



**SALINE COUNTY PLANNING BOARD
MINUTES SEPTEMBER 9, 2021**

Meeting Called to Order at the SALINE COUNTY COURTHOUSE, COURTROOM #3 AT 5:30 P.M.

ROLL CALL:

Layne Penfield	Present	Eric Krebs	Present
Sherry Spann	Present	Justin McCauley	Not Present
Kevin Barham	Present	Randy Ives	Present
Matt Nalley	Present	Kylie Parker	Present

NON-VOTING:

Cayce Landers	Not Present	Will Gruber	Present
John Wofford	Present	Judge Jeff Arey	Not Present
JR Walters	Present	Karla Ramsey	Present

PRESENTATION OF MINUTES: Motion to approve by Randy, second by Kevin and approved by all.

OLD BUSINESS:

NEW BUSINESS:

AVILLA PROVINCE-FINAL

JONATHAN HOPE

Layne opened up by asking if there was anyone in the audience there for Avilla Province? No one answered, he then asked John Wofford for his comments on the plat. John stated that there needed to be some grass seeds added for grass in the ditches. Jonathan said they had the roads in, septic tank approvals pretty straight forward. Randy asked if everything that was brought up last month and the reasons it was tabled last month? Karla advised that yes, she had received the Health Dept Approval as well as the Maintenance Bond for the roads. Matt said that the only comment he had was the legal description had a typo that needed to be corrected. Jonathan agreed and said he would correct that. Matt made a motion they approve the final plat, Randy second, motion approved by all.

CANYON CREEK-PRELIM

JONATHAN HOPE

Layne opened up asking if anyone in the audience was there for Canyon Creek? Layne asked if John had a chance to look at the plat? John Wofford asked if this was being reopened, since they were before the Board earlier this year? Jonathan stated Yes, they had not started construction so for procedure they had to bring it back through to the Board at this time. Matt asked what changes had been made since them coming before the Board before? Jonathan said it was the same plat as before. John Wofford asked if the drainage issues mentioned before had been addressed? Jonathan stated that yes, the entrance road would have a culvert placed that would help with the water onto lot 1 and create a little retention for the water. Jonathan said the south side would be wet, but they were going to make sure it was not worse once it was

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developed. They would utilize the areas where it would flow naturally and he would be getting with John in regards to that. Randy asked is they could do that, have the water go over the roads, subdivision would have a double wide entrance to help with the water flow. John said that he would not be able to top the road with water even if it is a gated subdivision. The biggest concern would be for Hwy 5 and those down the highway. Matt said he didn't not want too much water going down Hwy 5 onto other peoples' property. John asked Johnathan would be submitting Engineer Drawings? Jonathan said yes he would. Layne asked if there were anymore questions. Matt made a motion that the preliminary plat be approved, second by Sherry and approved by all.

WILLIAMS CREEK-PRELIM

ERIC RICHARDSON

Layne asked if there was anyone there in the audience for Williams Creek, and advised them they would be given an opportunity to speak. Layne asked John for his comments. Eric said it would be located on approximately 140 acres, being built in 2 phases. There should be no large drainage issues with this property. With the large lots the traffic should not be a problem and property values should see a positive affect with this large lot subdivision. Layne said he had a question by someone that couldn't make the meeting. She lives North of this property and was wondering if that would be phase 2? She was concerned because she lives on Bluegrass. Another resident from that area, was concerned about water pressure. He stated that with all the houses going up, he felt that the water pressure needed to be addressed. Eric advised that he was told they were already looking into that, and that issue was being looked into. Randy Braser lives on Bluegrass, was concerned about the culvert on Bluegrass. When it rains the water piles up there and he wanted to make sure there would be no additional drainage issues there that would affect Bluegrass. Layne asked Eric if he was familiar with that area? He advised that he would address that for the resident and get with the county in regards to the drainage. Matt stated that since he has worked with Eric on this project, he didn't have any comments and he would be standing down on this one. Layne asked John if he had any comments, John said that the numbers start running together, and asked if the 200 scale was going to be enough? Randy said that since it was a preliminary and it was being divided into 2 phases it would be ok and John agreed. John said on the 5 ft road dedication, it needs to show the right of way for the road. He also asked where the water main was located on Harrison or Hwy 5? Eric said that they were tying into a 12- inch pipe off Harrison and not the main water source on Hwy 5. John asked about him bordering another subdivision and it will need to be addressed by the Final Plat. Layne asked if all the questions had been addressed? A man asked if the county would mind them sodding the ditches? John advised the county did not have a problem with that. Randy made a motion to approve the preliminary, second by Kevin, approved by all. The developer offered his personal number for concerned residents to contact him if they had any questions.

BASCON CONSTRUCTION-TRUCKING DISPATCH

KEVIN CLARK

Matt stated that he would be recusing himself from this one. John Wofford his only question was in regards to the highway department approval. They have this and it will only be a dispatch office there will be no large trucks in the parking lot. Randy made a motion the plat be approved, second by Sherry, approved by all.

TIMBER POINT PH2 -PRELIM & FINAL (MINOR)

AARON RASBURY

Layne asked John if he had a chance to review the plat? John said he did and asked Aaron if he had addressed his questions? He also asked Aaron about the gas pipe line? Aaron said yes it goes across the county and currently goes across several subdivisions. John asked if there were special conditions that needed to be used to protect the main? John asked him if he knew how much pressure was on that line? Sherry Spann stated they have had no issues in regards to Breckenridge, Pear Orchard regarding the easements across the gas line. Aaron said there are hundreds of easements that are going across this pipe

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line. John asked if he was going to have any problem getting Sardis Water to sign off on this? Aaron said no, he had already gotten it approved. John said on the gas main, it is a high- pressure line and there are a lot of rules to make you protect that gas line. John was just asking if there were rules that would prohibit them from building there. Matt asked what the DR's take on this was, Aaron answered it was all good. The problem will be past lot 33, as of right now he just wants approval on the first 33 lots. The next 4 tracts will be questionable. Randy stated we could give preliminary approval for the first 33, then have them bring in documentation for the other 4 tracts. Matt stated that it would be nice to have a 10 ft easement off the utility line, but that is something we don't have in our regulations. Matt made a motion to accept the preliminary plat, based on approval for the 33 lots, then have them bring back documentation as to what was approved for the last 4 tracts. Second by Randy, and approved by all.

DISCUSSION: HWY 5, CROWNSON PROPERTY WITH CLINT LANCASTER

REPRESENTING THE CROWSON'S. Mr. Lancaster stated he was aware that the Crowson's had already come before the Planning Board for a discussion. However, he wanted to bring up for discussion again, so that they can be in compliance with what the Board said. Mr. Lancaster stated that Derek Crowson had approximately 240 acres that he wanted to divide up into 5 parcels, with no parcel being less than 10 acres. They also want to put the easement in for egress and ingress, however they are not making a road dedication, they are not installing utilities, they are simply just providing an easement for people. He stated that he had spoken with Will Gruber before the meeting, and essentially if these were not people that wanted to build a house, this was people that wanted to have a deer camp, they would not have to comply with a subdivision. That being said, Mr. Lancaster stated if the Board wants us to comply with a subdivision, then we would like to ask the Board for a Variance to not have to comply with a road, if we put in the deed that there would be no additional lot splitting without the Boards Approval, and the road easement is not dedicated for public use and will not be maintained by the county. If we can do something like that would it please the Board. Randy Ives stated that we have rules in place and that is what we talked about at the last meeting, but you were here, we would be going against our own rules to not require you to follow subdivision guidelines. Even if you are going to call them private roads, they still have to meet a certain standard and be platted as a private road with a mechanism to how to maintain that road. Whether it be a private road or public road. Mr. Lancaster said it concerns my client since the person across the street is doing the same thing, but he doesn't have to comply with the road plan. It creates the appearance that he's not being treated equally. Randy asked Lancaster if the one across the street, do they all have frontage or is it an easement? Lancaster said he did not believe so, Randy stated then that is something we need to look into. Layne said typically you cannot get addresses if it's not legally subdivided, then Renee our 911 Address Coordinator is not going to give addresses. Lancaster then asked so unless we bring the private road up to the county road plans standards then we are not going to get approved? Randy answered Pretty much. Lancaster then asked if there was no way they would consider a variance for that because it would be incredibly extensive amount to do that? Randy replied, if we did that then every developer in the county would come in and want a variance. Lancaster also said that if we look at the rule, it says A subdivision doesn't count for the road, unless there is road dedication, then there is a comma and says including egress and ingress easement or the insulation of utilities, this is an attempt to show that the rule is constructed that there has to be a road dedication for egress and ingress and we are not proposing a road dedication. I don't know if that would change your position as all. Randy said I am just going off from our past that a subdivision is three or more lots, regardless if it is 10 acres or not, you do not have to asphalt the street, you do have to meet all other requirements. John Wofford stated that any private road you do have the choice, you do not have to add asphalt. Randy said ok, but on everything else, the ditches, the right of ways, the utilities how are they going to get utilities? Lancaster stated if they ever decided they wanted utilities they would have to run it across their easement, right now it is unimproved land, what the law calls wild and unimproved land. Randy asked so you are

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going to have all lines running out to the main line? Lancaster stated he had no idea, but right now I have people that are wanting to purchase land out there and go deer hunting or place a cabin out there, and as it stands right now we are going to have to put in a \$200,000 road for a deer camp. That just seems overly harsh. Randy said a deer camp today, and houses tomorrow, Sherry stated can you guarantee that it is only going to be a deer camp? Lancaster stated no he could not do that. Lancaster stated well ok, I guess that answered my question, thank you. Layne asked if the people in the audience were here for this discussion? Is there one spokes person or does each one of you want to come up to the podium? If you do, please come in an orderly fashion, state your name and address. Leanne Crowson, we just got an address for Free Bird Lane, which is what we named our road. What we didn't understand is that if each parcel is not split more than three times, then this would not be a subdivision. That is really how we did not think we were a subdivision, we did not split any parcel more than three times. We had 10 acre lots or more, that's why we did not put utilities on it, because they are not involved. We are not dedicated the road to the public, so we felt like we did not fall under the subdivision rule. Matt asked if the lots they are wanting to sale, are they required by the Title Company to have an easement or a dedicated easement to that property, or are they requiring that you have a tied- out easement from Hwy 5 to that property? Leanne asked Aaron Rasburry if he knew the answer to that question? Aaron said there is not going to be an easement from Hwy 5 to the property, and that you cannot land lock property owners. Leanne said it is a \$400,000 road to put in just for the gravel. She states that these are the people that are going to move out there plus their doctor is getting a big chunk of it. We want to be able to hunt out there, we will have a Bill of Assurance that says this is what we want. We don't want them to be able to be split off, just to have a place to hunt. Leanne then stated that one of the buyers wanted 40, another wanted 30 and another one 30. Randy asked so you will have a private timber road, who is going to maintain that road? Leanne said they would like to do a POA, have money put up to grade it, Derek Crowson said they would maintain it. Randy said for a private road development you would have to have that in place. Just an easement there isn't any mechanism that would hold anybody to that. He stated that the problem is today everybody agrees, the doctor is taking 30 acres, Joes is taking 20 and all that. But then later Joes is divorced and his wife wants half, and does they family division and down the road there is going to be twenty to thirty people living there, and all of sudden the guy at the end of the road has a heart attack and an ambulance can't get down the road, from where the heavy trucks and equipment to build have messed up the road. We see it all the time, now everyone agrees, Bob has a tractor we are going to grade it, I am just saying that is how it goes. Leanne stated she understood his position, and that is why they are trying to put things in place that we all close with and people in the future close with that this can't be split again ever ever unless they come before you guys. Matt asked formally, with all of you what is your formal plat that you have to say that this is what we all plan to do, so that what Randy just outlined doesn't happen? Leanne stated to have a POA that we all pay into and that money we will make sure is used to maintain that road. Maintenance agreement, and that the lots can not be split after what we have, unless they come before you guys. I would also like to say the land is very much up and down, there is not very much building lots as you would think on 207 acres. We did look at that at one time, but it's just not feasible, most of us are going to hunt. Sherry stated that if you are subdividing a piece of property, subdivision doesn't mean it's incorporated, it just means that you are subdividing a piece of land. Leanne stated that it's 10 acres or more and we didn't split each parcel more than three times. One of the buyers came to the podium stating we just want land, we don't want a subdivision, we just want land to hunt to rest and relax. I am fixing to retire in a few years, I want land. I want to be in the middle of the land, go explore and do whatever I want to do. We are not going to be dividing it up that's why I am interested in this land, we are not going to have 40 lots. Sherry stated but you are subdividing, he stated we have 4 lots, again Sherry stated you are subdividing. He asked if she was comparing what she does to what they are doing? Sherry stated no, I am just saying land that is subdivided, the man interrupted her and said he just want land, we are not doing what you do and that is all I have to say. Lancaster approach the podium

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again and said he wanted to get something clear, the rule only applies if you do three or more, right? That's my understanding, so it doesn't say anything about dividing it into two? Matt asked is in regards to creating new parcels, it's if you are creating two parcels in what you are doing? Lancaster asked does it say anything about splitting it in half? Randy asked are you splitting it in half then splitting that in half, then that next one in half? Lancaster stated he could not predict the future. Randy said I can see where this is going. Lancaster stated that I can't see where that would be breaking any rule. Randy said you are going to negate the rules by saying I am going to cut in half, then he is going to cut his in half and so on. Lancaster said that is very possible, but I don't see that is prohibited by the rule which is what I am asking. Matt asked regarding the utilities you haven't answered the questions in that situation. I understand the POA but what is your answer for the utility situation, because that brings forth a problem regarding this whole subdivision. Lancaster said my plan on the utilities, First Electric is going to run a line down through there that everyone can tie onto. They want water, then they can run individual pipes or they can run a line and let everyone tie onto. We are not in the business of telling Salem Water how to do water. Randy said I don't believe Salem Water is going to do that. Lancaster stated then we will run a pipe from the highway wherever we wanted to in the future. Lancaster says that our plan is to comply with whatever the water company wants to do. Lancaster said that is all the discussion I have again, thank you. Leanne said she has to understand this, our plan was in the beginning of all this we are going to run a 4in line all the way to our house at the end and we will need electricity too and we will have to do that for us. We have had Eric Richardson look into this and a 4 in will be enough water pressure for us. I read this that if utilities was involved it would be a subdivision, so we did not include this at first. I guess my question is how do we fall into being a subdivision? Randy stated because you are going to sale multiple tracts that don't have any access to a public road. Leanne stated but we didn't split any parcel more than three times and we have more than 10- acre tracts. Randy asked her how many acres was her largest tract, Leanne replied 207 acres. Randy said and you are going to split it how many times 5 times, so how are you not splitting it more than three times? Leanne stated well we thought that was per person, then we went down to the next paragraph where it says 10- acre tracts, if it was ten acres or more it wasn't a subdivision, if it didn't have utilities involved. Randy said that is if it is on an existing county road. Leanne it doesn't say that. Matt says that is pertaining to IP, Randy says that does not pertain to Residential. Randy stated that all I know we have done it this way for twenty years and if you open that door you won't be able to close it. Matt asked and this may be something we need to discuss as a Board. There needs to be a discussion about this among the Board, because this will come around again. Matt says we need to come together to make restrictions regarding this and have a certain amount of control regarding this. Randy said it comes back to public safety, you have to have a certain, width, proper roads for emergency vehicles to get down these roads. Leanne said they had talked with the Fire Dept and he was good with it and we can get 2 vehicles down it as well. Randy ask then why is it going to cost \$400,000 to fix it and graded if the road is almost what you say standard? Leanne said because it is not wide enough and it doesn't have the right size gravel or grade that the county calls for. We are not going to have the right amount of turn arounds per feet. Sherry asked Leanne who she was working with? She stated Eric Richardson, Aaron Rasburry. Sherry said they were fully aware of the regulations and would help them figure out a plan. Leanne asked why did I read it differently than what is being said? Sherry asked her if she had asked them, Aaron & Eric and what they said. She said she did, but she would like to know what they are not in compliance with? Randy says they are not in compliance because they do not have access it goes against everything and we could sit here hours and hours, Sherry said she would not change her mind. Eric Richardson came to the podium and stated we are not here to represent the Crowson's, we have done sketches and plats for them. I did want to mention that there are several parcels involved it's not jut one parcel and I realize this may be a grey area. Sherry asked Eric if he understood why they rules and regulations are in place, he said sure and you could help explain that to them. Eric said he was not working in that capacity. We just happen to be here. Aaron Rasburry came to the

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podium, stating that he did have a conversation earlier in the week that was a way to give the Board the power. To handle future division, divorces, probate etc this property could turn into 50 houses. I did have a conversation with the County Judge, Karla, John, Layne etc. Layne said basically what he remembered from the discussion is a private road subdivision doing a variance of not doing a road, but creating lots, BOA and all the other products if anybody came back to the board and discussed this with the Crowson's. The Crowson's came to a meeting with the Judge, John, Road Department and myself. We suggested to them they look at doing a private road subdivision, getting on the Agenda and presenting it to the Board, but they went for an open discussion instead. Aaron said if I was to bring back a preliminary plat with, how many parcels are we up to now, someone said 5. Layne said in that regards, you say five, but in the discussion, it always goes to more than that, and splitting between even more people. Aaron said if I did a preliminary plat of this 207- acres into the Crowson's tract they are going to keep, plus 5-plot with a private road that they would get a variance that if anyone split their lot they would go before the Planning Board until the rules can get changed. That the replat would have to come here before the Board and at that time of the replat of one of these 5 lots that would give the Board the chance to say this was our rule at that time. It would make them come before the Board if they wanted to create a road, a replat or any other division. Layne said in other words, make a subdivision with 5 lots, do a variance and a BOA acknowledging no utilities no road maintenance that the county is not responsible for any part of the road and if they come back in for a replat, the Board would have the opportunity to say no other division or they would have to bring the road up to standards. Sherry said she has been here 15 years and she is just not willing to do a variance and this has come up many times. Layne stated he would like to disagree with that, we need to look at it if they are willing to abide by those and Sherry said in fairness to them I feel like we need to develop a process not just for them but because of them. Layne said if you go back to the minutes from July's meeting, when they came before they bought the land, we told them just that. Yes, there might be a need, our rules do not cover that and it's something that would have to go through Quorum Court and we are suppose to start looking at our rules, but right now we have one right in front of us that is up for discussion tonight, so there is no voting tonight but everybody needs to think about what Aaron and they have said. Sherry said there needs to be a process. Layne said you are talking about a 5- acre tract, and if the Board is up for that then Aaron could go and draw that up and we could look at it as a Board. Aaron stated that something else the Judge and he discussed was having letters from the Fire Department int hat area to go out and tell what they are going to approve. If turn arounds are needed. Sherry said we need this in writing, Lancaster stated perhaps Aaron explained that better than I did. That is exactly what I was asking for, that might be one option we could look at. Sherry says I think in order for us to take this for a process, Aaron could assist the Crowson's in that process. Lancaster suggest that the Board take a look at their rules as Saline County continues to grow, this will be coming up more and more. Layne says as a Board, you get the jess of what they are wanting to do. It's a five- lot subdivision, private roads, correct me if I am wrong, I am stating this information so in case you want to move forward and get on the Agenda. Five lots, private road, do a variance on the road bringing roads up to county standards, unless the Fire Chief has requirements where to put certain things. Create a BOA, Either a POA or Maintenance agreement. In the BOA it will specify a replat of any lot, when anyone subdivides any lots it goes back into subdivision rules, the roads will have to been brought up to County standards. That needs to be in the BOA, and made it aware in BOLD letters that this is not a County Road. You also need to figure out who is the owner of the road. Aaron said it would be the Crowson's they purchased the entire track, timber co released all their rights to the road. Layne said we also all know that a logging road looks good now, but you start timbering ground, you start bringing concrete trucks through, start bringing all your equipment up and down that road that is not equipped for that and they don't get touched for months. We all know those roads will go to crap, they have no drainage and nothing to accommodate themselves. Aaron said I know what happens when you create POA's, dues don't get paid. Layne said even with maintenance agreements, we have one right now that

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does not have utilities and the buyers are trying to get the utilities now, and when it comes to the roads it's not an easy task. Randy said we have many times heard no one told us. Layne asked as a Board if they brought this back got on the Agenda and brought it back as a development, would you look at it? Randy said before the rules are changed too? Matt asked if this Board is in conscious, is the Judge going to be on board with that? Layne said this is a Board decision not a Judge decision. Will Gruber said we have talked with the Crowson's that this would be a Board decision. Lancaster stated that if you were willing to look at the rules then that something that would have to go before the Quorum Court? Layne said we advised the Crowson's that the Board was willing to look at our rules, but it would take some time to get things changed as it has to go through the Quorum Court and would take some time. We did start looking at the rules, but then COVID hit and we never got to get back to them. It is on the Board's agenda to take each rule and regulation and look to see how we can improve as our county grows. There is a process that we have to follow, and all that was presented to Crowson's. Aaron said if the Board is considering looking at the rules to accommodate these type of situations, I think the Judge will give us that option to grant this Variance and not have to wait months. Matt asked if we have the power to act on this without it going to the Quorum Court approves it? Sherry said yes with the variance. Matt said if you plan to come asking for the variance, come with a plan that shows you can meet all the requirements that will come up in the questions that we will ask. Matt said in his opinion there has been a lot of good ideas shared here and the Board should discuss them and look at some new terms. Randy said he didn't want to say bring this and then they bring it next month and the Board still doesn't approve it. Lancaster said if I did that is it possible that you would approve it? Matt said the answer is apparently there is a door way for that now. Leanne said she had to bring something up, I know we have said 5, but the Jacksons are splitting into 1,2,3, Lancaster asked Leanne to sit down. Matt said you have no zones or no other covenants that are set up to have them regulated, maintained and put into place for the public safety how we the Judge and the county go forward with that. How the emergency vehicles proceed. Randy said if you go and grant a variance you grant it with the way the road is today? Matt said we can write standards for that in the covenants and ask for certain things. We can specify certain things in regards to it. We can place it in the covenants, certain specifications that they have to abide by and it makes it a subdivision and we have control over it. The Board would be better off coming up with regulations relating to raw land. Layne said they would to put something together and present it. John asked Will if the Board can do a variance, Will stated the rule regarding Variances. Matt said with that being said, we are setting a precedence, but a judgement based on this situation. Sherry said she would recommend that the Crowson's get in touch with someone to help them with the process and take care of that for you. Layne asked Mr. Lancaster if he had anything else to add, Lancaster said no.

ADJOURN: Randy made motion to adjourn, second by Kevin and approved by all. Meeting adjourned 7:00.

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