

Minutes, Wednesday, August 1, 2007

Regular Meeting & Public Hearing Planning & Land Use Commission

Date: Wednesday, August 1, 2007

Time: 6:30 pm

Castle Valley Community Center

#2 Castle Valley Drive, Castle Valley

Call to Order by Marie Hawkins at 6:31 PM

Present: Greg Halliday, Dave Erley, Marie Hawkins, Karen Nelson. Absent: Gil Gonzales

Others present: Elaine Pinkowski, Ken Johnson, Pam Hackley, Bruce Aldrich, Ranna Bieschke, Ron Drake, Hugh Curtis

Welcome to Dave Erley, new member of PLUC, thanked for volunteering to serve by other members.

1. Election of Chairman to replace Michael Peck, who recently resigned. Greg motioned to nominate Marie for chairman. Marie declined and no second was given. Nomination failed. Marie motioned to nominate Karen to be chairman for Castle Valley Planning and Land Use Commission. Dave seconded the motion. All voted in favor. Karen took over running the rest of the meeting.

2. Communications from the Public

Approval of Minutes

3. Approval of Minutes: Regular Meeting of July 11, 2007 Tabled

4. Approval of Minutes: Regular Meeting of June 6, 2007 Marie motioned to approve, Greg seconded. Karen, Marie, Greg voted "aye". Dave abstained.

5. Approval of Minutes: Public Hearing of July 5, 2007 Marie motioned to approve, Greg seconded. Karen, Marie, Greg voted "aye" Dave abstained.

6. Approval of Minutes: Regular Meeting of April 4, Marie motioned to approve, Greg second, Karen, Marie, Greg "aye" Dave "abstain"

7. Approval of Minutes: Regular Meeting of March 7, 2007 Marie motioned to approve, Greg second, Karen, Marie, Greg "aye" Dave "abstain"

Reports

8. Building Permits Update.

Temp Dwelling for Lamison Lot #90

Electric & Septic for Papez Lot #190

Building Permit-House for Taggart Lot #88

Building Permit-Garage for Fink Lot #3

Septic Permit fro Schumaker Lot #30

Open Public Hearing re: Amendment of Town of Castle Valley Ordinance #85-3 regarding property setbacks, building height limits, and building sizes.

Karen called to open the meeting for comments from the public at 6:40 pm.

Ken J- Heights are architecturally restrictive; does not want to see only ranch style homes. What is wrong in keeping with the original 30 foot limit?

Jim Tharp- letter read by Karen (attached to minutes)

Karen will discuss and answer those concerns later in the meeting after hearing all comments.

Bruce A- mirrors the same questions as Tharp, how did the numbers come up. What is the intent, why the limitations? What reasons, is it just visual impact? Would be easier to understand to know what the direction is. Why is the basement included? Why encourage more buildings? Understand there have been rumors of 10,000 sq ft homes coming but so far this hasn't happened

Curtis - The home he built and lives in is 256 sq ft home on Pope; it will stay under 500 sq ft. He is a builder from Aspen. The limit there is 20,000 sf. No bldg can be over 1 acre. Near Meeker, he has seen six ranches bought and fenced off with huge barns built to play Polo and numerous mansions built for friends. Shouldn't worry about counting basement square feet. Eaves too are counted, part of square footage. The whole footprint is what counted. A footprint size needs to be considered.

Karen- what is posted on website is not required by law but TC & PLUC believe in transparency. The draft was red and blue, Karen took it and realigned it to simplify. The proposed size came from the survey that showed a majority of property owners favoring a lower limit, so we set it on upper end. That is how number came to 4500. Marie said we got some of the information from Eagle County, Co, where they have a total size under roof limit. Before a owner moves here they might not be sure of what they may need- tool shed, green house etc. So we decided not to limit the number of outbuildings to allow the property owner maximum flexibility. The main purpose of size and height limits established by other areas is to keep to scale.

Bruce-felt survey was slanted. (Marie pointed out that PLUC went to much effort to keep questions as neutral as possible and had them looked at by an outside expert). As a builder and resident he is not against limits but wishes there was no need for limits. Doesn't want Government encroachments. He lives in a house under 1000 sq ft. and agrees he doesn't want 20,000 sf homes either. Why not take the largest house out here as the cap? No grandfathering etc. Have one setback. Height limits concerns that a 4000 2 story home could be eyesore, also concerned if someone is investing in a house, but is outside the limits, how does affect my house.

Elaine- Look at what is across from Jim Martin, a 7.000 sq ft. w/basement. Someone builds a 3 million house on a lot; soon our community is suburbia USA. Our quality of life is affected. It is all class envy, 91 signatures on a petition show there is concern here. Jorgen and Heddens didn't know there was not a size limit. It's coming in all around us. Responsibility to land owners shouldn't let them spend the money for architects and then be told Castle Valley has size limits.

Bruce- It is a noise issue too with construction going on & on. Good thing to be discussed. Get aggressive on the limit- need for guidelines.

Karen-Basements-defined as part of the house to mitigate impacts upon neighbor, especially with full walkout basements on the hills,. Tried to cover all aspects of potential impacts. We included basement because it can double the impact. Also garage is included because it quickly can be turned into living quarters. This is why it was written this way.

Bruce- need to clarify the basement definition. If on the flat a person could put shop in their basement instead of us looking at large metal buildings.

Dave-with a large footprint, especially on a hillside, we have to worry about drainages being altered. Can have major drainage issues, so limiting heights can cause another issue.

Karen-We did not want to exceed 50 feet in setbacks. Flat lots have arroyos, and hillsides have the gullies. Too many variances will be asked.and we will have too many unbuildable lots. Right now septic and wells must be 100 feet away; with the separate 50 ft setback it will always keep them 100 feet away for safety and health reasons.

Bruce-Regarding Tharp's letter, why the 6000 limit? What if someone wants a big house and no out buildings? Why not have the big house and limit the number of out buildings? Why does town limit the living space and not let owner use their space as they see fit. It would be to theowner's advantage.

Greg- bottom line is we must set some standards; majority wants house size in the 4500 sq ft limit. No matter what we do, someone will be upset. All we can do is set standards representing majority opinion.

Bruce-On the survey did they know what the question really meant, once porches, decks etc are added the size grows.

Marie-It was many of the out of town property owners that did want the limits.

Karen-This is the best we can do with the democratic process, seeing what the majority wanted.

Ranna- Going back to the cap, why the cap?

Karen- Going back to survey, more people wanted a 4000 sf limit and to limit out building size too. We kept the house limit as requested, and added the additional allowance for out buildings. With a smaller house they can still have more square footage towards their outbuilding size.

Curtis- This may be tested in court.

Karen-Have not heard of any lawsuits yet regarding such limits.

Pam- The accessory buildings at 18 ft is a less visual impact. Another question about a site is will you be moving rocks and vegetation. Beef up the limits.

Karen- Looking through zoning ordinances some are so complicated and lengthy. We wanted a simpler one.

Ken J- I agree we do not want someone to come in to build three or more story homes like the Ivory Homes Developers in Northern Utah where they all look like castles.

Pam- Have an overlay map showing the areas of concern.

Curtis- Once I met the restrictions of setbacks, I had a 20 x 20 buildable space away from wash, septic, and well.

Karen- Are there any other comments?

Pam- Why 6500 sq ft limit?

Karen-Giving flexibility- this gives them a choice of a large home and some additional square footage for outbuildings or small house with larger out buildings. This allows more personal choice.

Bruce-Property Rights- whether they want large home or large out buildings. You're making value choices, this is a gray area.

Greg- again, no matter what we do some one is not happy. Sent 600 surveys out-more than 300 came back, we tried to be fair and have a standard.

Marie-We much rather protect the people here now, that have been here when no one wanted to live here, than potential newcomers to the Valley.

Pam wants to see roof definitions. Errors with dates and names should be removed; other changes made to ordinance like the rearrangements and definitions.

Marie and Karen- We cannot control the agricultural use buildings.

Bruce-with these changes, what if an owner wanted to add an out building? If he wants to add a office outside the home, what if it's above the limits?

Karen- Could be caught in the switching time and their options could be limited.

Karen asked if there are any other comments. Suggestions have been heard and appreciate all coming and the feedback given.

Bruce-When will this be completed?

Greg-It is due by September

Ron- Town Council will have a Public Hearing Hearing in Aug to discuss the ordinance changes too.

Marie motioned to close the Public Hearing, Greg seconded. All "aye".

Adjournment of Public Hearing 7:50 pm

5 minute <BREAK>

NEW BUSINESS:

Called to order at 7:55 by Karen all but Gil present

9. Discussion & possible action re: Decommissioning second dwellings- In reference to 85-3 under I. 5.8 -Temp dwelling permits, defined as RV type. To be decommissioned after 30 days of occupancy of primary dwelling. Disconnect from septic.. Can have the old dwelling made into accessory. Housing decommissioning contract reviewed.

Building permit clerk talked to contractor for Lot 3. Owner has not received Certificate of Occupancy for new home and is waiting for manufactured home company to finish siding etc. Once home is finished, owner plans to remove trailer.

Greg says the bottom line is to have one dwelling per lot and agrees this form can be used. Only need Town Council to readopt this form and use it. Karen mentions we need to recommend to Town Council. PLUC is the enforcing body of documents. Greg has seen advertised lot having guest house; this language must be changed. Karen suggests asking Town Council for guidance. Greg mentions that in the past that this had been a hot issue.

Karen entertains the motion to re-recommend the Decommissioning Contract to the Town Council, Greg makes that motion; Dave seconds; all "aye".

9. Discussion & possible action re: Adoption of 2006 International Building Code Grand County has adopted the 2006 International Building Code. Karen suggested Castle Valley updates to be current with County. Greg motions Castle Valley adopt the 2006 International Building Code; Marie seconds . Dave recommends Castle Valley should have their Energy audit parallel with the County. All "aye"

Old Business

11. Discussion & possible action re: Update of Aquifer Protection Ordinance/Fuel Storage Ordinance (tabled) No discussion

12. Report and possible action on updating Deer Fencing Ordinance (tabled) No discussion

*Conditional Use Permit process streamlining missing from agenda

13. Discussion & possible action re: Town Council request to review all Town Ordinances for consistency and effectiveness of all enforcement and penalty provisions (tabled) Karen makes the request to untable, Dave seconds. Short discussion, Karen asked what is this for. Marie says it has been on the agenda for years. Will look into to see if the new nuisance ordinance will cover it? Karen asked for a motion, Marie motioned to retable this for further discussion. Dave second, all voted in favor.

ORD 85-3 was not on agenda PLUC will have special meeting, Friday Aug 3, at 4:00 pm for possible action on Ord 85-3

Marie motioned to adjourn the meeting. Greg seconded, all "aye".

Adjournment by: Karen at 8:15 pm

_____ Date_____

PLUC Chair Karen Nelson

Attested

_____ Date_____

Town Clerk Denise Lucas

Letter from J Tharp read by Karen Nelson

Dear PLUC,

Unfortunately, I can not attend the Public Hearing on August 1. But I would like this note to be read aloud in the meeting as a citizen statement.

First, it is very difficult to even determine what it is you're trying to change. The copy posted on the website does not clearly highlight proposed amendments. I would suggest that you prepare something which is much clearer, repost it on the website and schedule another hearing. What you seem to be doing is very, very important to property owners and deserves more deliberation and citizen input than what we have been given to date.

Despite the lack of highlighting, I've been able to ferret out several changes that seem ill considered.

1) The proposed size restriction is truly unreasonable and could certainly invite a lawsuit on that basis. I believe your goal is to limit visual impact on others. A dwelling of 4500sf would only cover 2% of a person's property. Is this number well thought out? Have you looked at rural communities at similar levels of development with 5 acre lots? While I'm aware that a number of communities are instituting footprint restrictions, I have only seen them in places with very small lots and the concern is often about a neighboring structure throwing shadows onto neighboring lots. Surely that is not the case here. This whole issue started as a concern about 10,000 or 20,000 square foot mansions. How did we get to a 4500 square foot limit? And if 6000 square feet overall is allowed, why can't a person choose 6000 square feet of house? And where did 6000 square feet come from?

2) If you are truly trying to limit visual impact, the height restriction you are proposing does little in that regard. How did you come up with the 24 feet? Is this considered a "best practice?"

We would be better off with a much lower number and disallowing 2nd stories. Surely, a rambling 6,000 sf single story home has much less visual impact than a 2 story 2,000 sf home on a 1,000 sf footprint.

Perhaps you might want to think about average height which would allow some "split-leveling" but not full second stories. That would be far more effective at reducing visual impacts.

3) And again, as to visual impact, the 50 foot set back you are proposing could be increased even further for the primary residence. But, is there really a need for wells and septic to be constrained at the same level as the structure if visual impact is the goal?

I realize I'm asking questions and am not there to hear the answers. In some cases they are obviously rhetorical. However, given PLUC's difficulty posting its minutes, neither I nor anyone else who doesn't attend all of your meetings has any way of knowing what thinking went into these proposals.

You're affecting people's rights to use their property -- any such restriction must be reasonable and arrived at in an open way.

Jim Tharp