



## UEB Meeting Minutes, Feb. 20, 2019

**Meeting Time and Location:** Began at 4:30 at Town Hall.

**Attendance:** Aaron Caplan, Jim Kerr, Jay Stott, Lee Hall, Dan Reitz

**Staff:** Joe Kubala      **BOT Liaison:** Mike Karavas      **Guests:**

**Previous Minutes:** Feb. 6, 2019 minutes **approved.**

**BoT Report:** . Mike K.- passed on to the BoT the UEB's opinion that the way to get more water shares is by passing the changes to town code requiring any new connections in town supply a CB-T water share. This recommendation was passed on its 2nd first reading, after it failed as an emergency ordinance. Town will have to pay more for fishing structures in Bohn Phase 1 because CoWildlife won't sign off on plans (that they signed off on). Ecology Board is upset because new Highlands Dam is not fish compliant. Ditch company is supposed to work with town on fish mitigation. Workshop for a single hauler trash pick up.

**Staff Update:** Joe K.- major windstorm damage last week- poles, branches, transformers. Eastern corridor sewer/PRV contract out to big (again). EDA would not allow a reduction of scope to make it more competitive.

**LMC Code Ch. 13 Modifications- 13-1-20- Passed recommended language 5-0, 13-1-130-discussion of language about requirement to notify property owner in event of lien. There is no mention of this in Longmont, Estes Park or Nederland code. Suggestion to make requirement to notify property owners as part of town practice/policy, but not include it in code. Passed recommended language with language about Liens removed pending opinion of town attorney passed 5-0. New Code Recommendations attached.**

**Rooftop Solar Setbacks-** Lyons Fire is worried about the absence of setback requirements in 2015 code. Lots of new solar installs have no setbacks, creating a problem for firefighters in emergency situations. Proposed code (applicable section of 2018 IRC- R324.6 Roof Access and Pathways) would require reasonable setbacks without undue negative impact to solar install efficacy. 2018 IRC meets reasonable concerns without significant impact on solar viability. After discussion, **UEB recommends town adopt of 2018 IRC-R324.6- Roof Access and Pathways passed 5-0.**

**Meeting ended:** 6 pm. **Minutes Submitted by:** Jay Stott & Aaron Caplan

Sec. 13-1-20 Only Change - "Electric Department, Water Department and Sewer Department" becomes "Electric Utility, Water Utility, Wastewater Utility and Stormwater Utility." Otherwise the UEB sees this as appropriate. Attorney can recommend any changes he might deem appropriate.

New Sec. 13-1-20. - Control and management of Town utilities.

The Board of Trustees shall constitute the policy-making and governing board of the Town Utility Departments. Subject to direction by the Board of Trustees, the Town Administrator shall have the immediate control and management of all matters pertaining to the operation and maintenance of the Electric Department, Water Department and Sewer Department - Electric Utility, Water Utility, Wastewater Utility and Stormwater Utility and shall perform all acts that may be necessary for the prudent, efficient and economical management, protection and enforcement of the Town Utility Systems. The Town Administrator may create and approve forms, written administration interpretations and any other documentation deemed necessary to permit the administration of this Chapter. The Board of Trustees shall have the power by motion or resolution to prescribe such other and further rules and regulations governing the powers and duties of the Town Administrator in the management of the Town Utility Departments and System and to establish such other rates, rules and regulations not otherwise contained in this Chapter.

New Sec. 13-1-130. - Lien on property served.

All fees, rates and other charges for electric, water, wastewater and stormwater connections and services shall be a charge and a lien upon the premises or property to which such service is delivered from the date such fees, rates and charges become due and until paid. The owner of the premises or property shall be obligated and liable for all services delivered to or taken and used upon such premises or property. In case a tenant in possession of the premises or building or an agent for the owner contracts to pay any fees, rates or charge, such contract does not relieve the property owner from such obligation and lien, and the town shall not be required to look to any person whatsoever, other than the owner, for payment. All delinquent fees, rates and other charges for electric, water, wastewater and stormwater may be certified to the County Treasurer by the Town Clerk and collected in the same manner as general taxes.

*The UEB saw that Longmont, Estes Park and Nederland do not have any mention of the following line and recommends leaving it off unless the town attorney thought there was legal need. We thought this should be handled by staff as a staff procedure or might already be handled earlier in the process such as when notice of service shut off was sent. "Prior to such certification, the town shall mail notice to the record owner of the property or premises of the Town's intent to certify such delinquency."*



## **Re: UEB Recommendation for Rooftop Solar System Roof Access and Pathways (Setbacks)**

It has come to the attention of the Lyons Utilities and Engineering Board (UEB) that the Town's currently adopted 2015 International Residential Code (IRC) has no requirements for clear access or pathways (setbacks) for rooftop-mounted solar photovoltaic panel systems. The Lyons Fire Department's currently adopted 2015 International Fire Code (IFC) exempts Group R-3 buildings from setback requirements provided the structures are designed and constructed in accordance with the IRC.

The Fire Department has expressed concerns about the absence of solar setbacks as it poses a serious threat to firefighters and their ability to perform their duties, as well as to the structures and their inhabitants. The Fire Department and Town building officials have been coordinating efforts to try to have reasonable setbacks adhered to. Despite their efforts, the current permitting scheme is awkward and unreliable, as well as unpredictable for solar designers and installers.

The 2018 IRC embodies vastly clarified and updated solar setback requirements. It is also consistent with the corresponding requirements in the 2018 IFC. These requirements include a single 36"-wide pathway from eave to ridge and 18" clear on each side of a ridge.

Consulted solar designers and installers, while inherently interested in minimizing constraints, stated that it is unlikely that any proposed solar systems would be rendered economically unfeasible by the difference between these setback requirements and those of surrounding jurisdictions (i.e., Boulder County's and the City of Boulder's "Boulder Compromise" – one 30" pathway and 12" clear from ridges). They also estimated that these setback requirement differences would be unlikely to restrict the size of an average solar system by more than a few percent.

The presence of any rooftop solar panels has the potential to impede or prohibit the Fire Department's firefighting capabilities. However, they have expressed agreement that the 2018 IRC & IFC solar setbacks would be a reasonable compromise and would be a vast improvement on the current absence of setbacks in the Town's building code.

As such, the UEB recommends that the Town adopt the 2018 IRC Section R324.6 - Roof Access and Pathways for solar setback requirements.

Aaron Caplan,  
Chair  
Lyons UEB