



SAN JUAN COUNTY COMMISSION

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August 28, 2020

Phillip Glaze
Dawn Howe
Wilson Arch Water and Sewer Company
PO Box 906
Moab, Utah 84532

Dear Mr. Glaze,

First, I want to apologize for taking so long in this review, I appreciate your patience in allowing for a full review of what has transpired in the past.

On November 19, 2019, I received your hydrant flow study and analysis performed on October 26, 2019 indicating a total of 531 Gallons Per Minute (gpm) at the hydrant tested. With these results, you would have met the County's willingness to accept "the same standard for the west-side system as was accepted in 2003 on the east-side system – 500 gpm fire flow for two-hours" as quoted from a letter from the former County Administrator on February 26, 2019 to Mr. Scott Hacking which described what the County was willing to accept for fire flow capacity. This letter also required 1,500 gpm for 2 hours beyond the three additional units added to the development. It does not prevent you from continuing to develop within the allowable 8 dwelling units; it does however prevent you from developing beyond that without bringing the system up to that standard set forth.

In an effort to validate those results, San Juan County contracted with Sunrise Engineering in April of 2020 to perform a fire flow study, using tax payer funds, hoping that we would be able to match the same results achieved by your test. However, the results of that study actually indicated that the system is only capable of 190 gpm and had a difficulty maintaining residual pressure above 5 psi. In fact, the analysis could not determine duration due to the maintenance issues or design of the system where the pumps pressure dropped below zero. You were provided a copy of their analysis on April 29, 2020. The analysis also pointed out that the system fails to comply with "... the requirement of R309-105-9 to maintain a minimum pressure of 20 psi at all point in the system during a fire flow event, actual fire flow available is lower than the 190 gpm measured in the field test."

I reviewed the February 26, 2019 letter from Kelly Pehrson, former County Administrator which stated that the County is willing to allow the west-side system to grow by an additional three (3) homes before the water system which accommodates a total of eight (8) residential units is reached and which time the 500 gpm fire flow for two-hours has to be met. This allowance continues to this day.

Seven months later, on September 23, 2020, the interim County Administrator David Everitt responded to your request for variance following a meeting with yourself, the County Attorney, County Building Official, and County Public Works Director. This meeting was requested by Christina R. Sloan, Esq in her email dated May 10, 2019. David Everitt's letter is a result of that meeting in which the letter indicates the conditions which would need to be met in order to accept the West Side system but gave 2 options of which only one or both had to be met:

1. "Consistent with what is stated in the County's letter to the Utah Department of Environmental Quality (dated February 26, 2019, attached), the County will accept the same design fire flow requirement for the West Side System for future residential development..."
2. "All new development, including residential, must meet the requirements as set forth in the most current version of the International Fire Code for fire sprinkler systems for residential or commercial as appropriate. The CC&Rs for development on the West Side will be modified to include this requirement."

Both letters support one another in the fact that the County will continue to allow development up to the 8 dwelling units at current gpm, which was originally given a variance from the County for 100 gpm by the former County Administrator Rick Bailey, back in 2008. This has allowed the development to continue to develop without harm. To date, there are only 5 dwelling units constructed, this still allows the development to continue up to the maximum 8 dwelling units.

Applied to this reasoning, NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, ed. 2017, the standard identifies a method of determining the minimum requirements for alternative water supplies for structural fire-fighting in areas determined that adequate and reliable water supply systems for fire-fighting purposes do not otherwise exist. Section A.4.4 allows for a permitted reduction of fire flow for one-and two-family dwellings with a reduction of 50 percent of the required fire flow of 500 gpm where a building is provided with an approved automatic sprinkler system. Hence the allowance for fire sprinklers as a variance from the 500 gpm. This would allow for at 250 gpm development, the minimum legal requirement for fire-fighting purposes.

In that standard, 4.1.3 states, the minimum requirements for water supply shall be subject to increases to compensate for particular conditions such as: 1) Limited fire department resources. 2) Extended fire department response time or distance 3) Potential for delayed discovery of the fire. 4) Limited access. 5) Hazardous vegetation. 6) Structural attachments, such as decks and porches. 7) Unusual terrain. 8) Special uses and unusual occupancies. All of these conditions other than item # 8) exist within this development including the overall fact that this system also provides domestic water at the same time as providing water delivery to the hydrants.

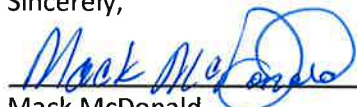
Table 4.6.1 provides the applicable water delivery rates of which we have asked you to meet the standard of 500 gpm for the entire development. Section 4.6.3 states specifically "The minimum water delivery rate shall not be less than 250 gpm". This is a mandatory fire code requirement, a code requirement adopted by both the State of Utah and San Juan County.

From what I ascertain, from the beginning of this development, you have worked with the County and have received allowances to continue with the development up to a point. I cannot find any of these allowances/variances being approved by a Planning Commission or a Board of County Commissioners. The difficulty with these prior allowances, which abled you to move forward with the first phase of homes, is that they should not able the entire future development and existing system to then be transferred into a public system knowing that the system, in its current state, is failing to meet minimum fire-fighting resource requirements.

The current system does not meet fire code and continuing to accommodate additional structures beyond the committed allowable 8 dwelling units, with minimum water delivery and fire flow, would then set precedence for every developer to attempt the same; waive the minimum requirements to a point where the County is pressured to allow it to become a public water system; this in turn would require the tax payers to invest funds in your water system in order to bring it up to the minimum standard legal requirements for a public system and meet legal fire-fighting resource requirements in a rural area.

I continue to standby the decisions of both former County Administrator Kelly Pehrson and that of Interim County Administrator David Everett. This is not a zoning issue, but that of a life-safety and fire code requirement that is being applied. If you do not like this administrative decision, you are more than welcome to appeal this standing to our Administrative Law Judge by contacting the County Attorney, Kendall Laws.

Sincerely,



Mack McDonald
Chief Administrative Officer