
MINUTES

1. Call to Order: Chairperson Jesse James Garetson called the meeting to order at 7:00pm. Zoning Board members Ed Herman, Ed Pianalto and Gayla Gibb were present. Zoning Board member Rodger Lull was present via Zoom.

2. Public Comments: None

3. NEW BUSINESS:

- Discuss and vote to approve minutes of the 11/27/2023 Zoning Board Meeting.

Zoning Board member Ed Pianalto would like public comments to be moved up before Zoning Board member Gayla Gibb calling the question on page 3.

Motion to approve the minutes as corrected made by Zoning Board member Gayla Gibb. Seconded by Zoning Board member Ed Pianalto. Motion carried 5-0.

- Discuss and vote on Schellenberg Petition to Vacate Streets/Alleys with any updates from Schellenberg's Petition.

Mr. Schellenberg stated that after last month's meeting, it became evident that the Town has a different opinion on what makes sense so Mr. Schellenberg is no longer interested in vacating streets. He is making a formal request to open River Street so he can access his property. He will pay for this if required. The street needs to be opened so he can access his property.

- Discuss and vote to move Zoning Board of Adjustments to the first Monday of the month.

Chairperson Jesse Garetson had originally proposed moving the meeting to the first Monday of the month in order to be one week before the Trustees' meeting. He then learned that the attorney will be in attendance the third Monday of the month. Clerk Sara Gibb stated that third Monday meetings for the BoT will begin in February.

Motion to move the Zoning Board meeting to the second Monday of the month beginning in February 2024 made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Gayla Gibb. Motion carried 5-0.

- Discuss and vote to send to the Board of Trustees confirmation from the new Town Attorney that he is in agreement with the recommendation from Schumacher and O'Laughlin regarding the House Bill 22-1362 Energy Code adoption received July 12, 2023.

Chairperson Jesse Garetson would like to send confirmation from the new Town Attorney that he is in agreement with the previous attorney's recommendation with regard to HB 22-1362.

In July, former Town Attorney Chris Mochulsky sent a document to the Town with regard to House Bill 22-1362. The Zoning Board would like the current attorney to review the recommendations within this document and confirm that the advice should be followed. They would like the Board of Trustees to task the attorney with reviewing the recommendations.

Motion to forward the above-discussed request to the Board of Trustees – to forward to letter from Schumacher and O'Loughlin to see if he agrees or disagrees with the recommendation from Schumacher and O'Loughlin made by Zoning Board member Ed Pianalto. 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 45 minute discussion – ongoing process)

Chairperson Jesse Garetson asked if the Zoning Board wanted to spend time on these items or table some of them. Zoning Board member Gayla Gibb stated that the Town wanted the suggestions to be submitted as they would be written in the code.

- Definitions for Fences and OWTS Marker and update Fee Schedule to reflect no fees for OWTS Markers (Section 3. Definitions)

Zoning Board member Ed Pianalto submitted a document with proposed changes. He suggested the following for the definition of a fence – “a vertical structure of minimal thickness made of wood, cable, chain link, concrete, rocks, plastic, vinyl, or other composite material which is designed to restrict or prevent movement across a boundary.”

Zoning Board approves this definition (5-0)

Add definition for Onsite Wastewater Treatment System (OWTS) Marker: “Any fence type structure which marks above ground to identify what is below ground in relation to septic tanks and soil treatment areas commonly known as a leach field.”

Zoning Board approves this definition (5-0)

Amend fee schedule to show “no fee” for OWTS Marker (5-0)

- Draft of Fence Permit Form

Chairperson Jesse Garetson drafted a fence permit form. Building Inspector Tom Gibb stated that he recommends requiring a site plan on the back of a fence permit form. Zoning Board member Rodger Lull asked how in-depth the requirement for the fence permit will be. Will a survey be required for boundary

line fences? Will lot line agreements be required? Lot line agreements between owners have been used to manage fences that were misplaced years ago. He believes there will be issues between neighbors if a survey is required. Zoning Board member Ed Pianalto stated that the purpose of this item is to create a fence permit rather than use a building permit for a fence. Zoning Board member Gayla Gibb agreed with Zoning Board member Rodger Lull on problems with old surveys. Zoning Board member Rodger Lull stated that if you issue a permit for a fence, you need to be concerned with where it goes. The setback on alleys requires a survey. Zoning Board member Ed Pianalto asked what is done currently – does the building inspector look for pins or use a survey? Building Inspector Tom Gibb stated that his experience with fences has been limited. He errs on the side of putting the fence on the owner’s property rather than in town right-of-way. Zoning Board member Ed Pianalto stated that this is to clarify the permit, not to change the Zoning Code. Chairperson Jesse James confirmed that this was his intention when developing the fence permit. Zoning Board member Rodger Lull asked how to handle setbacks to roads/alleys that are developed vs. only platted.

**Add “please use back for site plan drawing” after “site plan of proposed fence”
Add reference to Zoning Code Sections 12, 13**

The Zoning Board approves the use of the drafted fence permit (5-0)

- Clarifying Fence Setbacks (Section 12. E)

Change “building permit” to “fence permit” in the Zoning Code

The Zoning Board approves this change (5-0)

Public comments: Pete Olson, Chris Nasso, Ramon Reed

- Moving of structures within property owner’s boundaries and update Fee Schedule to reflect Relocation Fees (Section 17. A)

There was discussion about wording to clarify the Zoning Board’s intention for a relocation/setback fee. Zoning Board member Rodger Lull wanted to clarify what required a setback verification fee. He doesn’t see the purpose for a building permit if no building is taking place on site.

Adjusted in code.

Suggested fee \$75 (setback verification fee)

Item tabled until the next meeting. The following items will be discussed at a future Zoning Board meeting.

- Section 21. Amendments and Zoning Change Requests. (Swap 7. and 8.)
- Amend Section 5 to mention Appendix “B” Current Zoning Map
- Clarifying Lanes/Alleys (Section 12. C & D)

- Zoning Code Complaint Form to remove anonymous complaints from the form
- Renewal of Building Permits beyond the two year completion and update Fee Schedule to reflect Building Permit Renewal a (Section 17. H)
- Demolition Permit for the demolition of a structure and update Fee Schedule to reflect fees for a Demolition Permit (Section 17)

4. OLD BUSINESS:

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

Zoning Board member Gayla Gibb asked when it was decided to add OWTS permits to the spreadsheet. Zoning Board member Ed Pianalto stated that the Zoning Board is looking for the OWTS permit number for building permits that require an OWTS.

Zoning Board member Ed Pianalto will be updating the spreadsheet and sending it to the Clerk for distribution to the Zoning Board.

Zoning Board member Ed Pianalto asked if there have been any updates since November 27th.

Zoning Board member Ed Pianalto requested building permits for Michael Ebert, Sheron Owen, Benbow Family, Tunnells.

- Discuss updates of certified letters to Expired Building Permit property owners.

Clerk Sara Gibb reported that one letter was returned to the Town because the recipient did not pick it up.

- Discuss updates of boulders in Town Right of Way, possibly impacting Snowplowing. – Discuss is this a Zoning Board of Adjustment action or a Board of Trustees

Chairperson Jesse Garetson stated that he doesn't believe the Zoning Board needs to make any decisions about this except that the Board of Trustees asked the Zoning Board to make a list of things impacting plow routes. Boulders on the property of James Sharpton were determined to be in the way and were moved by the homeowner. Jim of Gunnison Valley Excavation confirmed that no other boulders were in the plow route.

5. ADJOURN: Motion to adjourn made by Zoning Board member Rodger Lull. Seconded by Zoning Board member Ed Herman. Motion carried 5-0. Meeting adjourned at 8:52pm.