

ZONING BOARD MEETING
At the Newcomb Community Center

August 21st, 2019 at 7:00PM

MINUTES

Chairman James Sharpton clarified the confusion related to the meeting reschedule. He stated that he was in Montrose on Friday and returned late. Clerk Sara Gibb had an appointment and she was not available after 3:45 on Friday. The agenda was sent Saturday morning to Clerk Sara Gibb and Mayor Rachel New. Mayor New's was mailed to her personal email address. With all the confusion, a reschedule was needed.

CALL TO ORDER/Roll Call – Chairman James Sharpton called the meeting to order at 7:08pm. Zoning Board members Ramon Reed, Jesse Garetson, and Rodger Lull were present.

Ramon Reed asked to add to the agenda – meeting posting. Jesse Garetson stated that the agenda is what he is prepared to discuss. Ramon Reed stated that every other place has “approval” and often “modification” on the agenda as the first item. He would like to discuss posting. Posting will be discussed at the end of new business.

NEW BUSINESS:

- **Approve minutes of 6/17/2019 Zoning Board meeting**

James Sharpton didn't make any changes because what was said is there. If it was said in a grammatical error way, if that's what was said, that's what you print. You're not an editor.

Ramon Reed wants the first word changed (“July” to “June”)

Rodger Lull said a statement in the minutes is attributed to him but certainly not what he intended to say (statement is on page 5). He would like to see if that is an actual quote. He would like to review the audio if that statement is to remain in the minutes. He would like to see that statement removed. (SARA REMOVE)

Motion to approve the minutes as amended made by Zoning Board member Rodger Lull. Seconded by Zoning Board member Ramon Reed. Motion carried 3-0. ZB member Jesse Garetson abstained.

- **Develop a statement of policy concerning certificates of occupancy (CO's) for dwellings constructed in Pitkin. Per request from Rachel New, Town of Pitkin Mayor and Board of Trustees, August 12, 2019**

Ramon Reed wants to know what is currently taking place. Section 17 J of the current code states that a Certificate of Occupancy shall be signed by the building inspector with copies given to the Town and the owner. It sounds to him like that hasn't been happening.

James Sharpton stated that it was not really happening unless the owner needed it for insurance or for finances. He probably issued 5-7 during his time as building inspector. He

doesn't know how many Rand has issued, if any. Clerk Sara Gibb does not know with certainty how many were filed. She is willing to check if the Board requests.

Assistant Building Inspector Tom Gibb stated that he has issued probably 3 Certificates of Occupancy.

Jesse Garetson is very concerned about discrimination. He asked, if this rule isn't followed, how can all the other pages of the zoning code be followed? How does one choose what to follow and what not to follow?

Rodger Lull stated that a Certificate of Occupancy is redundant if a final inspection is completed. It comes down to the building inspector following up with final inspections.

There was discussion about "catching up" for people who didn't receive their final paperwork in the past. Rodger Lull believes this can be done.

Jesse Garetson is in favor of a certificate of occupancy even if it's a duplicate of the final walk-through.

There was discussion about permits expiring. There was discussion about the responsibilities of the building inspector.

Ramon Reed brought up the idea of a temporary occupancy permit. He also asked what the Town is liable for if the Town does or doesn't issue an occupancy permit. He stated it is a liability if the Town retroactively issues certificates of occupancy. He would like to ask the Town attorney to weigh in.

There was discussion about a certificate of completion. Ramon Reed stated that this sounds more reasonable because all it states is that the work on the building permit is done.

There was discussion about whether the current zoning code requires a certificate of occupancy for all projects. There was a difference of opinion between Jesse Garetson and Ramon Reed over the interpretation of the current code.

There was discussion about change of use. There was discussion about removing the requirement for a certificate of occupancy.

Motion to inform the Board of Trustees that it is the intent of the Zoning Board to remove the requirement of a Certificate of Occupancy in Section 17(J)2 made by Ramon Reed. Seconded by Rodger Lull. Motion carried 4-0.

Jesse James called the question - 4 aye votes.

Motion to inform the Board of Trustees that the Zoning Board will recommend a non-retroactive policy regarding Certificates of Occupancy made by Ramon Reed. Seconded by Jesse Garetson. Motion carried 4-0.

Public comments: Garry Winget, Pete Olson, Jerra Garetson, Mike Rupp, Kathy Dardio, Chris Nasso, Kandy Nasso, Mike Sponsler

- **Discuss the structuring of the position of "Sanitarian" for the town of Pitkin and suggest an updated pay-scale for this position. Per request from Rachel New, Town of Pitkin**

Mayor and Board of Trustees, August 12, 2019

Per James Sharpton, Rand's opinion is that if the town is getting more money, he [Rand] should get more money.

Rodger Lull asked if there are any requirements to serve as Sanitarian. Are any certifications required?

There was discussion about making the OWTS ordinance the responsibility of the Zoning Board.

Rodger Lull stated that the qualifications and requirements should guide the compensation. He asked what the Sanitarian does if he does not conduct a soil test. James Sharpton listed a number of requirements, including testing the pressure of the tank and whether the tank is level. He stated that the engineering company is the responsible party for these tests. Rodger Lull asked if the Town was paying the Sanitarian to observe the engineer complete these tests. James stated that Rand is inspecting and checking setbacks.

There was discussion about how to define the powers and duties of the Sanitarian.

The members of the Zoning Board would like input from Rand Makowski, the current Sanitarian, who is not present.

There was discussion about some of the best practice procedures for an OWTS installation.

There was discussion about resources to obtain additional information about the OWTS installation process.

Motion to table this agenda item pending additional input made by Jesse Garetson. Seconded by Ramon Reed. Motion carried 4-0.

Public comments: Garry Winget, Mike Rupp, Chris Nasso, Pete Olson

- James Sharpton initiated a non-agenda item discussion about a property in town with an OWTS, which passed a final inspection, that has not been hooked up. He provided handouts to the members of the Zoning Board. The property in question is for sale. The question is, can the OWTS be hooked up and used? The long-term goal is to build a new house on this location, but the potential buyers would like to use the system.

Ramon Reed asked, "Hook the system up to what?" James Sharpton stated it is a trailer with a cover. James Sharpton's opinion is to hook up the system. It is an improvement and better than using the outhouse. Jesse Garetson's thought is that this is similar to a non-compliant property. Anything they can do is better than using an outhouse.

Rodger Lull stated that the Town cannot go back and recertify the system. Ramon Reed stated it should be made clear that it's not to be used beyond what it was approved for.

Public comments: Chris Nasso

- **Discuss OWTS as it applies to the above request and the Town of Pitkin Ordinance**

James Sharpton suggested that the Board of Trustees allow the Zoning Board to serve as the administration for the OWTS ordinance and Regulation 43. Jesse Garetson asked if the Environmental Health Group wanted to have less responsibility and if this was the motivation for this recommendation.

There was discussion about the administration of the OWTS ordinance.

- **Discuss Town of Pitkin posting requirements (agenda item added at the time of the meeting)**

Ramon Reed referenced a letter from Mayor Rachel New regarding posting requirements. He stated he believes that posting items on the website can create a problem. He does not want the Zoning Board to have to be ready with the agenda by Thursday (as was suggested) in order to allow posting on the Town website. He recommends designating an official posting place for Zoning Board meetings that does not include the website. He thinks this is a requirement that the Zoning Board does not need. It puts a burden on the Zoning Board.

Jesse Garetson likes the website posting.

Rodger Lull asked if the meetings have to be so structured since they are mostly advisory in nature. The meetings are primarily discussion. He asked about scheduling special meetings.

Ramon Reed stated that calling a meeting in 2-3 days has been customary for the Zoning Board.

Jesse Garetson stated that if the Board sticks to protocol and places it on the website and at the post office, maybe by noon on Friday, it gives opportunity for the Clerk to get the agenda on the website.

Public comments: Jerra Garetson, Pete Olson,

OLD BUSINESS:

- Review, discuss and vote by consensus on zone code revision

No discussion took place on this item

ADJOURN: Meeting adjourned at 9:37pm