
MINUTES

1. Call to Order: Vice Chairperson Ed Pinalto called the meeting to order at 7:02 pm. Zoning Board members Ed Herman and Gayla Gibb were present. Zoning Board members Rodger Lull and Jesse Garetson were present via Zoom.

2. Public Comments: None

3. NEW BUSINESS:

- Discuss and vote to approve minutes of the 1/15/2024 Zoning Board Meeting.

Motion to approve the minutes as amended made by Zoning Board chairperson Jesse Garetson. Seconded by Zoning Board member Ed Herman. Motion carried 5-0.

- Discuss and vote on Zoning Code proposal revisions for the recommendation to the Board of Trustees (Limit to 60-minute discussion – ongoing process)
 - Renewal of Building Permits beyond the two-year completion and update Fee Schedule to reflect Building Permit Renewal a (Section 17. H)
Chairperson Jesse Garetson suggested a 3-year completion. Zoning Board member Gayla Gibb suggested at least 5 years, which is the same as Gunnison County. Zoning Board member Ed Herman suggested compromising with 3 years. Zoning Board member Gayla Gibb maintained that 5 years was reasonable, especially for a do-it-yourself project. Zoning Board member Rodger Lull stated that he has not experienced building permits expiring. It goes with the house, has a set of plans and has everything in it that certifies a building has been built on that property. There is no control over timelines for building projects due to materials availability. He doesn't think they need to add more misery to the process.
Zoning Board member Ed Pinalto stated that the town attorney is currently reviewing whether permits expire based on the wording of the zoning code. If the permit doesn't expire, why does the Zoning Board want any updates on it? Zoning Board member Ed Herman stated that he is unclear – the Town issues a building permit and years ago they did away with the certificate of occupancy which gave closure to the permit. Should the Town look at bringing that back? Zoning Board member Ed Pinalto believes that there needs to be a way to close out a building permit. He wants to refrain from that discussion until hearing back from the town attorney. Chairperson Jesse Garetson stated that he looked at the 2001 and 2012 Zoning Codes and the wording is almost identical. He would like to table this until the attorney gives his opinion. Zoning Board member Ed Pinalto asked if it would help the building inspector to have a final inspection checklist for various types of permits. Building Inspector Tom Gibb stated that a person can piecemeal a building project to some degree. He thinks many people

don't realize there are advantages to doing things that way. He does not follow through on a state inspection to see if it was done correctly because the State does that. Building in Pitkin has changed over the years from primarily summer homes. The permit used by the Town is very old. Mr. Gibb looks at foundations, footings, knee walls, steel, vertical rods, etc. With the architectural designs used today, many of these things come in spec'd and stamped by a CO approved architect. It's not difficult to compare it to the blueprint. Only rarely is there any exception to what the engineer does. If you're familiar with building this is very straightforward. The idea of 3 years for a permit is not all bad.

The yellow card on the big projects has a checklist. Most of the items are checked off on that card. Regarding a certificate of occupancy, those are no longer handed out unless they're required for insurance or mortgage. Mr. Gibb has a stack of final inspection checklist forms that have many items. Without the certificate of occupancy it seems moot. The value of a checklist is to list what was seen, especially in the larger projects with subcontractors. He does see, with what is coming down the pipe, that a checklist should be on somebody's radar. He doesn't know that it is needed now. If the Town wants to go back to a certificate of occupancy, it probably needs a checklist for that. Zoning Board member Ed Pianalto likes the idea of a checklist throughout in case questions come up in the future about the status of the permit. Mr. Gibb agrees that a checklist needs to be done, but documentation and maintaining the record may be more difficult. He advises that the Town is careful not to overload its building inspector. He suggests taking a look at some of the final inspection checklists available in various types of cities. There are towns in CO with no building code and in the future there may be some advantages to that.

Item tabled until insight is provided from the Town Attorney

Public comments: Pete Olson

- Demolition Permit for the demolition of a structure and update Fee Schedule to reflect fees for a Demolition Permit (Section 17)

Chairperson Jesse Garetson reported that in discussion with the mayor, the possibility of a demolition permit should be considered. With more county controls on asbestos, lead paint, smoke, dust, etc. it should be considered. Also, how to control the debris from a demolition. The cost could be based on the volume/quantity of rubbish to be removed; for example, an accessory building would be a lesser fee. Zoning Board member Rodger Lull stated that the person demolishing a building needs to take care of it. They shouldn't need permission from the Town if the Town doesn't want to do it. He doesn't want to add expense to a very expensive project. Chairperson Jesse Garetson believes an inspection would be the first place to start. Zoning Board member Gayla Gibb doesn't know about the necessity of permits but she recalls a recent demolition on State that smoked for weeks and trash was allowed to blow all over, into the creek and she even got some trash down at the ranch. Smoke and trash should

be contained somehow, even if it's to require some sort of barrier. Building Inspector Tom Gibb has experience with demolition. His crew paid a demolition fee and a performance bond that was quite large. They had to consider hazardous materials and put up a containment fence. They also had to burn anything within a maximum of two 55-gallon drums. His point is that in regard to hazardous materials and fires, the demolition fee should be small but the performance bond should be large and should state that the lot is returned to a level state and it will look good and grass seed will be spread. The performance bond will then be returned. Zoning Board member Ed Pianalto recommends more research before any decisions are made.

Zoning Board member Ed Herman said that the State has requirements on asbestos removal. He isn't sure about lead paint. Zoning Board member Rodger Lull said it's going to take a lot to make recommendations to people who want to demolish buildings. The Town doesn't have much of a main street. There isn't much that would be demolished that would make much of a mess. Chairperson Jesse Garetson stated that there is a trend of lack of control. He brought up the demolition on the corner of State and 5th Streets. He reported that there was a concern about smoke and dust, primarily related to asbestos and other hazardous materials that were burned. He agreed that a perimeter fence should be considered where a demolition is taking place. He is in favor of tabling this item until more information is gathered. Zoning Board member Ed Pianalto volunteered to go online and do some research. Chairperson Jesse Garetson will work with him, as he has a rough draft created.

Item tabled

- Update of Appendix "A" International Residential Code version

When Zoning Board member Ed Pianalto looked at appendix A, he observed that it was not stated which version of the International Residential Code was used. He asked a local builder which code was used and was told 2018 with regard to framing. Building Inspector Tom Gibb uses 2012 for R values and other specs. He stated that builders stay ahead of the game. Zoning Board member Ed Pianalto stated that Gunnison County uses 2021 for all the different codes. They put that in a resolution instead of a Zoning Code so it could easily be changed in the future. Building Inspector Tom Gibb stated that a municipality can adopt any code and they can also tweak it.

Zoning Board member Ed Pianalto stated that in the current Zoning Code only foundation and framing are addressed. Does the Zoning Board want a version put into the Zoning Code or should the Board of Trustees be asked to put this in a resolution?

Zoning Board Rodger Lull stated that not everything in Pitkin has to be engineered. There are variations within the county. He says the code is fine. Chairperson Jesse Garetson stated that to keep it simple, insulation, interior and exterior sheeting should be addressed in Appendix A.

Zoning Board member Gayla Gibb stated that her recommendation would be to put the building code version in a resolution.

Zoning Board member Ed Pianalto asked which edition should be followed for framing and foundation. He has concerns about the older codes in case someone wants to build high walls.

Chairperson Jesse Garetson suggested using 2018 based on a conversation with local builder Phil Duetsch. Building Inspector Tom Gibb stated that the safety net is with architects and engineers. The Town has some latitude in what they follow. Exceeding the version the town is following could require engineering. Traditionally the Town has not had engineered drawings. The larger houses tend to have engineers. Not everything needs to be engineered, but everything should be looked at critically.

Zoning Board member Gayla Gibb asked for time to review the codes if they are to recommend one. The Zoning Board agrees with more time to research the differences between the 2012, 2015 and 2018 International Residential Codes. Zoning Board member Gayla Gibb would like everyone to do this research. Building Inspector Tom Gibb volunteered to also review these codes.

Item tabled

- Section 19: Violations Subsection B. – Clarify responsibility for drafting and mailing of certified letters.
- Section 18: B: Duties and Powers. - Clarify responsibility for drafting and posting of meeting notices.

4. OLD BUSINESS:

- Update from Town Attorney regarding opinion on House Bill 22-1362 Energy Code.

The request was forwarded to Mayor Balch from Zoning Board member Ed Pianalto to obtain the attorney's opinion. No update is available yet.

- Update regarding Open Permit Violations that are open beyond the two-year time frame with no response for an update from the property owners.

Zoning Board member Ed Pianalto reported that he believes the mayor is waiting for a response from the attorney on how to proceed.

Zoning Board chairperson Jesse Garetson stated that the mayor confirmed that the Zoning Board can not contact the attorney directly; requests must come from the Mayor or Trustees.

- Discuss updates to the Building Permit spreadsheet and update OWTS Data and review any new permits or closed permits.

Building Inspector Tom Gibb confirmed that the back porch of the hotel may have obtained a final permit. He will look it up and verify. He looked at the porch on Main. It was acceptable.

Chairperson Jesse Garetson expressed confusion about where the jurisdiction of the Zoning Board starts and stops with regard to variances. He spoke specifically about the hotel variance request that involves town property. He asked about Dan Hoffelder's container. Building Inspector Tom Gibb stated that this process is nearly complete. He further stated that the Board has never addressed setbacks in commercial for alleys.

Zoning Board member Ed Pianalto asked about the Benbow permit and the Tunnell permit. Building Inspector Tom Gibb stated that nothing happened with the Benbow permit because their request to turn a small house into a garage was not allowed under the zoning code at that time. Tunnell's permit for the shed is closed.

Chairperson Jesse Garetson shared a rumor that he heard about splitting off a leach field at Tunnell's. Zoning Board Gayla Gibb confirmed that they are working on engineering for an OWTS.

Clerk Sara Gibb stated that she would be out of town on March 11th. The Zoning Board meeting is tentatively scheduled for March 4th. Chairperson Jesse Garetson stated that it may be a good idea to wait until April based on the attorney's responses to various questions.

Public comments: Suzy Metzler

- 5. ADJOURN Motion to adjourn at 8:45pm made by Zoning Board Chairperson Jesse Garetson. Seconded by Zoning Board member Ed Herman. Motion carried 5-0. Meeting adjourned at 8:50pm**