



Planning Commission Regular Meeting Agenda

Date: Tuesday, November 12, 2024

Location: Bella Vista District Court

Time: Immediately upon the
adjournment of the Board of Zoning
Adjustment meeting at 4:30 PM.

2483 Forest Hills Blvd

Planning Commission regular meetings are live streamed and archived for your convenience. View the meeting at its scheduled time or after at:

<https://bit.ly/bvmeetingslive>.

I. Call to Order

II. Roll Call

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry, JB Portillo; Susan Duell, and Linda Lloyd.

III. Consideration of Minutes

A. Regular Meeting Minutes - October 14, 2024

IV. Public Input

V. Unfinished Business

VI. New Business

A. **Public Hearing Development Ordinance:** A proposed amendment to Sec. 103-189 with the intent to require a permit for septic system installations, repairs, and other purposes at the request of Councilman Wilms; Presented by Director Robertson.

VII. Committee Reports

VIII. Open Discussion

IX. Announcements

- A. The City Council Work Session will be Monday, November 18, 2024 at 5:30 pm.
- B. The City Council Regular Meeting will be on Monday, November 25, 2024 at 6:00 pm.
- C. The Planning Commission Work Session is canceled Thursday, November 27, 2024 at 4:30 pm.
- D. The Board of Zoning Adjustment meeting will be on Monday, December 9, 2024 at 4:30 pm directly followed by the Planning Commission regular meeting.

X. Adjournment



**Planning Commission
Regular Meeting Minutes**

October 14, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 5:03 PM

II. ROLL CALL

Members Present: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Linda Lloyd.

Member Absent: none.

III. CONSIDERATION OF MINUTES

A. *Regular Meeting Minutes – September 9, 2024*

On a motion by Mr. Farner and a second by Mr. Sedberry, the September 9, 2024 minutes were approved by a voice vote.

IV. PUBLIC INPUT

- A. Chairman Ellis opened the public input session.
- B. Chairman Ellis closed the public input session.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. RZN-2024-55647: A request to rezone a 6.30-acre portion of the subject site from R-1 Single-Family Residential to C-1 Neighborhood Commercial; located east of the intersection of Nature Trail Lane and W. Lancashire Boulevard; Parcel 16-70260-003; Applicant Bella Vista POA; Presented by Active Transportation Manager Workman.

1. Manager Workman presented the staff report included in the packet.
2. Applicant Tom Judson was present for questions and to reiterate intent.
3. Mr. Ellis opened the public hearing.
4. Lanni Johnson, 9 Wesmere Ln., spoke in opposition to the rezone.
5. Mr. Ellis closed the public hearing.
6. Mr. Sedberry motioned to make a recommendation to city council for approval and a second was made by Mr. Farner.
Clayton Sedberry – Y
Gail Klesen – Y
Linda Lloyd – Y
Doug Farner – Y
JB Portillo – Y

Susan Duell - Y
Daniel Ellis - Y
Motion Approved 7 - 0

B. RZN-2024-55729: A request to rezone a 2.65 acre portion of the subject property from R-1 Single Family Residential to C-1 Neighborhood Commercial near 2 Kingsdale Lane; Parcel 16-03465-000; Applicant Tom Judson with the Bella Vista POA; Presented by Senior Planner Hyatt.

1. Planner Hyatt presented the staff report included in the packet.
2. Tom Judson was present to reiterate intent and for questions.
3. Mr. Ellis opened the public hearing.
4. Mr. Ellis closed the public hearing.
5. Ms. Lloyd motioned to make a recommendation to city council for approval and a second was made by Mr. Farner.

Gail Klesen - Y
Linda Lloyd - Y
Doug Farner - Y
JB Portillo - Y
Susan Duell - Y
Clayton Sedberry - Y
Daniel Ellis - Y
Motion Approved 7 - 0

C. RZN-2024-55458: A request to rezone a 2.36 acre portion of the subject site from R-1 Single Family Residential to C-1 Commercial near the intersection of Trafalgar Rd. and Leyland Dr.; Parcel 16-18693-000; Applicant Tom Judson BVPOA; Presented by Planner LaRue.

1. Planner LaRue presented the staff report included in the packet.
2. Tom Judson was present to reiterate intent and for questions.
3. Mr. Ellis opened the public hearing.
4. Jacob Pittman spoke in opposition of the rezone.
5. Kyle Dupont, 1 Leyland Dr, spoke in opposition of the rezone.
6. Roger Miller, 22 Sandwick Cir. Spoke in opposition of the rezone.
7. Mr. Ellis closed the public hearing.
8. Ms. Klesen motioned to make a recommendation to city council for approval and a second was made by Ms. Portillo.

Gail Klesen - Y
Linda Lloyd - Y
Doug Farner - N
JB Portillo - Y
Susan Duell - N
Clayton Sedberry - N
Daniel Ellis - Y
Motion Approved 4 - 3

D. WVR-2024-55799: A waiver request on pedestrian accommodation installation, access drive width, internal drive 90 degree intersection, internal drive aisle width, and minor arterial access drive separation requirements for a proposed redevelopment located at 101 Chelsea Road; Parcel 16-40660-000; Applicant Matt Dungan; Presented by Active Transportation Manager Workman.

1. Manager Workman presented the staff report included in the packet.

2. Applicant Matt Dungan was present on behalf of Campfire Ranch to reiterate intent and to answer questions.
3. A motion to approve waiver 55799 was made by Mr. Farner and a second was made by Ms. Portillo.
Clayton Sedberry – Y
Gail Klesen – Y
Linda Lloyd – Y
Doug Farner – Y
JB Portillo – Y
Susan Duell – Y
Daniel Ellis – Y
Motion Approved 7 – 0

E. WVR-2024-55902: A waiver request on tree and landscape preservation requirements for residential lots serviced by sanitary sewer for a proposed redevelopment located at 36 Westmorland Dr; Parcel 16-32188-000; Applicant Dakota Riggins; Presented by Senior Planner Hyatt.

1. Planner Hyatt presented the staff report included in the packet.
2. Mr. Sedberry questioned when the replanting should be completed.
3. Director Robertson clarified "It would be done at the same time that we require the two shade trees planted in the front yard, so prior to requesting the C of O."
4. Property Owner, Ryan Gonzalez was present for questions and to clarify hardship.
5. A motion to approve the waiver with staff recommendations was made by Mr. Sedberry and a second was made by Ms. Duell.
Susan Duell – Y
Clayton Sedberry – Y
Gail Klesen – Y
Linda Lloyd – Y
Doug Farner – Y
JB Portillo – Y
Daniel Ellis – Y
Motion Approved 7 – 0

F. Bylaws Update; Presented by Director Robertson.

1. Director Robertson presented the updated bylaws.
2. On a motion by Ms. Portillo and a second by Ms. Lloyd, the bylaws were approved as submitted by a voice vote.

VII. COMMITTEE REPORTS

None.

VIII. OPEN DISCUSSION

None.

IX. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

IIX. ADJOURNMENT

Chairman Ellis adjourned the meeting at 5:43 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 12TH DAY OF NOVEMBER, 2024:

Daniel Ellis, P.E., Chairman
Bella Vista Planning Commission

Gail Klesen, Secretary
Bella Vista Planning Commission



STAFF MEMO

November 12, 2024
2483 Forest Hills Blvd

To: Planning Commission
From: Taylor Robertson, MPA
Planning and Development Director

Re: PROPOSING AN AMENDMENT TO DEVELOPMENT ORDINANCE SEC. 103-189 TO PROVIDE A PERMITTING REQUIREMENT FOR SEPTIC SYSTEM REPAIRS AND INSTALLATIONS NOT ASSOCIATED WITH NEW CONSTRUCTION.

SUMMARY

At the request of Councilman Wilms, Staff is proposing an amendment to Sec. 103-189 with the intent to achieve proper installation placement, ensure adequate maintenance and operation, ensure proper professionals are completing the work; and to protect the 7 lakes, several waterways, public trail systems, and groundwater within the karst topography of Bella Vista from septic system failures.

Currently, all plumbing and irrigation work requires a plumbing permit from a licensed master plumber in Bella Vista. Septic system installation is only overseen by the City during new construction permit review and failures are overseen when reported. Repairs and installations not associated with a new build are taking place without the city's approval or knowledge since permits are not required. It is unknown if installers are following Sec. 109-186 since no formal approval is required for these items. Additionally, Bella Vista is Benton County's most dense septic system populated area with over 75% of our existing 16,000 units on individual systems that do not have an alternate field area for failure remediation. Staff finds that it is imperative that the city begins collecting this data to understand the current state of the wastewater systems in Bella Vista. **Out of the 627** single-family residential building applications we've received in 2024, **only 73 of them have sewer for sanitation**. That is only 12% of single-family development. The other 554 are all on their own individual waste-water management systems that do not have an alternate field area. In 2023, 542 single-family residential applications were received and 64 of those were on sewer (12%). It is also important to note the difficulty property owners undergo when they need to repair or replace their system on the small lots in Bella Vista. Some ultimately have to resort to Common Property where the trails and other amenities are which is not a best practice long-term solution. The POA Board must approve those requests prior to the property owner seeking approval from the ACC, Developer, and City (if setbacks are not met). It is a long, lengthy, and expensive process. The City of Bella Vista currently has no formal utility plan to create or expand a public sewer system and relies solely on the private wastewater provider. The expansion efforts of this entity are currently unknown by staff. However, staff believes that requiring licensed installers and designated representatives to pull a permit from the city prior to repairing or installing new fields and tanks will assist us in properly enforcing 109-186 (septic system placement requirements), collecting imperative data on the wastewater situation in Bella Vista, protect the current and long-term public and environmental health, and assist the Department of Health in septic system protection within our municipal limits.

ACA 14-236-105 provides an allowance for local municipalities to permit septic system installations with the intent to achieve proper design, construction, installation, maintenance, and operation of sewage disposal systems; protecting the environment, financial planning of maintenance and repair; and overall, protecting the public health.

STAFF RECOMMENDATION

With the support of Councilman Wilms, Staff recommends approval of new permitting requirements for septic repairs/replacements/installations.

Sec. 103-189. Additional requirements; permitting.

- (a) *Application.* All plumbing and irrigation work, unless specifically exempt herein, shall require the application for and approval of a plumbing permit from the city prior to beginning plumbing or irrigation installations in the corporate limits of the city, and on water and sewer systems owned by or which may become owned by the city, whether or not located within the corporate limits of the city.
- (b) *Documentation.* No plumbing permit shall be issued until the following has been received:
 - (1) Plumbing permit issued by the Arkansas Department of Health, as required.
 - (2) Plans and specifications approved by the Arkansas Department of Health, as required.
 - (3) Arkansas Department of Health or its designated representative's approval of an individual sewage disposal system when a sanitary sewer system is not available for use.
- (c) *Irrigation permits.* Owners and installers of irrigations systems shall obtain an irrigation plumbing permit prior to installation of any irrigations system. Irrigation system backflow prevention devices must be accepted and approved by the appropriate water utility prior to permit issuance.
- (d) *Septic system permits.* Owners, designated representatives, and licensed installers of septic systems shall obtain a septic plumbing permit prior to installation, repairs, or replacements of any part of a septic system not accompanying a residential or commercial building permit for new construction. For the intended purpose of this ordinance, a septic system shall be defined as the tank and leach field.
- (e) *Minor repairs.* No permit is required for minor repairs to faucet, valves, supply lines, appliances, replacement of submersible pumps, and the removal of stoppage.
- (f) *Issuance of permits.* The city is authorized to issue plumbing and irrigation permits to the following: Arkansas state-licensed master plumbers. For septic permits, the city is authorized to issue permits to Arkansas state-licensed designative representatives and Arkansas state-licensed septic installers.

(Building Code 2009, § 600.02; Ord. No. 2009-17, § 2, 9-28-2009; Ord. No. 2011-16, § 1, 12-19-2011)

Document:A.C.A. § 14-236-105

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Copy Citation

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

[Arkansas Code Annotated PAW - ET Table of Contents](#) [Title 14 Local Government](#) [Subtitle 14. Solid Waste Disposal, Waterworks, And Sewers Generally](#) [Chapter 236 Arkansas Sewage Disposal Systems Act](#)

14-236-105. Local laws.

(a) A municipality may adopt an ordinance or regulation applicable within the jurisdiction of the municipality that governs the same subject matter as this chapter and may include requirements that ensure:

- (1) Proper design, construction, installation, maintenance, and operation of sewage disposal systems;
- (2) Protection from environmental harm; and
- (3) Sound financial planning and operation of sewage disposal systems, including without limitation reasonable reserves for maintenance and repair.

(b) The provisions of any ordinance or regulation of any municipality establishing standards affording greater protection to the public health or safety shall prevail within the jurisdiction of the municipality over the provisions of this chapter and rules adopted hereunder.

History

Acts 1977, No. 402, § 13; A.S.A. 1947, § 19-5413; Acts 2019, No. 315, § 1016; 2021, No. 906, § 1.

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