

COLORADO SPRINGS, COLORADO
FIRE BOARD OF APPEALS MEETING MINUTES
PIKES PEAK REGIONAL BUILDING DEPARTMENT
2880 INTERNATIONAL CIRCLE
May 13, 2016 – 8:30AM to 10:00AM

Present were: Chairperson Roger Wallace, Vice Chairperson Dean Doiron, Secretary Brett Lacey, and Fire Board of Appeals (FBA) Members Christine Riggs and Michael Ward.

Also present were: City of Colorado Springs Attorney Frederick Stein, Colorado Springs Fire Department: Administrative Technician Katha Snow, Office Specialist Tiffany Drummond, Senior Fire Code Inspector Curtis Green, Deputy Fire Marshal Jeff Loveless, Senior Fire Code Inspector Roland Peterson, Colorado Springs Police Department: Sergeant Roger Vargason.

Absent were: FBA Members John Putnam, Vince Colarelli, and David Helmer.

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Chairperson Roger Wallace called the meeting to order at 8:32 a.m.

ADMINISTRATIVE

Approval of the April 8, 2016 Fire Board of Appeals Meeting Minutes.

Christy Riggs stated that details specific to supporting her vote needed to be verified. Ms. Riggs requested that paragraph 2 of page 4 of the minutes read, **“Those 120 square feet, being 20 feet above the ground, to me, is a minimal risk in the long term.”** Instead of, **“Those 120 square feet, being 120 feet above the ground, to me, is a minimal risk in the long term.”** (Audio of the minutes confirmed a transcription error. Ms. Riggs did state 20 feet.)

Motion made by Mr. Doiron to approve the April 8, 2016 Fire Board of Appeals Meeting Minutes as amended by Ms. Riggs. Ms. Riggs seconded the motion.

Motion passed 4-0.

Contractor Licensing

Fire Suppression Contractor A

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|---------------------|---------------------------------|
| 1. Name of Company: | AA Atlas Fire Inspections, Inc. |
| Principal Officers: | Douglas Ehrhardt, President |
| Applicant: | Douglas Ehrhardt |
| RME: | Douglas Ehrhardt |

Fire Marshal (FM) Lacey reported that the applicant meets Pikes Peak Regional Building Code requirements for the Fire Suppression Contractor A license. FM Lacey recommended approval.

Motion made by Mr. Ward, second by Mr. Doiron, to approve applicant for the Fire Suppression Contractor A license.

Motion passed 4-0.

Fire Suppression Contractor M

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|---------------------|------------------------------|
| 1. Name of Company: | Bruno's Mechanical, Inc. |
| Owners: | Shane Newsome
Amanda Cook |
| Applicant: | Shane Newsome |
| RME: | Shane Newsome |

FM Lacey reported that the applicant meets Pikes Peak Regional Building Code requirements for the Fire Suppression Contractor M license. FM Lacey recommended approval.

Motion made by Mr. Doiron, second by Mr. Wallace, to approve applicant for the Fire Suppression Contractor M license.

Motion passed 4-0.

Ordinance

Appendix L Indoor Flora Grow Operations in Residential Occupancies

FM Lacey presented on the agenda's original ordinance item "Appendix L," also referenced as Appendix M and finally resting on Appendix P. The intent of this amendment to the fire code is to limit the size of an area where plants can grow within a single family residence. FM Lacey explained that due to a lack of regulating the amount of plants that can be grown safely in a residence, it became imperative to determine the size of an area where plants can be grown, in order for a residence to function as a home rather than as a green house. FM Lacey stated that according to State Law the City can regulate the number of medical marijuana plants through a criminalized enforcement process whereas personal consumption can only be regulated through zoning based requirements. Appendix P is necessary to protect the health, safety, and welfare of emergency responders.

FM Lacey noted that the vast majority of Appendix P is comprised of existing fire code with a few new definitions and clarifications in order to provide residential owners clear guidelines for their grow operations no matter what type of plant they choose to grow within their home. This should also be helpful for contractors and the architectural community. Appendix P is meant to target locations in the home that become excessive with regard to the grow operation where the residents are utilizing lighting, re-wiring, using/storing chemicals, and modifying a ventilation system.

FM Lacey stated that R1s and R2s are prohibited from growing flora because a renter in an apartment building does not have the capability of modifying the electrical system of the complex to increase the yield of plants. If even a few tenants in the apartment building were to participate in grow operations within their units, collectively this would cause an overload to the apartment building's electrical system.

During a discussion that referenced Section 105 Electrical & Lighting, Vice Chairperson Dean Doiron asked FM Lacey if there was a provision for a home owner to do electrical work in their own home. FM Lacey stated that in order to do so, the homeowner would require a permit from the Regional Building Department.

FM Lacey stated that the Code Review Group (comprised of: a patient, a care giver, an architect (Ms. Riggs), an electrician, a general contractor, HBA, 3 members of Council of Neighbors & Organizations (CONO), a greenhouse botanical expert, Colorado Springs Police Department (CSPD), and Regional Building), with the exception of HBA, were in unanimous support of this amendment. According to FM Lacey, HBA did not oppose the amendment; they only held back their vote because they generally prefer not to participate in any endorsements of issues they are not directly affiliated.

In regard to Section 104, Chairperson Roger Wallace asked FM Lacey if a homeowner with a detached garage is able to grow more flora in their garage in addition to what is already being grown in their house. FM Lacey stated that the homeowner would not be allowed to grow any additional flora because the homeowner's referenced premises refer to the entire property lot.

Chairperson Roger Wallace asked if CSPD is looking at Colorado Springs Utilities' (CSU) records in regards to power draws and the electrical output in homes to determine which homes are participating in grow operations. FM Lacey stated that CSU is required to honor client confidentiality, so they are not required to share any of those records. CSU is aware of the dangers of grow operations. Attorneys and CSU will determine how to best go about divulging some degree of information without violating client confidentiality in an effort to further protect and prepare CSU, CSPD, and all emergency personnel. Sergeant Roger Vargason with the Colorado Springs Police Department stated that CSPD does have a close relationship with CSU and that CSPD does look at kilowatt hours. The two entities are coming up with a process on how to serve clients with something similar to a subpoena in order to obtain the kilowatt hours. Sergeant Vargason stated that just by gathering kilowatt hours, it is possible to determine how many plants are being grown, as well as the plants current growth stage, which is very valuable for CSPD investigations.

Chairperson Roger Wallace inquired if drones will be used to locate and verify large grow operations. Sergeant Vargason answered the question by saying that CSPD does have the capability to utilize drones, but doing so would require a warrant. At this point, there have been no drones used for such purposes.

Chairperson Roger Wallace asked if the City of Colorado Springs will have an open forum to the citizens of Colorado Springs about the potential hazards of these grow operations (to bring awareness). FM Lacey stated that there have already been many conversations about the dangers of growing marijuana, and it was found that citizens do

not complain about the person growing green peppers, orchids, etc., the complaints are about people who are cultivating marijuana because it is odorous, lowering property values, and causing a variety of other issues. CSFD has received many marijuana plant complaints for various locations throughout the City. The situations that create illegal conditions will be mitigated and eradicated, likely causing them to be moved out of our community. El Paso County was able to regulate the plant count number more quickly than the City of Colorado Springs, but our City is finally at the point where regulation is possible based on recent ordinances that were passed.

Chairperson Roger Wallace asked if the State of Colorado would allow marijuana products in schools and how that will be handled. For example, what would happen if a student with a medical prescription started distributing marijuana throughout the school? Sergeant Vargason answered the question by saying that there will be no marijuana leafy substances in the schools. Instead, cannabinoid CBD oil with low tetrahydrocannabinol (THC) will be given to the school nurses and distributed to the medical patients. Colorado is the first state in the country where school districts may consider dispensing medical marijuana to students that require it for medical reasons.

Sergeant Vargason pointed out that he appreciates that the ordinance is about the safety of the grows. Even with a 12 plant grow operation there are still many fire hazards. The goal is to see only minor violations and to educate people on how to fix their grow operations to make them safe. CSPD has an inspector from the Regional Building that will serve the growers with a notice that they will have to get a permit in order to work on their grow operations. This will help ensure that there is more safety awareness, not just for those that respond to an incident, but also for the adults and children that are involved with / living with the grow operations.

FM Lacey informed the Chair that the taskforce's (comprised of a city code enforcement official; a fire code inspector; a Vice, Narcotics and Intelligence officer; and a building code inspector) tentative implementation date will be around the first part of June. Once implemented, the taskforce will visit the reported problematic grow operation locations. FM Lacey asked the FBA board members for their consideration and approval of this amendment so that it can be adopted into CSFD's 2009 fire code as soon as possible.

Motion made by Mr. Wallace, second by Ms. Riggs, to approve ordinance amendment to the fire code

Motion passed 4-0.

Board members supported their vote:

Mr. Wallace: "I think it's very important in regards to safe guarding the well-being of the citizens of Colorado Springs and to make all of us aware and more informed as to what is going on within our community."

Ms. Riggs: "I voted in favor because having been on the task force and helping to put together some of the language, the document is completely about safety and covers any flora situation that would come up. It is a very complete document."

Mr. Doiron: “I voted in favor because the law is the law and this is clearly about safety, and I appreciate that. Looking at some of the loads on the lighting for giant commercial grows, it blows me away how much power those plants require. Take that on a smaller scale and put that in a house and the growers, focused on the money, will load it until the breaker trips. This is about safety, and I appreciate all the work that has been done so far.”

Mr. Ward: “I voted in favor of adding the ordinance because it is reasonable and prudent and it certainly makes sense today that we have something in place for this new industry that seems to be evolving in front of us and certainly one that will be around for a while.”

FM Lacey thanked the board members and publicly thanked Ms. Riggs for all of her dedication and involvement in the taskforce.

APPEAL ITEM

1. Request by Colin Niebur and Joe Niebur for relief of 2009 IFC Appendix K as Amended by City Ordinance 12-111, Section K105.1.2 Hardened Structure – Exterior cladding, eaves and soffits shall be constructed of ignition-resistant materials approved by the *Fire Code Official*. Approved materials include, but are not limited to: fiber-cement board, stucco, masonry/brick, manufactured stone, and similar materials. Natural wood/cedar siding, hardboard, vinyl, and similar combustible materials are not allowed.
Location: 310 Haversham, Colorado Springs, CO

FM Lacey stated that appellants withdrew their item because they have decided to comply with the fire code.

DISCUSSION ITEM

1. Pikes Peak Regional Building Department’s process when making approved variances available to the public (follow-up item from April 8, 2016 FBA meeting – Deed Requirements)

Captain Loveless reiterated the question: “How do we take the fire board variances that are granted by fire board, and attach them to the property?”

Captain Loveless stated that Regional Building Department (RBD) representatives have created a new electronic tab, within their records, where fire board approved variances can be attached. Therefore, whenever something is granted at FBA, it will be emailed to RBD, which will then be attached as a permanent record to that particular property. When that particular property is being researched, within 30 seconds the researcher will obtain all variances to include what has been granted both by the Fire Board and by RBD. The process will become more formalized in the near future.

2. Board Membership Renewal

FM Lacey stated that 3 FBA members are coming up for renewal. City Council has taken a stand for all the boards that they approve membership on; they would like to hold interviews and will advertise in order to solicit for more applications. City Council will nominate and vote members on the board after the interviews.

Attorney Fredrick Stein stated that he has not heard of the specific process FM Lacey addressed, but Attorney Stein can understand why City Council would want to head in that direction. Attorney Stein informed the fire board members that an interview would only be with 1 or 2 City Council members and it would be an hour long interview at the most.

Katha Snow addressed the board to inform them of the members up for renewal: Christy Riggs, Dean Doiron, and Michael Ward. They have all shown intent that they want to continue another term. Interviews would be arranged by Jacquelyn Puett from the Office of City Council.

ADJOURN

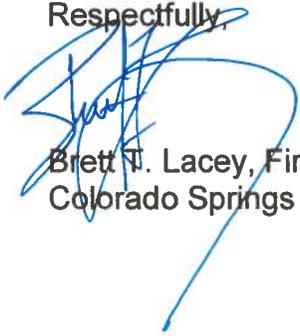
Motion made by Mr. Doiron to adjourn the meeting, seconded by Ms. Riggs.

Motion passed 4-0.

Meeting adjourned at 9:19am.

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Respectfully,



Brett T. Lacey, Fire Marshal
Colorado Springs Fire Department