwellings under the International Building Code.~~

~~(ii) Multifamily Residential Structures. Any multifamily residential building containing more than 2 dwelling units shall have an automatic sprinkler system installed.~~

*Should reference the Pikes Peak Regional Building Department adopted building code which includes changes to the IRC and IBC. Chapter 9 of the IBC is the same as Chapter 9 of the IFC. Keeping it simple.*

#### **Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1)Water Supply**

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

###### **(iii) Fire Hydrant Spacing**

Fire hydrants shall be located so that all residential structures are within ~~500~~ 600 feet and all nonresidential structures are within ~~150~~ 400 feet of a hydrant. Fire hydrants shall be installed adjacent to a road or emergency vehicle lane at a spacing not to exceed ~~660~~ 800 feet of vehicle travel distance. Where the proposed buildings warrant, the Fire ~~Marshal~~ Authority may ~~require allow fewer hydrants and greeter spacing distance or require~~ additional hydrants and closer spacing based on applicable fire standard.

*Fire Authority can increase or decrease the distance required.*

*507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.*

*Exceptions:*

- 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).*
- 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m). Maximum Spacing may be reduced per IFC Appendix "C"*

#### **Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1)Water Supply**

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

###### **(vi) 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).

*Add Fire District – FYI all county fire agencies are Fire Protection Districts.*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1) Water Supply**

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

###### **(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~~ Authority determines another location is more acceptable for the 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.

*Replace “Fire Marshal” with “Fire Authority” throughout.*

*Add Fire District – FYI all county fire agencies are Fire Protection Districts.*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1) Water Supply**

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

###### **(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 be provided to the Fire ~~Marshal~~ Authority if requested.

*Replace “Fire Marshal” with “Fire Authority” throughout. Fire Authority should be requesting test certification documentation and maintaining on file. This must be done prior to prior to release of construction financial assurance.*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1) Water Supply**

###### **(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~~ Authority has approved an alternative fire protection water supply system.

*Replace “Fire Marshal” with “Fire Authority” throughout.*



~~• 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.~~

• Design Standards for Subdivisions: Fire cisterns shall meet the applicable NFPA design criteria and Fire Authority requirements. Fire cisterns shall meet the requirements of the NFPA standards for water supplies for suburban and rural fire fighting. Minimum acceptable cistern size shall be 30,000 gallons. Cistern spacing shall be determined by the Fire Authority.

*This was confusing, simplified to meet NFPA design criteria and standards. Minimum 30,000 Gallon Cistern per ISO, less than required by the IFC requirement, and meets National Standard minimum.*

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 approved by the applicable Fire ~~Marshal~~ Authority.

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

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1) Water Supply**

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

##### **(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~~ Authority.

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

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 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.

*Per previous should conform to NFPA design standards.*

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 ownership and maintenance

responsibilities for the facilities shall be approved by the Fire ~~Marshal~~ Authority per NFPA Standards.

*Replace "Fire Marshal" with "Fire Authority" throughout.  
Per previous should conform to NFPA design standards.*

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.

*Replace "Fire Marshal" with "Fire Authority" throughout. Maps should be maintained.*

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(1) Water Supply**

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

##### **(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 ~~Marshal~~ Authority.

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

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(2) Roads**

##### **(e) Road Grades in Wildland Fire Areas**

Within wildland fire areas, road grades steeper than 10 percent may be permitted where mitigation measures can be agreed on by the Fire ~~Marshal~~ Authority and the ECM Administrator.

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

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

#### **C Design Standard**

##### **(3) Non-Road Access**

##### **(c) Emergency Vehicle Lanes Required**

Emergency vehicle lanes shall be provided as required by the Fire ~~Marshal~~ Authority.

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

**Recommend changing-**

### **6.3.3 Fire Protection and Wildfire Mitigation**

**C Design Standard**  
**(3) Non-Road Access**  
**(h) Grades**

~~Road grades steeper than 10 percent may be permitted where the Fire Authority and ECM Administrator Approve the mitigation measures as adequate, and the property owner agrees on the mitigation measures. 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.~~

*Replace "Fire Marshal" with "Fire Authority" throughout. No objections to the 10% grade wording.*

**Recommend changing-**  
**6.3.3 Fire Protection and Wildfire Mitigation**

**C Design Standard**  
**(3) Non-Road Access**  
**(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~~ Authority.

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

**Recommend changing-**  
**6.3.3 Fire Protection and Wildfire Mitigation**

**C Design Standard**  
**(3) Non-Road Access**  
**(j) Turnouts and Turnarounds Required**  
**(ii) Turnarounds Required**

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~~ Authority. The turnout at the terminus shall have a minimum radius of ~~50- 96~~ feet. The Fire ~~Marshal~~ Authority shall be authorized to approve, as an alternative, a "~~120 -hammerhead~~" or "~~60 FT Y~~" turnout to provide emergency vehicles with a three-point turnout.

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

*Impossible to turnout a 30 FT + fire truck in a 50 FT turnout. IFC Minimum 96 FT and give the other alternatives.*

**Recommend changing-**  
**6.3.3 Fire Protection and Wildfire Mitigation**

**C Design Standard**  
**(4) Gates.**  
**(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~~ Authority.

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

Recommend changing-

**6.3.3 Fire Protection and Wildfire Mitigation**

**D Construction in Wildland Fire Areas.**

**(1) General.**

**(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.~~

*Maintaince applicable standard; still enforceable by the Fire Authority.*

Recommend changing-

**6.3.3 Fire Protection and Wildfire Mitigation**

**D Construction in Wildland Fire Areas.**

**(1) General.**

**(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.

*Should be per NFPA standard.*

Recommend changing-

**6.3.3 Fire Protection and Wildfire Mitigation**

**D Construction in Wildland Fire Areas.**

**(1) General.**

**(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.~~

*Should be per applicable standard.*

Recommend changing-

**6.3.3 Fire Protection and Wildfire Mitigation**

**D Construction in Wildland Fire Areas.**

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

**(b) Development of Plan.**

**(ii) Approval of ~~Fire Marshal~~ the Wildland Fire and Hazard Mitigation Plan.**

The Fire ~~Marshal~~ Authority shall approve the mitigating measures relative to access, defensible space, water supply, and construction based on the relative risk and hazard rating, per the applicable fire standards.

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

*Should be per NFPA standard.*

Recommend changing-

**6.3.3 Fire Protection and Wildfire Mitigation**

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

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



**(d) Review of Wildland Fire Risk and Hazard Rating**

The rating assignments developed to meet the requirements of this Code shall be reviewed by the Fire ~~Marshal Authority~~.

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

**Recommend changing-**

**6.3.3 Fire Protection and Wildfire Mitigation**

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

**(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 Authority~~ in consultation with the 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:

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

**Recommend changing-**

**6.3.3 Fire Protection and Wildfire Mitigation**

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

**(4) No Permit or Approval Granted without Compliance**

- The fire protection district responsible for providing fire protection services to the project has adopted a fire code or recommended ~~with~~ a more stringent design standard from that contained herein;

*Construction in Wildland Fire Areas is applicable whether there is an adopted fire code or not.*

**Recommend changing-**

**6.3.3 Fire Protection and Wildfire Mitigation**

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

**(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 approved fire protection plan ~~as approved by the Fire Marshal~~.

*Should be per NFPA standard.*

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

~~Fire Marshal Authority~~ — **For purposes of this Code, El Paso County Fire Marshal, A the Fire District or, Fire Department within whose their boundaries the property lies, or 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 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.**

**Fireworks Sales**

(A)

**Sales Period Limited.** Fireworks sales are limited to the period from May 31<sup>st</sup> to July 6th each year.

(B)

~~Fire Department 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;

**Commented [SDS1]:** Recommend adding that the 3<sup>rd</sup> Party must be associated or otherwise accepted by a Fire Authority or other governing agency. I guess I'm trying to prevent someone off the street self certifying for some area/location without that area/location knowing about it. Hope that makes sense.

**Commented [SDS2]:** Probably should reword this to Fire Authority to keep consistency?

- 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, 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 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 may be requested by the ~~Fire Marshal~~ Fire Authority 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 Authority 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

Commented [SDS3]: Fire Authority?

Commented [SDS4]: Doesn't quite make sense to me... the first part reads as if this is may be required by the county... to ensure the capabilities of the local fire response as compared to the proposed development. However the last part seems to indicate that a Fire Authority can ask the Fire Authority (aka themselves?) for such a commitment.

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.~~

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

(i) **Water Distribution System Pressure.** The water distribution system shall be capable of delivering the required 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.

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Commented [SDS10]: Fire Authority?

Commented [SDS11]: My recommendation



- (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~~ recommend additional hydrants and closer spacing.
- (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) capable of supporting the imposed weights of the Fire Authorities apparatus.
- (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.

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Commented [SDS14]: What is this? Where is this spelled out?

Commented [SDS15]: The definition of Fire Authority includes fire district or fire department. So this sounds redundant and unnecessary.

Commented [SDS16]: I recommend keeping this as "shall" so as to allow the Fire Authority the benefit of knowing which systems have met requirements.

(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~~.

Commented [SDS17]: Reads better without "the"

Commented [SDS18]: This leaves it wide open. Recommend limiting it to the heaviest apparatus of the Fire Authority or water purveyor, whichever is greater.

- **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. 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 Sheriff'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 Sheriff'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 fire 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.

Commented [SDS19]: 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 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~~.
- (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 with recommendations from the Fire Authority shall approve the mitigating measures relative to access, defensible space, water supply, and construction based on the relative risk and hazard rating.**

Commented [SDS20]: Shouldn't the Fire Authority have some say?

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

(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.~~



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December 7, 2020

Nina Ruiz, El Paso County Planning Manager  
El Paso County Planning & Community Development

RE: Proposed Fire District Revisions to Chapter 6 of the Land Development Code

On behalf of the Housing & Building Association of Colorado Springs (CSHBA), we would like to thank you for giving us the opportunity to review and comment on the proposed amendments to Chapter 6 of the Land Development Code in regards specifically to Section 6.3.3, Fire Protection and Wildlife Mitigation.

After a thorough review by our members and open discussions with the County, no further comments need to be considered. We hope the changes will provide support to the County for plans that require fire review and approval. Members still have a few minor concerns and look forward to working with the County on any needed changes after implementation.

Please call us with questions.

Sincerely,

Phil Stuepfert  
HBA Land Use Chair  
Housing and Building Association of Colorado Springs