

MINUTES
Public Hearing and Goshen Planning Commission
January 4, 2022 at 5:30PM
Goshen Community Building, 244 Clark Street, or by Zoom

Call to Order: Chairman Tom Hennelly requested that Lisa Skiles, Co-Chair, lead the meeting. Lisa Skiles called the meeting to order at 5:42PM.

Roll Call: James Gardner, Tom Hennelly, Lisa Skiles, Mike Hill, Liz Mashie were present. Levon Ogden and Scott Stokenbury were absent.

Approval of Agenda: The agenda was reviewed. An addition to the agenda was discussed. The agenda addition was to add "Approval of Agenda". James Gardner motioned to approve the agenda as modified and adding "Approval of Agenda". The motion was seconded by Liz Mashie. Motion carried.

Approval of Minutes: Lisa Skiles asked that on page two, second paragraph, to include Mr. Kevin Riggins – our appreciation of his comment regarding volunteering to have the POA include some mention of our lighting ordinance as it relates to Ashler's Ranch development. Two additional typos ["whick" to "which"; correction of the spelling of Levon Ogden's name] were noted for the staff. A motion was made to approve the December 7, 2021 minutes with the stated modifications by Liz Mashie; second by James Gardner. Motion carried.

Public Hearing to Amend Subdivision Ordinance Concerning Minor Subdivisions: City Attorney Brian Hogue discussed an application that came before the City Council for a minor subdivision. Current regulations did not allow it to be pursued, as a previous split had occurred more recently than January 2000. The intent is to review the date previously set as January 2000, to determine if different timing criteria, such as a three-year waiting period, would address the problem with the application, and would not be as burdensome.

Lisa Skiles opened the Public Hearing portion of the meeting for discussion. Mayor Max Poye commented that another consideration, besides the date change, was the use of the term 'Subdivision' when a split occurred. Mayor Poye asked if the word 'Minor' should be included in the split wording. Liz Mashie asked for clarification on the Mayor's comment, asking if subsequent splits would be considered 'Minor Subdivisions'. The Mayor stated he wasn't certain whether 'Subdivision' or 'Minor Subdivision' was more appropriate. Lisa Skiles stated the Planning Commission would defer to Counsel on the wording.

City Attorney Hogue stated the distinction was that the applicant would have to pursue the application as a 'Subdivision' and go through the appropriate process. He recommended wording remain as is, and maintain the distinction between the two terms.

Lisa Skiles asked again for public input. Chuck Browning shared his appreciation for bringing this issue forward, and asked about the size of the lot. Should something related to the size of the lot be considered? For example, if it's 500 acres? Lisa Skiles stated an exemption exists if it is over five acres. City Attorney Hogue confirmed an exception does exist for larger lots. Lisa Skiles commented that a family split exception is also included.

Lisa Skiles asked Chuck Browning, as a citizen, for his interpretation of the intent of the date in question, based on his prior service on the Planning Commission. Chuck Browning confirmed the intent was to prevent developers from failing to include proper infrastructure in subdivision developments.

Nathan Crouch, with Blew and Associates, spoke. He stated he was Planning Administrator for Washington County for many years. The County recognizes split count also, once the parcel falls below 20 acres.

Ken Smith asked why three years is suggested, instead of one year or five years? Lisa Skiles stated she did not know the basis for the change to three years. Mayor Poye remarked the assignment of three years was arbitrary and the purpose was to see what the public's opinion of the timeframe is. Ken Smith thinks five years is a better timeframe.

Chuck Browning recommended considering when the date was put in place, and using that as the time period, moving forward. He believed it happened within the last 4-5 years. Mayor Poye guessed 2008-2009. The Mayor said five years for splits was reasonable to him.

No additional public comments. The Public Hearing segment was closed, by Lisa Skiles, and opened for Planning Commissioner comments.

Liz Mashie stated she felt the 2001 date was arbitrary, and the further away from the date we get, the more arbitrary it feels and the harder it makes for people to do things with their land. She asked if benchmarking had been done on the three-year date. She is in favor of five years.

Tom Hennelly stated he felt that five years was the right amount of time.

James Gardner commented that it does feel arbitrary. He suggested perhaps timeframe alone should not be the only criteria.

Lisa Skiles concurred with both comments. She believes it has not been studied enough. The intent behind this ordinance was more for developers than individual landowners, and would not recommend below five years. She asked what the purpose of this coming before the Commission.

City Attorney Hogue stated that a recommendation, a motion, or tabling for future study are all options.

Tom Hennelly made a motion to table. Liz Mashie seconded it. Motion carried.

Ken Smith advised looking at best practices of other municipalities in this situation.

Asher's Ranch Subdivision - Blue Springs Road, Submitting Landscape Plan and Updates: Lisa Skiles stated the topic is the issue of single access for fire code.

City Attorney Hogue spoke with the County Fire Marshall, and looked at the code. The requirements are specific. There are some exceptions for single ingress/egress, such as all buildings having automatic sprinklers. The only way to get this approved is through the local Fire Chief, the Planning Commission does not have the authority to approve without the Fire Chief's prior approval in writing.

Lora Nanak asked Blake Murray (ESI) if he received anything from the Fire Chief. He has not, but they did speak on the phone.

Lisa Skiles asked about the landscape plan, and seeing it before final plat. A digital copy was shared on the screen by the representative from ESI (Blake). Trees are called out, but not shrubs. Blake stated a revision can be made (Section 5 – Landscaping). Lisa Skiles stated her appreciation for the time and attention that has been put into this by ESI.

Ken Smith asked how the ordinance worked for Blake, as a developer. Blake stated after he had time to review the ordinances, he could provide feedback.

Lisa Skiles stated this is a general discussion, not a vote. The update will be sent to the City to share with the Commissioners as they work toward the final plat.

Minor Subdivision – 708 E Bowen – Parcel # 770-17407-000: Chuck Browning presented a lot split of 13 acres around his home, out of 90 acres. He has an additional project to split approximately 56 acres into smaller five-acre tracts. He doesn't want to have a conflict with the current ordinance if he does two separate split events. City Attorney Hogue stated a split today of the parent lot will be under the current ordinance.

Liz Mashie stated she does not see how to get around the parent tract split. Chuck Browning believes that the future splits would fall outside the five-acre requirement. The Commission confirmed that if the splits are larger than five-acre lots, they are not defined as a subdivision. He will bring detailed plans to look at next month.

Lora Nanak commented that Jeff Hawkins has called Nikki Littrell. Liz Mashie shared the comments from Jeff. This is this a minor subdivision, not a track split. Chuck Browning questioned why this is a minor subdivision. Liz Mashie clarified the definition of the term. A 16-foot easement currently exists and has for many years, and is the current driveway. James Gardner asked if the alternative for going from a 16- to 30-foot easement could be to provide new highway access across the property. Lisa Skiles stated the intent was to have utilities go to all the lots.

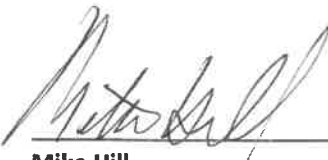
A motion was made by Lisa Skiles to approve the split contingent on the adjustment of the 30-foot easement to reach all the lots, label access and utility so overhead lines are shown in the easement, and it is submitted as a minor subdivision. Second given, and the motion carried.

Review of Planning Commission Financial Report: Lisa Skiles asked for comment or questions. None were offered.

Public Input: Lisa Skiles asked for any additional public comment. No public comment was offered.

Lisa Skiles brought up the concept of a variance process – does something exist in the regulations that afford the Commission the latitude to handle exception situations? City Attorney Hogue stated he would review the regulations.

Liz Mashie made a motion to adjourn. The motion was seconded by James Gardner. The motion carried and the meeting adjourned at 6:42PM.



Mike Hill
Secretary