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VIA EMAIL

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To: Nick Nelson, Senior Planner; Heather Gutherless, Senior Planner; and Pat O'Connell, County Geologist.

Cc: Chris O'Keefe, Director.

From: C.F. (Chuck) Newby for the *Conifer & South Evergreen Community Committee*.

Subject: Conifer Commons, Case No. 20-111200 RZ – Comments regarding our analysis of the proposed Conifer Commons Planned Development (PD) during this 2nd Referral period, July 2 – October 28, 2020.

Reference: Rezoning Application Case No. 20-111200RZ, Conifer Commons PD, webpage containing documents submitted by the applicant and previous comments submitted by the Committee.

**PROPOSED CONIFER COMMONS PD CANNOT BE ADEQUATELY PROTECTED
BY
ELK CREEK FIRE PROTECTION DISTRICT FIREFIGHTING PERSONNEL**

Introduction: Foothills Hills 1, LLC ("Foothills") proposes to develop the 47.12 acres at Light Lane near U.S.-285 in Conifer CO, currently zoned A-2, to site 188 residential dwelling units (DUs) and unspecified community uses. The purpose of this comment letter is to expose for the Jefferson County Planning & Zoning Division (the "Division") a number of significant deficiencies specific to the ability of local emergency services to successfully fight structure fires, fight encroaching wildfires, gain the necessary emergency access, and to safely evacuate the public that we, the *Conifer & South Evergreen Community Committee* (the "Committee"), have identified after a careful analysis of the initial Foothills information disclosures, the 1st Referral agency responses, and the new submittals by applicant posted to the Conifer Commons PD case webpages during this 2nd Referral period, July 2 – October 28, 2020.

Fire Protection Planning and Infrastructure for the Proposed Conifer Commons PD is Inadequate: Notwithstanding the written legal opinion from Assistant County

Attorney, Kristin N. Cisowski, in this matter, the Division cannot ignore the April 7, 2020 letter from Elk Creek Fire Protection District (the "Fire District") Fire Chief Ware to the Division wherein Chief Ware states, "The fire district would be **"UNABLE TO PROTECT"** the proposed development because the fire district lacks the funding mechanism, infrastructure, staffing, operational resources and specialized firefighting apparatus to service the proposed higher density rezoning use." [emphasis added].

Importantly, nothing in the applicant's 2nd Referral submittals improves the ability of the Fire District to protect the proposed high-density development from the extreme fire hazards at and nearby the site. On the contrary, the document entitled *Conifer Commons Visual Analysis*, dated October 8, 2020, created by the applicant's architect indicates a number of high-density, multi-story buildings with heights of up to 35ft for townhomes and single-family homes then up to 45ft for multifamily homes (please see, Figure 1).

Additionally, the recently submitted Official Development Plan (the "ODP"), dated October 8, 2020, would allow residential DU densities of 7.98 DUs/acre, 11.63 DUs/acre, and 4.72 DUs/acre for Use Areas 1, 2, and 3 respectively. The stated densities, when taken together with the visual building layout shown in the figure, clearly illustrates that it would be nearly impossible for the Fire District to successfully protect the proposed development from a fast-moving, windblown wildfire. Importantly, the only legal access to the development is from the north at Light Lane, thus, even for an initially small structure fire, after arriving on-scene, Fire District personnel would then need to travel an additional 1,500ft to 2,000ft before they would be able to bring firefighting equipment to bear on the fire.



Figure 1 - Residential DU Density and Inadequate Emergency Access at the Proposed Conifer Commons PD Creates an Avoidable Risk to Life and Property.

Moreover, while the applicant’s visual analysis deemphasizes the forested areas nearby the proposed development site, the photo of the recent Elephant Butte Fire in Evergreen CO shown in Figure 2 more clearly illustrates the behavior of a fast moving, wind-blown fire burning within a similar wildfire hazard zone. If not for the quick action taken by Evergreen Fire and Rescue as well as heavy rain showers at an opportune time, the fire might well have been far worse.



Figure 2 - Helicopter Drawing Water to Fight the Recent Fast Moving, Wind-blown Elephant Butte Fire in Evergreen CO.

Furthermore, during the 2012 Waldo Canyon Fire near Colorado Springs CO, the Mountain Shadows development, with densities similar to the proposed development, was built-to-code with fire hydrants, was protected by the large, well equipped Colorado Springs municipal fire department (which was, of course, fully staffed by full-time firefighters at the time) – yet it burned completely. While not in the flame-front of the fire, the subdivision’s residential DUs were subjected to blowing embers from that fast moving, wind-blown fire and, once blowing embers reached the subdivision, the residential DUs became fuel such that Mountain Shadows quickly became fully engulfed.¹ Noting the similarities between the residential DU density, building layout, and close proximity to both forested and

¹ For details, please see the Waldo Canyon Fire article here: [Waldo Canyon Fire at Wikipedia](#).

non-forested areas nearby, we readily recognize that the proposed Conifer Commons PD may face a future fate in common with that of Mountain Shadows (please see, Figure 3).



Figure 3 - Before and After Photos of the Mountain Shadows Residential Subdivision Burned Completely to the Ground Due to Blowing Ember and Cascading Ignitions.

Proposed Conifer Commons PD Ignores Firefighting Standards: The proposal submitted by McGrath Consulting Group for study of the Fire District's capability to defend the Conifer Commons development proposed by Foothills, if performed properly, will only serve to confirm that the recommendations made by Fire Chief Ware in his April 7, 2020 letter to the Division are well founded and clearly indicated.

Additionally, comment 9 of Fire Chief Ware's letter states, "[The Fire District] would recommend that Jefferson County review their practice of deleting section R313 from the International Residential Code, which requires automatic fire sprinkler systems in new single-family residential occupancies." and "[The Fire District] believes that residential fire sprinklers are life-saving systems that help protect our citizens and firefighters, especially in rural areas that lack fire hydrants and have longer response times." [emphasis added]

Moreover, the Fire District lacks the funding mechanisms, firefighting staff, operational resources, and specialized firefighting apparatus to service high-density developments such as the proposed Conifer Commons development with its multi-structure, multifamily dwellings, much less meet the standards of

National Fire Protection Association (NFPA) NFPA 1720.² The proposal ignores the “best practices” recommendations of fire science, fire experts, and the Colorado State Forest Service (CSFS) with respect to home ignition zone mitigation requirements for structures built in the Wildland-Urban Interface (WUI). The proposed densities violate the requirement to mitigate all property out to 100ft from the structure. Dwellings will be built so close together that compliance with the three-zone mitigation recommendation is impossible – in the WUI this is simply unacceptable. In numerous “community wildfire protection plans” Jefferson County recommends nationally accepted three-zone Home Ignition Zone mitigation requirements for WUI dwellings out to 100ft, **yet the Division violates its own guidance by allowing developments with overlapping ignition zones.**³

Finally, as stated in our comments elsewhere in this proceeding, the Committee further recommends that the Division, in addition to the strict enforcement of the requirements of Section 24 - Fire Protection of the Jefferson County Land Development Regulation, **the Division must adopt the standard fire protection practices described below.**⁴

Wildland-Urban Interface Firefighting Best-practices - Within a Wildfire Zone, rezoning applications for proposed construction of more than three residential dwelling units, or mixed residential/commercial construction, or commercial-only construction, the applicant shall provide the Division documentation showing completion of the following required documentation, designs, and plans:

1. **Firefighter Access, Water Supply, and Fire Protection Planning** - For the proposed development, access for firefighters and firefighting equipment shall conform to the requirements of the [International Wildland-Urban Interface Code — Chapter 4, Wildland-Urban Interface Area Requirements](#), published by the International Code Council.

² NFPA 1720 is the [Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments](#) similar to the Elk Creek FPD.

³ To learn more about these CSFS three-zone home ignition remediation recommendations, please see: [Protecting Your Home from Wildfire](#).

⁴ To learn more about the rationale for adoption of such WUI firefighting best-practices, please see the work of Dr. Jack Cohen, *Preventing Disaster - Home Ignitability in the Wildland-Urban Interface*, here: [Preventing Disaster at thJournal of Forestry](#) and [An Analysis of Wildland-Urban Fire with Implications for Preventing Structure Ignitions](#).

2. **Building Construction Regulations** - Building within a Wildfire Zone shall conform to the following requirements:
 - Building construction regulations shall be in accordance with the [International Wildland-Urban Interface Code — Chapter 5, Special Building Construction Regulations](#).
 - In order to mitigate cascading building-to-building ignitions, a minimum residential building setback of 100ft shall be required.
 - In order to allow adequate firefighter access, maximum building height shall be limited to 28ft.
3. **Fire Protection Plan** - Fire protection services shall be in conformance to the [International Wildland-Urban Interface Code — Chapter 6, Fire Protection Requirements](#).
4. **No-notice Area Evacuation Plan** - Develop, based upon recommendations from the County Sheriff in consultation with the local Fire Protection District Fire Chief, a comprehensive evacuation plan for the proposed development and surrounding area suitable for no-notice evacuation.
5. **Development Impact Fees** - For all proposed developments, the County must require impact fees designated for support of the local Fire Protection District.

Rezoning Application Submittals – When a relevant rezoning application enters the pre-application phase, the applicant must submit to the Division for public review and comment – at least two weeks prior to any scheduled community meeting – documentation, designs, and plans clearly illustrating the proposed development’s conformance with the fire protection recommendations described above.

Conclusion: To date, the applicant has not been responsive to the substantive comments submitted by members of the community, the outside referral agencies, and Division planning personnel in a manner that would ensure adequate protection of the health, safety, and welfare of both existing and future residents of the mountain community nearby the proposed development site. The Committee urges the Division to require that this applicant correct the deficiencies cited herein while also requiring the proposal to conformance to the WUI firefighting standards described.

Respectfully submitted,

C.F. (Chuck) Newby for the *Conifer & South Evergreen Community Committee*