



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

May 15, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Mark Curtis.

Roll Call: Mark Curtis, Ken Knight, Starr Leyva, Ashley Tucker, Jim Cole, and Rick Williams were present. John Pate was absent.

Persons present in addition to the Board: Administrator of General Services John Sudduth, Planning Division Manager Rinkey Singh, Planning Coordinator M.J. McGetrick, and Planning Assistant Matt Benton. One (1) member of the public was present.

Disposition of Minutes: Mr. Tucker moved to approve the minutes. The motion was seconded by Mr. Knight, to approve the May 1, 2013 Planning Board meeting minutes. The motion carried 6-0

General Public Comment: None

Old Business: None

New Business: None

The Public Hearing ended at 6:03 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:04 PM

Old Business: None

New Business: None

Staff Updates: Planning Coordinator M.J. McGetrick announced that she would be leaving Benton County Planning and Environmental at the end of May.

Discussion: A.) Board of Adjustment and Appeals; B.) Family Splits; C.) In-Home Occupations

Ms. Singh announced that Staff had been reviewing all outstanding items in the proposed regulations. She requested direction from the Board on the topics of a board of adjustment and appeals, family splits, and in-home occupations.

Ms. McGetrick stated the reason for including family splits in the new regulations was that the County currently only had a vehicle for tract splits. She said the owner of a property could only split a property once, but that in many situations a landowner would want to divide a parcel among several family members. With the current regulations, when splitting more than once, a property owner would be forced to go under review for a subdivision or an informal plat. The new ordinance would allow the split of a property more than once if certain requirements were met. She stated one main goal was to prevent developers from convincing property owners to split their property under a family split and then purchasing that property for creating a subdivision. She stated the Legislative Committee felt the new ordinance was a little too complicated and that family was not clearly defined. She stated their suggestion was to eliminate provisions regarding the time between splits and the requirement for keeping the new parcels within the family for a specified time after splitting. Ms. McGetrick felt that the Committee's revisions would essentially keep the splitting the same as the current regulations except for allowing someone to split a parcel more than once. The Committee gave a third option which was to go back to the drawing board. Ms. McGetrick's revisions would allow for a family subdivision through the current vehicles of tract splits and informal plats through modification. Provisions of the informal plat could be waived by the Board. The property owner would be allowed to split their property twice and upon a third request would go under a Board review. Staff could recommend waivers from the Board regarding access to family land.

Mr. Tucker stated he preferred keeping the new family split option. He said it seemed the most simple to understand. He liked the idea of the one-time family split. He said he would like to see that the split was open one time to be divided once per family member which would define family member. He said that would make the regulations consistent with other counties. He added he was afraid of the creation of landlocked parcels.

Ms. Leyva asked how continued splitting could be prevented if the timeline provisions were eliminated. Mr. Tucker replied that the exemption could only be used once. She suggested defining family one time, so that a parcel could only be split once.

Mr. Curtis asked the Board to discuss the definition of family. He said he considered family to be the immediate family. Mr. Knight said he considered family to be parents, children, and grandchildren. Ms. Leyva asked if stepchildren and adopted children would be considered family. Ms. McGetrick remarked that the families that come into the planning office don't always consist of immediate family members. Mr. Tucker stated he was more worried about tracking multiple splits of the same parcel.

Mr. Sudduth stated that he liked the new family splits draft. Ms. Leyva replied that she liked the draft too, but was concerned about whether children or step-children would be included as family.

Mr. Cole asked if the County should be regulating family splits if they cannot be properly tracked. Ms. McGetrick replied that the Legislative Committee had the same concern.

Mr. Tucker asked if the County Assessor could issue a parcel number without the approved subdivision or tract split paper work. Ms. McGetrick replied that a parcel number could currently be issued without approval.

Mr. Williams asked how flag lots would be prevented. Ms. McGetrick replied that dimensional criteria could not be enforced on tract land.

Ms. Singh asked if informal plats could be used for family splits. Ms. McGetrick replied that the new regulations would require splits up to 25 acres to be reviewed. She said a lot of families would not want to construct roads and would have to get a waiver from the access easement provisions. Mr. Curtis asked if the provisions could be waived in a family informal plat. Ms. McGetrick replied that they could, but then the

Board would have to define family.

Mr. Curtis said he was concerned about the outside selling of lots after a family split. Ms. McGetrick asked if the property would be marketed as a subdivision. Mr. Tucker remarked that this could be a big problem in 10 years.

Mr. Curtis stated that informal plats with the term “family” removed would be the best idea. Mr. Sudduth commented he was pleased with the draft posted on Dashboard. Ms. McGetrick remarked that the draft on Dashboard was more restrictive than what the Quorum Court preferred.

Mr. Sudduth reiterated that the term “family” needed to be defined. Ms. Leyva replied that she wasn’t sure if family could be defined.

Mr. Curtis asked the Board what they didn’t like in the current draft. Ms. Leyva stated that the access provisions needed to be revised because the Legislative Committee would not like them in current form. Mr. Tucker suggested requiring improvements to the access when a parcel is sold outside of the family. Mr. Curtis stated that it was important that any lot could be sold again without creating an access issue.

Mr. Knight asked if the revisions could be presented to the Legislative Committee before a formal meeting. Ms. McGetrick replied that she already knew which changes the Committee wanted.

Ms. Singh stated she had reorganized the board of appeals section since the first draft. The revisions would include a seven (7) member board serving two (2) year terms. Any decisions made by the board could be appealed further.

Ms. Leyva asked if the Quorum Court could approve one on its members serving on the appeal board. Mr. Curtis replied that whoever was appointed would have to excuse themselves from the vote.

Mr. Williams stated that it was against the building code to have a Quorum Court member on the Board and to allow for a second decision to be rendered on the initial appeal. Ms. Singh replied that the provision only applied to planning appeals. Mr. Curtis commented that he would like to have one (1) board for all appeals. Mr. Sudduth stated that three (3) separate boards would not work.

Mr. Tucker asked if the role of the appeal board would be to make a new judgment or to decide if the judgment made by the Planning Board was reasonable. Mr. Sudduth replied that appeal board would look to see if a fair interpretation was made, and if not, would provide an interpretation of their own. They would have the right to look at ways to comply with code.

Mr. Curtis believed the professions recommend by Staff for serving on an appeal Board were very good. Mr. Cole stated he checked with a colleague about the professions listed in the draft and was informed they were typical with what was seen at other locations.

Mr. Williams asked who would chair the appeal board. Ms. Singh replied that the County Judge would be the chair.

Mr. Knight asked how the appeal board members would be compensated. Ms. McGetrick replied that compensation would be determined by the Quorum Court.

Ms. Singh noted that the meetings of the appeal board would be held regularly. Mr. Tucker asked what would constitute a regular schedule. Mr. Sudduth replied that any board should meet at least four (4) times per year.

Ms. McGetrick stated the original draft of in-home occupation had been simplified. Home occupation would remain exempt, minor occupations would be administratively reviewed, and major occupations would come in front of the Planning Board. She added that reviewing in-home occupations based on the number of cars or customers would take too much of Staff's time.

Mr. Curtis stated that the Committee was overwhelmed by the previous draft of the in-home occupation regulations. He said some members disagreed on the section dealing with signs. He thought simplifying the previous draft would be a good idea.

Mr. Knight asked if in-home occupations should even be addressed by the Board. Ms. Singh replied that the establishment of thresholds would be useful. Mr. Tucker replied that in-home occupations that later become a business typically cause the most problems. Ms. McGetrick commented that complaints about in-home occupations were received by Staff on a regular basis. She recommended reviewing any occupations that would impact the neighbors. She added that the existing threshold was whether a sign existed up front.

The meeting adjourned at 7:27 PM.