

MINUTES
Goshen Planning Commission
August 1, 2023 at 5:30PM
Goshen Community Building, 244 Clark Street

Call to Order: Chairman Tom Hennelly called the meeting to order at 5:30PM.

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

Approval of Agenda: Motion made by Loren Shackelford to approve the agenda as written with adding 5C. APC Planning Commission Training. Seconded by Liz Mashie. All in favor Yea (5) Opposed (0). The motion carried.

Approval of Minutes: Motion made by Liz Mashie to approve the July 10, 2023, minutes. Seconded by Scott Stokenbury. All in favor Yea (5) Opposed (0). The Motion carried.

Planning Commission Business:

A. Lot Line Adjustment: Ryan Russell

694 East Bowen Blvd. Parcel #001-14021-000. Presented by Cody from Bates & Associates. What we're doing is taking this big 80-acre tract and we'll split it into two tracts, roughly 40 acres of a piece. Within this we're going to dedicate a 30-foot access/utility easement going through tract two to make access to tract one. That's really about all the explanation I can really do with that. Big piece of land splitting right down the middle. Liz: Can you help me understand the current access to the tract, what's currently being accessed. Cody: Tract 2 is being access through the 30-foot access/utility easement 2023 down at the bottom right. It goes all the way up to the corner. We're taking off from there, and dedicating another 30 feet. James: What's the hatched part of the easement? That runs Straight North and South. Looks like it's just an access easement maybe? I can't really tell what its pointing to. It's got access to utilities. Looks like it follows and then there's no easement down this road. I don't know what this is trying to tell me because you've got two different access easements that are shown. It's kind of pointed over here too and it doesn't say utility easement. Tom: There's a note on there that says no known access easement that follows existing gravel drive. James: Looks like there's two gravel drives. Lisa: Isn't it just referencing where that file deed is? The Hatch, the deeds. Liz: I think so too, that's how I read it but does it include utility? Access. Where we basically creating this gap between the first and then across tract 2. Loren: Looks like the personal access easement granted from Dave Alberts, Cindy and Carolyn Albert to the Trust. Cody I can get together with Jose, just looking at it, looks like it's just we're showing that as a note that it matches that deed. Tom: That easement that runs North across Parcel 17338501001. I think there's some clarification that needs to be made. It looks like that's an existing easement. James: I think that is the 30-foot existing easements for 2023. That hatched area is the D 2613. Loren: That's the way I'm reading, I think that hashed areas in 2060. Tom: That's an existing easement. Loren: It's an access easement. it's not dedicated utilities, but it is a dedicated access easement and the note on

the plat that it matches that 2006 document. Tom: How do you get utilities onto the property? Tom: The western 40-acre tract at the southeast corner, you've got POB for utility and access easement, that runs up that common property line. Cody: That POB we've dedicated for tract two, that POB for our 30-foot utility description. Tom: That one that runs across you got labeled as a 30-foot utility an easement access, as you get to that southeast corner of the eastern 40 acres, it's just an access easement. Tom: There's a couple of ways we can handle this, we either have you come back, or we can approve this with some changes. Loren: I'm fine approving it subject to changes if you're comfortable with it and you signing it since you're the chairman. Lisa: I'm comfortable with the contingency, once it is fixed. Tom: I don't have a problem, getting something approved with conditions as long as the plat they come back with meets those conditions. I don't think there's any big deal considering the size of the track. This section right here, you got hatched. Cody: We just need to make sure that's UV. Loren Shackelford made a motion for approval subject to the correction or finding of that utility easement versus access easement and that that finding be to the satisfaction of chair prior to executing the plat also subject to a utility easement in the hatched area. Seconded by Scott Stokenbury. All in favor Yea (5) Opposed (0). The motion carried.

B. Review of Planning Commission Financial Report: Tom Hennelly presented

There were two submittals for \$200 each. Total \$400.00 taken in this month, building permits and applications fees from JD Blagg and Ryan Russell. Total year to date \$2200.

C. Arkansas Public Training Course: Lisa Skiles presented.

I feel like Tom does our meetings right and there weren't any, big flashes that we need to reboot anything, but there's some really great. Reminders in here, I'm going to hit on a couple. The Arkansas Chapter Public Administration and Arkansas Planning Association Arkansas Chapter is sponsoring monthly seminars. The attendees are members of local planning commissions. Most of them are small municipalities like ourselves across the state. We meet by Zoom once a month and also city representatives. I'm representing this group and Lacie is attending. We have two different viewpoints and there's time for Q&A. If there's ever any questions you want to feed to me, you may do that. This topic for this month was Planning Commissions and Board Zoning Adjustment. Which we did last month, and sometimes I feel like I get a little fuzzy on that. There were some good reminders. Next month we'll be zoning and variances, we'll have some tidbits there. Arkansas code and the numbers are in there, lays out the roles and responsibilities for planning commissioners and then by ordinance our body is established by City Council, ordinance and something that I took away from this was the idea that planning commissions are long range, whereas city councils elected positions tend to be shorter range. The intent is that we help balance that by having our eye further out and not being an elected position. A third of our body can live in a planning area according to state ordinance and the purpose set out in the state ordinance, is that we can prepare plans including area maps, we can look at land use Master St. plans, but we also mostly administer the existing ordinance. Administration in

that role like what we mostly engage in, is part of our core must do, shall do, and some of the planning functions are something we can engage in if we choose to, for example in working section sessions. So, purpose, advise other public bodies and administer our ordinances. I mentioned shall and may we shall promote the public interest and watch out for property right issues and we may ask for studies to be done or prepare planning area maps which we have. We may prepare ordinances and regulations, example occurred last month when Chairman Hennelly suggested we update our ordinances to reflect that Park land, could be a use in all use, part of shall we should do in may think more strategically and use this body to make improvements. Planning area the topic of planning area the corporate limits versus territorial jurisdiction for a for our group 8000 population or less. We go one mile beyond the city limits and a distinction that I found interesting is in the territorial jurisdiction, our authority relates to residential Sub- Divisions because we may annex that future, but if it's commercial, it falls under the jurisdiction of county. You can think residential we have a greater input even into the planning area, Commercial not so much. Board of zoning, every zoning ordinance every city shall provide for a Board of zoning adjustments, and this is our quasi-judicial role. At least three members, or it could be the whole entire Planning Commission. There were a couple of distinctions here, I found noteworthy: we hear requests for variances from zoning ordinance and we may impose conditions, but we are not addressing use variance and as we discussed last month. PCA decisions go to court, however, there it's if city ordinance directs appeals to City Council, that is a new statutory provision that could be looked at. As it stands now, it would go to the court and it should involve hardship as we know, and we may impose conditions. This one I found interesting, on conditional use we know we may impose conditions, but we can review that at any time. If we have a complaint from a constituent or someone in our community about a conditional use that we have approved, we have the authority according to this training to revoke or add additional conditions after the fact. That was something that I took note of. Resolution versus ordinance, long range plans or resolutions or ordinances or law and formal and authoritative and permanent nature master St. plan Resolution versus a law. When it comes to ethics, public trust, of course, something I noted was that planning commissions have bylaws. I'm not sure I've ever seen them. But it dictates or it lays out refusal strategies, how that occurs, rules of order, attendance, that kind of stuff. Of course, we talked about, FOIA not meeting together, not having one-on-one Meetings about business out of the public eye. The example was if we're all if several of us are visiting a site at the same time, we should find our corners, not be huddling about it. That was one of the examples that was given, and also to try not to abstain a vote. We spent a good deal of time, this was interesting, the art of recusal and I put a little! It should be covered in our bylaws. The conflict needs to be real and perceived. If we're unsure, we should ask our attorney state openly and leave the room and do not discuss or participate in the actions inside or outside the meeting. That was a bit more formal than what we typically do. But it seems like the bar is a little higher than maybe how we typically recuse ourselves, so being

a neighbor may not be reason to do just that. Then meeting management, two things I was going to pull out, you can scan this at you're at your leisure. It was suggested that we shouldn't have applicants on the agenda, unless it's something we legally can vote on. We shouldn't just have stuff to have them kind of air out a project and get them put that it should be something that's ready for A vote. That was suggested that the chair is managing the meeting to minimize back and forth, including from the audience and the applicants, setting time limits three minutes was suggested. Don't advocate for the project, don't argue with the public and don't encourage dialogue. The chair has a big job to do there, but we have a very respectful community and so that tends to not be a problem and do not discuss a project amongst ourselves so that we're when the public input session is happening, we're just listening. Then finally, I'll end on and this was titled Under controversial items, and if you'd like the PowerPoint, I have it. This is in line with the PowerPoint. The phrase was always moved to approve, every applicant deserves a vote that we shouldn't be afraid to make a motion, always move to approve, always move to do so in the affirmative. Yet we need we as a body should understand that we can make a motion in the affirmative and still vote no. We're not necessarily signaling our support if we make a motion. That was something that I found to be a great reminder. Then of course the applicant or our body can table an item or approve contingent upon XYZ. Those were my takeaways. Hopefully a few of those are just good reminders. I'm really proud of being on this body. I think our diverse viewpoints and skill levels are at a really high level here and this just kind of reaffirmed it. Thank you. Tom: Lisa, I know that's a big-time commitment and I really appreciate it. Lisa: One thing I will add, I thought of one other thing, I threw this in my packet, this is a copy of our I think current land use map and master street plan. They're part of the long-range plan and once these are established, it's certainly allowable that we might tackle one piece. We wouldn't have to update everything. A land use plan is not the zoning, it should be complementing the zoning, but it is what I talked about non regulatory. Updating a land use plan is in line with our being proactive about planning and having sessions that are on the record where we could start to work out, how this might complement the zoning map going forward. Tom: I think it's an excellent idea that we probably ought to do, maybe once a year at least potentially twice a year. That's outside of our normal meeting.

D. Public Input:

E. Adjournment: A motion was made by Lisa Skiles at 6:00 pm, Seconded by Liz Mashie All in favor Yay (5) Opposed (0) The motion carried. Meeting adjourned at 6:00 pm.



Tom Hennelly Chairman