



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

December 2nd, 2015

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

12-16-15
C. Hays

Meeting Minutes

PUBLIC HEARING:

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

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

Staff present: John Sudduth – Administrator of General Services, Glenn Tracy – Building Official, Kevin Gambrill – Planning Director, Taylor Reamer – Planning Manager, and Caitlynn Hays – County Planner were present.

Public Present: There were no members of the public present.

Disposition of Minutes: 11-18-2015.

Mrs. Leyva moved to approve the November 18th, 2015 Planning Board Meeting Minutes. The motion was seconded by Mr. Tucker. The motion carried 6-0-1. Mr. Cole abstained due to his absence at the meeting.

General Public Comment: None

Old Business: None

Public Hearing adjourned at 6:02 pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:02 pm

Old Business: None

New Business: None

Other Business: None

STAFF UPDATES:

- I. Administrative Approvals
 - A. Oestrich Minor Subdivision, #15-183

DISCUSSION ITEMS:

Administration of Existing Planning Regulations:

- I. General Requirements of Division and Development of Land
 - i. Section 4.6.8.iii Sanitary Sewer System – Individual Service Lines and Connections
- II. Minor Subdivision and Family Split – Minimum Requirements
 - i. Section 5.4.1.9 Others

Staff updated the Board of the current Benton County regulations stating that septic lines and connections shall exist on a single parcel, in regard to minor land division.

Mrs. Leyva stated upon previous discussion with surveyors the Board was asking for the identification of the septic location underground with information/evidence from the Arkansas Department of Health.

Mr. Tucker stated it was asked of the land surveyors to be compliant with the State regulation of the septic location requirement on the plat.

Staff read from the regulations stating that it read for individual systems to be on their own parcel.

Staff also commented on the use of “dwelling unit” being used in the regulation language to be conflicting.

Staff stated by regulation, planning cannot sign off on a plat that does not provide location information for an existing septic system.

Mrs. Leyva stated that the proposed plats read that the information provided was deemed from the surveyor.

Staff stated there is build-ability and septic clauses on the surveys, but still does not alleviate the language per the regulations for minor subdivisions.

Mr. Tucker stated the difference for a major subdivision and a minor subdivision or family split was for the family split to be a single family dwelling unit, not multi-tenant dwelling units.

Staff provided the Board an example of a proposed tract split with no septic information and expressed that per regulations, septic information would be required on the survey as well as for the adjacent parcels. Staff pointed out that the particular minor subdivision example shows a neighboring parcel, less than an acre with no septic information shown.

Staff also expressed concern for minor subdivisions that are vacant and are not proposing any building. When/if the parcel was to come in for a building permit later, Staff opined that a new survey with septic information would be required.

Mr. Curtis stated the dwelling unit terminology used in the regulations was intended for one family, one house scenario. He also stated the dwelling unit terminology in section four could be left off, as it was copied from State statute. He stated the intent was for one septic system shall be allowed on any lot, parcel, or tract. Mrs. Leyva stated that [multiple] dwelling units [within a single structure] do uncommonly happen. She provided an example of a property owner adding a master suite onto their house and placing a whole new tank system instead of attaching to the original system.

Mr. Tucker stated the intent was not to regulate septic systems but to identify when people do things they shouldn't be given the opportunity. This was to protect the future of the tract.

Staff stated for day-to-day enforcement, per regulations, Staff will interpret minor subdivision to mean one system, one parcel only.

Staff spoke of notifying the septic designers per Arkansas Department of Health, of the Benton County Regulations for minor subdivisions, under Planning Board Approval.

Mr. Homeyer stated the intent of a single family residence per tract was correct, per regulations.

Staff asked for the Board's interpretation of the regulations.

Mrs. Leyva stated item 10 from Sec. 5.4.1 was correct (i.e. *No waivers or variances from these regulations can be requested*).

Staff asked if it was okay to notify the septic designers, surveyors, and engineers of this requirement.

Mr. Curtis stated it is for the good of the County and is necessary.

Sport Shooting Ranges – Interpretation for 'Controlled Hunting Operations':

Staff brought up section 7.9 on Sport Shooting Ranges due to a potential applicant speaking with Staff. The parcel is just south of an existing Rod and Gun Club. The Rod and Gun Club parcel has an existing use that pre-dates the current sport shooting range regulations. The property owner to the south wanted to raise and release game for sport shooting. Staff interpreted this as a sport shooting range under the 'range' part of the definition. Staff advised the property owner a controlled hunting use could be allowed so long as it was in no way associated with the adjacent parcel's gun club. Further, the controlled hunt must be for personal use without payment for services with no advertisement. Staff had reason to believe that the property owner's intent was for the use (controlled hunt) to be associated with the adjacent parcel's gun club and therefore would be considered an expansion to an existing operation, which would trigger review under current regulations.

Mr. Tucker stated if the use predated State law, there can be no further regulation for the existing location. Only the new location could be regulated. He also stated that because it is a controlled hunt the County could only regulate the use as a commercial business and the State would regulate the hunt.

Trulove Construction, LLC – Site Plan Review – Appeals Hearing:

Staff updated the Board on the Trulove Construction, LLC hearing.
The hearing is Thursday, December 10th at 6 pm.

Mrs. Leyva asked if there was a public comment portion at the hearing.

Mr. Curtis stated he believed the public comment portion was still open.

Meeting Adjourned at 6:44 pm.

