

Draft Regulations
Frequently Asked Questions – Chapter 6
Version 1.0 – April 5, 2013

Chapter VI

Q: Section 6.8, CUMULATIVE IMPROVEMENTS seems to suggest that people might use incremental improvements to get around your regulations. Don't you trust people to do the right thing?

A: Either intentionally or not, incremental additions of development can be one way that property owners can avoid complying with these regulations. Even if built incrementally, projects of a certain scale can and often do have impacts to the road system, to neighbors, to the environment, and in other ways. Staff often counsels applicants that if they plan to make additional changes or additions in coming years that it might be easier to get plans approved in full up front freeing them to go ahead with their projects without the time and expense burden of subsequent approvals down the line. Also, even if owners get buildout approvals up front, if they want to make changes to their approved plans, this is certainly easier, and often administrative in scope.

Q: The section on Amendments suggests that you are going to nickel and dime people to death if they want to make a slight change or addition to their project. Why do you want to do this?

A: That is not our intention at all. There are a number of changes that people can make to their property and related to their approved projects that are exempted by these new regulations. However, some changes by people are substantive and may have a small but noticeable impact on their neighbors, traffic, parking, ingress, or some other criteria. Therefore, for some changes we do ask people to come back to the Board or just to speak to staff and get a minor revision to their approved plans so that the file will be up to date in terms of what has been approved. This is also important since if a neighbor complains about something related to the business expansion, if it went through proper channels, then it becomes easy to defend.

Q: Section 6.12 PROJECT REVIEW SUMMARY is confusing. Is this another layer of standards or just a repeat of what you've already noted earlier? Is it necessary?

A: It probably doesn't need to be in a separate section and we could move it to a better location and note what it is better.

Q: I have applied for a minor site plan review and believe my small project meets all of the requirements of such a review. I want to add a 250 sq. ft. building to my existing previously approved LSD. Yet I have been told by Planning Staff that I have to submit to a more extensive review. If I meet all the qualifications of a minor site plan review, why do I have to do this?

A: There are many reasons that a project may require additional review though an applicant might feel that no additional review is required. For example, Staff might find during an inspection that additional improvements have been made to the property without Planning Board approval. In this case, Staff might ask that the entire site be reviewed. Staff may also find that previously approved elements of the site plan have not been implemented by the applicant or may have been implemented in a way that was not approved by the Planning Board. In these cases staff often re-reviews the project to make sure that

it meets all previously approved stipulations as well as review any additional improvements not previously approved but installed on site.

Q: I am applying for an amendment to a site plan. I have recently purchased a business and want to make sure that I can make the changes I need to without going through planning. I want to renovate the existing building without adding square footage. I also want to update the exterior and pave the parking area. This is all basic upkeep so why would I need to go through planning review.

A: You probably know that as a new business owner, it's a good idea to research the history of the property, what approvals have been received, and what might be needed for approvals prior to purchasing a property. We recommend that prior to purchasing a property, prospective buyers consider meeting with Planning Staff to understand the regulations as they may apply to the property and also see if there has been a previously approved site plan. It may be that the previous owner did not properly implement all the stipulations of approval. If this was the case than as the new property owner you may be responsible for updating your site to meet all stipulations of approval before any additional changes can be made.

Q: I may want to acquire additional adjacent property at another point in time to expand my currently approved business. However I have no idea about the type or scope of additions. I do know that I want to expand at some point in the future. Should I go ahead and lay out areas of future expansion even though I am not sure what they might look like or think that might change based on cash flow?

A: If you do not yet have control of the property, I would not submit any expansion plans to Planning. Once you do have control of a piece of property you may wish to include in the expansion of your business, you may want to submit plans for future expansion if you are fairly certain that you plan to go forward and have a fairly good idea of what you plan to do to the site. In particular, if you expect to expand your business in several phases, it may benefit you to submit plans for all phases if you're fairly certain about your plans. Showing future phasing may also help the Planning Board advise you as the applicant about issues which may affect the property as it is expanded. For example, understanding future plans it may help with additional access issues. For example if you know your business is growing you may need additional access. It would be best to plan for those accesses ahead of time in order to better understand the site layout.

Q: Why is compatibility being introduced? This is zoning.

A: Not at all. Zoning refers to establishing specific geographic zones that restrict the types of uses that can be located in the zone. Benton County is not proposing any kind of zoning system. What we are proposing is an improved system of property compatibility based on what we already use. Our definition of compatibility is, *"A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."* Note that without compatibility, Benton County could not provide any effective form of land use regulatory system to protect existing property owners and their investments. Compatibility is the basis of performance measures which is a system of land use regulation recommended by a wide range of conservative policy analysts. Performance measures utilize compatibility between various land uses without the use of zoning districts.

Q: Why are the new regulations restricting landscape buffers to very specific criteria?

A: The Table 6.9 provides suggested plants that are suited for the soil types in the area and also provides options for establishing buffers using appropriate plan materials. However, the applicant may consult a local landscape professional for other suitable options. Planning staff encourages the use of native plants that are appropriate for the climate and soil type.