

MINUTES
SPECIAL MEETING AND WORKSHOP OF THE TOWN COUNCIL
TOWN OF CASTLE VALLEY
TUESDAY, DECEMBER 11, 2007 AT 4:00 P.M.
CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

A TELECONFERENCE WORKSHOP WITH CRAIG CALL, ATTORNEY AT LAW,
ON PROPOSED REVISIONS TO THE ZONING ORDINANCE REGARDING
HEIGHT LIMITS, SETBACKS AND SQUARE FOOTAGE

Town Council Members Present: Damian Bollermann, Jim Lindheim, Ranna Bieschke, Valli Smouse, Alice Drogin.

Others Present: Leta Vaughn, Mary Beth Fitzburgh, Debbie Officer.

Call to Order: 4:04 P.M.

Craig Call's general reaction is that the PLUC's proposed revisions to the Zoning Ordinance could create an Ordinance that fits within the range of what local governments can do, but that there would need to be clarification of a few points such as the definition of "basement".

Jim stated that he is not comfortable with a total square footage limit of 4,500 square feet. Craig thinks that the Town would have a defensible case in Court if someone tried to litigate this issue at 4,500 square feet and that the Court will uphold the municipal government if the issue is "reasonably debatable".

Ranna asked about the fact that we have minimum five-acre lots in Castle Valley. Craig replied that the argument is for spectacular views. On its face, the Ordinance will achieve the goal it was meant to achieve. Craig further commented that the viewshed is a reasonable community value to defend. Craig went on to say that an ordinance will likely be upheld in Court if it does what it is intended to do and is not an effort to mask another purpose.

Jim asked about height, light, air, view and aesthetics. Jim also mentioned he is very much in favor of the point system as it will give people more flexibility. Craig's response was that if the point system results in achieving the goal, then it is reasonable. He further stated that the Court does not want to micromanage land use, and that the scenic wonders in our location would aid in the Court's recognition of our case.

There was some discussion on below grade homes or portions of homes. Craig suggests you can handle this problem in one of three ways:

1. You don't care;

2. Conditional use; or
3. Ban them in the interests of simplicity.

The question came up as to whether agricultural buildings are totally exempt, and the consensus was that we needed to have clear information on this issue. Craig agreed to look into this and report his findings to the Town Council.

Craig suggested that in other communities he has worked with, impervious surfaces could not exceed a certain percentage of the lot.

Damian mentioned that we would like to tie this to our Building Permit process. Craig replied that the language for this must be easy to understand and not ambiguous.

The question was asked if the 24 foot height limit was reasonable. Craig replied that it is lower than any other height limit he has seen.

The point was brought up that the roof area, height and setback would give a good idea of what the impact would be. Jim suggested the need to make some political decisions and tell Craig what we would like to see embodied in the Ordinance. Craig would then craft the wording to meet our needs.

After finishing the teleconference with Craig, conversation continued as to whether the actual process of constructing a large home might be disruptive to the community in terms of noise, drainage, etc. The agreement was to ask Craig whether an ordinance can address this issue and how.

Mary Beth said that the definitions on basements and on height in the Planning and Land Use Commission's recommended version were taken from the 2006 International Building Code which had been adopted by the Town Council. The Height Limit approach is one of the simplest forms available, and the limit on basements was put in because of watershed and drainage issues.

Consensus was to try to work with a point system approach. Jim will send out his newest version of his point system and everyone will make suggestions to discuss at next week's meeting.

Ranna moved to adjourn. Jim seconded the Motion. Damian, Jim, Ranna, Valli and Alice all approved the Motion.

Adjournment: 5:34 P.M.

APPROVED:

ATTESTED:

Damian Bollermann, Mayor

Denise Lucas, Town Clerk