AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Riverland Industrial Park Fire Protection

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Staff would like to provide an update on progress to date on coming to an agreement on a fire protection solution for Riverland

Fiscal Impact:

Submitted by: Russell Forrest **Submitter's Email Address:** rforrest@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 4/18/2014 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\khaase Discharge Date: 4/18/2014

○ Consent Agenda ○ Regular Agenda ◉ Worksession Time Allotted: 60+ Minutes

Agenda Date: 4/22/2014 Follow Up Agenda Date:

Revised April 2013

To: Gunnison County Board of County Commissioners

From: Russell Forrest

Date: April 22, 2014

Subject: Update on Riverland and Fire Protection Options

The purpose of this item is to follow-up from the discussion of fire protection in Riverland Industrial Park that occurred with the Crested Butte Fire Prevention District (CBFPD) on March 18, 2014. At that meeting Ms. Shaner of Shaner Life Safety presented her report which provided recommendations to address the following questions:

1) Is there an unacceptable fire/life safety risk associated with the Riverland industrial development?
2) If there is an unacceptable risk at Riverland, what are short-term solutions, if any, to facilitate development on the final six undeveloped lots (along with additions and remodels) and improve life safety for the development?
3) What are long term solutions to provide a more permanent solution for life safety for the Riverland Industrial development?

At that meeting the Board of County Commissioners requested that the CBFPD consider the recommendations in the Shaner report and a means of affecting those recommendations. The CBFPD Board has met and further considered the recommendations from the Shaner report and the input they received from the BOCC.

The County has received several encouraging emails from the District including a draft Resolution for the District Board's consideration (See attached). The District is considering a code amendment or a waiver to create a specific solution for Riverlands specific fire protection issues. The District plans to coordinate discussions with the Riverland engineer (Norman Whitehead) to complete discussions on the technical requirements for Riverland. A number of key people for the District are out of town currently and are returning on April 21 to further discuss the technical issues. In summary, good progress has been made in the last two weeks and some additional time is now needed to complete a technical discussion regarding water storage and delivery for fire suppression in Riverland.

DRAFT

RESOLUTION 2014-____

A RESOLUTION OF THE CRESTED BUTTE FIRE PROTECTION DISTRICT'S BOARD OF DIRECTORS MODIFYING APPLICATION OF THE INTERNATIONAL FIRE CODE AND STANDARDS AND GUIDELINES POLICY FOR THE RIVERLAND INDUSTRIAL PARK

WHEREAS, Crested Butte Fire Protection District (the "**District**") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to Sections 32-1-101, *et seq.*, CRS, the District has the statutory power to provide certain firefighting and emergency medical services within its boundaries; and

WHEREAS, Section 32-1-1002(1)(d), CRS provides the District with the ability to adopt and enforce fire codes when the governing body of the county adopts a resolution stating that such code shall be applicable; and

WHEREAS, the District has previously adopted the 2003 International Fire Code (the "**Code**") and certain Standards and Guidelines (the "**Standards**") (collectively, the "**Regulations**") making them applicable within its boundaries, and the Gunnison County (the "**County**") Board of County Commissioners has approved this applicability for all unincorporated areas of the County within the District; and

WHEREAS, when Riverland Industrial Park ("**Riverland**") was initially developed in 1982 it was not located within the boundaries of the District, and a set of covenants were recorded against the property which explained, in Section P.1, that Riverland is in a "rural environment without the necessary water supply system to provide firefighting at urban levels. The owner or occupant of each site within the project must accept a rural level of fire protection;" and

WHEREAS, in 1995 voters approved the expansion of the District and Riverland was included in the District; and

WHEREAS, Riverland is a preexisting mixed-use development with limited water supply for fire suppression activities; and

WHEREAS, Riverland is located within the unincorporated boundaries of the County within the District and is therefore subject to the Regulations; and

WHEREAS, the Regulations impose certain requirements on Riverland that the governing body of Riverland and the County believe are unreasonably stringent given the preexisting nature of Riverland prior to being subsequently included into the District; and

WHEREAS, the County commissioned the Riverland Industrial Park Life Safety/Fire Protection Report by Shaner Life Safety (the "**Shaner Report**") dated February 14, 2014; and

WHEREAS, the County believes the Shaner Report provides a reasonable and justifiable modification of the District's Regulations due to the unique nature of Riverland; and

WHEREAS, the County has requested that the District grant a waiver of certain requirements for subsequent building projects within Riverland; and

WHEREAS, the Regulations permit the Board of Directors (the "**Board**") of the District, in coordination with the fire chief, to make a determination that unique circumstances warrant a modification of the Regulations' applicability to an individual situation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CRESTED BUTTE FIRE PROTECTION DISTRICT THAT:

1. **Riverland is Uniquely Situated.** The Board makes the affirmative finding that Riverland is a uniquely situated class, exhibiting the following characteristics, that requires a modified application of the Regulations:

    a. predominantly a non-residential commercial site
    b. a mixed-use subdivision with residential occupancies is some buildings
    c. approved by the County prior to becoming included in the District and the adoption of the Regulations
    d. has an existing on-site water system with insufficient flows to meeting the Regulations
    e. is subject to a recorded covenant acknowledging a non-urban level of fire protection services

2. **Modification of the Regulations.** The Board and the fire chief have the ability under the Code and the Standards to modify the applicability of the Regulations to Riverland.

    a. Modification under the Code: Section 104.8 of the Code expressly allows the fire chief of the District to modify the Code when practical difficulties arise in carrying out its provisions. Provided that, the individual circumstances of Riverland makes the strict letter of the Code impractical and modification is in compliance with the intent and purpose of the Code.

    b. Alternative Water Source: Pursuant to Section 303 of the Standards, the fire chief may approve an alternate water source using NFPA 1142 as a guideline. Additionally, Sections 103.1 and 103.3 of Appendix B of the Code allow the fire chief to approve alternative water sources by relying on NFPA 1142 as guidance.

3. **Approving Modified Regulations.** Due to the unique characteristics of Riverland and the impractical cost of retrofitting its water lines to comply with the Regulations, the Board hereby determines, and directs the fire chief to implement such determination, that the Regulations should be modified with respect to Riverland, and that the alternative presented in the Shaner Report, attached hereto as **Exhibit A**, and as modified by the District's General Outline of Agreement attached hereto as **Exhibit B**, shall be applied to Riverland in place of the Regulations. The Board has determined that this modification is consistent with the spirit of the Regulations and constitutes a significant improvement of health, life and fire safety within Riverland. This modification shall only be applicable to Riverland and no other areas within the District and the District reserves the right to revoke this modification if the planned use of Riverland changes at any time in the future.

Adopted: April _____, 2014

CRESTED BUTTE FIRE PROTECTION DISTRICT

By: _____
President

Attest:

_____
Secretary

EXHIBIT A
(Shaner Report)

EXHIBIT B
(General Outline of Agreement)

EXHIBIT B

GENERAL OUTLINE OF AGREEMENT

I. Shaner Report design criteria changes:

1. *A minimum of 35,000 gallons of fire protection water storage in the Riverland subdivision.*
   - Given the inadequacy of the existing domestic water system to provide sufficient domestic water supply during the summer months, the *"fire protection storage"* would by necessity need to be a separate system.
   - Riverland shall demonstrate how the water supply system can guarantee the required fire flows at all times.

2. *Distribution of water at* **a minimum of 750 gpm to all fire hydrants.**

3. *Distribution system is pressurized at a minimum of 20 psi* **residual pressure**.

4. *Fire hydrants* **shall be spaced every 500 feet throughout the subdivision**. *Placement is subject to review by CBFPD.*

II. The CBFPD shall review and approve the engineering plans for the Riverland Industrial Park fire flow improvement as noted in the Shaner Report.

III. Upon completion of the construction and testing of the Riverland Industrial Park fire flow improvement project as noted in the Shaner Report, the CBFPD shall approve waivers or changes to the CBFPD Standards and Guidelines Policy (Methodology to be determined later).

- This action shall be restricted to consideration of central water supply deficiencies.
- This action shall not impact building code or fire code requirements to provide fire sprinkler systems for certain occupancies.
- This action will take place on a case-by-case basis during the normal review process of new buildings.