

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
February 22, 2018
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARING

County

a. Minor Subdivision Replat Lots 5 & 6 Wheeler Heights Development

Approved

CONDITIONAL USE PERMIT HEARINGS

County

b. Baldwin Wireless Communications Tower Review

Approved

Fayetteville Planning Area

c. Tobin Commercial CUP

Denied

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities CUP

Tabled

LAND DEVELOPMENT HEARINGS

Fayetteville Planning Area

e. Tobin Commercial Preliminary LSD

Denied

Fayetteville Planning Area

f. Old Wire Services & Recreational Facilities Preliminary LSD

Tabled

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

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of January 11, 2018. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

LAND DEVELOPMENT HEARING

County

a. Minor Subdivision Replat Lots 5 & 6 Wheeler Heights Development

Minor Subdivision Replat Request

Location: Section 28, Township 17, Range 31

Owners: Jared C. Kaufman Jr., Gordon & Melpha Speak

Engineer: Alan Reid & Associates

Location Addresses: 17336 Harmon Rd. WC 31

Approximately: +/- 18.52 acres/2 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11742496, Longitude: -94.29441299,

Project #: 2018-009

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Minor Subdivision Replat of Lots 5 & 6 Wheeler Heights Development. The request is to adjust the property lines of two adjacent tracts in the “Wheeler Heights Development” subdivision.

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 Fire Dept

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: **Water**– Washington Water Authority
Natural Gas– Black Hills Corp

Electric- Ozarks Electric
Telephone- AT&T **Cable**- Cox

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Gordon & Melpha Speak, and Jared Kaufman. The surveyor/applicant is Alan Reid of Alan Reid and Associates Professional Land Surveyors. The applicant is requesting to property line adjust two adjacent subdivision tracts, transferring 1.89 acres from one property to the other.

This proposed property line adjustment could not be processed administratively due both tracts being platted in an existing subdivision. The property line adjustment must therefore process as a Minor Subdivision Replat.

The proposed adjustment is as follows:

Parent Parcels:

568-03375-000: 13.15 acres, 3 residences, 1 detached garage.

568-03374-000: 6.24 acres, no existing structures.

Proposed Tracts:

568-03375-000: Tract 6A, 11.07 acres, 2 residences, 1 detached garage.

568-03374-000: Tract 5A, 7.45 acres, 1 residence

TECHNICAL CONCERNS:

Sewer/Septic

Melissa Wonnacott, of the Arkansas Department of Health, commented that “Septic inspections are recommended in order to assure that the systems are functioning property. This will also ensure that the septic systems for each residence are located on the proposed lots, since nothing is noted on the plat as to where the systems are located.”

Washington County Land Development code, Sec. 11-99, states: **Seller of any residential or business structure or land upon which a residential or business structure is to be constructed or placed to procure a certificate from the Washington County Health Department that the septic system is approved or the land has been tested and approved for installation of a septic system; required.**

Planning Staff is awaiting soil information (perc test) or existing septic system inspection results. One or the other is required for each lot.

Electric/Phone/Gas

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

Washington Water Authority

Josh Moore of Washington Water Authority commented that “Only one water meter is allowed per residence. Our records indicate only one user for the property (Lot 6A) at this time. Additional meters will need to be set if added home owners are planned.”

Addressing

No comments were received by the Department of Emergency Management. However, typically both tracts must be addressed after the home locations are known. But in this case, since no new homes are proposed, no further action is required.

Environmental

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

Road

No comments were received by the Washington County Road Dept.

There is 30’ dedicated right-of-way from the center-line of Harmon Road (WC31) and Wheeler Heights Road (WC861) along the property lines of both of these properties.

Fire

No comments were received from the Wheeler Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SITE VISIT:

A site visit was conducted by planning staff on February 1, 2018. No issues were noted at that time.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No public comments have been received.

Staff will update the Planning Board at the meeting if any public 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		X	
Other Important Issues		X	
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions		X	
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Plat Minor Subdivision Replat approval of Minor Subdivision Replat Lots 5 & 6 Wheeler heights Development with the following conditions:

Planning Conditions:

*Several Plat Checklist items remain:

1. Include complete metes & bounds legal descriptions on the plat.
2. Fix misspellings (legal descriptions- spelled “decriptions”)
3. Include existing/proposed contour lines at 10 ft intervals.
4. Indicate the setback widths in the drawing.
5. Soil work or septic system inspection is required for Lot 5A, and a septic system inspection is required for the existing system on Lot 6A.
6. In the Standard Plat Notes section, 2nd column, the note that begins “Any damage or relocation of existing facilities” should reference Wes Mahaffey, 263-2167, wmahaffey@ozarksecc.com.

Septic Conditions:

1. Septic inspections are recommended in order to assure that the systems are functioning property. This will also assure that the septic systems for each residence are located on the proposed lots.

Utility Conditions

Washington Water Authority:

1. Show easements for existing water mains, along Harmon Road and Wheeler Heights Road.
2. Additional meters will need to be set if additional homes are planned.

Ozarks Electric

1. Provide 30 ft utility easement along existing overhead lines.

Road 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).

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. Lots that are over one-half acre in size will need to be addressed after the home location is known.
4. **All general plat checklist items must be corrected. A list has been sent to the surveyor.**
5. Once all plat corrections have been completed, submit corrected 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 Senior Planner, Nathan Crouch, presented the staff report for the Board Members.

Daryl Yerton, Planning Board Member, established that the mobile home located in Lot 5 on the plat is within the transferable property to Lot 6.

No Public Comment.

Public Comment Closed.

*Robert Daugherty made a motion to approve the **Minor Subdivision Replat Lots 5 & 6 Wheeler Heights Development** subject to staff recommendations. Daryl Yerton seconded. Philip Humbard was not present. All Board Members were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARINGS

County

b. Baldwin Wireless Communications Tower Review

Communications Tower Review Request

Location: Section 19, Township 16 North, Range 29 West

Owner: Jack & Betty Knox

Applicant: Smith Communications, LLC

Engineer: Ehresmann Engineering, Inc.

Location Address: 5044 E Huntsville Rd.

Approximately +/- 32.8 acres/1 lot

Proposed Land Use: Wireless Communications Tower

Coordinates: Latitude: 36.05142593, Longitude: -94.09028072

Project #: 2018-010

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

REQUEST: Baldwin Wireless Communications Tower is requesting Communication Tower approval to construct an approximately 150 foot tall monopole, unlit, wireless communications tower facility.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). The Conditional Use Permit Request 2017-138 to allow a 150 foot unlit monopole cell tower to be constructed on parcel 001-10671-000 with access through parcel 765-13073-000 was

approved by the Planning Board/Zoning Board of Adjustments on May 4, 2017 and ratified by the Quorum Court on May 23, 2017.

PLANNING AREA: This project is located within the City of Fayetteville Planning Area.

QUORUM COURT DISTRICT: District 15, Butch Pond **FIRE SERVICE AREA:** Round Mountain FD

SCHOOL DISTRICT: Fayetteville

<u>INFRASTRUCTURE:</u>	Water- Fayetteville Water	Electric- Ozarks Electric
Natural Gas- Black Hills	Telephone- AT&T	Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Baldwin Wireless Communications Facility is requesting Conditional Use Permit approval to construct an approximately 150 foot tall monopole wireless communications tower facility. The tower will be unlit.

The tower will be constructed on parcel 001-10671-000 (29.21 acres) and a proposed 40 foot wide access and utility easement will provide access from East Highway 16/Huntsville Road across parcel 765-13073-000 (3.67 acres) to the tower site. Both parcels are owned by Betty Knox. The tower will be located on a 70'x70' lease area. It is presumed by staff that additional generators, shelters, and meter banks could be added in the future with future antenna co-locations.

The applicant's explanation letter states that the facility will be unmanned and the only reoccurring traffic will be light trucks for equipment maintenance technicians.

Please see the applicant's Letter of Explanation and supporting documents for more detail.

APPLICABLE FEDERAL LAW IN REGARD TO REVIEW OF CELL TOWERS:

Items we *cannot* consider- as per federal regulation:

Sec 704 (a)(iv) of the FCC Act of 1996 prohibits us from making decisions about the possible environmental impacts of cell towers based on radio frequency emissions, etc. This includes health-related concerns in regard to radio frequency emissions.

There is a maximum amount of radiation allowed by Federal regulation. As long as the tower does not exceed that amount, then you may not use this as a reasoning to not allow the tower.

In November of 2009, the FCC issued a Declaratory Ruling clarifying portions of the FCC Act. This clarification states the following:

- Local governments have 150 days to review and act upon tower siting applications. If the County fails to act in that period of time, the applicant can bring action against us in court, and we will bear the burden of explaining why the delay was reasonable.
- The County cannot deny an application solely because "one or more carriers serve a given geographic market," as in doing so, the County would be engaging in unlawful regulation that "prohibits or has the effect of prohibiting the provision of personal wireless services." In other words- just because one provider (i.e. AT&T, Verizon, etc) has existing good service in an area is not grounds to deny a tower from being placed in that area.

TECHNICAL INFORMATION:

Certification Letter

A letter stating that the proposed tower meets all design criteria required by local, State, and Federal requirements is required. The applicant has provided documents from the FAA and the FCC.

Preference for Co-Location

The County Ordinance also requires that co-location of an antenna on an existing tower be pursued when feasible (in lieu of building a new tower). The applicant has supplied a letter (with attachments) stating why there are no existing towers within a 1 mile radius that can be co-located upon in order to provide the service needed by this site.

Setback from Roads and Residences

The tower will be set back approximately 360 feet from the centerline of Arkansas Highway 16, Huntsville Road. The required setback is 170 feet.

The nearest residence appears to be located approximately 238.50 feet which exceeds the required setback of 225 feet.

Information from Other Agencies

The applicant has submitted a NEPA (National Environmental Preservation Act) Report created for this project as well as FCC and FAA information for this site. In an effort to reduce printing costs- These documents were not printed with this packet. However, they are available upon request.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Baldwin Wireless Communications Tower with the following conditions:

Planning Conditions:

1. The tower must be an approximately 150 foot tall, unlit, self-supporting wireless monopole communications tower facility.
2. Compound must be generally sized as presented. It is understood that additional equipment sheds may be added in the future with future co-locations.
3. This approval and the corresponding CUP will apply only to the lease area and related easement(s) as presented and not to the rest of the properties.
4. Proper Circuit Clerk-filed easement documents shall be recorded for the proposed access and utility easement.
5. All CUP Conditions must be adhered to.
6. Once the tower manufacturer has been chosen, the letter as required in Section 11-304 shall be submitted and approved by planning staff.
7. This approval is for the tower and a Verizon antenna array. All other antenna arrays must be approved via the Antenna Array Approval Process.

Water/Plumbing/Fire Conditions:

1. Access road must be at least 26 feet wide and support 75,000 pounds in all weather conditions.
2. A Knox Box must be purchased and installed.
3. No Parking signs must be installed along the access road.
4. Access road must have a turnaround with 38 feet radius.
5. Any additional generators or tanks must be reviewed by Fire Marshal.
6. Please put a NFPA placard on the generator tank.

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

1. The project must comply with all Arkansas Department of Transportation permitting processes and regulations.

Drainage Conditions:

1. A drainage statement has been requested by the County Engineer. To date, this has not been received. A drainage statement must be received and approved by the County Engineer before final approval can be given.

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.
2. All security lighting must be shielded appropriately
3. The compound area should be screened by using opaque material or privacy fencing a minimum of 6' in height.

Utility Conditions:

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

Additional and Standard Conditions:

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. Pay engineering fees. This total will be calculated once all invoices are received.
3. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
4. Must adhere to all applicable Washington County Communication Tower Ordinance Standards, ARTICLE VIII. PLACEMENT, CONSTRUCTION AND MAINTENANCE OF ANTENNA ARRAYS AND COMMUNICATION TOWERS.
5. No construction may begin until approval is complete.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

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

Joel Kelsey, Planning Board Member, inquired, "Did you say that the access to that road is coming off on HWY 16?"

Sita Nanthavong answered, "Yes."

Daryl Yerton asked, "You stipulated that the tower had to be 150 percent of the height of the tower from any residence. I see on the picture that it is 238 ft. from the house but what is that structure behind the house?"

Sita Nanthavong replied, "The structure behind the house is not considered a residence they are pole sheds."

No Public Comments.

Public Comments Closed.

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

Fayetteville Planning Area

c. Tobin Commercial CUP

Conditional Use Permit Request

Location: Section 30, Township 17 North, Range 29 West

Owner: Patrick J. Tobin Revocable Trust

Engineer: Bates & Associates, Inc.

Location Address: East of 3990 Old Wire Rd. WC 87

Approximately +/-19.40 acres /1 lot

Proposed Land Use: Commercial Office

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2018-011

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

REQUEST: Tobin Commercial Properties is requesting **Conditional Use Permit** approval to allow the construction of a commercial business building on a property that is approximately 19.42 acres in size and is currently zoned for Agricultural and Single Family Residential Uses.

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 the City of Fayetteville Planning Area.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Hills
Telephone- AT&T

Electric- Ozarks Electric

Natural Gas- Black

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

The owner of this property is the Patrick J. Tobin Revocable Trust. The applicant is Pat Tobin with representation by Bates and Associates.

Tobin Commercial Properties is requesting **Conditional Use Permit** approval and **Preliminary Large Scale Development** approval to allow the construction of a commercial business building on a property that is approximately 19.42 acres in size and is currently zoned for Agricultural and Single Family Residential Uses.

The applicant proposes to construct a 4,891 square foot building with associated grading, parking lot, water main, septic system, and parking lot lights. Mr. Tobin will use this building for his commercial property leasing office and storage for his various commercial remodel work and commercial construction business. In addition, he may also store some of his personal vehicles in the building.

A submitted letter from the applicant contains more detail. Please see attached.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This CUP request was reviewed by the City of Fayetteville and the County Fire Marshal.

Fayetteville Water services this area. Corey Granderson, Staff Engineer for the City of Fayetteville, commented that no city engineering review would be required for drainage improvements. After Washington County approval, the applicant must submit plans and utility permit application to the City of Fayetteville Engineering Division for Permit Review.

The Washington County Fire Marshal reviewed the resubmitted plans and found all except the following acceptable:

All fire lanes need to be labeled in appropriate places. A Knox Box will need to be included on the plans.

Some buildings show exit lights and some don't. All exit doors should have appropriate lighted signs.

Panic bars should be installed on the doors.

When a building has occupancy, the Fire Marshal must inspect each building prior to the tenant's opening.

Health Department Issues:

This project proposes to utilize a septic system. Soil analysis was conducted and permits were submitted to the Arkansas Department of Health.

Electric/Phone:

This project is serviced by Ozarks Electric, AT&T, Black Hills, and Cox Communications. Generally, any relocation of existing facilities will be at the developer's expense.

Ozarks Electric states that there must be a 30ft utility easement along overhead lines and 15ft utility easements along underground lines.

Roads/Sight Visibility/Ingress-Egress/Parking:

This project accesses off WC 87, North Old Wire Road.

The Road Department requires a minimum 30 foot ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).

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

Drainage:

A Drainage Report was submitted. The Washington County Contracted Engineer, Zach Moore, has reviewed this report.

The post development peak flows discharging from the proposed detention pond are shown to be significantly reduced from pre-development conditions. This should assist the existing downstream issue of there being an undersized 24" pipe on the property to the west of the applicant's.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

No signage is allowed within Washington County's road right-of-way (ROW). As this is a semirural area in transition, staff recommends the signage be approximately 24 sq. ft. in size and not directly lit. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed. No additional signage is allowed, and if the applicant chooses to use lighting for the sign, it must be indirectly lit. There is no signage proposed with this project.

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 (see attached diagram).

Each building will have its own dumpster. The plans indicate that each dumpster will be screened including the gate and the dumpster enclosure material must match the building material.

Addressing Concerns:

The applicant must apply for a 911 address to be assigned. 911 addresses must be shown on the Final Plat at Final LSD.

Sheriff's Office Concerns:

Washington County Sheriff's Office has no comments on this project.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are a mix of residential, agriculture, light commercial and community facilities. Within the vicinity is a storage unit complex, a laser tag facility, two plumbing shops, two existing churches, a cemetery, and residential and agricultural uses.

County's Land Use Plan (written document):

Staff does not know if the traffic and nature of this proposed project would be in use with the County's Light Commercial Land Use Plan.

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.

Future Land Use Plan

The Future Land Use Plan for this area shows that it is "Rural Area Residential". This portion of the County Future Land Use Plan was extrapolated from the City of Fayetteville's adopted Future Land Use Plan for this area.

Site Visit:

A site visit was conducted by Planning Staff on 01/31/2018. Staff did notice anything of concern.

Neighbor Comments and Concerns:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. To date, there have not been any comments.

Planning Staff will update the Board should any be received.

STAFF RECOMMENDATION: Staff recommends *approval* of the project with the following conditions:

Water/Plumbing/Fire Conditions:

1. The water system design will be subject to the City of Fayetteville's latest design criteria.
2. The building must be within 250 feet of a hydrant per Arkansas State Fire Code.
3. The water line needs to be 8 inches.
4. Overhead electrical lines must be high enough to allow clearance for fire/emergency vehicles.
5. Project site entrance must have a 38 foot turning radius.
6. Gravel must be compacted to 75,000 pounds in all weather conditions and certified by an engineer.
7. A hammerhead turn around must be provided for fire/emergency vehicles.
8. The hammerhead turn around must be designated as a fire lane.
9. Panic hardware and property signage must be installed.
10. A Knox Box will be required.
11. All fire lanes must be labeled and marked in paved areas. Fire lanes must have signs in graveled areas.
12. Buildings, restrooms, and parking must be ADA compliant.
13. A statement at Final LSD will be required stating all buildings are in compliance with Arkansas State Fire Code and ADA regulations.
14. A life/safety plan must be submitted and approved by the Fire Marshal once occupancy per building is known and building plans are available.

Health Department Conditions:

1. Soil work has been completed and permits have been submitted to the Arkansas Department of Health for approval.
2. The septic system must receive full approval from the Department of Health before installation can begin.

3. No parking (including overflow parking) is allowed on any portion of septic systems including the alternate areas.
4. Physical barriers must be placed around the entire septic areas to prevent damage from vehicles or other disturbance. The barriers must be placed such that driving between them is not possible.
5. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. Site distance is adequate.
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 (if applicant owns both sides, both sides must be dedicated).
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.

Drainage Conditions:

1. Communicate with the neighbor on the west side of the property and explain what the drainage will be like post construction.

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

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. 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.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. No additional signage is allowed to be placed.
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 must be screened with opaque material (gates must be opaque too).

Addressing Conditions:

1. The applicant must apply for 911 addresses to be assigned. 911 addresses must be shown on the Final Plat at Final LSD.

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
2. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
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. **No work may begin for this project until it receives Conditional Use Permit approval and Preliminary Large Scale Development approval, is ratified by the Quorum Court, and all plan changes are completed and approved by Planning Staff.**
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 (Large Scale Development). Therefore, the Preliminary Large Scale Development plans must be submitted within 12 months of this CUP project's ratification.
8. **Final Large Scale Development approval will be required prior to occupation of this proposed office building.**

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

Kenley Haley, Board Member, clarified that if the owner changes the use of the building the project must be presented to the Planning Board for approval.

Public Comments.

Christina Gall, neighbor directly across the street, addressed the Board, "I am opposed to this project for more than several reasons. As I mentioned at the last meeting this unincorporated area which is zoned agricultural/residential/rural still has the character and viability of living in the country. We are losing it little by little as each commercial building is allowed to be built here. We are supposed to be protecting these areas, not adversely affecting them. The developer came in and proposed a ten building commercial lease rental and was unable to obtain approval. In fact it was denied at the last meeting then reversed to table because there was a lack of Board Members present. Now all of a sudden he is proposing a new project with a different name, changing it from Old Wire Service and Recreation to Tobin Commercial, yet we have the same building number three, which is still a typical large warehouse building and we are moving it to a different spot on the property. Also, the same land use, service, office and recreational facilities and saying he is going to owner occupy. I would just like to mention that this is what he does for a living, he buys pieces of property and puts up warehouse type buildings and squeezes in as many as he can, leases them out and collects a check. I have seen several of his developments which are not maintained or taken care of. I gave Mr. Laney some pictures of those properties; these are in fact buildings he owns. On that note, I printed off the Washington County website the criteria for allowance of a Conditional Use Permit. There are seven items; items one and two have been taken care of. Number three states that adequate utility, roads, drainage and other public services will be made available and adequate if use is granted. Pertaining to the drainage, I still believe he has an inadequate drainage plan. This plan is the original plan he presented that wasn't going to work. As Sita pointed out, if you remember, he decided to direct it to the south but he needed an easement from the University. The University has sold this property so he could not get an easement. He decided to go back to the original plan of directing it to the west, this plan is in theory only, it may work or it may make it worse, no one really actually knows. Joyce Street Cottages down the street, which I also gave you pictures of, has all kinds of issues. Theirs is directed to the west the natural flow and there are all kinds of water problems. The home owner at the end of that street is constantly under water. I showed some pictures of the ditches they just re-dug up all of that because they were having so many issues. The drainage plan that he has proposed directed to the west goes directly through the adjacent owner's property. Then it flows straight across the street to two more home owners, who are already in a flood zone, Mr. Capsticks home and his daughter's home, who by the way are also opposed to this project, which they sent in a sheet. Number four states that the proposed use is compatible with the surrounding area. Again this area is mostly residential. There are already two businesses on the same side of the street and now you want to put

another large warehouse type building with no character right in the middle. When do we stop? We do not need commercial row in this beautiful, rural area. I do not believe this project is in fact compatible with the surrounding area. Number five states that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Most of the surrounding property owners are not comfortable with yet another commercial building being put in this area. Number six states that the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area. Most of the surrounding property owners believe that this commercial property will in fact diminish the property values. Who wants to purchase a beautiful country home on ten acres with industrial commercial warehouses down the street in plain view? Not me! Number seven states that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone. Again this is a beautiful rural area with a lot character and wildlife, trees. I took a picture yesterday with a dozen deer just sitting over there and it was really beautiful. This type of warehouse building does in fact impede on the normal and orderly development in this zone. In conclusion, I am asking the board to truly consider all of these issues. I have spoken about drainage, compatibility and diminishing values. I do not believe this project meets the criteria for a conditional use permit. I do realize this developer bought this piece of property to build on, but this is not his first rodeo, it is not the first piece of property that he has purchased. He did know the zoning of this property and I also believe he know it had issues pertaining to water and drainage because it did not perk. I would like to repeat a quote I read from a program we used to have in place here at Washington County. It was called the Para Task Force, which stands for protect agricultural rural areas. Judge Hutton said "Doing nothing is not an option. The character, integrity and viability of all our agricultural and rural areas must be protected." I have prayed and have faith, as have many of my surrounding neighbors, that we will be able to continue to protect this amazing, beautiful, unincorporated, rural area we call home and I ask that this project be denied. Thank you."

Tim Foster, neighbor to the west, addressed the Board, "I also submitted a note to Sita, so you guys should have it in there. My wife and I and our three small children live in a house due west, just south of David Jones' Plumbing business. We are extremely concerned about what will be operating out of this building. You have already heard some concerns about that. We have seen the kinds of buildings that he puts up and the kinds of tenants that he has. We definitely do not want that in our neighborhood. If it is owner occupied and it stays owner occupied that would be ok. But, I am not convinced based on his MO that that would be the case. I understand that if he changes that it would have to come before you guys. Would we receive notification if he decided to change it and it had to come back before?"

Sita Nanthavong responded, "Yes."

Tim Foster stated, "That's great. I also put in a request that if this were to be approved that there be requirements that it fit in with the surrounding areas. This is just a sheet metal building; the houses that are around are not sheet metal buildings. Even the most recently built commercial property, the Rid-a-Pest building, was built with character so that it would blend in with the surrounding areas. It has wood, it has stone, it has a decent facade, and it has a wooden privacy fence that is six foot tall to hide dumpsters, to hide storage areas around it. None of that exists in this plan so I can't support this plan as drawn, I think that it does not blend in. I am also pretty disturbed about the water runoff issue. The plans that were submitted and shown here do not match my notification. That's disturbing to me, because what if I was not concerned with the plans that I was given. Do we not have to be notified with the plans that are going to be built? I mean the mailing that comes out has to match what you guys vote on, right?"

Sita Nanthavong explained, "You were given the best information that we had at the time. When we discovered that the applicant was not going to be able to procure an easement from the U of A, it was all

done very quickly to get updates for the drainage to get our county engineer to look at the new updated plans. As far as our office goes we send the one notice but we do not send any type of updates to the neighbors.”

Randy Laney, Planning Board Chairman, added, “It is not unusual is all I know. No one has ever challenged it but that could be a challenge that can be made at the Quorum Court or at the Court. We are always receiving updates and modifications. It has been our practice but you raise good concern.”

Tim Foster continued, “Ok well this water flow either direction impacts my property. I haven’t seen the calculations on how they did the flow rates for this. I can tell you that the rain we got on Monday filled the ditch in front of my house three-fourths of the way. That is with the existing tree line and the natural flow of the water is impeded by the trees that slow the rate as it comes through but it still is quite a lot that comes across. That has to flow south in front of my house before it can cross the road and go over. So him putting a retention pond in there is going to rip out all of those trees. I don’t know about the flow rates there. I didn’t actually see any calculations to know if that is going to work or not. That is a pretty serious concern and I am sure David will share that as well. Last thing, in a meeting that we had with Mr. Tobin back in, I believe it was, December. He stated that he thought this would to be a legacy project. I question that based on what we are seeing for elevations of this particular building that’s proposed. It doesn’t look like a legacy project if it was a legacy project it would at least match the commercial buildings that have been built recently. Specifically, the Rid-A-Pest, this is not anywhere near the quality of that building. I would question the sort of legacy that he is attempting to leave. If he does indeed see it as a legacy project then I wouldn’t see that he would have any problems in making it aesthetically blend in and be nice to the neighbors around. Thank you.”

Pat Tobin, applicant for the project, addressed the Board, “I am really here to answer questions that have come up over this and would be happy to. I was talking with some people yesterday and one of the things that were brought up that is what I have done over the past 30 years or so. We have had a lot of tenants that have gone on to bigger and better things over that period of time. So I made a short list, GTS is an engineering firm here now they have offices in Dallas, Tulsa and Little Rock. Another one is Tim Earnest and Phil Laswell they started out with me. Sign Planet they have grown and have been with me off and on for the last 15 years and have gone on to build their own buildings. Robert Parker, Parker Card, they were a tenant many years ago and have gone on. Slim Chickens, Sources for Independent Living, Theater Square, Pack Rat, Penguin Ed’s Bbq, Fossil Cove and King’s Flooring to name a few. Reading some of the comments on this thing when I first bought the property I talked with Jody McAlister and told him at that time, I said “Jody I am going to be spending 2.5 million out here it cannot be a piece of crap because people will not rent the things and the buildings” at that time he said “I am for this, I see what you’re talking about Pat and I’ll talk with the other people out here.” Since that time he has changed his mind for whatever reason. Also in discussion I talked with David Jones he has a business south of me and I think this is very, very relevant. The first thing David said was basically they are flooding me down here, every time a big rain comes; it comes the natural flow right down the creek. By that time Bates Engineering had completed their engineering studies and I showed it to David or told him that the idea was that I believe that I am a problem solver. Nobody else has addressed his problem all the way through this thing. The church didn’t, Rid-A-Pest didn’t but I am left with it. When I met David out there I said if this doesn’t work I am willing to take it to the creek, flow this water to the creek, I started that discussion, I brought this forward to try to resolve this problem. I thought my property went to the creek, Geoff indicated that we are about 75 or 100 ft. from it. I have been put in a bad position of trying to resolve something where everybody else has not. It’s not fair to hold me responsible for what other people have done up north of us. We tried our best on this thing to satisfy. We are taking the trials and putting seven buildings on the trails, plus doing the building in the City of Pea Ridge. It will look nice; no, it’s not going to conform to David’s. I guarantee you that. No! It’s not. I am probably going to spend as much money on mine as he did in a different way. He has got a nice building but it’s not going to match. I

don't think it should match it's my building, my money and my land. That is the bad part of that, even talking with David at the time on resolving some of his problem. He indicated that if somebody came around and offered him a million dollars he would sell it. What would it be for? It would be for commercial use. We have had meetings with Jodi and Jodi even indicated that if someone came around and asked him to sell his property with the right price, yea he'd sell it. The people that have questions on this, that property has been for sale a long time and they could've bought it. There is a lot south of Jodi's that's for sale, it won't perk worth a dog gone but they can figure out a commercial building to put on that lot, I could. Consequently, the people would be against that. But it's for sale. It is for sale they have the chance to buy this stuff out there instead of just trying to stop this stuff going through. I have tried my best to work with these people and it is just seems like it is just no way but the highway. I was told when this first came about, Fayetteville is still a small town, people talk with one another. But through the grapevine I heard that Tobin will never put a building out there, we have greased it all the way from the top to the bottom. We have the money; more money than Tobin has, which is not going to take a lot. We are going to stop him he will never have a building here. I guess the first step to see if that is right or wrong is with you all tonight. If anybody has got and questions I would be happy to answer them."

Kenley Haley asked, "I had one Mr. Tobin, there are obvious drainage problems out there you have admitted to it, the neighbors also stated it and it has been a concern at the Planning Office. Did I hear you correctly that you would be willing to solve the drainage problems?"

Pat Tobin replied, "Well, I think that that would be a little overstatement. I will help resolve the problem, yes ma'am that is what we would try to do. I talked to Geoff yesterday and I hate to get off on the other buildings. He said that by putting this in we would have to expand the pond more so on my land to resolve his problem."

Joel Kelsey inquired, "You made a statement that you had visited with people that had said this has been greased from the top to the bottom and tonight you were going to find out with this group right here, my question is, exactly what are you insinuating?"

Pat Tobin responded, "I am just saying what I was told, that it was a done deal and that it was going to fail. That's what I was told."

Daryl Yerton stated, "It's my understanding that you are going to occupy this building for your office space, so you are going to move your office operations out there?"

Kenley Haley added, "That is your intent right, office operations only?"

Pat Tobin insisted, "It is a little less than 5,000 sq. ft. building. I have tractors that I would like to bring in over there and put them, they are in a shed out in Habberton now. We have got stuff stored all over town refrigerators, washers, dryers, air conditioners and so forth. It is going to be more than just an office."

Daryl Yerton noted, "That storage will be inside?"

Pat Tobin confirmed, "Yes Sir, all inside."

David Jones, neighbor and owner of the plumbing shop on corner, addressed the Board, "Yes I talked with Pat before all this started and we just talked about this. I said the only thing I can tell you is you have got to take this drainage off this property to the creek or it will flood me. This was put up for a subdivision several years ago by Charlie Sloan and Jorgenson and Associates did the engineering on it and they said it had to go to the creek. I've still got the blueprints at home and they did the calculations and everything

had to go to the creek, period. It was the only way they were going to get it done without flooding that and also flooding the county road in front of my property to the west. That is just what I was told, I am not an engineer, don't get me wrong. I do know how water flows. I am a plumber and have been for 35 years. I sent a comment in to Sita and told her this. I've got the same question, we got this packet and the only thing I saw and it shows the old drainage with the detention pond and everything going to the south. What if I couldn't have made it to the meeting tonight? I mean this is going to flood my property. I am telling you, I have lived there for 24, 25 years now. I know Bates Engineering called me, Geoff did and then I got an email saying that said if you want to come out we can further explain how this is going to help your drainage. Well I get the drawing out finally off the internet, no one gave me a copy of it, and I have still never seen other than on my computer at my shop when I pulled it up from Washington County site. They are showing an 18 inch pipe coming out of that pond into my existing 24 inch drainage going to my detention pond and that that is going to solve it by slowing it down and chocking it off. They don't even know what size pipe I have, my pipe is an 18 inch pipe. They don't even know the diameter of the pipe but yet they figured the calculations down to a science, the way they made it sound. My pipe is an 18 inch, not a 24 inch and that is what all their calculations are based on. Which means that to do that and choke it down to keep it from flooding my 18 inch drainage pipe, that I have never had a problems with, before all this started. The fact that with an 18 inch pipe in there it is all I've got to take it down and get it through underneath my pad and keep it off of my building into my detention pond I built. You would have to increase the size of that detention pond a whole lot bigger than what they are showing it now. I only have an 18 inch pipe not a 24 inch pipe and if they would have simply went out there and took a tape measurer and measured it they would've known that. Now I am supposed to trust their scientific engineered calculations? They don't even know what size a pipe is on my property that is carrying every bit of that water to the detention pond. Why should I trust anything that they tell me? The county engineer now, I found out this evening when I walked in here, has given his sign off on it saying that he agrees it would handle it and actually improve it. They don't even know what size the drainage is that is going underneath the pad I have out there that carries it to my detention pond. Obviously their calculations and everything that's presented here tonight, at last second by the way, which I never saw, is wrong! No matter what happens everything they presented here tonight is dead wrong. Other than that, I know some of my neighbors aren't going to like to hear me say this but this needs to be commercial development on that corner. That is going to be a five lane major through fare; Joyce Street is going to be extended out. I have been told by people from the City of Fayetteville and everybody else that that is what is going to happen out there. I agree that that should be all commercial around that intersection and along what would be Joyce Street that is now Old Wire Road. The drainage is a major issue and I am the one who is going to take all the brunt of this. The last time I was here everything was going to the creek and it was taken care of and I didn't come to the second meeting because of that. Everything was fine. I agreed totally. He bought the ground like he said and it should be commercial I agreed with that too. That is an opinion they can have theirs we can have ours. Bottom line is he will flood my property if this is not taken to the creek and the way they have it engineered now is totally wrong, the facts are wrong. The drainage pipe I have they don't even know what the dimension is but yet they have calculated all of this and engineered it and it will all work and the county engineer signed off on it said he agreed they don't even have the pipe sizes right of what is in the ground. That is all I have to say."

Geoff Bates, engineer for project, addressed the Board, "All of the calculations are correct. We surveyed all of that, located all of that. The 24 inch pipe that goes into his pond has nothing to do with our calculations. It'll work with an 18 inch pipe. We've made the dentition pond gigantic and it is going to greatly improve the drainage out there. It would be four times less than what is right now. He will see a significant improvement with the construction of that detention pond. We would've taken the drainage to the west but we could not get an easement there, they won't give us an easement so we can't cross somebody's property. What we are doing is standard practice we do it all the time I have been doing this for 25 years. I have never flooded anybody. I have never been sued. I feel confident in it and so does the county engineer."

Kenley Haley inquired, "I had a question, Mr. Bates, do you feel so confident in it that you would be ok if we make this a condition that that doesn't flood his property, you are ok with that?"

Geoff Bates replied, "I don't know how you can do that but yeah. I would be the one getting sued. All of the water goes to that point right now. We can't increase the runoff; we can't make it any worse. The law is we can't make it any worse. What we have done is made it better. I don't think you can legally put that as a stipulation because what if it was a 500 year flood, we are only designing it for a 100 year storm."

Daryl Yerton asked, "Mr. Bates, as far as the detention pond itself, can you tell me where it is located, at that tree line below the tree line or?"

Geoff Bates replied, "It is directly above his pond, there is a valley right through there all of the water goes directly to his pond. We put a big pond before his pond and our 18 inch pipe runs into his 18 inch pipe. It is south of the tree line."

Pat Tobin suggested, "What I can do is sort of like what everybody else is doing. Not even do the pond, that is an option, but come and make a ditch and just let it flow just like everybody else has done north of me. They just let it come on down the creek I could take a dozer and make a ditch and run it that last 50 or 100 feet and just let it run on floodplain water. That's an option but like I said originally I thought my land went to the creek. That is what my thought was and that's what everybody else has done, is pushed it on me. David is looking for me to resolve the problem up north, which we will try to do on the thing."

Randy Laney explained, "I am not an engineer, we are going to rely on the engineering reports and if they are wrong that will be a consequence. We can't re-engineer the thing here tonight."

David Jones stated, "It was engineered on facts that are not even right."

Randy Laney established, "He says that he gathered his facts and that he is not dependent on the size of that pipe. I've heard what he said and I've heard what you said."

David Jones continued, "As far as what Pat is saying that I am waiting on him to fix my problem. Whenever he paves all that area up there it changes the drainage dramatically, everything when it hits comes down like a barrel effect all at one time so every time they pave a lot. This is only considering one parking lot what about when they finish and do the rest of the property?"

Randy Laney stated, "They would have to improve the drainage. It is already in writing. It is the law, when they have to rezone it to get it approved."

David Jones continued, "Well that is the only point I was making."

Joel Kelsey communicated, "When this was brought before us the last time I had concerns with drainage. I had concerns with the no easements already approved. I had problems with the way it was being reversed, in how it was being presented and so forth. Now we've got residents questioning that the drainage that we are looking at is different from what they just recently got. It is like there was something that was resubmitted but then all of a sudden there is not a chance to move this to another month for them to properly look at it as far as the drainage and their concerns because their packet appears to be different than ours. I am going to state again I don't appreciate the insinuation. This is just a plain metal building it is not compatible to what is out there. I understand there are concerns. I understand it is your land. I understand you want to build something; I don't have a problem with that. But it's not compatible to what Rid-A-Pest did or what those other locations have. Those are just my concerns."

Daryl Yerton inquired, "This is a separate conditional use permit request from what was presented in last month's meeting?"

Sita Nanthavong replied, "That is correct. This has nothing to do with last month's meeting. This is for a single building that is less than 5,000 sq. ft. that Mr. Tobin will use as basically his headquarters for his other ventures."

Daryl Yerton continued, "So this is a separate one unit request?"

Sita Nanthavong answered, "Yes."

Kenley Haley asked, "If we are going to be taking out the tree lines if it's approved. It is questionable on the compatibility. Previously we always had buffers around the property do we have any of that here that can help the neighbors out any?"

Sita Nanthavong responded, "They are going to add landscaping which will help with the aesthetics. But as far as buffering or having a tree line put in, that was not a part of the plans originally."

Public Comments Closed.

Kenley Haley made a motion to deny the **Tobin Commercial CUP**. Joel Kelsey seconded. Robert Daugherty abstained. Philip Humbar was not present. Board Members Randy Laney, Walter Jennings, Joel Kelsey, Daryl Yerton and Kenley Haley were all in favor of denying. Motion passed.

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities CUP (to be tabled at the request of the applicant)

Conditional Use Permit Request

Location: Section 30, Township 17, Range 29

Owner/Applicant: Patrick J. Tobin Revocable Living Trust

Surveyor/Engineer: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.40 acres/1 lot

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017-199

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

Joel Kelsey made a motion to approve the agenda. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

e. Tobin Commercial Preliminary LSD

Preliminary Large Scale Development Request

Location: Section 30, Township 17 North, Range 29 West

Owner: Patrick J. Tobin Revocable Trust

Engineer: Bates & Associates, Inc.

Location Address: East of 3990 Old Wire Rd. WC 87

Approximately +/-19.40 acres /1 lot

Proposed Land Use: Commercial Office

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2018-012

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

Kenley Haley made a motion to deny the **Tobin Commercial CUP**. Joel Kelsey seconded. Robert Daugherty abstained. Philip Humbar was not present. Board Members Randy Laney, Walter Jennings, Joel Kelsey, Daryl Yerton and Kenley Haley were all in favor of denying. Motion passed.

Preliminary Large Scale Development Request

Location: Section 30, Township 17, Range 29

Owner/Applicant: Patrick J. Tobin Revocable Trust

Surveyor/Engineer: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.40 acres/1 lot

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017- 235

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

Joel Kelsey made a motion to approve the agenda. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.

5. Other Business

Reminder for upcoming meetings:

- March 29, 2018
- May 3, 2018

Kenley Haley reopened the question on the neighbors' concerns regarding the updates. If they are initially fine with the project but then there are changes within the development that may be considered significant and they are not notified, she agreed that there will be an issue in the future.

Nathan Crouch explained, "In order to do that we would need to table the project. In order for us to table the project, we would need the applicant to agree to that, and that is a little bit difficult. We can administratively, with the Planning Director and the County Attorneys support, table a project against the applicants will, but that is not necessarily what we are about. Ultimately we are trying to help the applicant move along. We moved to a five week review cycle and that was one of the reasons why we modified our schedule is to make sure the neighbors get the correct up to date information."

Joel Kelsey suggested, "What if you had a deadline for things to be submitted and so forth? Then if it needs to be added or changed in the rules if they do then it automatically gets tabled. Is that something that we can add that we can vote on at the commission to add to it?"

Nathan Crouch established, "That is something we would have to take to the Quorum Court in order to change but we can definitely write that up and get that going by next month."

Randy Laney reminded, "Now if we have been able to work through it in the past, I don't think our system is broke this is just a very notable exception."

Daryl Yerton asked, "In this particular case did the change come about after the Tech Review?"

Nathan Crouch answered, "We have Tech Review then we have Re-submittal and I believe the change came about after we sent out neighbor notifications."

Walter Jennings stated, "In this case that seems like a big change. I can see a situation where there is a minor change that isn't that big of a deal but what we saw tonight was a big deal."

Nathan Crouch pointed out, "We have to determine what makes a minor change and what doesn't."

Joel Kelsey explained, "I am not saying that it is broke, what I am saying is that it may be another project where all of a sudden there is new material that's added that those property owners aren't aware of that may make their decision for or against it."

Kenley Haley added, "And if they don't know about it how are they going to know to come to us to table it?"

Nathan Crouch agreed, "I agree with both of you. It is hard to make that decision."

Sita Nanthavong stated, "I will say that the forms that you got were also forwarded to Bates and Associates and Mr. Tobin. They did take the time out to email and to call these individuals back and explain the drainage issues. They weren't exactly caught off guard, they were told."

Kenley Haley communicated, "Maybe they were in this instance, but there is a potential that there could be and so I don't know how to address it."

Sita Nanthavong continued, "I am just saying for this particular project, the ones that were concerned we did speak to them, we did reach out, we did tell them that the drainage has changed and that the drainage would actually improve."

Randy Laney suggested, "Immediately we can address it by you all making us aware of anything that's significant at all that has changed like that. Then we can ask the public and see where we are at. We are going to have to help them decide if that is significant we should know that it will help them decide if we should table it. If you got a new engineering plan I think that we should know that. We will help them decide if we should table it. That is all I am saying."

Kenley Haley asked, "But then if it is tabled and the bring it back the neighbors are notified again?"

Nathan Crouch replied, "We do one notification per cycle."

Randy Laney reminded, "It will give them a chance to go on the website that is the idea of having public information. We may not like the world we live in but that is the world we live in."

6. Old Business

7. Adjourn

Joel Kelsey moved to adjourn. Daryl Yerton 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: _____
Robert Daugherty, Planning Board Vice-Chairman