

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS**

Apr 06, 2017

5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a: Variance for Baker Minor Subdivision

Approved

County

b: Baker Minor Subdivision

Approved

Fayetteville

c: Havenwood Final Subdivision

Approved

CONDITIONAL USE PERMIT HEARING

County

d: Meadows at River Mist CUP

Tabled

1. ROLL CALL:

Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Joel Kelsey, Kenley Haley, Randy Laney, Walter Jennings, and Philip Humbard.

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of Mar 02, 2017. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Daryl Yerton made a motion to approve the agenda. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Variance for Baker Minor Subdivision (Encroachment)

Variance Approval Request

Location: Section 06, Township 16 North, Range 31 West

Owners: Carroll Baker

Surveyor: Bates & Associates / Justine Reid

Location Address: 14416 Mulberry Cir

Approximately 2.13 acres/ 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.09400636, Longitude: -94.31087793

Projects: 2017-114

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: The applicant is requesting a Variance to allow the applicant's existing residence to remain within the front building setback, and Preliminary and Final Minor Subdivision Replat Approval of Baker Minor Subdivision Replat Lot 608 Wedington Woods Subdivision to split a 2.13 acre parcel. The request to split a platted subdivision parcel triggers the Minor Subdivision Replat requirement.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is not located within a Planning Area. It is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 7, Alicia Deavens.

FIRE SERVICE AREA: **Wedington Rural VFD** – No comments were received from Wedington Rural Volunteer Fire Department. Dennis Ledbetter, Washington County Fire Marshal, does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: **Water-** Washington Water Authority **Electric-** Ozarks Electric
 Natural Gas- N/A **Telephone-** AT&T **Cable-**
Cox

BACKGROUND/ PROJECT SYNOPSIS:
The property owner/applicant is Carroll & Carlotta Baker. The surveyor is Justin Reid, of Bates & Associates. The applicant is requesting Minor Subdivision Replat approval to divide a 2.13 acre residential parcel inside Wedington Woods Subdivision.

Parent Tract: 552-03229-000, 2.13 acres, with 1 existing house.

Proposed Tracts:

- Tract A: 1.0 acres; 1 existing house
- Tract B: 1.13 acres; no existing structures

The issues with this proposal include:

Issue requiring Variance

1. **The home on (proposed) Tract A encroaches across the front (25 feet) building setback line approximately 24.3 feet.**

Minor Subdivision approval is contingent upon receiving Variance approval.

The plat shows a mobile home encroaching onto proposed Tract A from the neighboring property. The applicant has stated the neighbor plans to move it completely onto their property as soon as possible, but they don't have a date scheduled yet.

TECHNICAL CONCERNS:

Sewer/Septic:

A soil work report was provided by a DR, and states:

- Tract A (existing septic system check): No nuisances were seen being created by the septic system at the time of inspection. The septic system was installed before permits were required by the health department. There is adequate room to install another septic system on the property if this system should ever malfunction.

- Tract B (soil work): The soil appeared to be suitable for a standard septic system design.

Therefore, staff has no concerns regarding septic.

Electric/Gas/Cable/Phone:

Ozarks Electric has overhead power lines crossing the southwest corner of this property. Utility easements are dedicated in the location of the overhead power lines, per this plat, in the location of the front building setbacks. The utility easement appears adequate.

Ozarks Electric services this area- they provided no comments.

Black Hills Corp (gas utility) services this area- they provided no comments.

Cox Communications services this area- they provided no comments.

AT&T is the telephone provider- they provided no comments.

Water/Plumbing/Fire Issues:

Washington Water Authority currently provides water to this property. No comments have been provided by WWA.

The Washington County Fire Marshal and the Wedington Rural Volunteer Fire Dept provided no comments.

Addressing

The existing home is addressed. No new homes are proposed at this time.

Environmental

No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Roads/Sight Visibility/Ingress-Egress/Parking:

This property accesses Mulberry Circle (WC-2180) and Apple Lane (WC-2179). The Road Department provided no comments.

Variance (Agenda item A)

When any land development occurs whether it is a split or lot line adjustment, or a larger more intensive development like a subdivision, the building setback requirement is applied at that time if there were no previously existing building setbacks.

The existing home on (proposed) Tract A encroaches into the 25' building setback by 24.3'.

Since the structure this Variance covers existed before this replat request, Staff recommends approval of the Variance. However, any new or replacement structure must comply with the building setback requirement.

SITE VISIT:

A site visit will be conducted prior to the meeting; no issues are anticipated. **Staff will update the Board at the meeting.**

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

At the time of this staff report, no comments have been received.

Staff will update the Board at meeting if any comments are received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions		✓	
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION:

Agenda Item A – Variance: to allow existing structure to remain within the front building setback
Staff recommends approval of the requested Variance for Baker Minor Subdivision Replat of Lot 608 Wedington Woods Subdivision with the following conditions:

1. Allow the existing home to remain in the building setback.
2. If the structure is ever removed, any new or replacement structures must be placed with respect to established building setbacks.

Agenda Item B – Minor Subdivision Replat

Staff recommends Preliminary and Final Minor Subdivision approval of Baker Minor Subdivision Replat of Lot 608 Wedington Woods Subdivision with the following conditions:

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Utility Conditions:

Ozark Electric Conditions:

General Conditions:

1. Any damage or relocation of existing facilities will be at the owner’s expense.
2. Developer must provide Ozarks Electric with a digital copy (AutoCAD 2004) of the Final Plat as well as a hard copy.
3. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings, and debris so that the easement is accessible with equipment. If easement is not cleared, developer may be subject to extra charges.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$49.56) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 3/29/2017).

2. Pay Variance fee (\$50.00) within 30 days of project approval. Any extension must be approved by the Planning Office)
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All general plat checklist items must be corrected.
5. Submit plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

Joel Kelsey stated, "I'm looking at that picture and I assume we are talking about is the building down at the bottom. What about the building that is way up the right line there? Is that any concern as to that line there?"

Nathan Crouch responded, "Yes sir, I'll address that in the replat presentation coming up next".

No Public comments.

Public Comments Closed.

*Robert Daugherty made a motion to approve the **Variance for Baker Minor Subdivision** subject to staff recommendations. Kenley Haley seconded. Board Members Walter Jennings, Daryl Yerton, Robert Daugherty, Joel Kelsey, Randy Laney, Philip Humbar, and Kenley Haley were in favor of approving. Motion passed.*

County

b. Baker Minor Subdivision

Preliminary and Final Minor Subdivision Request

Location: Section 06, Township 16 North, Range 31 West

Owners: Carroll Baker

Surveyor: Bates & Associates / Justine Reid

Location Address: 14416 Mulberry Cir

Approximately 2.13 acres/ 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.09400636, Longitude: -94.31087793

Projects: 2017-087

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

Randy Laney stated, "I'm assuming the encroachment was discovered when he was trying to get the split".

Nathan Crouch agreed, "Whenever he got it surveyed, yes. And I was talking to the surveyor and he says they have made a verbal agreement but they haven't put anything on paper or scheduled it".

Randy Laney responded, "That's not really before us. What's before us is the split, right?"

Nathan answered, "Yes".

No Public comments.

Public Comments Closed.

Robert Daugherty made a motion to approve the **Baker Minor Subdivision** subject to staff recommendations. Daryl Yerton seconded. Board Members Walter Jennings, Daryl Yerton, Robert Daugherty, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were in favor of approving. Motion passed.

Fayetteville

c. Havenwood Final Subdivision

Final Plat Approval Request

Location: Section 33, Township 17 North, Range 29 West

Owners: ESDG, LLC

Surveyor: Jorgensen and Associates

Location Address: 5809 E Mission Blvd

Approximately 24.6 acres/ 15 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10321832, Longitude: -94.07490407

Projects: 2017-086

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: The applicant is requesting Final Subdivision approval of Havenwood Subdivision to create a subdivision with 15 residential lots on two parcels totaling approximately 24.6 acres in size.

CURRENT ZONING: Project lies within Washington County's Zoned area (Agricultural/Single-Family Residential 1 unit per acre). All residential lots are at least one acre in size and this proposal is in compliance with Washington County Zoning.

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area. The Preliminary Plat for this project was approved by the City of Fayetteville on 12/14/15 and by Washington County on 3/3/16.

This project must receive Final Approval from the City of Fayetteville (or provide a letter stating Fayetteville will allow the County to approve this before they review it for Final Approval) prior to Final Approval by Washington County.

QUORUM COURT DISTRICT: District 15, Butch Pond.

FIRE SERVICE AREA: **Goshen & Fayetteville-** no comments were received from either Fire Department. Washington County Fire Marshal's office will review the plans and conduct final inspection with Planning staff.

SCHOOL DISTRICT: Fayetteville School District

INFRASTRUCTURE:

Natural Gas- SourceGas

Water- Fayetteville Water

Telephone- AT&T

Electric- Ozarks Electric

Cable- Cox

BACKGROUND/ PROJECT SYNOPSIS:

The applicant/engineer for this project is Jorgensen & Associates.

This Final Subdivision request is to create a subdivision with 15 lots on a parcel of approximately 24.6 acres. The project includes parcel 001-15762-000 and 001-15763-000. It is located east of Fayetteville's city limits, off Mission Blvd, Ar. St. Hwy 45.

At the time of writing this staff report, the construction of the infrastructure for this development is not complete. However, construction completion is anticipated before the May 4, 2017 Planning Board meeting, and the applicant would like to request Final Subdivision Plat approval at the April 6, 2017 meeting, contingent upon receiving all the necessary inspection approvals required by Final Plat. It is

staff's understanding the applicants are seeking early approval (with inspections as conditions of approval) so they won't be delayed until after the May 4th for selling lots.

Final Inspections include: Planning, Fire Marshal, County Road Dept., and City of Fayetteville (inspecting water lines).

At Preliminary Plat review, there were a few minor concerns:

- a) The width of the entrance, placement of the entry island, and whether Goshen's responding fire engine would be able to negotiate the turn into the subdivision.
- b) Whether the turning radii is adequate for a fire engine to turn onto Royal Gorge Court.
- c) What to do with the stormwater previously managed by the existing pond (filled in with this subdivision proposal) at the location of proposed Lot 1.

These concerns were addressed before receiving Preliminary Plat approval on 3/3/16.

- a) The project engineer ran an "auto-turn" model to show that the fire engine could make the turn into the subdivision, from each direction.
- b) The project engineer ran an "auto-turn" model to show that the fire engine could make the turn onto Royal Gorge Court.
- c) The existing pond was filled in and the stormwater it had previously managed is now directed, via drainage easement, to the existing drainage feature (shallow valley) on the east side of the plat.

The minor concerns raised during Preliminary Plat were handled adequately and quickly by the project engineers during the Preliminary Plat phase.

Additionally, the Washington County Fire Marshal has expressed he anticipates no issues with the final inspections.

TECHNICAL CONCERNS:

Septic

Soil work was submitted and is adequate.

Initially, at Preliminary Plat review, the soil test pits were dug in general locations on the proposed lots. Then the proposed lots were reconfigured, which placed some of the soil test pits across the lot lines. Once the lot line reconfiguration was finalized the applicant contracted a new round of soil work to be conducted. The soil was shown to be adequate for individual residential septic systems. A note that "each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division" will be added to the Final Plat.

Electric/Gas/Phone/Cable

This property is serviced by Ozarks Electric, Black Hills Energy, AT&T, and Cox Communications. Generally any damage or relocation of utilities will be at cost to the developer.

No additional comments were submitted by any of the servicing utility companies.

Water & Fire

This property is serviced by Fayetteville Water. This project is subject to the latest design criteria of the City of Fayetteville, and their approval of the water system must be received by Washington County Planning Staff before Final Plat approval.

The Washington County Fire Marshal's office reviewed the plat. This project has two dead end roads with cul-de-sac turnarounds.

The (28') roads must be marked with "Fire Lane-No Parking" signs on the same side of the road as the fire hydrants. These signs are shown on the Final Plat, and will be field verified during the Fire Marshal's final inspection.

The GPM fire flow and hydrant spacing appear adequate.

Addressing

No comments have been submitted.

Planning Staff spoke with Daryl Pemberton with the 911 Addressing office (Dept. of Emergency Management). The applicants are in communication with Daryl, and the addresses are being assigned. (3/28/17)

Environmental

No storm water permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality.

Fayetteville's Plat Approval

The Preliminary Plat for this project was approved by the City of Fayetteville on 12/14/15.

This project must receive Final Approval from the City of Fayetteville (or provide a letter stating Fayetteville will allow the County to approve this before they review it for Final Approval) prior to Final Approval by Washington County.

All conditions of the City of Fayetteville's approval must be completed.

Road

This project accesses off Ar St Hwy 45, E. Mission Blvd. The applicant has provided one divided entrance, and cul-de-sac turn around at the end of each of the two streets.

The Road Dept. submitted no comments at Final Plat review.

At Preliminary Plat review, each of their comments were adequately addressed.

Drainage

The Washington County Contracted Engineer (Clay Grote) and Planning Staff completed a site inspection during Preliminary Plat review. Several corrections were noted at that time and were promptly corrected.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project at the Preliminary Plat Hearing. Notifications are not required to be sent for Final Plat Hearings.

No additional comments have been received since Preliminary Plat Approval. Staff will update the Board at the meeting if any comments are submitted.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			✓
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues		✓	
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements		✓	
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff recommends approval of Havenwood Subdivision Final Plat with the following conditions:

Washington County Road Department Conditions:

1. No trees are to be planted in the Right-of-Way.
2. Washington County Road Department must conduct Final Plat inspection before signing of the Final Plat.

Ozarks Electric Conditions:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.

-Shown

3. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.

County Fire Marshal Conditions:

1. Show the location of the Fire Lane signs on the Final Plat. **-Shown**
2. The Washington County Fire Marshal must conduct Final Plat inspection before signing of the Final Plat.

City of Fayetteville (Water):

1. This project is subject to the latest design criteria of the City of Fayetteville.
2. This project must receive Final Approval from the City of Fayetteville (or provide a letter stating Fayetteville will allow the County to approve this before they review it for Final Approval) prior Washington County signing off on the Final Plat.

Planning Conditions:

1. Planning Board approval is contingent upon receiving passing inspections by the Washington County Fire Marshal, Road Department, Planning Department, and the City of Fayetteville. Washington County will not sign the Final Plat before passing these inspections.

Standard Conditions:

7. Washington County will not maintain common areas.
8. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received. **-PAID**
9. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.
10. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
11. Once all plat corrections have been completed, submit two corrected plats for review to the Planning Office prior to obtaining signatures.
12. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

Randy Laney stated, "I assume practically, Nathan, what happens is if somebody wasn't compliant and somebody tries to buy a lot, they go to closing, and it's all going to show up that these conditions aren't met. Correct?"

Nathan Crouch answered, "Yes sir".

Randy Laney continued, "So, they really couldn't move very far".

Nathan Crouch added, "And the timeline on purchasing and closing would probably be longer than that".

Randy Laney responded, "Right. But I'm just saying that if they didn't do the final actions it would show up."

Nathan Crouch replied, "Right".

Robert Daugherty asked, "So you would police that before?"

Nathan Crouch answered, "Absolutely. We've already had contact with the Road Department going out there and they're arranging to do density tests. As soon as we get the go ahead from Jorgensen we're going to out there with Donny Coleman, the other road superintendents, my planning staff, and the Fayetteville water will do their own independent inspection of the water lines. The Jorgensen engineers are here tonight if you have questions for them".

No Public comments.

Public Comments Closed.

*Daryl Yerton made a motion to approve the **Havenwood Final Subdivision** subject to staff recommendations. Walter Jennings seconded. Board Members Walter Jennings, Daryl Yerton, Robert Daugherty, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARING

County

d. Meadows at River Mist CUP

Conditional Use Permit Request

Location: Section 06, Township 17 North, Range 28 West

Owners: Bank of Fayetteville

Applicant: Jamal Parker, Parker Enterprises & Memphis Synder, FH&G Properties, LLC
Engineer: Charles Presley
Location Address: Intersection of E Hwy 412 and WC 386
Approximately +/- 65.35 acres/128 lots Proposed Land Use: Residential Subdivision
Coordinates: Latitude: 36.17437745, Longitude: -94.01026113
Project #: 2016-249 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a 125 lot subdivision on a 65.35 acre parcel zoned for Agricultural & Single Family Residential (1 unit/acre) uses by right.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located solely within the county's zoned area.

QUORUM COURT DISTRICT: District 5 Joe Patterson **FIRE SERVICE AREA:** Nob Hill VFD
SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Springdale **Electric-** Ozarks Electric **Natural Gas-** N/A **Telephone-** AT&T **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Bank of Fayetteville. The applicants are Memphis Snyder, Jamal Parker, and James Mathias of FH&G Properties. Then project engineer is Charles Presley, of Presley, Brannan & Associates. This property is located off Ar St Hwy 412, just east of Beaver Lake, adjacent to Blue Springs Village Subdivision (see attachments D-8 and D-12).

This CUP request is to allow a 125 lot subdivision with 10,000 sq ft minimum lot sizes on a 65.35 acre property zoned for Agricultural and Single Family Residential uses at a density of 1 residential unit per acre, by right.

This request, as well as the Preliminary Subdivision Plat proposal, was tabled at the February 2, 2017 Planning Board meeting to give the applicant additional time to adjust the subdivision plat to meet Washington County's 10,000 sq ft. minimum lot size requirement, as well as reconfigure the Decentralize Sewer System drip field. At the advice of Planning Staff, the applicants have decided to table the Preliminary Plat request again for this meeting, and only request Conditional Use Permit approval at this time. Staff anticipates the applicants to apply for Preliminary Plat approval at the next Planning Board meeting.

CUP and Preliminary Plat approval were granted for this subdivision, at this location, in 2006. But the construction was never completed, and it never received Final Plat approval. The current developers wish to use the infrastructure (water lines, sewer force mains, roads, curbs) that was built in 2006 for the subdivision request, if they are granted CUP approval.

TECHNICAL CONCERNS:

Water:

Springdale Water provides potable water service to this property, via the Nob Hill water tower. The network of water lines to service the proposed subdivision were installed in 2006, but have never been pressure tested or fully connected to the water utility. Springdale Water has stated they can provide water service to a subdivision of this size at this location.

There is a water main running beneath several proposed lots along the south side of the proposed development. Utility easement must be dedicated, and homes may not be built inside it.

Fire:

The Nob Hill Rural Fire Department is approximately 1 mile away, and provides fire protection to this area. Fire Flow on the nearby fire hydrants has been calculated via hydraulic modeling software, and the report shows that when the 20 psi minimum residual residential water pressure is being maintained (as per Health Dept regulation) the hydrants do not meet the minimum 1,000 gpm fire flow requirement. Chris Hall, P.E. at McGoodwin, Williams & Yates, stated that “Based on our analysis, the proposed development can only sustain fire flows between approximately 760-gpm and 772-gpm (see Table 1) and maintain system pressures above 20-psi. Any fire flow with a greater magnitude causes calculated pressures in the proposed development and surrounding area to fall below 20-psi.” (See attachments D-13 – D-16)

The solution put forth by Gary Hull, Nob Hill Fire Chief, is to use these fire hydrants as fill hydrants. He has requested the applicants dedicate one subdivision lot as a fire station lot (deeded to Nob Hill Fire Dept), provide the fire station building and a fire tanker for the Nob Hill Fire Dept. Chief Hull has stated he will move his larger fire tanker to this fire station and the take the tanker provided by the applicants into the Nob Hill fleet. With this solution it is deemed that Nob Hill can meet the fire flow requirements set forth by Arkansas Fire Code.

The Washington County Fire Marshal stated that he agrees this strategy would meet fire code.

Fire hydrant spacing shall be kept to a maximum of 500'. The roads, at 30' wide, shall have no parking on the fire hydrant side of the road, and no parking either side of the road for 10' in both directions centered on each fire hydrant. “No Parking-Fire Lane” signs will be installed on the opposite side of the road as the hydrant, indicating no parking for 10' in both directions.

Decentralized Sewer:

The sewer force mains have already been installed, however the Health Department regulations have changed since the time they were installed. The applicants will propose to utilize a Decentralized Sewer System (DSS), but that will not be fully reviewed until Preliminary Plat is requested.

The Health Department has stated the existing sewer infrastructure will need to be tested before they will approve it, and that they will not provide the testing. Testing of the sewer force mains will be the responsibility of the developers.

Any future connection of the DSS into Springdale Water's sewer system will not be accepted due to the fact the system will be pressurized.

The onsite sewer treatment plant and dripper field will be fully reviewed at Preliminary Plat.

Electric/Phone:

No comments were provided by these utilities.

Roads:

All interior proposed subdivision roads are to be dedicated as county roads. At Tech Review the right-of-way was shown at 50' wide, but the Road Department required the applicant to increase it to 60' width. At resubmittal the right-of-way was increased to 60', but it was made clear they want to have that decreased to the previous 50' width. Planning Staff met with the Road Department Superintendent regarding decreasing the requirement, which they denied. The Road Department requires the county road right-of-way to remain 60' wide on all county roads inside this proposed subdivision development to be in compliance with the right-of-way width they are currently amending the code to read.

The existing interior roads are in poor condition. The majority of the curbs and drainage structures were installed in 2006, but no asphalt was poured. So the road beds have substantially eroded over the course of 11 years, to the point that many of the curbs have had the supportive base material washed away from beneath them to the point they have collapsed. Staff agrees with the applicants that many of the curb sections may still be used. But there are many that must be replaced.

All roads, curbs, and gutters must be constructed to meet the Road Department's standards.

Drainage:

The Washington County Contract Engineer had several comments regarding both the CUP and Preliminary Subdivision aspects of this proposed development. The comments addressing the Preliminary Plat request, which is currently tabled, have been eliminated for the time being. And the remaining comments/questions that specifically address the CUP have been addressed by the applicant, but not completely. Staff is still waiting for these items to be fully addressed, and then reviewed by the County Contract Engineer.

Staff will update the Planning Board at the meeting.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Concerns:

It is not clear to staff if there is any proposed signage or lighting. This will need to be reviewed prior to this project moving forward as well.

Generally, all outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Health Dept.

The Arkansas Health Department requires residential residual water pressure to meet the minimum of 20 psi during an event where a fire hydrant(s) is providing 1,000 gpm fire flow. Based on hydraulic modeling, using 20 psi residual pressure as the minimum, fire hydrant fire flow was below 800 gpm. However, this coupled with the fire protection strategy outlined in the Fire section of this report, Staff feels that the minimums may be achieved.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The surrounding subdivision average densities range from 1 unit per 0.3 acres to 1 unit per 3.6 acres. The density of the site being proposed is 1 unit per 0.23 acres (10,000 sq ft minimum lot sizes proposed).

Staff feels that the applicant's request is compatible with the average densities found in surrounding subdivisions. And the 10,000 sq ft minimum lot sizes being proposed meets the county's minimum lot size requirement.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

Several goals surfaced as paramount in the PARA Task Force meetings and in a meeting held by the Quorum Court. These include:

- a. Provision of a safe living environment that offers quiet, privacy, and a rural flavor and atmosphere; **Staff feels that all of these can be met with proper home construction and site planning.**

- b. Provision of quality residential development of good design, developed in a manner accessible by an adequate street system to avoid costly infrastructure extensions;
- c. Protection of residential areas from incompatible adjacent land uses; **Staff feels the property conditions of approval can make this proposed use compatible with adjacent land uses.**
- d. Protection of property values; and **The surrounding property values will likely rise with the conditions of approval, if approved.**
- e. Provision of safe and adequate access to residential areas, installed in a manner to accommodate emergency and other services. **All proposed lots will be accessible to emergency vehicles.**

To achieve these objectives, it is essential to:

- a. To provide for development of residential areas at appropriate densities.
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development;
- d. Protect the character and integrity, and property values, of single-family, residential areas;
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads.

Future Land Use Plan

The future land use designation for this property is Low Density Residential (1-4 Units per Acre). At 10,000 sq ft minimum lot size, Staff feels this proposed land use is compatible with the Future Land Use Plan.

SITE VISIT:

A site visit was conducted by planning staff on March 21, 2017. Issues were noted with the condition of the existing (unfinished) roads and curbs.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

One neighbor comment has been received “In-favor” of this proposal.

Staff will update the Planning Board at the meeting if any additional comments are received.

STAFF RECOMMENDATION: Staff recommends approval for the Conditional Use Permit request of the Meadows at River Mist Subdivision CUP, with the following conditions:

Water/Plumbing/Fire Conditions:

1. Engineered fire flow for the proposed hydrants must be submitted at Preliminary Subdivision review.
2. All hydrants must be shown on the plans (and labeled or indicated on the legend). Hydrants must be spaced, at a maximum, every 500 feet.
3. No parking will be allowed on the side of the street where the hydrants are located.
4. "No Parking-Fire Lane" signs must be placed in accordance with Fire Code.
5. Full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.

Septic Conditions:

1. All review and permitting of the proposed decentralized sewer system (DSS) must be completed at Preliminary Plat review, as per County and State regulations.
2. No parking is allowed on any portion of the DSS including the alternate area. The alternate area must remain undisturbed (no overflow parking either).
3. At Preliminary Subdivision Plat, please provide a drawing of the system, operations manual, and details on the DSS that will be installed.
4. Details about who will own the sewer system upon completion of the subdivision need to be submitted at Preliminary Plat.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

2. Obtain proper permits from AHTD before constructing/modifying the entrance.
3. All subdivision lots must access onto the proposed roads. No direct access from subdivision lots will be allowed on Hwy 412.
4. A statement verifying the sight distance will be required at Preliminary Subdivision review. It must meet minimum County standards.
5. Right-of-way width of all county roads shall be 60 feet.
6. No utilities, signage, lighting, or structures may be placed in the County ROW.

Drainage Conditions:

1. A full drainage study will be required at Preliminary Subdivision review.
2. Care must be taken to avoid contamination of Beaver Lake by runoff created by the development.
3. The drainage report must be approved by the County Contract Engineer.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality.

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. All required utility easements must be shown at Preliminary Plat.
3. **Ozarks Electric Comments:**
 1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
 2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
 3. If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
 4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction. Other utilities will require more conduits at road crossing.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354.

5. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built on Policy 45 (Ozarks is responsible for up to 50% and the developer is responsible for the remainder of the cost of construction) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All back lot and side lot utility easements to be 20 feet except side lot utility easements to be used for street lights to be 10 feet. All front lot utility easements to be a minimum of 25 feet.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Please contact me when construction begins on subdivision and again when construction is within three months of completion. Wes Mahaffey at (479) 684-4949 or wmahaffey@ozarksecc.com

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. Staff recommends monument type signage, approximately 60 sq ft or less in size, that is indirectly lit (if lit). The signage will not be allowed to be placed in the County or State ROW. The proposed signage must be approved by Planning Staff.

Standard Conditions:

13. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
14. Pay neighbor notification mailing fees (\$359.31) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 3/29/2017).
15. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
16. This CUP must be ratified by the Quorum Court.
17. No CUP is final until the 30-day appeal period has run (and no appeal has been filed).
18. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
19. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

This project requires additional review (Subdivision), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

Randy Laney stated, "Technically, when we did our agenda we tabled it then but I don't mind having a discussion if we want to. Anybody want to add anything to his list of things to do? I mean I think you have a long list of items to be completed. Is there any?"

Nathan Crouch added, "I left the plat on the screen if anybody would like to come talk to me".

Joel Kelsey asked, "Nathan, what are the discussions in reference to the septic? The step system, its own waste water facility, I mean".

Nathan Crouch explained, "Rather than all the subdivision lots having their own individual septic systems, they are proposing to use the existing strategy that they were going to use a decade ago. Back then they put in the sewer lines and the water lines. The sewer lines are sized that would be typical of step system rather than gravity. So with this configuration, each lot would pump out to the street. Then the street would

be pumped uphill to this location on the east side to a sewage treatment plant. You can see all these are dripper lines, this is the dripper field. With the lay of the land they're going to be pumping sewage uphill to the treatment plant on the top of the hill".

Joel Kelsey added, "I'm asking and thinking because I was on Springdale Planning Board when this came before us a decade ago. And, you know, a lot of the concerns that this board has and this department has were the same concerns we had then, even pumping it uphill and so forth. Do we know that it's actually been done even though they say it's been done? All of those lines have been put in?"

Nathan Crouch responded, "No sir, the treatment plans and lines haven't been put in. I misspoke, what has been put in are all the force mains, the sewer lines along the streets, and the water lines. But to the east, none of this infrastructure is existing, it's all proposed".

Randy Laney inquired, "The only question I've got, and we can address it later, is I read quickly that the Beaver Lake Water Authority, reading our ordinances, am I missing something? Is that a concern about runoff into the lake? I don't see that as something we make judgements on".

Nathan Crouch answered, "Sir, I just received that letter a minute ago and I haven't had a chance to read it myself, but we do have reps from the Beaver Water District here if you would like to discuss it with them".

Randy Laney replied, "No, I'm just saying our ordinance, our Washington County ordinance, Brian, I don't think we make exceptions to one acre and we do it based on a lot of considerations but I don't see in that list, pollutants are not our deal. That's somebody else's deal, at least that's how we've always done it. Do you know of any reason we would be considering the pollutant effects? It doesn't seem to be within our ordinance's context".

Brian Lester added, "I don't know if there's. I think you can consider that on whether or not you would approve or deny. But we don't have any ordinances that specifically set out how we go about establishing any kind of regulations on that. I think it's up to y'all to consider it. But I think you're right, there's no specific ordinance that deals with that".

No Public comments.

Public Comments Closed.

Daryl Yerton made a motion to **Table** the **Meadows at River Mist CUP** subject to staff recommendations. Joel Kelsey seconded. Board Members Walter Jennings, Daryl Yerton, Robert Daugherty, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were in favor of approving. Motion passed.

Tabled by the Planning Board.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Discussion of 2017 schedule.
- Reminder of upcoming Planning Board meetings:
 - May 4
 - Jun 1
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

*Robert Daugherty moved to adjourn. Joel Kelsey seconded. Motion passed.
All Board members were in favor of approving.*

Planning Board adjourned.

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman