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2016 DEC 16 PM 2:15

Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

November 16, 2016
6:00 p.m.
Benton County Administration Building
215 East Central Avenue, Bentonville AR 72712

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6 p.m. by the Planning Board Chair, Ashley Tucker

Roll Call: Bob Bracy, Jim Cole, Sean Collyge, Ron Homeyer, Terry Maienschein, Ashley Tucker and Rick Williams were present.

Staff present: Kevin Gambrill – Planning Director, Taylor Reamer – Planning Manager, Derek Linn – Senior County Planner, Tracy Backs – County Planner and Glenn Tracy – Building Official were present.

Public Present: Six people signed the sign-in sheet.

Disposition of Minutes: November 2, 2016

Mr. Cole motioned to approve the November 2, 2016, Planning Board Meeting minutes. The motion was seconded by Mr. Collyge. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business – Items for Public Hearing:

I. **White Septic Waiver, #16-254, 21648 and 21650 Highway 62, Garfield; 18-01726-001**

Representative: Jeff White, 12400 Ventris Road, Garfield

Staff gave a presentation on the White Septic Waiver, #16-254, 21648 and 21650 Highway 62, Garfield; 1801726-001

Mr. Tucker: Do you have anything to add or changes to make?

Mr. White: No, sounds good.

2016 5424

FILED
2016 DEC 16 PM 2:15

Board Comments: None.

Staff Comments: None.

Public Comments: None.

Mr. Williams motioned to approve the application as submitted. Mr. Maienschein seconded the motion. The motion carried 7 – 0.

II. Crawford Minor Subdivision, #16-255, 15080 Haynes Road, Rogers; 18-03516-000

Representative: Larry Crawford, 15080 Haynes Road, Rogers

Staff gave a presentation on the Crawford Minor Subdivision, #16-255, 15080 Haynes Road, Rogers; 18-03516-000

Mr. Tucker: Just to clarify, if it is split again, that makes it a major subdivision?

Mr. Reamer: It would be the same situation as we are in today. It would come to the Board as a simple track split but having to be reviewed by the Board, not administratively.

Mr. Tucker: So it is possible that this could be done again?

Mr. Reamer: Correct, with the review of the Board.

Mr. Tucker: Do you have anything to add? It's a fairly simple continuation of the subdivision.

Mr. Crawford: No.

Board Comments: None.

Public Comments: None.

Mr. Homeyer motioned for approval. Mr. Cole seconded the motion. Motion carried 7 – 0.

2016 5425

FILED

2016 DEC 16 PM 2:15

III. Ho Septic Waiver, #16-257, 12844 Graves Road, Gentry; 18-13629-000

Representative: Tony Ho, 12822 Graves Road, Gentry

Staff gave a presentation on the Ho Septic Waiver, #16-257, 12844 Graves Road, Gentry; 18-13629-000

Mr. Tucker: Do you have anything to add or change?

Board Comments: None

Staff Comments: None

Public Comment: None

Mr. Williams motioned to approve the waiver. Mr. Bracy seconded the motion. Motion carried 7 – 0.

Mr. Tucker: Kevin *(Gambrill),* this is one of those applications that we might want to discuss. This is kind of an agricultural use that might be one that we can add to the list of things that would not require any review by the Board. An agricultural operation with a septic system related to operation of the agriculture in the residence. Just completely take it out. Does that make sense?

Mr. Gambrill: It makes sense. What we are looking at is the waiver part of it not necessarily the agricultural use part of it.

Mr. Tucker: There may be some way we can work that in. Does that make sense to everybody? These agricultural operations are kind of the primary focus of the County. Maybe not necessarily something we need to review.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:**

2. **Old Business / Ongoing Applications:** None

3. **New Business:**

I. McClain Minor Subdivision, #16-258, 20843 West Mountain Road, Gravette; 18-15237-000

Representative: Matthew McClain, 22457 West Highway 102, Decatur

2016 5426

FILED

2016 DEC 16 PM 2: 15

Staff gave a presentation on the McClain Minor Subdivision, #16-258, 20843 West Mountain Road, Gravette; 18-15237-000

Mr. Tucker: It has a parcel number 000?

Mr. McClain: The entire parcel was 41. I split 11 off of it south of West Mountain Road.

Mr. Tucker: Okay. So, that's its own 000 parcel?

Mr. Reamer: Correct.

Mr. Tucker: Do you have any comments to make or questions?

Mr. McClain: I wish I had foresight the first time and split it into three tracts originally. I didn't know somebody was just going to want to buy the pasture. I am actually keeping the seven and some change there. I am keeping the north third of that.

Mr. Tucker: Okay selling the south off for agriculture?

Mr. McClain: Yes.

Mr. Bracy: I am not clear where the access is to that seven. Is there a road up there?

Mr. McClain: It is off Limekiln Spur. On the northeast corner, there is a gate to the property.

Mr. Tucker: It's kind of a two-track road, isn't it?

Mr. McClain: Barely.

Mr. Gambrill: The tract has frontage on the north by Limekiln Spur and on the south by West Mountain Road.

Mr. Tucker: It is a real narrow, gravel unimproved section?

Mr. McClain: Yes, County maintenance ends about 200 yards to the west of it.

2016 5427

2016 DEC 16 PM 2:15

Board Comments: None.

Staff Comments: None.

Mr. Homeyer recuses himself.

II. Iglesia Church Site Plan Review, Major Amendment, #16-269, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

Representative: Ron Homeyer, Civil Engineering, Inc. 701 South Mt. Olive Street, Siloam Springs

Staff gave a presentation on the Iglesia Church Site Plan Review, Major Amendment, #16-269, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

Mr. Tucker: Mr. Homeyer do you have anything to add?

Mr. Homeyer: I want to explain why we are back so quickly. When they finally looked at the building plan after this approval, they realized that there were some mathematical errors in their original plans. After being reworked, they realized that they needed 9,000 square feet instead of the 7,800 square feet.

Mr. Tucker: Okay. So essentially it's the same plans just mathematically corrected.

Mr. Homeyer: It's probably been modified some. It meets all their purposes but they just had some errors in their original plan.

Mr. Tucker: From a fire suppression stand point, is it at the same place or did it change anything?

Mr. Homeyer: It won't change anything. Fire sprinklers won't be required because they will keep the occupancy under 300. It will be 299 or less. There are two outstanding fire hydrants on the property served by an 18" water line.

Mr. Tucker: So even if you needed it, there is availability. They are not going to do anything that requires a fire sprinkler system because the money is not in the budget for that.

Board Comments: None.

2016 5428

FILED
2016 DEC 16 PM 2:15

Staff Comments:

Mr. Gambrill: Only that land use is general commercial versus some places would call this institutional. Usage may be something you might want to consider.

Mr. Tucker: One of the line items we want to add to our matrix is institutional occupancy. Schools, churches, etc. would fall in to that.

4. **Other Business:** None

5. **Staff Updates:**

   I. **Administrative Approvals:** None

6. **Discussion Items:**

Mr. Tucker: Our last meeting will be December 21st. Will everybody be here on the 21st?

Mr. Gambrill: That will involve a public hearing for a particular case that has been before this Board before.

Mr. Tucker: The reason I ask is if there are any waivers or variances that must be passed by a two-thirds majority of the seated Board, not the present Board.

Mr. Homeyer: In other words, it takes five votes.

Mr. Gambrill: It will need five 'yes' votes.

Mr. Tucker: So if we had three people missing, we could not vote that night. Essentially we couldn't vote on anything. Yes, we would have a quorum by one but we wouldn't meet the threshold to vote.

Concurrent Land Divisions – Staff Administrative Policy

Mr. Gambrill: Evening folks. If you look at your agenda, there is a Concurrent Land Divisions – Staff Administrative Policy. It's just a way to briefly summarize. We are continuing to deal with the section of our regs that deals with minimum requirements for minor subdivisions of land and tract splits. If you looked at the existing regs, you will note that Section 5.1, for these minimum standards includes the language: not part of an existing subdivision, divided into only five tracts and then item 3 restriction on division. This gets into why we bring these subdivisions before you. Staff can't administer this. We have to bring them to you direct. Interestingly enough, lately Staff has had difficulty going back into time to figure out when the parent tract was actually created. Everything is going to be a parent tract at some point. Because it's unincorporated Benton County and building permits began to be issued in 2006,

2016 5429

FILED
2016 DEC 16 PM 2:15

planning regs were only as recent as the late '80's. You can imagine how many land divisions were done out there prior to the late '80's; and even then, the rigor of planning today as we know it, wasn't what it was 15, 20 and years prior to that. Where are we going with this? Staff has come up with an administratively policy on concurrent splits. Basically, what we are doing is given that our current regulations are the first version where concurrent splits have been regulated, Staff is of the mindset that the date these regulations were adopted, October 23, 2014, would be the date by which creation of a parent tract would then apply to the restrictions on land divisions minimum standards. That is, administrative review and approval may occur on divisions of land up to five times from the parent tract. More than five, of course, would come before the Planning Board. The time stamp is important. Basically, we are going to use the date that our current regs were adopted and any parent tract that is created from that point is where we would begin. We wouldn't go back into time on anything that was created prior to that because there wasn't that provision in our regs prior to that. It would make sense for us to have a uniform standard to stop ourselves going back infinitely into time.

Mr. Tucker: I believe that is consistent with the way we negotiated it with the legislative committee. Maybe Mr. Cole and Mr. Homeyer, do you remember that discussion?

Mr. Homeyer: That was before me.

Mr. Tucker: I think Mr. Curtis and I talked pretty heavily with the legislative committee about that being the mark in time. Essentially we couldn't enforce anything before that. If you go make to the grandfathered clause in the beginning, it was this and one other thing that caused us to add that clause. Does that make sense?

Mr. Gambrill: It makes sense. Administrating the regs, there is no language that gives us the discretion about exactly when to place that stamp. As a policy, we are coming before you and letting you know that this is going to be our policy moving forward. We can draft something up internally. Myself and my Administrator can sign it. We have done that with other things that have come before you independent of any rewrite of the regs. This is sort of a Staff interpretation of how to treat applicants fairly going forward. Again, going back into time, there just isn't consistent recordation of when the parent tracts are created. Mr. Homeyer might speak to that a little bit.

Mr. Tucker: It is difficult but that speaks to things like the subdivisions that we saw three, four, five years ago where they didn't want to do a subdivision. They didn't want to do a tract split. Just that they did an administrative tract split, then they did an administrative tract split, then they did an administrative tract split and subdivided the property. That happened tons of times which actually got pretty painful for Staff at one point. Having to do at consecutive days. The same person would come in day after day after day splitting a piece of property. Do you *(Mr. Reamer)* remember that?

Mr. Reamer: No, I wasn't here. I have seen it now that I have been here for two years. People have said, "three or four years ago, I did it this way and I just came in

2016 5430

2016 DEC 16 PM 2:15

splitting 20 acres until I had six or seven, three acre tracts for a subdivision," but they didn't have to be reviewed. I have run into that before, yes.

Mr. Gambrill: This just sort of creates a place in time to at least rest on moving forward. We want to bring that you all's attention:

Mr. Bracy: So when was the date you established?

Mr. Gambrill: The current regs were adopted with Ordinance 2014-60, adopted October 23, 2014.

Mr. Homeyer: Is that the adoption date or the effective date?

Mr. Gambrill: That is the date adopted.

Mr. Homeyer: And that is the date you are using?

Mr. Gambrill: Yes.

Mr. Tucker: The October dates after the third reading, wasn't it?

Mr. Gambrill: Yes. That is the recorded version that has the date stamped at the top from the clerk. It says 'date adopted.'

Mr. Tucker: I believe that includes the 30 days. I thought we started in February but they voted in March, April and June and then it rolled forward.

Mr. Homeyer: I am okay with it. I just wanted clarification for my own benefit.

Mr. Gambrill: We will clarify and affirm the date of October 23rd. That was the date that the Ordinance was passed with the current regs. We will use that and that is what we see stamped by the clerk. Of course, we can verify that.

Mr. Tucker: What do you think the timing is on passing something to the legislative committee for review for the two items that we have been discussing, waivers and…

Mr. Gambrill: Waivers being the predominant one and then other items. I do not foresee us going to the legislative committee during this part of the year given that we are into finance committee and budgets. Obviously, some administrative changes are going to occur after the new year. I do not see my administrator moving a lot of code changes, regs changes through the legislative committee this year. I can see, perhaps us getting more involved with that after the calendar year.

Mr. Tucker: So maybe January/February timeframe.

Mr. Gambrill: Possibly. Staff's going to have to wait and see how the administration shakes out.. There will be some changes and we will get some additional direction

2016 5431

FILED

2016 DEC 16 PM 2:16

then. Staff is continuing to take note and keep record of all these issues as they come up. In an ideal situation, we would like to do a comprehensive rewrite. Realistically, we can see various sections of low-hanging fruit that we need to address one by one rather than concatenate them all into this large-scale rewrite of the entire regulation during one committee. That's just my take on it as the Director. I can be trumped by a few other people.

Mr. Tucker: I think that politically that would be very difficult since it took four years to get the one we have now.

Mr. Gambrill: Perhaps but we will know more after the calendar year is over.

Meeting Adjourned: 6:38 p.m.

Next Meeting: Wednesday, December 7, 2016

APPROVED THIS 7TH **DAY OF** December, **2016**

ATTEST:

PLANNING DIRECTOR or
~~**PLANNING MANAGER**~~

APPROVED:

PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR

2016 5432