

MINUTES
Goshen Planning Commission
February 1, 2022 at 6:00PM
Goshen Community Building, 244 Clark Street, or by Zoom

Call to Order: Chairman Tom Hennelly called the meeting to order at 6:01PM.

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

Approval of Agenda: The agenda was reviewed. Items 5A and 5B were removed, due to the cancellation of the Public Hearing. An addition to the agenda was discussed.

Nathan Crouch with Blew and Associates spoke regarding two items for his client Chuck Browning. One of the prior requests had been approved provisionally, and new request was not on the agenda and concerned Browning's 'mini-ranch'. Lora Nanak addressed the additions suggested by Nathan Crouch as 5C.1 and 5C.2.

Lora Nanak stated 6A will be removed because 6A and 6B are the same thing. City Attorney Hogue suggested that 5C.1 and 5C.2 can be added by amendment.

Levon Ogden motioned to approve the amended agenda, and was seconded by Liz Mashie. Motion carried.

Approval of Minutes: A motion was made to approve the January 4, 2022 minutes by Mike Hill, second by James Gardner. Motion carried.

NEW BUSINESS

5C.1 Minor Subdivision Request (1 Lot), Chuck Browning, 708 E. Bowen, Parcel #770-17407-000: Liz Mashie stated it appears that what the Commission discussed and requested in January was completed. The Commissioners reviewed the completed requests.

Tom Hennelly asked for public comment. No public comment was given.

A motion to approve the request was made by Mike Hill, and was seconded by James Gardner. Motion carried.

5C.2 Minor Subdivision Request (12 Lot), Chuck Browning, 708 E. Bowen, Parcel #770-17407-000: Chuck Browning shared one of the back lots had a size of 4.994 acres, due to how the software configured the lots, instead of the minimum of five acres. He stated he would bring the 4.994 lot up to five acres through reconfiguration.

Browning shared the history of this parcel and his vision for it.

Tom Hennelly asked what would prevent someone from buying one of these lots and trying to split. City Attorney Hogue stated that matter would then come before this Committee, and would be prevented under the current rules. The Committee discussed the plans for roads and utilities. Tom Hennelly asked if the Fire Marshall has reviewed this; the Fire Marshall has not.

After additional discussion, City Attorney Hogue stated this request is outside of Goshen's subdivision regulations, because it is five acres or larger.

Liz Mashie stated she is not comfortable approving anything less than five acres, due to prior requirements on other applicants. Chuck Browning replied he is going to adjust the size.

Chuck Browning and the Commission discussed with whom the responsibility to develop lots with roads and utilities prior to split should reside.

Tom Hennelly stated he is worried that in the future, a purchaser of the lot will not have utility or road access.

Mayor Max Poye stated that when someone goes to buy land, they are going to look at it. If the road is not there, you would ask yourself how you would get into the lot. He believes that the Government should not care for these types of details. The task force worked on subdivisions for years and are still working the kinks out of it. He shared the example of the subdivision split date that has been recently discussed.

Tom Hennelly stated he is not arguing against approval. He is stating the average citizen would not know what the type of road required looks like. The Planning Commission owes it to the citizens to protect them from that specialized knowledge.

Mayor Poye questioned why a person would put in a road prior to approval by City Council or the Planning Commission. Tom Hennelly stated in every town he's developed in, a preliminary plat is provided to demonstrate compliance to ordinances. Once the final plat is approved, there is not any risk of denial. Hennelly stated this request complies with the current subdivision ordinances. If a development in this situation is sold or inherited, this individual may not agree with what has been done here today, and they could do something different.

Chuck Browning stated that the market will regulate this. Tom Hennelly agreed this is a fair point. Levon Ogden agreed and James Gardner stated it is what it is, under the current regulations. James Gardner asked how you can get all parties to agree on road maintenance costs. Chuck Browning stated there should be a small POA and an agreement.

Levon Ogden stated that from a banking perspective, the mortgage holder will require that standards are met prior to financing.

Liz Mashie asked where Chuck Browning's house was, and if it would be part of this. He stated it would not be. A discussion was held about the easements on the property and the impact of one person choosing to install a gate.

Levon Ogden made a motion to approve the tract split, subject to all lots, specifically #10, being at the five-acre minimum, minor subdivision, and resubmitted and reflected as such.

Mike Hill seconded the motion. Motion carried.

5D. Lot Line Adjustment, 15656 Ball Road, Parcel #001-00950-000: Jesse Gagnon introduced himself and his wife, Ashlyn. The AR Alcohol and Beverage Control (ABC) requires them to separate their brewery location from the personal residence for licensing approval. Tom Hennelly asked about the location of the buildings on the property map. They want to move the northern line down to be compliant with two-acre requirements.

Tom Hennelly asked if existing septic is impacted by this. Neither building is impacted. The Brewery has been permitted for the septic. Jesse Gagnon provided additional detail.

Tom Hennelly asked for public comment. None was given. Liz Mashie stated she knows the applicants and has given them information on how to be compliant, especially the two-acre minimum. She asked about future of the

lot split, and how the properties and easements would be established, keeping the future in mind. Ashlyn Gagnon stated this is a vineyard model, but the ABC requires they may not live on-site.

James Gardner asked how water got to the site. Tom Hennelly asked about the size of the lines. Mt. Olive requires a two-inch main. James Gardner asked about the easement, and Tom Hennelly stated it is a bit “unusual”, but they need to make it official. The concern is what will happen in the future if these lots have different owners. The water going to the Brewery is metered separately, as well as the electrical. Tom Hennelly stated it is important that service going to the Brewery should be in an easement.

City Attorney Hogue commented this should be a lot line adjustment. Motion to approved by Liz Mashie, second by James Gardner. Motion carried.

5E. Property Line Adjustment, Darrin Riggins, Parcel #770-17450-000 & 770-17454-000: Rick Reeves from ESI spoke about moving the tract line between two adjacent tracts, making one of them bigger. Adjustments would be from 5.03 and 5.46 to 2.74 and 7.75.

Levon Ogden motioned to approve; Liz Mashie seconded the motion. The motion carried.

5F. Subdivision Variance, Blue Springs Road, Parcel #770-17535-001: John Chandler wants to split off three acres and sell it.

Public input solicited. None was offered.

James Gardrier asked if John Chandler was building on Tract A. He stated yes, and he’s put in the driveway already. This tract was split in 2017. City Attorney Hogue stated his interpretation of these regulations requires this to be submitted as a subdivision, but he believes that the Commission can recommend to waive this requirement or recommend approval of a variance to City Council. All variances must be approved by City Council, if the Commission suggests them. This must be applied for as a subdivision, not a minor subdivision.

Liz Mashie noted the property characteristics. James Gardner stated utilities are on-site.

A discussion was held regarding the parcel’s requirements and features.

Mayor Poye remarked there are commercial design standards. He stated historically, two acres have been required, but is unsure about one building with several shops and how that applies.

Mike Hill stated this falls into an area that was not the intention of the task force. Mike Hill motioned that it be accepted for approval, based on the variance, and recommend to the Council level. Levon Ogden seconded. Hogue clarified this is a variance – a waiver of all requirements in the subdivision requirements – a blanket waiver, is what the Planning Commission wants to do. Tom Hennelly confirmed this is the intent. Motion carried.

OLD BUSINESS

6B. Discuss time restrictions on Minor Subdivisions shown in Section 1, Page 7 of Subdivision Regulations: In the last meeting, Lisa Skiles requested the City find out what other cities are doing. Lora Nanak stated that Elm Springs allows four lot splits and then the applicant has to wait 7-10 years. Other cities contacted, about the same size as Goshen, have no restrictions or regulations. Liz Mashie was asked what other cities besides Elm Springs were contacted. A list was circulated in the meeting.

Tom Hennelly stated the intent of this time period was to prevent people from skirting the regulations. Liz Mashie wondered if enough controls now exist?

Tom Hennelly stated the first subdivision from today would be subject to this. James Gardner stated that no restrictions mean a person could come back next month. Hennelly wants to get on the record to say he is a 100% "property owner rights guy". A person should be able to do what they want to with their property, if it is not taking advantage of someone who is not in this business. He gets calls from people during the day, and they are unaware that the property did not have full utilities. Hennelly feels that these decisions and amendments recommended to City Council are to protect future and current citizens of Goshen – not allowing someone to come in and fleece somebody.

Liz Mashie agrees. She asked about the 12-parcel unit from earlier and what would happen if the new owner of one of these 12 parcels came before the Planning Commission, asking for a split of the five-acre parcel. Mashie confirmed it would be a minor subdivision. City Attorney Hogue stated it would be disallowed.

The Commission discussed length of timelines and that the 2000 date becomes silly, the farther you go out from it.

Tom Hennelly states that he believes 10 years secures the intent. Three years does not secure intent. Hennelly asked City Attorney Hogue about assigning a time period based on ownership. Hogue stated that may impede on landowner's rights. Hennelly suggested no split from last split for 10 years. Liz Mashie asked if it should be more prescriptive.


Tom Hennelly asked City Attorney Hogue to reword the current paragraph and bring it back to the Commission for consideration with a 10-year look-back from the date of application. Hogue agreed to bring back something to discuss, for a possible public hearing in March.

Liz Mashie asked about Fire Chief's written approval for Asher's Ranch in last month's meeting. Lora Nanak stated the City has not received this yet.

Public Input:

No public comment was offered.

Mike Hill made a motion to adjourn. The motion was seconded by Liz Mashie. The motion carried and the meeting adjourned at 7:34PM.



Mike Hill
Secretary