

MINUTES
Goshen Planning Commission
May 7, 2024 at 6:15PM
Goshen Community Building,
244 Clark Street

Call to Order: Tom Hennelly called the meeting to order at 6:15 PM.

Roll Call: Tom Hennelly, Lisa Skiles, Loren Shackelford, Scott Stokenbury, Liz Mashie
James Gardner was present. Michael Thompson was absent.

Approval of Agenda: Motion made by Lisa Skiles to approve the agenda. Seconded by Loren Shackelford. All in favor? Yay (6) Opposed? (0). The motion carried.

Approval of Minutes: April 2, 2024. Motion by Liz Mashie to approve minutes as written. Seconded by Scott Stokenbury. All in favor? Yay (6). Opposed? (0). The motion carried.

Planning Commission Business:

A. DesignScapes-Conditional Use Permit:

Lacie: DesignScapes has turned in a new design based on the number of trees that were told that were taken out of that area that was of concern. That many trees are being put onto the landscape. There were some trees that were taken out. We had discussed last month that there were trees that were inside that retaining wall that had been kind of built up around that needed to be taken out that were going to die anyway. So those trees were taken out. As discussed, the more trees are still going in. That was what initially they are. They are going to take some time to grow. So, I guess right now the only thing that would really be of concern is growth rate. Tom: You say growth rate? Lacie: Yes. How fast are we going to get the line back? How fast are we going to get back to the place that we were before with that natural buffer that was there? Tom: So, we've got the applicants are here. Who would like to address? I will. So good evening. My name is Payton Bentley. I'm with the Clark Law Firm and I represent DesignScapes. First, DesignScapes wants to thank those commissioners that came out to the property and took the time to visit the property and understand what the design is there for. They also want to thank the commission for the opportunity that they're providing them to get back in compliance with their conditional use permit and submit a new landscape design plan that is in front of you right now. As will be discussed, this new landscape design plan complies with the condition approval number one. That is that issue here. And that is a landscape design plan will be submitted and approved by the Planning Commission to address section four and five, specifically street frontage, buffering, adjoining property buffering. Also, on-site parking should be noted on location and screen as part of the landscape. That issue that they're trying to correct their mistakes. In recognition of the commissioner's comments at the March meeting, to reinstate the

site as closely as possible to the original site plan, the proposed plan shows a legitimate effort not only to replace those trees and vegetation that were removed, but to also increase the amount of buffering vegetation to the adjoining property owners as well as put new screening in place, as well as beef up the buffering and screening in front of the parking lot facing the roadway. Just speaking in general terms, there are some numbers that are incorrect on the new plans. The trees and everything that's depicted on the plans is accurate. Just some of the numbers that are noted on there are incorrect. So, I'll call those out so that y'all are aware of those. The new design plan is in line with the prior plan. The prior plan contained about 20 plus existing trees. 20 to 30, about that range. They called for installing 64 additional trees, 43 shrubs, and 14 perennial ground cover plants. So, they called for an additional 121 plants. The new plan provides for 100 trees, with over 60 trees being between 20 feet and 70 feet with significant spread. It also calls for About 105 shrubs and 119 perennial ground cover. So that's a total of 324 plants. And that includes the existing plants that are shown in green on those plans. Everything that is black is going to be new. So, the additional 36 trees show a legitimate effort to correct that mistake and replant those larger trees. Specifically on the new plan, if we want to start on the left, lowering a corner to the south, west side of the property, where the retaining wall is being built or is built, the first thing that's going to be installed is an 8-foot screen fence. And that's going to be inside that retaining wall area up top. And then on the outside, facing the adjoining property owners, that's where the trees, the shrubbery, and the perennials will be placed. And that's where there's one mistake. There is called up three trees. There's 11 of those trees that are going to be installed in that area, as well as 35 shrubs and a dozen of perennials. So, the perennials and the shrubs, those provide additional layers of buffering as well as sort of stabilizing the soil and ground, as was a major concern at the March meeting. So now we'll move over to the other side of that drainage ditch. They're going to be installing another 11 additional American holly trees. While that's not noted on the plan, that will be installed as shown on that bottom south side. So, you have an existing 16 of the American hollies, and 11 more will be planted right there. So, if you move more to the east side of the property, by that small storage and parking area, there will be another buffering or screening fence put in there, and that will be across and go in front of the parking lot to provide some more screening. But then in front of that parking lot will also be more vegetation. I think it's going to be 11 trees, or that will be 16 trees and a bunch of shrubs and perennials to actually provide buffering and screening of the fence that provides screening of the actual parking lot. And lastly, in front of the road, they're doubling up on their effort, more than doubling on the actual American beauty shrubbery that's going to be placed in front of there. So, the new plan calls for 203 more plants than the prior plan, with 36 additional trees, a significant height of spread, that are strategically placed to provide buffering where the most people are actually going to be in the area, so the joint property owners and the roadway. This new plan is in line with the intent of Condition Approval Number 1, as well as complies with that condition.

And of course, DesignScapes will guarantee to replant anything that should die, or a similar plant of that particular variety proves to be unsuccessful. Hopefully a situation like the Arborvitae Plague will not occur again, which is well documented, that happened across Arkansas. I think some of those documents were provided in your packet. DesignScapes has a fantastic reputation with its clients. They design, install, and maintain their landscaping. The issue with the Arborvitaes had nothing to do with their ability to maintain plants. So, DesignScapes wants to continue to be a proud business and neighbor of Goshen, and they would request that y'all approve this new design plan. And I'm here to answer any questions that I may answer, but the Hiatts are also here that have more specific knowledge on these types of plants that they could probably address better than I could. Thank you for your time. Sarah Hiatt: I just wanted to mention about the fence. The fencing that's proposed, we're not married to the idea. It's proposed in case that will help ease tension, if that's something that's desired. It's a huge expense to us, we don't necessarily want to do it, but we're not really sure what the desire is, so if that's going to help with the screening and be believable to people, we're able to do that. We'd rather not, so if you don't like the idea of having fence to look at, you know, were fine with that too. Dana Quinn: My husband and I own the property, on Wandering Way. We bought that lot in 2003, in May. We built the house and moved in January 2004. So, we've been there 20 years. For the most part, it's been a good 20 years. So, my feeling is that that building that was constructed on that property, that's under discussion, never should have been allowed in the first place, but it slipped through Goshen's government body back in the day. Since its construction, that property's changed owners three or four times. And DesignScapes is there now. Having managed five years ago to convince you that they were going to be good neighbors, I'm glad they have good repour with their clients. They don't have good repour with their neighbors. We were assured that they would be less invasive than some other company moving in there. And in the original letter to the property owners in that area, they stated that they would operate a mowing and landscape business with six to ten employees and operating hours running through Friday, 8 to 5. They did state that there would be storage of equipment and material. The operation was approved with conditional use permit, and zoning was changed along with the lease. And it was approved with five specific terms. Number one was and has been and continues to be violated with regards to the buffering. And number five, in my opinion, has been violated with plant waste buried under gravel. The business has grown, and it's outgrown that location. Nearly all the buffering has been removed along the established fence line along two or three of the properties, along to the South-Southeast side, due to the removal of the well-established trees, only to be replaced by gravel and rock-retaining walls. Two months ago, they were here before this commission and requested to bring forth a new site plan within 60 days. Now, I would have thought that they would not have gone forth until that plan was approved or brought forth, because this date has been approved. But in the interim of this two month, they proceeded to do just

as they well pleased, without approval. And I think this was a disregard to you and to us. I think that behavior was egregious, and it doesn't please me. Now, the new site plan shows an increase in parking spaces to now 14. And that area was never screened. And the staging area for the dump trucks has been increased from five to seven. It was originally stated that the owners would come in in the morning, load up and leave, come back in the evening, unload, and go home. There are workers on that front premise all day long, running equipment, saws, and interrupting a peaceful neighborhood. That operation belongs in a commercial area, not my backyard. Thank you. Kyle McGurk: Ari will hand out a packet with aerial photos sourced from the County website of the property from 2019 to the time of acquisition, up until today. They also show photos that we've taken, both aerial photos and photos of the property, what relate to those, and things that have been proved. I encourage you to look at them while I give my stated statements. And members of the public, since I wasn't allowed to present their QR codes that I was going to be handing out, that allow you to view the same content as I move forward. I'm opposed to the submitted changes to the site and landscaping plan, on both technical and procedural grounds. On technical grounds, 60 days ago, DesignScapes was given the leeway to move forward in good faith to rectify their previous mistakes, and granted the generous opportunity to exercise creative freedom to draft a new plan that re-establishes the buffering and screening that had been destroyed in the preceding years. A good faith effort could have included many potential actions, including a reasonable effort to minimize noise nuisance, planting trees, meeting with, listening to, and addressing the concerns of neighbors, or implementing and maintaining stormwater best management practices. Instead, none of this occurred. DesignScapes staff spent the following days of the preceding planning commission creating paths of gravel from fence row to fence row, in pursuit of the maximum exploitation of their available property. They continued to drive heavy equipment and vehicles mere inches from the fragile, sparsely planted screen. Just this Friday, not full 24 hours following the submission of the site plan before you this evening, without approval from this commission or the city council as required by ordinance, they proceeded to remove the remaining mature coffer trees separating the northwest half of our properties, leading us to separate our family and our nursing goats from the daily sun-up to sun-down violations of Ordinance 170, Ordinance 186, Ordinance 117, and all of the highlighted sections of the zoning ordinance of the city of Goshen, following the photos in your packet. At the risk of being redundant, I believe it is clear that the conditional use of this property is untenable with regards to its compatibility to adjacent A1 residential zoning. As well as the ecologically and preservation of the balance for the character, our zoning ordinances that you all drafted and your predecessors have worked so hard to protect, none of these concerns are addressed in the proposed site plan. Now finding a procedural ground, our zoning ordinances are clear regarding the execution, enforcements, and amendments to conditional use permits. I quote paragraph 4, the construction, location, use, or

operation of all land and structures within the conditionally approved site shall be in accordance with all conditions and limitations set forth in their approval. No structure, use, or any other element of any approved plan shall be eliminated, significantly altered, or provided in any manner unless an amendment to conditional use is approved. The procedure for amending conditional use permits shall be the same as required for additional approval. The approval process requires that on the month preceding the planning commission meeting, notification to adjacent landowners be served by mail, office notice, public hearing, approval action by this commission, and finally approval action by city council prior to any proposed changes taking effect. None of this process has taken place in the previous five years, and it certainly has not taken place tonight. I repeat my plea from 60 days ago that this commission has no option left but to take action on issuing a media stop work order indefinitely on all activities not consistent with the site plan submitted in 2019 until the appropriate process for approving changes to conditional use is as played out. Should the commission not make that choice tonight, it will be before the council next Tuesday. In the meantime, the final page of the packet before you outline research and recommendations on effective buffering and screening that must be considered if the permittee truly wishes to vote be a good neighbor while continuing their operations at 679 Tuttle Road. Thank you. Tom: Are there anybody else from the public that would like to comment? Ari: 550 Wandering Way. I work part-time, and I'm also go to college. So, I have hours. I come to my house a lot. The noise is just, like, constant. It doesn't stop. This time of year, I usually open the windows of the house, and I can't do that. I'm trying to study, I'm trying to do lectures, I'm trying to watch lectures. I can hear the DesignScapes in the house, with the doors closed, and all the windows shut. The noise is getting to be a nuisance our goats can't be milked, they're uncomfortable. Thank you. Tom: Anybody else? Yes. I'm Carol Jordan I live just down the road, I'm told, from Dana, and Ari, and Kyle. You know, my concern with it is when the Hiatts got the conditional use permit, there are concerns brought to the commission and the council, and once they got what they wanted, they can do whatever, and that has kind of come to pass, but I feel for my neighbors when you don't have a peaceful environment, because I deal with that a lot on Saturday nights. But I also worry about my property value, because you have to disclose nuisances when you try to sell, and I know Kyle had just paid a pretty good amount over asking price to get that property. I don't know that they can get that back, and I think that's a shame. Payton Bentley: I just want to first address some of the comments that were made, that what the Hiatts have done has been egregious and disrespectful since the March 7th meeting. There was a request for a stop work order, and this commission denied that, said they don't want to cause harm to the property or the business, and also you required that a new plan be submitted before any new planting went into effect, so that's why that didn't happen yet, is because this is what was required to be submitted in the new plan. Regarding the procedural aspect, and Ms. Lawson could speak to this as well, Brian Hogue said no amended application needed to be submitted. All that needed to be submitted was this

new plan to show back in compliance with condition approval number one. So that's why there hasn't been any effort to plan anything right now, is because this is what was required first, to provide the plan for approval. And there is a reason why some of the neighbors weren't approached after this, after the stop work order wasn't sought, one of the neighbors actively sought litigation against our clients for a nuisance, and that's a different aspect, and I'm not going to hash everything out here, but there are a lot of issues. The conditions of approval are what have to be met. The design plan provided shows that what will be put into this property meets those conditions. It goes above and beyond the first plan. Now, while there were existing growth trees, the number of trees that will be there is above and beyond. They're trying to account for what they did. And, yeah, they're going to have noise from their hours of operation of 7 to 7. That was the condition of approval, and that's what they're operating with. So, I want to thank you again. Greg Hiatt stated at the last meeting the commissioners said to continue to work on the stone wall and that's what the noise is. Loren: As soon as the plan is approved, how quickly do you plan to complete all of this? Sarah Hiatt: We'd do it in phases. It also depends on what the desire is of the adjoining property owners for the fence. If the fence is something that will ease tension and, you know, make it a little more visibly attractive, we'll put the fence in, but that's a huge expense. We'd probably like to push that out. I think I read in the zoning ordinance, and I could be wrong, that any time we have a plan approved, we have a year to make all those changes. Obviously, we prioritize the screening that goes along the adjoining property to the south side. Greg Hiatt: I have trees reserves for the south side screening. We'll begin with the south side first. And the rest done by the end of the year. Tom: By the end of the year, in my mind, is out of the question. I think—and I'm just going to give you my thoughts, and we talked about this this afternoon. We laid out some very specific conditions of approval. I don't feel like they've been proportionately agreed to or implemented. If you've got this many trees, I think that it's probably beneficial to utilize them as best you can in a screening fashion. That seems to be the biggest issue. I don't know whether that's accurate or not, but it seems to me that, you know, the couple of holly's that are over there, I mean, I can still see every house through there when you pull in the driveway. I think the fences are a benefit, even if they're a temporary measure, until the vegetation grows up. I feel like there needs to be some permitting with ADEQ, like we talked about. And I think where the wires got crossed are the difference between an individual permit and a nationwide permit, and the fact that at one acre or one to five acres, you still—you get automatic coverage, but you've got to have that. And that's a living document that you can modify. But I think that whatever resolution needs to happen, I think we need a concerted effort to appease the people who live adjacent to this operation because they were hesitant about it. I don't think they even agreed to it. We took you guys at your word, and I don't feel—I feel like the can just keep getting kicked down the road, and I think it's in everybody's best interest just to get it done. I assume that the other four conditions of approval have all been complied with. Is that right? You have been operating outside 7

and 7? Kyle: They have been? But briefly for the last six months. Greg: On the weekends, mowing the yard, it's not hours of operation. **When I say I'd like to take care of the south side and Tuttle Road first, it's getting into the summer and it's not ideal for planting, and get the rest done in the fall.** Lisa: Regarding the privacy fence, a solid vertical board privacy fence is not a very creative solution. It's pretty mainstream. I certainly would be open to a horizontal slab that would be a little bit off the ground so the surface water can still lead, so animals can still migrate, and that is outside of a visible city height, so it would be off the ground, and allowing a little bit of airflow back and forth. It's a little more attractive, I think, unless the neighbors want it, but that's another condition. Having a little bit of gap still allows light there. Tom: This is probably a little bit out of procedure, but we're kind of at a loggerhead, right? We've got a company operating that's been permitted down on Tuttle Road, and we've got neighbors that are unhappy with both the operation and the efforts that have been made to screen your property from their operation. I'm not sure that anybody here is in favor of having them pack up and move. That's kind of the nuclear option, in my view. I think that if they complied as best they could with what they agreed to originally, and now in excess of what they agreed to originally, that we might be able to find some common ground for everybody. I don't know whether that's possible, whether this is going to continue. I mean, you guys are going to be locked in to a set of conditions where if you violate it, you will be shut down. Sarah: Right, and obviously that's the last thing we want to happen, so the motivation is there. And we understand we made a mistake. When we got the violation, we met with our attorney. We got an education on what it was we did wrong. Tom: Do you guys have any input, who was available to go see it? Lisa: I guess my only concern is, Mr. Chairman, is the idea of growth, the degree of growth. Perhaps we are now a little bit bigger than the initial application. Is there a limit to how large an organization grows in terms of employees coming in and going with vehicles? Tom: That's an excellent question, and I think it's limited in large part to the improvements that we see on the plan in front of us. Liz: I visited. It was good for me to see in person what we had seen and heard so much about. A lot of this could have been smoothed by communication. My thought, I agree with you, Tom. I think pulling the permit is the nuclear option at this point. While I am really saddened by some of the trees that were taken down, and I've been very clear that I think that was a complete misunderstanding of the conditional use permit. I think they've done their best to make that right at this point. I do not support revoking the permit. Tom: **Were there any lighting issues? Have you guys put in any additional lighting?** Greg: No. Tom: **If you do, one of the conditions is to submit a commercial lighting plan. That permit, the ADQ permit, you know, is going to have to be, no matter what we decide, you guys are obligated to get that permit in and post it out there by the road with a mailbox and a sign, so that anybody can come by and verify that you're in compliance.** Tom: So, I'll make a motion to approve this plan with the provision that all the plantings shown on it on the southern boundary are doubled. My intention is that everything else on this plan

remains the same. Okay. With the exception of everything on the southern boundary. Double up, take away the fence. That's my motion. Loren: Clarification. Motion for approval of the landscape plan as proposed with the exception of doubling up the proposed trees on the south border in lieu of the privacy. Loren: I'll second that motion. All those in favor? Yay (6). Opposed? (0). The motion carried.

- B. Public Hearing: Variance Process for Subdivision Regulations:** Lacie: Inside your packet, there is an application. It's a rough draft, of the variance process. I pretty much dug the zoning ordinance variance application and made it into a subdivision regulation application. I think that'll work. My question is, what do we want the process to be? So, for board of zoning, anything that comes before board of zoning with use, if there is any kind of a kickback, if it's appealed, that goes to the board of zoning. That's really the only appeal process that we have. So, for planning commission, if we have a variance process, that variance process somewhere means we need to have an ordinance. Brian, this is where you come in, that puts into place a process that we can insert into subdivision regulations that says if there's an appeal needed by a planning commission decision, then that goes to city council. Loren: So, give me an example of what we envision the variance of a subdivision regulation. When will this be used? Lacie: Setbacks. Setbacks is a great one. Loren: So, then you would do it for the entirety of the subdivision if we approve this? Lacie: No, you could do it per situation. Liz: So, this isn't a variance process, but an application specific to when it happens inside of subdivision? Loren: That's my question. Lacie: It's actually BZA versus planning commission. So, BZA is anything that's going to be used. Lisa: It's not use, it's zoning. Brian: So, the variance is within the subdivision regulations. Is that the issue? If somebody's looking for a variance, what's in the regulations currently? Lacie: Yes, like Ordinance 119. Brian: So, the planning commission would hear that potentially? If the planning commission denied it, they could appeal it to the city council? Loren: If the planning commission approved it, can somebody else appeal it? Brian: I wouldn't think so. Tom: That's the way it works everywhere else that I work. If there's somebody in opposition or even a council member that wants to hear it, can appeal it to council? Anything that we decide, they can appeal it to council to be overruled. They can overrule. Loren: Make sure city council wants that. Liz: I have a question. I wondered if this is what you were getting at. Are we confusing subdivision for zoning? Because I think there's sometimes where, 190 what is some of the writing in the ordinance? 190 adopted the zoning code. It didn't adopt the zoning code. It adopted the subdivision regulation. Lacie: Yes. Liz: So, this variance request could very likely apply to just a singular lot that's outside of the subdivision, which would be zoning. So, I don't know that it meets the word subdivision on the top. Lacie: How do I just get that application process going? So, I do need guidance on that. Brian: BZA or Planning, depending. Lisa: BZA is for zoning request changes. And then subdivision can be under that, even if it's category of zoning, residential, commercial. So, there's a BZA can see a variance request outside of the subdivision. Brian: Yes. Lacie: But it's BZA versus Planning Commission. Tom: Is there a reason to have both? Brian: Driveway ordinance variance. Lacie: So, that's a zoning issue. And it's a subdivision. Loren: Those go to the city council. Lisa: And to go back a point to what Liz and I heard in our training, was that BZA is never used as a threat. It's just a variance to existing ordinance of zoning. And then we will often be in a situation where we have to do BZA to approve this on the same night where we might then have

that as a basis. Loren: Which is a common procedure in large municipalities and counties. We have BZA. If you get approval of BZA, then your item on Planning Commission, is heard. If you don't get BZA, then PC is automatically pulled and tabled. Lacie: That's right. Loren: Can't we just have BZA and Planning Commission decisions be appealed to city council and not try to separate which goes where? Lacie: It's state code that anything appealed, a decision appealed from BZA decision has to actually be submitted to the district board. Tom: Is there an action on this? Lacie: It's a public hearing. I'd like a process. Tom: I'm just curious about whether or not we're making a recommendation to council for a change or are we just discussing this right now? Lacie: That's totally your decision. I think that this has been up for discussion long enough. I think that Ordinance 119, the gated community situation, really threw us all for a doozy. I don't want to have that again. Especially when we had that it was, you know, the Planning Commission as the here-I'll-be-all of the decision and then council was like, wait a second, let's do this again. Liz: It's basically the same form as the regular variance request. Lacie: Yes, But I think that the subdivision variance request form, I don't think it needs to be subdivision. The title doesn't need to be subdivision. We'll just make it a Planning Commission. Appeal process. Loren: So, are we trying to approve a form or are we trying to approve an appeal process? Lacie: An appeal process. Lacie: To get that appeal process started. Loren: Mr. Chair, my opinion is I fully support any sort of appeal process to another board within the municipality without going to court. So, I mean, we all work at the purview. Planning Commissions are appointed by City Council. We can be reappointed. We can be pulled off. I think anything that we do should be approved or appealed to City Council. So, if that's where we're trying to get to, then I don't have any issue making that recommendation that we change our ordinances so that any process that's denied here can be appealed to City Council. Now, if we need to get into what's BZA and what's Planning Commission, then that's probably a way to go. Lacie: No, I think I have a pretty good understanding. It's more so of a form. And like I said, I literally was just trying to make changes to my application. Because it's not necessarily subdivision variance application, it's more of an appeal process application. And what is required or what will be required for that application? What needs to be turned in? Mayor: Brian, just for clarification, could this not be just brought forward as an ordinance? Brian: I was thinking the same thing, that just the City Council could adopt an ordinance that says any decisions made by the Planning Commission or the Board of Zoning may be appealed to the City Council. Period. Lisa: And State of the Statute supports that. Loren Shackleford motioned that Planning Commission recommend to City Council to take up a change in ordinance to allow appeal process for BZA and Planning Commission denials to go to City Council. Seconded by Lisa Skiles. All those in favor? Yay (6). Opposed? (0). The motion carried.

C. Public Hearing: Changes to Subdivision Regulations, Exemption Requirement:

Tom: I'll tell you guys what has brought a lot of this up, conversations that Lacie and I have had about there's a big hole in our approval process. And that hole is, I think it's multifaceted. One of them is the size lots. If somebody goes to a five-acre lot, it's not going to get pulled. Subdivision regulations do not apply. And even if it's not, who's reviewing our plans, our construction documents for subdivisions that have lots less than five acres? Lacie: We contract those out. If it's an actual subdivision, we contract those plan reviews out to an engineer. However, if there's nothing turned in, like, for instance, with the Browning subdivision, even though they're

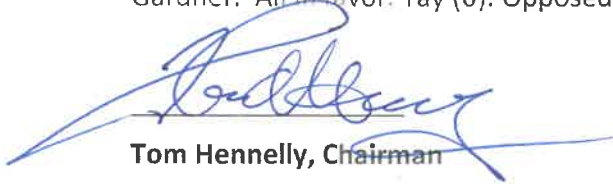
supposed to uphold appendix D, there's no way for us to know. Sure, they're an engineer. Well, what were the plans? How did you plan this out? Did you hire an engineer? It just so happens that Mr. Browning did not hire an engineer. Tom: My concerns are, and Loren and I talked about this, are not that we're trying to do a bait and switch on anybody. But whether a subdivision contains five-acre lots or one-acre lots, there's still a responsibility for fire code, street width, pavement design, whether or not that street will support fire engine, runoff calculations, ponded width in the street, you know, if it's got curb and gutter, culvert sizing under the street so that things don't get flooded out. There's a whole host of things that, one, should be incorporated in the design and the development, and, two, that we ought to be given both a preliminary plat and a final plat process so that when that final plat comes through, whether that's something that I look at individually and approve administratively or whether we do like a lot of other towns do and allow planning commission to at least give the opportunity to review it to make sure that it is compliant with, what we approved in the preliminary plat stage. Loren: So, isn't that required in our current subdivision ordinances, a preliminary plat and a final plat? Tom: But no construction documents. Mayor: It's exempt after five acres. Loren: Well, I know, but I think we're talking about two different things here. Are we proposing changes to the subdivision ordinance? Tom: Yeah. And how that happens, Mayor, I don't know. I mean, this is a public hearing, so if there's anybody from the public that would like to comment on this, but we would be making a recommendation ultimately to council to form a committee to revise the subdivision regulations. Mayor: You don't have to have a committee. We want to make the regulation changes. Tom: You know what you want to get changed? Lacie: I've got them right here. Mayor: It gets brought to you guys to look over and say, yes, we agree with those. And then the commission makes a recommendation to take it to council for approval. Lacie: This was brought up at the working session. I'm not deferring from that. I still agree. And right now, it's, we can't make anything without public road frontage with tandem lots, or maybe we can't create tandem lots, more than three without public road frontage. That to me, anything over four lots, so that's one main lot with three tandem lots, anything over that, which is what's in our regulations, is a subdivision. I don't think that it should be the lot size. I think it should be the number of lots. Number of lots should require engineered infrastructure, period. I don't care if it's curb and gutter, but I think it needs to be gravel. It needs to sustain adequate all-weather terrain for any kind of weather. If the code says if the road is over 500 feet, it needs to be 26 feet wide. Tom: Really, I think what we need to do is all of us individually over the next 30 days just need to give some thought. And dig in to the subdivision regulations and refresh yourself on what's required and what's not. And then we can discuss some specific suggestions to council. Lacie, will email each commissioner the suggested changes and they will review them next meeting.

- D. **Changing Lot Splits & Minor Subdivision-Separating & determination the Number of Lots Required:**
- E. **Changing Major Subdivision Requirements-lessening the Number of Lots Required:**
- F. **Establishing Road Requirements for Minor & Major Subdivisions (What are the Requirements for private driveways, private shared driveways, access roads, etc.)**

Loren Shackelford motioned to table Items: C – F. Seconded by Scott Stokenbury. All on favor? Yay (6). Opposed? (0). The motion carried.

Public Input:

Adjournment: Scott Stokenbury motioned to adjourn at 8:17 pm. Seconded by James Gardner. All in favor. Yay (6). Opposed. (0). The motion carried. Adjourned at 8:17 pm.



Tom Hennelly, Chairman