



Town of Alpine
Planning & Zoning Commission
MINUTES

DATE: April 11th, 2006

Attendance: P&Z members: Dave Gustafson, Don Sherman, Scott Reed, and Paula Stevens. Others in attendance: see attached sheet.

1 - CALL TO ORDER at 7:00pm

2 - ROLL CALL & ESTABLISHED QUORUM BY TRACY MATTHEWS

3 - P&Z MINUTES: March 28th, 2006 - Scott Reed motioned to approve these minute, Paula Stevens seconded.

VOTE: 4- Yes; 0- No; 0- Absent; 0- Abstain

4 - COUNCIL MINUTES: March 21st, 2006 - Paula Stevens motioned to approve these minutes, Scott Reed seconded.

VOTE: 4- Yes; 0- No; 0- Absent; 0- Abstain

5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **CARTER WILKINSON, Town Attorney** - Address questions the P&Z Commission has regarding adopting the IBC Code, an engineer to certify building plans and non-compliance issues. **ROB WAGNER, Town Building Inspector - P&Z Issues:** Adopting the IBC Code. Dave G. confirmed Rob Wagner received the packet he dropped off for him. Rob Wagner states he will go over the information and make recommendations on codes that apply and don't apply to the Town of Alpine. This will give the committee some of the information needed to put together an ordinance for adopting the IBC Codes. Dave G. addresses the question of having an engineer stamp on building plans, Rob W. states that it is in the IBC Codes that you are required to have an engineer stamp for areas with snow loads greater than 70 pounds. Rob W. also suggests this issue be specifically called out in an ordinance. The committee then questions if this needs to a separate ordinance when they adopt the IBC Codes. Carter Wilkinson suggests adopting the IBC codes as a whole and then making exceptions to the codes that pertain to the Town of Alpine, and have copies of adopted codes available to the public Don S. suggests information for obtaining a copy of the IBC Codes be easily accessible to contractors. The town clerk, Tracy Matthews, suggests we could give the order information out with the building permit applications. Tracy M. also addresses the issue of possibly having building permits (especially Commercial building permits) reviewed by the State Fire Marshal prior to the town processing the building permit. Tracy M. asks Rob W. if there is anything in the codes pertaining to this issue, Rob W. replies the state has guidelines that he follows. Tracy M. says according to the state statues it is not required that a town have the owner to go the State Fire Marshal for approval of building plans prior to the town processing a building permit application. Tracy M. states that from a clerk's perspective only, it makes it more difficult when the town begins to process a building permit without an approval from the State Fire Marshal for the following reasons. The first reason is logical, most likely the State Fire Marshal is going to change something on the plans, therefore avoiding repeat inspections. The second reason is public safety; the clerk feels it is a better process to have the review from the State Fire Marshal. She has a letter from Jim Narva a State Fire Marshal dated from two years ago that it would be a good practice to have that approval prior to processing a building permit, it is mentioned in the letter a couple of other cities that have a similar policy. Don S. states that this issue is why many towns have hired electrical inspectors full time. Tracy M would like this practice to be formally adopted into the codes, or by a separate ordinance. Dave G. asks if Rob W. can address this in his recommendations. Don S. questions Rob W. if he found out if a person can wire their own commercial space, Rob W. will check into this. Dave G. asks when Rob W. can get the recommendations to the committee; Rob W. hopes to have it done by the next meeting. Then the committee can take the information and forward this to Carter W., who will then draw up a draft. Paula S. wants to have 45 minutes to 1 hour to discuss Rob W's recommendations at the next meeting. Don S. suggests that after the new codes are adopted, an announcement should be put in the newspaper letting the public know this has been done. Tracy M. also suggests making the information available on the Town of Alpine's website. The clerk states that it takes 6 weeks to adopt any ordinance and the committee needs to think about how they want to put it into affect once they have a draft, also the office staff will need to warn people when they pick up applications that the town is now building under the IBC and not the UBC. After the new codes are adopted the applications will need to be changed to reflect this change. Paula S. will go through the current ordinance to note areas where there might be some conflict. Tracy M. cautions that Jim Pedersen is a planner and that we need to go to him with what we want. Paula S. has started a list of things she personally feels needs to be modified or changed that currently are not working. Dave G. asks if there are any more questions regarding the IBC or engineer stamp, Don S. replies he really would like to see the engineer issue be placed in the new codes. At the next meeting the committee will go over Rob W. recommendations.

6 - UNFINISHED/ONGOING BUSINESS:

- **DICENSO, Steve - Pending Case for Non-compliance/ Town Code Violation - Failed to obtain approved building permit** - Mr. Dicenso built a residential apartment/ loft inside a commercially zoned, storage unit building. The loft is occupied currently without a certificate of occupancy as well; the code violations are being addressed by the Town's legal counsel. Dave G. states the committee is already aware of the history with this issue. Scott R. has heard that this property has been on HGTV recently (*Note: The property was featured on reZONED on April 9, 2006 at 7:00PM*). Carter W. states that there are about five different ordinances that Steve D. can be charged under, ranging from various sections of the building permit, electrical permit, water piping system testing, zoning, building w/o a variance, and the certificate of occupancy issue. According to a letter from Steve D. he was working 2-3 days a week at a cost of about \$60,000.00. Every day that he built is a separate violation, Carter W. states there will be an issue with proving the individual days the space was worked on. Don S. suggests fining Steve D. for the violations that can be proved without a doubt. Carter W. says there are four or five different violations that at the maximum he can be charged \$750.00 for each violation. The committee is concerned about the lack of inspections during the construction process, and if the town and/or Steve D. is liable if problems arise with this property in the future. Don S. has concerns about the electrical, and questions Rob W. what can be done to address this issue. Rob W. states that you can't see what is already covered up, at a minimum check the panel, the grounding, the bonding, is there copper water lines, and if there is gas that has to be bonded as well. Don S. asks Carter W. if they can require Steve D. to sign a liability waiver releasing the town of any responsibility. Carter W. replies that the state statutes read that a town can make a person do almost anything in order to correct the violations. Carter W. believes that Steve D. would want to clear this up; Paula S. does not believe it was the committee's intent to be punitive and make him tear everything out just to say there had been an inspection. Paula S. would prefer not to go to that extreme if it is avoidable and still feel comfortable with Steve D. bearing the burden of what he did and the town not being on the hook for it. Paula S. would like to avoid exposure in terms of liability for the town, or the committee. She also believes fines are in order considering the violations involved. Tracy M. suggests that there needs to be a disclosure attached to the property that a liability waiver has been signed regarding this issue. Don S. recommends that the maximum fine be charged for each offense that is undisputable, the maximum fine being \$750.00. Carter W. states that legal fees cannot be addressed as a separate charge, but can be included to raise the maximum fine to the \$750.00 limit for each offense. Dave G. asks if a partial inspection would even be beneficial, Rob W. states that there are inspections that can be done to make sure visible items are done properly. Carter W. suggests writing up the proposed solution and presenting it to Steve D. before filing a claim, the claim process could be lengthy. Carter W. should have a letter of a proposed solution by the next P&Z meeting. Tracy M. again asks if the waiver can be attached to the property for future owners. Carter W. states that an affidavit would have to be filed with the county clerk with the legal description attached. Paula S. asks if the town council needs to approve any course of action the committee takes to resolve this, Carter W. believes they don't need to approve it but should be aware of it. Don S. questions why this issue has taken so long to resolve and in the future would like similar issues resolved sooner, so as to avoid lawsuits.
- **P&Z ATTENDING COUNCIL MEETINGS:**
 - 1) April 18th, 2006 - Dave Gustafson
 - 2) May 2nd, 2006 - Don Sherman
 - 3) May 16th, 2006 - Scott Reed

7 - **ADJOURN MEETING-** Dave Gustafson called for a motion to adjourn. Paula Stevens motioned to adjourn the meeting. Scott Reed seconded. **VOTE: 4- Yes; 0- No; 0- Absent; 0- Abstain**

Items mailed to P&Z before tonight's meeting:

- P&Z Minutes: March 28th, 2006
- Letter from Brenda Bennett RE: Contract w/ Pedersen Planning Consultants - Ordinances
- Town of Alpine Profit & Loss Budget vs. Actual; July 2003 - June 2004 & July 2004 - June 2005
- Memo from Pedersen Planning Consultants RE: Review of Draft Municipal Master Plan

Items given to P&Z during tonight's meeting:

- COUNCIL MINUTES FOR REVIEW: April 4, 2006 - Draft
- SALVATORE A. SCAFFIDE, et al APPLICANT: Notice from Lincoln County Planning for public hearing regarding variance request
- WILLIAM VOGT APPLICANT: Notice from Lincoln County Planning for public hearing regarding Conditional Use - Storage Units
- KATRINA HOXIE - LINCOLN COUNTY BOARD OF COMMISSIONERS - Subdivision Request; Hearing Date 4-12-2006 (File #405 SS 06)
- TONY NARDACCI - LINCOLN COUNTY BOARD OF COMMISSIONERS - Variance Request; Hearing Date 4-12-2006 (File #301 PZ 06)

Dave Gustafson, P&Z Chairman

Date

Attest:

Kimberlee Jansen, Secretary

Date