

MINUTES  
TOWN COUNCIL AND PLANNING AND LAND USE COMMISSION,  
TOWN OF CASTLE VALLEY  
WORKSHOP MEETING – MONDAY, MAY 24, 2010 AT 6:30 P.M.  
CASTLE VALLEY COMMUNITY CENTER  
2 CASTLE VALLEY DRIVE

**Town Council Present:** Dave Erley, Aaron Davies, Tory Hill, Brooke Williams; **Absent:** Valli Smouse.

**Planning and Land Use Commission Present:** Mary Beth Fitzburgh, Eddie Morandi, Marie Hawkins.

Absent: Laura Cameron, Lou Taggart.

**Others Present:** Jay Smith, Kitty Calhoun, Jim Lindheim, Joan Sangree, Leta Vaughn, Bruce Keeler, Erik Secrist, Chris Wolf.

1. Call to Order: 6:34 P.M.

2. Open Public Comment.

Jim Lindheim said that the PLUC proposal disadvantages him. He said that the proposal corrects the problem for some and causes it for others.

In a prior meeting, the sequencing was mentioned as a problem. Jim has offered a solution to that problem (see Attachment A).

Jim feels that his is a better solution because it puts everyone on an even footing. He questioned why you would reduce people's flexibility when there is another solutions which preserves flexibility.

Faylene said that people come in to get their building permits with different expectations of what their square footage will be. From her point of view, the Ordinance is unwieldy and makes it difficult to meet peoples' expectations with regard to what they would like to do.

Faylene also felt it is unfair for people who already have buildings on their property, although sequencing can also be an issue for people starting from scratch.

Jay Smith was unhappy with the way the Ordinance currently reads, and read from a written statement (Attachment B).

Dave commented that the Porcupine Ranch had been successfully fenced. This was done by a volunteer group. While fencing, they encountered 20 cows, which they ran out. The Forest Service said that the cows should not be there, and people should get a brand if possible.

Dave also said that the solar grant should be proceeding within the next few weeks. However, the grant will not fund the metering equipment which monitors what we send back to Rocky Mountain Power. This equipment costs approximately \$3,300.

3. Discussion and Possible Action re: Discussion of Ordinance 85-3: The Current Zoning Ordinance.

Both Bruce Keeler and Erik Secrist had questions with regard to the animal husbandry portion of the Ordinance. Aaron suggested taking the animal portions out of the new proposals and dealing with them later.

Bruce thought it was a good idea to put off the animal discussion, as currently the only definitions for agriculture are agricultural farming and truck gardens.

Erik suggested that if the concern is number of animals, then perhaps it should be looked at as an animal livestock unit equation.

The Town Council agreed to take out the animal portions.

Joan commented that plant businesses are in the valley, but these should also be permitted if engaged in for profit.

Mary Beth said that we are a limited residential/agricultural community and we have not put a limit on the agriculture, but will on the livestock.

Dave commented that it is important to remember we have learned more about our aquifer since this Ordinance was written.

The PLUC proposes making one cut-off of 5,000 square feet at 19 feet tall. Dave commented that Jim Lindheim makes a good argument as to why additions should be counted separately.

Aaron responded to the original reasons given for making changes to the building size limits. The first reason given was that the current ordinance is too complicated. Aaron responded that the PLUC proposals do nothing to change why it is complicated – they only make fewer areas for mistakes to be made. The second reason given was that there is an inherent unfairness because of different sequencing possibilities. The PLUC proposal only moves the unfairness to other people. Aaron asked that Jim's proposal be considered since it eliminates the problem.

Dave commented that the problem with Jim Lindheim's recommendation is that it uses an arbitrary date to determine the development potential of a property. That in 15 or 20 years two properties side by side with the same pre-existing structure on each lot could have different development potential due to the year that those structures were built. This will not make sense in the context of that time. So, an idea that seems to make sense in the immediate time frame would be very unfair at a future time and thus is not good rule-making.

Some changes were made in the wording and Dave asked Mary Beth to send out the changes to the Town Council.

Dave said and the Council agreed that, although the Town Council is not required to hold a Public Hearing on Amendments to Ordinance 85-3. Everyone agreed that it would be in the best interest of the Town to do so.

Chris Wolf, Jay Smith's contractor, commented that the Town of Castle Valley has a real asset in its PLUC under the leadership of Mary Beth.

Aaron motioned to adjourn the Workshop. Tory seconded the Motion. Dave, Aaron, Tory, Brooke, Mary Beth, Eddie and Marie all approved the Motion. The Motion passed unanimously.

Adjournment: 9:17 P.M.

**APPROVED:**

**ATTESTED:**

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**David Erley, Mayor**

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**Denise Lucas, Town Clerk**

## ATTACHMENT A

Sequencing Problem: Someone who built before the Ordinance was passed can't do their planned build-out because the planned increase in square footage specifies a height limit that is too low. But if they had built all their buildings in a different order, they would be able to achieve the total plan.

Proposed Solution: They simply have to show how their total plan is possible under some other hypothetical sequencing

Wording: Property owners of lots where buildings were constructed prior to May 13, 2008, shall not be precluded, because of the sequencing of construction on the lot, from building anything that would be allowable for other property owners under Sections 1.5.3.A – 1.5.3.B

**ATTACHMENT B**

To the Town of Castle Valley Planning Commission and Town Council

18"

I am a long time Castle Valley resident and purchased my property on Bailey Lane with a partially built home in 1990. Since that time, I finished the 1600 Sq. foot home with a peak of 16' in 1996. In 1997 I added a shop/garage/carport that is about 2800 sq. feet and stands 16 high at the highest point of its shed type roof. Both the shop and my home have been built in to the hillside to make it not only more energy efficient, but primarily to make it less obtrusive and blend into the environment. I have also chosen colors for the roofs and buildings to help accomplish this.

Currently, I am trying to make my home more energy efficient by adding insulation to the walls and roof, planning to heat and cool with a geothermal vertical closed loop system and add a second bedroom, bath, office and a mechanicals room to house the heat pump and my Reverse Osmosis system. This will allow me to get it out of the crawl space under my kitchen. I have been in the planning stage for over a year and had hoped to submit my plans to PLUC in February. It was then that I was told that the current CV building regulations might be revised due to problems that had arisen from the inability of existing homeowners to add on due to a sequencing of their building schedule. This is true in my case.

The controversy in regards to the regulations stems from building height and size in order to protect the Castle Valley view shed. Most of us moved here due to the beautiful surroundings of the valley. I am as concerned as anyone here, that Castle Valley remains as pristine as possible and avoid having eyesores glare at us by human development. I don't question this. I am not attempting to overbuild the current 7000 square foot limit. I am not trying to build taller than the current 25' limitation. If I had built in reverse order, I could proceed under the current regulations. However, this is not the case.

I have now been delayed in my building schedule in excess of three months with no end in sight. We have had a public hearing and most residents are in agreement that the regulations need to be modified. I could proceed if the current proposal is adopted. I had hoped to start construction in March and utilize the optimum building season, which not only saves in construction costs, but also utilizes government tax incentives, which may slip away if not applied for in the near future. I, and all the construction workers have allowed for this time to be devoted to this project. To delay me now would push construction well into winter or even delay it for an entire year, bringing a hardship on all that are concerned. If the Planning commission and Town Council cannot come to an agreement by May 24", then I would like to apply for a variance to the current regulations, and submit my plans and additional paperwork to PLUC for approval, be issued a permit and proceed with my project. I think this is a reasonable request.

Thank you for your consideration. I do hope you understand the urgency of my situation.

Jay Smith