

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
October 5, 2017
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

a. Frazier Residential CUP

Approved

County

b. Native Flower CUP

Approved

County

c. Flamingo Springs CUP

Tabled

(tabled at the request of the applicant)

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities CUP

Tabled

(tabled at the request of the applicant)

LAND DEVELOPMENT HEARINGS

County

e. Flamingo Springs Preliminary LSD

Tabled

(tabled at the request of the applicant)

Fayetteville Planning Area

f. Old Wire Services & Recreational Facilities Preliminary LSD

Tabled

(tabled at the request of the applicant)

County

g. Bethel Blacktop Preliminary Subdivision

Approved

County

h. Longview Estates Minor Subdivision

Approved

1. ROLL CALL: *Roll call was taken. Members present include Walter Jennings, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey, and Robert Daugherty. Daryl Yerton was not present.*

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of September 7, 2017. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Phillip Humbar* made a motion to approve the agenda. *Walter Jennings* seconded. All board members were in favor of approving. Motion passed.

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

a. Frazier Residential CUP

Residential Conditional Use Permit Request

Location: Section 35, Township 17, Range 31

Owners: Ivan & Dollie Frazier

Applicant: Blew & Associates Inc.

Location Address: W. Wheeler Rd./ N. Double Springs Rd.

Approximately +/- 1.9 acres/ 2 lots.

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10795215, Longitude: -94.25265197

Project #: 2017-287

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

ZONING- CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the zoning ordinance and criteria checklist when making decisions in these matters.

REQUEST: Conditional Use Permit approval to allow a property line adjustment between two parcels that will result in one of the parcels being less than 1 acre in size.

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

PLANNING AREA: This project is located within Fayetteville planning area.

QUORUM COURT DISTRICT: District 7 Alicia Deavens

FIRE SERVICE AREA: Wheeler Rural

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Hills

Electric- Ozarks Electric

Natural Gas- Black

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The properties are both owned by Ivan and Dollie Frazier. They are represented by Blew and Associates, Inc. The project is located in the Washington County jurisdiction and is within the City of Fayetteville Planning Area. It is accessible by North Double Springs Road to the west and West Wheeler Road to the north.

This CUP request is to allow Mr. and Mrs. Frazier to adjust their property lines. The result will leave one parcel with less than one acre in size.

Current Parcel Information:

001-17550-000, 0.94 acres, no residence, concrete slab

001-17557-000, 1.02 acres, work shop

Adjusted:

001-17550-000, 1.05 acres, no residence, concrete slab

001-17557-000, 0.91 acres, work shop

The northern parcel, 001-17550-000, is being adjusted with the intent to sell. The property has been recently inspected by a Designated Representative from the Arkansas Department of Health and was found to be suitable for standard septic systems. Before a residence may be constructed, proper permits

must be submitted to the Department of Health for approval of septic design. If a business shall be constructed, then before construction, said new owner must follow the procedures of applying and obtaining Conditional Use Permit and/or Large Scale Development approvals.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The project is serviced by the Fayetteville water authority. Corey Granderson with the City of Fayetteville commented that the water mains are accessible from both Wheeler Road and Double Springs Road. Easements and right of way are adequate and present for these water mains.

The project was reviewed by the Washington County Fire Marshal and had no concerns were mentioned. Comments were not received from the Wheeler rural fire department.

Sewer/Septic/Decentralized Sewer:

Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The soil was found to be suitable for standard septic systems.

Before a residence may be constructed, proper permits must be submitted to the Department of Health for approval of septic design. If a business shall be constructed, then before construction, said new owner must follow the procedures of applying and obtaining Conditional Use Permit and/or Large Scale Development approvals.

Electric/Gas/Cable/Phone:

No comments were received from Ozarks Electric, Black Hills, AT&T, and Cox Communications.

Roads/Sight Visibility/Ingress-Egress/Parking:

Planning Staff conducted a site visit on 09/21/2017 and found both properties in this project have adequate site distance.

Drainage:

The Washington County Contract Engineer has no comments on this proposed project.

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:

The property is residential by use. Planning Staff found no concerns under this category.

City of Fayetteville Concerns:

The City of Fayetteville expressed no concerns.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. This site contains one barn style workshop and one concrete slab. The acreage for surrounding parcels varies from 0.31 acres to 32.00 acres.

Staff feels that the applicant's request is compatible with the surrounding density.

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

- a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density fits the surrounding densities in the area.**
- 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; **Some utilities are available.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that the adjusted acreages of both parcels in the project will be compatible with the character of the surrounding area.**
- 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

Based on the City of Fayetteville's Future Land Use (2030) map, the parcels have a designation of "Rural".

SITE VISIT:

A site visit was conducted by planning staff on September 21, 2017. Staff did not notice anything of concern.

NEIGHBOR COMMENTS/CONCERNS:

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Frazier Residential Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. Fayetteville services this area. Existing water mains are available.

Sewer/Septic/Decentralized Sewer Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

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.

Environmental Conditions:

1. 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).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$50.52) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 09/21/2017).
2. Pay engineering fees, if applicable, 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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Sita Nanthavong, presented the staff report for the Board Members.

No Public Comments.

Public Comments Closed.

*Robert Daugherty made a motion to approve the **Frazier Residential CUP** subject to staff recommendations. Walter Jennings seconded. Daryl Yerton was not present. Board Members Philip Humbard, Joel Kelsey, Robert Daugherty, Walter Jennings, Randy Laney, and Kenley Haley were in favor of approving. Motion passed.*

County

b. Native Flower CUP

Conditional Use Permit Request

Location: Section 07, Township 14, Range 32

Owners: Parcs LLC

Applicant: Tom Smith

Location Address: 14511 Bush Rd.

Approximately +/- 48.26 acres.

Proposed Land Use: Commercial

Coordinates: Latitude: 35.90562977, Longitude: -94.42911252

Project #: 2017-283

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

ZONING- CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the criteria checklist when making decisions in these matters.

REQUEST: Native Flower is requesting **Conditional Use Permit** approval to allow the use of a Medical Marijuana Cultivatio Facility. If selected by the State of Arkansas the applicant intends to construct a facility approximately 1.5 acres in size, with a 4,160 sq ft head house and four 3,840 sq ft greenhouses on a 48.2 acre property, south of Lincoln, Arkansas off Bush Road, WC-448.

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

PLANNING AREA: This project is not located in a Planning Area, it is solely within Washington County's jurisdiction.

QUORUM COURT DISTRICT: District 13, Joel Maxwell
VFD

FIRE SERVICE AREA: Lincoln Rural

SCHOOL DISTRICT: Lincoln

INFRASTRUCTURE: **Water-** Lincoln Water **Electric-** Ozarks Electric **Natural Gas-** N/A
Telephone- Prairie Grove Telephone **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property and applicant for this request is Tom Smith. The surveyor/engineer is Kyle Sargent of Redline. This property is located off Bush Road, WC-448.

The applicants are requesting **Conditional Use Permit** approval to allow a medical marijuana cultivation facility on a property that is approximately 48.26 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

If selected by the State of Arkansas the applicant will move forward with Large Scale Development plans, to include a phasing plan. Phasing plans won't be submitted until the Preliminary Large Scale Development submittal, but the applicant has verbally expressed this as their plan.

Please see the applicant's letter for more detail.

TECHNICAL CONCERNS:

Road:

This project accesses off Bush Road, WC-448. Two entrances are proposed.

The speed limit at this location is not posted, therefore as it is a rural, dirt county road the speed limit is automatically set at 35 mph. The sight distance requirement in a 35 mph zone is 390 ft in each direction. The original location of the facility showed the driveway locations in the curve of Bush Road, and at Staff's recommendation at Tech Review the applicant agreed to shift the location of the facility north to a location with adequate sight distance.

No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.

The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.

Generally, any work (i.e. clearing, grading, driveway install) 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.

Water:

Lincoln Water services this area. No comments have been received by Lincoln Water.

Fire:

The site plan shows a looped fire lane going around the boundary of the development, inside the double row security fence.

All turning radii in the fire lane meets the 38 ft minimum turning radii requirement, and the applicant has stated the 26 ft wide fire lane will be gravel surface compacted to support 75,000 lbs in all weather conditions.

A Knox box will be utilized to provide keys for the development to emergency personnel.

Maximum travel distances to emergency exits, emergency exit signs, and fire extinguisher locations are adequate and meet minimum fire code requirements.

If any volatile chemicals are to be kept inside any of the buildings the fire marshal and fire chief will be provided with a list and a placard will be placed on the entrances to the applicable buildings as per fire code.

No kitchen is proposed for the business.

Health Department:

Soil work has been provided by a Designated Representative of the Arkansas Health Department, and found suitable for an individual septic system to adequately service the development.

Electric:

This project is serviced by Ozarks Electric. Generally, any relocation of existing facilities will be at the developer's expense.

No comments were received by Ozarks Electric.

Drainage:

The proposed detention pond must be placed in a more suitable location, downhill from the proposed development. The location shown is the original location from when the development was in its originally proposed location. The development moved a couple hundred feet down the road, but the proposed detention pond remained in its original location.

A Drainage Report was submitted. The Washington County Contracted Engineer has not yet reviewed the resubmitted proposal. Staff will update the Board at the meeting as to any comments/requirements the Engineer makes.

Signage/Lighting/Screening Concerns:

No signage is proposed with this CUP request. A sketch of any future proposed signage must be submitted to Washington County Planning for approval prior to being placed.

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

A dumpster is not shown on the plans. If a dumpster is desired in the future it must be screened behind a privacy fence. All outdoor storage must be screened with opaque material (gates must be opaque too).

City of Lincoln Concerns:

The City of Lincoln submitted no comments on this project.

Addressing Concerns:

The Department of Emergency Management submitted no comments on this project.

Sheriff's Office Concerns:

Jay Cantrell, with the Washington County Sheriff's Department, requires a facility security plan be submitted for review.

Staff will update the Board at the meeting as to any comments/requirements the Sheriff's Department.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are a mix of residential and agricultural properties.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions.

As there will be a low number of employees only working during day shift hours, and no deliveries from large trucks, Staff feels this proposal will be low impact. There is no expected odor or noise.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "light commercial".

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

Continuing with the primary goal of retaining the rural characteristics of Washington County, light commercial uses should be allowed if:

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed cultivation facility use is compatible to residential uses because it is low impact and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties.

Future Land Use Plan

The County Future Land Use Plan for this area shows no designation at this location.

While the proposed use is not residential, due to the low impact nature of this use, and recommended conditions, staff feels this project will be compatible with the surrounding uses.

The City of Lincoln submitted no comments.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. No comments have been received. Staff will update you at the meeting if any neighbor comments are received.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Native Flower Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. This development must be fully approved by the Fire Marshal before it may be occupied by the public or employees.
2. The entrance drive/fire lane must be constructed to 26' wide.
3. A hammerhead turnaround is not required as the fire lane loops the entire development.
4. No parking is allowed along the entrance drive.
5. All fire lane roads must have a 38' turn radius at minimum, and must be compacted to support 75,000lbs in all weather conditions.
6. Fire lanes must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).
7. Emergency exit lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer and/or the county fire marshal.
10. The building must meet Arkansas State Fire Code.
11. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
12. A statement at Final LSD will be required that states the buildings are in compliance with AR State Fire Code and ADA regulations.

Health Department Conditions:

1. All applicable permitting through the Arkansas Health Department must be approved before any of the buildings may be occupied by the public.
2. The proposed septic system for the business must receive approval from the Health Department before it is installed.
3. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
4. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. A sight distance diagram has been provided by the project engineer. Sight distance must meet or exceed Washington County minimum standards before Planning Staff will recommend for approval of this CUP request.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
3. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.
4. Generally, any work (i.e. clearing, grading, driveway install) 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.

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. No additional signage is allowed to be placed without review by the Planning Dept.
3. If signage is desired in the future, a sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
5. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
6. All outdoor storage, and dumpster if desired in the future, must be screened with opaque material (gates must be opaque too).

Utility Conditions:

Ozarks Electric:

1. Any relocation of existing facilities will be at developer's expense. Any 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 get electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
4. Subdivisions will be built on Policy 45 (Ozarks will contribute up to 50% of the direct cost. The remainder of the direct cost will be paid by the Developer). There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
6. 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.
7. Please contact Wes Mahaffey at (479) 263-2167 or wmahaffey@ozarksecc.com when construction begins on subdivision and again when construction is within three months of completion.

Sheriff's Department Conditions:

1. Submit Emergency Management Plan. This should include the emergency gathering area.
2. Submit facility security plan.

Additional and Standard Conditions:

1. Pay mailing fees (mailing fees have not been calculated yet) within 30 days of project hearing.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated at the Final LSD phase for this project once all invoices are received.
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. This CUP must be ratified by the Quorum Court.
5. Phasing plans must be submitted at Preliminary Large Scale Development permitting stage.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does require additional Planning Board review (Final Large Scale Development).

Washington County Senior Planner, Nathan Crouch, presented the staff report with updates for the Board Members.

Kenly Haley, Board Member, expressed concern regarding the number of shifts and if they were to change in the future if the applicant would have to come back to Planning Board for approval.

Nathan Crouch responded, "If they had to run more than one and we put that in the conditions of approval, then they would have to come back. If it would make the Board feel better about this project, we would sure put it in the conditions of approval, but with 5 employees, I don't know. They do only have 7 parking spaces shown. In their initial plans they listed 5 as their max occupancy on those buildings until we gave them narrative on how you calculate max occupancy. They have come back and recalculated the max occupancy in the head house at 12 people and 17 across the three green houses. So it is more than 5, but this is just a calculated number. If you have questions beyond that I believe the applicant can address those."

Public Comments.

Shane Grisham, Neighbor directly to the north, addressed the Board, “My wife and I purchased a little over 11 acres this year. We’ve had about 7 acres of it cleared; we are currently about 50% through the construction process of our home. It’s a 5 bedroom home estimated to be around \$250,000 for the value of the home, plus the property value puts it a little over \$300,000 for the total complete value of the home. My concern was addressed in the email that I sent to Nathan, I am sure you guys all received a copy of that. I just want to reiterate my concerns and let you know that I was not just a shot in the dark; I’ll shoot an email and if that doesn’t work then so be it. I truly am concerned about this facility going in next door. I do want to say that this is not a personal vendetta, or a neighbor who had an argument, because I just met Mr. Smith and his wife a few minutes ago before the meeting. We are new to the neighborhood but we do plan on being there for the rest of our lives. This is where we want to live forever. My house faces directly toward where the new facility will go in; it faces in a southwest direction towards the road. It is not exactly what we were planning on having as a neighbor when we bought the place several months ago. My concern initially and primarily is property value. I don’t intend to ever sell this home but you could always leverage your property to get a home equity loan to purchase more property or do other types of business. If this facility does lower my property value it affects my ability to do business in the future also, because of the reduced borrowing power from the property. I outlined several reasons why I think property value will be affected; reports from different states where they have approved medical marijuana have shown that property values near the grow houses is reduced, a lot of times they are put in poor areas where the property values are already low. I don’t want my property value impacted by this new facility. All the things that I specified there; the increase in traffic, the smell, the noise, the lights, all those things will be negative to me as a neighbor. I basically just want to come here and say please don’t approve it. We lived in Prairie Grove for 12 years, right in the middle of town. Prairie Grove is not a big town but we were like, you know we want to get out in the countryside. I’ve got four kids from 7 to 12 years old and I want to raise them up in the country. It is a slower pace of life and we want to raise animals and things like that. We found this place and bought it from Mr. Daugherty and we just love it. Then, I got this letter about a week or so ago and it was a shock to me. We are about 50% through with the process of constructing our home and I don’t know what do to, we are going to continue to build our house as planned. This is my opportunity to come to you and say please don’t approve this. It’s entirely selfish but that is the point of me being able to come here, right? To be able to voice my opinion on that. I just want to touch briefly on the unwanted visitors; what I mean by that is if you are familiar with Lincoln, there is a bit of a drug problem out there, the way rumors spread people are going to be curious about this place, especially people that may smoke marijuana illegally. I don’t want those people coming down my dead end street looking for this place. That’s something that you guys can’t control and really no one can control. If they hear about this place they may come looking for an opportunity to get some drugs, and there is going to be a brand new house across the street. That maybe they can’t get into this growing facility but they might be able to get into my house. I feel like it is a concern, for me, for the safety issue. I just hope that you say no.”

Carl Biggs, family owns farm straight east, addressed the Board, “I am against this facility going in as well. We don’t have access to that part down in the valley there, but same as this fella I feel like there will be people trying to get in there from every direction. I have a friend that rents out in Colorado where he has been through this whole thing from where it started with medical marijuana and then now it’s completely legal for recreational use. He says this is just the first step they’ll get facilities in for this then next thing you know they are selling it at every corner of the street so I am against it and I appreciate being able to say so.”

Public Comments Closed.

Joel Kelsey, Board Member, asked “Is there a reason why this wouldn’t be put in a city in an industrial

area versus out in the middle of nowhere?”

Nathan Crouch replied, “The city just approved one off of Industrial Park, everyone is competing to be one of the five.”

Joel Kelsey continued, “I understand but is there not a requirement that requires them to be in a city in an industrial area, so that it is not a security risk?”

Nathan Crouch answered, “No sir.”

Walter Jennings made a motion to approve the **Native Flower CUP** subject to staff recommendations. Kenly Haley seconded. Randy Laney, Chairman of the Board, called for a roll call. Daryl Yerton was not present. Board Members Kenley Haley, Randy Laney, Philip Humbard, Walter Jennings and Robert Daugherty were in favor of approving. Joel Kelsey was opposed. Motion passed.

County

c. Flamingo Springs CUP

(tabled at the request of the applicant)

Conditional Use Permit Request

Location: Section 14, Township 14 North, Range 32 West

Owners: Zach & Laura Kraus

Applicant: Glenn Carter

Location Address: 15474 Greasy Valley Rd.

Approximately +/- 19.81 acres

Proposed Land Use: Commercial RV Park

Coordinates: Latitude: 35.89072830, Longitude: -94.35861882

Project #: 2017-262

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

Walter Jennings made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities CUP

(tabled at the request of the applicant)

Conditional Use Permit Request

Location: Section 30, Township 17, Range 29

Owner: Patrick J. Tobin Revocable Living Trust

Applicant: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.4 acres / 1 lot

Proposed Land Use: Services, Office, and Recreational Facilities

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017-199

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

Walter Jennings made a motion to approve the agenda. Kenley Haley seconded. All Board Members were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARINGS

County

e. Flamingo Springs Preliminary LSD

(tabled at the request of the applicant)

Preliminary Large Scale Development Request

Location: Section 14, Township 14 North, Range 32 West

Owners: Zach & Laura Kraus

Applicant: Glenn Carter

Location Address: 15475 Greasy Valley Rd.

Approximately +/- 20.23 acres

Proposed Land Use: Commercial RV Park

Coordinates: Latitude: 35.89072830, Longitude: -94.35861882

Project #: 2017-263

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

Walter Jennings made a motion to approve the agenda. Kenley Haley seconded. All Board Members were in favor of approving. Motion passed.

County

f. Bethel Blacktop Preliminary Subdivision

Preliminary Subdivision Request

Location: Section 36, Township 16, Range 32

Owners: Lots 101 LLC

Applicant: Ferdi Fourie

Location Address: 15585 Bethel Blacktop WC 62

Approximately +/- 40.32 acres.

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.02076008, Longitude: -94.33713637

Project #: 2017-286

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

PRELIMINARY SUBDIVISION

Land Development approval requests are objective. The County has a set of rules and requirements for this type of project. If all of the requirements for a Land Development have been met, then by law, the Planning Board must approve the land development. Any variance request is subjective to a certain degree.

REQUEST: The applicant is requesting Preliminary Subdivision Approval of Bethel Blacktop Subdivision to create a subdivision with 9 lots on 39.96 acres. The subject property is located solely within the County.

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 not in a planning area

QUORUM COURT DISTRICT: District 7, Alicia Deavens

FIRE SERVICE AREA: Prairie Grove Rural

SCHOOL DISTRICT: Prairie Grove School District

INFRASTRUCTURE: **Water**– Washington Water Authority **Electric**– Ozarks Electric **Natural Gas**– None **Telephone**– Prairie Grove
Cable– None

BACKGROUND/ PROJECT SYNOPSIS:

The applicant for this project is Lots 101, LLC represented by Ferdi Fourie. The engineer is Civil Design Engineers, Inc.

As configured, all lots meet current zoning in for size. This project will not require a Conditional Use Permit.

This Subdivision would create a subdivision with 9 lots on 39.96 acres. The lots range from 1.71 acres to 10.81 acres in size. Each lot will have its own septic system. Soil analyses have been completed for each lot. Primary and alternate pits were dug in each of the proposed lot and found to be suitable for a septic system.

The property (parcel 001-13119-001) is located solely within the County, outside of city jurisdictions and associated planning areas. It is located on the southeast corner of Bethel Blacktop WC 62 and Viney

Grove WC 37. There exists a dwelling (residence, carport, detached garage, and sheds) that will be incorporated into the subdivision as lot 9.

The site distance for the project was acceptable. Each lot will have its own access to either Bethel Blacktop WC 62 or Viney Grove WC 37 with internal turn-arounds. Drivers will not have to back out onto a County Road. Lot 5 will have access from Bethel Blacktop WC 62.

TECHNICAL CONCERNS:

Sewer/Septic & Public Utility

Initial soil work was completed on September 8, 2017 for suitability for a septic system. Primary and alternate pits were dug in each of the proposed lots. Septic/sewer permits will need to be submitted to the Department of Health in Little Rock for their subdivision review.

Electric/Phone/Gas

This property is serviced by Ozarks Electric, and Prairie Grove.

Generally any damage or relocation of utilities will be at cost to the developer.

Water & Fire

This property is serviced by Washington Water Authority. No comments were received from WWA.

There is an existing 4 inch water line along the north side of Bethel Blacktop WC 62 that changes to a 6 inch line on the west side of Viney Grove WC 37 at the intersection. The last flow test of the nearest hydrant was measured at a static pressure of 104 psi with 671 gallons per minute at a pitot pressure of 4 psi.

The Washington County Fire Marshal's office reviewed the plat. Access to Lot 8 of the project will need to include 38 foot turning radii around all inside corners of the driveway. The driveway to Lot 8 is over 500 feet in length and therefore will need to be 26 feet wide.

The 8 inch water main the applicant is planning to install must service all fire hydrants throughout the subdivision.

Addressing

There is a current residence of 15585 Bethel Blacktop WC 62. This will residence will be incorporated into the subdivision as Lot 9.

A note must be added per the Subdivision Checklist that lots over one-half acre will be addressed when the home location is known.

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

Road

The applicant is proposing that all driveways to subdivision lots connect to either Bethel Blacktop WC 62 or Viney Grove WC 37. Each driveway will have its own internal turnaround so residents and visitors of the subdivision will not have to back out onto the County roads.

The Washington County Road Department will require 24 inch culverts to be sized for a 10 year storm.

Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.

Drainage

The County Contract Engineer, Zach Moore, has reviewed this project and submitted these comments: A drainage study will be required that confirms there will be no significant change in peak runoff. The drainage study should include study points at locations where stormwater is leaving the site and compare pre- versus post development flows for the 2, 10, 25, 50, and 100 year frequency storm events. Any increase in peak flows discharging the site will require detention facilities. If detention facilities will be needed, show location and any drainage easements required. For access control on the Viney Grove Road and Bethel Blacktop Road, an alley way or local road with one or two access points to the County roads is recommended instead of multiple driveways along Viney Grove Road. Driveway permits will be required through the Road Dept. A drainage plan should be provided that shows the design for the pipes under the driveways for the County roadside ditches along Viney Grove Road and Bethel Blacktop Road. The drainage report should include drainage design calculations for each pipe.

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 report, staff has received no comments.

Staff will update the Planning Board at the 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:

Staff recommends approval of Bethel Blacktop Subdivision Preliminary Subdivision with the following conditions:

Septic Conditions:

1. There shall be no deviation from the plans and specifications unless revised plans and specifications have been submitted for review and written consent given.
2. The individual onsite wastewater system for each lot must be located in the area specified on the submitted plat of the proposed subdivision as indicated by the soil pit location. Changes made to the location of the wastewater system will require further review and approval by the Arkansas Dept. of Health.

3. The areas of the proposed primary and secondary disposal fields must be protected during the construction of all structures, roads and the placement of service lines so as not to disturb the natural properties of the soils.
4. The final acceptance of each lot depends upon submission of an APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL PERMIT to the local Health Unit. Home construction should not be started on any lot until a permit for construction has been issued for an INDIVIDUAL SEWAGE DISPOSAL SYSTEM by the local Environmental Health Specialist.
5. Further subdivision or re-platting of any lot or lots will require the submission of soil information, plans and specifications for those lots before approval will be given for development

Utility Conditions:

1. Any relocation of existing facilities will be at developer's expense. Any 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 get electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
4. 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.
5. 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.
6. Generally any damage or relocation of utilities will be at cost to the developer.

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. www.adeq.state.ar.us

Washington County Road Department Conditions:

1. Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.
2. The Washington County Road Department will require 24 inch culverts to be sized for a 10 year storm.
3. All driveways connecting to a County road must have internal turnarounds so that no backing out into the existing streets will be required.

Washington County Fire Marshal Conditions:

1. The water main servicing the proposed fire hydrants in the subdivision must be 8 inches.
2. Hydrant spacing must meet fire code.
3. All roads must be able to support 75,000 pounds in all weather conditions.
4. Turning radii on all curves must be 38 feet.
5. The Fire Marshal shall inspect.

Addressing Conditions:

1. The current residences and its associated structures located on proposed Lot 9 is listed as 15585 Bethel Blacktop WC 62. This must be shown on the plat.
2. A note must be added per the Subdivision Checklist that lots over one-half acre will be addressed when the home location is known.

Standard Conditions:

8. Washington County will not maintain sidewalks or streetlights.
9. Washington County will not maintain common areas or park areas.
10. Pay neighbor notification mailing fees (\$36.96) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 9/22/2017).

11. 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.
12. 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.
13. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
14. Once all plat corrections have been completed, submit two corrected plats for review to the Planning Office prior to construction plan review.
15. Please contact the County to determine the next steps for each entity in the construction process.
16. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received by the Washington County Road Department and approved by the County Attorney prior to a pre-con meeting being set up.
17. Absolutely no construction may begin until the pre-construction meeting is completed and the plans have been accepted by Washington County.
18. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.

Washington County Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

Randy Laney inquired, "The notion of turning around inside the lot, I get that, but how will that be done once we approve it here?"

Ferdi Fourie, Engineer with Civil Design Engineers applicant for project, explained, "We agreed to do the turnaround internally, the developer would be the builder of the houses so he will install at the spot of the house building."

Public Comments.

Jared Phillips, Neighbor up the road from project, addressed the Board, "I am a 5th generation Ozarker so I am not disillusioned or naïve about what's probably going to happen here. I come from a long line of farmers and builders that have watched our farmers get turned into developments for no good reason really. When I was growing up my Dad and my Grandfather did their best to teach me a couple of lessons that they've learned from that long line of Phillips Ozarkers and it generally boiled down to three things. I am sure we can all appreciate them. First, if you are going to do a job you probably best ought to do it right. Second, you should think of all the folks that are come along behind you. Third, you should take care that you are not going to do any harm to something by making rush decisions that cannot be undone. These are the three things that I am asking the County Planning Commission to think about when they decide on this development. As a result of that I am asking that you decline approval for this project. The proposed development by Lots 101, LLC, to place 9 lots at the intersection of Viney Grove Road and Bethel Blacktop is an excellent example, in my mind and the mind of many on Viney Grove Road, of how to break all three of these lessons. As I have watched the developer in question begin working on this piece of land, I have seen many things that don't make sense if you are trying to do a job right. To begin with, the developer through a subsidiary company, Dirt 101, LLC, began an effort to strip the top soil off and sell it without any permitting or notification of the neighbors or any approval from the Arkansas Department of Environmental Quality; this is known as an open cut mine according to ADEQ rules. While I am not an expert on soil science or anything like that, I do know that it seems to be a lot of trouble if you are going to put a bunch of houses in there to take away the 10 or 12 inches of top soil and backfill it with red dirt and then put a little bit of topsoil back on so you can grow a little bit of Bermuda grass. This was all told to me, by the way, by a member of the Dirt 101 LLC organization when I stopped to ask what was going on one day. Aside from not paying any attention to the regulations governing open

cut mining in Arkansas which is how the ADEQ designates such an activity, it took members of the Viney Grove community several attempts at working with the County Planning Office to ensure that the soil removal was halted. It should also be noted that the USDA Agriculture Soil Survey Office has designated the soil in question here as soil of prime importance for our area here for the states agriculture, which if you know anything about Ozarks is pretty rare. To do a job right you need to pay attention to all the other lessons that my father and my grandfather taught me, after all taking care of the soil is only one part of thinking about those who come after you. Perhaps an easier way to think about this might be to think about it in dollars and cents. Organizations like the American Farmland Trust and others over the past 30 years have definitively shown that working agricultural land which is prior to an effort to develop it brings in more revenue for a County instead of incurring greater costs as a residential area will do. Based on the same period of time, for 30 years or so, the national average for the cost of community services, roads, fire, water, schools etc. for agricultural land is 37 cents for every dollar that is brought in, in taxable revenue. For any area that turns into a residential area like minor subdivisions and things like this, the average national cost per county is \$1.16, meaning the county experiences a net financial loss for every residential area that's developed. Now despite the heroic efforts of the members of the Treasurers' Office and the Comptroller's Office here in Washington County we don't have any statistics like this for Arkansas to understand what these developments actually cost us, but I do have anecdotal commentary from their office that says the same thing "Every time we see farm land turned into a subdivision, the County loses money." The closest example I could find would be in our neighbor, Tennessee, where the average cost of services for agricultural land in the County is 15 cents on the dollar, residential land costs the County \$1.22. While this development will no doubt provide a quick profit for the developer in question, somebody will ultimately incur the cost of this and if history is any judge it will not be the developer, rather it will be the taxpayers in the County in the short run and the areas of agricultural community in the long run. The taxpayers will have to either directly or indirectly subsidize the loss of agricultural land and its revenue in order to ensure the continuance of services to a new residential development. This is money that could have gone elsewhere to provide needed services to our community. Our agricultural community will continue to shrink as it has done, putting more of a burden on an already overburdened population. For example, since 2007 Washington County has experienced a 14% drop in agricultural land and farms and a 77% increase in government assistance to the remaining farmers. This is part of a much larger trend indeed. Since 1978, Washington County farmers have experienced a net decline in their incomes, 66% of the farms in our County have sales that total less than \$10,000 a year and these are on farms exactly the size of the farm asking to be developed today. To have a decent farm or have even a moderate farm in the Arkansas Ozarks means you need to have decent land, and to take it away or to ship it off or put houses on it seems to me to be a rash decision. The American Farmland Trust estimates that every hour in the United States, 40 acres of farmland is lost to houses. To be sure, not necessarily cause for concern. After all, well-conceived and carefully implemented development can be good for an area; after all people need places to live. That being said, too often ill thought out and poorly implemented developments are the norm. I fear that the development proposed for the area in question here represents the latter. I believe it certainly does for those coming behind; especially those who wish to take up or to continue farming in the area. Such needless and careless developments drive up the cost of land and of property taxes and contribute to the continuing land tenure crisis among America's farmers. The final lesson I was taught was not to be in such a hurry about doing things so that you end up causing irreparable harm either because you didn't think through what you were doing or you just plow through everything like a bull in a china shop. As I mentioned a moment ago, it will not be the developer that pays out the long term cost of the development rather it will be us, people like my wife and I, who are trying to start a small farm in Viney Grove. The residents of Viney Grove, the County, and its taxpayers and even the people who untimely purchase these houses will be the ones who have to bear the burden of this. For those of you who are not familiar with this area just for example, that intersection is indeed a busy intersection, the County Road Department has designated it a dangerous intersection. Despite my never-ending questions to the ever patient Mr. Jim Kimbrough and my conversations with the County Road Organization there is zero method before a plan

gets to this body to determine whether or not this is a good idea or not. If the increased road traffic is going to make sense; in the time that I have lived and traveled on this road I have borne witness to this intersection prompting more accidents and near misses than I care to recall. Every time I drive through it, and I drive through it every day, I hold my breath because I am not quite sure if I am going to see a car coming through the crossroad. Surely the solution to this is not to add more traffic at the intersection, and indeed not the heavy traffic that will be the norm during construction. It seems to me that the weighing of these things before an application even made it this far would have been a good idea, and a good use of my money as a taxpayer. Instead what is seen here seems to be too much hurry and too little thinking about 50 years down the road. Like I said at the beginning and the end I am not naïve, I understand that most likely despite the high cost, that this commission is apparently willing to accept this development is going to be approved. But I would respectfully ask the committee to think not about profit and about ideas of progress and growth that in recent memory in 2008 have shown themselves to be empty, but rather to remember something as simple as the parable of the talents from the New Testament, when we are asked to steward the resources that we have been given instead of spend them carelessly or borrowing that remember that growth simply for the sake of growth is nothing short of a cancer that strips away all that is good and leaves behind a broken shell no matter how fancily that shell might be gilded. Thank you.”

Public Comments Closed.

Kenly Haley appreciated Mr. Phillips presentation and expressed how well thought out and communicated it was, however she went on to explain that there is nothing the Board Members can consider other than Washington County ordinances as far as what is being presented to them from the Planning Department.

*Kenly Haley made a motion to approve the **Bethel Blacktop Preliminary Subdivision** subject to staff recommendations. Robert Daugherty seconded. Daryl Yerton was not present. Joel Kelsey recused himself. Board Members Philip Humbar, Robert Daugherty, Walter Jennings, Randy Laney, and Kenley Haley were in favor of approving. Motion passed.*

Fayetteville Planning Area

g. Old Wire Services & Recreational Facilities Preliminary LSD

(tabled at the request of the applicant)

Preliminary Large Scale Development Request

Location: Section 30, Township 17, Range 29

Owner: Patrick J. Tobin Revocable Trust

Applicant: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.4 acres / 1 lot

Proposed Land Use: Services, Office, and Recreational Facilities

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017- 235

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

Walter Jennings made a motion to approve the agenda. Kenley Haley seconded. All Board Members were in favor of approving. Motion passed.

County

h. Longview Estates Minor Subdivision

Preliminary & Final Minor Subdivision Request

Location: Section 21, Township 17 North, Range 31 West

Owners: David R. Long

Applicant: Blew & Associates, Inc.

Location Address: 18010 Harmon Rd. Fayetteville, AR 72704

Approximately +/- 4.32 acres / 3 lots

Proposed Land Use: Residential

Coordinates: Latitude: 36.13055727, Longitude: -94.29121408

Project #: 2017-260 Planner:

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

PRELIMINARY AND FINAL MINOR SUBDIVISION

Land Development approval requests are objective. The County has a set of rules and requirements for this type of project. If all of the requirements for a Land Development have been met, then by law, the Planning Board must approve the land development. Any variance request is subjective to a certain degree.

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision approval to split a 4.32 acre parcel, resulting in 3 parcels at 2.32, 1.0, and 1.0 acres in size.

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 1, Tom Lundstrum.

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

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: **Water**– Washington Water Authority **Electric**- Ozarks Electric
Natural Gas– Black Hills Corp **Telephone**- AT&T **Cable**- Cox

BACKGROUND/ PROJECT SYNOPSIS:

UPDATE:

This Minor Subdivision request was heard by the Planning Board at last month's meeting, and was tabled after several neighbors submitted neighbor comments "opposed" to the development, mostly due to existing storm water drainage issues. The board tabled the request to give the Washington County Road Department time to assess the situation and determine if there were any drainage issues that should be mitigated with county resources, or if the drainage issue would fall solely on the property owners.

The Road Dept visited the site and was able to locate the low spots along Harmon Road. Soon after they sent a crew out who then installed a 2nd 30-inch drainage culvert crossing beneath Harmon Road, right next to the existing 30-in culvert. Hopefully this additional culvert will convey stormwater away from the problematic areas and help alleviate the drainage issues impacting this neighborhood.

However, as stormwater drainage is not part of the criteria typically reviewed with Minor Subdivision proposals, Washington County feels this solution is the extent to which it will go to mitigate the storm water drainage issues at this location.

ORIGINAL STAFF REPORT:

The property owner and applicant is David Long. The surveyor is Blew & Associates. The applicant is requesting Minor Subdivision approval to divide a 4.32 acre residential parcel to create 3 parcels at less than 5 acres each.

This proposed property division could not be processed administratively because county ordinance dictates splits may only create 1 parcel at less than 5 acres and remain exempt from Planning Board review.

Parent Tract: 001-17203-004, 4.32 acres, with 1 existing house and garage.

Proposed Tracts:

- Tract 1: 2.32 acres; 1 existing residence and garage
- Tract 2: 1.0 acres; no existing structures
- Tract 3: 1.0 acres; no existing structures

An existing septic system inspection has been conducted and found to be functioning properly. Soil work has not been submitted yet, but is scheduled for Sep. 11th.

This request must receive subdivision review by the Arkansas Health Department's Engineering Section before it can be fully approved. Staff feels this review/approval by ADH Engineering can be a condition of approval.

Staff has no concerns regarding this Minor Subdivision proposal.

TECHNICAL CONCERNS:

Sewer/Septic:

An existing septic system inspection has been conducted and found to be functioning properly. Soil work has been submitted and found adequate to support a 4 bedroom residence on each lot. The soil test pits evaluated on the north end of the proposed lots were found to be unsuitable. But additional soil test pits were dug on the south end of the lots and found suitable at that location.

Electric/Gas/Cable/Phone/Water:

Washington Water Authority

1. Add 911 address to the final plat.

No other utility comments were received.

Fire:

The Washington County Fire Marshal had no comment.
The Wheeler Rural Fire Department provided no comments.

Addressing

The existing home is addressed (18010 Harmon Rd). Any additional addresses will be assigned once the home location is known.

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:

UPDATE:

The Road Dept has been to the site to assess existing storm water drainage issues and has agreed to install an additional 30" drainage culvert crossing under Harmon Road just west of the driveway at 18124 Harmon Rd (Welch).

Sight distance is adequate.

SITE VISIT:

A site visit was conducted prior to the time of the staff report; no concerns are anticipated.

NEIGHBOR COMMENTS:

There were several neighbor comments received the day of the September 7th Planning Board meeting, mostly based on storm water drainage issues. The Road Dept now intends to install an additional

drainage structure to help drain this neighborhood. So those drainage concerns will be addressed once the Road Dept can schedule the culvert install.

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project before the September 7th meeting, and again by regular mail before the October 5th meeting.

Staff will update the Board at meeting if any additional 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:

Staff recommends Preliminary and Final Minor Subdivision approval of Longview Estates Minor Subdivision with the following conditions:

Septic Conditions:

1. This Minor Subdivision request must receive subdivision review and approval by the Arkansas Health Department’s Engineering Section.
2. Septic lateral fields must be installed at the southern end of Lots 2 and 3, where the soil was found to be suitable for individual septic systems for 4 bedroom residences.

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

2. 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.

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. www.adeq.state.ar.us

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:

19. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
20. 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.
21. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
22. All general plat checklist items must be corrected.
23. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
24. 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 Senior Planner, Nathan Crouch, presented the staff report with updates for the Board Members.

Public Comments.

Don Kriesel, neighbor, addressed the Board, "The first thing I would like to point out is we left off a couple homes here that descended last time, so there is actually some more out there. I have seen the cuts and the culvert down through here and the culvert that we've got through here. This one in this corner has been replaced back in February, I haven't seen any calculations to find out why they messed up the first time or if they got it correct this time. The culvert that is down between these two properties right now, there is a house down there that when it does rain the water backs up into their yard. They have to park their car out into the street so if they open up that culvert to allow more water through, they are going to have more of a surprise this spring when they get more water into their yard. I doubt that the County has looked into that. In my mind I see two different issues here; one is the water going across the corner between the Welch's and the Krum's. The second one is peak runoff, it doesn't back up from that corner from Harmon Road into my property, it is the peak runoff that is still going down there, the Welch's are roughly 4 ft. lower in elevation than I am, if that water backed up 4 ft. it would go up into their kitchen. If you look at Mr. Long's property it's actually in the shape of an amphitheater, the slope on his property slopes into my backyard where the focal point is about 95% of his runoff, I'm estimating. You saw the pictures last time we were here, I don't know if you still have them but I have some more here which shows a small river coming through my back yard. Just some rough estimates looking at peak runoff calculations, which I don't think the County looked at either, I think that would have been part of the study if they were looking at drainage issues. So there's 2 acres back there what I did was I took the square footage based off of Mr. Long's driveway being gravel and the square footage on his house and the shop using google maps, doing peak runoff calculations I am estimating that the peak runoff would increase by 16%. There are probably only a couple of ways that may be expensive that he can divert that water from going directly onto my backyard. The septic system failed along my fence so the house has got to be set further back on the fence so if you look at the topo map there is an elevation difference between of about 3 to 4 ft. between Bill Sellers Road and my property line at that fence. One way to do that would be to build up that acreage to capture all the water that comes off the road, his outbuildings, his house and redirect that back onto Bill Sellers Road and that seems like not a very economically feasible way to

do it. I am really restricted from building anything next to my shop, I can't put it near my house because of the small river we have in the backyard, for two reasons, one if I built it too low I would flood it every spring and if I built it too high then I would build a small pond on Mr. Long's property; I don't really think that either one are probably desirable. I think the County study was incomplete and I guess that is where I will leave it. Thank you."

Tim McCartney, neighbor, addressed the Board, "Two different things as far as the County Road Department, I was able to see the letter that was sent in after they went out and visited the site. I don't have the exact wording but what they said was that if the second culvert replacement does not solve the problem that's the extent they will go because it is not their position to cure this for a minor subdivision, I am sure that letter would be in your paperwork. The second issue is I spoke with Corbitt Environmental and she tells me that this perk hole is a fail, the first two perk test where dug, one passed and one failed within 15 feet of where the failed perk hole is they dug a second perk hole which I imagine passed but according to her that second perk hole has to be a minimum of 100 feet away from the failed perk hole because your leach field would go from the passed one to the failed one unless it's at least 100 feet away. That ground when it rains is saturated very fast, any septic system that is put in there that's not 200% up to par, we are going to be smelling the effects of it. I think all this was due to when this was originally a pasture and a pond. It was not a manmade pond; it was a natural pond, so everything slopes to where that pond used to be. I don't have a photograph of that, but that was in the early nineties when I was privileged to being out there quite a bit. All I am asking for is that you get with Corbitt, who has looked at this already and make sure that this ground will hold the septic. I think you will find that it won't, especially cutting it into one acre lots. I apologize I don't have the physical documentation to show that but when I finally got ahold of her, with the busy week I've had, I had to step outside to take the phone call to speak with her. I just ask the Board to consider this. Thank you."

David Long, Property Owner of the proposed project, addressed the Board, "It is certainly not my intent to negatively impact anybody or their property value. I do really appreciate the comments on the drainage. It's not something I have been in the area long enough to actually understand the severity of the potential issue. I haven't personally seen the saturation or the degree of runoff that they are talking about in the area though I have no reason to question it. I just wanted to come up and clarify slightly the perk test comment that was just made, just to give the Board an idea of the process that we have been going through with the perk test. The first two holes per lot were dug roughly here and then one up towards southeast of each lot. The north end perk holes did in fact fail as was just mentioned, but the ones in the south did not, they both passed. According to the Arkansas Department of Health each development such as this needs two perk tests with acceptable locations per lot, so that if a septic system does fail in the future you have a backup location. Essentially next to the passing holes they came the appropriate distance away from it, moving easterly and westerly to find other locations that did pass, we didn't just go back and dig next to the ones that failed and magically they passed this time. We ensured on the south end of the property that there was enough area to support a backup septic system in the event that the original one does fail. That is the biggest thing I wanted to clarify. If anybody is curious I don't have immediate plans to develop these tracts or anything like that it is primarily a financial move, for the purpose of financing the property, I don't have plans to sell it off. I don't have plans to build a rental house on it or anything like that. Obviously there is nothing in the planning that says I am not doing that but just to let all my neighbors know, no I do not have plans to immediately build a house back there. I assumed it would be much easier to go through a lot split when this property is a part of the county and not a part of a city, which unfortunately as we all know that there is not a whole lot of place except for coming out our way, to the west, that Northwest Arkansas can go. I wanted to go ahead and get one acre lots developed instead of waiting until somebody comes and offers me an obscene amount of money to split this into a ten house duplex sort of thing, which is probably going to happen in the next decade or so, just by virtue of how the area is growing. Hopefully that clarifies my intent, again I apologize this is the way I am meeting some of my neighbors for the first time this is certainly not what I had in mind and I do appreciate the

concerns of the drainage. That was not something that I had intended to cause any hardship on anyone. Thank you for your time.”

Public Comments Closed.

Nathan Crouch, cited the conclusion from the soil work report done by Corbitt Enviornmental, “Our conclusion is that the soil is suitable for a standard type individual sewage disposable system in the southern locations tested and was unsuitable in the rear of the lot. The front of the lots would have to be reserved for the placement of the primary and secondary field in the homes built in the rear or northern part of the property. The information above will have to be reviewed the Arkansas Department of Health etc...”

Randy Laney goes on to explain that even if the Board Members approve a project if the Arkansas Department of Health does not approve it, the applicants would not be able to follow through with said project due to the conditions for approval not being met.

Robert Daugherty made a motion to approve the Longview Estates Minor Subdivision subject to staff recommendations. Philip Humbard seconded. Daryl Yerton was not present. Board Members Philip Humbard, Robert Daugherty, Walter Jennings, Randy Laney, and Kenley Haley were in favor of approving. Joel Kelsey was opposed. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming Planning Board meetings:
 - October 5
 - November 2
- Any other Planning Department or Planning Board business

6. Old Business

7. Adjourn

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

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman