

MEGGAN HERINGTON, EXECUTIVE DIRECTOR, AICP

PLANNING AND COMMUNITY DEVELOPMENT

Date: September 21, 2023 **(REVISED June 2, 2025, to provide additional clarification)**

To: Industry Partners and Planning and Community Development Staff (PCD)

From: Meggan Herington, AICP, Executive Director

Re: Interpretation of the Land Development Code as it relates to Fire Protection and Wildfire Mitigation

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

County staff will review plans for conformance with the LDC, including Section 6.3.3 and the standards related to fire protection and coordinate with the Fire Authority to review plans for compliance with the applicable fire code.

Seven (7) administrative interpretations/clarifications are being made related to coordination with the Fire Authority and preparation of the Fire Protection Report, Fire Commitment Letter, Wildland Fire and Hazard Mitigation Plan, and Wildland Fire Risk and Hazard Severity Analysis. The interpretations/clarifications are described below:

1. How does County staff coordinate with the individual fire authorities when an alternative design is proposed? When a plan design varies from the specific design criteria outlined in Section 6.3.3, County staff and the Fire Authority should work together to determine if the proposal is adequate and meets the intent of Section 6.3.3. Alternative designs related to water sufficiency will reference National Fire Protection Agency (NFPA) standards 1140 and 1142.

2. What is the responsibility of the County versus the Fire Authority when reviewing plans? County staff will coordinate with the applicant and applicable Fire Authority to review plans. The Fire Authority is

responsible for reviewing plans for compliance with their adopted fire code and providing recommendations when an alternative design is proposed. County staff reviews plans for compliance with Section 6.3.3 of the LDC.

3. What does County staff do if the Fire Authority does not provide comments or a recommendation, and how do they ensure that Fire Authority comments are addressed while reviewing for LDC compliance? County staff should not assume that no response from the Fire Authority means no comments. As part of project management, County staff should email and/or call the Fire Authority if no comments are received and complete the following:

- Review the plans and the Fire Protection Report for conformance with the LDC. If alternate designs are proposed by the applicant, those should be described in the Fire Protection Report, describing how the alternative will provide an equivalent benefit to the development. County staff can discuss with the applicant and the Fire Authority when alternate ways of meeting the LDC are proposed.
- When alternatives to the LDC are proposed, those alternatives should be justified utilizing current International Fire Code (IFC) requirements and/or the most recent NFPA 1140 and 1142 standards.
- There may be a need, project-dependent, to write in the staff report that the Fire Authority did not comment on the fire safety aspects, along with the description of the alternative proposed.
- If the Fire Authority provides comments that mitigation is required through the entitlement and/or construction process, County staff should ask how to best document that on the plans, is there a need for an inspection, and does the mitigation need to be included in future financial assurances. This should be discussed with the Fire Authority and specific notes and information relayed to the applicant. Within the plan as a note on the plan is the best place to document any requirements.
- Notes may also be added to the Final Plat to ensure requirements are met at the building permit or certificate of occupancy for new construction (if applicable).

4. What is required in a Fire Protection Report? The Fire Protection Report should focus on compliance with Section 6.3.3 and any waivers or variances to the LDC, applicable Fire Code, and/or deviation to the Engineering Criteria Manual (ECM). The report DOES NOT need to include *existing and proposed equipment, facilities, services, response time to provide fire protection for the proposed subdivision* but should be an analysis of compliance with the Fire Protection and Wildfire Mitigation Section of the LDC, and an analysis of compliance with the applicable fire code.

County staff should read the report and determine if the following has been addressed:

- The report has been sent to the Fire Authority and has the Fire Authority provided comments

- County staff agree with the language in the report that the LDC has been met
- The report designates any areas of the LDC where a waiver is being requested.
- The requested waivers are substantiated with support from the most recent IFC and/or NFPA standards and the applicable code sections are stated in the letter.
- County staff agrees with the information presented in the report and it accurately reflects the conditions of the plan/plat.
- The report states how the project meets the LDC and what sections are not being met.
- Whether any notes need to be added to the plans to implement the report.
- Whether notes are added to the Final Plat to capture lot or build specific requirements such as hardened structure and defensible space.
- Is water being provided for fire protection? The report should meet the LDC, IFC, applicable NFPA standards or a combination thereof.
- Is access for fire department operations meeting the LDC, ECM, IFC, or is there an alternative being purposed?

County staff will then utilize the report as part of the review. The report may be more detailed if there are design elements that vary from those described in Section 6.3.3. When an alternative design is being proposed, supported requirements from the IFC and/or NFPA standards should be quoted in support of the modifications.

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

- At time of the Early Assistance (EA) meeting, County staff shall search County Assessor records for a fire district. If one exists, no commitment letter is required.
- If there is not a fire protection district listed, the fire commitment letter will be required.

A development may be annexed or if annexation is not economically feasible, a letter demonstrating why not from the nearest fire district may be provided and a letter from a third-party fire reviewer to the Board of County Commissioners demonstrating compliance with the Fire Protection and Wildfire Mitigation Section of the LDC.

6. When is a Wildland Fire and Hazard Mitigation Plan Required¹? At the EA, County staff should use the available mapping to determine if this study is required. This is required for Low, Moderate and High

Hazard areas. The location of the development shall be compared with the Colorado State Forestry Service Wildfire Risk Viewer to determine the level of hazard. If this study is required, County staff complete the following:

- Send this study to the Fire Authority.
- If a district does not comment, email and/or call for comments.
- If the district's comments require mitigation, call the district, and ask about fire mitigation measures.
- Notes on the Final Plat may require future mitigation or notice of certain requirements prior to building permit or certificate of occupancy. These will be used by County staff to ensure conditions are met.
- Coordinate with the Fire Authority and the applicant to determine if mitigation needs are wrapped into the financial assurance. County staff should verify if this is required and how it is being captured. The intent is that County staff put triggers in place to verify conditions of approval or requirements that have been met with future development.
- If the Fire Authority does not comment on the study, County staff should ensure that the requirements of the study, as provided by the applicant, are implemented through inspection.
- Staff and the applicant can discuss and determine what, if anything, is needed. It will be project dependent and location dependent.
- Plat notes for the level of hardened structure and defensible space shall meet Table 6 – 8 of the LDC.
- Colorado State Forest Service data is one source of data that can be utilized.

7. When is a Wildland Fire and Severity Analysis Required¹? County staff should compare the project with the Colorado State Forest Service Wildfire Risk Viewer Fire Intensity Scale. If the project falls in the high hazard area, then a Wildland Fire and Severity Analysis is required and may be included in the Wildland Fire and Hazard Mitigation Plan or submitted separately.

The risk and hazard rating are the basis for mitigation measures related to vegetation, hardened structure and any other relevant combustibles on site. These notes shall be on the plat, and any site development plans submitted. County staff will coordinate with the Fire Authority if necessary for any deviation or waiver from the design standards.

1. Refer to the Acceptable Qualifications for Determining a Qualified Professional Policy letter.