AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Riverland Industrial Park Update; Fire Protection

Action Requested: Discussion

Parties to the Agreement:

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

Summary:
CBFPD has provided a letter to the County's request for a discussion to better understand their waiver policy to the IFC

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:

I will participate in BOCC / staff discussion to address issues as they arise. d. 4/2/15

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/2/2015 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 4/3/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 4/7/2015 Follow Up Agenda Date:

Revised April 2013

TO: Gunnison County Board of County Commisioners

FROM: Russell Forrest, Community Development Director

DATE: March 24,2015

SUBJECT: Update on Riverland

Staff wanted to provide a brief update on the progress on Fire Protection at Riverland Industrial Park. On January 20, staff provided several policy option for the BOCC to consider to move forward with a solution at Riverland with regard to fire protection. The BOCC at that meeting directed staff to withdraw Riverland Industrial Park from the geographic area of unincorpated Gunnison County in which the International Fire Code (IFC) is applicable. In consideration of this action, Riverland would complete fire infrastructure improvmenets to comply with the Shaner Life Safety Report. Riverland has progressed in the implmentation of these improvements. Based on input from the County Attorney's office, staff would bring forward a Resolution to change the geographic applicaton of the the Crested Butte Fire Prevention Districts International Fire Code at the time the physical improvement to the site have been completed and tested (to ensure compliance with the Shaner report) so that Riverland would be excluded from the application of the IFC.

The Board of County Commisioners also wanted to discuss and further understand the District's policy on granting waivers and variances to the IFC. The Fire District provided a letter to respond to that question and has indicated that it would be willing to have a discusion with the BOCC on this matter. In the letter dated February 23rd the Fire District also raised questions about whether the Shaner report was being complied with in terms of both recommended short and long term recommendations provided in the report. Staff asked Ms. Shaner to respond to that question which she did in the letter dated March 5, 2015. She has concluded that the improvements currently being constructed will comply with her recommendations.

In the letter from the CBFPD, the District summarizes three waiver requests that have occurred since 2007 (one of which is the Riverland waiver request). *Staff would like to ask whether after reviewing this letter, would the BOCC would like to schedule time with the CBFPD to further disucss this matter?*

CRESTED BUTTE FIRE PROTECTION DISTRICT
306 MAROON AVENUE
P.O. BOX 1009
CRESTED BUTTE, COLORADO 81224
(970) 349-5333 FAX: (970) 349-0438

Date: February 23rd, 2015

To: Russell Forrest
Assistant County Manager

RE: History of Code Adoption, CBFPD Waiver Policy and Formal Waiver Requests,

Dear Mr. Forrest,

I have been asked to provide you with a copy of CBFPD's waiver policy and along with a history of formal waiver requests presented to our Board of Directors (BOD).

History of the code adoption/process:
In 2007 was the last code adoption by the Gunnison County Board of County Commissioners who adopted the 2003 IFC and amendments within the boundaries of the Crested Butte Fire Protection District. The 2003 IFC adoption process took seven years to get through the adoption process. There were numerous agencies who supported CBFPD's code adoption and assisted in multiple presentations to the Gunnison County Planning Commission. Over the seven year approval process included a lot of public hearing presentations. Upon feedback from the public and the Gunnison County Planning Commission several changes to the document were made. In cooperation with the Gunnison County Planning Commission several compromises were made and have been reflected in Section 4. Fire Suppression System Requirements in CBFPD's Standards and Guideline Policy and another being Section 7. 703 Waivers and another being Section 5. Wildland Fire Mitigation.

Waivers:
Since the last code/amendment adoption, in 2007, there have been three formal requests presented to our Board of Directors requesting a waiver from our Standards and Guideline Policy.
Two of the formal requests to the BOD were from owner/contractors who were not aware of the fire suppression requirement within the CBFPD. One of the formal waivers came after the individual started building his home and became aware of the fire suppression requirement. The other formal request came from a contractor who was not aware of the requirement and did not include it in his bid. Both of these formal waiver requests were based on the financial reasons. The Board of Directors denied these two waiver requests. At this point, the Fire Division worked in conjunction with the Gunnison Building Department to update the information process to ensure citizens readily receive access to our Standards and Guidelines requirements at the earliest part of the planning stage. Gunnison County has provided links on their website where builders, contractors and owners can access our CBFPD Standards and Guidelines/Builders Packet. We have upgraded our CBFPD website to ensure it's more convenient for all users to obtain our requirements along with providing links to Gunnison County's Building requirements.

The third formal request, to our BOD, was from the Riverland Industrial Park Homeowners Association. Their formal waiver request included a proposal to install a dry hydrant with year round access to provide a water source for firefighting. On April 9th, 2013, due to the relationship that a dry hydrant (static water source) does not meet the required "fire flows" (pressurized water system), the BOD denied Riverland Industrial Park Homeowners' formal waiver request, which has led us to where we are today.

The three formal waiver requests, listed above, are the only ones presented to our BOD since 2007. The CBFPD Standards and Guideline Policy does state "Only the Board may approve a waiver of this Standard and Guidelines Policy except that the Fire Chief has the limited authority to waive this Standard and Guidelines Policy only for a driveway or for an insignificant extension of an existing road; the Fire Chief may refer such waivers to the Board."

Since 2007 the Fire Chief has reviewed numerous requests for a waiver concerning driveways or an insignificant extension of a road. In a cooperative manner the majority of these requests have be approved by the Fire Division. In conclusion, the Fire Division would be more than willing to copy Gunnison County officials on all formal waiver requests presented to our Board along with the outcome.

As per your letter written to Mike Miller on 2/4/15,, the letter refers to Gunnison County BOCC accepting the Shaner report to allow the required fire flows within Riverland Industrial Park to be 500 gpm. The Shaner report references a "Statement of Solution", on page 8. This statement references the implementation of both the "Short Term" and "Long Term" solutions to be completed prior to the issuance of building permits. Per your letter, we understand, the County is now willing to approve the "Long Term" solution. Is the BOCC adhering to the "Short Term" solution as presented in the Shaner Report?

Please call me if I can clarify any of the issues surrounding formal waiver requests.

Respectfully,

Ric Ems

Ric Ems, Chief
Crested Butte Fire Protection District

Attached: CBFPD Standards and Guidelines Policy Section 703. Waivers

703. Waivers

A. No waiver of this Standards and Guidelines Policy shall be valid unless approved by the Board in writing as set forth in this section.

B. Only the Board may approve a waiver of this Standards and Guidelines Policy except that the Fire Chief has the limited authority to waive this Standards and Guidelines Policy only for a driveway or for an insignificant extension of an existing road; the Fire Chief may refer such waivers to the Board. The Board, or if applicable, the Fire Chief, may place special conditions on the approval of a waiver. Such conditions may relate to the following:

1. Access and,
2. Water Supply and,
3. Seasonal use and,
4. Number of structures and,
5. Size of structures and,
6. Location of structures and,
7. Defendable space and,
8. Type of use and,
9. Existence of public utilities and,
10. No increased risk to emergency services personnel, without limitation.

C. A waiver shall be project specific and shall not establish a precedent for any other proposed waiver.

D. No waiver shall be granted unless and until all applicable review fees have been paid to the Crested Butte Fire Protection District.

E. A request for a waiver must be made in writing and identify the following:

1. The name, address and telephone number of the applicant and,
2. Identification of the subject property and road and,
3. A specific description of the requested waiver (including relevant, proposed construction plans) and,
4. A detailed explanation of why the proposed waiver is warranted by site specific conditions that make compliance with this Standards and Guidelines Policy technically unfeasible and,
5. A detailed explanation of why the proposed waiver:
   a. Would not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic and,
   b. Would not adversely affect health or safety and,
   c. Would not cause substantial injury to the owner or occupant of adjacent land(s) and,
   d. The waiver will not cause an increased risk to emergency services personnel, without limitation and,
   e. Would not cause substantial injury to the environment and,
   f. Would provide the functional equivalent of this Standards and Guidelines Policy and,
6. Any other information required by the Board or Fire Chief (e.g. survey or technical opinion and report).

F. No public hearing is required for a determination of a waiver by the Fire Chief.

G. Within fourteen days of receipt by the Board of a complete petition for waiver, to be determined by the Board, the Board shall set a date, time and place for a public hearing on that petition. The Board shall publish, at a minimum, notice of such hearing once a week, for the two consecutive weeks immediately before the hearing. The applicant for the waiver must notify all adjacent property owners, no later than fourteen days before the hearing, by mailing to each of them, by certified mail, return receipt requested, a complete copy of the request for a waiver and a copy of the notice of the public hearing; the applicant must provide proof of such notification to the Fire Chief at least seven days prior to the public hearing.

H. No waiver shall be granted unless the Board, or if applicable the Fire Chief, determines in writing the applicant has established by clear and convincing evidence that:

1. The waiver is warranted by site specific conditions which create an unusual aspect or feature not shared by property in general and,
2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic and,
3. The waiver will not adversely affect health or safety and,
4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s) and,
5. The waiver will not cause an increased risk to emergency services personnel, without limitation and,
6. The waiver will not cause substantial injury to the environment and,
7. The proposal will provide the functional equivalent of this Standards and Guidelines Policy.

I. No access waiver, within unincorporated Gunnison County, shall be valid unless approved by the Board of County Commissioners or the Public Works Director of Gunnison County pursuant to Section 1.9 of the Gunnison County Standards and Specifications for Construction of New Roads and Bridges. The Crested Butte Fire Protection District may provide comments pertaining to additional life safety requirements for the Board of County Commissioners or the Public Works Director of Gunnison County to take under consideration.

Shaner Life Safety
PO Box 1073, Frisco, CO 80443
970.409.9082; fax 970.797.1898

Date: March 5, 2015

To: Russ Forrest, Assistance County Manager, Gunnison County

From: Deborah Shaner, Fire Protection Engineer

Re: Response to CRFPD letter dated 2/23/15

I have received and reviewed a copy of the letter to Russ Forrest from the Crested Butte Fire Protection District dated February 23, 2015.

In the final paragraph of the letter, Chief Ems inquires as to the status of the solutions presented my report dated February, 2014. In the report, both a short term and long term solution were proposed. The short term solution was crafted simply to improve life safety while funding and design of the long term solution were pursued. This was expected to occur over a substantial time frame. However, Riverland opted to forgo the short term solution and move straight into implementation of the long term solution. It is my understanding that construction on this solution is in progress.

Excerpt from Shaner Life Safety repory (page 8):

> *"If the Riverland HOA opts for immediate implementation of the long term solution as described in this report, the short term solution may be omitted from the improvement plan. The short term solution is not mandatory if the long term solution is implemented and was crafted simply to provide an interim alternative while funding for the long term solution was determined. The short term solution was offered as a bargaining tool to allow for construction to continue while the long term solution was in development. Achievement of the long term solution would bring Riverland into compliance with current codes and standards related to central water supply."*

The excerpt from my report above explains the intent of both the short and long term solutions. Because the long term solution is in the implementation phase, adherence to the short term solution is unnecessary.