



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

August 6, 2014
6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Planning
Board
Approval:

8/20/2014

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:04 PM by Planning Board Chair Starr Leyva.

Roll Call: Starr Leyva, Rick Williams, Ron Homeyer, Ashley Tucker, Mark Curtis, Jim Cole, and Ken Knight were present.

Staff present: Administrator of General Services - John Sudduth, Chief Building Inspector-Jeff Brown, Planning Director – Rinkey Singh, Planning Manager – Kevin Gambrell, Senior County Planner – Mike McConnell, and County Planner - Taylor Reamer were present.

Public Present: 5 members of the public were present. (See attached sign in sheet for additional information).

Disposition of Minutes: Mr. Tucker moved to approve the July 16, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Knight. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business:

A. Revisions to the Planning and Development Regulations of Benton County

- I. Revisions to the setback from Telecommunication tower to the residential units currently included in the Planning and Development Regulations of Benton County effective March 2014**

Staff Report: 1500 feet notification requirement, revised from 0.5 mile notification requirement. In addition review of the residential setback of 1500 feet or twice the height of the tower, whichever is greater.

Mr. Tucker asked if the original intent was to make the notification requirement match the 500 feet from the property line, like the other applications in the ordinance.

Ms. Singh stated that under the direction of the Legislative Committee the 1500 feet requirement was added to be consistent with the residential setback requirement of telecommunication towers. In addition, the main concern expressed by the Telecom industry is the 1500 feet residential setback which is already approved in the Planning Regulations effective March 2014.

Mr. Tucker asked if the only revision is the notification requirement of 1500 feet.

Ms. Singh confirmed the notification revision is from 0.5 mile to 1500 feet. The main concern for the Telecom industry is the 1500 feet residential setback as this requirement is deemed excessive by the industry.

Mr. Sudduth stated that the Telecommunications companies approached the Planning staff about the concern of the excessive residential setback requirement.

Mr. Curtis stated that since the Board worked on this ordinance for 3 years, the Telecom industry should have been aware of these regulation changes.

Public Comment:

Justin Eichmann, Harrington/Miller Law Firm, Springdale, AR

Mr. Eichmann stated he represents Smith Communications that has towers in Washington and Benton counties. Federal Law limits local entities to prohibit the spread of Telecommunications, the purpose of the law is to allow signal throughout the United States. The Telecommunications Act (TCA) specifically states local governments cannot pass regulation that effectively prohibits the construction of cell towers. The main concern is the residential setback for Telecom Towers. The setback would require a 206-207 acre parcel to allow this requirement. Cell towers are placed where people are, the size of open land would not service this purpose. The current setback would violate the TCA. He would ask for a setback of height of the tower plus 50 feet.

Board Comment:

Mr. Knight stated that cell towers are designed in a way to create cells of signal. With respect to constructing more towers to create these cells, the public does not want to see more towers in the county. The other aspect is the safety in the event of the tower falling/collapsing.

Mr. Eichmann stated the fall zone is where the danger zone exists, the height of the tower. In the TCA, there is a prohibition of local entities to enact regulations based on radio waves from a cell tower. Permitting cannot be denied based on environmental or health hazards of radio waves propagated from the cell tower. The residential setback needs to be justified, because if the setback is based from radio wave safety.

Mr. Knight asked where this radio wave safety is stated in the ordinance.

Mr. Eichmann stated the TCA is being violated with the current residential setback requirement. There needs to be a rational basis for the setback requirement. He believes the height of the tower plus 50 feet is a proper setback requirement.

Mr. Tucker asked if this ordinance is a prohibition even if the tower is allowed to be constructed regardless of the setback.

Mr. Eichmann stated the ordinance reads that a variance can be sought for road to tower setback, but no variance is listed for residential setback requirements. Variances are a quasi-judicial remedy and do not cure the problem.

Ms. Singh stated Chapter 2 describes variances for dimensional changes and the residential setback would be a dimensional change.

Mr. Eichmann stated the variance would still be a quasi-judicial remedy, and would still violate the TCA prohibiting the construction of cell towers.

Mr. Tucker stated in Benton County a non-judicial remedy is the form of the Appeals Board for any denial of variance or Telecommunications tower. Variances can be sought based of any limitations other than self-inflicted problems. Telecommunications towers were of main public concern for the new ordinance.

Mr. Eichmann stated if the regulations prohibit any tower construction since the residential setback cannot be met, it violates the TCA.

Dave Reynolds, 1204 Deerfield Meadows, Siloam Springs AR

Smith Communications

Mr. Reynolds stated Smith Communications owns many towers in Benton County. Existing 10 towers owned by Smith Communications in the County, will not meet the residential setback requirement. There were plans to build 4 more towers this year, but none were brought to the Board due to these regulations.

Mr. Tucker asked why these towers were not brought before the Board.

Mr. Reynolds stated that since towers would not be approved due to the regulations. There is deep hesitance to file for a variance since Smith Communications has been denied variances in the past, which ultimately got reversed in court. If a variance is needed for towers to meet the ordinance, the ordinance probably isn't a good ordinance. There are very few areas that need a cell tower and have an allowable area to place a tower.

Mr. Knight asked if the topography of NWA limits the tower coverage.

Mr. Reynolds stated the proximity of towers to the users is a problem everywhere. The days of 500 foot towers at the top of high relief areas is over, they are already constructed. Towers have to be where the people are, with the limited power output of towers; the towers need to be near the people to service them.

Mr. Curtis asked if the higher powered towers are already in place, and not small powered towers are being constructed in a higher density.

Mr. Reynolds stated the taller towers already exist.

Mr. Curtis asked if the purpose of the towers was to provide service to users with the technology they want to have.

Mr. Reynolds confirmed.

Mr. Curtis asked if Mr. Reynolds was in favor of least restrictive tower regulations as possible, to construct as many towers as possible.

Mr. Knight asked how the design of the towers changed over the last 20 years.

Mr. Reynolds stated the location and design of towers has become smaller and more specific. In the past, the tallest towers with the highest powered antennas were used to supply signal to the largest geographic area. Now the towers supply signal to a smaller geographic area. Designs of towers have changed over the years from guyed towers to flag pole towers.

Mr. Reynolds showed a number of photos of collapsed towers under various conditions to emphasize that the towers typically collapse on itself.

Mr. Tucker encouraged Mr. Reynolds to attend other public forums about this issue.

John Beachum 4300 Stockton Dr., Little Rock AR Representing Westower Communication

Mr. Beachum stated that in order to meet the current 1500 foot residential setback, companies would need a 206 acre parcel of vacant land. There are very limited amount of parcels of 206 acres, he showed a map showing the NW and SW areas of the county. He understands that a variance is achievable, but this would be needed for every application for cell tower. In the past, the phones were used to talk on the phone, now data is being transferred over the cell signals. In the past, the phones had 5 watt transmitter, not phones have a .6 watt transmitter making it limited on the range it can connect to cell towers. New platforms are needed to be installed on towers to accommodate the new antenna design. The limiting factor for tower placement is the ability to connect the maximum number of radios to a tower, servicing the maximum amount of people. The ordinance as written is a drastic change and it was changed in the very last reading of the ordinance.

Mr. Curtis stated the setback requirement was passed by the Legislative Committees of the county. Mr. Beachum asked the Board to consider reducing the setback requirement, amend the ordinance so that not all Telecom applications require a variance, and reducing the notification buffer to a more suitable distance.

Todd Williams, CMS Wireless

Mr. Williams stated there have been many changes in tower design. The towers must be strengthened to accommodate the new hardware. Fall zones are designated areas where in the event of collapse and a 1500 foot setback is too excessive. More user devices equal more tower necessity. Small cell design requires the tower to be very close to the users, the 1500 foot setback would not allow for these short towers for small cell design to be implemented.

Mr. Tucker asked where the technology is going, are towers going to change in a way that is more acceptable: aesthetics, noise, and lighting, visual pollution.

Mr. Williams stated 20 years ago towers had 12 strings of coax cable; today there is 1 string of fiber optic cable on towers. This reduces the weight of the tower. The data panel antennas are large in size and produce the noise pollution. Lighting is addressed through LED lighting that is directed up only, for air traffic. Generators are required, and generally run 15 minutes per week. Sound dampening systems can be installed to reduce the noise pollution from the generators running.

Board Comment:

Ms. Singh stated the 1500 foot notification requirement captures property owners within the vicinity of the tower. The notification requirement is consistent with the setback to residences requirement of 1500 feet.

Mr. Homeyer stated there is no positive result from every telecommunications application needing to file a variance.

Mr. Curtis stated there could be different notification and setback dimensions. They don't have to be the same.

Vote: Mr. Tucker made a motion to amend Chapter 7 Telecommunications notification requirement of 1500 feet and residential setback of height of the tower plus 500 feet. Mr. Cole seconded the motion.

Motion Discussion:

Mr. Curtis asked if this proposed requirement of height of the tower plus 500 feet, which is similar to the Washington County regulation, would be satisfactory with respect to the TCA discussion earlier.

Mr. Reynolds stated that Washington County has no setback requirement for towers, but a height of the tower plus 400 feet requirement of setback from residential for administrative review approval.

Mr. Spence stated the Washington County approval process is completely different from Benton County; there is a legislative body rather than Planning Board approval. As far as the 500 feet plus height of tower proposal, the setback must be based on safety concerns. If 500 feet plus height of the tower is determined based on those safety concerns, then it could be upheld. The proposed setback cannot be determined from the health risks of radio waves. Noise and light pollution can be limited through a different process via proper screening, as in other applications. 500 feet plus height of the tower does seem excessive, in his opinion, the setback must be based on safety.

Mr. Curtis stated that the main concern of the Legislative Committee had more concern about aesthetics than safety. The 500 feet plus height of the tower is more than necessary with respect to safety concerns. He voiced in favor of the previous regulation of 50 feet plus height of the tower.

Vote: Mr. Curtis made a motion to amend the previous motion of 'residential setback of height of the tower plus 500 feet' to height of the tower plus 400 feet. Mr. Tucker seconded the motion. The motion carried 6-1. Mr. Williams voting in opposition of the amendment.

Vote: Mr. Tucker made a motion to amend Chapter 7 Telecommunications regulations to notification requirement of 1500 feet and residential setback of height of the tower plus 500 feet. The motion was amended to notification requirement of 1500 feet and residential setback of height of the tower plus 400 feet. Mr. Cole seconded the motion. The motion carried 7-0.

B. Revisions to the Benton County Planning Board By-Laws

Board Comment:

Mr. Tucker asked if any additional changes had been made since last discussion. Ms. Singh stated no additional changes were made; only a formalized version of the By-Laws was created.

Vote: Mr. Curtis made a motion to approve the Planning Board By-Laws as written. Mr. Knight seconded the motion. The motion carried 7-0.

Staff Report:

C. Mopin, LLC Site Plan Review, #14-449, 13888-13906 N Hwy 279, Bella Vista 18-09420-001 Represented by Gregory Bone, 11022 Timarron Dr., Bentonville AR

Staff Report: Paul Koosman, applicant for the property owner, Mopin LLC, is proposing infrastructure and other improvements to one of two existing light commercial/office buildings on the subject property. Both of the sites existing buildings were constructed without prior Site Plan Review and approval. As such, this project seeks to approve all existing and proposed improvements within the scope of this single site plan application. Specifically, the applicant proposes to install an on-site septic and disposal system (OSSDS), connect to public water system, interior electrical and plumbing, as well as landscaping improvements for the existing 5000 sq. ft. +/- southern building. Presently, the site is improved with the afore described southern building (2006 +/- construction); a 3000 sq. ft. +/- northern building (1999 +/- construction); a well-water house between the northern building and the roadway; driveway apron and associated paved parking between the two existing buildings; a second driveway apron along the south side of the properties roadway frontage accessing the southern building; and an existing OSSDS servicing the original, north building. No increase in building square footage or impervious cover is proposed. The north building has four tenants resulting in a minor commercial. The southern building is currently vacant and the applicant anticipates future use of the building in keeping with the septic design on-site. The applicant is also seeking variance from the parking requirements and the existing building setbacks on-site. On June 30, 2014 agent provided a site plan, with revised version provided on July 23rd, 2014.

OUTSTANDING ITEMS TO DATE:

- Revise 'form E' to request a parking variance of 18 spaces in lieu of the required 26.
- Applicant to confirm if the uses associated with either building requires loading areas.
- Confirmation that all lighting on site is and/or will be transitioned to zero-cutoff type.

CONSIDERATIONS FOR THE BOARD:

- Variance from the parking requirements
 - 18 parking spaces in lieu of the required 26 spaces.
- Variance from the building setback requirements
 - Building-to-centerline setback of 46.8 ft. in lieu of the required 55 ft. (south bldg.)
 - Building-to-centerline setback of 34 ft. in lieu of the required 55 ft. (well house)
- Site Plan Approval
 - Conditional upon receiving parking and building setback variance approval
 - Standard Conditions- That the owner agrees to the Standard Conditions (*appendix A*).

Board Comment:

Mr. Tucker commended Mr. Bone on the thorough drainage report.

Mr. Tucker stated more parking spaces can be shown on the site plan, 2-4 more spaces can be shown on the southern parking area.

Mr. Bone stated there is area for additional parking in that southern paved area, but he does not believe any additional parking is truly needed for this application. He is also not certain of the future of that paved drive.

Mr. Tucker asked if the southern drive would be removed in the future.

Mr. Bone stated that the drive would be used for utilities or employee parking.

Ms. Leyva stated that a loading zone, if any, will need to be detailed on site plan.

Mr. Bone stated the only loading areas would be for delivery box trucks.

Ms. Leyva stated loading areas would not be a designation parking space; the loading area would be an area for loading and unloading. Not necessarily an elevated dock.

Ms. Singh stated the minimum area of 10 feet by 25 feet will be needed for designated loading zone.

Vote: Mr. Curtis made a motion to approve the parking variance, 18 spaces in lieu of the required 26 spaces. Mr. Homeyer seconded the motion. The motion carried 7-0.

Vote: Mr. Curtis made a motion to approve the building setback variance, 46.8 feet in lieu of the required 55 feet (south building) and 34 feet in lieu of the required 55 feet (well house). Mr. Williams seconded the motion. The motion carried 7-0.

Vote: Mr. Curtis made a motion for Mopin LLC Site Plan Review approval with standard conditions. Mr. Homeyer seconded the motion. The motion carried 7-0.

Motion Discussion:

Mr. Gambrell asked the Board if any further consideration was needed for solid waste disposal.

Mr. Williams stated business would drive this aspect of the site plan approval.

Mr. Curtis stated the solid waste disposal is of concern, but should not limit the approval for this application.

Mr. Homeyer recused himself from Public Hearing.

**D. Summerwood Subdivision Replat, #14-453, Abberley Lane, Siloam Springs
Represented by Ron Homeyer, Civil Engineering 701 S Mount Olive, Siloam Springs**

Staff Comment: The applicant James Barnett is proposing a Replat of lots 2, 4a, 4b, 6a, 6c, 6d, 9r and 10r in the Summerwood Subdivision. Applicant is proposing to replat the existing 14 lot subdivision, creation of a

net increase in 2 lots, for a total of 16 lots. The proposed replat is to be recorded as follows; combining existing lots 2 and 3 and creating new lot 2, splitting existing lot 4 and adjusting existing lot 9 to create new lots 4A and 4B, splitting existing lot 6A into new lots 6A, 6C, and 6D, and adjusting existing lots 9 and 10 to create new lots 9R and 10R (see attachments)

The following outstanding items need to be addressed:

- Waiver from Preliminary Plat requirements – Applicant is requesting a waiver from preliminary plat approval (5.2.2 #3)
- Approval of the proposed Summerwood Subdivision – Replat – conditional upon;
 - All private structures associated with the private drives created for proposed lots 6a, 6c, and 6d must obtain E-911 addresses from Benton County Emergency Administration prior to the issuance of any building permits.
 - All new driveways must obtain a driveway permit through the Benton County Development Department – Building Safety Division.
 - Having all written approvals from affected property owners per proposed replat as shown.
 - Approval from Benton County Emergency Administration for the naming of the new private drive.

Applicant Comment:

Mr. Homeyer stated the subdivision would be served with Siloam Springs city water, with email confirmation for water line extension to the newly created lots 6A, 6C, and 6D. Septic permits are being sought for the newly created 6A, 6C, and 6D.

Ms. Leyva stated the rest of the subdivision has been seen by Arkansas Health Department previously.

Mr. Tucker asked if any of these lots are not approved for septic, what happens to this replat approval.

Ms. Singh stated health department approval is required, also there is a clause that replat does not guarantee septic approval or buildability of any newly created lots.

Mr. Tucker asked what requirements would be waived if the Board were to approve the Preliminary Plat requirement waiver.

Ms. Singh stated that in accordance with Chapter V, §5.6 (C), Major replat must go through the Preliminary and Final plat approval. Approval of preliminary plat and final plat voted on separately. Planning Board can require replat to follow Preliminary plat approval or Final plat approval.

Mr. Tucker stated the only requirement being waived is to hear the replat proposal twice. Once before the private drive improvement and once after the improvement was completed.

Mr. Williams asked if Greyson Lane was to be a private drive, maintained by the owner.

Mr. Homeyer stated both Greyson Lane and Abberley Lane are private drives.

Ms. Singh stated the private drive maintenance clause is included on the plat stating the private drive is maintained by the owner.

Vote: Mr. Cole made a motion to waive preliminary plat approval procedure and approve the replat with conditions A, B, and C. Mr. Williams seconded the motion. The motion carried 6-0.

Approval of the Final Summerwood Subdivision Replat conditional upon the following;

- A. All private structures associated with the private drives created for proposed lots 6a, 6c, and 6d must obtain E-911 addresses from Benton County Emergency Administration prior to the issuance of any building permits.

- B. All new driveways must obtain a driveway permit through the Benton County Development Department – Building Safety Division.
- C. Approval from E-911 of the proposed “Greyson Lane” name for Private drive

Public Hearing adjourned at 8:12pm.

Ms. Leyva called a 5 minute recess.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 8:20pm

Old Business: None

New Business:

- A. **TowMate LLC, Site Plan Review – Major Amendment, #14-460, 15704 + 15764 E Hwy 12, Rogers 18-03384-006**

Staff Report: TowMate, LLC assembles, ships, and sells wireless LED lighting systems. The systems are attached to tow trucks and other large vehicles. On 7/16/14, the applicant, TowMate, LLC, submitted an amendment to the previously approved Large Scale Development (*Case No. 14-353 - approved 3/5/14*) at the subject property. The initial site plan approval entailed an 11,124 sq. ft. manufacturing building (*15704 Hwy. 12*), associated parking, septic disposal system, and other site improvements. It is important to note here that the initial site plans also included a gravel parking area in the far northeastern corner of the parcel, accessed via Hoover Pt. Rd. (private roadway), then crossing over Bear Creek. This parking area showed 18 standard parking spaces to supplement the 26 standard spaces shown adjacent to and fronting along the main building. Present application proposes to construct a 5,600 sq. ft. manufacturing building (*assigned E-911 address - 15764 Hwy. 12*) on the described parking area in the northeast corner of the parcel. The site plan amendments submitted with this application include the proposed building, 14 standard spaces with 1 ADA accessible, and public water connection. The applicant indicates a proposed septic system, but, has not shown the same on the site plan amendments. Initial descriptions from the applicant stated they intended to employ up to 30 persons in the years to come. Presently, the main building employs approximately 21 persons, with the proposed building to employ an additional 8 persons. Staff has verified that the driveway has expanded westward beyond the previously approved parking area for the main building (*case 14-353*). The applicant has been advised to include this expanded driveway area along with any other improvements (existing or proposed) as part of the entirety of the subject property. The project is within an MS4 area. For the initial application, a SWP3, and applicable drainage reports were submitted and ultimately, the site was issued a County Stormwater permit on 9/12/13 (# 2013-315).

To date, the following items are outstanding:

1. Revise site plan to show entirety of parcel, and all existing and proposed improvements, including all buildings, parking areas, driveway areas, ingress/egress points from Hwy. 12, creek crossings (Bear Cr.), label all roadways (public and private), septic systems, building setbacks (*must show setback from Hoover Pt. Rd. to proposed bldg.*), zero-cutoff lighting noted, and required parking calculation revisions.
2. Provide approved AHTD access permit for private access drive from Hwy. 12 to proposed 5,600 sq. ft. building.
3. Updated service confirmation letters (form ‘F’) for electrical, water, and solid waste, verifying that these services will be provided to the existing bldg. (15704 Hwy. 12) and the proposed bldg. (15764 Hwy. 12).

4. Public hearing notice to all surrounding property owners, with USPS certified mail receipts postmarked on or before 8/6/14 + date stamped photograph, on or before 8/6/14, of public hearing signage posted on site.
5. Revised drainage report for entire site and verify impact on the adjacent properties.
6. ADH approved design for the on-site septic and disposal system for the proposed 5,600 sq. ft. building

Applicant Comment:

Mr. Anderson stated he would supply the certified mail receipts tomorrow. He has no issue with satisfying the outstanding items by August 13th.

Board Comment:

Mr. Tucker asked about the septic permitting for this application.

Mr. Gambrill stated the current septic proposed was denied.

Mr. Anderson stated the soils perked perfectly, but the primary location for septic would become the alternate location and the current alternate location would become the primary area for septic.

Mr. Tucker stated there was concern for the proposed location of the septic system with respect to prior development on the lot, temporary compaction of soil could be an issue.

Mr. Anderson stated the lot had concrete debris from Bear creek erosion controls measure, the debris has been removed. The area where the debris was has never been developed.

Ms. Leyva asked about the existing parking on the west side of the property. Where the septic tank was located in relation to the cement drive on the west side.

Mr. Anderson stated the drive was to access the bridge over Bear creek to the north.

Ms. Leyva asked to see on the site plan where the septic system was in relation to the new concrete drive.

Mr. Anderson stated septic comes off the southwest side of the building and continues to the grass area adjacent to Highway 12.

Ms. Leyva asked if there was any setback from the drive.

Mr. Anderson stated the septic tank was approximately 5 feet off the drive.

Ms. Leyva asked where all the water lines and irrigation lines were.

Mr. Tucker asked if the 4 bollards, detailed on site plan, were the corners of the septic tank.

Mr. Anderson stated no part of the septic is under the concrete drive.

Ms. Leyva stated she would like to see an updated site plan with accurate locations of septic and drive aisle.

Mr. Anderson stated he guarantees no part of septic is under the concrete drive.

Mr. Tucker asked if the health department does not approve the alternate location for the septic placement, what the contingency plan is.

Mr. Anderson stated the holding tank system with a service agreement.

Mr. Anderson stated the proposed location is suitable; the building may need to be moved further northeast to accommodate the proposed septic system.

Mr. Tucker stated the further east you move the building the further east the drive will need to be moved as well.

Ms. Leyva asked if any loading zones will be necessary for the proposed building.

Mr. Anderson stated robotics will be installed in the building. Circuit boards will be coming into the facility to be installed into products. Access to all buildings on the campus is done via Hoover Point road, limiting traffic on Highway 12.

Ms. Leyva asked if the applicant had pursued the AHTD permitting for the eastern drive.
Mr. Anderson stated this permitting requirement was unknown to him tonight, but should not be an issue.
Ms. Leyva stated the permitting happens when there is a change in use for the private drive.

Ms. Singh asked the applicant for a cross-sectional view for the proposed drainage swales near the new proposed building.

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

- I. Frakes Minor Subdivision, Tract Split, #14-444, Sunrise Rd., Gravette 15-07334-000
 - Total acreage of 3.1 acres
 - Tract 1 – 1.55 acres
 - Tract 2 – 1.55 acres
 - Approved July 23, 2014

- II. Barnett Minor Subdivision, Tract Split, #14-463, 17461 London Rd., Garfield 18-05327-000
 - Total acreage of 181.37 acres
 - Tract 1 – 10.00 acres
 - Tract 2 – 171.37 acres
 - Approved July 23, 2014

- III. Darrow Garner Minor Subdivision, Tract Split, #14-423, Freestone Dr., Rogers 18-03283-004
 - Total acreage of 96.26 acres
 - Tract 1- 1.25 acres
 - Tract 2 – 9.13 acres
 - Tract 3 – 85.88 acres
 - Approved July 28, 2014

DISCUSSION ITEMS:

A. Mr. Knight's Resignation

Mr. Knight stated his time on the Board has been enjoyable and appreciates the time on the Board.

B. Certified Mail Notification Addressing

Mr. Sudduth asked where tax mailings go to.

Mr. Homeyer stated he sends notifications to owner address.

Ms. Singh stated there needs to a unified procedure for sending the notifications, and owner address seems to be the most accepted.

Mr. Tucker stated there may be liability for staff to give the addresses to the applicant, because the assessor's data may not have the most up-to-date address. There needs to be a disclaimer that the applicant is responsible to verify with assessor that the information is correct.

Mr. Sudduth asked if State statue details what address to send notifications to.

Ms. Leyva stated any scenario will result is the possibility of missing someone.

