

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

Wednesday, April 11th, 2018

MEMBERS PRESENT: Ingrid Karlstrom Bob Gnuse
 Marcus Davis Jennifer Scott
 Sally Blea

MEMBERS ABSENT: Joe Gould Todd Clausen
 Steve Sery Marcy Monnahan

STAFF PRESENT: Thomas Leatherwood Alex Taft
 Carolyn Derby Bob Franek
 Richard Hubler

The April 11th, 2018 Grand County Planning Commission meeting was called to order by Chairman Marcus Davis at 6:30 P.M.

Roll call of Grand County staff and Planning Commissioners members

Approval of January 2017 Planning Commission minutes.

Motion to approve with correction of typos made by Ingrid Karlstrom. Second motion by Jennifer Scott. All in favor "aye". Motion carried.

Due to the only having only four voting members present at tonight's meeting Chairman Marcus Davis will be voting. This was approved by County Attorney Bob Franek

2015 GRAND COUNTY FIRE CODE

Presented by Thomas Leatherwood Community Development Director

Guest Presenter East Grand Fire Protection District Fire Chief Ronald Thompson

DISCUSSION

2015 FIRE CODE AMENDMENTS

The following amendments are made to the 2015 International Fire Code.

Section 101.1 is amended as follows:

101.1 Title. These regulations shall be known as the *International Fire Code of Grand County, Colorado*, hereinafter referred to as "this code."

102.5 Application of Residential Code. Section R102.5 of this code is amended in its entirety to read as follows:

If a structure is designed and constructed in accordance with the International Residential Code, the provisions of this code apply only as follows:

1. The construction and design provisions of this code apply only to premises identification, fire apparatus access, adequate water supply for fire suppression, and construction permits required by Section 105.7.
2. This code does not impose a requirement that one (1) and two (2) family dwellings install automatic sprinkler systems. See R313.1: Grand County Building Code.
3. This code does not supersede the building code, land use, zoning, subdivision, or development standards established by Grand County, Colorado.
4. The administrative, operational, and maintenance provisions of this code apply.

103.4 Liability. Section R103.4 of this code is amended to read as follows:

The adoption of this code, and any previous codes adopted by Grand County, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee or agent.

The fire official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 105.3.1 is repealed in its entirety and reenacted as follows:

105.3.1 Expiration. R105.5 Expiration.

~~Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~ **Every permit issued by the fire official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 240 days.**

Before such work can be commenced, a new permit shall be obtained. The fee for a re-issued new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and further provided that such suspension or abandonment has not exceeded one year. Changes in plans and specifications shall require an additional permit fee and plan review fee as described in section r106 and section r108. Any nullified permit where the suspension or abandonments have exceeded one year will require the permittee to pay a new permit fee plus plan review fee.

Any person holding an unexpired and valid permit may apply for an extension of time to commence work, return to work or complete work under that permit by submitting a written request describing good and satisfactory reason for such extension. This request shall be received prior to the date on which the original permit expires or becomes null and void.

An extended permit is valid for 18 months from the date of the extension, does not require compliance with Codes adopted since the original permit was issued, and does not require payment of new fees. No permit shall be extended more than twice.

When a permit has expired or been nullified and a new addition of the code has been adopted, the original plans shall be reviewed and required to comply with the current code. The permittee shall pay a new permit fee based on the current projected valuation.

Chapter 1 is amended by the addition of the following new section:

114 Water Flushing. The fire chief or fire code official, shall be authorized to witness, accept, or approve flushing and flow testing of a water system supplying water for all fire protection systems.

Section 903.2.8 is amended by the addition of the following exception:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a group R fire area.

Exception: An automatic sprinkler system is not required in new or existing non-sprinkled buildings, two stories or less, where a change of occupancy/alteration creates no more than two dwelling units, provided that a manual and automatic fire alarm system is installed in accordance with NFPA 72 throughout the building and the residential occupancies are separated from other occupancies per Section 508.4 of the International Building Code.

That the limits referred to in certain sections of the *International Fire Code* are hereby established as follows:

Section 5504.3.1.1.3 Location. ~~Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.~~ **Storage of flammable cryogenic fluids is prohibited.**

Section 5704.2.9.6.1 Locations Where Above-Ground Tanks are Prohibited. ~~Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.~~ **Storage of class I and class II liquids in above ground tanks is restricted to 250 gallons (946.36L) or less. Exception: When a permit has been issued by the fire official or fire chief.**

Section 5806.2 Limitations. ~~Storage of flammable cryogenic fluids in stationary containers outside of building is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page xiii).~~ **Storage of flammable cryogenic fluids is prohibited.**

Section D102.1 is amended as follows:

D102.1 Access and Loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with asphalt, concrete, or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least **84,000 75,000 pounds (38,101.76 kg) (34,050 kg)**.

PUBLIC COMMENTS

Ron Thompson – Fire Chief Granby Fire, Grand Fire Protection District #1

93.2.8 Group R mimics what Tom stated regarding not proposing automatic sprinkler systems in single family homes, duplexes, or 2 unit townhomes. However there is an exception that reads “an automatic sprinkler system is not required in new or existing non-sprinkled building, two stories or less, where a change of occupancy/alterations creates no more than two dwelling units, provided that a manual and automatic fire alarm system is installed in accordance with NFPA 72 throughout the building and the residential occupancies are separated from other occupancies per section 508.4 of the international Building Code.” We are seeing a lot of mercantiles on the bottom floors and apartment in the top of the building. We are seeing a lot of this going on in Granby.

Next section talks about cryogenics. For those of you who do not know cryogenics is really cold fluids, it’s a liquid that when it’s exposed to air it vaporizes very rapidly. Cryogenics are found in industries and larger medical facilities. We do not have the ability locally to handle cryogenics. We have stated that cryogenics are prohibited unless permitted by the fire chief. If a cryogenic liquid is leaking on an asphalt pad the cryogenic will embed itself in the asphalt and become shock resistant. We do not have the equipment or manpower to address this in an emergency situation.

PLANNING COMMISSION DISCUSSION

Jennifer Scott- With the prohibition of cryogenics impact the local hospitals?

Ron Thompson – No this does not impact our local hospitals.

Ingrid Karlstrom – “The adoption of the codes, and any previous codes adopted by Grand County, shall not be deemed to give rise to a duty of care on the part of any public entity,” what does that mean? Does it mean just because it’s a code does that mean it doesn’t have to be followed.

Ron Thompson – It means regardless of what is adopted there isn’t a “must” in there.

Bob Franek – It’s a code that doesn’t have any liability.

Marcus Davis – What is the definition of class 1 and class 2 liquids or example? Where does general fuel and diesel stand? How do you handle the farmers with 500 gallon above ground fuel tanks? And does Road and Bridge mimic the 84,000lb?

Ron Thompson – Class 1 & class 2 have a different ignition point. Class 1 is 100F or less, Class 2 is 100F to 150F, Class 3 is 150F to 200F anything greater than 200F is combustible. General fuel is 44 degrees below 0 and is a class 1. We do not regulate agriculture properties regarding above ground fuel tanks. Road and Bridge does mimic the 84,000lb.

Motion was made by Ingrid Karlstrom to approve the adoption of the 2015 Grand County Fire Code with amendments. Second motion was made by Sally Blea. All in favor "aye". Motion carried.

C LAZY U 1041 PERMIT/WWTF SITE APPLICATION REVIEW

Presented by Richard Hubler Community Development Planning & Zoning Technician

Tom Leatherwood- This will be Richards first time presenting in front of the planning commission. I am very happy to have him on board. Richard is finishing up his degree in sustainable and resilient communities from Green Mountain College in Vermont.

Applicant is represented by engineer Andrew Sparn from JVA Consulting

DISCUSSION

The C Lazy U Ranch (Ranch) is a resort and working ranch that currently serves a daily maximum of 258 guests and staff. The Ranch's property incorporates Sections 1, 2, 3, 10, 11, 12, 13, 14, 15 and 24, Township 2 North, Range 77 West, 6th P.M., in Grand County, Colorado. The Ranch service area consists of approximately 8,500 acres that are contained within the Ranch property boundary, most of which will remain undeveloped.

Recently, the Ranch has experienced an increase in overnight and day guests. The buildout adjusted maximum daily occupancy at the Ranch is 294 guests and staff.

The Ranch owns and operates a wastewater treatment facility (WWTF) that is located at 3640 St. Hwy 125 Granby, CO 80446. The county issued the existing WWTF a 1041 Permit in 2003, by Resolution 2003-3-1. The existing WWTF includes two 10,000-gallon septic tanks, a 20,000-gallon recirculating tank, a coarse grain recirculating sand filter, and an ultraviolet disinfection system. The WWTF is permitted to discharge 0.014375 million gallons per day (MGD) to Willow Creek. The average influent flow from January 2014 to August 2017 was 0.0076 MGD based on effluent Discharge Monitoring Report (DMR) data. Based on population projections, the 20-year maximum daily flow is estimated to be 0.0230 MGD. The Ranch exceeded 80 percent of the permitted discharge flowrate in May 2014, June 2014, August 2015, and July 2016. The Ranch has not yet exceeded the permitted 30-day average BOD₅ loading of 3.6 pounds per day (lbs/d).

Project Description:

The Applicant is seeking Site Application approval (1041 Permit) to increase the design capacity of its existing wastewater treatment facility. Since the existing WWTF is not sufficient for existing and future flows and loading, the applicant proposes to construct a new WWTF to satisfy future discharge permit limits, and decommission the existing WWTF. To be under 80 percent of the new WWTF's design capacity, the maximum daily flow will be permitted for 0.030 MGD and BOD₅ design loading of 88 lbs/day. It is expected that Operation and Maintenance will continue to be performed by Stillwater Technology, LLC, a Class C operator, satisfactory to CDPHE requirements.

The proposed WWTF is a Multi-Stage Biofilm Process (MSBP) system with discharge to Willow Creek. The proposed service area includes all existing and future wastewater customers within the Ranch's property.

The existing WWTF will remain in service during the construction of the new WWTF, scheduled for completion by summer 2019. Once construction is complete, flows will be directed to the new system, and the existing system will be fully decommissioned.

PUBLIC COMMENTS

Andrew Sparn – JVA Consulting, Engineer of record. We do waste water treatment systems. The conditions have been reviewed and they are very straight forward standard conditions that they can meet. The only conditions that is an issue is #2 CDPHE wants planning commission to sign off on this prior to them finishing their review and approving. Once planning commission signs off on the project they will move it to the front of the pile where it can still take up to 6 months to approve. We will also need to submit building plans to the building department for approval as well. Great presentation done by Richard and Tom. It's been great to work with them and have new staff on board to help with the volume of applications. C Lazy U is in good standing with the state, it's just that their current waste water treatment facility is 2 decades old and is at 80% capacity. New limits are more stringent than the old ones. There will be a higher quality of nutrients entering Willow Creek and other reservoirs and rivers.

PLANNING COMMISSION DISCUSSION

Ingrid Karlstrom – Didn't read all the technical components to the report but trust you to figure it out and do the right thing so I recommend approval of this. One correction is on #11 "shall take place between prior September 2019" should be "shall take place prior to September 2019."

Sally Blea – Someone there is a paragraph that states 3Lakes didn't have the capacity to serve when in fact they would have the capacity to serve. It was that they were outside of the boundaries and would have to incorporate in order to get service. Are you treating anything more than what you are currently treating? What is the size difference between the new and the old facility?

Andrew Sparn – You are correct we could have incorporated but it would have been a challenge to get a pipeline through that corridor. The old/existing permit is basically looking at nitrification. The new permit will be looking at inorganic nitrogen and ammonia. The older permit is 50mg per liter. The new permit is 10mg per liter of TIN. We are at a 5 times reduction. In total, inorganic nitrogen which includes ammonia we will be in a range of 5. Regulation 31 will be coming into effect in 2030 something and we want to be doing some forward thinking regarding phosphorus. The current facility is 15,000 gallons and the new will be 30,000 gallons. A buffer has been added.

Bob Gnuse – You have currently reached 80% effluent flow to capacity with existing facility and for whatever reason you have decided to not build on. So then in what year do you project you will hit 80% capacity with the new proposed facility?

Andrew Sparn - We are looking at 20 years minimum unless we hit 2 trigger points - one being regulatory changes and the other being growth.

Jennifer Scott – Sounds like a positive project so no comment

Marcus Davis – Can this be expanded in the future? You have 8 tanks, 2 aerobic and 8 anaerobic, are you saying that the phosphorus can go into some anaerobic tanks or would be an additional add on? The certificate talks a lot about growth of the ranch and the fact that you have exceeded the flow limits, etc. and you are projecting a 36 person change over 20 years. The reality is the regulations are driving this and that need to be

reflected in the staff report before it goes to the BOCC. Where else has this system been used?

Andrew Sparn – Yes, this is something we have talked about and it can be expanded in the future. On the phosphorus, it would require more chemical dosing and then capturing in the clarification process through a filter of some type. We don't want to expand but we can't predict the future regulations and the requirements. This system has been used by Gypsum at the Make A Wish camp.

Motion was made to approve the C Lazy U 1041 Permit as presented. Second motion was made by Ingrid Karlstrom. All in favor "aye." Motion carried.

Aspen Ridge Subdivision Exemption, Lot 1 & 3 Amended Final Plat

Presented by Alex Taft Grand County Planner

Warren Ward will be representing the owners on their behalf.

DISCUSSION

The applicant is proposing an amended final plat with the intent of vacating a lot line to redistribute the total land area. This amended final plat will not create more than three lots. The property will be served by a household only use well (Permit No# 78352-F) and On-site Wastewater Treatment System (OWTS).

Once recorded the well permit shall be updated to match the legal description of the property.

The two parcels, Lots 1 and 3, are both owned by Cindy Bendall (the Applicant). The Applicant is requesting this amended final plat in order to deed a parcel to family.

History –

In 2012, Andre and Natalie DeBakker, the owners of a 39.57 acre tract of land requested a subdivision exemption. At the time the DeBakkers were requesting this subdivision to avoid foreclosure. The DeBakkers also had plans to further subdivide the 34 acre parcel that lies within an Urban Growth Area. The Subdivision Exemption Final plat was recorded July 10, 2012 at Reception No. 2012-005041. Cindy Bendall purchased Lot 1 from the DeBakkers in September of 2013 and Lot 3 October 2014 in order for the DeBakkers to avoid foreclosure.

PUBLIC COMMENTS

No public comments

PLANNING COMMISSION DISCUSSION

Ingrid Karlstrom – Who owns lot 2, DeBakkers?

Alex Taft – No it's someone else.

Jennifer Scott – This property was already approved for 13 lots, does this subdivision exemption make the 13 lots an option for the owners?

Alex Taft –No it's not an option for those 13 lots but it could be an option for the 34 (+/-) acres.

Bob Gnuse – Will the well on the property be going to a different property?

Alex Taft – Lot 1a will meet the well description and Lot 3 where the well is gets a new legal description.

Sally Blea –Count Road 83 has a variance to not build a road to just use a driveway, so does each owner own part of the road? If so, is there a road maintenance agreement in place between the homeowners?

Alex – Unsure if there is a road maintenance agreement already in place but will look into it and know prior to taking presentation to Board of County Commissioners for final approval.

Marcus Davis – The name of the project should read “Amended final Plat of Aspen Ridge Subdivision Lot 1 & 3. Are the utilities on Lot 2 – 3a existing or are they new? We need reception number on plat.

Motion was made by Jennifer Scott to approve Aspen Ridge Subdivision Exemption Lot 1 & 3 Amended Final Plat as presented. Second motion was made by Bob Gnuse. All in favor “aye”. Motion carried.

OTHER MATTERS DISCUSSED

Introduction and welcome to Richard Hubler the new Planning and Zoning Technician in Community Development.

Introduction and Welcome to Julie Nessen-Gasner the new administrative assistant in Community Development. She will be very valuable in the Short Term Rental Department.

Motion to adjourn was made by Ingrid Karlstrom and 2nd motion was made by Sally Blea. All in favor “Aye”. Motion Carried.

Meeting Adjourned by Chairman Marcus Davis at 7:26 P.M.