

**Special Meeting Minutes
Castle Valley Planning Commission
May 22, 2006, at #2 CV Drive**

Re: Joan Sangree: Workshop to consider Lot Line Change Proposal between Lots 9 & 10, Chamisa Lane, and Conditional Use Permit for a Premise Occupation.

Planning Commission Members in Attendance: Gil Gonzales, Michael Peck, Marie Hawkins, Valli Smouse, Vickie Kress.

Others in Attendance: Aaron Davis, Joan Sangree, Pam Hackley

Minutes taken by: Vickie Kress

The workshop called to order at 7:30 PM with all planning members present.

The topic to discuss is changing lot lines on lots 9 and 10 on Chamisa. The proposal and CUP request, received May 15, 2006, with supporting plot plan and photocopies of the trailer are attached to these minutes.

Joan – She would like to place a trailer on a re-platted Lot 9 that would serve the dual purposes of a TAD for medical purposes and as a Premise Occupation. – a combination of trying to figure out how to place for her 87 year old mother when she is here in the winter, approximately 3 to 4 months and looking to have a place to meet with clients. Some medical insurance companies have told her she cannot meet with clients in her home unless there is a separate entrance, etc. or the visit will not be eligible for reimbursement by the insurance company. The trailer became available while she was considering this situation. She says the trailer does not have to be permanent. She reviewed the Town Ordinance 85-3 for the TAD for medical purposes but the septic system that is in use for Joan’s home on Lot 10 is not accessible where she currently wants to place the trailer. Other requirement that couldn’t fit under the TAD are that in the TAD, the trailer has to be removed when it is no longer being used for that purpose. She could but does not want to decommission the trailer by removing the stove, restroom, etc. The placement she is proposing for the trailer to close to her home. This location has all of the appropriate setbacks distance for well and septic. The existing well would serve both the existing house on Lot 10 and the proposed trailer on a re-platted Lot 9. An old, currently unused, septic system would be used for the trailer but would remain on Lot 10.

Mike had a concern that when someone is considering changing a setback the town would have to pay for a complete town re-plat and felt this was not appropriate for not moving the trailer another 100 feet away. Joan responded that she had planned to (and is required to) pay for the re-plat as part of the process.

Mike mentioned this request has come up before and P&Z did not approve it because of the precedence it would set. It was lots 154 and 155. He does not see the efficacy of the request, it seems convoluted and recommends the trailer just put placed on lot 10.

Pam feels this request is different than the lot 154 / 155 situation because in the request, the proposed lot line change would have resulted in a non-complying setback for the proposed dwelling site.

Valli pointed out that the premise occupation has to be on the lot where the residence is.

Joan feels she cannot put both lots together because of the water rights.

Marie feels this could be a resale-ability problem by taking the space out of lot 10 and putting it in lot 9.

Joan offered that there could be a contract with the town that upon her death the lot line reverts to the original lot lines and the trailer gets decommissioned and pointed out that this is one of the benefits of it not being a permanent structure.

The trailer dimensions are 14' x 44' with and there currently is an attached deck and staircase. It is a 1997 trailer with a stucco exterior and a peach-colored roof. Joan added that to the dimensions to the trailer and then added the setback dimensions to determine the 146 x 126 space being moved from lot 10 to 9. Most of lot 9 is horse pasture with a dry paddock. She is proposing the trailer would be 100 feet from the house on lot 10.

Valli offered that perhaps another septic system be added on the existing Lot 9, and then keep the trailer on the current Lot 9 without re-doing the lot line.

Joan was concerned that access for the horses would have to change if the trailer were placed on lot 9.

Pam commented that there would be a certain point in the year that (Joan) would have to see patients in town while Joan's mother was residing in the trailer and felt it seemed a bit cumbersome.

Joan replied that her mother is 87 in January. She thought her seeing more patients in Castle Valley would be a gradual process. She could also see people in Castle Valley on the weekends and her mother could go to Joan's house while she was seeing patients. If Joan is not forced to move it, it can be a TAD which she felt required the least number of variances.

Mike feels the request causes "wobble wobble." Most residents do not have 2 septic systems and a few hundred feet for an 87 year old is really only a few hundred feet. He pointed out that any proximity of how this comes out is enormously closer than the current town she lives in. He is very concerned that putting a little dent in the lot sets precedence the town does not want and the town would have to confront that precedence from now on.

Joan responded that she felt there have been a number of lot line changes so this request really is not precedence.

Marie mentioned that if this is the first step to moving Joan's practice to Castle Valley, she will be violating the 5 cars per day conditional use permit. Premise occupation is for people that have things and stuff, not people. Joan reminded the committee that there is another therapist in the valley, Paul Smyth. Marie asked that if the TAD is more germane, does it make sense to have some smaller set-up close to Joan's home, for instance a self-contained travel trailer. Then do not use it as an office and look at it as two separate things, not trying to combine one building for two different uses.

Joan bought the trailer already and feels she has two choices: Go with this proposal or decommission the trailer. She does not want to put in a third septic system. Lot 9 is 4.59 acres. Lot 10 is 6.4 acres. The proposed lot line change (see plot plan) would add about 0.3 acres to Lot 9 resulting in 4.89 acres, and reducing Lot 10 to 6.1 acres.

Pam recommended we have the town attorney review this as per section 10-9-608, 7A and 7B when Kinghorn directed P&Z to that section when reviewing lots 154 / 155. State Statute seems to say that if we can't find a reason for the lot line causing a violation of the land use ordinance, then it "shall be approved". Castle Valley ordinance says you cannot to an adjustment that makes any lot less than 5 acres.

Joan is working with Dave Cozzens, a licensed septic installer, but Mike felt Jim Adamson, County Sanitarian, and Jeff Whitney, county Building Inspector, need to be "brought into the loop". It would be up to them to determine if the existing septic is adequate or if a new one would have to be installed, and whether the septic system must be on (Lot 9) for the dwelling it is to serve.

Valli – reminded all attendees that this is a workshop only and the vote will take place at the P&Z meeting on June 14. The order of business should be to address the lot line issue first, then the conditional use permit for the practice.

Meeting adjourned at 8:40 PM.

ATTEST:

VICKIE KRESS, ACTING CLERK